



Planning Commission

Regular Meeting **AGENDA**

(to be held both at the physical and virtual locations below)

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

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating), go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: After being recognized, Enter *9
- To Speak after being recognized: enter *6 to unmute yourself

February 12, 2025 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of January 8, 2025, a Regular Meeting.

Recommended Action: Approve the Minutes for January 8, 2025, a Regular Meeting.

Attachments:

1. 2025-01-08 PC Draft Minutes

6. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal stating the reasons for the appeal is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by [date].

7. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. 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.

8. **SITE VISIT VERIFICATION**

9. **VERIFICATION OF NOTICE**

10. **PLANNING COMMISSIONERS REPORT**

11. **DIRECTOR'S REPORT**

11.a. Receive Community Development Director's Report.

Recommended Action: Receive Community Development Director's February 2025 Report, and discuss any questions with Staff.

Attachments:

1. Planning-Division-Projects-Report-February-2025

12. **CONSENT CALENDAR**

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the Planning Commission. Items may be removed from the Consent Calendar upon request of a Commissioner or a citizen in which even the item will be considered at the completion of all other items on the agenda. The motion by the Commission on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or the Commission recommendations.

13. **UNFINISHED BUSINESS**

13.a. Discussion and Possible Nomination and Appointment of a Chair and Vice Chair of the Ukiah Planning Commission for the 2025 Calendar Year; and Possible Planning Commission Reorganization.

Recommended Action: Discuss, nominate, and appoint a new Chair and Vice Chair of the City of Ukiah Planning Commission for the 2025 calendar year; and, accordingly, reorganize the seating of the Planning Commission per the Procedures of Conduct.

Attachments:

1. Planning Commission Rules of Conduct 4-26-23

14. **NEW BUSINESS**

14.a. Presentation to the Planning Commission on the City's New Vacant and Abandoned Properties Ordinance.

Recommended Action: Receive presentation and discuss with Staff.

Attachments:

1. 1250 - Adding Code for Vacant and Abandoned Properties

15. **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 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 Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

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.

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR MEETING**
Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**January 8, 2025
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on January 8, 2025, The meeting was legally noticed on January 3, 2025. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Chair R. Johnson called the meeting to order at 6:17 p.m.

CHAIR R. JOHNSON PRESIDING

2. ROLL CALL

Roll was taken with the following **Commissioners Present**: Mark Hilliker, Alex de Grassi, and Chair, Rick Johnson. **Commissioners Absent**: None. **Staff Present**: Craig Schlatter, Community Development Director; Jesse Davis, Chief Planning Manager; Neil Davis, Community Services Director; Blake Adams, Chief Resilience Officer and Stephanie Abba, Planning Commission Clerk.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

No Notifications or Considerations Received.

5. APPROVAL OF MINUTES

a. Approval of the Minutes of December 11, 2024, a Regular Meeting.

Motion/Second: de Grassi/Hilliker to approve the Minutes of December 11, 2024, a Regular Meeting as submitted. Motion **carried** by the following Roll Call votes: **AYES**: M. Hilliker, A. de Grassi. and Chair, R. Johnson **NOES**: None. **ABSENT**: None **ABSTAIN**: None.

6. APPEAL PROCESS

Chair Johnson stated the appeals deadline date is January 20, 2025. No appeals were received.

7. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

Pinky Kushner

8. SITE VISIT VERIFICATION

Verification not necessary

9. VERIFICATION OF NOTICE

Verified by Staff

10. PLANNING COMMISSIONERS' REPORTS

No Reports were given.

11. DIRECTOR'S REPORT

Presenter: Craig Schlatter, Community Development Director

Director Schlatter informed the commission that the next meeting on January 22, 2025, is canceled due to lack of agenda items.

12. CONSENT CALENDAR

No items on the Consent Calendar

13. UNFINISHED BUSINESS

No Unfinished Business was agendized.

14. NEW BUSINESS

a. Discussion and Workshop: Development of an Open Space Zoning District.

Speakers: Jesse Davis, Chief Planning Manager; Blake Adams, Chief Resilience Officer; Neil Davis, Community Services Director.

PUBLIC COMMENT: Susan Kpnoef; Dennis Aseltyne.

Commissioners participated in a workshop regarding the development of an Open Space Zoning District and provided input on key policy considerations.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 7:51 p.m.

Stephanie Abba, Planning Commission Clerk



AGENDA SUMMARY REPORT

SUBJECT: Receive Community Development Director's Report.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning-Division-Projects-Report-February-2025

Summary: Planning Commission will receive the Community Development Director's Report.

Background: Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects of the Planning Division of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: This report is expected to provide updates in the following areas:

- February 2025 Planning Division Projects Report (Attachment 1)
 - This is a monthly report produced on the first of each month. Updates that have occurred since the first of the month are provided to the Commission verbally during the report. The February 2025 report and previous monthly reports are also located on the Planning Division Services webpage, under "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services/>

Recommended Action: Receive Community Development Director's February 2025 Report, and discuss any questions with Staff.



**City of Ukiah
Submitted Planning Applications**

As of 02/01/2025

Permit #	Site Address	Date Submitted	Summary of Project	Status
17-3069	1294 N. State St.	7/11/23	Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), within the Community Commercial (C1) zoning district at the "Old Tackroom" location. Original submittal 9/13/17 (File no. 17-3069). Initial DRB evaluation on January 25, 2018.	Design Review Board Hearing (DRB): 4/25/24 Recommended Approval to Planning Commission (PC); PC Hearing: TBD.
PA24-000020/21	534 E. Perkins St.	12/23/24	Major Site Development Permit of APN 002-200-43 within the Pear Tree Center, approximately 150 feet west of the E. Perkins St./S. Orchard Ave. intersection. The proposal includes the construction of a ±1,700 sq. ft. Starbucks retail, operating as carry-out and drive-through only, with no interior dining, and a total gross building area, including the outdoor canopy, of approximately 2,885 sq. ft. The site is currently an underutilized parking lot originally developed to support the shopping center and includes access, drainage, and public utility easements. Originally, the project requested a subdivision of the existing parcel into two lots, one for future development under separate permitting processes.	Received revised project scope request to eliminate the subdivision consideration 1/23/25; awaiting updated application information.

