



Special Meeting
AGENDA

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

January 16, 2020 - 5:30 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

3. UNFINISHED BUSINESS

- 3.a. Discussion with Possible Direction to Staff Regarding the City of Ukiah's Long-Term Land Use Planning Policy for Ukiah and the Ukiah Valley Including Modifications to the City Corresponding Policy Directive Related to the Sphere of Influence.

Recommended Action: 1) Receive report and discuss; 2) Approve modifications to Policy Directive No. 2 related to the Sphere of Influence, as detailed within this Staff Report.

Attachments:

1. 8-27-19 CC LT Planning Workshop ASR
2. Map of Current and 1995-Proposed SOI
3. Research- 1995-Proposed SOI
4. Proposed City of Ukiah SOI

- 3.b. Consideration of Adoption of Resolution Adopting a City of Ukiah Annexation Policy.

Recommended Action: Adopt resolution adopting the proposed City of Ukiah Annexation Policy.

Attachments:

1. Proposed City of Ukiah Annexation Policy
2. Supporting General Plan Goals
3. City of Ukiah Annexation Policy Resolution

4. NEW BUSINESS

5. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.



AGENDA SUMMARY REPORT

SUBJECT: Discussion with Possible Direction to Staff Regarding the City of Ukiah's Long-Term Land Use Planning Policy for Ukiah and the Ukiah Valley Including Modifications to the City Corresponding Policy Directive Related to the Sphere of Influence.

DEPARTMENT: Community
Development

PREPARED BY: Craig Schlatter, Community Development
Director

ATTACHMENTS:

1. 8-27-19 CC LT Planning Workshop ASR
2. Map of Current and 1995-Proposed SOI
3. Research- 1995-Proposed SOI
4. Proposed City of Ukiah SOI

Summary: Council will receive a report from Staff regarding the City of Ukiah's long-term land use planning policy for Ukiah and the Ukiah Valley, specifically related to research and additional analysis and information pertaining to Policy Directive No. 2 and the Sphere of Influence. Council will also consider modification to the policy directive.

Background: On August 27, 2019, the City Council discussed the City of Ukiah's long-term land use planning policy for Ukiah and the Ukiah Valley during a workshop at the Ukiah Valley Conference Center. The workshop served to provide information regarding reorganization requirements under the Cortese-Knox-Hertzberg Act, the role of the Local Agency Formation Commission, and key terms such as Sphere of Influence and Municipal Service Review, as well as outlining proposed Policy Directives for Council's consideration. The discussion was prompted by priorities and strategies within the City Council's Strategic Plan, which listed actionable items as 1) update the Ukiah General Plan; 2) update the City of Ukiah's sphere of influence; 3) prepare and adopt annexation policies, and; 4) evaluate and amend the city zoning code to improve efficiencies/public service and protect natural resources. See Attachment 1 for the Staff Report for August 27.

During the discussion by Council related to the recommended Policy Directive No. 2, Council requested additional information regarding possible reasons for the proposed reduction of the Sphere of Influence (SOI) in the 1995 General Plan. Although never adopted by the Mendocino County Local Agency Formation Commission (Mendocino LAFCo), the 1995-proposed SOI (see Attachment 2) reflected a departure from the long-term planning policy and approach to growth management in Ukiah and the Valley since 1974.

To address Council's questions, plus explore information provided by Mendocino LAFCo's Executive Officer at the August 27 City Council workshop related to Areas of Interest, Staff has conducted extensive research into the City's archives and historical files, as well as reviewing past City Planning staff's notes and files. This research is contained in Attachment 3 and summarized as follows:

Research indicates the 1995 Ukiah Valley General Plan, although serving as the City's municipal general plan, is essentially an older version of the (2009) Ukiah Valley Area Plan. It is not a traditional municipal General

Plan in that it is not focused primarily on City incorporated areas. This historical context is important. Although aligning with a vision in earlier General Plans that foresaw the City and Valley as one community, the difference between the City's General Plans and related efforts between 1974 and 1989 and the Ukiah Valley General Plan process of 1990-1995 appears to be that the former was Ukiah-centric versus the latter that was area-wide. It is Staff's opinion that although this was a worthwhile planning effort ultimately leading to development of the UVAP, at this point (2020) in the Valley's development it is appropriate for the City to have its own municipal general plan, and although not required by State law, the 2040 General Plan should seek to achieve consistency with the 2009 UVAP.

During the time period, it is also not clear that City of Ukiah representatives on the Planning Commission or City Council were fully in support of the valley-wide approach to the City's General Plan. *"While the document was not changed in a grand or profound way as a result of the Commission's involvement, it would nevertheless be misleading and inaccurate to deduce that the Commission was in full harmony on various issues, or that individual Commissioners did not have viewpoints that substantially deviated from the Steering Committee's recommendations...Indeed, differences of opinion were expressed in regards to...the Plan's relationship to the community's needs."* (Ukiah Valley General Plan, I.1. Preface)

However, although it can be proven with a degree of certainty that the 1995 Ukiah Valley General Plan is akin to an area plan, the specific motivation or reasoning behind the 1995-proposed SOI is more ambiguous. There appears to have been several early versions of the SOI developed by various stakeholder groups, but few additional details or reasons are provided as to how these proposals were formulated. Given that the final Draft *Ukiah Valley General Plan* was produced by the Growth Management Steering Committee (GMSC) for presentation to the Planning Commission and City Council, and this Draft Plan included the 1995-proposed SOI, it is thus reasonable to conclude the 1995 SOI was a product of the GMSC.

In light of this research, plus research into subsequent confirmations of the 1995 SOI by City Councils in 2006 and 2012 (although in 2012 there was an amendment proposed to increase the 1995 SOI slightly to encompass the western hills) it is Staff's conclusion that the reasoning behind the 1995 SOI consisted of the following: 1) the focus of the City's General Plan was on the entire Valley, and the City's representation was reduced due to the composition and focus of the GMSC and Citizen Advisory Committees (CACs); 2) few to no City-related annexation applications had been received, nor approved, during the period from 1974 to 2012, so there were limited realistic development expectations for the City, and 3) a combination of little to no population growth, limited new construction activity, and the Great Recession in 2007-2009 all tempered future growth expectations.

Discussion: Given the research, plus other analysis below, Staff recommends modifying Policy Directive No. 2 as follows (note that strike-throughs are utilized to show deletions to the current Policy language):

Policy Directive No. 2: Maintain the City's current ~~Sphere of Influence~~ Planning Area as the City's long-term ~~Sphere of Influence~~ 2040 Planning Area. Reduce the City's Sphere of Influence to be reflective of areas with existing and forecast urbanized development within the next 10 years, and designate as Areas of Interest areas outside the SOI but within the City's 2040 Planning Area.

