



**Draft Findings of Consistency:
Agricultural Consistency Ordinance
CEQA Section 15183 Statutory Exemption
November 22, 2024**

SCH No: XXXXXXXXXXXX

Prepared by:

**City of Ukiah
Community Development Department
Planning Division
300 Seminary Avenue, Ukiah, CA 95482
www.cityofukiah.com/community-development/planning-services/**

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I. PROJECT INFORMATION

Project Title: Agriculture Consistency Ordinance
Lead Agency Address and Phone Number: City of Ukiah Community Development Department 300 Seminary Avenue Ukiah, California 95482
CEQA Contact Person and Phone Number: Katherine Schaefer, Planning Manager City of Ukiah, Community Development Department (707) 463-6203 KSchaefer@cityofukiah.com
Applicant: City of Ukiah
Property Owner: City of Ukiah
Project Location: City-wide within the Agricultural Exclusive (A-E) and Combining Agricultural (-A) Districts
General Plan Designation: Those designations listed as compatible with the (A-E) or (-A) Zoning Districts, including: Industrial (I), Public (P), Recreational (REC), Open Space (OS), Agriculture (AG)
Zoning Designation: Agricultural Exclusive (A-E) and Combining Agricultural (-A)

II. INTRODUCTION

1. Purpose of the 15183 Findings of Consistency

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Section 15183 specifies that examination of environmental effects shall be limited to those effects that:

- (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

2. Ukiah 2040 General Plan EIR

The Ukiah 2040 General Plan and its associated EIR (SCH# 2022050556) were certified in December 2022. The General Plan designates land uses defining the type and amount of development that can occur throughout the City and proposed annexation areas through the planning horizon year of 2040 (over approximately 18 years). The EIR comprehensively evaluated environmental impacts that would result from the General Plan's implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

III. PROJECT DESCRIPTION

1. Project Purpose

The Agricultural Consistency Ordinance (hereafter referred to as the “Ordinance”) represents a planned alignment within the Ukiah 2040 General Plan and EIR, of the City of Ukiah’s zoning regulations with regional agricultural standards, particularly those established by Mendocino County. By revising the Agricultural Exclusive (A-E) and Combining Agricultural (-A) zoning districts, the Ordinance reflects the adaptation of agricultural practices and land-use policies to support the long-term sustainability of the region’s cultural and ecological landscape.

Reflective of the goals and policies of the Ukiah 2040 General Plan (See 3. Background below), the Ordinance responds to a need to protect agricultural lands from fragmentation and encroachment. Policies such as **LU-7.5** highlight the importance of preserving agricultural viability by discouraging incompatible development, while **AG-1.2** reinforces the commitment to safeguarding these lands within the City’s Sphere of Influence through zoning practices that maintain minimum lot sizes and encourage compatibility with surrounding uses. These principles maintain the integrity of agricultural spaces in an increasingly urbanized landscape.

Overall, the Ordinance seeks to provide a clear regulatory framework for agricultural and ancillary uses by codifying Mendocino County regulations such as minimum lot sizes, setbacks, and performance standards. It also anticipates evolving land-use needs by incorporating select Mendocino County outdoor cannabis cultivation provisions, while maintaining alignment with City of Ukiah goals and discretionary processes to ensure minimal environmental and social disruption.

2. Environmental Setting and Project Location

The City of Ukiah includes approximately 4.72 square miles. It serves as the County Seat of Mendocino County, as well as the county’s commercial hub. Predominant land uses in the City include single family residential, multi-family residential, and commercial uses ranging from local commercial to service commercial, as well manufacturing, industrial and public facilities. Further west is undeveloped open space, and steep, densely vegetated areas interspersed with rural residential lots within the Western Hills and Mendocino County’s jurisdiction. The Agricultural Exclusive and Agricultural Combining districts within the City of Ukiah’s planning area are characterized by agricultural operations, including vineyards, orchards, and pasturelands, supported by a mix of soil types and climatic conditions conducive to farming.