**City of Ukiah
General Plan Implementation Status**

As of 02/01/2025

General Plan Element	Implementation Program	Date Due	Description	Status / Comments
Land Use	E - Zoning Code Amendments	12/31/2025	Zoning districts and map consistency with the 2040 Land Use diagram. This Ordinance Amendment will facilitate the creation of an Open Space (O-S) zoning designation, as envisioned in the Ukiah 2040 General Plan. The designation seeks to preserve and manage areas of significant natural value, such as wildlife habitats, riparian corridors, creeks, and scenic resources, while supporting community resilience and sustainable land use practices.	On January 8, 2025, a Planning Commission (PC) discussion and workshop was held, presented by and in consultation with Community Development and Community Services Staff. During this session, the Commission tasked Staff with developing preliminary concepts for the Open Space Zoning District. These concepts are scheduled to be presented at a future Planning Commission meeting.
Land Use	E - Zoning Code Amendments	12/31/2025	Zoning amendment to establish a consistent program for new signage, streamlining the application process and implementing design standards. This Ordinance Amendment addresses goals related to lighting, community character, and consistency across zoning designations, focusing on reducing poor signage that detracts from the built environment.	Staff is currently drafting updated sign regulations in preparation of initial presentation to the Design Review Board (DRB) on February 27, 2025.
Environment & Sustainability	H - Cultural and Historic Registry	12/31/2025	On 8/21/2024, City Council (CC) directed Staff to complete an updated Historic Resources Survey and develop a historic preservation code. A Request for Proposals (RFP) for Architectural and Historical Resource Survey Preparation was released on 10/28/2024, with proposals due by 12/5/2024.	Proposals were received from consultants interested in preparing the Survey for the City, but fees proposed were quite a bit higher than staff estimates. Staff will be seeking additional direction on how to proceed from Council at a future date.

Environment & Sustainability	I - Historic Preservation Ordinance	12/31/2030	This was formerly reported as the ordinance amendment for modifications to Ukiah City Code (UCC) Section 3016 for demolition permit procedures. Development of the historic preservation code will holistically integrate demolition permit procedures.	Development of the historic preservation ordinance and code will be undertaken either concurrently or immediately after development of the updated architectural and historical resource survey.
Environment & Sustainability	M - Adopt a Municipal Climate Action Plan (CAP)	12/31/2025	A Climate Action Plan (CAP) and a Climate Adaptation & Resilience Strategy (CARS) are currently being prepared. Together, the CAP and CARS will establish a strategic roadmap for how the City will reduce greenhouse gas emissions, prepare for climate hazards, & build a more resilient community.	Staff and the consultant are currently authoring the draft CAP.
Economic Development	A - Economic Development Strategy	12/31/2025	On June 19, 2024, the Ukiah City Council provided direction to Staff in the preparation of an Economic Development Strategy that guides and supports annexation efforts - an "operational guide" and to help intentionally chart a course towards the Ukiah of the future.	Between August 1 and October 31, 2024, interviews were conducted with key stakeholders and community champions as identified in the Ukiah 2040 General Plan. Staff is currently analyzing the interviews to identify roughly three primary goal areas for further exploration.
Agriculture	C - Align Agricultural Standards	12/31/2030	Ordinance Amendment to bring consistency to Agricultural regulations of UCC with Mendocino County regulations and Ukiah 2040 Agriculture Element by amending Agricultural Combining "A" and Agriculture Exclusive "AE" zoning districts.	City Council hearing scheduled for 2/19/25 (Introduction).
Public Facilities, Services, and Infrastructure	B - Parks Gap Analysis	12/31/2025	Preparation of a parks gap analysis identifying areas of the City underserved by parks and recreation facilities access.	Staff is currently authoring the draft Parks Gap Analysis.

City of Ukiah
Recently (Within Previous 90 Days) Approved Projects



As of 02/01/2025

Permit #	Site Address	Approved Date	Summary of Project	Comments
24-001480	401 S State St.	12/19/24	Minor Use Permit request to allow for voluntary modifications of an existing structure to facilitate 'General Retail' and 'Small Products Manufacturing' within the DZC in accordance with UCC Section 9231.14(C)(3).	Zoning Administrator (ZA) approved on 12/19/24.
24-001301	1351 S. State St.	12/13/24	Minor Use Permit for the demolition and replacement of an existing modular structure within the Ukiah Municipal Airport. The replacement structure will allow for modernized and improved crew facilities for Reach Air Medical Services staff.	ZA approved on 12/13/24.
24-001455	1076 Cunningham St.	12/13/24	In accordance with UCC Section 9174.3(C)(5)(B), a one year renewal of a previously approved modification to a Major Use Permit allowing for 'Cannabis Consumption - Outdoor' at an existing 'Cannabis Microbusiness'.	ZA approved on 12/13/24.
24-001454	420 Cooper Ln.	12/18/24	Demolition of a structure over 50 years old in compliance with UCC Section 3016 (Historical Review).	Demolition Review Committee (DRC) Hearing: 11/22/24 Recommend Approval to City Council (CC); CC approved on 12/18/24.
24-001349	414 E. Perkins St.	12/11/24	Minor Use Permit for voluntary modifications to an existing nonconforming structure per Ukiah City Code (UCC) Section 9231.14(C)(3) to allow for renovation and reuse for 'Financial Services', as well as a Major Site Development Permit to utilize the existing drive-through facility in accordance with the Downtown Zoning Code (DZC)	DRB Hearing: 11/21/24 Recommended Approval to PC (5-0). PC approved on 12/11/24 (3-0).
A_2022-02	Unincorporated Western Hills	11/4/2024	Western Hills Annexation Request & Sphere of Influence Amendment	LAFCo Hearing 11/04/2024: Approved.



AGENDA SUMMARY REPORT

SUBJECT: Discussion and Possible Nomination and Appointment of a Chair and Vice Chair of the Ukiah Planning Commission for the 2025 Calendar Year; and Possible Planning Commission Reorganization.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning Commission Rules of Conduct 4-26-23

Summary: Planning Commission will discuss and possibly nominate a new Chair and Vice Chair of the Planning Commission for the 2025 Calendar Year; and accordingly reorganize the Planning Commission seating per the Procedures of Conduct.