Reasoning behind 2040 Planning Area Recommendation

The planning area in the 1995 General Plan is coterminous with the current (1984) SOI and planning area of the Ukiah Valley Area Plan (UVAP). Planning areas represent geographical areas, sometimes similar to or the same as SOIs and at other times greater than SOIs, representing any land outside a city's boundaries which in the planning agency's judgment bears relation to its planning (Gov. Code 65300).

In its 2017 General Plan Guidelines, the California Office of Planning and Research (OPR) notes *"When*

establishing its planning area, each city should consider using its sphere of influence as a starting point, and building off of that area based on factors such as its location in a watershed.” Both the 1995 Ukiah Valley General Plan and 2009 UVAP refer to the Ukiah Valley as one community, and in Staff’s opinion this reinforces the importance of establishing the City’s planning area as coterminous to the UVAP planning area. However, adoption of a planning area alone would limit the City’s ability to “have a seat at the table” when it comes to land use planning and future development in the Ukiah Valley.

Therefore, Staff recommends Council direct that Staff work with Mendocino LAFCo to pursue Areas of Interest for all areas outside the proposed SOI but within the 2040 planning area. Mendocino LAFCo defines Areas of Interest in its Policies & Procedures Manual as the following:

a) *“An Area of Interest is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the “Acting Agency”) impact directly or indirectly upon another local agency (the “Interested Agency”). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such a situation would be the Interested Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.”*

(Policies & Procedures Manual, Section 10.1.12)

Reasoning behind Sphere of Influence Recommendation

The Office of Planning and Research defines a Sphere of Influence as *“a plan for the probable physical boundaries and service area of a local government agency as determined by the”* (local agency formation) *“commission.”* Spheres of Influence are designed to map out future development of urban uses or urban-type service expectations within a certain period of time, usually 10-20 years. In deciding on an appropriate SOI for recommendation, it is important to analyze both the historical decision-making leading up to the current SOI and 1995-proposed SOI, plus affirmations of these SOIs, as well as the planning and development landscapes of these eras and the era since the 2012 Municipal Service Review (the date of the most recent Council affirmation of the 1995-proposed SOI). This historical perspective was the key component missing in Staff’s presentation at the August 27, 2019 workshop.

There are five, and possibly more, notable differences between the time period of 1995 to 2012 and the period of 2012 to the present. From a review of data on major land use applications and building permits, plus inquiries related to new commercial and residential development, development pressures have potentially been greater within the last seven years than in any time since the *“growth years”* of the 1920s.* Second and given the demand for development, the City is rapidly approaching full build-out. Third, within the last approximately five years, Ukiah, like most of California, has experienced significant demand for housing and new State laws like SB 743 and the California Housing Package have prioritized that this housing be located within infill areas served by adequate infrastructure and services. Fourth, the City recently completed a study that identified 11 Disadvantaged Unincorporated Communities (DUCs), and per Mendocino LAFCo’s Policies and Procedures, Issues of Interest, Section D. *“To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities.”* And fifth, given these reasons, plus the increasing need for wildfire mitigation planning within the Wildland Urban Interface, it will be vital that the City move forward with a plan for the orderly development of future urbanized areas.

Consequently, it is Staff’s opinion that the SOI should reflect the current and future perspective of Ukiah and

its Valley, representing realistic infill development expectations within the short-term planning period- areas that are planned to be annexed by the City within the next 10 years (see proposed SOI in Attachment 4). Staff is also of the opinion that the City's general plan should be reflective of this updated perspective and that, although not required by State Law, the general plan be consistent with the County's UVAP.

From a big picture standpoint, this policy recommendation effectively ties together all separate but related components of long-range planning in Ukiah and the Ukiah Valley. It is reflective of historical policy (through consistency with the UVAP), current development conditions, and future infill development expectations. It also represents a policy that is more proactive and driven by the City.

Footnote:

*This statement is made from a review of the resources cited in this report. Development pressures prior to 1974 have not been studied in detail.

Recommended Action: 1) Receive report and discuss; 2) Approve modifications to Policy Directive No. 2 related to the Sphere of Influence, as detailed within this Staff Report.

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: David Rapport, City Attorney; Phil Williams, Special Counsel, Welty, Weaver & Curry; Sean White, Water Resources Director

Approved: 
Sage Sangiacomo, City Manager



AGENDA SUMMARY REPORT

SUBJECT: Discussion with Possible Direction to Staff Regarding the City of Ukiah's Long-Term Land Use Planning Policy for Ukiah and the Ukiah Valley.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter

ATTACHMENTS:

[Attachment 1- Mendocino LAFCo P&P Manual 2018](#)

[Attachment 2- Mendocino LAFCo 4-1-19 agenda packet](#)

[Attachment 3- UVAP Chap. 3- Land Use and CD](#)

[Attachment 4- UVAP Map-Planning Area \(Figure 9.1\)](#)

[Attachment 5- Ukiah Valley Fire District Map](#)

Summary: Council will discuss the status of planning documents relating to long-term land use planning in Ukiah and the Ukiah Valley, with possible direction to Staff. This item specifically addresses the "Actionable Items" identified in the Council's Strategic Plan under "Plan for the Future: Utilize sound principles for valley-wide planning."

Background: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"), enacted through the passage of AB 2838, combined existing statutes--such as the act formerly known as the Cortese-Knox Act--into a single law and significantly and comprehensively reformed local government reorganization law. The CKH Act provides the framework for proposed city and special district annexations, incorporations/formations, consolidations, and other changes of organization. This law establishes a Local

RECOMMENDED ACTION: 1) Receive report and discuss; 2) direct Staff to proceed with Policy Directives 1, 2, and 3 as outlined in this Staff Report.

BUDGET AMENDMENT REQUIRED: No

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: David Rapport, City Attorney

Approved:


Sage Sangiacomo, City Manager

Agency Formation Commission (LAFCo) in each county, empowering it to review, approve, or deny proposals for boundary changes and incorporations/formations for cities, counties, and special districts. LAFCos were first created by the Legislature in 1963. Currently, although exercising both regulatory and planning functions, the major planning task of LAFCos across the state is the "establishment, periodic review, and update of spheres of influence (SOI) for the various governmental bodies within their jurisdiction" (Office of Planning and Research--LAFCos, General Plans, and City Annexations, 2012).

The Mendocino County Local Agency Formation Commission ("Mendocino LAFCo") is the LAFCo for Mendocino County. Mendocino LAFCo annually reviews its five-year rolling work plan and associated budget, primarily focusing on municipal service reviews ("MSRs") and SOI Updates. Mendocino LAFCo also reviews and updates its policies and procedures manual as needed. The Mendocino Local Agency Formation Commission Policies & Procedures Manual (Attachment 1), last updated and adopted on November 5, 2018, sets forth policies and procedures for carrying out Mendocino LAFCo's functions.

A Sphere of Influence is "a plan for the probable physical boundaries and service area of a local government agency as determined by the commission," while a municipal service review is a "comprehensive review of all agencies that provide the services LAFCo identifies" (Office of Planning and Research, 2012).

