



AGENDA SUMMARY REPORT

SUBJECT: Introduction by Title Only of an Ordinance Modifying Ukiah City Code to Preserve and Strengthen Agricultural Uses In and Around Ukiah Consistent with the Ukiah 2040 General Plan.

DEPARTMENT: Community
Development

PREPARED BY: Katherine Schaefers, Planning Manager, Jesse
Davis, Chief Planning Manager

PRESENTER: Katherine Schaefers, Planning Manager

ATTACHMENTS:

1. City of Ukiah Agriculture Element
2. Mendocino County Zoning Regulations
3. Planning Commission Signed Resolution
4. Proposed Ordinance Amendment - Clean
5. Ukiah Valley - Agriculture Maps
6. CEQA Guidelines Section 15183 Findings of Consistency
7. 12b Presentation given at Meeting

Summary: Council will consider introducing by title only an ordinance modifying Ukiah City Code to preserve and strengthen agricultural uses in and around Ukiah that impact the regional economy, consistent with the Ukiah 2040 General Plan.

Background: On December 7, 2022, the City Council adopted the Ukiah 2040 General Plan, which included an Agriculture Element (Attachment 1) highlighting the importance of collaborative approaches to agricultural resources and the need to align Mendocino County and City policies regarding the preservation of regional working lands. Furthermore, the General Plan recognized that consistency across City and County standards reduces administrative complexity for property owners and operators, creating a shared and efficient regulatory framework.

As part of the 2040 General Plan, an implementation program, goals, and policies were specifically included to align Ukiah's agricultural standards with the regional standards of Mendocino County (Attachment 2), as outlined in the Discussion section of this report. This alignment aims to protect agricultural lands within Ukiah's Sphere of Influence from incompatible uses and ensures that zoning standards support existing agricultural practices if lands are "prezoned" and subsequently "annexed" into the City.

While originally scheduled for review by the Planning Commission on November 13, 2024, City Staff requested that the review and hearing be postponed to ensure feedback could be incorporated from entities such as the Mendocino County Farm Bureau (MCFB), Mendocino County Resource Conservation District (MCRCD), Mendocino County Department of Planning and Building Services (PBS), and the Mendocino County Agricultural Commissioner.

On December 11, 2024, the Ukiah Planning Commission evaluated the proposed amendments to the Ukiah City Code ("UCC") and unanimously recommended approval to the City Council through adoption of Resolution No. 2024-01 (Attachment 3). Since the Commission's recommendation, Staff has revised the proposed Ordinance to incorporate minor typographical edits, along with changes identified by stakeholders—particularly the Mendocino County Farm Bureau (MCFB)—that were discussed with the Planning Commission,

as well as recommendations from the City Attorney for consistency with state law. These changes are discussed below.

Discussion: The Agricultural Consistency Ordinance (hereafter referred to as the "Proposed Ordinance") (Attachment 4) is primarily intended to align the City's Agricultural Exclusive (A-E) district with the agricultural standards, allowances, and land use terminology adopted by Mendocino County. This alignment specifically pertains to Chapter 20.032 (Agriculture Use Types), Chapter 20.052 (Agricultural District), and Chapter 20.060 (Rangeland District) of the Mendocino County Code. The alignment would be implemented through an update to the City's Agricultural Exclusive (A-E) district.

These changes aim to ensure that agricultural operations within the City's jurisdiction are regulated consistently and predictably, both now and in the future. By aligning with Mendocino County's agricultural standards, the City seeks to provide clear guidelines and reduce uncertainty for property owners and active agricultural businesses.

The City does not intend to adopt the County's approach or regulations regarding cannabis cultivation or cannabis-related businesses. Instead, the City proposes minor modifications to its existing cannabis policies—primarily to allow, on a discretionary basis, the cultivation of mixed-light or outdoor cannabis within the A-E or Agricultural Combining (-A) district. Unlike the County's ministerial processes, the City will continue to require discretionary review for all new cannabis related businesses.

Below are key aspects of the Proposed Ordinance and its implications.

Standardizing Agricultural Regulations

Currently, there are no lands within the City limits zoned as A-E; therefore, these changes would apply to lands that are rezoned and subsequently annexed into the City's jurisdiction. Aligning the City's agricultural regulations with those of Mendocino County ensures confidence and consistency for parcels zoned as agricultural within the County, should annexation efforts be pursued. This alignment provides a clear and predictable regulatory framework, reducing uncertainty for property owners and active agricultural operations, as identified and visualized in Attachment 5. By harmonizing land-use terminology, setback requirements, and performance standards, the City demonstrates its commitment to maintaining the integrity of existing agricultural uses while promoting efficient integration between the City and surrounding areas in the event of annexation.