Background: Section 4 of the City of Ukiah Planning Commission Procedures of Conduct (Attachment 1), last updated and adopted by the Planning Commission through Resolution No. 2023-03 on April 26, 2023, directs the Commission to have a Chair and a Vice Chair. Responsibilities of the Officers of the Planning Commission are outlined in the Procedures of Conduct. The duties and responsibilities of the Chair and Vice Chair are important for preserving order and decorum, as stated in Section 5 of the Procedures.

At its February 14, 2024, regular meeting, the Commission appointed Douglas "Rick" Johnson as Chair and Alex De Grassi as Vice Chair.

Discussion: Staff recommends the Commission discuss the appointment of new officers and possibly nominate a new Chair and Vice Chair for the 2025 calendar year. Staff further recommends that upon appointment of the new officers, the Commission reorganize according to Section 7(l) of the Procedures of Conduct, which directs as follows:

The Planning Commission Chair shall sit in the center chair of the Commission; the next Commissioner in seniority, based upon the time at which the Commissioner was appointed by the City Council, shall sit alternately on the left and right of the Planning Commission Chair. Should the Chair not be present at the meeting, the Vice Chair shall sit in the center chair as presiding officer.

Recommended Action: Discuss, nominate, and appoint a new Chair and Vice Chair of the City of Ukiah Planning Commission for the 2025 calendar year; and, accordingly, reorganize the seating of the Planning Commission per the Procedures of Conduct.

RULES OF CONDUCT OF THE UKIAH PLANNING COMMISSION MEETINGS FOR THE CITY OF UKIAH

SECTION 1. UKIAH PLANNING COMMISSION MEETINGS

The Ukiah Planning Commission ("Commission") meets regularly on the second and fourth Wednesday of each month at 6:00 p.m. The Commission meetings are held at the Civic Center Council Chambers, located at 300 Seminary Avenue. The Rules of Conduct sets forth procedural guidelines for the conduct of Ukiah Planning Commission meetings as follows:

I. Special Meetings/Time and Place/Notices

Special Planning Commission meetings may be called at any time by the Planning Commission Chair or by three (3) members of the Commission by directing the Recording Secretary to deliver or mail a written notice to each Commissioner, to each local newspaper of general circulation, radio and television station requesting a notice in writing. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting, as set forth in the notice. The call and notice shall set forth the time and place of the special meeting, which may be at a time and place different from the regular meeting time or place, and the business to be transacted. A copy of the notice shall also be posted at or near the door to the City Hall Council Chambers. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any Commissioner who, at or prior to the time the meeting convenes, files with the Planning Commission a written waiver notice. Such waiver may be given by U.S. mail, email, or facsimile. The written notice may also be dispensed with as to any Commissioner who is actually present at the meeting at the time it convenes.

II. Open to the Public/Exception

All regular and special meetings of the Planning Commission shall be public; provided, however, the Commission may hold a special meeting, with applicable provisions of state law, including the Ralph M. Brown Act (Government Code Sections 54950 et seq.).

III. Closed sessions/Disclosure of Information

Not applicable.

SECTION 2. AGENDA

I. Preparation and Posting of Agendas

Except for documents or information prepared by City staff that is not available by 12:00 noon on Wednesday, but in the Community Development Director's judgement should be included with the agenda prior to its delivery to members of the Planning Commission, all reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Commission at a regular meeting, shall be delivered to the Recording Secretary no later than 12:00 noon on Wednesday, six (6) working days

preceding the meeting. The Recording Secretary or City Planning Division staff shall prepare the agenda of all such matters under the direction of the City Community Development Director. The agenda and supporting documents shall be delivered to the Planning Commissioners no later than the Friday preceding the Wednesday Planning Commission meeting to which the agenda pertains. The agenda itself shall be posted in a location freely accessible to the public at least 72 hours before each regular meeting or 24 hours before any special meeting of the Planning Commission. The agenda must include a brief description of each item of business to be transacted or discussed at the meeting, as well as the time and location of the meeting. The Community Development Director shall review the items to be placed on the agenda and place those items which he or she believes to be of a routine non-controversial nature and are properly documented on the consent calendar, for adoption by a single motion.

II. Order of Business

The business of the Planning Commission and the order of its agenda shall be in such form, as the Commission may from time to time adopt by resolution.

SECTION 3. PLANNING CORRESPONDENCE

I. Availability to the Public

Correspondence on agenda and/or non-agenda items addressed to the Planning Commission and received by the Recording Secretary, Planning Division staff, or any other officer or employee of the City, shall not become a public record until received and distributed to the Commission at a regular, special, or adjourned meeting of the Planning Commission. Correspondence may come in the form of U.S. mail, email, and/or facsimile. Correspondence should not be read aloud at a Planning Commission meeting unless requested by a majority vote of the Commission.

II. Authority of the Community Development Director

The City Community Development Director is hereby authorized to open and examine all mail or other written communications addressed to the Planning Commission and to give them immediate attention to this end, that all administrative business referred to in such communications, and not necessarily requiring Commission action, may be acted upon between Commission meetings; provided, however, mail addressed to individual Commissioners shall not be opened without the consent of the Commissioner.

SECTION 4. PRESIDING OFFICER

The Planning Commission Chair shall be the presiding officer at all meetings of the Planning Commission. In the absence of the Planning Commission Chair, the Planning Commission Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the Recording Secretary shall call the Commission to order, whereupon, a temporary presiding officer or Commissioner shall be elected by the Planning Commissioners present to serve until the arrival of the Planning Commission Chair or Vice Chair or until adjournment. Wherever in this article the term Chair is used, it shall apply equally to the presiding officer as set forth in this section.