Mendocino LAFCo's 2019 five-year rolling work plan and associated budget was adopted on April 1, 2019 (Attachment 2). Included in the work plan was to update the MSR and SOI for the City of Ukiah, planned as being undertaken in Fiscal Year 2020-21. Mendocino LAFCo also voted to re-prioritize the MSR/SOI update for Ukiah Valley Fire District, originally planned to be completed in FY 2019-20, to FY 2020-21 to correspond with the City of Ukiah MSR/SOI update. The City's MSR was last updated in 2012. An update to the City's SOI has not been completed since 1984. AB 2838 and the CKH Act require the local LAFCo to review and update each local agency's SOI every five years. The law also requires local LAFCos to conduct MSRs before or in conjunction with the establishment or update of SOIs.

Both City Staff and Mendocino LAFCo staff have been in communication regarding a tentative work plan for these MSR/SOI updates since 2017. Of significant relevance has been the timing of the City's General Plan Update which, through extensive community engagement and the establishment of other long-term policies, sets forth the City's future intentions for surrounding unincorporated lands within the City's SOI. As the SOI describes the probable physical boundaries and service area for the City, it is important these two advanced planning projects are coordinated and aligned between the City and Mendocino LAFCo as much as possible.

Of additional importance is the City Council's Strategic Plan, which sets as a priority "Plan for the Future: Utilize sound principles for valley-wide planning." The recommended strategy for this item is to "Review and revise land use planning documents to be reflective of the long-term vision for the community." The "actionable items" associated with that strategy are 1) update the Ukiah General Plan; 2) update the City of Ukiah's sphere of influence; 3) prepare and adopt annexation policies, and; 4) evaluate and amend the city zoning code to improve efficiencies/public service and protect natural resources.

Discussion: Although the City's MSR/SOI updates are not scheduled to be undertaken by Mendocino LAFCo until 2020-21, there are primarily two reasons Staff is seeking Council's input regarding policy at this juncture:

1) Mendocino LAFCo has received, or may receive prior to the City's updating of the MSR/SOI, proposals from single- or multi-purpose districts in the City's SOI to annex portions of lands within the City's SOI. Under existing Mendocino LAFCo policy, "where an area could be assigned to the sphere of influence of more than one agency, the following hierarchy typically applies:

- a) Inclusion within a city's sphere
- b) Inclusion within a multi-purpose district's sphere
- c) Inclusion within a single-purpose district's sphere"

2) Mendocino LAFCo's guidelines state "in all of its decisions and actions, the Commission's desired result is the most efficient and effective delivery of services by local entities..." and "preference shall be given to those local agencies which can provide services in the most effective and efficient manner." Given the efficiency and potential capacity of both existing and future City services, Staff believes it important that the City outline its potential policy for these services for the future. This policy should be shared publicly but especially outlined to Mendocino LAFCo, the County of Mendocino, and special districts within the City's existing and proposed SOI.

Staff has researched historical City and Ukiah Valley policies regarding long-term growth management planning and analyzed the status of current land use and availability in Ukiah and the Ukiah Valley with the capacity of municipal services. Below are policy recommendations for the Council's consideration and discussion:

Policy Directive No. 1: The goals and vision of the Ukiah Valley Area Plan will be utilized as the basis for the City's policy towards future reorganization efforts in the Valley.

Adopted by the Mendocino County Board of Supervisors in 2011, the Ukiah Valley Area Plan ("UVAP") is a "comprehensive and long range inter-jurisdictional planning document" envisioned as one that would "meet the needs of the County, as well as shared needs of the City" [of Ukiah], "by addressing the important issues that affect how the area will grow..." The UVAP also sets forth a vision that "The Ukiah Valley is understood to be one community with collaborative decision-making between County and City agencies." UVAP policies "take precedence over the [Mendocino County] General Plan" for land use and development proposals in the Valley.

Section 3 of the UVAP, Land Use and Community Development (Attachment 3), lists several goals on Page 3-3 in support of this policy. Promoting compatible land uses and managing future growth to ensure essential support infrastructure is in place prior to development recognizes "that the Ukiah Valley is one community[.]" Realizing the vision of a coherent community will not be possible without the coordinated and efficient provision of services to lands in the Ukiah Valley.

Policy Directive No. 2: Maintain the City's current Sphere of Influence as the City's long-term Sphere of Influence.

Although past attempts were made by the City to revise its SOI, no update has been successfully completed, nor approved by LAFCo, since the 1984 SOI. The 1984 SOI, which is coterminous to the UVAP planning area, "extends from Highway 20 in the north to Boonville Road in the south and from ridge to ridge on east and west" (Attachment 4).

At the time of adoption of the 1984 General Plan, Mendocino LAFCo, working with the City, identified the SOI/planning area to consider the areas surrounding Ukiah that would have an impact on the ultimate development of the City." At that time, the General Plan was "based upon a policy that growth will occur, but will be directed toward existing developed areas and those locales unsuitable for viable agricultural production."

In restating the current (1984) SOI as the City's long-term SOI, the City will reaffirm that the level of growth and/or service delivery anticipated by the City remains consistent for 2020-40 and aligned with the Ukiah Valley Area Plan. Ukiah is the county seat and commercial hub of a growing region that extends over 5,000 square miles, including the counties of Sonoma, Mendocino, Lake, and Humboldt. Ukiah will invariably continue to grow in the coming years. Planned well, that growth can result in a vibrant, healthy, and sustainable community. Unmitigated, the piecemeal provision of services leads to piecemeal development, which leads to urban sprawl and/or the lack of supporting infrastructure.

Staff also recommends reaffirming the current SOI as the City's long-term SOI to ensure efficiency and reliability of service delivery within the Ukiah Valley. As an example, the Ukiah Valley Fire District spans an area larger than the City's city limits (see Attachment 5), and as recent wildfire seasons have shown, having a well-funded and operated Fire Authority is important for the continued safety of the region. Additionally, as much-needed housing is developed, it will be important to ensure adequate water and sewer infrastructure is in

place. By utilizing existing tax measures and revenue sources, the City can ensure the effective and efficient provision of services. Reaffirming the current SOI as the long-term SOI will help ensure the City has an active role in directing urbanized growth to appropriate areas in our community and ensuring "the preservation and enhancement of the existing and potential agriculture within the valley," which is one of the primary visions set forth in the 1984 General Plan.

Policy Directive No. 3: Implement an annexation plan, with the first phase designating the area to be annexed within the first 10 years.

