



Supplement to City of Ukiah Fee Schedule Descriptions and Definitions of Applications and Terms

Overview

This supplement has been prepared to describe common planning application types, as well as defining how and when such applications would be pursued. As cited, definitions are taken from Ukiah City Code (UCC). When helpful for context, additional definitions may be provided.

1. BOUNDARY LINE ADJUSTMENTS (LOT LINE ADJUSTMENTS)

Definition (UCC 8295): As provided by Subdivision Map Act section 66412(d), the lot line adjustment procedure is for the purpose of relocating lot lines between four (4) or fewer existing adjoining parcels where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed is not created. For the purpose of this chapter, "adjoining" means touching.

Application Procedure (UCC 8296):

A. Application Submittal And Contents: A lot line adjustment application shall include a completed application form and all information and other materials required by the Public Works Department and shall be filed with the Planning Division of the Community Development Department.

B. Application Fees: Application fees shall be established from time to time by resolution of the City Council adopted in accordance with the procedures required by law. An applicant must pay the fee when the application is submitted. See City Fee Schedule published online.

C. Application Review: City staff shall review the application for completeness and accuracy. The application may be referred to any City department or any public agency that may be affected or have an interest in the proposed lot line adjustment.

D. Environmental Review: A lot line adjustment is considered a ministerial project and for that reason is not subject to environmental review under the California Environmental Quality Act ("CEQA"). See Pub. Resources Code section 21080, subds. (a), (b)(1) and *Sierra Club v. Napa County Bd. of Supervisors* (Cal. App. 1st Dist. 2012) 205 Cal. App. 4th 162.

E. Public Notice: No public notice is required as the lot line adjustment application is a ministerial action.

F. Concurrent Permit Processing: When a lot line adjustment is part of a project that requires one or more discretionary planning entitlements and the applicant does not want the lot line adjustment unless the entire project is approved, then the lot line adjustment shall be reviewed

as part of the discretionary planning application. In that event, all permits and approvals, including the lot line adjustment, shall be combined into one application, processed concurrently, and acted upon by the highest review authority required by this code based on the entitlements included in the application. (Ord. 1138, §2 (Exh. A), adopted 2012)

Approval/Denial:

The City Engineer shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this chapter, the City's General Plan and Zoning Ordinance, Ukiah Municipal Airport Master Plan, and the California Building and related codes as adopted in the City (hereafter "Building Code"). The City Engineer may approve, conditionally approve, or deny the lot line adjustment in compliance with UCC section 8297.

Note: although the City Engineer makes decisions on applications for boundary line adjustments, application materials are to be submitted to the Planning Division of the Community Development Department. Planning Division staff process boundary line adjustment applications and make recommendations to the City Engineer.

2. LOT MERGERS (PARCEL MERGERS)

Application Procedure (UCC 8299.1): Upon request of the legal owner of contiguous parcels, the City may approve the merger of the property in compliance with Subdivision Map Act section 66499.20 3/4. The request shall be in writing and shall be accompanied by data and documents as required by the City Engineer. (Ord. 1138, §3 (Exh. A), adopted 2012)

Review Authority (UCC 8299.2): The City Engineer shall review and approve or conditionally approve each proposed merger when in compliance with Map Act section 66451.11. The City Engineer may refer any proposed merger to any department or agency that may have an interest in the merger. (Ord. 1138, §3 (Exh. A), adopted 2012)

Note: although the City Engineer makes decisions on applications for lot mergers, application materials are to be submitted to the Planning Division of the Community Development Department. Planning Division staff process lot merger applications and make recommendations to the City Engineer.

3. CERTIFICATE OF COMPLIANCE

Description (Subdivision Map Act): a legal document which certifies that a parcel of land complies with the Subdivision Map Act. Within the City of Ukiah, a Certificate of Compliance means the City recognizes that a particular parcel of real property has been legally created.

4. CONDITIONAL USE PERMITS (USE PERMITS)

Purpose: A type of discretionary planning permit, the purpose of a Use Permit is to provide flexibility by allowing land uses identified by the zoning ordinance as "permitted uses" when the use can be found compatible with surrounding land uses and when the use would not be detrimental to the public health, safety, or welfare. A Use Permit is required for uses identified as "Permitted Uses" in the zoning ordinance. Also, in certain zoning districts the maximum height requirement may be exceeded with approval of a Use Permit.

