

**TO: Board of Supervisors**

**FROM: Planning and Building Services**

**MEETING DATE: June 22, 2021**

**DEPARTMENT CONTACT:** Mark Cliser  
**DEPARTMENT CONTACT:** Nash Gonzalez

**PHONE:** 234-6650  
**PHONE:** 234-6650

**ITEM TYPE:** Noticed Public Hearing

**TIME ALLOCATED FOR ITEM:** 1.5 hours

**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.

**RECOMMENDED ACTIONS/MOTIONS:**

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.

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**ALTERNATIVE ACTION/MOTION:**

Provide direction to Staff.

**SUPERVISORIAL DISTRICT:** DISTRICT 1

**VOTE REQUIREMENT:** Majority

**SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

<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

**BUDGETED IN CURRENT F/Y:** N/A

**IF NO, PLEASE DESCRIBE:**

**REVENUE AGREEMENT:** N/A

**BUDGET CLARIFICATION:** N/A

**AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL:** Yes

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**CEO LIAISON:** Steve Dunnicliff, Deputy CEO

**CEO REVIEW:**

**CEO COMMENTS:**

**FOR COB USE ONLY**

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Executed By:

Date:

**Note to Department**

Number of Original Agreements Returned to Dept:

Original Agreement Delivered to Auditor?

Final Status:

Executed Item Number:    Number:



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

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## MEMORANDUM

DATE: JUNE 22, 2021

TO: HONORABLE BOARD OF SUPERVISORS

FROM: MARK CLISER, PLANNER II, PLANNING AND BUILDING SERVICES

SUBJECT: APPEAL OF ARCHAEOLOGICAL COMMISSION REQUEST FOR ARCHAEOLOGICAL SURVEY FOR MINOR SUBDIVISION MS\_2020-0006

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.

### **ARCHEOLOGICAL COMMISSION FIELD INVENTORY REQUIREMENT**

Mendocino County Code section 22.12.050 contains the County's procedures for requiring an archeological field inventory (commonly referred to as an archeological study) for projects requiring review under the California Environmental Quality Act ("CEQA"). As part of the preparation of any initial study pursuant to CEQA, projects are referred to the California Historical Resources Information System ("CHRIS", known as the "N.I.C." at or the Northwest Information Center of the California Archaeological Sites Inventory, Department of Anthropology, Sonoma State University, at the time of the adoption of the ordinance). CHRIS performs a literature review regarding potential archeological sensitivity for the project, and provides a written recommendation to the County. This recommendation specifies the need for an archeological survey or other actions. Under the ordinance, if CHRIS recommends no further survey or action, the project applicant shall be relieved of further consideration of archeological resources pursuant to CEQA.

CHRIS reviews that recommend an archeological survey or other actions are scheduled for review by the Archeological Commission. Notice of the review is provided to project applicants. CHRIS recommendations may be approved, modified, or overturned by the Archeological Commission, depending on the introduction of additional information from CHRIS, the Commission itself, the Department of Planning and Building Services, the applicant or the public.

Mendocino County Code section 22.12.060 contains procedures and requirements for archeological surveys and impact mitigations, if necessary. Should an archeological survey identify no archeological resources, the applicant shall be relieved of further consideration of archeological resources pursuant to CEQA. If archeological resources are identified, the final report is subject to review by the Archeological Commission, which may approve, modify or overturn the report, depending on the introduction of additional information from CHRIS, the Commission itself, the Department of Planning and Building Services, the applicant or the public

## **CHRONOLOGY AND ARCHAEOLOGICAL COMMISSION ACTIONS**

The application for the Minor Subdivision was submitted on December 3, 2020 and deemed complete on December 15, 2020. On December 31, 2020 Staff sent referral packets to responsible agencies for comments. A site visit was conducted on January 5, 2021. On January 14, 2021 Staff received comments from California Historical Resources Information System (CHRIS) regarding archaeological sites. The comments stated, in part, that “based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Mendocino County have been found near oak woodland, as well as near a variety of plant and animal resources. Sites are also found near watercourses, particularly where there is access to salmon fishing spots.” CHRIS recommended that “a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources.”