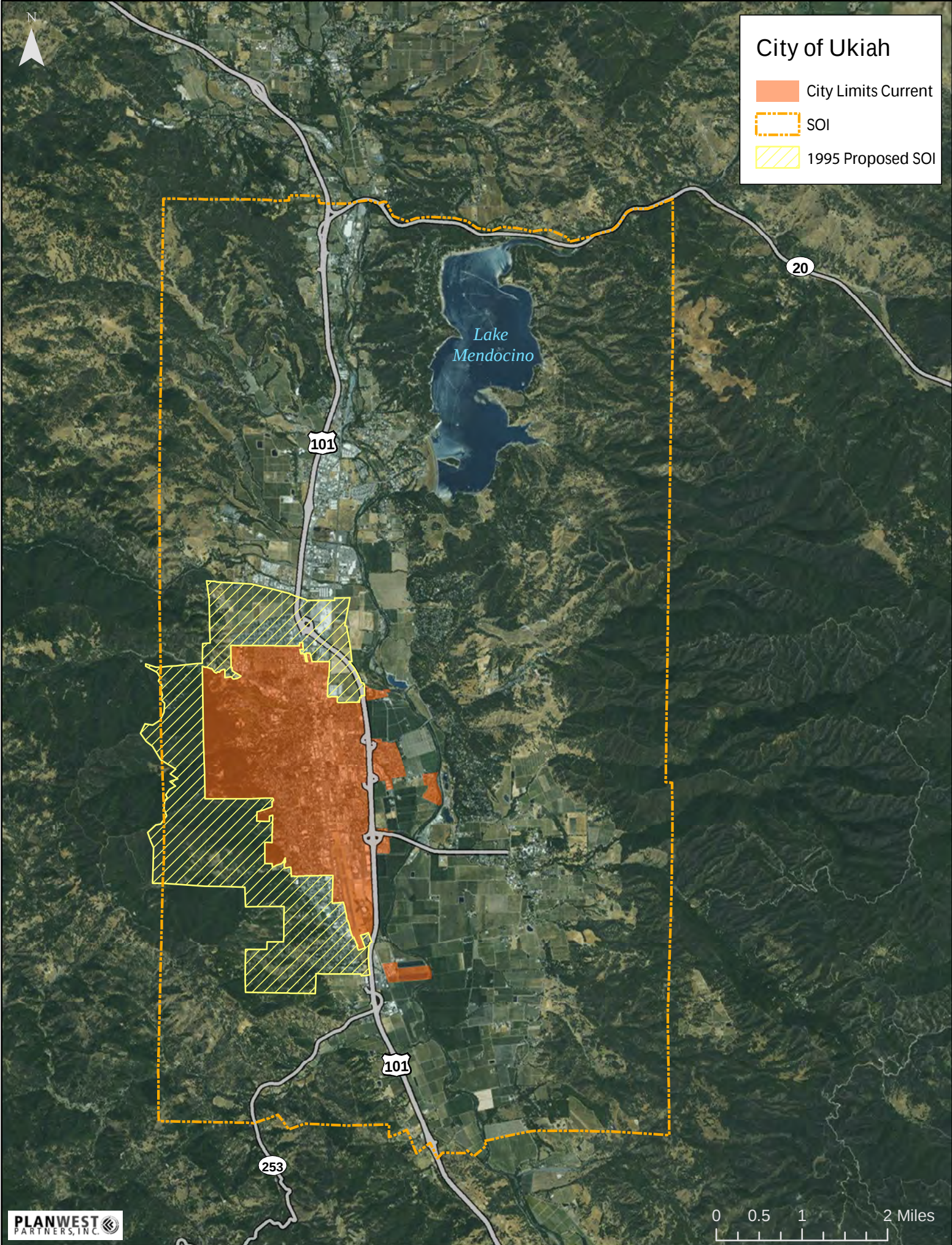
In multiple planning documents produced over the past 35 years, including the 1984 Ukiah General Plan, the 1995 Ukiah General Plan, both the 2009-14 and 2014-19 Housing Elements, and the 2011 Ukiah Valley Area Plan, two common and recurring themes emerge: 1) our community values the rural and agricultural identity of Ukiah and its surrounding valley; and 2) our community seeks to preserve that identity through well-designed projects and conservation of open space and agricultural lands.

In developing and adopting a growth management phasing plan, the first 10-year phase would identify the area around existing and forecasted urbanized development north and south of the city limits as the focus of the City's annexation efforts. Encouraging infill development where services are already concentrated will limit unnecessary sprawl and protect agricultural uses.

Development of a growth management phasing plan will ensure adequate services and infrastructure are in place for existing development, as well as ensuring that future development occurs in a sustainable manner. This policy would preserve the agricultural identity of the Valley, including preservation of an existing natural "green belt" around these areas.

Summarizing, Staff recommends Council direct Staff to implement the following three Policy Directives:

1. The goals and vision of the Ukiah Valley Area Plan will be utilized as the basis for the City's policy towards future reorganization efforts in the Valley.
2. The City will maintain the City's current Sphere of Influence as the City's long-term Sphere of Influence.
3. The City will implement an annexation plan, designating the area to be annexed within the first 10 years.



City of Ukiah

- City Limits Current
- SOI
- 1995 Proposed SOI



RESEARCH INTO HISTORY OF 1995-PROPOSED SPHERE OF INFLUENCE

Overview

On August 27, 2019, City Council and Staff discussed the City of Ukiah's long-term land use planning policy for Ukiah and the Ukiah Valley during a workshop at the Ukiah Valley Conference Center. During discussion by Council related to the recommended Policy Directive No. 2, Council requested additional information regarding possible reasons for the reduced Sphere of Influence (SOI) proposed in the 1995 General Plan. To address Council's questions, Staff has conducted extensive research into the City's archives and historical files, as well as reviewing past City Planning staff's notes and files.

Documentation of Sources and Materials

The following constitutes the sources and materials reviewed: 1974 General Plan, 1984 General Plan, *Sphere of Influence Study* prepared by William R. Zion, Fall 1984, Planning Commission agenda packets and minutes for the period 1991 to 1995 (which included updates from the Growth Management Steering Committee formed to provide recommendations for the City's 1995 General Plan), 1991 Ukiah Valley-Wide Task Force Report and Recommendations, minutes and agenda packet materials from 1994 and 1995 meetings of the City Council, the 1995 Ukiah Valley General Plan, documents/notes from former Director Stump titled "City of Ukiah Sphere of Influence Update 2014-2015," 2009 Ukiah Valley Area Plan, Mendocino County General Plan (2009), and the 2012 City of Ukiah Municipal Service Review.

Research was conducted from published reports, studies, and documents and publicly available legislative materials. No interviews were conducted as part of this research, nor were any opinions collected from the former members of the committees, City Councils, Boards of Supervisors, special districts, certain special interest agencies and organizations, or the former or current staffs of these various entities.

Below is a timeline listing key events leading up to and/or related to the development of the 1995 General Plan, as well as pertinent quotes.

