

PLANNING COMMISSION RESOLUTION NO. 2024-01**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.

PASSED AND ADOPTED this 11th day of December 2024, by the following roll call vote:

AYES: Commissioners Hilliker, de Grassi, and Chair Johnson.

NOES: None.

ABSENT: None.

ABSTAIN: None.

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



Craig Schlatter, Community Development
Director



Rick Johnson, Planning Commission
Chair

ATTEST:



Kristine Lawler, CMC/CPMC
City Clerk

Exhibit A: Enclosed

ORDINANCE NO. 2024 - __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF DIVISIONS 7 AND 9 OF THE CITY CODE TO REGULATE AGRICULTURAL USES AND CERTAIN CANNABIS BUSINESS STANDARDS.

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS

1. It is the policy of the City of Ukiah to implement shared approaches to local agriculture and strengthen existing City policies regarding preservation and enhancement of regional working lands; and
2. Agricultural production has been an important part of the regional economy for generations and will continue to be a foundational component for decades to come. In addition to the economic benefits, agricultural lands provide a pastoral quality that helps define the character of the Ukiah Valley. If undertaken appropriately by addressing issues related to health and, potential nuisances (e.g., noise, odor, aesthetics), urban agriculture can improve access to healthy food, promote community development, and create jobs.
3. It is a goal of the City of Ukiah to preserve and strengthen agricultural uses in and around Ukiah that influence the regional economy (AG-1), and as a policy of its Agriculture Element of the 2040 General Plan, the City shall reduce conflict between incompatible uses and agriculture within and adjacent to the City (AG – 1.1).
4. To implement this policy the City shall revise agricultural standards and use terminology to be consistent with adjacent jurisdictions within the Ukiah Valley for the support of future annexation efforts (Agriculture Implementation Program C).

SECTION 2

Section 6093 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§6093 MARIJUANA CANNABIS CULTIVATION PROHIBITED

A. Except as set forth in Sections 9174.4 and 9254 of this Code regarding commercial cannabis cultivation, outdoor~~Outdoor~~ cultivation of ~~marijuana~~cannabis, or indoor cultivation in excess of six (6) mature plants or twelve (12) immature plants per private residence, as defined in Health and Safety Code section 11362.2(b)(5) or as may be amended, for personal use, within the City limits of the City of Ukiah in violation of section 9254 of this code is prohibited and constitutes a violation of this article.

* * *

§6094 SEIZURE AND DESTRUCTION OF MARIJUANA CANNABIS

Except as otherwise expressly stated in this section, all ~~marijuana~~cannabis seized by the city police in the enforcement of this article shall be seized, retained and destroyed in the same manner and subject to the same procedures as are provided in California Health and Safety Code sections 11472-11479, for ~~marijuana~~cannabis possessed in violation of division 10 of the Health and Safety Code. The requirements in subsection (b) of Health and Safety Code section 11479, prescribing the conditions that must be satisfied before

seized ~~marijuana-cannabis~~ may be destroyed without a court order, as applied by this section, are revised as follows:

* * *

SECTION THREE.

Article 10 in Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§ 9125 COMBINING AGRICULTURAL OR -A DISTRICTS

A Combining Agricultural (-A) District may be combined with any district or portion of a district defined in this Chapter. The regulations contained in this Article, and the regulations governing any district which is combined with a Combining Agricultural (-A) District shall apply in all combining Agricultural (-A) Districts.

§ 9126 USES ALLOWED

The following uses are allowed uses in Combining Agricultural (-A) Districts in addition to the uses allowed or permitted in any district with which an (-A) District is combined and providing the property is a minimum of five (5) acres in size:

~~Farming, fish, fowl, small animal and livestock raising, excepting hogs and turkeys.~~

A. Animal Raising – Personal.

B. Forest Production and Processing – Limited.

C. Horticulture.

D. Packing and Processing – Limited.

B. Row and Field Crops.

C. Tree Crops.

D. Farm Stand.

§ 9127 USES PERMITTED

The following uses may be permitted in a Combining Agricultural (-A) District subject to first securing a minor use permit, as provided in this chapter, in each case, in addition to the uses allowed or permitted in any district with which a (-A) district is combined and provided the property is a minimum of ~~five (5) acres in size one-acre~~:

A. ~~Farming, fish, fowl, small animal and livestock raising.~~ Animal Raising – General Agriculture.

B. ~~Hog, turkey and mink raising.~~ Animal Sales and Services - Kennels

C. Animal Sales and Services—Horse Stables. ~~Kennels, veterinarian, riding academies, labor camps and retail sales of products grown or raised on the premises.~~

D. Animal Sales and Services—Veterinary (Large Animals).

E. Employee Housing.

F. Outdoor or Mixed-Light Commercial Cannabis Cultivation of all license types set forth in California Code of Regulations, title 4, section 16201 and section 16201.1, as may be amended from time to time.

SECTION FOUR.

Article 13 in Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9160 AGRICULTURAL EXCLUSIVE OR A-E DISTRICT

A. This district is intended to be an exclusive district for agriculture and those uses which are necessary and an integral part of the agricultural operation. This district has been created to protect and preserve the limited amount of agricultural soils from encroachments of nonrelated agricultural uses which, by their nature, would be injurious to the physical and economical well-being of the aAgricultural operations ~~District.~~

B. The following specific regulations and general regulations set forth in Article 16 shall apply in all A-E Districts:

C. Uses Allowed:

1. ~~The raising, harvesting and curing of tree, vine, field forage, fiber and other plant life crops of all kinds, including plant nursery stock.~~ Residential & Accessory Uses

Accessory dwelling units (ADU), as regulated by Chapter 2, Article 5.3 of this Division.

Employee Housing.

Home occupations.

Junior accessory dwelling units (JADUs), as regulated by Chapter 2, Article 5.4 of this Division.