The project was heard at the March 10, 2021 hearing by the Archaeological Commission. In attendance at the hearing were Commissioner William Cull, archaeological representative, Commissioner Lois Lockhart, alternative representative, and Commissioner Benjamin MacBean, museum representative. All three Commissioners requested an archaeological survey be conducted at the Project Site. Discussion was opened to the Project Agent, James Ronco, who described the project and material presented to the Commission (Attachment F). Mr. Ronco pointed out that a 40 foot cliff separates the subject parcel from the river, making access to the river by Native Americans impractical. The Commission’s decision for a survey remained based on the project’s proximity to the Russian River and it being undeveloped. Due to Staff error, the Commission did not receive the above mentioned materials provided by the Applicant and the Applicant requested the project be continued to the April 14, 2021 Archaeological Commission meeting.

The Archaeological Commission’s review of the project continued at its April 14, 2021, meeting. Applicant provided materials were distributed to the Commissioners and discussion was opened to James Ronco. Mr. Ronco first discussed aerial photographs of the site from 1952 (Attachments G & H) and pointed out that the site had once been an orchard and open field. Mr. Ronco then discussed the 1912 State Highway Map (Attachment I) which shows the property featured a pasture, a corn field, and a single house. Mr. Ronco argued that these maps demonstrate that as far back as 1912 there was a pasture on the project site and no indication that there was any type of Native habitation on the site. He pointed out that the site is a considerable distance from the confluence of the Russian River and York Creek (approximately 0.7 miles), and that access from the project site to the Russian River is separated by a 40 foot bluff. Mr. Ronco also provided a map of Pomo Indian villages and trails indicating there was no type of village or trail near the project site (Attachment J).

Following the Applicant’s presentation and discussion Commissioner Cull stated that, based on the location and the area having been undeveloped and that there had been habitation of indigenous people along the Russian River dating back as far as 15,000 years, an archaeological survey be conducted. Commissioner Cull made a motion that the project conduct an archaeological survey. The motion was seconded by Commissioners MacBean and Lockhart. The motion carried 3 to 0 with the representative from the Department of Planning and Building Services abstaining.

## **APPEALS OF ARCHEOLOGICAL COMMISSION ACTIONS**

The Applicant’s appeal is attached as Attachment N, alleging various procedural and substantive concerns regarding the Commission’s action.

Mendocino County Code section 22.12.040 simply provides that actions of the Commission are appealable only to the Board of Supervisors. Given this wording, the scope of the Board’s authority in this appeal is de novo, meaning it can review the entire matter that was before the Commission and determine whether or not an archeological study should be required for this minor subdivision application.

## **RECOMMENDED MOTION**

The Board of Supervisors is provided with two (2) options in this matter.

Option 1: Deny the appeal of the Archaeological Commission's determination requesting an archaeological survey for the Minor Subdivision (MS\_2020-0006) of one (1) legal parcel in order to create two (2) separate parcels by way of the Minor Subdivision; or

Option 2: Uphold the appeal and determination that an archaeological survey is not warranted based in part on the action of the Archaeological Commission's comments requesting an archaeological survey without discussion or acknowledgment of the evidence provided by the property owner and their agent.

### **ATTACHMENTS:**

- A. Application
- B. Tentative Map
- C. CHRIS comments
- D. Location Map
- E. Aerial Map
- F. Applicant Statement
- G. Applicant 1952 Aerial Photograph 1
- H. Applicant 1952 Aerial Photograph 2
- I. Applicant 1952 Aerial Photograph 3
- J. 1912 State Highway Map
- K. Map of the Pomo (provided by Applicant)
- L. Archaeological Commission action sheet from March 10, 2021 hearing
- M. Archaeological Commission action sheet from April 10, 2021 hearing
- N. Appeal filed by Applicant



Planning and Building Services

Case No: <u>MS 2020-06</u>
CalFire No: <u>N/A</u>
Date Filed: <u>12/3/20</u>
Fee: <u>\$ 7,656-</u>
Receipt No: <u>38602</u>
Received By: <u>RDF</u>
<i>Office use only</i>

### APPLICATION FORM

**APPLICANT**

Name: Vance Ricks Phone: 707-891-3414

Mailing Address: 10580 West Road City: Redwood Valley State/Zip: Ca. 95470 email: vancestr@gmail.com

**PROPERTY OWNER**

Name: Jack Rafter LLC Phone: \_\_\_\_\_

Mailing Address: P.O. Box 620

City: Windsor State/Zip: Ca. 95482 email: \_\_\_\_\_

**AGENT**

Name: Jim Ronco Phone: 707-477-7616

Mailing Address: 445 N. State St

City: Ukiah State/Zip: Ca. 95482 email: jim@lmroncoconsulting.com

Parcel Size: 6 +/- ac (Sq. feet/Acres) Address of Property: 4681 N. State St., Ukiah, Ca.