1. Establishment of the City of Ukiah Sphere of Influence

Fall 1984: *Sphere of Influence Study*, by William R. Zion

Known as the Zion Study, this was an independent Mendocino County-wide study completed for all special districts and local agencies in Mendocino County. The purpose of the study was to make recommendations to Mendocino LAFCo on appropriate SOIs for Mendocino County. Relevant quotes:

"The adopted city" [of Ukiah] "sphere of influence includes all of both [Willow and Millview] water districts, except for that part of Willow south of Boonville Road. In addition the territory of both districts is part of the Ukiah urban area and needs the full range of city services."

"Because of the inclusion of the districts within the Ukiah sphere, a "zero" sphere is indicated, implying no annexations and eventual annexation to Ukiah and dissolution. That part of the Willow district outside the city sphere could have a sphere permitting some expansion, if LAFCo feels this is consistent with the county general plans and with local needs."

This study and recommendations within the study served as the basis for establishing Ukiah's SOI, which Mendocino LAFCo adopted on December 3, 1984, through Resolution No. 84-15.

2. Early Annexation Efforts and Intentions

There has been speculation that the City never intended to annex areas within its 1984 SOI. However, in reviewing actions and legislative proceedings from 1984 to 1989 it appears the City was actively preparing to annex areas within the entire SOI while also focusing on preservation and protection of agricultural areas.

August 1986: *City Council Ordinance 858, Prezoning Certain Properties Ukiah North*

"Whereas, pursuant to Government Code Section 65859, the City has the authority to prezone property within its Sphere of Influence, and

Whereas, the subject prezone includes 1110 parcels extending from the northern city boundaries to Highway 20 and westerly to the foothills from the Russian River."

November 1988: *City Council Minutes, Presentation of Maps of the Incorporated Ukiah Valley*

"The City Manager presented maps depicting the Ukiah Valley with the City of Ukiah sphere of influence that is overlapped by different water, sanitation, and fire districts. He noted since the City Council has established a goal of incorporating the Ukiah Valley, this map visibly shows the magnitude of the issues to be resolved. (Mayor Henderson, Councilmembers Shoemaker, Schneider, Hickey, and Wattenburger)."

February 1989: *Letter from Mayor of Ukiah City Council to Board of Supervisors and Policy Resolution*

First paragraph and part of second paragraph from letter written by Mayor Colleen Henderson to Marilyn Butcher, Chairman of Board of Supervisors: *"As you may know, the City of Ukiah is in the process of rezoning all parcels of land within its sphere of influence. We have completed the rezoning of all lands to the north, and down the east side of the valley south to Gobbi Street. This process raised some concern within the farming community that agriculturally zoned lands might not be preserved. The City has always had a strong commitment to the preservation of agriculture in the valley and an individual's right to farm on such agriculturally zoned lands. In light of this commitment and in light of the farming community's concerns, the City Council and Mendocino County Farm Bureau have adopted policy resolutions reflecting our joint position on rezoning and annexation of agricultural lands from Gobbi Street south in Ukiah's sphere of influence...I am enclosing copies of both resolutions for your reference."*

3. Towards a Plan for the Ukiah Valley- Development of the 1995 Ukiah Valley General Plan

1990-91: *Ukiah Valley-Wide Task Force Report and Recommendations*

A Valley-wide task force was formed by the City of Ukiah and County of Mendocino in April 1990. The task force consisted of a combination of citizens-at-large, County and City representatives, representatives from each of the water districts and fire district, and representatives from agencies of other certain interests. The purpose of this task force was *"to initiate a long overdue study of possible consolidation of services, and consolidation of interests in providing services and/or meeting future service needs in the areas of water, sewer, emergency services and development standards."*

After several meetings, the Task Force produced a draft report in August 1991 with findings and recommendations for efficient delivery of public services within the Ukiah Valley. The task force also produced an implementation plan for accomplishing the recommendations.

"8. The County and City shall reactivate their joint planning meetings and utilize these joint meetings to facilitate the standardization of development standards in the Valley."

In relation to the sections focused on the Ukiah Valley, the report reinforced the importance of joint planning between the City and Mendocino County, especially in regards to future development and land use. The report also served as the basis for the future *Community Facilities Element* of the 1995 Ukiah Valley General Plan (1995 Ukiah Valley General Plan, Section 2.02.8).

1990-1994: *Growth Management Steering Committee*

November 21, 1994 Staff Report from City of Ukiah Planning Department to City of Ukiah Planning Commission providing background and a recommendation to adopt the *Draft Ukiah Valley General Plan and*

Draft Environmental Impact Report: "In late 1990, the Ukiah City Council authorized and budgeted for this planning effort" [the 1995 Ukiah Valley General Plan]. "Thereafter, the Growth Management Steering Committee (GMSC) was formed to guide the Plan's development, and a planning consultant was awarded the contract to perform necessary research and actually compose the document. The GMSC is a 35-member citizen advisory committee made up of Valley-wide participants representing groups, organizations, agencies, districts, and the general public. The consultant is The Company of Eric Jay Toll AICP, Inc., a small planning firm from Carson City, Nevada. The GMSC, which met regularly over the course of the entire four-year period, was basically responsible for crafting the final version of virtually every goal, policy, and implementation measure contained in the Plan, as well as many of the findings contained in each Element."

In addition to the GMSC, individual Citizen Advisory Committees (CACs) were created for each of the 14 General Plan Elements. Similar to the member composition of the GMSC, the CACs represented Valley-wide interests. *"Each volunteer [of the GMSC and CACs] was drawn from a broad cross-section of the **entire** [emphasis included within document] community- both in the City and in the Valley."* (1995 Ukiah Valley General Plan, Section 1- Preface)

"...it was apparent from the early stages of the planning process that the Ukiah Valley General Plan would have its greatest influence on the long-term development and use of the Valley if both the City of Ukiah and the County of Mendocino would utilize it for decision-making and planning policy. Accordingly, about mid-1991, City staff broached the subject of having the County adopt the eventual document as an Area Plan of the Mendocino County General Plan with County officials and the County Planning Commission and Board of Supervisors."

Although serving as the City of Ukiah's General Plan, the 1995 Ukiah Valley General Plan appears to have been envisioned by its creators to be the area plan for the Ukiah Valley. Through the collaborative efforts of both County and City representatives, the 1995 Plan would eventually be used to develop the 2009 Ukiah Valley Area Plan (UVAP), which is a component of the Mendocino County General Plan.

Utilization of an area plan as a municipal general plan is unusual. Common planning practice is for area or specific plans to be used for systematic implementation of a general plan (as is the case currently with the 2009 UVAP and its relationship to the Mendocino County General Plan). This aspect deserves further study, which Staff has attempted in Section 4 below. Additionally, given the City's current updating of the General Plan, Council will want to consider if continuing with a Valley-wide focus in the 2040 General Plan is appropriate, especially in light of the 2009 adopted UVAP. Staff has provided some preliminary recommendations (see Agenda Summary Report), and a future General Plan workshop has been scheduled to discuss the subject further.

