

Resolution Number

City Of Ukiah

December 11, 2024

“AGRICULTURAL CONSISTENCY ORDINANCE”

RESOLUTION OF THE PLANNING COMMISSION, CITY OF UKIAH, STATE OF CALIFORNIA, PROVIDING A REPORT AND RECOMMENDATION TO THE UKIAH CITY COUNCIL REGARDING THE PROPOSED ADOPTION OF AMENDMENTS TO DIVISION 7 AND DIVISION 9 OF UKIAH CITY CODE

WHEREAS, on December 7, 2022, the Ukiah City Council adopted Resolution No. 2022-79 certifying the Environmental Impact Report for the City of Ukiah 2040 General Plan (State Clearinghouse No. 2022050556) (the “General Plan EIR”), which analyzed the environmental impacts of the adoption of the City’s General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the City may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023 and 2024, the City of Ukiah Community Development Department (the “Department”) initiated a process to revise and update -A and A-E zoning districts of the of Ukiah City Code, apprising the City of Ukiah Planning Commission and City Council during budget planning updates; and

WHEREAS, the Department is proposing a comprehensive update of its -A and A-E zoning districts to align Ukiah’s agricultural standards, allowances and land-use terminology with those adopted by Mendocino County as conveyed by the 2040 Ukiah General Plan Agriculture Element, Implementation Program C (Align Agricultural Standards); and

WHEREAS, the Department is proposing adoption of select aspects of Mendocino County’s A-E zoning regulations for cannabis-related regulations, in addition to the implementation of a more restrictive cannabis cultivation framework within the -A and A-E zoning districts, aligning with state-level environmental and public health policies, and aligning with General Plan goals in the preservation of agricultural resources and promotion of long-term compatibility with adjacent land uses; and

WHEREAS, Cannabis cultivation will be reviewed by discretionary permit, allowing the City to evaluate each site individually, considering unique environmental conditions such as proximity to sensitive habitats, water resources, and existing land uses. This approach enables the City to identify potential environmental impacts on a project-by-project basis, consistent with CEQA requirements, and impose targeted mitigation measures to address identified impacts, such as stormwater management practices, noise attenuation, or additional site security considerations; and

WHEREAS, the Articles of the Ukiah Code proposed for amendment or inclusion are attached to this resolution as Exhibit A and incorporated herein by this reference (the “Agricultural Consistency Ordinance”), which show the changes to the various chapters in redline and strikethrough, or indicate that articles are new or being edited; and

WHEREAS, the City of Ukiah's Land Use and Agricultural Elements include goals, policies, and an implementation program to foster regional consistency between the City of Ukiah and Mendocino County. This alignment ensures that agricultural lands within Ukiah's planning area are protected from incompatible uses and that zoning standards support sustainable and economically viable agricultural practices; and

WHEREAS, encouraging consistency between City and County standards reduces administrative complexity for property owners and operators, creating a streamlined regulatory framework; and

WHEREAS, the adoption of the Agricultural Consistency Ordinance aligns with the City's commitment to the preservation and enhancement of agricultural lands as a key regional resource; and

WHEREAS, the statutory exemption set forth in Section 15183 of the California Environmental Quality Act Guidelines (Title 14, Cal. Code Regs., section 15000 *et seq*; "CEQA Guidelines") applies to this action because, for the reasons set forth in the Staff Report accompanying this Resolution, the Agricultural Consistency Ordinance does not have the potential to cause a significant effect on the environment and is therefore not subject to CEQA, as the project is consistent with the City of Ukiah 2040 General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on December 11, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Agricultural Consistency Ordinance and all interested persons were given an opportunity to hear and be heard regarding the Agricultural Consistency Ordinance; and

WHEREAS, the Planning Commission considered all of the information presented to it including the Staff Report, and public testimony presented in writing and at the public hearings; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Agricultural Consistency Ordinance.

NOW, THEREFORE BE IT RESOLVED that the City of Ukiah Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Agricultural Consistency Ordinance, makes the following findings and recommendations:

1. The above recitals are true and correct, and incorporated herein by this reference.
2. The proposed changes of the Agricultural Consistency Ordinance are consistent with the City of Ukiah 2040 General Plan. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the City has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. None of the zoning district articles being modified affect the conformity with the 2040 General Plan.
3. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). As the proposed Agricultural Consistency

Ordinance is consistent with the Ukiah 2040 General Plan, the project relies upon the General Plan EIR and qualifies for a statutory exemption under CEQA Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

4. That the City Council adopt an ordinance making the changes shown in the Agricultural Consistency Ordinance, as shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the City Clerk as the custodian of the document and other materials that constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the City of Ukiah Department of Community Development, 300 Seminary Avenue, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST:

Stephanie Abba Commission Services
Planning Commission Clerk

Craig Schlatter Community Development
Director

Rick Johnson, Chair
City of Ukiah Planning Commission

Exhibit A: Enclosed