Assessor Parcel Number(s): 167-190-08 & 167-230-03

**TYPE OF APPLICATION:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Administrative Permit     | <input type="checkbox"/> Flood Hazard                   | <input type="checkbox"/> Rezoning           |
| <input type="checkbox"/> Agricultural Preserve     | <input type="checkbox"/> General Plan Amendment         | <input type="checkbox"/> Use Permit-Cottage |
| <input type="checkbox"/> Airport Land Use          | <input checked="" type="checkbox"/> Land Division-Minor | <input type="checkbox"/> Use Permit-Minor   |
| <input type="checkbox"/> CDP- Admin                | <input type="checkbox"/> Land Division- Major           | <input type="checkbox"/> Use Permit-Major   |
| <input type="checkbox"/> CDP- Standard             | <input type="checkbox"/> Land Division-Parcel           | <input type="checkbox"/> Variance           |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Land Division-                 | <input type="checkbox"/> Other              |
| <input type="checkbox"/> Development Review        | <input type="checkbox"/> Resubdivision Modification     |   |
| <input type="checkbox"/>                           | <input type="checkbox"/> of Conditions                  |   |

I certify that the information submitted with this application is true and accurate.

[Signature] 11/25/20  
Signature of Applicant/Agent Date

[Signature] 11-25-2020  
Signature of Owner Date

1.

Lot Number	Lot Size	Proposed Land Use	Existing Buildings
Lot Number 1	2.1 +/- ac	residential	none
Lot Number 2			
Lot Number 3			
Lot Number 4			
Remainder Parcel	3.9 +/-	residential	7 residential uses 1 barn 2 sheds

2.  A survey is going to be performed and a parcel map prepared.  
 A waiver of survey is requested.
3. A. Water supply is from:  
 Individual wells on each lot  
 Water company  
 Spring
- B. Sewage disposal is by use of:  
 Public system  
 Private system
4. Is an Exception requested of any of the minor subdivision regulations?  Yes  No  
 (If yes an application for Exception must accompany this application.)

**DISCLAIMER:** I (and each of us for ourselves) as owner(s) of the subject property, do hereby declare under penalty of perjury that the tentative map, exhibits and documents submitted herewith reflect the contiguous properties of which I/we had, or do presently hold any ownership interest in, subsequent to September 20, 1963. I/we authorize the below individual/firm to represent me/us in the matter of the minor subdivision of land application.

*Manuel Mendez*  
 Owner's Signature

11-18-2020  
 Date

\_\_\_\_\_  
 Owner's Signature

\_\_\_\_\_  
 Date

I, the undersigned, state that I am the recorded owner of the property being divided or his duly authorized agent and that all data and evidence herewith submitted are in all respects to the best of my knowledge true and accurate.

*W.C. Ricks*  
 Applicant and/or Agent's Signature

11/25/20  
 Date

W.C. RICKS  
 Print Name of Representative

**CERTIFICATION:** As the person who prepared the Tentative Map, I hereby certify that, to the best of my knowledge, the information contained on the Tentative Map is accurate and complete in containing information required by Mendocino County Code Section 17.47.

*W.C. Ricks*  
 Signature of Preparer of the Tentative Map

11/25/20  
 Date





3. If the project is commercial, industrial or institutional, complete the following: n/a

Estimated employees per shift: \_\_\_\_\_  
 Estimated shifts per day: \_\_\_\_\_  
 Type of loading facilities proposed: \_\_\_\_\_

4. Will the proposed project be phased? Yes  No  If yes, explain your plans for phasing:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Will vegetation be removed on areas other than the building sites and roads? Y  N  E explain:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?  Yes  No If yes, explain:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. How much off-street parking will be provided?