1994-1995: Sphere of Influence and Planning Commission and City Council Review and Adoption

The earliest conceptualizations of the 1995-proposed SOI appear to have been developed by various stakeholder groups, either in conjunction with or independent of the Ukiah Valley General Plan GMSC. For example, in a City planning staff report produced in February 1994 a footnote to the report states *"In addition to the Staff-proposed version, the GMSC already has a color copy of the Board of Realtors' proposed Sphere of Influence, and has seen a presentation of the Farm Bureau's version. In addition, Lief Farr has also proposed a Sphere of Influence based on other issues."*

From the reports, minutes, and documents produced during this period, it appears that the GMSC reviewed multiple proposed SOIs from different Valley-wide stakeholders, then developed a final proposed SOI, which was inserted into the *Draft Ukiah Valley General Plan*.¹

¹ Because the GMSC provided information to the consultant Eric Jay Toll, Inc., who then prepared the *Preliminary General Plan*, which would serve as the basis for the *Draft Ukiah Valley General Plan* presented to the Planning Commission and City Council, and because it appears the GMSC and CACs were not legislative or quasi-legislative bodies and not subject to the Brown Act, no minutes or reports have been found that were produced by the GMSC and CACs. Instead, Staff has been able to piece together the origin of City planning staff's Sphere of Influence recommendation through review of informational reports (updates) produced by City staff and agenda packets and minutes of the Planning Commission and City Council.

The efforts of the GMSC concluded sometime in mid-1994, and the *Draft Ukiah Valley General Plan* was presented to the Planning Commission on December 13, 1994. Through a series of public meetings from December 1994 to April 1995, the Planning Commission discussed and deliberated on proposed revisions to the General Plan. After conceptually approving the Draft on June 10, 1995, the City Council conducted a series of public meetings and made “*numerous additional revisions,*” resulting in a Final General Plan that was adopted on December 6, 1995.

It seems the final City Council adopted version was relatively unchanged from the GMSC Draft document. Per Section I.1.3, Preface, of the *Ukiah Valley General Plan* “*The Planning Commission worked hard on the draft Plan, but, in the end, the Plan was left basically and functionally intact from the Growth Management Steering Committee’s final version... The document was, and remains, truly representative of the citizens of the Valley...*”

4. Summary of Research

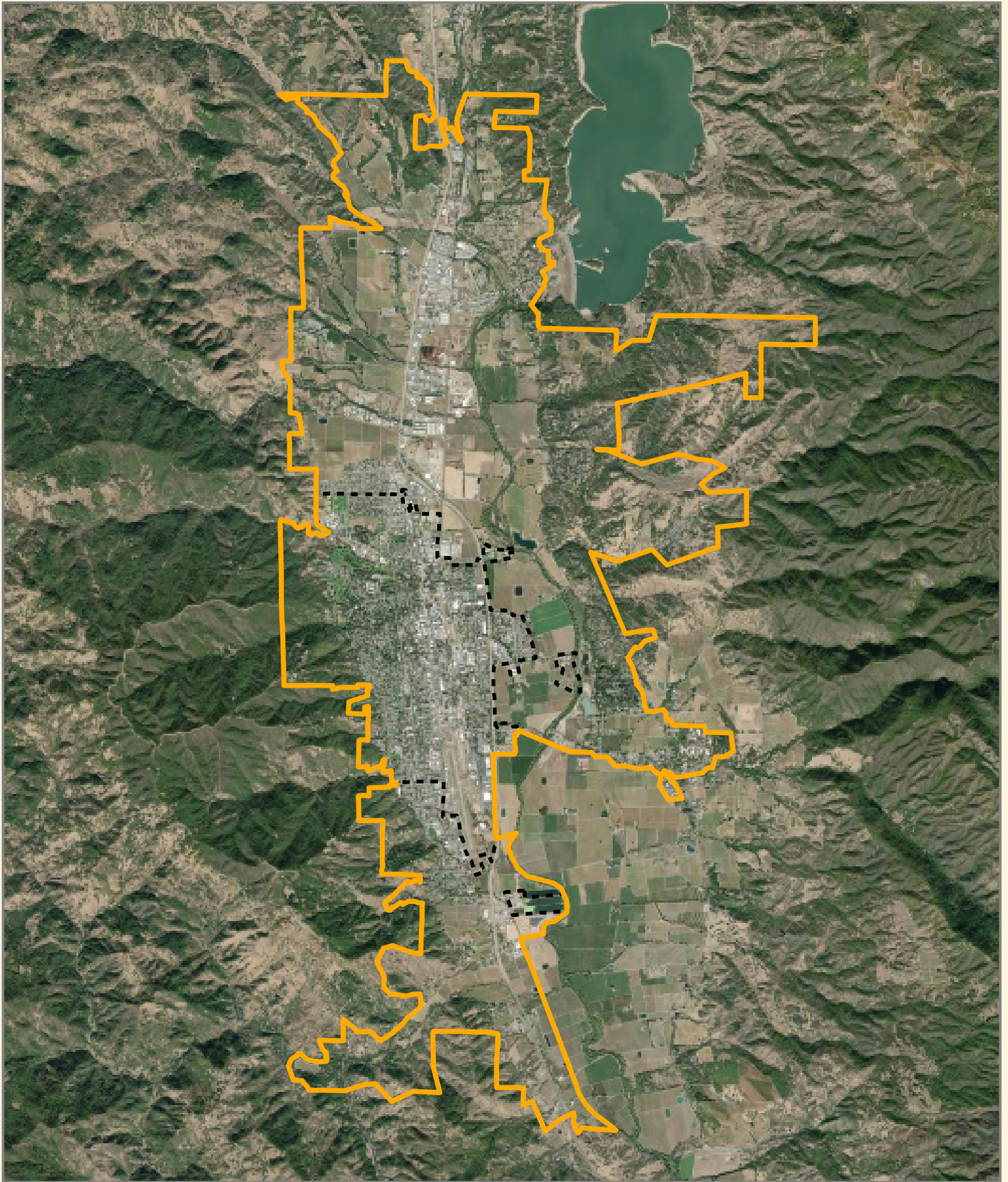
The 1995 Ukiah Valley General Plan, although serving as the City’s municipal general plan, is essentially an older version of the (2009) Ukiah Valley Area Plan. It is not a traditional municipal General Plan in that it is not focused primarily on City incorporated areas. This historical context is important, as it aligns with earlier General Plans that foresaw the City and Valley as one community. The difference between the City’s General Plans and related efforts between 1974 and 1989 and the Ukiah Valley General Plan process of 1990-1995 appears to be that the former was Ukiah-centric versus the latter that was area-wide. It is Staff’s opinion that although this was a worthwhile planning effort ultimately leading to development of the UVAP, at this point in the Valley’s development it is appropriate for the City to have its own municipal general plan, and although not required by State law, the 2040 General Plan should seek to achieve consistency with the 2009 UVAP.