Single-family residential dwellings, including manufactured/modular homes.

Small and large family daycare homes.

2. ~~Production of agricultural commodities for commercial purposes~~ Agricultural Uses.

Animal raising—general agriculture.

Animal raising—personal.

Horticulture.

3. ~~Grazing of livestock on irrigated pasture.~~

4. ~~Dairies and the production of dairy products from milk produced on the premises.~~

Packing and processing—limited.

Packing and processing—winery.

5. ~~Boarding horses and other farm animals.~~

6. ~~Sale of food products produced on the premises.~~

7. ~~Apiaries and honey extraction plants.~~

8. ~~Holding of nonproducing land for future agricultural use, maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves.~~

9. ~~One family dwelling, trailers and accessory buildings, and farm buildings of all kinds, including labor camps when located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon or the nonpaying guests thereof.~~

10. ~~Home occupations, including any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof.~~

11. ~~Production of fish life or fish products for commercial purposes (hatcheries, ponds, etc.)~~

Row and Field Crops.

Tree Crops.

3. Civic Uses

Day care facilities/small schools.

Safety Services.

Utility Service Minor.

4. Commercial Uses

Farm Stands.

D. Uses Requiring Minor Use Permits: The following compatible uses and those which, in the opinion of the ~~Planning Commission~~Community Development Director, may be substantially similar in nature thereto shall be permitted, but only upon the securing of a use permit pursuant to this Chapter:

~~1. Development of natural resources, including barrow pits and quarries with necessary buildings, apparatus or appurtenances thereto, except where used as a part of the bonafide agricultural operation.~~Residential Uses

Dwelling Group.

Supportive housing, subject to the same density limitation and to the same regulations applicable to other residential dwelling of the same type.

Transitional housing, subject to the same density limitation and to the same regulations applicable to other residential dwelling of the same type.

~~2. The processing, packaging, packing, shipping and selling of agricultural products produced upon the premises or where such activity is carried on in conjunction with or as a part of an agricultural use.~~Agricultural Uses

Forest production and processing—limited.

Packing and processing general.

~~3. The maintaining, breeding and raising of poultry and livestock of all kinds, including agricultural specialties, such as furbearing animals.~~Commercial Uses

Agricultural sales and services.

Animal sales and services—auctioning.

Animal sales and services—horse stables.;

Animal sales and services—kennels.

Animal sales and services—stockyards.

Animal sales and services—veterinary (large animals).

Outdoor or Mixed-Light Commercial Cannabis Cultivation of all license types set forth in California Code of Regulations, title 4, section 16201 and section 16201.1, as may be amended from time to time.

4. Sale of food products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced upon the premises.

~~5. The following uses when carried on as a clearly secondary occupation in conjunction with a bonafide agricultural operation, when no more than ten percent (10%) of the total land is used and where no more than three (3) persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises: the manufacturing of agricultural machinery, implements and equipment of all kinds; the manufacture, storage or sale of farm supplies of all kinds, including, but not limited to, fertilizers, agricultural minerals and insecticides; the transportation of agricultural products, supplies or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment thereof.~~

6. Recreational use, meaning the use of land by the public, with or without charge, for any of the following recreational uses: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting or other outdoor games for which no structures or buildings not permitted by the use permit are provided.

~~7. Commercial radio, television or microwave antennas and transmitters.~~

~~8. Veterinary services.~~

~~9. Buildings, structures and other facilities constructed and utilized only as incidental to a recreational use or to an otherwise permitted agricultural use.~~

~~10. Public utility and public services, structures, uses and buildings.~~

~~11. Locations of underground utility installations and of above-ground utility installations for local service; including substations, generating plants, gas holders and transmission lines.~~

E. Uses Requiring Major Use Permits: The following compatible uses and those which, in the opinion of the Planning Commission, may be substantially similar in nature thereto shall be permitted, but only upon the securing of a major use permit pursuant to this Chapter:

1. Agricultural Uses

Animal waste processing.

Forest production and processing—commercial woodlots.

Forest production and processing—portable sawmills.

2. Commercial Uses

Transient habitation—campground.

Transient habitation—lodging (limited).

Transient habitation—resort and recreational facilities.

3. Civic Uses

Educational Facilities.

Major impact facilities.

Major impact services and utilities.

~~EE.~~ Minimum lot area. Forty (40) acres.

~~F.~~ ~~Maximum main building coverage. Five percent (5%).~~

G. Minimum front yard. ~~Twenty-five~~ Fifty feet (2550').

H. Minimum side yard. ~~Twenty-five~~ Fifty feet (2550').

I. Minimum rear yard. ~~Twenty-five~~ Fifty feet (2550').

J. ~~Any nonconforming parcel which is less than five twenty (520) acres shall observe a minimum front, side and rear yard of five twenty five (525) feet~~ Minimum vehicle parking. Two (2) parking spaces for each dwelling unit, and spaces for all vehicle parking, loading and unloading.

K. Maximum building height. ~~Two and one-half (2 1/2) stories, but not~~ Not to exceed thirty-five feet (35') for residential buildings, all other buildings fifty feet (50').

L. Maximum Dwelling Density. One (1) single-family dwelling per legally created parcel, except as separately provided for below. Construction of more than one single-family dwelling may be permissible as a Dwelling Group and shall be consistent with the following density standard: One (1) unit per forty (40) acres.

SECTION FIVE.

Article 15.7 of Chapter 2 in Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9174 PURPOSE

~~Section 9174.2 in t~~his article provides site planning, development, and/or operational standards for certain land uses that are allowed in certain zoning districts and are subject to discretionary review through the use permit process but that may have unique adverse impacts. The standards for each use are intended to mitigate any potentially adverse impacts associated with the specific use.