	Number	Size
Number of covered spaces	_____	_____
Number of uncovered spaces	-0-	_____
Number of standard spaces	_____	_____
Number of handicapped spaces	_____	_____
Existing Number of Spaces	-0-	
Proposed Additional Spaces	2	
Total	2	

8. Is any road construction or grading planned?  Yes  No If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

**See Sheet A**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. For grading or road construction, complete the following: see **Sheet A**
- A. Amount of cut 50 \_\_\_\_\_ cubic yards
  - B. Amount of fill \_\_\_\_\_ cubic yards
  - C. Maximum height of fill slope \_\_\_\_\_ feet
  - D. Maximum height of cut slope \_\_\_\_\_ feet
  - E. Amount of import or export less than 50 \_\_\_\_\_ cubic yards
  - F. Location of borrow or disposal site \_\_\_\_\_

10. Does the project involve sand removal, mining or gravel extraction?  Yes  No  
 If yes, detailed extraction, reclamation and monitoring plans may be required?

11. Will the proposed development convert land currently or previously used for agriculture to another use?  
 Yes  No  
 If yes, how many acres will be converted? \_\_\_\_\_ acres. An agricultural economic feasibility study may be required.

12. Will the development provide public or private recreational opportunities?  Yes  No  
 If yes, explain below:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. Is the proposed development visible from State Highway 1 or other scenic route? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	14. Is the proposed development visible from a park, beach or other recreational area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes? *N/A*

Diking :  Yes  No  
 Filling:  Yes  No  
 Dredging:  Yes  No

Placement of structures in:  
 open coastal waters  
 wetlands  
 estuaries  
 lakes

If so, amount of material to be dredged or filled? \_\_\_\_\_ cubic yards.  
 Location of dredged material disposal site? \_\_\_\_\_

Has a U.S. Army Corps of Engineers permit been applied for?  Yes  No

16. Will there be any exterior lighting?  Yes  No If yes, describe below and identify the location of all exterior lighting on the plot plan and building plans.  
 \_\_\_\_\_  
 \_\_\_\_\_

17. Utilities will be supplied to the site as follows:

A. Electricity:  
 Utility Company (service exists to the parcel)  
 Utility Company (requires extension of service to site: \_\_\_\_\_ feet \_\_\_\_\_ miles)  
 On Site Generation - Specify: \_\_\_\_\_

B. Gas:  
 Utility Company/Tank  
 On Site Generation - Specify: \_\_\_\_\_  
 None

C. Telephone:  Yes  No

18. What will be the method of sewage disposal?  
 Community sewage system - Specify supplier \_\_\_\_\_  
 Septic Tank  
 Other - Specify: \_\_\_\_\_

19. What will be the domestic water source:  
 Community water system - Specify supplier MILLVIEW  
 Well  
 Spring  
 Other - Specify: \_\_\_\_\_

20. Are there any associated projects and/or adjacent properties under your ownership?  
 Yes  No If yes, explain (e.g., Assessor's Parcel Number, address, etc.):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, state and federal agencies:  
 See sheet A  
 \_\_\_\_\_  
 \_\_\_\_\_

22. Describe the location of the site in terms of readily identifiable landmarks (e.g., mailboxes, mile posts, street intersections, etc.):  
 See Sheet A  
 \_\_\_\_\_  
 \_\_\_\_\_

23. Are there existing structures on the property?  Yes  No  
 If yes, describe below, and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.  
 See Sheet A  
 \_\_\_\_\_  
 \_\_\_\_\_

24. Will any existing structures be demolished or removed?  Yes  No  
 If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.  
 \_\_\_\_\_  
 \_\_\_\_\_

25. Project Height. Maximum height of existing structures 0 feet. Maximum height of proposed structures 16 feet.

26. Gross floor area of existing structures 0 square feet (including covered parking and accessory buildings). Gross floor area of proposed structures \_\_\_\_\_ square feet (including covered parking and accessory buildings).

27. Lot area (within property lines): 2.1  square feet  acres.

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful.  
 See Sheet A  
 \_\_\_\_\_  
 \_\_\_\_\_

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.  
 See Sheet A  
 \_\_\_\_\_

30. Indicate the surrounding land uses:

	North	East	South	West
Vacant				X
Residential Agricultural	X		X	
Commercial Industrial		X		
Institutional Timberland				
Other				

## Sheet A

### Project Description:

Owner intends to create a single 2.1+/- ac undeveloped parcel zoned SR-12K with a remainder parcel comprising 3.9+/- acres located on N. State St. within Millview County Water District and Ukiah Valley Fire Protection District. Parcel 1 will be developed for single family purposes per Sec 20.016 of the county zoning code. The Suburban Residential district is intended to be applied adjacent to existing developed communities on the urban side of the urban/rural boundary, or in areas suited for future residential growth. Lands within this district should be served by public roads and adjacent to or within a public service area. Parcel 1 is bounded on the North by the 60 unit North Valley Mobile Home Park and on the south by the 7 residential units located on the remainder parcel.

