

ORDINANCE NO. 1231

UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH TO PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE ANNEXATION OF CITY-OWNED PROPERTIES WITHIN UNINCORPORATED MENDOCINO COUNTY

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS

1. The City of Ukiah proposes to annex approximately 451 acres, including the following APNs in unincorporated Mendocino County that the City currently owns and utilizes for public services, purposes and utilities:
 - Area 1: APN 178-130-01 for remediation of a former refuse disposal area; Public Facilities (PF).
 - Area 2: APNs 156-240-02; 156-240-13 for natural resource conservation area; PF.
 - Area 3: APNs 003-330-68; 003-330-69; 003-330-70 for airports and aviation-related functions and uses; PF.
 - Area 4: APNs 184-080-36; 184-080-37; 184-090-01; 184-090-07; 184-100-04; 184-080-40; 184-100-05; 184-090-06 for public utility facilities and uses (recycled water distribution) and agricultural uses incidental or accessory to allowed uses (ongoing lease for agricultural purposes per GC 37382); PF and Agricultural Combining District (-A).
 - Area 5: APNs 184-150-01; 184-140-13 for public utility facilities and uses (Wastewater) and refuse disposal and refuse transfer stations; PF.
2. Government Code Section 65859 allows the City to adopt a zoning district for land outside of the city limits in anticipation of annexation and development, i.e. prezone.

SECTION TWO.

The City Council of the City of Ukiah hereby ordains that:

1. City-owned annexation area and prezoning were identified within the 2040 General Plan EIR, which adequately addresses the potential environmental impacts of the proposed prezoning for the purposes of CEQA. The actions adopted by Council related to the prezoning also qualify for exemption under CEQA Guidelines §15319 and §15320.
2. The proposed prezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed prezoning is consistent with Government Code Section 65859 and Ukiah City Code Section 9267.
4. A list and maps of the affected territories depicted on Exhibit A, List of parcels and prezoning Maps, attached hereto and by reference incorporated herein.

SECTION THREE

1. Publication: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the

Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.

2. **Effective Date:** Section 2 and 3 of this ordinance shall become effective as of the date that the annexation City-Owned properties becomes final.

Introduced by title only on April 5, 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Duenas, and Mayor Rodin
NOES:
ABSENT: Councilmember Crane
ABSTAIN:

Adopted on April 19, 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Crane, Duenas, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None



Mari Rodin, Mayor

ATTEST:



Kristine Lawler, City Clerk

Exhibit A: Parcel List and Prezone Maps

RESOLUTION NO. 2022-04

RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF UKIAH INITIATING PROCEEDINGS FOR THE ANNEXATION OF LAND OWNED BY THE CITY OF UKIAH.

WHEREAS:

1. The City of Ukiah desires to continue a proceeding for the adjustment of boundaries specified herein; and
2. Pursuant to Government Code Section 56654(a), the City must approve a resolution of application in order to initiate annexation proceedings.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code, specifically Government Code § 56654(a).
2. This proposal is an annexation to the City of Ukiah.
3. Legal descriptions of the affected territories are set forth in Exhibit A, and maps of the affected territories are set forth in Exhibit B, attached hereto and by reference incorporated herein.
4. A territory to be annexed is uninhabited and consists of one parcel of ±283.5 acres (Area No. 1, below) that is non-contiguous to the City. Additional parcels (Area Nos. 2, 3, 4, and 5) are contiguous to the City boundaries.
5. The reasons for the proposal are to annex and subject to the City's jurisdiction parcels that the City currently owns in fee and uses for government purposes, which are currently outside the City's jurisdiction and not subject to County land use regulation or control. The parcels as numbered on Exhibits A and B consist of:

Area Number	City Use of Property
1, 2	Conservation and natural resource conservation areas
3	Airports and aviation-related functions and uses
4	Existing public utility facilities and uses (Wastewater); Ongoing lease for agricultural purposes per GC 37382;
5	Public utility facilities and uses (Wastewater); Refuse disposal and refuse transfer stations

6. The proposal to annex Area No. 1 complies with Government Code Section 56742 in that the property is 1) located in Mendocino County where the City is situated; (2) owned by the City and (3) used for municipal purposes at the time these commission proceedings are initiated.
7. Area Nos. 1, 2, 3, 4, and 5 are within the City's Sphere of Influence.
8. The annexation of Area No. 1 should be subject to the terms and conditions as set forth in Government Code Section 56742. No special conditions are proposed for Area Nos. 2, 3, 4, and 5.

