



# Mendocino County

## Legislation Text

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File #: 21-0729, Version: 1

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**To: Board of Supervisors**

**From:** Planning and Building Services

**Meeting Date:** June 22, 2021

**Department Contact:** Mark Cliser

**Phone:** 234-6650

**Department Contact:** Nash Gonzalez

**Phone:** 234-6650

**Item Type:** Noticed Public Hearing

**Time Allocated for Item:** 45 Minutes

**Agenda Title:**

Noticed Public Hearing - Appeal of the Archaeological Commission Request for an Archaeological Survey for a Minor Subdivision Located Near Ukiah (MS\_2020-0006) of One Legal Parcel Comprised of APNs 167-190-08 and 167-230-03 in Order to Create Two (2) Separate Legal Parcels of 2.1± Acres and 3.9± Acres (Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Conduct the Noticed Public Hearing on the Appeal of the Archaeological Commission request for an Archaeological Survey for a Minor Subdivision located near Ukiah (MS\_2020-0006), including all evidence within the record before the Board, and determine if an Archaeological Survey is warranted for the project.

**Previous Board/Board Committee Actions:**

The Board of Supervisors adopted Ord. No. 3657 in 1987 establishing Chapter 22.12.040 (Archeological Commission) in Division I of Title 20 of County Code.

**Summary of Request:**

On April 22, 2021 James Ronco (Agent), on behalf of Vance Ricks (Applicant) and Jack Rafter, LLC (Owner) filed an appeal of the decision by the Archaeological Commission's action to request an Archaeological Survey for Minor Subdivision application MS\_2020-0006. The application requests a Minor Subdivision of one legal 6 acre parcel, comprised of APNs 167-190-08 and 167-230-03, in order to create two (2) separate legal parcels of 2.1± acres and 3.9± acres. The project is located 4.5± miles north of Ukiah City center, lying on the east side of North State Street (CR 104), 0.3± north of its intersection with Pomo Lane (CR 228A), located at 4681 North State Street, Ukiah, approximately 440 feet west of the Russian River.

The Appeal challenges the request for an archaeological survey based, in part, on the actions of the Commission "having been made without any reference to any factual evidence", the Commission's action requesting an archaeological survey "without discussion or acknowledgement of the evidence provided by Owner after verbal testimony was made regarding the evidence provided", and the Commission's denial of owner verbal testimony at the April 14, 2021 Archaeological Commission hearing because "a motion and second had been made and it was stated 'it was too late'."

It should be noted that when an appointed body render a decision it should consider all of the evidence,

including public testimony, data, etc... It does not appear that this was the case on April 22, 2021. It would have been appropriate for the Archaeological Commission to have considered all evidence, and a deliberation of the facts should have occurred providing the Applicant a clear understanding of why an archaeological survey was being requested.

**Alternative Action/Motion:**

Provide direction to Staff.

**Supervisory District:** District 1

**vote requirement:** Majority

**Supplemental Information Available Online At:**

[<https://www.mendocinocounty.org/government/planning-building-services/public-notices>](https://www.mendocinocounty.org/government/planning-building-services/public-notices)

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Steve Dunncliff, Deputy CEO

**CEO Review:** Choose an item.

**CEO Comments:**

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**Executed By:** Atlas Pearson, Deputy Clerk I

**Date:** June 25, 2021

**Final Status:** Direction Given to Staff