It is also not clear that City of Ukiah representatives on the Planning Commission or City Council were fully in support of the valley-wide approach to the City’s General Plan. “*While the document was not changed in a grand or profound way as a result of the Commission’s involvement, it would nevertheless be misleading and inaccurate to deduce that the Commission was in full harmony on various issues, or that individual Commissioners did not have viewpoints that substantially deviated from the Steering Committee’s recommendations... Indeed, differences of opinion were expressed in regards to... the Plan’s relationship to the community’s needs.*”

However, although it can be proven with a degree of certainty that the 1995 Ukiah Valley General Plan is akin to an area plan, the specific motivation or reasoning behind the 1995-proposed SOI is more ambiguous. There appear to have been several early versions of the SOI developed by various stakeholder groups but few additional details or reasons are provided as to how these proposals were formulated. Given that the final *Draft Ukiah Valley General Plan* was produced by the GMSC for presentation to the Planning Commission and City Council and this Draft Plan included the 1995-proposed SOI, it is thus reasonable to conclude the 1995 SOI was a product of the GMSC.

In light of this research, plus research into subsequent confirmations of the 1995 SOI by City Councils in 2006 and 2012 (although in 2012 there was an amendment to increase the 1995 SOI slightly to encompass the western hills) it is Staff’s conclusion that the reasoning behind the 1995 SOI consisted of the following: 1) the focus of the City’s General Plan was on the entire Valley, and the City’s representation was reduced due to the composition and focus of the GMSC and CACs; 2) little to no City-related annexation applications had been received, nor approved, during the period from 1974 to 2012, so there were limited realistic development expectations for the City, and 3) a combination of little to no population growth, limited new construction activity, and the Great Recession in 2007-2009 all tempered further growth expectations.

Proposed City of Ukiah Sphere of Influence



This map is a guide. Every reasonable effort has been made to ensure the accuracy of the map and data provided. Parcel lines are not intended to represent surveyed data.

Document Path: C:\Users\astrick\In\Desktop\WaterBoundaryClip for Sean.mxd

 Proposed SOI
 Ukiah City Limits

0 5,000 10,000
 Feet





AGENDA SUMMARY REPORT

SUBJECT: Consideration of Adoption of Resolution Adopting a City of Ukiah Annexation Policy.

DEPARTMENT: Community
Development

PREPARED BY: Craig Schlatter, Community Development
Director

ATTACHMENTS:

1. Proposed City of Ukiah Annexation Policy
2. Supporting General Plan Goals
3. City of Ukiah Annexation Policy Resolution

Summary: Council will consider and possibly adopt a resolution adopting a proposed City of Ukiah Annexation Policy.

Background: One of the City Council's Strategic Plan Priorities is "Plan for the Future," and actionable items listed are to 1) update the Ukiah General Plan; 2) update the City of Ukiah's sphere of influence; 3) prepare and adopt annexation policies, and; 4) evaluate and amend the city zoning code to improve efficiencies/public service and protect natural resources. Towards accomplishment of action item #3 and the City's long-term land use planning objectives, at the August 27, 2019 City Council workshop Council directed Staff to prepare annexation policies for future Council adoption.

Staff has completed a proposed annexation policy (Attachment 1) for Council's review, consideration, and possible adoption.

Discussion: Annexation is a process that incorporates territory into a city. For the City of Ukiah, annexation involves incorporating currently unincorporated areas (i.e., territory in Mendocino County outside the City's existing city limits) that are within the City's Sphere of Influence. A sphere of influence is a plan for the probable physical boundaries and service area of a local agency, like the City, as determined by the Local Agency Formation Commission for the relevant County. The Mendocino County Local Area Formation Commission was established by state law and is responsible for coordinating, directing, and overseeing logical and timely changes to local governmental boundaries, including annexation, in Mendocino County.

The proposed City of Ukiah Annexation Policy ("Annexation Policy") provides a framework within which the City will operate in the context of annexations to the City. The Annexation Policy establishes the intent by the City to annex or support the annexation of unincorporated areas within its Sphere of Influence to accomplish a number of important functions for long-term planning in the Ukiah Valley, such as avoiding the negative consequences of urban sprawl in the Ukiah Valley and ensuring the efficient provision of municipal services.

The Annexation Policy also provides the City's policy position and approach regarding annexations, such as ensuring that facilities, services, and infrastructure improvements are or will be available to support the proposed annexation. Recognizing the value of open space and prime agricultural lands, and the importance of avoiding or mitigating environmental impacts as a direct consequence of annexation, the Annexation Policy also seeks to ensure those values are appropriately protected. Related to the City's current updating of the General Plan, in the future Council may want to consider incorporating the Annexation Policy, as may be

amended, into the City's 2040 General Plan.

Several goals and policies within the City's existing (1995) General Plan currently support the proposed Annexation Policy. Please see Attachment 2 for a list of these specific goals and policies.

Staff recommends Council adopt the resolution in Attachment 3 adopting the proposed City of Ukiah Annexation Policy.

Recommended Action: Adopt resolution adopting the proposed City of Ukiah Annexation Policy.

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: Phil Williams, Special Counsel, Welty, Weaver & Curry; David Rapport, City Attorney, Sean White, Director of Water Resources; Shannon Riley, Deputy City Manager

Approved:


Sage Sangiacomo, City Manager



Annexation Policy

The City will pursue, apply for, and support the annexation of unincorporated areas to the City to avoid the negative consequences of continued urban sprawl and to ensure the efficient provision of municipal services to unincorporated areas without placing an undue financial burden on the City or its residents.

The City's Sphere of Influence reflects the City's intent and ability to apply to annex those territories within that Sphere of Influence. The City's Sphere of Influence should be updated periodically and as necessary to reflect any change in the City's intent or ability to annex unincorporated territory.

The City's Area of Interest reflects that territory outside its Sphere of Influence where the City has an interest in ensuring orderly development and the efficient provision of municipal services, and a financial interest in the implications of any such development and services. The City will consider providing services to unincorporated areas within its Area of Interest when the City and all local agencies with relevant jurisdiction, if any, arrive at an agreement ensuring the City is adequately compensated for the costs it incurs and/or will incur due to development in its Area of Interest.

The City will apply for the annexation of unincorporated areas and will support property owners who desire to annex to the City where the City determines it to be in its residents' interests to do so, to promote orderly development, to implement General Plan goals and objectives, and/or to ensure the efficient provision of municipal services.

In pursuing, applying for, or supporting annexation, the City will demonstrate that existing or planned-for facilities, infrastructure and improvements, and municipal services are or will be available, including but not limited to: vehicular and pedestrian traffic corridors, fire protection, sewer, electricity, and municipal and industrial water, in accordance with City standards and General Plan goals and objectives, to those areas proposed to be annexed.

The City will pursue, apply for, or support annexations that could affect open space and prime or unique agricultural lands, when it is satisfied that they will be adequately protected.

The City will pursue, apply for, or support annexation in those cases where significant environmental impacts have been mitigated or avoided as appropriate.