3. Background

Ukiah 2040 General Plan

The Ukiah 2040 General Plan outlines key goals and policies within the Land Use and Agricultural Elements that directly support the alignment of the City of Ukiah’s zoning regulations with Mendocino County standards. These include:

Goal LU-7 To ensure the orderly and timely growth and expansion of the City.

Policy LU 7.7 Development Pattern The City shall ensure an orderly, contiguous development pattern that prioritizes infill development, phases new development,

encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.

Policy LU 7.5 Agriculture and Annexation The City shall discourage urban development of unincorporated land in the City's Sphere of influence until such lands are annexed by the City. The City shall support County land use regulations that require minimum lot sizes to protect the viability of local agriculture and to prevent the development of incompatible or undesirable land use patterns prior to eventual annexation and urbanization.

Goal LU-10 To assure coordination and consistency with special planning areas.

Policy 10.3 Ukiah Valley Area Plan The City shall coordinate with Mendocino County to assure consistency with the Ukiah Valley Area Plan goals and policies

Goal AG-1 To preserve and strengthen agricultural uses in and around Ukiah that influence the regional economy.

Policy AG-1.1 Reduce Agricultural/Urban Conflict The City shall reduce conflict between incompatible uses and agriculture within and adjacent to the City.

Policy AG-1.2 Preserve Agricultural Lands With the exception of presently proposed or approved subdivisions, the City shall discourage urban development on unincorporated land within its Sphere of Influence until annexed by the City. The City shall support County land use designations that protect the viability of local agriculture in the Ukiah Valley.

Policy AG 1.3 Plan Together The City shall identify and involve stakeholders, as well as advisors with knowledge and expertise, to create and implement a comprehensive planning framework that preserves and strengthens agricultural uses in and around Ukiah that inform and influence the regional economy.

Agriculture Element Implementation Program C: Align Agricultural Standards The City shall revise agricultural standards and use terminology to be consistent with adjacent jurisdictions within the Ukiah Valley for the support of future annexations efforts.

The Agricultural Element of the Ukiah 2040 General Plan emphasizes the importance of regional consistency to foster collaboration between the City and Mendocino County. The proposed Ordinance directly implements these goals and policies by updating Ukiah's zoning code to align with County regulations. 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.

Moreover, the General Plan recognizes that consistency between City and County standards reduces administrative complexity for property owners and operators, creating a streamlined regulatory framework. By adopting the Agricultural Consistency Ordinance, the City of Ukiah demonstrates its commitment to the preservation and enhancement of agricultural lands as a key regional resource. (City of Ukiah 2022)

IV. EVALUATION OF ENVIRONMENTAL EFFECTS

The following findings are made in compliance with CEQA Section 15183 – Project consistent with a Community Plan or Zoning.

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.

A discussion of staff's finding of each potential environmental effect is provided below.

1. Density

The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

Finding

The Ordinance is consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified.

Discussion

The current City of Ukiah Agricultural Combining (-A) zoning regulations establish limited agricultural uses, requiring a minimum lot size of five acres for certain activities. However, these regulations lack explicit density restrictions and a comprehensive framework to guide agricultural production. To address these gaps, the Ordinance clarifies and strengthens the standards for agricultural activities, introducing explicit provisions for uses such as animal raising (personal and general), tree crops, and farm stands.

Moreover, the Ordinance integrates Mendocino County's minimum 40-acre lot size standard for Agricultural Exclusive (A-E) zones. This approach ensures agricultural parcels remain sufficiently large to support economically viable farming operations, such as vineyards or orchards, while mitigating risks associated with land fragmentation. For example, smaller lots that might otherwise be converted to residential uses could introduce land-use conflicts, such as noise or odor complaints from residents unfamiliar with standard farming practices. The 40-acre standard protects agricultural operations by reducing such risks and preserving the agricultural character of the region.