Parcel 1 will access through an existing paved private road encroachment onto N. State St. located on the remainder parcel. A 40 foot wide ingress, egress and public utility easement extending over the existing paved road located on the remainder parcel will provide access to Parcel 1. An extension of the existing paved roadway leading to Parcel 1 will be constructed and surfaced to a width of 20 feet and a length of 80+/- . Creation of Parcel 1 may increase the number of trips on to N. State. St. by 8 trips per day leaving no nexus for increasing the width of N. State. St.

Water service will be provided by Millview County Water District. Public utilities are located on the remainder parcel and will be available for Parcel 1. Parcel 1 will use a septic system for waste treatment will include a set back from the existing leach fields on the remainder parcel. Parcel 1 has slopes running from level to greater than 15% running from East to West. No serpentine soils are known to exist on site.

Fire protection for Parcel 1 will be provided by Ukiah Valley Fire Protection District using the existing circular driveway located on the remainder parcel and the fire hydrant located approximately 300 feet from Parcel 1. Minimal hardwood tree removal will occur for road construction. Future residential development may require the removal of a limited number of hardwood trees although the main building site is currently without hardwoods.

The remainder parcel is not part of the creation of Parcel 1 Section 66424.6 of the Subdivision Map Act. Multiple legal non-conforming residential structures, with current building permits, are located on the remainder parcel each served by septic systems. The improvements are delineated on the Tentative Parcel Map.

Unit 1 is a 968 sq. ft. residence

Unit 2 is duplex comprising 1,170 sq ft.

Unit 4 is a 1050 sq. ft. residence

Unit 5 is a 546 sq. ft. residence

Unit 6 is a 546 sq. ft. residence

Unit 8 is a 907 s q. ft. residence

The tentative map also delineates 2 shed, 207 sq. ft. & 1130 sq. ft. and an 807 sq. ft. barn.

8. & 9. Road Construction;

Owner intends to construct an extension of the existing private roadway located on the remainder parcel to Parcel 1. The extension will be 20 feet in width and extend approximately 80 feet from the existing paved road using native materials and less than 50 cubic yards of imported material.

21. Permits

Owner will obtain a grading permit for the creation of the extension of the roadway to Parcel 1. Less than 40,000 sq. ft. of surface will be involved with the road construction therefore no other permits will be necessary.

22. Site location

Site is approximately 1.5 miles south of the urban center known as Calpella located on the east side of N. State. St and is immediately south of North Valley Mobile Home park.

23. Existing Structures

Parcel 1 is unimproved.

Improvements on the remainder parcel which is not a part of the minor subdivision are:

Unit 1 is a 968 sq. ft. residence

Unit 2 is duplex comprising 1,170 sq ft.

Unit 4 is a 1050 sq. ft. residence

Unit 5 is a 546 sq. ft. residence

Unit 6 is a 546 sq. ft. residence

Unit 8 is a 907 sq. ft. residence

2 sheds, 207 sq. ft. & 1130 sq. ft. and an 807 sq. ft. barn.

No demolition of improvements on the remainder parcel is contemplated.