I. Powers and Duties

- A. Participation: The presiding officer may move, second, debate, and vote from the Chair.
- B. Signing of Documents: The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his/her signature which were adopted in his/her presence, unless he or she is unavailable, in which case the signature of an alternate presiding officer may be used.
- C. Sworn Testimony: The presiding officer may require any person addressing the Planning Commission to be sworn as a witness and to testify under oath, and the presiding officer shall so require, if directed to do so, by a majority vote of the Planning Commission.
- D. Discussion of and Action on Agenda Items: Under rules, as shall be determined from time to time by the Commission Chair, the public shall be offered an opportunity to address at the meeting, any item included on the agenda. The Planning Commission shall not take action on any item not appearing on the posted agenda unless: 1) a Commission majority determines that an "emergency situation", as defined herein, exists; 2) The Commission determines by a two-thirds (2/3) vote or by a unanimous vote if less than two-thirds (2/3) of the Planning Commissioners are present, that a need to take immediate action to the item arose subsequent to the posting of the agenda; or 3) the item was included in a properly posted agenda for a prior meeting occurring not more than five (5) days prior to the meeting at which time the action is taken and was continued to the meeting at which time the action is taken

As used in this section "emergency" means an event which will cause a work stoppage, severely impairing public health or safety, or a crippling disaster severely impairing public health or safety.

SECTION 5. RULES OF ORDER

In the event of questions as to procedure not set forth in this article for Planning Commission meetings, the Chair shall be guided by the rules of general parliamentary procedure.

I. Rules of Order/Failure to Observe

Rules adopted to expedite the transaction of the business of the Commission in an orderly fashion shall be deemed to be procedural only and subject to the privilege of the presiding officer. The failure to strictly observe such rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting, which is otherwise held in conformity with law.

II. Rules of Decorum

- A. Commissioners: While the Commission is in session, the Commissioners shall preserve order and decorum, and a Commissioner shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace

of the Commission, nor disturb any Commissioner while speaking, nor refuse to obey the orders of the presiding officer. Commissioners shall not leave their seats during a meeting without first obtaining the permission of the presiding officer.

- B. Employees: Members of the City staff and employees shall observe rules of order and decorum as are applicable to the Planning Commission. However, members of the City staff and employees may not leave their seats during a meeting without first obtaining the permission of the presiding officer.
- C. Persons Addressing the Council: Any person making impertinent, slanderous, or profane remarks, or who becomes boisterous while addressing the Commission, shall be called to order by the presiding officer, and if such conduct continues, may, at the discretion of the presiding officer, be ordered barred from further attendance before the Commission during that meeting.
- D. Members of the Audience: Any person in the audience who engages in disorderly conduct, such as clapping of the hands, stamping of the feet, whistling, using profane language, yelling, or similar demonstrations, which disturbs the peace and good order of the meeting, or who refuses to comply with the lawful orders of the presiding officer, is guilty of a misdemeanor under the provisions of State law, and, upon instructions from the presiding officer, it shall be the duty of the sergeant at arms (Chief of Police or his/her designee) to remove such person from the Council Chamber and to place him or her under arrest.
- E. Dangerous Instruments: No person may enter the chambers of a legislative body, as defined in Section 54852 of the Government Code of the State, or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.
- F. Rules of Decorum/Enforcement: The Chief of Police, or such members of the Police Department as the Chief of Police may designate, shall be sergeant at arms of the Commission and shall carry out all orders given the presiding officer for the purpose of maintaining order and decorum at Commission meetings. Any Commissioner may move to require the presiding officer to enforce the rules, and the affirmative vote of a majority of the Commission shall require him or her to do so.

II. Rules of Debate

- A. Getting the Floor: Every Commissioner desiring to speak at a Planning Commission meeting shall first address the Chair, gain recognition by the presiding officer, and confine himself/herself to the question under debate, avoiding personalities and indecorous language.

- B. Questioning the Staff: Every Commissioner desiring to question the City staff shall, after recognition by the presiding officer, address his or her questions to City staff.
- C. Interruptions: A Commissioner, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, a point of order or chooses to yield to a question by another Commissioner. If a Commissioner is called to order while speaking, he or she shall cease speaking until the question of order is determined to be in order, then he or she may proceed. Members of the City staff, after recognition by the presiding officer, shall hold the floor until the completion of their remarks or until recognition is withdrawn by the presiding officer.
- D. Points of Order: The presiding officer shall determine all points of order, subject to the right of any Commissioner to appeal to the Council. If an appeal is taken, the question shall be, "*Shall the decision of the presiding officer be sustained*"? A majority vote shall conclusively determine such question of order.
- E. Points of Personal Privilege: The right of a Commissioner to address the Commission on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are questioned or where the welfare of the Commission is concerned. A Commissioner raising a point of personal privilege may interrupt another Commissioner who has the floor only if the presiding officer recognized the privilege.
- F.
- G. Limitation of Debate: No Commissioner shall be permitted to speak more than once on any particular subject until every other Commissioner desiring to do so shall have spoken.

SECTION 6. MOTIONS

A motion by any member of the Planning Commission, including the presiding officer, may not be considered by the Commission without receiving a second.

I. After Motions are Made and Hearings are Closed

After a motion has been made or a public hearing has been closed, no member of the public shall address the Commission from the audience on the matter under consideration without first seconding permission to do so by a majority vote of the Commission. Prior to taking a vote, the Commission may engage in discussion and debate. With the consent of the presiding officer, a Commissioner may request specific clarifying information from staff and/or the applicant.

SECTION 7. VOTING RULES

I. Seating Arrangement for Commission

The Planning Commission Chair shall sit in the center chair of the Commission; the next Commissioner in seniority, based upon the time at which the Commissioner was appointed by the City Council ,) shall sit alternately on the left and right of the Planning Commission Chair. Should the Chair not be present at the meeting, the Vice Chair shall sit in the center chair as presiding officer.

II. Question to be Stated

Upon moving the question, the presiding officer shall call for the vote which shall be taken first from the least senior member then moving by seniority rank to the most senior member, with the presiding officer voting last.

III. Registration of Votes

Any vote of the Planning Commission, including a roll call vote, may be registered by the members by answering “aye” for an affirmative vote or “no” for a negative note upon the name of the Planning Commissioner.

IV. Voting Procedure/Disqualification

Any Planning Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest, shall publicly state, or have the presiding officer state, the nature of such disqualification in open meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter, shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the presiding officer to step down from the Council table and leave the Council Chamber. A Commissioner stating such disqualification shall not be counted as a part of a quorum, and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

V. Failure to Vote

Planning Commissioners present at a Planning Commission meeting shall vote unless disqualified by reason of a conflict of interest or where the Commissioner in good faith believes that he or she should not vote on a measure for good cause, such as, but not limited to, not having attended a prior meeting essential to an informed note on the measure. A failure to vote or an abstention shall not be counted. A measure shall pass only if it receives “aye” votes from a majority of the Commissioners present at the meeting provided a quorum is established. Commissioners abstaining shall be counted in determining whether a quorum is present.