9. The City Council adopts the determination by the City's Director of Community Development that this annexation is a categorically exempt project under the California Environmental Quality Act. Upon adoption of this resolution, the Director of Community Development is authorized and directed to record a Notice of Exemption with the Mendocino County Clerk.
10. Once the territory is annexed by the City, it will no longer be subject to property taxes. Moreover, the use of the property for governmental purposes will not generate any other tax revenues, such as sales tax. As such, this reorganization will not result in any taxes that could be shared by the City and County pursuant to a tax sharing agreement.

PASSED AND ADOPTED this 19th day of January, 2022, by the following roll call vote:

AYES: Councilmembers Orozco, Crane, Rodin, Duenas, and Mayor Brown
NOES: None
ABSENT: None
ABSTAIN: None



Jim O. Brown, Mayor

ATTEST:



Kristine Lawler, City Clerk/CMC

Kristine Lawler, City Clerk/CMC

RESOLUTION NO. 2023-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING THE CITY COUNCIL PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE ANNEXATION OF CITY-OWNED PROPERTIES WITHIN UNINCORPORATED MENDOCINO COUNTY

WHEREAS, on January 16, 2020, the Ukiah City Council adopted an Annexation Policy (Resolution No. 2020-06) that states that the City will pursue, apply for, and support the annexation of unincorporated areas to the City to avoid the negative consequences of continued urban sprawl and to ensure the efficient provision of municipal services to unincorporated areas without placing an undue financial burden on the City or its residents; and

WHEREAS, per Government Code Section 65859 and Ukiah City Code Section 9267, the City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning which will apply to such property in the event of subsequent annexation to the City; and

WHEREAS, on November 4, 2020, the City Council adopted Resolution No. 2020-61, approving submittal to the Mendocino County LAFCo an application for annexation of previously acquired City-owned properties subject to the City's authority parcels that the City currently owns in fee and uses for government purposes; and

WHEREAS, on February 22, 2021, an application for annexation for the City-owned properties was submitted the Mendocino County LAFCo (LAFCo File No. A-2021-01); and

WHEREAS, the application for annexation was subsequently reviewed by LAFCo on March 23, 2021, and as part of that review, clarifications were requested by LAFCo staff prior to a Certificate of Filing being issued pursuant to Government Code §56658(f); and

WHEREAS, on January 19, 2022, the City Council adopted Resolution No.2022-04 for a revised submittal to the Mendocino County LAFCo to annex city-owned properties; and

WHEREAS, on January 21, 2022, a Notice of Exemption (NOE) for annexation of the City-owned properties was filed with the Mendocino County Clerk/Recorder's office, deeming the project to be categorically exempt from further review, in accordance with the California Environmental Quality Act (CEQA) Guidelines 15320, Change In Organization, and 15319(a), Annexations of Existing Facilities; and

WHEREAS, on December 7, 2022, the City Council adopted Resolution No. 2022-79, adopting a comprehensive update to the City's General Plan ("2040 General Plan") in conformance with the requirements of the California Government Code; and

WHEREAS, on December 7, 2022, the City Council adopted Resolution 2022-78, certifying a Program-level Environmental Impact Report (EIR) for the 2040 General Plan update in accordance with the requirements of CEQA (SCH No. 2022050556); and

WHEREAS, City-owned annexation area and prezoning were identified within the 2040 General Plan EIR, which adequately addresses the potential environmental impacts of the proposed prezoning for the purposes of CEQA.