28. Site as it exists

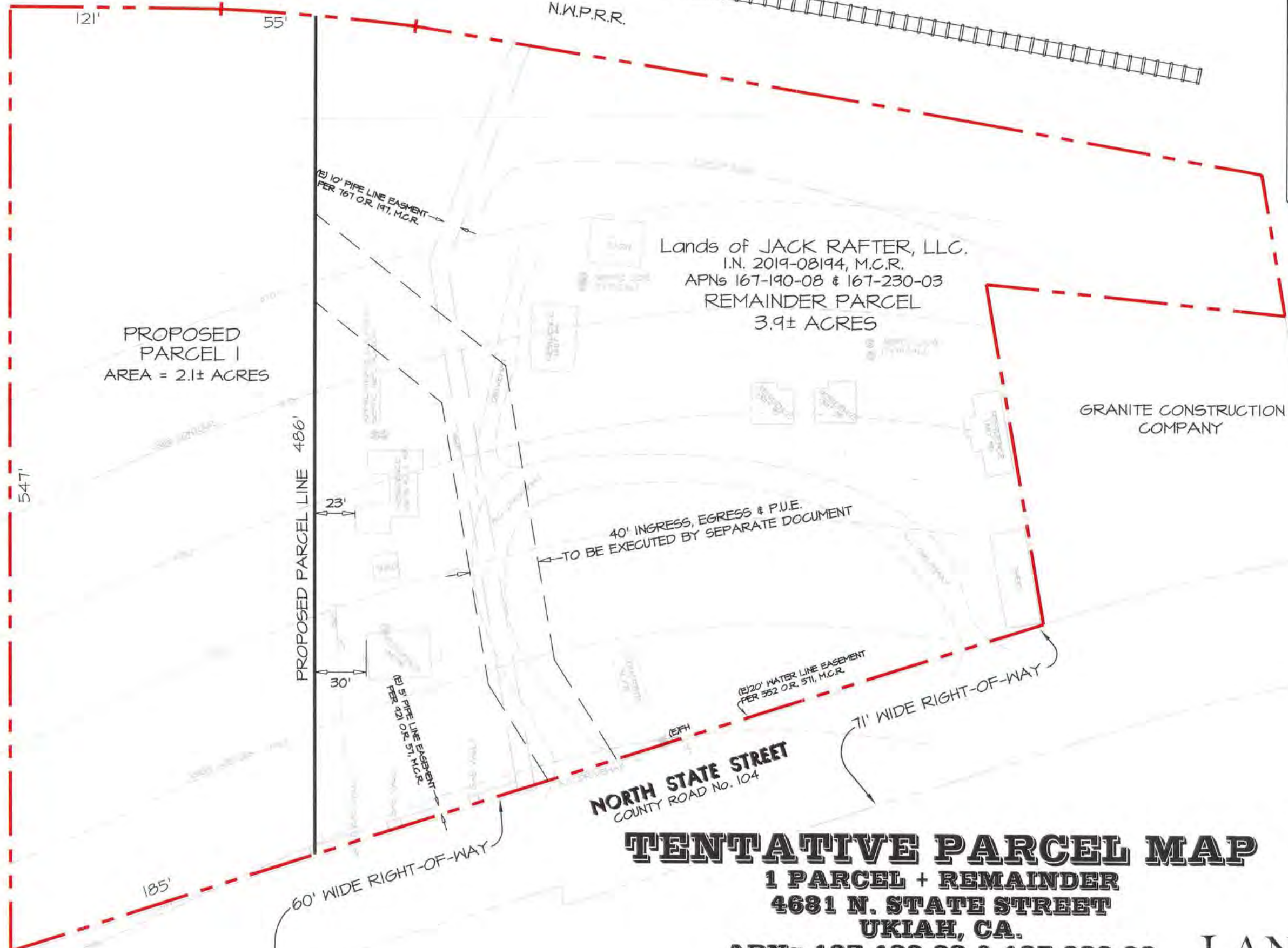
Proposed Parcel 1 is unimproved. Site is bounded on the North by the 60 unit North Valley Mobile Home park and on the south by the 7 residential units located on the remainder parcel. The site is bordered by the old railroad tracks on the east (tracks are at the bottom of a steep incline of the eastern edge of proposed Parcel 1) and N. State St. and U. S. Highway 101 on the west. The site is vegetated with mixed native and non-native grasses and scattered hardwood trees. No rare or endangered species of flora or fauna are known to exist on site. Fauna visiting the site consists of native species of rodents, birds, scavenging mammals, deer and domestic animals. Site is in an area of higher density rural residential and mixed uses with 3 mobile home parks to the North and a residential mobile home subdivision to the southwest (north of First Avenue) as well as industrial uses occurring along N. State. St. to the south. Parcel 1 will provide in fill as it is one of the last remaining vacant parcels along N. State St. between the Forks and the mobile home parks. No historical or cultural uses are known to have occurred on site. Site will be minimally visible from N. State. St. due to tree cover along N. State. St. No serpentine soils, wetlands or special interest soils are known to exist on site.

