

**AMENDED RESOLUTION NO. 2023-42**

**AMENDED RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF UKIAH FOR THE WESTERN HILLS ANNEXATION AREA, PREZONING, AND ADOPTION OF AN ADDENDUM TO THE PREVIOUSLY CERTIFIED MITIGATED NEGATIVE DECLARATION FOR THE UKIAH WESTERN HILLS OPEN LAND ACQUISITION AND LIMITED DEVELOPMENT AGREEMENT PROJECT**

**WHEREAS:**

1. 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
2. On September 15, 2021, the City Council introduced Ordinance No. 1217, approving the Ukiah Western Hills Open Land Acquisition & Limited Development Project ("2021 Western Hills Project") for acquisition, annexation and rezoning of approximately 707 acres, and the associated Initial Study and Mitigated Negative Declaration (ISMND; SCH No.2021040428) via Ordinance No. 1217; and
3. On March 2, 2022, the City Council approved the Limited Development Agreement and Property Exchange (COU-No.2122-201), and a Road, Access and Maintenance Agreement (COU-No. 2122-200) associated with the 2021 Western Hills Project; and
4. On June 8, 2022, the City of Ukiah submitted application number A-2022-02 for annexation of the 2021 Western Hills Project parcels to the Mendocino County Local Agency Formation Commission (LAFCo). The application also included several privately-owned parcels (±44 acres total; referred to as the "clean up parcels") located in between the 2021 Western Hills Project parcels and the County's jurisdictional boundary, to inform the deliberate and appropriate boundaries for the City of Ukiah. Some of these parcels also span both City and County jurisdiction and the City proposes to annex them to rectify this jurisdictional issue; and
5. On December 7, 2022, the City Council adopted Resolution No. 2022-78 and Resolution No. 79, adopting the City's 2040 General Plan and certifying the associated Environmental Impact Report (EIR; SCH No. 2022050556). The 2040 General Plan and EIR identify the Western Hills Annexation Area as one of the three areas the City intends to pursue for annexation. The 44 acres of privately owned parcels intended to rectify jurisdictional issues ("clean up parcels") were included in the Western Hills Annexation Area within the General Plan and EIR, bringing the total Western Hills Annexation Area to 752 acres; and
6. On December 19, 2022, LAFCo approved the City's Ukiah Municipal Service Review (MSR) and Sphere of Influence (SOI) Update. The updated SOI includes the entire Western Hills Annexation Area (752 acres) identified within the General Plan; and
7. In early 2023, an additional 40-acre parcel (APN 003-190-11) directly adjacent (south) to the Western Hills Annexation Area and City's western City limit became available for purchase;
8. The City of Ukiah desires to continue a proceeding for the adjustment of boundaries specified herein by seeking acquisition of the parcel for open space and access opportunities in connection with the Western Hills open space parcels.; and
9. Pursuant to Government Code Section 56654(a), the City must approve a resolution of application in order to initiate annexation proceedings; and
10. Pursuant to 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;

11. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum to an adopted MND may be prepared by a lead agency or a responsible agency if minor changes or additions are necessary and none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent MND have occurred.
12. Exhibits A and B to Resolution 2023-42 were inadvertently omitted when the resolution was originally adopted on December 6, 2023. This amended ordinance is adopted to include Exhibits A and B as attachments to the resolution.