§9174.1 APPLICABILITY

The land uses and activities included in this article shall comply with the provisions of the section applicable to the specific land use, in addition to all other applicable provisions of this article and the Ukiah City Code.

A. Where Allowed: The uses that are subject to the standards in sections 9174.2 through 9174.9 of this code shall only be located in the zoning districts indicated in Chapter 2, Articles 3 through 15, or as otherwise indicated in this chapter.

B. Development Standards: The standards for specific land uses included in this article are required and supplement those included in the Ukiah City Code. In the event of any conflict between the requirements of this article and those included elsewhere in the City code, the requirements of this article shall control.

§9174.2 CANNABIS-RELATED BUSINESSES

A. Cannabis-Related Business Use Permit Application Requirements:

1. Submission: A complete use permit application submittal packet shall be submitted in accordance with section 9262 of this code, including a detailed written statement as to how the proposed cannabis-related business complies with this section, and any other information or submissions required by this code. All applications for use permits for cannabis-related businesses shall be filed with the **Planning Community Development** Department, using forms provided by the City, and accompanied by the applicable filing fee and any other applicable fees or charges. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

2. Effect Of Other Permits Or Licenses: The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a use permit.

3. Submittal Requirements: Any application for a use permit for a cannabis-related business shall include the following information, unless the information is inapplicable for applicant's business type:

a. Applicant(s) Name: The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

b. Applicant(s) Mailing Address: The address to which notice of action on the application is to be mailed;

c. Verification Of Age: Written proof that the applicant is at least twenty-one (21) years of age;

d. Physical Description: Applicant's height, weight, color of eyes and hair;

e. Photographs: Passport quality photographs for identification purposes;

f. Tax History: The cannabis-related business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license, has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation in which the applicant engaged subsequent to such action of suspension or revocation;

g. Management Information: The name or names and addresses of the person or persons having the management or supervision of applicant's business;

h. Criminal Background: A completed background investigation verifying whether the ~~person or person having the management or supervision~~ applicant or any owner, as defined in Business and Professions Code section 26001(ap), as may be amended from time to time, of applicant's business have been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

i. Employee Information: Number of employees, volunteers, and other persons who will work at the cannabis-related business;

j. Plan Of Operations: A plan of operations describing how the cannabis-related business will operate consistent with the intent of State law, including obtaining all applicable State licenses, and the provisions of this section, including but not limited to ensuring that the cannabis-related business will not engage in cannabis-related commercial activities that violate California law or this chapter;

k. Written Response To Cannabis-Related Business Standards: The applicant shall provide a comprehensive written response identifying how the cannabis-related business plan complies with each of the standards for review in this chapter, specifically the limitation on location and operating requirements in this article;

l. Security Plan: A detailed security plan and diagram outlining the proposed security arrangements for ensuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a

premises and panic alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

m. Floor Plan: A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the cannabis-related business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6");

n. Site Plan: A sketch or diagram showing exterior configuration of the premises, including the outline of all existing and proposed structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six inches (6");

o. Accessibility Evaluation: A written evaluation of accessibility to and within the building, and identification of any planned accessibility improvements;

p. Neighborhood Context Map: An accurate straight-line drawing depicting the building and the portion thereof to be occupied by the cannabis-related business, and: (1) the property lines of any school within six hundred feet (600') of the property line of the business for which a permit is requested, (2) the property lines of any cannabis-related business within two hundred fifty feet (250') of the primary entrance of the business for which a permit is requested, and (3) the property lines of any youth-oriented facility or residential zone or use within two hundred fifty feet (250') of the primary entrance of the business;

q. Lighting Plan: A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation. All lighting shall be fully hooded and downcast, and shall not shine towards the night sky, adjacent property or any street;

r. City Authorization: Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

s. Statement of Owner's Consent: A statement in writing by the owner that he or she certifies under penalty of perjury that the applicant has the consent of the owner and landlord to operate a cannabis-related business at the location;

t. Applicant's Certification: A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;

u. Other Information: Such other information as deemed necessary by the **Planning Community Development** Department to demonstrate compliance with this section including all City and State codes, including operating requirements established in this section.

4. Effect Of Incomplete Filing: Upon notification that an application submittal is incomplete, the applicant shall submit any additional documents or information required to complete the application within thirty (30) days of the date the applicant is notified in writing by the **Planning Community Development** Department that the application is incomplete. If the applicant fails to complete the application within said thirty (30) days, the application shall be deemed withdrawn and a new application submittal that complies with this section shall be required in order to proceed with the application.

B. Operating Requirements For Cannabis-Related Businesses: Cannabis-related business operations shall be established and managed only in compliance with the following standards:

1. Criminal History: Any applicant, ~~his or her agent or employees, volunteer workers, or any person exercising managerial authority of a cannabis-related business on behalf of the applicant, and any additional owner of the business, as defined in Business and Professions Code section 26001(ap) and as may be amended,~~ shall not have been convicted of any of the felony offenses enumerated in Business and Professions Code section 26057(b)(4), or of a felony or misdemeanor involving moral turpitude, or on probation for a drug offense, or engaged in misconduct related to the qualifications, functions or duties of a permittee. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any **manager-owner** has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted. In addition, notwithstanding the above, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of cannabis or cannabinoid preparations, is not considered related to the qualifications, functions, or duties of a permittee, and shall not be the sole ground for denial of an application.

2. Minors:

a. It is unlawful for any permittee, operator, or other person in charge of any cannabis-related business to employ any person who is not at least twenty-one (21) years of age.

b. The burden of proof is on the cannabis-related business personnel to establish compliance with this subsection B2 of this section by clear and convincing evidence.

3. Inventory And Tracking: Cannabis-related businesses shall at all times operate in a manner to prevent diversion of cannabis and shall promptly comply with any track and trace program established by the State.