Additionally, the Proposed Ordinance would align the City's Agricultural Combining (-A) district, which is currently limited to approximately 39 acres adjacent to the City's Wastewater Treatment Plant (WWTP). This area has been owned and land-banked by the City of Ukiah since 2018 as part of the Norgard acquisition but was recently annexed into the City in 2023. The alignment of the Agricultural Combining (-A) district would reflect the changes and terminology adjustments made to the City's agricultural policies and regulations. Similar to the City's A-E district, the (-A) Combining District has not been updated since 1982. As a primary function, the Proposed Ordinance reflects the City's intent to implement the 2040 General Plan in a timely manner. Specifically, Implementation Program C of the Agriculture Element states:

"The City shall revise [its] agricultural standards and use terminology to be consistent with adjacent jurisdictions within the Ukiah Valley to support future annexation efforts."

The Proposed Ordinance seeks to establish a consistent regulatory framework for agricultural and ancillary uses by codifying recently updated Mendocino County regulations, such as minimum lot sizes, setbacks, development standards, and allowances, into the City's A-E zoning district. It also anticipates evolving land-use needs by incorporating certain Mendocino County provisions for outdoor commercial cannabis cultivation while maintaining alignment with the City of Ukiah's discretionary permitting requirements for cannabis businesses. This ensures that discretionary review processes are required for outdoor commercial cannabis cultivation and that such cultivation is a permitted use on A-E or (-A) lands only, allowing the City to apply conditions of approval as necessary. Although the Ordinance primarily focuses on agricultural alignment, it is critical for the City to refine commercial cannabis regulations to ensure compliance with state requirements, given California's dual regulatory system and evolving regulatory landscape. No other cannabis uses or

cultivation standards are to be modified.

Minor Revisions to the Ordinance to Reflect Stakeholder Input

Since the Planning Commission's recommendation, several changes have been made to reflect stakeholder input, including from the Mendocino County Farm Bureau (MCFB) and the City Attorney. As suggested by MCFB, within UCC §9160 of the Agricultural Exclusive (A-E) District, the City revised the front, side, and rear setbacks to 50 feet for parcels over 40 acres and 25 feet for parcels less than 20 acres.

Additionally, regarding commercial cannabis cultivation, the redundant provision on generator usage in UCC §9174.4 has been shortened, as generator use is already regulated by both the Department of Cannabis Control (DCC) and the California Air Resources Board (CARB). Further clarifications have been added to UCC §9174 to define ownership of cannabis businesses in alignment with Business and Professions Code § 26001.

Finally, a provision was added to UCC §9174.2(B)(5), stating that a cannabis business operation plan may not need to include all listed provisions, that Community Development Staff will determine whether these requirements are applicable, based on the location or nature of the business. This aligns with UCC §9174.2(A)(3)(u), which specifies that any provisions deemed necessary by the Community Development Department to demonstrate compliance must be included with the application.

Provisions for Discretionary Review for Commercial Cannabis

Similar to other 'Permitted' uses within the City's Agricultural Combining (-A) district, Staff recommends that the review and hearing body for outdoor commercial cannabis cultivation on associated lands be set at the level of a Zoning Administrator, ie this use will require a minor use permit. The Zoning Administrator generally has a specialized focus on zoning-related matters and can apply regulations efficiently without the need for the more in-depth policy discussions that typically occur at the level of the Planning Commission. As conveyed, "Permitted" uses in the Agricultural Combining (-A) district are often reviewed at the Zoning Administrator level. Maintaining consistency across the district helps create a more predictable regulatory environment for property owners, developers, and applicants. Treating commercial cannabis cultivation similarly to other agricultural uses avoids creating unnecessary discrepancies.

Analysis Pursuant to the California Environmental Quality Act

In accordance with the California Environmental Quality Act (CEQA), as evaluated in Attachment 6, there is no new information resulting from the proposed ordinance amendments that would result in more severe impacts than those considered in the Ukiah 2040 General Plan EIR. Section 15183 of the State CEQA Guidelines states that a project shall qualify for an exemption if the following findings can be made:

- 1) The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
- 2) There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects.
- 3) There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects.
- 4) There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate.
- 5) There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

Staff recommends that the Council introduce by title only an ordinance amending the Ukiah City Code to preserve and strengthen agricultural uses in and around Ukiah consistent with the Ukiah 2040 General Plan.

Recommended Action: Introduce by title only an Ordinance modifying Ukiah City Code to preserve and strengthen agricultural uses in and around Ukiah consistent with the Ukiah 2040 General Plan.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

REVENUE: No **GRANT:** No

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Darcy Vaughn, Assistant City Attorney

DIVERSITY-EQUITY INITIATIVES (DEI): N/A

CLIMATE INITIATIVES (CI): CL 5A: Update the zoning ordinance

GENERAL PLAN ELEMENTS (GP): Agriculture Element Implementation Program C: Align Agricultural Standards; Goal AG-1, Policy AG-1.2

Approved:


Sage Sangiacomo, City Manager