Types/Approval Authority: Depending on the scope and size of the project, Use Permits are reviewed and decided upon by the Zoning Administrator (Minor Use Permits) or Planning

Commission (Major Use Permits). Staff will prepare a staff report for the project and make a recommendation to approve, conditionally approve, or deny the project. In order to approve a Use Permit, the project must be consistent with the findings required for approval (Ukiah City Code Section 9262(E)).

Application Procedure: Applications for a Use Permit are required to include: a completed and signed Planning Permit Application form; the submittal requirements identified on the application form; and the required fee. Applications are submitted to the Planning Division of the Community Development Department, and projects are reviewed by City staff for consistency with the General Plan, compliance with zoning ordinance requirements, and to ensure that the use would be compatible with surrounding land uses and would not be detrimental to the public, health safety or welfare (considerations may include noise, odors, traffic, parking, and light and glare).

Referral: Once the application is deemed complete by City planning staff, the project will be referred to City Divisions and Departments (such as Building Division, Public Works Department, Fire Department, Police Department, and Electric Utility Department) for review and comment. Projects are also sent to outside agencies that may have review or permitting authority over the Project (such as Mendocino County Air Quality Management District, Regional Water, Environmental Health, Caltrans, Alcohol Beverage Control).

Environmental Review: As part of reviewing the project, the planner assigned to the project will determine if environmental review is required. Minor projects may be exempt from the California Environmental Quality Act (CEQA). Larger projects may not be exempt from CEQA and may be required to provide additional information needed to complete the required environmental review (such as a traffic study, noise study, lighting plan).

Public Hearing: After the project has been reviewed by the City and outside agencies and environmental review has been completed, the project will be scheduled for a public hearing for review of the project by the decision maker. This includes publishing a public notice in the newspaper, posting notice on the project site, and mailing a public notice to property owners within 300 feet of the project site.

5. DETERMINATIONS OF APPROPRIATE USE

Definition (UCC, Chapter 2 Zoning, as listed in various zoning districts): Whenever a use is not listed in the Zoning District as a use permitted by right or a use subject to a use permit, the Planning (Community Development) Director “shall determine whether the use is appropriate for the Zoning District, either as a right or subject to a use permit.”

Description: In each of the City’s zoning districts, there are a list of uses permitted “by right,” meaning with no further discretionary review, and a list of uses that require a permit approved by a discretionary review body. Discretionary review bodies are quasi-judicial reviewing bodies, primarily the Zoning Administrator and the Planning Commission, that require a public hearing process and public review prior to their issuing of a decision on the proposed use.

In cases where the use is not listed in the zoning code, either by-right or via permit, a Determination of Appropriate Use enables an applicant to receive a determination as to if the proposed use is appropriate as a by-right and/or permitted use in that zoning district. This application type has the potential of granting flexibility, especially as new use types are proposed that do not exactly conform to the existing zoning code.

Application Procedure: Applicants are required to submit an application, providing a detailed project description, and paying the requisite application fee. Upon review, the Director will be required to make the following findings to allow the use by-right or with a permit:

A. That the use would not be incompatible with other existing or allowed uses in the PF Zoning District.

B. That the use would not be detrimental to the continuing development of the area in which the use would be located.

C. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. All determinations of the Planning Director regarding whether a use can be allowed or permitted in the Zoning District shall be final unless a written appeal to the City Council, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by City Council resolution, is filed with the City Clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this Chapter. At the close of the public hearing, the City Council may affirm, reverse, revise or modify the appealed decision of the Planning Director. All City Council decisions on appeals of the Planning Director's actions are final for the City. (Ord. 1009, §1, adopted 1998)

6. GENERAL PLAN AMENDMENTS INCLUDING REZONES

Description: General plan amendments are undertaken to change the General Plan maps or text. Per State law, each mandatory General Plan element may be amended no more than four times per year. As of 2024, according to the Governor's Office of Planning and Research (OPR), the mandatory elements include Land Use, Housing, Circulation, Open Space, Conservation, Noise, and Safety. Cities and counties that have identified disadvantaged communities must also address environmental justice in their general plans, including air quality.

Application Procedure: Complete a planning permit application, paying the requisite fee at time of application submittal. At the minimum, applications for general plan amendments should include:

- Detailed project description- who, what, when, where, why.
 - A proposed land use change should be compatible with the surrounding uses and provide a logical progression for the City's development. Applications for "spot zoning" will be denied.
 - Applicants for general plan amendments are advised to discuss their plans with neighboring property owners.
- CEQA environmental assessment. Please reach out to planning staff prior to submittal to determine the environmental review needed.