VI. Tie Votes

Tie votes shall be lost motions and may be reconsidered.

VIII. Changing Votes/Abstention

A Planning Commissioner may change his or her vote only if he or she makes a timely request to do so immediately following the announcement of the vote by the Recording Secretary and prior to the time the next item in the order of business is taken up. A

Commissioner who publicly announces he or she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his or her abstention.

SECTION 8. RECONSIDERATION OF ACTIONS

A motion to reconsider any action taken by the Planning Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at recessed or adjourned session thereof. Such motion may be made only by one of the Commissioners who voted with the prevailing side. The provision of this section shall not be construed to prevent any Commissioner from making or remaking the same or any other motion at a subsequent meeting of the Commission.

SECTION 9. PUBLIC HEARINGS

I. Public Hearing Defined

A public hearing is any hearing which is publicly noticed by publication in a newspaper of general circulation, posting on affected property, or mailing to affected parties. Generally, public hearings can be classified as quasi-judicial or quasi-legislative. The following is a general summary description of quasi-judicial and legislative hearings. The discussion is not intended to change the general California law governing this subject. Generally, a quasi-judicial decision is any decision affecting one, or a limited number of individual applicants, in which the Planning Commission is legally required to make its decision based on the evidence presented during the hearing. Examples of such hearings include appeals from land use decisions by Planning Commission to the Ukiah City Council, such as those concerning major use permits, variances, and major site development permits. Generally, a quasi-legislative decision generally is a decision to make or amend rules affecting a whole class or large number of persons. The City Council is required to seriously consider evidence presented during quasi-legislative hearings, but it is not legally required to base its decision exclusively on the evidence presented. Examples of quasi-legislative decisions include the adoption or amendment of zoning ordinances, general plan amendments, and other ordinances.

II. Submission of Documents

In order to give adequate consideration to written documents, the following rules shall apply:

- A. Time and Submission: Any written document excluding written comments submitted on a particular agenda item by the public, whether containing factual information or legal or policy arguments exceeding 250 words, must be submitted to the Recording Secretary six (6) calendar days prior to the scheduled hearing date. Photographs or other graphic depictions may be filed at the hearing.
 1. If the submission deadline falls on a legal holiday or weekend, the document must be submitted the last working day prior to the submission deadline.
 2. The Planning Commission shall exclude from the record and not consider any document submitted after the submission deadline,

unless upon a motion by a Commissioner, a majority of the Commissioners present at the hearing vote to consider the document. A decision to consider a document not timely filed shall be considered automatic grounds to continue the hearing, although a continuance shall require a specific motion adopted by a majority of the Commissioners present at the meeting.

- B. Manner of Submission: All documents must be presented to the Recording Secretary for consideration at the hearing. No documents presented to the individual Commissioners prior to the hearing shall be considered as part of the hearing record.
1. To be considered, an original and seven (7) copies must be filed with the Recording Secretary.
 2. Upon Receipt, the Recording Secretary shall date stamp as received the original and all copies. Upon request, the Recording Secretary will furnish the proponent of the document with a date stamped copy. The Recording Secretary shall immediately distribute copies of the submitted documents to the individual Commissioners and the Community Development Director. The Recording Secretary shall retain the original and include it in the hearing record, which the Recording Secretary shall compile and maintain.

IV. Viewing the Site

In quasi-judicial hearings involving specific property, it shall be the duty of Planning Commissioners to view the site prior to the hearing. At the beginning of the hearing the Planning Commission Chair shall poll the Commissioners to establish, on the record, whether they have viewed the site. If any Commissioner indicates that he or she has not viewed the site, the hearing shall be continued to the next regular meeting date..

In quasi-legislative public hearings involving specific property, any Commissioner may, but not required to, view the site. In such hearings, Commissioners may, but are not required to, reveal on the record whether they have viewed the site.

V. Making a Decision

In quasi-judicial hearings, the Planning Commission shall base its decision exclusively on the record, including documents submitted in accordance with this rule and testimony and oral argument presented during the hearing. Any motion deciding the matter shall include sufficient findings of fact to inform the parties of the basis on which the Planning Commission made its decisions, and to determine whether the decision is based on lawful principles. Where possible, the staff report the Planning Commission shall include proposed findings for Planning Commission consideration.

In quasi-legislative hearings, the Planning Commission shall seriously consider all documents submitted in compliance with this rule and testimony and oral argument presented during the hearing. The motion deciding the matter need not include specific legal requirements applicable to the particular matter.

VI. Conduct of Public Hearing

As presiding officer, the Planning Commission Chair shall conduct the hearing to promote an orderly presentation of the evidence by all parties. Subject to the following guidelines, the Chair shall use his or her discretion in presiding over the hearing:

- A. Order of Proof: Generally, all those supporting an application or measure shall present their evidence and argument first. Those opposing the application or measure shall present their evidence and argument second. Those supporting the measure shall be allowed some additional time for rebuttal. If during the rebuttal project proponents present new argument or evidence, project opponents shall be allowed some additional time to rebut that new matter.
- B. Time Limitations: The Planning Commission Chair may impose time limitations on all those wishing to present evidence or argument. The Chair may prevent the presentation of irrelevant, repetitive, or cumulative testimony or argument.
- C. Manner: Each person desiring to address the Planning Commission shall step up to the microphone reserved for that purpose, state his or her name and address for the record, state the subject he or she wishes to discuss, state whom he or she is representing, if he or she represents an organization or other persons, and unless further time is granted by a majority vote of the Commission, shall limit his or her remarks to three (3) minutes. All remarks shall be addressed to the Commission as a whole and not to any member thereof.
- D. Spokesmen for Groups of Persons: In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Planning Commission on the same subject matter, it shall be proper for the presiding officer to request that spokesman be chosen by the group to address the Commission, and in the event additional matters are to be presented by any other member of such group, to limit the number of such persons addressing the Commission.