The City will develop, maintain, and make publicly-available a City of Ukiah Annexation Guide that includes an annexation applicant's responsibilities, the requirements for environmental review, requirements for development plans, and fees associated with applications for annexation.

If appropriate, and as it may be amended, the City will incorporate and include this Annexation Policy in its 2040 General Plan.



Current General Plan Goals In Support of Proposed Annexation Policy

Overall General Plan and Growth Management Goals

Sound, Stable, Community-Based Economy

- GP-1: Promote, attract or assist in developing businesses, particularly those that add value to resources already found or processed in the Ukiah Valley.
- GP-2: Promote business development, emphasizing local ownership of businesses in order to keep capital and growth within the community.
- GP-5: Encourage housing in a price range to match the income of residents.
- GP-6: Encourage housing for local workers and jobs for current residents.
- GP-7: Coordinate construction of infrastructure with planning for development.
- GP-8: Assure a diverse and healthy natural environment.

Community Involvement

- GP-12: Ensure that policies and decisions on community growth and development respect our all of [sic] community and diversity of cultural heritages in order to enhance overall quality of life.
- GP-14: Work with interested groups, organizations, and school districts to achieve excellence in providing services and opportunities to youth.
- GP-17: Work with interested community groups and organizations to help achieve a community free from violence and crime.

Responsible Use of Resources

- GP-21: Conserve open space, hillsides, stream courses, and indigenous flora and fauna for the enjoyment of future generations.
- GP-22: Promote reclamation, additional storage, and conservation of water.
- GP-23: Conserve agricultural lands to enhance economic vitality and the sustained identity of Ukiah as a rural agricultural community.

Aesthetics in Planning and Development

- GP-24: Conserve and enhance the natural beauty of the Ukiah Valley.
- GP-25: Ensure aesthetic qualities in the design and construction of the community.
- GP-26: Require that landscaping be a significant component of development and redevelopment.
- GP-27: Maintain scenic viewsheds of the Valley.

Ecologically Sustainable

- GP-28: Make Ukiah a leader in the development of responsible, resource- conserving ways of living and doing business, giving fullest consideration to the impacts of our actions on future generations.
- GP-29: Conserve nonrenewable resources.
 - See: *Policy GP-29.1: Minimize use of fossil fuels to the greatest feasible extent in all activities including investment in low and zero emission vehicles.*
- GP-30: Protect existing agriculturally zoned lands in the City's Planning Area.
- GP-31: Identify ways to replace wasteful practices that imprudently use resources.

Open Space and Conservation Goals

- OC-3: Encourage clustering of residential development wherever possible to preserve continuous, unfragmented natural habitat.

The Russian River

- Goal OC-7: Ensure the health and viability of the Russian River and its tributaries.

Water Resources

- Goal OC-13: Protect the Valley's groundwater system.
- Goal OC-14: Strive to keep local water resources for local use and avoid water export.
- Goal OC-15: Protect surface and groundwater from adverse impacts from chemicals and soil sediments found in urban and agricultural runoff.

Agriculture

- Goal OC-18: In concert with the County, preserve the economic viability of agriculture lands.

Air Quality

- Goal GP-31: Reverse present deterioration of Valley air quality to maintain agricultural viability and human health.

Safety Goals

- SF-1: Regulate new development in fault zones.
- SF-2: Regulate development across or near earthquake faults outside the Alquist-Priolo Earthquake Zone.

Flooding, Dam Inundation, High Groundwater

- SF-4: Strive for a flood-safe community.

Fire and Wildland Fire Protection and Prevention

- SF-5: Standardize the delivery of fire protection services.
- SF-7: Improve the fire safety of new buildings as appropriate to protect life and property.
- SF-10: Increase public education of fire prevention.
- SF-11: Develop a Valley-Wide Catastrophic Emergency Response Plan.

Energy Goals

- EG-1: Create land use patterns which facilitate the conservation of energy.

Site Planning and Landscape Design

- EG-4: Maximize on-site solar energy use, especially in new developments.

Building Design

- EG-6: Promote energy efficiency features in the design of all new structures and in the retrofitting of existing structures.

Energy Suppliers

- Manage existing energy resources to meet increased demands and explore the use of new energy efficient technologies.

Circulation and Transportation Goals

- CT-3: Design new development and redevelopment projects to be as accessible by foot, bicycle, and transit as they are by auto.

Alternative Modes of Transportation

- CT-7: Develop pedestrian access.
- CT-9: Maximize the use of public transportation through efficient land use patterns and supporting incentive programs.

Street Classifications

- CT-17: Classify roads to meet service needs.

Neighborhood Traffic Management

- CT-18: Preserve and enhance the small town character and integrity of all residential neighborhoods and streets.

Housing Goals

- H-1: Conserve rehabilitate, and improve the existing housing stock to provide adequate, safe, sustainable, and decent housing for all Ukiah residents.
- H-2: Expand housing opportunities for all economic segments of the community, including special needs populations.
- H-3: Remove governmental constraints to infill housing development.
- H-4: Promote well-planned and designed housing opportunities and project for all persons, regardless of race, gender, age, sexual orientation, marital status, or national origin.

- H-5: Provide support for future housing needs.¹

Economic Development Goals

Opportunities for the Future: Economic Development Strategy

- ED-1: Support a strong local economy.

Land Use Goals

- LU-3: Protect agricultural lands from urban encroachment.
- LU-4: Balance the housing needs of the City and County.
- LU-5: Generally urban residential land uses shall be located west of the Russian River.
- LU-6: Utilize Master Plan Areas to meet precise planning needs.

¹ Additionally, see: Policy 5-1: Pursue annexation efforts that lead to an orderly expansion of growth, where services are adequate for future residential development.

RESOLUTION NO. 2020 - ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH
ADOPTING ANNEXATION POLICY**

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides for the annexation of unincorporated areas within a City's sphere of influence; and

WHEREAS, on August 27, 2019, the Ukiah City Council provided direction to staff to prepare and adopt annexation policies as part of the City's long-term land use planning and City Council Strategic Plan; and

WHEREAS, the City intends, in part through the attached Annexation Policy, to avoid the consequences of continued urban sprawl in the Ukiah Valley, to ensure the efficient provision of municipal services, and to protect open space and prime agricultural land in the Ukiah Valley; and

WHEREAS, the City envisions a future of the Ukiah Valley as a thriving community that is politically, economically, environmentally, and socially sustainable; and

WHEREAS, the City desires to provide annexation policies for the City and property owners within the City's sphere of influence that promote the successful annexation of unincorporated areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UKIAH DOES HEREBY RESOLVE to adopt the Annexation Policy attached as Exhibit A, which shall be endorsed to show adoption by the City Council on January 16, 2019 and made publicly available.

PASSED AND ADOPTED this __ day of ____, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT;

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk

EXHIBIT A



Annexation Policy

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