WHEREAS, upon Council approval of the resolution(s) to formalize the updated considerations associated with the annexation application noted throughout the March 14, 2023 Staff Report, an updated NOE will be prepared and provided to LAFCo as a part of the annexation application resubmittal; and

WHEREAS, on October 20, 2022, the Mendocino County Airport Land Use Commission reviewed the 2040 General Plan for consistency with the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), in accordance with UKIALUCP Policy 2.2.1(b) and Public Utilities Code Section 21676, and adopted Resolution 22-0006, finding the 2040 General Plan (and identified annexation areas) consistent with the UKIALUCP; and

WHEREAS, on December 8, 2022, a Notice of Determination (NOD) was posted at the State Clearinghouse and the Mendocino County Clerk/Recorder's office; and

WHEREAS, on March 22, 2023, the Planning Commission held a duly noticed public hearing on the rezoning and recommended approval of the rezoning to the City Council; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Ukiah does hereby recommend that the City Council approve the rezoning approximately 451 acres associated with the annexation of City-owned properties within unincorporated Mendocino County, as summarized below and depicted on Exhibit A, List of Parcels and Rezoning Maps.

Area 1: APN 178-130-01 for natural resource conservation area; Public Facilities (PF).

Area 2: APNs 156-240-02; 156-240-13 for natural resource conservation area; PF.

Area 3: APNs 003-330-68; 003-330-69; 003-330-70 for airports and aviation-related functions and uses; PF.

Area 4: APNs 184-080-36; 184-080-37; 184-090-01; 184-090-07; 184-100-04; 184-080-40; 184-100-05; 184-090-06 for public utility facilities and uses (recycled water distribution) and agricultural uses incidental or accessory to allowed uses (ongoing lease for agricultural purposes per GC 37382); PF and Agricultural Combining District (-A).

Area 5: APNs 184-150-01; 184-140-13 for public utility facilities and uses (Wastewater) and refuse disposal and refuse transfer stations; PF.

BE IT FURTHER RESOLVED, that based on the evidence presented and the records and files referenced herein, that the Planning Commission of the City of Ukiah finds and determines:

- A. The proposed rezoning is consistent with Government Code Section 65859 and Ukiah City Code Section 9267; and
- B. The proposed rezoning is consistent with the City's 2040 General Plan and the City of Ukiah Zoning Code; and
- C. The proposed rezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- D. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).


PASSED AND ADOPTED this 22nd day of March, 2023, by the following roll call vote:

AYES: Commissioners Phi, de Grassi, R. Johnson, M. Johnson, and Chair Hilliker
NOES: None
ABSENT: None
ABSTAIN: None



Mark Hilliker, Chair

ATTEST:



Kristine Lawler, City Clerk

RESOLUTION NO. 2023-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH PREZONING CERTAIN PARCELS IN ASSOCIATION WITH THE ANNEXATION OF CITY-OWNED PROPERTIES WITHIN UNINCORPORATED MENDOCINO COUNTY

WHEREAS, on January 16, 2020, the Ukiah City Council adopted an Annexation Policy (Resolution No. 2020-06) that states that the City will pursue, apply for, and support the annexation of unincorporated areas to the City to avoid the negative consequences of continued urban sprawl and to ensure the efficient provision of municipal services to unincorporated areas without placing an undue financial burden on the City or its residents; and

WHEREAS, per Government Code Section 65859 and Ukiah City Code Section 9267, the City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning which will apply to such property in the event of subsequent annexation to the City; and

WHEREAS, on November 4, 2020, the City Council adopted Resolution No. 2020-61, approving submittal to the Mendocino County LAFCo an application for annexation of previously acquired City-owned properties subject to the City's authority parcels that the City currently owns in fee and uses for government purposes; and

WHEREAS, on February 22, 2021, an application for annexation for the City-owned properties was submitted the Mendocino County LAFCo (LAFCo File No. A-2021-01); and