Proposed A-E regulation changes also include the addition of density restrictions of one dwelling per 40 acres, mirroring Mendocino County's approach, in addition to limited processing and packing of agricultural products, horticulture, and farm stands which would be explicitly allowed,

provided these uses remain secondary to the primary agricultural activity. For instance, wineries may produce grapes grown on-site, and farm stands can sell locally produced goods, enhancing economic sustainability for agricultural operations. These updates reflect the Ordinance's attention to preserving agricultural soils by restricting residential encroachment and supporting the economic viability of farming through accessory commercial uses such as small-scale processing and direct sales.

2. Effects

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

Finding

All potential impacts from the Ordinance were evaluated with the Ukiah 2040 EIR. The proposed Ordinance has no unique features that were not evaluated within the General Plan EIR.

Discussion

The Ordinance does not introduce unique effects or conditions beyond those anticipated and analyzed in the Ukiah 2040 General Plan EIR. As emphasized under **Goal LU-7** of the General Plan, the Ordinance is consistent with the directive to “ensure an orderly, contiguous development pattern that prioritizes infill development, phases new development, encourages compactness and efficiency, preserves surrounding open space and agricultural resources, and avoids land use incompatibilities.” This alignment reinforces the Ordinance's focus on minimizing environmental disruption and promoting sustainable agricultural practices.

The Ordinance also directly supports **Policy LU-7.5** which states that the City shall “support County land use regulations that require minimum lot sizes to protect the viability of local agriculture and to prevent the development of incompatible or undesirable land use patterns.” By aligning with Mendocino County zoning standards, the Ordinance operationalizes this policy, ensuring agricultural lands are preserved for their intended uses and safeguarded from premature urbanization.

Furthermore, **Goal AG-1** of the General Plan commits to “preserve and strengthen agricultural uses in and around Ukiah that influence the regional economy,” while **Policy AG-1.1** emphasizes reducing conflicts between incompatible uses and agriculture. The Ordinance addresses these objectives by codifying zoning standards that create clear protections for agricultural lands. Additionally, **Policy AG-1.2** calls for the City to “discourage urban development on unincorporated land within its Sphere of Influence until such lands are annexed,” a directive mirrored by the Ordinance's adoption of minimum lot size requirements to prevent fragmentation of agricultural lands.

Implementation of these policies is supported by **Agriculture Element Implement Program C**, which directs the City to “revise agricultural standards and use terminology to be consistent with adjacent jurisdictions within the Ukiah Valley for the support of future annexation efforts.” The Ordinance fulfills this directive by aligning City agricultural zoning standards with Mendocino County's practices, ensuring compatibility and promoting long-term agricultural sustainability.

3. Impacts

There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects

Finding

There is no new information as a result of the proposed Ordinance that would result in more severe impacts. The Ordinance is consistent with the Ukiah 2040 General Plan density and land use designations. All potential impacts were evaluated with the General Plan EIR.

Discussion

No project-specific impacts were identified that would result in significant environmental effects. The alignment with Mendocino County standards ensures a uniform regulatory approach, reducing the potential for conflicts or adverse effects on neighboring properties. As emphasized in **Policy AG-1.1** “The City shall reduce conflict between incompatible uses and agriculture within and adjacent to the City.” By incorporating regional agricultural standards, the Ordinance actively mitigates potential land-use conflicts and promotes compatibility between agricultural and neighboring uses.

Additionally, the Ordinance includes provisions to maintain agricultural operations and protect critical resources. **Policy LU-7.5** emphasizes that “the City shall support County land use regulations that require minimum lot sizes to protect the viability of local agriculture and to prevent the development of incompatible or undesirable land use patterns.”

4. Cumulative Impacts

There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate

Finding

There are no potentially significant offsite and/or cumulative impacts as a result of the proposed Ordinance.