4. Multiple Permits Per Site: Multiple cannabis-related businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed cannabis businesses and their co-location are authorized by both City and State law. Operators of cannabis-related businesses issued use permits for multiple business types or State license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by this code and State law.

5. Operating Plans: An operating plan for a cannabis-related business must contain the following unless not applicable due to the location or nature of the business:

a. Storage: A cannabis-related business shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of cannabis and cannabis products.

b. Odors Control: The cannabis-related business shall have an air treatment system that prevents odors generated from any storage and cultivation of cannabis on the business property from being detected by any reasonable person of normal sensitivity outside the cannabis-related business premises. To achieve this, both the storage and cultivation areas shall be, at minimum, mechanically ventilated with a carbon filter or superior method. This requirement shall not apply to Outdoor Commercial Cultivation of Cannabis, as odor control will be achieved through location restrictions.

c. Security Plans: A cannabis-related business shall provide adequate security on the premises, as approved by the Chief of Police, including lighting and a premises and panic alarm system monitored by a licensed operator, to ensure the safety of persons and to protect the premises from theft.

d. Security Cameras: Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities. The security surveillance system shall comply with current State standards for digital video surveillance systems to be installed on the premises of licensed cannabis businesses, currently codified in the California Code of Regulations, Title 16, Section 5044, and as may be amended.

e. Security Video Retention: Security video shall be maintained for ninety (90) days. In the event of a crime on site or anywhere within range of the cannabis-related business's security cameras, the cannabis-related business shall provide the Chief of Police or his or her designee with a useable digital copy of the security video upon request or at the earliest convenience.

f. Alarm System: Professionally monitored premises and panic alarm system shall be installed and maintained in good working condition.

g. Emergency Access: Security measures shall be designed to ensure emergency access in compliance the California Fire Code and Ukiah Valley Fire Authority standards.

h. Emergency Contact: A cannabis-related business shall provide the Chief of Police with the name, email address, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the business. The business shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

6. Employee Records: Each owner or operator of a cannabis-related business shall maintain a current register of the names of all volunteers and employees currently working at or employed by the cannabis-related business, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this article.

7. Compliance With Other Requirements: The operator shall comply with all applicable provisions of local, State or Federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

8. Confidentiality: The information provided for purposes of this section regarding the cannabis business security plans, security site plan, and ~~employee~~-background checks shall be maintained by the City as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction or otherwise compelled by court order or the California Public Records Act.

9. Display Of Permit: Every cannabis-related business shall display at all times during business hours the use permit issued pursuant to the provisions of this chapter for such business in a conspicuous place so that the same may be readily seen by all persons entering the business.

10. Inspections: During normal business hours, cannabis-related businesses permitted under this chapter shall provide access for administrative inspections by City officials or officers or consultants hired by the City to verify compliance with this article. Any cannabis-related business's refusal to comply with this section shall be deemed a violation of this article.

11. Notification Of Theft, Loss, And Criminal Activity: Cannabis-related businesses shall comply with the California Code of Regulations, Title 16, Section 5036, or as may be amended, by notifying the applicable State authorities and the Ukiah Police Department within twenty-four (24) hours of discovery of any of the following

situations:

- a. A significant discrepancy in the business's inventory.
- b. The operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity pertaining to the operations of the business.
- c. The operator becomes aware of or has reason to suspect diversion, theft, loss, or any other criminal activity by an agent or employee of the business pertaining to the operations of the business.
- d. The operator becomes aware of or has reason to suspect the loss or unauthorized alteration of records related to cannabis goods, customers or clients, or the business's employees or agents.
- e. The operator becomes aware of or has reason to suspect any other breach of security.

The notification shall be in writing and include the date and time of occurrence of the theft, loss, or criminal activity and a description of the incident including, where applicable, the item(s) that were taken or lost.

C. **Review And Revocation:** Use permits issued for cannabis-related businesses shall be subject to review after the first year of operation according to the procedures set forth in subsection D of this section, and shall be subject to revocation according to the procedures set forth in subsection E of this section.

D. **Review Of Use Permits For Cannabis-Related Businesses:**

1. Use permits for cannabis-related business will be subject to review after the first year of operation by the Zoning Administrator, including inspection of the business by the Zoning Administrator or his designee, to determine whether the business is being operated in accordance with any conditions of approval imposed on the use permit as issued by the Planning Commission or Zoning Administrator. The City Council may, from time to time by resolution in accordance with the procedures required by law, establish fees to be charged and collected for annual review pursuant to this subsection.

2. In the course of review and after inspection, the Zoning Administrator shall make findings of fact regarding the cannabis-related business operator's adherence to the conditions of approval for the use permit. In addition, the Zoning Administrator will consider the following nonexclusive criteria in making findings of fact which may be grounds for revocation of a use permit for a cannabis-related business:

- a. Whether the cannabis-related business operated pursuant to the use permit has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the cannabis-related business.

b. Whether there have been excessive secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, odors, or lewd conduct.

c. Whether the cannabis-related business operating pursuant to a use permit has a history of inadequate safeguards or procedures that show it is likely that it will not comply with any operating requirements and standards required in the conditions of approval.

d. Whether the cannabis-related business has failed to pay fees, penalties, or taxes required by the conditions of approval of the use permit or by this code or State law, or has failed to comply with any requirements for the production of records or other reporting requirements of this code.

e. Whether the applicant or any operator-owner of the cannabis-related business ~~or one or more of its officers, employees, partners, managers or members with management responsibilities ("managers")~~, as defined in Business and Professions Code section 26001(ap), as may be amended from time to time, has been convicted of a felony, or has engaged in misconduct that is substantially related to the qualifications, functions or duties of an operator of a cannabis-related businesses. A "conviction" within the meaning of this chapter means a plea or verdict of guilty, or a conviction following a plea of nolo contendere. Notwithstanding the above, an application shall not be denied solely on the basis that the applicant or any ~~manager-owner~~ has been convicted of a felony, if the person convicted has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar Federal statute or State law where the expungement was granted.

f. Whether the operator or managers of the cannabis-related business have previously or are currently engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

g. Whether the cannabis-related business has been operated in compliance with applicable State law and provisions of this code generally.