SECTION 10. ORDINANCES/RESOLUTIONS/CONTRACTS

I. Motions

Motions shall be used to express decisions of the Planning Commission on routine questions or matters of temporary importance, or to give instructions to the staff and shall be moved, seconded, and adopted by a voice vote unless a roll call is requested by a Commissioner.

II. Resolutions

Resolutions shall be used to express decisions of the Planning Commission of a permanent or lasting nature and shall be introduced, seconded, and adopted by a roll call vote.

III. Ordinances

Not applicable.

SECTION 11. MINUTES/PREPARATION AND CHANGES

The Recording Secretary shall have the exclusive responsibility for the preparation of the minutes of Planning Commission meetings, and any directions for changes in the minutes shall be made only by a majority action of the Commission.

I. Minutes/Request for Detail

During a Planning Commission meeting any Commissioner may request the Recording Secretary include in the minutes for that meeting a verbatim transcript of any portion of the meeting designated by the Commissioner. If so requested, the Recording Secretary shall include the verbatim transcript of such segment in the draft minutes presented to the Planning Commission for approval, unless the request is rejected by a majority vote of the Commission.

II. Minutes/Reading

Unless the reading of the minutes of a Planning Commission meeting is ordered by a majority vote of the Commission, such minutes may be approved without reading, if the Recording Secretary has previously furnished each Commissioner with a copy.

III. Minutes/Entry of Statements

A Planning Commissioner may request through the presiding officer of a Planning Commissioner meeting, the privilege of having an abstract of the statement of such Commissioner on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be inserted in the minutes.

SECTION 12. SPECIAL COMMITTEES

All special Planning Commission committees shall be appointed by the presiding officer with a majority consent of the Commission. Such committees shall be temporary in tenure and shall automatically be discharged upon the completion of their charge, or upon an order of the presiding officer or majority of the Commission.



AGENDA SUMMARY REPORT

SUBJECT: Presentation to the Planning Commission on the City's New Vacant and Abandoned Properties Ordinance.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. 1250 - Adding Code for Vacant and Abandoned Properties

Summary: Planning Commission will receive a presentation from Staff on the City's new vacant and abandoned properties ordinance and discuss any questions with Staff.

Background: At the January 8, 2025, regular meeting of the Planning Commission, the Commission requested an update on the status of vacant and/or abandoned properties in Ukiah. The Commission was also interested in understanding if any potential solutions had been identified for decreasing the number of vacant and/or abandoned properties.

Staff is providing the requested update in this report and presentation. A summary of the City's efforts related to this issue is provided in the Discussion section below.

Discussion: During the FY 2024-25 budget preparation and budget objectives development process, the City Council requested the Community Development Department explore a policy to address the growing blight and safety concerns related to vacant and abandoned buildings in Ukiah. In response, the Department added the following objective within the Code Compliance Division, to be completed by June 30, 2025:

Collaborate with the Planning Division to assess current policies and regulations, and develop recommendations to address and prevent abandoned, neglected, and blighted buildings, and underutilized properties.

Staff drafted a vacant and abandoned properties ordinance for introduction by the City Council at the December 18, 2024, regular meeting, which was approved by the Council by a unanimous vote. The Agenda Summary Report and relevant materials for the December 18th public hearing can be found on the City's meetings webpage (below) and navigating to Item 12b. On January 15, 2025, City Council adopted Ordinance No. 2024-1250 (Attachment 1), and the Ordinance will become effective 30 days after January 15, or on February 14, 2025.

City of Ukiah meetings link: <https://cityofukiah.com/meetings/>

Staff recommends the Planning Commission receive a presentation on the City's new vacant and abandoned properties ordinance and discuss any questions with Staff.

Recommended Action: Receive presentation and discuss with Staff.

ORDINANCE NO. 2024 - 1250**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING CHAPTER 13 TO DIVISION 3 OF THE CITY CODE, ENTITLED "VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE".**

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

SECTION ONE. FINDINGS

1. Neglected vacant or abandoned properties are a major source of blight in the City of Ukiah and pose serious threats to public health, safety, and welfare. They attract criminal and unsafe activities, and as such, are vulnerable to fire, theft, and other illegal activities. The presence of neglected vacant or abandoned buildings and storefronts can lead to neighborhood decline, create nuisance conditions, lower property values, and discourage investment.
2. It is the responsibility of property owners, lenders, trustees, or others with possessory, equitable, or legal interests in the neglected vacant or abandoned lots, buildings including without limitation historic buildings or structures, to maintain, secure, and prevent these buildings and lots from becoming a burden to the neighborhood and community or a threat to public health, safety and welfare.

SECTION TWO.

A new Chapter 13, entitled "VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE," shall be added to Division 3 of the Ukiah City Code and shall read as follows:

CHAPTER 13 VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE**§3480 PURPOSE**

It is hereby declared to be in the public interest to promote the health, safety and welfare of the residents of the City of Ukiah through the adoption of this Chapter, to establish an abandoned or vacant property registration program for residential and commercial properties as a mechanism to protect neighborhoods and commercial areas from becoming blighted through the lack of adequate maintenance and security of abandoned and vacated properties, which program and procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law.

§3481 DEFINITIONS

For the purposes of this Chapter, the following words and phrases are defined as set forth below:

Abandoned Property: Real property that is vacant and either:

1. Under a current notice of default;
2. Under a current notice of trustee's sale;
3. Pending a tax assessor's lien sale;

4. The subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or

5. Transferred under a deed in lieu of a foreclosure sale.

Beneficiary: A lender or holder of a note secured by a deed of trust. When any act is required of the beneficiary and/or the trustee by this Chapter, both are responsible for performing such act and may be charged with a violation of this Code for failure to act.

Deed of Trust: An instrument by which title to real estate is transferred to a third-party trustee as security for a real estate loan and often used in California instead of a mortgage. This term shall include any and all subsequent deeds of trust, i.e., second trust deed, third trust deed, etc.

Distressed: A property that is legally occupied, and either:

1. Under a current notice of default;
2. Under a current notice of trustee's sale;
3. Pending a tax assessor's lien sale;
4. The subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or
5. Transferred under a deed in lieu of a foreclosure sale.