**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. The additional parcel to be annexed is a 40-acre uninhabited parcel that is contiguous to the existing Western Hills Annexation Area and City limits, resulting in a total annexation area of approximately 792 acres.
5. The 40-acre parcel is not located within the City's Sphere of Influence, but is included in the City's Planning Area (as identified in the 2040 General Plan). The proposal to include this parcel complies with Government Code Section 56742 in that the property is 1) less than 300 acres and located in Mendocino County where the City is situated; 2) is contiguous to the existing City limits and Western Hills Annexation Area; and 3) will be owned by the City and used for municipal purposes at the time these commission proceedings are initiated.
6. 25 acres of the 40-acre parcel would be owned by the City and maintained for open space and municipal purposes, while 15 acres would be transferred to the private property owner (Hull) via a Purchase Agreement between the City and Hull would allow Hull to retain one +/- 15-acre parcel after annexation for limited residential development, as specified in the Purchase Agreement.
7. The City proposes to prezone the property(ies) Public Facilities (PF) and Single-Family Residential-Hillside Overlay (R1-H), as depicted on the rezoning map in Exhibit B.
8. In accordance with CEQA Guidelines Sections 15162 through 15164, an Addendum to the 2021 Western Hills Project ISMND (SCH No: 2021040428) has been prepared by the City of Ukiah Community Development Department, Planning Division.
9. As discussed in the Planning Commission Staff Report and Addendum, none of the criteria noted in CEQA Guidelines 15162 have occurred, and only minor changes are necessary in order to deem the Addendum to the certified MND adequate. Specifically, there are no substantial changes proposed that require major revisions of the 2021 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Addendum incorporates mitigation identified in the 2021 MND to reduce all impacts to a less than significant level. No new impacts that were not previously discussed in the 2021 MND have been identified.

10. As discussed throughout the Addendum, staff reports and associated documents, the proposal and associated actions are consistent with the City's General Plan, Zoning Code, as well as the Government Code and LAFCo policies related to annexation.
11. The City Council approves the Western Hills Annexation Area amendment, rezoning and associated actions.
12. The City Council adopts the Addendum (and associated Mitigation Monitoring Reporting Program) to the 2021 Western Hills Project ISMND (SCH No: 2021040428), based on the findings described in Attachment 2 and the Conditions of Approval in Attachment 3.
13. 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 7<sup>th</sup> day of February, 2024, by the following roll call vote:

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

  
Josephina Dueñas, Mayor

ATTEST:



Kristine Lawler, City Clerk

**ORDINANCE NO. 1217**

**UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH TO PREZONE CERTAIN PARCELS IN ASSOCIATION WITH THE WESTERN HILLS OPEN LAND ACQUISITION AND LIMITED DEVELOPMENT AGREEMENT PROJECT.**

**The City Council of the City of Ukiah hereby ordains as follows: SECTION ONE. FINDINGS**

1. The City proposes to acquire and annex approximately 707 acres total, including the “Hull Properties” (APNs 001-040-83, 157-070-01, 157-070-02, 003-190-01, 157-050-09, 157-060-02, 157-050-02, 157-050-04, 157-050-01, 157-030-02, 157-030-03, 157-050-11 & 157-050-12), the “Noguera Properties” (APNs 003-190-09 & 003-110-90) and the City-owned “Donation Parcel” (APNs 157-050-03, 157-060-003) in the Western Hills for open space preservation, while allowing the potential for future low-density residential development on the approximately 54 easternmost acres (“Development Parcels”), consistent with existing development in the Western Hills within the City of Ukiah limits; and
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.
3. Government Code Section 56742 allows the City to annex parcels that are not located within the City's Sphere of Influence (“SOI”), provided that those parcels are located in the County of Mendocino, less than 300 acres, owned by the City, and used for municipal purposes at the time of the annexation application.

**SECTION TWO.**

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

1. The City will apply to annex approximately 640 acres total referred to as the “Conservation Parcels”, for open space and conservation. The Conservation Parcels will be pre-zoned with a Public Facilities (PF) zoning designation, which encompasses lands within the City that contain open space and parks, as well as other public facilities. Approximately 343 acres of the Conservation Parcels are located within the City's SOI and 296 acres outside of it.
2. The proposed Development Parcels (totaling approximately 54 acres) will be zoned to Single-Family Residential-Hillside Overlay District (R1-H) with a General Plan Designation of Low Density Residential (LDR), consistent with adjacent City zoning and development patterns in the Western Hills. In addition, the Noguera Properties will be zoned R1-H for consistency with surrounding zoning and land uses.
3. A map of the affected territories is set forth in Exhibit A, and the parcel configuration, intended use, and proposed pre-zoning of the affected territories are set forth in Exhibit B, 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 of the Conservation Parcels, Development Parcels, and Noguera Properties becomes final.

Introduced by title only on September 15, 2021, by the following roll call vote:

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

Adopted on October 6, 2021, by the following roll call vote:

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



Juan V. Orozco, Mayor

ATTEST:



Kristine Lawler, City Clerk