



AGENDA SUMMARY REPORT

SUBJECT: Possible Introduction of an Ordinance by Title Only Adding Chapter 8 to Division 9 of the Ukiah City Code Entitled "Agriculture" and an Article 1 to Division 9, Chapter 8 Entitled "Agricultural Operations and the Right to Farm".

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director; Darcy Vaughn, Assistant City Attorney

ATTACHMENTS:

1. UKGP_08 Agriculture Element
2. Ukiah Right to Farm Draft Ordinance
3. 12a Correspondence Received - Mendocino County Farm Bureau (MCFB)

Summary: Council will consider introducing an ordinance that would establish a Right to Farm policy for ensuring appropriate disclosure of agricultural activities both within and adjacent to the City of Ukiah.

Background: On December 7, 2022, City Council adopted Resolutions No. 2022-79 and 2022-78, respectively, adopting the 2040 Ukiah General Plan and certifying the associated Environmental Impact Report. Upon adoption, City Staff began implementation of programs within each of the eight Elements, a comprehensive list of which is contained in Appendix A: Implementation Programs. Each of the 123 implementation programs includes a deadline by which the program is to be implemented, i.e. 2022-2025, 2026-2030, 2031-2040, Annual, and Ongoing.

Consistent with Annexation goals and policies within the Land Use Element, including alignment with the Ukiah Valley Area Plan, the 2040 General Plan includes a new Agriculture Element (Attachment 1) with 13 implementation programs. Of the seven (7) programs to be completed by 2025, one has been drafted by Staff (this item) and six (6) are in progress.

This item (Right to Farm Ordinance) is thus the first implementation program to be undertaken and completed within the new Agriculture Element. If adopted, the Right to Farm Ordinance drafted for Council's review and possible introduction (Attachment 2) would complete Implementation Program 8.3 (B) Right to Farm, which directs as follows:

The City shall adopt a right-to-farm ordinance to ensure appropriate disclosure of agricultural activities both within and adjacent to the City of Ukiah.

The proposed Ordinance is also consistent with and/or fulfills policies and goals within the Environment and Sustainability Element, the Agriculture Element, and the City's Climate Emergency Initiatives Resolution No. 2022-44, as noted below:

General Plan Goal ENV-1: *Preserve open space land for the commercial agricultural and productive uses, the protection and use of natural resources, the enjoyment of scenic beauty and recreation, protection of tribal resources, and the protection from natural hazards.*

General Plan Goal AG-1, Ukiah General Plan: *To preserve and strengthen agricultural uses in and around Ukiah that influence the regional economy.*

General Plan Policy AG-1.1 *Reduce Agricultural/Urban Conflict.*

General Plan Policy AG-1.2 *Preserve Agricultural Lands.*

Climate Resolution No. 2022-44, Land Use, Update Zoning Ordinance: *Educate the public and promote "gentle density" as a sustainable, climate-friendly way to preserve small town quality of life. Utilize policies and programs within the City's 2040 General Plan to implement environmental and sustainability goals.*

Discussion: The purpose of the Right to Farm ordinance is to conserve and protect the continued viability of agricultural operations and limit the circumstances under which agricultural operations may be deemed to constitute a nuisance, consistent with the California Agricultural Protection Act. This additional layer of protection for existing agricultural operations will be important as the City annexes unincorporated lands in alignment with its General Plan annexation policies.

In developing this Right to Farm Ordinance, Staff utilized existing ordinances from the Cities of Tracy and Calistoga and guidance from the California Department of Conservation. Upon development of a draft by the City Attorney's Office, the ordinance was compared with Mendocino County's existing Right to Farm ordinance to verify consistency.

Stakeholder Review and Input Process

To ensure a policy reflective of existing agricultural stakeholder interests, Staff forwarded the draft ordinance to the Mendocino County Farm Bureau (MCFB) for input and edits. Staff additionally hosted a virtual meeting with MCFB staff to discuss the draft ordinance, and MCFB staff made a few edits and had questions that resulted in minor changes to the final draft of the ordinance. In Staff's opinion, these edits and questions resulted in an improved final draft. Upon solidifying this final draft, Staff sent the final ordinance to Mendocino Local Agency Formation Commission (LAFCo) staff for review and input. LAFCo staff had no comments or edits but appreciated the opportunity to review.

Aligning Agricultural Standards and Right to Industry

Staff notes to Council that Program C, Align Agricultural Standards, is in progress but has been paused until after the County of Mendocino completes and adopts its comprehensive zoning code update (expected by early 2025). In developing recommendations related to this Program, Staff anticipates, among other amendments, developing a Right to Industry ordinance that would minimize conflicts between industrial and other land uses and encourage industry that is compatible with goals and policies of the General Plan.

CEQA Determination

The proposed City Code amendments to add a new Chapter entitled "Agriculture" and a new Article entitled "Agricultural Operations and the Right to Farm" are exempted from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15061(b)(3), otherwise known as the "common sense exemption". The amendments are purely administrative and involve only changes to the text of the City Code. They do not authorize any new construction or physical changes to the environment. As such, the project does not have the potential to result in any significant effects on the environment. Any future development applications or other applications for entitlements may be subject to environmental review on the merits of the individual application, and the applicability of CEQA would be determined on a project-by-project basis.

Recommendation:

Staff recommends Council approve the introduction of the Ordinance within Attachment 2 by title only, adding Chapter 8 to Division 9 of the Ukiah City Code entitled "Agriculture" and an Article 1 to Division 9, Chapter 8 entitled "Agricultural Operations and the Right to Farm".

Recommended Action: Introduce Ordinance, by title only, adding Chapter 8 to Division 9 of the Ukiah City Code entitled "Agriculture" and an Article 1 to Division 9, Chapter 8 entitled "Agricultural Operations and the Right to Farm".

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Darcy Vaughn, Assistant City Attorney; Jazzmynn Randall and Devon Boer, Mendocino County Farm Bureau

DIVERSITY-EQUITY INITIATIVES (DEI): N/A

CLIMATE INITIATIVES (CI): 5a – Update zoning ordinance.

GENERAL PLAN ELEMENTS (GP): GP-A5 - Environment and Sustainability Element, Goal ENV-1; GP-A7 - Agriculture Element, Goal AG-1, Policies AG-1, AG-1.1, and AG-1.2, and Implementation Program 8.3 (B) Right to Farm.

Approved:


Sage Sangiacomo, City Manager