Evidence of vacancy: Any condition that, on its own or combined with other existing conditions, would lead a reasonable person to believe that a property is vacant and not occupied by authorized persons. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, and statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Legal owner: An owner of residential property purchased by that owner at a foreclosure sale or acquired by that owner through foreclosure under a mortgage or deed of trust, as the term is used in California Civil Code § 2929.3.

Local: Within the City of Ukiah city limits.

Notice of default: A recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

Out of area: outside the City of Ukiah city limits.

Owner: The person having recorded title to the property at any given point in time the record is provided by the Mendocino County recorder's office.

Property: Any unimproved or improved real property, or portion thereof, situated in the City, including the buildings or structures located thereon.

Responsible person: Any person, partnership, association, corporation or fiduciary having legal or equitable title to or any interest in any real property. This term includes trustees and beneficiaries of a deed of trust on the property and any other lien holder on the property.

Secure, Securing: Such measures as may be directed by the City Manager, Building Official, Code Enforcement Officer, Police Chief, Fire Chief, Fire Marshall, or their authorized agents, that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, the repairing or boarding of doors, windows and/or other openings. If boarding of the property is required, such boarding shall be completed to a minimum of the current securing standards of the department of housing and urban development.

Trustee: The person, firm or corporation holding a deed of trust on a property. When any act is required of the beneficiary and/or the trustee by this Chapter, both are responsible for performing such act and may be charged with a violation of this Code for failure to act.

Trutor: A borrower under a deed of trust who deeds property to a trustee as security for the payment of a debt.

Vacant: A property that is not occupied by authorized persons.

§3482 REGISTRATION OF ABANDONED OR VACANT PROPERTIES

A. All abandoned or vacant properties shall be registered with the Business Services Division of the City of Ukiah Community Development Department in accordance with this Section. Any beneficiary and/or trustee who holds a deed of trust on a property located within the City shall, upon default by the trutor, perform an inspection of the property that is security for that deed of trust. This inspection shall be performed prior to recordation of a notice of default with the Mendocino County recorder's office. If the property is found to be vacant, or shows evidence of vacancy, such property shall be deemed abandoned for purposes of this Chapter, and the beneficiary and/or trustee shall, within ten days of the inspection, register the property with the Community Development Department, on a form provided by the Business Services Division. If the property is occupied by authorized persons at the time of inspection, the property shall be re-inspected on a monthly basis until:

1. The default is remedied by the trutor;
2. The foreclosure is completed and the ownership is transferred to a new owner who is not the former beneficiary and/or trustee; or
3. The property is found to be vacant, at which time it shall be registered with the Business Services Division of the Community Development Department within ten days of the inspection.

B. Registration under this Chapter shall include the following information for both the beneficiary and trustee:

1. The street address (not a P.O. box) of the corporation or individual, and if different, the mailing address.
2. A direct contact name and telephone number for the person handling the deed of trust and/or foreclosure.

3. The local property manager responsible for the security and maintenance of the property, if the beneficiary or trustee is located out of the area or if the beneficiary or trustee is unable to conduct regular inspections and maintenance of the registered property.

C. The registration shall also include the annual registration fee, as established and as may be adjusted from time to time by City Council resolution. The amount of the fee charges shall not exceed the reasonable estimated cost of administering the provisions of this Chapter.

D. Registration of a property shall be valid for one year from the date that the property is registered with the City. Registration with the City shall be annually renewed prior to the expiration of the current registration.

E. Any change in the information required by Subsection B of this Section must be reported to the Business Services Division of the Community Development Department within ten days of that change.

§3483 MAINTENANCE REQUIREMENTS

Responsible persons, including beneficiaries and/or trustees, shall maintain vacant, abandoned or distressed properties located within City limits, as set forth below:

A. The property shall be kept free of items that show evidence that the property is vacant or abandoned, including, but not limited to, weeds, dry brush, dead or overgrown vegetation, trash, junk, debris, building materials, accumulated newspapers, circulars, flyers, notices, discarded personal items, such as furniture, clothing, appliances, and printed material.

B. The property, or structures thereon, shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade of paint that matches the color of the exterior of the affected structure or property.

C. Visible front and side yards of such property shall be acceptably landscaped and maintained.

1. Acceptable landscaping includes, but is not limited to, grass or similar ground cover; bushes, shrubs, hedges or similar plantings; and decorative rock or bark. Unacceptable landscaping includes, but is not limited to, weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or other similar materials.

2. Acceptable maintenance includes, but is not limited to, regular watering, irrigation, mowing, cutting, trimming or pruning of vegetation and removal thereof.

D. Pools, spas, and hot tubs shall either be:

1. Kept in working order so that the water remains clear and free of pollutants, debris, mosquitoes, mosquito larvae or other similar pests, or

2. Drained and kept dry.

All properties with pools, spas, or hot tubs must comply with security fencing requirements mandated by California law.

E. If any vacant or abandoned property is owned by an out of area beneficiary, trustee, or owner, such person or entity shall contract with a local property management company to perform maintenance required by this Section.

F. Compliance with this Chapter does not relieve any responsible person of any other obligations set forth in this Code or other state and federal laws, or covenants conditions and restrictions, or any homeowners' association rules that may apply to the property.

§3484 SECURITY REQUIREMENTS

A. Responsible persons shall secure all vacant and abandoned properties against unauthorized entry. This includes, but is not limited to, closing and locking all windows, doors (including sliding doors and garage doors), gates, and any other openings of such size that would allow a child to access the interior of the property and buildings or structures thereon. If doors or windows cannot be secured by other means, they may be boarded.

B. If any vacant or abandoned property is owned by an out of area beneficiary, trustee, or owner, and if such beneficiary, trustee, or owner cannot physically maintain and regularly inspect the property, such person or entity shall contract with a local property management company to perform weekly inspections to ensure that the requirements of this Chapter, and any other applicable laws, are being met.

C. All vacant and abandoned property shall be posted with the name and a 24-hour contact phone number for the trustee, beneficiary, owner or local property management company responsible for the maintenance and security of the property. The posting shall conform to the following requirements:

1. The posting shall be 18" x 24" and lettering on the posting shall be of a 1" font size.
2. The posting shall state "THIS PROPERTY MANAGED BY _____. TO REPORT PROBLEMS OR CONCERNS, CALL _____."
3. The posting may be placed in any of the following locations, so long as the posting is visible from the street facing the front of the property:
 - a. In the interior of a window;
 - b. Secured to the exterior of the building; or
 - c. On a stake of sufficient size to support the posting.