Discussion

The Ordinance aligns with regional agricultural policies and contributes to the cumulative preservation of agricultural lands. As outlined in **Policy AG-1.2** “The City shall discourage urban development on unincorporated land within its Sphere of Influence until annexed by the City” and “support County land use regulations that protect the viability of local agriculture in the Ukiah Valley.” These directives ensure the Ordinance prioritizes agricultural preservation while managing growth in a way that avoids incompatible or fragmented land-use patterns.

The Ukiah 2040 EIR considered the incremental impacts of maintaining agricultural density and protecting agricultural resources in alignment with the General Plan. **Policy LU-7.7** emphasizes the need for “an orderly, contiguous development pattern that...preserves surrounding open space and agricultural resources and avoids land use incompatibilities.” The Ordinance directly supports this policy by reinforcing minimum lot size standards and maintaining agricultural zoning consistency with Mendocino County, thus contributing to the long-term sustainability of agricultural lands.

5. New Information

There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR

Finding

There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

Discussion

No new substantial information has been identified that would result in more severe environmental impacts. The Ordinance aligns with agricultural preservation goals outlined in the Ukiah 2040 EIR and General Plan. Specifically, **Policy LU-7.5** supports maintaining agricultural land and preventing incompatible development, stating, “The City shall discourage urban development of unincorporated land in the City’s Sphere of Influence until such lands are annexed by the City. The City shall support County land use regulations that require minimum lot sizes to protect the viability of local agriculture and to prevent the development of incompatible or undesirable land use patterns.” The Ordinance also reflects **Policy LU-7.7**, which emphasizes preserving compatibility with surrounding land uses through effective zoning standards.

The introduction of outdoor cannabis cultivation under the proposed Ordinance represents a new regulatory framework. The City will incorporate selected aspects of Mendocino County’s A-E zoning regulations, such as setback requirements mandating a minimum of 50 feet from all property lines to ensure land use compatibility and reduce adverse impacts. Additionally, the City will implement a more restrictive regulatory regime. 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.

To address air quality concerns, the Ordinance requires all structures used for mixed-light and indoor cannabis cultivation to be equipped with advanced filtration and ventilation systems designed to control odors, humidity, and mold. This provision is critical for ensuring compatibility with neighboring uses and for reducing potential nuisance complaints from nearby residents or businesses. For example, the Ordinance mandates that harvesting activities, such as drying and curing, occur either within enclosed structures utilizing best available control technology or by implementing innovative techniques like freeze-drying, to achieve equivalent odor mitigation. These measures align with best practices outlined by the California Department of Cannabis Control (DCC), which emphasizes minimizing community impacts through effective operational controls.

Water conservation is another key component of the Ordinance, reflecting statewide efforts to sustainably manage natural resources. The Ordinance requires compliance with the State Water Resources Control Board’s Cannabis Cultivation Policy, which includes guidelines for water diversion, use, and discharge to protect California’s water quality and supply. By enforcing these standards, the Ordinance ensures that cannabis operations do not deplete local water resources or adversely affect the Ukiah Valley watershed.

By adopting provisions that align with the General Plan's goals, the Ordinance supports the preservation of agricultural resources and promotes long-term compatibility with adjacent land uses. These measures, including cannabis-related regulations, not only align with state-level environmental and public health policies but also uphold the goals set forth in the Ukiah 2040 General Plan. Specifically, **Policy LU-7.5** ensures the prevention of incompatible development patterns, while the adoption of these operating standards ensures that cannabis activities remain consistent with the City's broader land-use and environmental objectives.

V. DETERMINATION

Summary of Findings: Section 15378 of the California Environmental Quality Act (CEQA) defines a “Project” as an activity that (1) is a discretionary action by a governmental agency; and (2) will either have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Cod, § 21065). “Project” means the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

In accordance with CEQA Guidelines Section 15183, the Agricultural Consistency Ordinance qualifies for an exemption because 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.**

Signature

Date

Katherine Schaefer, Planning Manager
Community Development Department
City of Ukiah
kschaefer@cityofukiah.com