3. If the Zoning Administrator determines that the cannabis-related business is being operated in violation of any conditions of approval imposed on the use permit as issued by the Planning Commission or the Zoning Administrator, the use permit may be subject to revocation.

E. Revocation Of Use Permits For Cannabis-Related Businesses:

1. In addition to the reasons for revocation of an approved use permit set forth in subsection 9262H2 of this code and subsection D2 of this section, an approved use permit for a cannabis-related business may be revoked through the City's revocation

process, as set forth in subsection 9262H2 of this code, except that all references therein to the Planning Commission shall be deemed to refer to the Zoning Administrator, if the cannabis-related business is operated in a manner that violates the conditions of approval imposed by the use permit or the provisions of this code, or conflicts with State law. At the public hearing to be conducted by the Zoning Administrator as set forth in subsection 9262H2 of this code, the Zoning Administrator shall make findings regarding the alleged specific violations of this code or State law.

2. An appeal of the Zoning Administrator's decision on revocation of a use permit for a cannabis-related business may be made to the Planning Commission for a final decision. Any such appeal must comply with the requirements of section 9266 of this code, except that all references therein to the City Council shall be deemed to refer to the Planning Commission.

3. When a final decision revoking a use permit for a cannabis-related business is made as provided in this section, the permittee shall become ineligible for a period of three (3) years thereafter to apply for a use permit for a cannabis-related business. The ineligibility shall include any corporation or other business entity, including, but not limited to, a partnership or limited liability company, in which the permittee has any direct or indirect beneficial, financial or ownership interest.

F. Limitations on Locations of Cannabis-Related Businesses:

1. All cannabis-related businesses, as defined in section 9278 of this code, operating subject to use permits under this chapter will operate indoors in a fully enclosed secure structure, as defined in section 9254 of this code, except as set forth in subsection 9174.3(c)(5) of this code regulating cannabis consumption areas, and in Section 9174.4 of this Code regulating outdoor commercial cannabis cultivation in the A-E district and districts with -A overlay, and shall not be allowed in the following areas, except as otherwise set forth in this Code:

a. Within six hundred feet (600') of a school, as defined in section 5702P of this code, with that distance measured as the horizontal distance in a straight line from the property line of the school to the closest property line of the lot on which the cannabis-related business is to be located without regard to intervening structures, pursuant to California Health and Safety Code section 11362.768; or

b. Within two hundred fifty feet (250') of a youth-oriented facility other than a school, as defined in section 5702R of this code, with that distance measured by street frontage from the property line of the youth-oriented facility to the closest property line of the lot on which the cannabis-related business is to be located, and not radial distance; or

c. Abutting, on any side of the parcel upon which the cannabis-related business is located, a parcel occupied by a youth-oriented facility or a school; or

d. Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation; or

e. On a parcel having a residential unit, or on a parcel directly abutting a residentially zoned property, unless there are intervening nonresidential uses between the cannabis-related business and the residential unit or the residentially zoned property that the decision-making entity charged with hearing and making the decision on the use permit application or the appeal of that decision determines sufficient to provide an appropriate separation.

2. A cannabis retailer, as defined in section 9278 of this code, shall not be allowed within two hundred fifty feet (250') of another cannabis retailer, with that distance measured by street frontage from the property line of the other cannabis retailer to the closest property line of the lot on which the cannabis retailer is to be located, and not radial distance.

3. A waiver of the provisions in subsections F1a through e and F2 of this section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or other condition exists which achieves the same purpose and intent as the distance separation requirements established herein, and that, as a result, the Zoning Administrator or the Planning Commission makes a finding of no adverse impact resulting from the proposed location of the cannabis-related business.

4. A Cannabis Cultivation Business located in the A-E district and in the P-F District with A- overlay will not be subject to the location limitations set forth in Subsections F.1.a through F.1.e of this Section.

§9174.3 CANNABIS RETAILERS

A. Applicability: The standards and requirements in this section apply specifically to cannabis retailers, as defined in section 9278 of this code, and other cannabis businesses with a retail component, and shall apply in addition to the requirements and standards for all cannabis businesses set forth in section 9174.2 of this code and elsewhere in this code. In the event of any conflict between the requirements of this section and those included elsewhere in the City Code, the requirements of this section shall control.

* * *

C. Operating Requirements:

* * *

5. Consumption Restrictions:

a. Except as set forth in subsections C5b and c of this section, cannabis shall not be consumed on the premises of the cannabis retailer. ~~The term "premises" includes~~

~~the actual building, as well as, nor within~~ any accessory structures, parking areas, or other surroundings within two hundred feet (200') of the cannabis retailer's entrance.

b. Cannabis may be consumed in a designated cannabis consumption area on the premises of a cannabis retailer upon approval of a use permit or modification of an existing use permit. The smoking of cannabis may be permitted in a designated cannabis consumption area as may be allowable under state law and subject to the terms of the use permit. A cannabis retailer's operation and use of a cannabis consumption area shall otherwise comply with the provisions of Division 5, Chapter 7 of this code, entitled "No Smoking." Cannabis consumption areas shall be secured and designed to prevent access by individuals who are not eligible adult use patrons. If an existing use permit is modified to reflect the creation of a cannabis consumption area, that use permit shall be subject to renewal one year after the cannabis consumption area has become operational.

c. A retailer with a cannabis consumption area that is not enclosed, such as on a patio or a deck, may allow smoking, vaping, and ingesting edible products, subject to all local and State laws. ~~A retailer with a cannabis consumption area that is indoors in a fully enclosed secure structure shall be limited to allowing consumption of edible cannabis product or orally consumed concentrate only.~~

* * *

§9174.4 RESERVED COMMERCIAL CANNABIS CULTIVATION

A. Applicability: The standards and requirements in this section apply specifically to commercial Cultivation of Cannabis as defined in section 9278 of this Code, and shall apply in addition to the applicable requirements and standards for all cannabis businesses set forth in section 9174.2 of this Code and elsewhere in this Code. In the event of any conflict between the requirements of this section and those included elsewhere in the City Code, the requirements of this section shall control.

