

AN ORDINANCE OF THE CITY OF EUREKA ADOPTING A DEVELOPMENT AGREEMENT FOR LUNDBAR HILLS SOUTHWOOD UNIT NO. 6 APN: 301-031-039

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

WHEREAS, on January 8, 2007, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approved the Lundbar Hills Southwood, Unit No. 6, a major subdivision creating 56 residentially zoned lots, along with a Conditional Use Permit for a Timber Harvest, a Lot Line Adjustment to increase the size of the lot located at 4829 Dickson Drive, and a Variance to allow reduced lot depth for lot 170; and

WHEREAS, on February 20, 2007, the City Council endorsed the action of the Planning Commission, with the removal of one condition of approval; and

WHEREAS, the applicant has exhausted all statutory and legislative extensions for the subdivision approval and the Vesting Tentative Map is set to expire on February 20, 2023; and

WHEREAS, William Barnum, the agent for the landowners, has applied for a Development Agreement which would act as a 10-year extension, providing a vested right to approve and file the Final Map and develop the project for 10 years from the effective date of the Development Agreement; and

WHEREAS, the zoning designation for the property is Low Density Residential (R1) and the land use designation for the property is Low Density Residential (LDR); and

WHEREAS, at a duly noticed public hearing on December 12, 2022, the Planning Commission, after considering all public testimony, and by a vote of 3-2, recommended the City Council approve the Lundbar Hill Southwood Unit No. 6 Development Agreement with two additional conditions related to biological surveys and the existing park in the Lundbar Hills neighborhood; and

WHEREAS, a duly noticed public hearing was scheduled for the December 20, 2022, City Council meeting, but due to a major earthquake which had occurred in the early morning hours, the City Council agenda was shortened, and the item continued to the January 3, 2023, regular meeting; and

WHEREAS, following the public hearing on January 3, 2023, Bill No. 1024-C.S., "An Ordinance of the City of Eureka Adopting a Development Agreement for the Lundbar Hills Subdivision, Unit No. 6 APN 301-031-039" was introduced by the City Council with a

Bill No. 1024-C.S.
Ordinance No. _____C.S.

request to amend Section 2.6 (Development Fees) of the Development Agreement to clarify traffic impact fees are not covered by Section 2.6, and to add a condition requiring coordination with the Community Services Department on naming and adding signage to Lundbar Hills Park; and

WHEREAS, the Development Agreement was updated to address the requests of City Council, and on January 17, 2023, Bill No. 1024-C.S., “An Ordinance of the City of Eureka Adopting a Development Agreement for the Lundbar Hills Subdivision, Unit No. 6 APN 301-031-039” was considered by the City Council; and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF EUREKA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

The Development Agreement is consistent with the 2040 General Plan and Low Density Residential (LDR) land use plan designation, and there is no specific plan or area plan.

Section 2.

The original subdivision application (SD-03-003) was previously approved with adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Reporting Program. Pursuant to Public Resource Code §21166 Subsequent or Supplemental Impact Report of the California Environmental Quality Act (CEQA), additional environmental review is not required because substantial changes are not proposed, substantial changes are not expected to occur, and new information which was not available at the time the Mitigated Negative Declaration has not been provided during the time of processing the Development Agreement.

Section 3.

The City Council hereby adopts the Development Agreement for Lundbar Hills Southwood Unit No. 6 (APN 301-031-039), attached hereto and incorporated herein by reference, and authorizes the City Manager to execute the Development Agreement upon the effective date of this Ordinance. Upon execution of the Development Agreement by all parties, the City Clerk is hereby directed to record the Development Agreement with the Humboldt County Recorder’s Office.

Section 4.

This Ordinance becomes effective 30 days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 17th day of January, 2023, by the following vote:

AYES: COUNCILMEMBERS

Bill No. 1024-C.S.
Ordinance No. _____C.S.

NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

_____, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2023,
and hereby approved.

Kim Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____
day of _____, 2023.

Pamela J. Powell, City Clerk