All general plan amendments are subject to review and approval by the Planning Commission, requiring at least one public hearing.

7. GENERAL PLAN/ADVANCE PLANNING MAINTENANCE FEE

Description: This fee is assessed by the Community Development Department on all new building permits. Fees collected in this account pay for future advance planning activities, including but not limited to, General Plan and associated element updates and amendments, specific plans, and zoning code amendments.

8. MURAL PERMITS

Description: Murals, both on private property and as public art on public property, are regulated through the City's Public Art Policy and Sign Code. Per UCC Section 3226, Murals are allowed subject to review by the planning commission as a regular agenda item. Criteria upon which murals will be evaluated as both art and advertising are: compatibility with surrounding environment and community in general; appropriateness to site; relationship to use of building upon which it is placed; impact on motorists and traffic hazards; advertising potential. Written messages are discouraged. Any area determined to be advertising and allowed to remain in the mural shall be counted as part of the allowed parcel signage.

Application Procedure: Review the City's Art Policy to ensure the proposed mural will be in conformance with regulations. Complete a planning permit application, paying the requisite fee at time of application submittal. At the minimum, applications for mural permits should include:

- Detailed project description, including the name of the artist and vision for the mural.
- Artist rendering(s) or other visual depictions of proposed mural.

Once deemed complete by the planner, all applications for murals are to be reviewed by the Design Review Board, an advisory board, for possible recommendation to the Planning Commission. Both the Design Review Board meeting and Planning Commission meeting are public hearings subject to Brown Act and public review.

9. OUTDOOR DINING PERMIT

Description: On-site outdoor dining may be allowed in the C-N, C-1 and C-2 zoning districts, provided it is incidental to and part of the operation of a restaurant located on the same parcel, and it complies with the standards and requirements within UCC Section 9173.4.

Application Procedure: Complete a planning permit application, paying the requisite fee at time of application submittal. Applications for outdoor dining permits may also require submittal of proof of insurance, an encroachment permit, and other requirements.

10. PRE-APPLICATION REVIEW AND PLANNING STAFF ZONING RESEARCH

Applicants desiring pre-application review, including City staff research into Ukiah City Code and zoning code requirements, can contact the planning division of the Community Development Department to undertake this review. Up to one hour's worth of one staff member's time per project is provided at no cost to each applicant for this service, deemed a "Level 1 Review."

Additional research and/or review conducted by City planning staff beyond one hour's worth of time in the pre-application phase requires submittal of a planning permit application, payment of a deposit per the City's Fee Schedule, and will be subject to full cost recovery.

Pre-application reviews can also be undertaken by the Planning Commission and/or the Project Review Committee. For details on this process, contact the Planning Division.

11. PLANNED DEVELOPMENTS

Purpose: Per UCC Section 9165, the purpose of the planned development combining zone is to allow flexibility in design and development in order to promote economical and efficient use of land; to increase the level of urban amenities; to preserve the natural environment; and to provide for phased completion of development projects. It generally provides a method for deviating from standardized zoning requirements to foster well planned, creative, and quality development. The planned development combining zone may be combined with any zoning district.

Application Procedure: Prior to application, the prospective applicant should consult with the planning division of the Community Development Department to obtain information and guidance, especially before entering into bidding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

Additional application procedures and requirements are detailed within UCC Section 9167. Applications must be responsive to all requirements in 9167 in order to be deemed complete by the planning division. Applications for planned developments require at least one hearing of the Planning Commission and one hearing of the City Council for approval.

12. SIGN PERMITS

Description: City regulations pertaining to signs are prescribed in UCC Section 3225. Please also refer to the Sign Checklist and Inventory informational brochure attached to this supplement and available on the planning services division webpage and at the planning counter.

Application Procedure: All applications will be submitted to the Building Division of the Community Development Department, along with the requisite fee and completed Sign Checklist.

13. SITE DEVELOPMENT PERMITS

Purpose: A type of discretionary planning permit application, the purpose of a Site Development Permit is to ensure that development enhances the City's character and is compatible with the architectural style and design characteristics of the area in which it is located. A Site Development Permit is required for the new construction or exterior modification of commercial, industrial, and multi-family residential structures.