B. Development Criteria:

1. Location of Commercial Cannabis Cultivation- All Commercial Cannabis Cultivation businesses shall comply with the limitations on location for Cannabis Related Businesses set forth in Subsection 9174.2.F of this Code, except that businesses located in the A-E district and in a district combined with A- Overlay shall be exempted from these location limitations.

2. Setbacks: Commercial Cannabis Cultivation areas shall be setback a minimum of 50-feet from all lot lines and shall comply with the setback requirements set forth the State Water Resources Control Board's comprehensive Cannabis Cultivation General Order.

C. Operating Requirements:

1. Cannabis Waste Discharge Requirements General Order. A Commercial Cannabis Cultivation business shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.

2. Odor control. A structure for Indoor or Mixed-Light Cultivation must be equipped with a filtration and ventilation system to control odors, humidity, and mold, provided that structures containing only packaged cannabis products may be excluded from this requirement.

3. Lighting. All lighting is to be fully shielded and downward casting so that it does not spill over onto neighboring properties. For operations cultivating within structures, all light is to be fully contained to minimize light trespass that is visible from neighboring parcels. A photometric and supplemental lighting plan shall be provided as a component of the application.

4. Accessory uses. Cannabis Cultivation may include accessory uses on the same parcel that directly support the onsite Cannabis Cultivation, such as: propagation, research and development, processing, drying, packaging and labeling, distribution, other similar support uses as determined by the Zoning Administrator.

5. Limitations on Cannabis harvesting activities. In order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure which utilizes best available control technology, or (2) include techniques and/or equipment (e.g., the use of freeze drying techniques/ equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology, or (3) be located at a sufficient distance from neighboring residential structures so as to avoid odor intrusion as a public nuisance as described in Subsection 9254.B.4 of this Code.

6. Generators. Generator use for Cannabis Cultivation must comply with the requirements set forth in California Code of Regulations, title 4, section 16306, as may be amended from time to time.

SECTION SIX.

Section 9254 in Article 19, Chapter 2, Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by " * "):

§9254 CANNABIS CULTIVATION

A. Definitions: As used herein the following definitions shall apply:

CULTIVATION: The planting, growing, harvesting, drying, or processing of ~~marijuana~~

cannabis plants or any part thereof.

FULLY ENCLOSED AND SECURE STRUCTURE: A space within a building that complies with the California Building Code, as adopted in the City of Ukiah ("CBC"), or, if exempt from the permit requirements of the CBC, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch (2") by four-inch (4") or thicker studs overlaid with three-eighth-inch (3/8") or thicker plywood or the equivalent. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical, and Fire Codes as adopted in the City of Ukiah.

IMMATURE MARIJUANA-CANNABIS PLANT: A marijuana-cannabis plant, whether male or female, that has not yet flowered and which does not yet have buds that are readily observed by unaided visual examination, and which is less than twelve inches (12") in height and less than twelve inches (12") in width.

INDOORS: Within a fully enclosed and secure structure.

MATURE MARIJUANA-CANNABIS PLANT: A marijuana-cannabis plant, whether male or female, that has flowered and which has buds that are readily observed by unaided visual examination.

MIXED-LIGHT: Within a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of natural and artificial light and meeting the definition of "mixed-light" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

OUTDOOR: Any location within the City of Ukiah that is not within a fully enclosed and secure structure.

PARCEL: Property assigned a separate parcel number by the Mendocino County Assessor.

B. Cultivation Of Cannabis:

1. Outdoor Cultivation: Except as set forth in Subsection B.4 of this Section and in Section 9174.4 of this Code, it is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Ukiah to cause or allow such premises to be used for the outdoor cultivation of marijuana plants.

* * *

4. Outdoor Commercial Cultivation Of Cannabis: A person owning, leasing, occupying,

or having charge or possession of any parcel within the City of Ukiah may cause or allow such parcel to be used for the outdoor commercial cultivation of cannabis if the person is operating that commercial cannabis cultivation business pursuant to a valid use permit within the A-E district or a district combined with -A overlay and in compliance with all requirements set forth in sections 9174.2, 9174.4, 9261, and 9262 of this Code and with all applicable State laws and regulations including licensing requirements.

54. Public Nuisance Prohibited: It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Ukiah to create a public nuisance in the course of cultivating ~~marijuana-cannabis~~ plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces: (a) odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public, (b) repeated responses to the parcel from law enforcement officers, (c) a repeated disruption to the free passage of persons or vehicles in the neighborhood, (d) excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public, or (e) any other impacts on the neighborhood which are disruptive of normal activity in the area.

C. Enforcement:

* * *

3. Summary Abatement Procedure:

* * *

d. A final order to abate the nuisance will subject the property owner or owners and any occupant or occupants of the property who are cultivating ~~marijuana-cannabis~~ in violation of this section to a civil penalty of five hundred dollars (\$500.00) for each day that the violation continues after the date specified in the notice under subsection C3a(3) of this section, when the violation must be abated. * * *

4. Violation: Cultivation of ~~marijuana-cannabis~~ on parcels within the City that does not comply with this section constitutes a violation of the zoning ordinance and is subject to the penalties and enforcement as provided in Chapter 2, Article 22 of this Division.