WHEREAS, the application for annexation was subsequently reviewed by LAFCo on March 23, 2021, and as part of that review, clarifications were requested by LAFCo staff prior to a Certificate of Filing being issued pursuant to Government Code §56658(f); and

WHEREAS, on January 19, 2022, the City Council adopted Resolution No.2022-04 for a revised submittal to the Mendocino County LAFCo to annex city-owned properties; and

WHEREAS, on January 21, 2022, a Notice of Exemption (NOE) for annexation of the City-owned properties was filed with the Mendocino County Clerk/Recorder's office, deeming the project to be categorically exempt from further review, in accordance with the California Environmental Quality Act (CEQA) Guidelines 15320, Change In Organization, and 15319(a), Annexations of Existing Facilities; and

WHEREAS, on December 7, 2022, the City Council adopted Resolution No. 2022-79, adopting a comprehensive update to the City's General Plan ("2040 General Plan") in conformance with the requirements of the California Government Code; and

WHEREAS, on December 7, 2022, the City Council adopted Resolution 2022-78, certifying a Program-level Environmental Impact Report (EIR) for the 2040 General Plan update in accordance with the requirements of CEQA (SCH No. 2022050556); and

WHEREAS, on December 19, 2022, the Mendocino County Local Agency Formation Commission adopted the City of Ukiah Municipal Service Review and Sphere of Influence Update; and

WHEREAS, City-owned annexation area and rezoning were identified within the 2040 General Plan EIR, which adequately addresses the potential environmental impacts of the proposed rezoning for the purposes of CEQA.

WHEREAS, upon Council approval of the resolution(s) to formalize the updated considerations associated with the annexation application noted throughout the March 14, 2023 Staff Report, an updated NOE will be prepared and provided to LAFCo as a part of the annexation application resubmittal; and

WHEREAS, on October 20, 2022, the Mendocino County Airport Land Use Commission reviewed the 2040 General Plan for consistency with the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), in accordance with UKIALUCP Policy 2.2.1(b) and Public Utilities Code Section 21676, and adopted Resolution 22-0006, finding the 2040 General Plan (and identified annexation areas) consistent with the UKIALUCP; and

WHEREAS, on December 8, 2022, a Notice of Determination (NOD) was posted at the State Clearinghouse and the Mendocino County Clerk/Recorder's office; and

WHEREAS, on March 22, 2023, the Planning Commission held a duly noticed public hearing on the rezoning and adopted Resolution No. 2023-02, recommending approval of the rezoning to the City Council; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Ukiah does hereby recommend that the City Council approve the rezoning approximately 451 acres associated with the annexation of City-owned properties within unincorporated Mendocino County, as summarized below and depicted on Exhibit A, List of Parcels and Rezoning Maps.

Area 1: Area 1: APN 178-130-01 for remediation of a former refuse disposal area; Public Facilities (PF).

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Area 3: APNs 003-330-68; 003-330-69; 003-330-70 for airports and aviation-related functions and uses; PF.

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Area 5: APNs 184-150-01; 184-140-13 for public utility facilities and uses (Wastewater) and refuse disposal and refuse transfer stations; PF.

BE IT FURTHER RESOLVED, that based on the evidence presented and the records and files referenced herein, that the City Council of the City of Ukiah finds and determines:

- A. The proposed rezoning is consistent with Government Code Section 65859 and Ukiah City Code Section 9267; and

- B. The proposed rezoning is consistent with the City's 2040 General Plan and the City of Ukiah Zoning Code; and
- C. The proposed rezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- D. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

PASSED AND ADOPTED this 5th day of April 2023, by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Duenas, and Mayor Rodin
NOES: None
ABSENT: Councilmember Crane
ABSTAIN: None



Mari Rodin, Mayor

ATTEST:



Kristine Lawler, Clerk

Exhibit A: Parcel List and Prezone Maps