Project Review: Projects are reviewed for site planning, vehicle and pedestrian circulation, architectural design, quality and type of materials, colors, landscaping, lighting, and signage. Projects are referred to City Divisions and Departments (such as Building Division, Public Works Department, Fire Department, Police Department, and Electric Utility Department) for review and comment. Projects are also sent to outside agencies that may have review or permitting authority over the Project (such as Mendocino County Air Quality Management District, Regional Water, Environmental Health, Caltrans, Alcohol Beverage Control).

Environmental Review: As part of reviewing the project, the planner assigned to the project will determine if environmental review is required. Minor projects may be exempt from the California Environmental Quality Act (CEQA). Larger projects may not be exempt from CEQA and may be

required to provide additional information needed to complete the required environmental review (such as a traffic study, noise study, drainage report, arborist report).

Public Hearing: After the project has been reviewed by the City and outside agencies and environmental review has been completed, the project will be scheduled for a public hearing for review of the project by the decision maker. This includes publishing a public notice in the newspaper, posting notice on the project site, and mailing a public notice to property owners within 300 feet of the project site.

Decision Making: Depending on the size and scope of the project, Site Development Permits are reviewed and decided upon by the Zoning Administrator (minor site development permits) or Planning Commission (major site development permits). Staff will prepare a staff report for the project and make a recommendation to the decision maker to approve, conditionally approve, or deny the project. In order to approve a Site Development Permit, the project must be consistent with the findings required for approval (Ukiah City Code Section 9263(E)). The decision maker has the authority to approve, approve with conditions, or deny a project.

Exempt Projects: Interior remodels and repair and maintenance of structures and parking areas are exempt from the requirement to obtain a Site Development Permit. Some minor remodels and alterations of building exteriors and accessory structures may also be exempt. When determining if the Project is exempt, the Community Development Director considers the size, location and visibility of the Project, and the amount of change to the architectural character or appearance of the structure.

14. SUBDIVISIONS

Definition: Per UCC Section 8026, a subdivision is the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights of way. Subdivision includes a condominium project, as defined in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. Minor subdivision shall be as defined in UCC Section 8300.

Application Procedure: Review the informational brochures for minor and major subdivisions attached to this supplement and available on the planning services division webpage and at the planning counter. Then complete and sign a planning permit application; and submit the application to the planning division of the Community Development Department, along with the required fee and submittal information and documents required within the brochure's checklist.

Once applications are deemed complete, planning staff will schedule a review with the City Engineer who will approve, conditionally approve, or deny the request for subdivision. After approval of the tentative map, the applicant will be required to hire a land surveyor to conduct a property survey and prepare a final subdivision map for recording purposes. The draft Final Map shall be submitted to the Department of Public Works along with applicable fees for review and approval. The Final Map must be filed for recording and any conditions of approval satisfied within the specified time frames.

15. VARIANCES

Description: A type of discretionary planning permit, A variance is a permit to deviate from the terms of the Zoning Ordinance. It provides relief from specific site development regulations. It is provided for because there are individual lots which, due to some unusual characteristic, cannot be put to productive use if all detailed regulations (e.g., yard setbacks, height) are strictly applied. Variances are not issued for land uses ("use variance") or relief of lot size requirements. The detailed provisions for variances are contained in UCC Section 9264.

Application Procedure: Applications for variances shall be made to the City Planning Division by filling out the required variance application form, and submitting a detailed plot plan of the subject property, as well as surrounding land uses, elevation drawings, and any other project-related information deemed necessary by the Department. The appropriate filing fee must also be paid at the time of application submittal.

Public Noticing: The City shall follow the public noticing procedures of the California Government Code. Failure of any person to receive mailed notice or failure to post notice shall not invalidate any proceedings conducted by the decision-making body. Unless in conflict with the provisions of the Government Code, notices of public hearings on applications for variances shall be given at least ten (10) days prior thereto.

Types of Variances: There are two types of variances- minor variances and major variances. Minor variance applications are those seeking less than fifty percent (50%) relief from a yard setback requirement in a particular zoning district, or a height of less than five feet (5') over what is allowed in a particular zoning district. Applications for minor variances will be considered and acted upon by the Zoning Administrator.

Major variances are those seeking more than 50% relief from a yard setback requirement in a particular zoning district, or a height of more than 5' over what is allowed in a particular zoning district. Applications for major variances will be considered and acted upon by the Planning Commission.