* * *

SECTION SEVEN.

Section 9261 of Article 20, Chapter 2, Division 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§9261 DISCRETIONARY PLANNING PERMITS

The City’s discretionary planning permits include use permits, site development permits, and variances.

* * *

D. Major And Minor Use Permits, Site Development Permits, And Variances: At the time of application submittal, the **Planning Community Development** Director or assigned designee shall determine if the proposed project constitutes a major or minor use permit, site development permit, or variance. The **Planning Community Development** Director or assigned designee shall be guided by the following criteria when determining whether a discretionary planning permit is major or minor:

* * *

5. a. In all zoning districts in which they are a permitted use, the following cannabis-related businesses shall be considered major uses:

~~Cannabis cultivation—Processor.~~

~~Cannabis cultivation—Specialty cottage.~~

~~Cannabis cultivation—Specialty indoor.~~

~~Cannabis cultivation—Specialty mixed light.~~

Cannabis microbusiness.

Cannabis nursery.

Cannabis retailer.

Major use permits issued for cannabis-related businesses shall be subject to review after the first year of operation, and shall be subject to review and revocation procedures set forth in subsections 9174.2D and E of this code.

b. In all zoning districts in which they are a permitted use, the following cannabis-related businesses shall be considered minor uses:

Cannabis Cultivation – All Types.

Cannabis distribution.

Cannabis manufacturer – Level 1.

Cannabis manufacturer – Packaging.

Cannabis Manufacturer – Shared use.

Minor use permits issued for cannabis-related businesses shall be subject to review after the first year of operation, and shall be subject to review and revocation procedures set forth in subsections 9174.2D and E of this code.

* * *

SECTION EIGHT.

Article 21 in Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and is shown by “* * *”):

§ 9278 DEFINITIONS

A. Any words or phrases not defined within this article shall be defined as set forth in current dictionaries. If no dictionary defines a particular term, the City ~~Planning Community Development Director~~ shall have the authority to define the term or equate it to a defined term that is similar in nature.

B. For purposes of this article, the words and phrases set out herein shall have the following meanings:

* * *

~~AGRICULTURAL PROCESSING: The processing, treatment or remanufacture of agricultural products on a commercial basis. Typical uses include wineries, packing and canning plants, feedlots, and livestock auction yards.~~

* * *

~~ANIMAL PRODUCTION: Raising of animals or production of animal products such as meat, eggs or dairy products. Typical uses include grazing, ranching, dairy farming, and poultry farming.~~

~~ANIMAL RAISING—GENERAL AGRICULTURE means the raising of crops or livestock on parcels greater than forty thousand (40,000) square feet or zoned A-E and shall include:~~

- ~~1. Grazing of livestock and feeding and caring incidental thereof;~~
- ~~2. Animal husbandry including, without limitation, the breeding and raising of cattle, sheep, horses, goats, pigs, rabbits, and poultry, including egg production;~~
- ~~3. Sale of agricultural products grown, raised, or produced on the premises;~~
- ~~4. 4-H, FFA or similar projects shall be permitted in all zoning districts.~~

~~ANIMAL RAISING—PERSONAL means the raising of hen chickens or rabbits for personal use on parcels forty thousand (40,000) square feet or less in size in accordance with the following criteria:~~

- ~~1. No more than six (6) of any one (1) or combination of such animals on the lot~~
- ~~2. Maintained in coops or pens located at a distance of fifty (50) feet or more from buildings used for human habitation;~~
- ~~3. Coops or pens shall be located only on the rear one-third (1/3) of the lot;~~
- ~~4. Coops or pens shall be located no closer than five (5) feet from the side or rear property line.~~

ANIMAL SALES AND SERVICES: Establishments or places of business primarily engaged in animal related sales and services. The following are animal sales and services use types:

1. Animal Sales and Services—Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding seventy-two (72) hour periods. Typical uses include animal auctions or livestock auction yards.
2. Animal Sales and Services—Household Pets. Retail sales and grooming of dogs, cats, birds, fish and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
3. Animal Sales and Services—Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.
4. Animal Sales and Services—Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels or dog training centers.
5. Animal Sales and Services—Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.
6. Animal Sales and Services—Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) and veterinary hospitals (large animals). Typical uses include clinics for the treatment of sheep, cattle, horses, goats and similar large animals.

ANIMAL WASTE PROCESSING: Processing of animal waste and byproducts, including but not limited to animal manure, animal bedding waste, and similar byproducts of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting operations.

* * *

CANNABIS CULTIVATION: Shall have the same definition as set forth for "cultivation" in Business and Professions Code section 26001(k), as may be amended from time to time.

CANNABIS CULTIVATION – INDOOR: Shall have the same definition as set forth for "indoor cultivation" in California Code of Regulations, title 4, section 15000(cc), as may be amended from time to time. For purposes of this code, indoor cultivation involves cultivation of cannabis within a fully enclosed secure structure, as defined in section 9254 of this code.

CANNABIS CULTIVATION – LARGE INDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "large indoor" set forth in California Code of Regulations, title 4, section 16201.1, as may be amended from time to time.~~Indoor cultivation using exclusively artificial lighting greater than twenty-two thousand (22,000)~~

~~square feet, inclusive, of total canopy size on one premises.~~

CANNABIS CULTIVATION – LARGE MIXED LIGHT: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "large mixed light" set forth in California Code of Regulations, title 4, section 16201.1, as may be amended from time to time. ~~Indoor cultivation using any combination of natural and supplemental artificial lighting, greater than twenty-two thousand (22,000) square feet, inclusive, of total canopy size on one premises.~~

CANNABIS CULTIVATION – LARGE OUTDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "large outdoor" set forth in California Code of Regulations, title 4, section 16201.1, as may be amended from time to time.