Any exterior posing shall be constructed of and printed with weather-resistant materials.

§3485 MONITORING PROGRAM AND PURPOSE

A. Vacant buildings are a major cause and source of blight in residential and nonresidential neighborhoods, especially when the owner of the building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who may employ primitive cooking or heating methods, creates a risk of fire for the vacant buildings and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent

entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

B. Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City departments involved in such monitoring include Police, Community Development, and the Ukiah Valley Fire Authority. There is a substantial cost to the City for monitoring vacant buildings (whether or not those buildings are boarded up), which should be borne by the owners of the vacant buildings. The fees for a monitoring program pursuant to the provisions of this Chapter shall be separate from and in addition to any registration fees or administrative penalties required or otherwise assessed pursuant to the provisions of this Chapter.

§3486 MONITORING PROGRAM PROCEDURES

A. Authority. The Chief Code Enforcement Officer shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant buildings in the City. The program shall be documented and regularly updated. The program shall be available for public review.

B. Purposes. The purposes of the monitoring program shall be:

1. To identify buildings that become vacant;
2. To order vacant buildings that are open and accessible to be secured against unlawful entry pursuant to City codes, including the building code, or other applicable law;
3. To initiate proceedings against the owner of any vacant building found to be substandard as defined in this Chapter or a nuisance under any other provision of this Code;
4. To maintain surveillance over vacant buildings so that timely enforcement proceedings are commenced in the event a building becomes substandard or a nuisance; and
5. To establish and enforce rules and regulations for the implementation and compliance with the provisions of Sections 3482-3484 of this Chapter.

C. Fee imposed. There is imposed upon every owner of a vacant building monitored pursuant to this Chapter, an annual vacant building monitoring fee in an initial amount as the City Council may establish by resolution, provided that the fee shall not exceed the estimated reasonable cost of monitoring the vacant building. The fee shall be applied as to any building, residential or nonresidential, which:

1. Is boarded up by voluntary action of the owner or as the result of enforcement activities by the City; or
2. Is vacant for more than 90 days for any reason.

D. Fee waiver. The vacant building monitoring fee shall be waived upon a showing by the owner that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy; or
2. The building meets all applicable codes and is actively being offered for sale, lease, or rent.

E. Procedure. The vacant building monitoring fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the Mendocino County assessor. Any owner billed may apply for a waiver on the grounds set forth in Subsection D of this Section by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the Chief Code Enforcement Officer within 30 days after the billing is mailed to the owner. The owner shall provide substantial evidence in support of the owner's statement of the grounds for the waiver. The Chief Code Enforcement Officer shall review the written statement and all related evidence and may contact the owner to discuss the application for waiver. The Chief Code Enforcement Officer shall prepare a written decision which shall be mailed to the owner and shall set forth the reasons for the decision.

F. Any owner aggrieved by the decision of the Chief Code Enforcement Officer relating to an application for waiver may appeal the Chief Code Enforcement Officer's decision to the City's Hearing Officer by filing with the City Clerk a written notice of appeal within ten days of the decision. The Hearing Officer shall set a time and place for a hearing of such appeal, and notice of such hearing shall be mailed, postage prepaid, to the owner at his or her last known address at least ten days prior to the date set for the hearing. The decision and order of the Hearing Officer on such appeal shall be final and conclusive.

G. If the fee is not paid within 60 days after billing, or within 60 days after the decision of the Chief Code Enforcement Officer, the Chief Code Enforcement Officer may thereupon order that the fee be specially assessed against the property involved. If the Chief Code Enforcement Officer orders that the fee be specially assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

H. The City is also authorized to record a notice of lien. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the fee.

§3487 ENFORCEMENT

A. Any violation of this Chapter shall constitute a public nuisance.

B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to this Chapter and that causes, permits, or maintains a violation of this Chapter, shall be guilty of a misdemeanor. Violations shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent.

C. If the Chief Code Enforcement Officer determines a violation of this Chapter exists, the enforcement official may issue an administrative citation for each day a violation exists, containing fines up to \$1,000.00 per day, per violation, as provided in Chapter 12, Division 3 of this Code, or up to \$2,500 per day, per violation, as provided in Chapter 11, Division 3 of this Code, whichever is applicable. The table below provides guidance as to how these fines will be assessed. The Chief Code Enforcement Officer has discretion to charge the maximum daily penalties depending on the severity and danger to health and safety of the violation.

Days in Violation	Residential Units	Commercial Units
1 to 10	\$100.00 Per Day	\$250.00 Per Day
11 to 30	\$250.00 Per Day	\$500.00 Per Day
Over 30	\$1,000.00 Per Day	\$2,500.00 Per Day

D. This Section is intended to be cumulative to, and not in place of, other rights and remedies available to the City pursuant to this Code or state law, including any civil, criminal and/or administrative action.

E. Any and all costs, including attorney's fees, incurred by the City in enforcing this Chapter shall be recoverable, and shall constitute a lien and special assessment against the subject property, pursuant to the definitions and procedures in Chapters 11 and 12 of this Division, whichever is applicable, and as otherwise provided by this Code.

§3488 JOINT AND SEVERAL LIABILITY

The duties/obligations specified in this Chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

SECTION THREE.

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 December 18, 2024, by the following roll call vote:

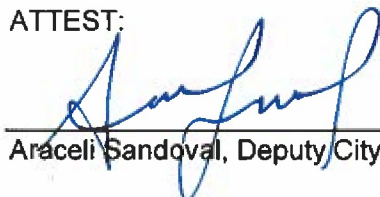
AYES: Rodin, Criss, Orozco, Sher, and Mayor Crane.
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.

Adopted on January 15, 2025, by the following roll call vote:

AYES: Rodin, Criss, Orozco, Sher, and Mayor Crane.
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.


 Douglas F. Crane, Mayor

ATTEST:


 Araceli Sandoval, Deputy City Clerk