CANNABIS CULTIVATION – MEDIUM INDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "medium indoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – MEDIUM MIXED LIGHT: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "medium mixed light tier 1 and 2" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – MEDIUM OUTDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "medium outdoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – OUTDOOR: Shall have the same definition as set forth for "outdoor cultivation" in California Code of Regulations, title 4, section 15000(xx), as may be amended from time to time. For purposes of this Code, commercial outdoor cultivation involves cultivation of cannabis that is not within a fully enclosed secure structure, as defined in section 9254 of this Code.

CANNABIS CULTIVATION – PROCESSOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "processor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SMALL INDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "small indoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SMALL MIXED LIGHT: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently

established, and meeting the definition of "small mixed light tier 1 and 2" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SMALL OUTDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "small outdoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SPECIALTY COTTAGE: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "specialty cottage" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SPECIALTY COTTAGE OUTDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "specialty cottage outdoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SPECIALTY INDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "specialty indoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SPECIALTY MIXED LIGHT: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "specialty mixed light tier 1 and 2" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

CANNABIS CULTIVATION – SPECIALTY OUTDOOR: A cannabis-related business operating under a State cultivator license, or a State cultivation license type subsequently established, and meeting the definition of "specialty outdoor" set forth in California Code of Regulations, title 4, section 16201, as may be amended from time to time.

COMMERCIAL WOODLOTS: Open or closed storage of firewood for wholesale or retail sales, regardless of where the firewood products are produced.

COMMUNITY RECREATION: Recreational, social or multipurpose uses owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers.

CROP PRODUCTION: Growing and harvesting of tree, row or field crops, or horticultural specialties, including incidental packing and processing. Typical uses include orchards, vineyards, and wholesale plant nurseries.

DAY CARE FACILITY / SMALL SCHOOL: Care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code, e.g. Day Care Homes -Small and Large, or major impact services and utilities. Typical uses include day nurseries for children, child day care facilities, or day care for elderly, and small schools.

EMPLOYEE HOUSING: Employee housing consistent with the Employee Housing Act as specified in California Health and Safety Code §§ 17000 through 17062.5.

FARM STAND: A small-scale structure or area for the seasonal or year-round sale of agricultural products grown or produced on the same premises or within the local area. The farm stand is generally temporary or semi-permanent in nature, does not exceed 200 square feet and obtains any needed building or encroachment permits, and may only sell agricultural goods or value-added products directly produced from on-site agricultural operations.

FOREST PRODUCTION AND PROCESSING: Refers to the growing, harvesting and production of forest products and forest byproducts including growing, milling and sales of forest products. The following are forest production and processing use types:

1. Forest Production and Processing: Limited. The growing, harvesting, air drying or kiln drying, milling, packaging, packing, shipping and selling of forest products, produced on the premises or experimental tree farms and tree nurseries.
2. Forest Production and Processing: General. The growing, harvesting, air drying or kiln drying, milling, packaging, packing, shipping and selling of forest products regardless of where they are grown and also forestry related research laboratories.
3. Forest Production and Processing: Commercial Woodlots. Open or closed storage of firewood for wholesale or retail sales, regardless of where the firewood products are produced.

HORTICULTURE: Premises devoted to horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. Typical uses include wholesale/retail nurseries limited to the sale of horticulture and horticulture specialties grown on site and in green houses. The art or science of growing flowers, shrubs, fruits, and vegetables.

MAJOR IMPACT FACILITIES: Services or facilities which may have a substantial impact. Typical uses include airports, hospitals, group care for more than twenty-five (25) persons, detention and correction institutions, and corporation yards.

MAJOR IMPACT SERVICES AND UTILITIES: Services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, Battery Energy Storage Systems, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants, and radio, telephone and other commercial communication transmission towers and antennas.

PACKING AND PROCESSING: Packing or processing of agricultural crops, animals and their byproducts which entails more than picking, cutting, sorting and boxing or crating, but does not include rendering, tanning, or reduction of meat. The following are packing and processing use types:

1. Packing and Processing—Limited. Packing or processing of crops grown on the premises;
2. Packing and Processing—Winery. Crushing of grapes and fermentation, storage, and bottling of wine from grapes grown on or off the premises. Said use type also includes tasting rooms in conjunction with a winery and breweries provided said tasting room occupies less than twenty-five percent (25%) of the floor space of the winery;
3. Packing and Processing—General. Packing or processing of crops, mineral water, animals or their byproducts regardless of where they were grown or found. Includes mineral water bottling plants;

ROW AND FIELD CROPS: Premises devoted to the cultivation for sale of agricultural products grown in regular or scattered patterns such as vines, field, forage and other plant crops intended to provide food or fibers.

TRANSIENT HABITATION: Establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are transient habitation use types:

1. Transient Habitation—Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks or campgrounds. Uses within this use type are subject to Chapter 20.176, Recreational Vehicle Parks and Campgrounds.
2. Transient Habitation—Lodging (Limited). Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding

houses with three (3) to six (6) rooms.

3. Transient Habitation—Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, inns, or transient boarding houses with seven (7) or more rooms.

4. Transient Habitation—Resort and Recreational Facilities. Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, health spas, resort hotels and motels, guest ranch, inns or organized camps.

TREE CROPS: Premises devoted to the cultivation for sale at wholesale of tree-grown agricultural products such as pears, apples, walnuts and Christmas trees but excluding other forestry products.

SECTION NINE.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on ,2024, by the following roll call vote:

AYES:

NOES: None

ABSENT: None

ABSTAIN: None

Adopted on , 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Josefina DueñasDouglas Crane, Mayor

ATTEST:

Kristine Lawler, CMC/City Clerk

DRAFT