29. Surrounding properties.

Site is bounded on the North by the 60 unit North Valley Mobile Home park and on the south by the 7 residential units located on the remainder parcel. The site is bordered by the old railroad tracks on the east (tracks are at the bottom of a steep incline of the eastern edge of proposed Parcel 1) and N. State St. and U. S. Highway 101 on the west. No known cultural, historical or scenic areas of note exist on the surrounding properties. Residential uses on the surrounding properties bring with that use non-native species of plants and animals. Fauna visiting the surrounding parcels consists of native species of

rodents, birds, scavenging mammals, deer and domestic or aboriginal animals. No agricultural uses occur on the adjacent parcels. Scattered hardwood trees and some grassy areas exist on the parcel to the south and along the tracks.

NORTH VALLEY MOBILE HOME PARK



PROPOSED PARCEL 1  
AREA = 2.1± ACRES

Lands of JACK RAFTER, LLC.  
I.N. 2019-08194, M.C.R.  
APNs 167-190-08 & 167-230-03  
REMAINDER PARCEL  
3.9± ACRES

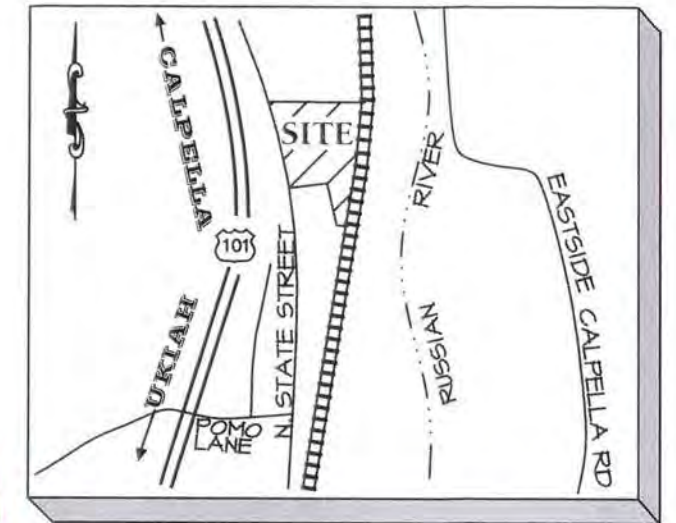
GRANITE CONSTRUCTION  
COMPANY

NORTH STATE STREET  
COUNTY ROAD No. 104

# TENTATIVE PARCEL MAP

1 PARCEL + REMAINDER  
4681 N. STATE STREET  
UKIAH, CA.

APNs 167-190-08 & 167-230-03



LOCATION MAP  
NO SCALE



SCALE: 1" = 60'



25 NOVEMBER, 2020

**VANCE**  
**LAND SURVEYING**  
10580 WEST ROAD REDWOOD VALLEY, CA. (707) 891-3414

CALIFORNIA  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
DEL NORTE

HUMBOLDT  
LAKE  
MARIN  
MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLATA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**Northwest Information Center**  
Sonoma State University  
150 Professional Center Drive, Suite E  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<http://www.sonoma.edu/nwic>

January 14, 2021

File No.: 20-1291

Mark Cliser, Planner  
County of Mendocino  
Department of Planning & Building Services  
860 North Bush Street  
Ukiah, CA 95482

re: MS-2020-0006 / APNs 167-190-08 and 167-230-03 at 4681 North State Street, Ukiah / Vance Ricks

Dear Mark Cliser,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

**Project Description:** Minor Subdivision of one legal 6 acre parcel, comprised of APNs: 167-190-08 and 167-230-03, creating two separate legal parcels of 2.1± acres and 3.9± acres.

**Previous Studies:**

XX This office has no record of any previous cultural resource studies for the proposed project area (*see recommendation below*).

**Archaeological and Native American Resources Recommendations:**

XX Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Mendocino County have been found near oak woodland, as well as near a variety of plant and animal resources. Sites are also found near watercourses, particularly where there is access to salmon fishing spots. The proposed project area is located at the hill to valley interface approximately one hundred meters west of the Russian River and approximately one half mile north of its confluence with York Creek. The project area contains several trees, and low grasses. Given the similarity of one or more of these environmental factors and the ethnographic and archaeological sensitivity of the area, there is a moderate potential for unrecorded Native American resources in the proposed project area.

We therefore recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.



XX We recommend you contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

**Built Environment Recommendations:**

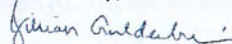
XX The 1958 USGS Ukiah 15' quad depicts three buildings in the proposed project area. If present, these unrecorded buildings or structures meet the Office of Historic Preservation's (OHP) minimum age standard that buildings, structures, and objects 45 years or older may be of historical value, and therefore, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Alameda County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

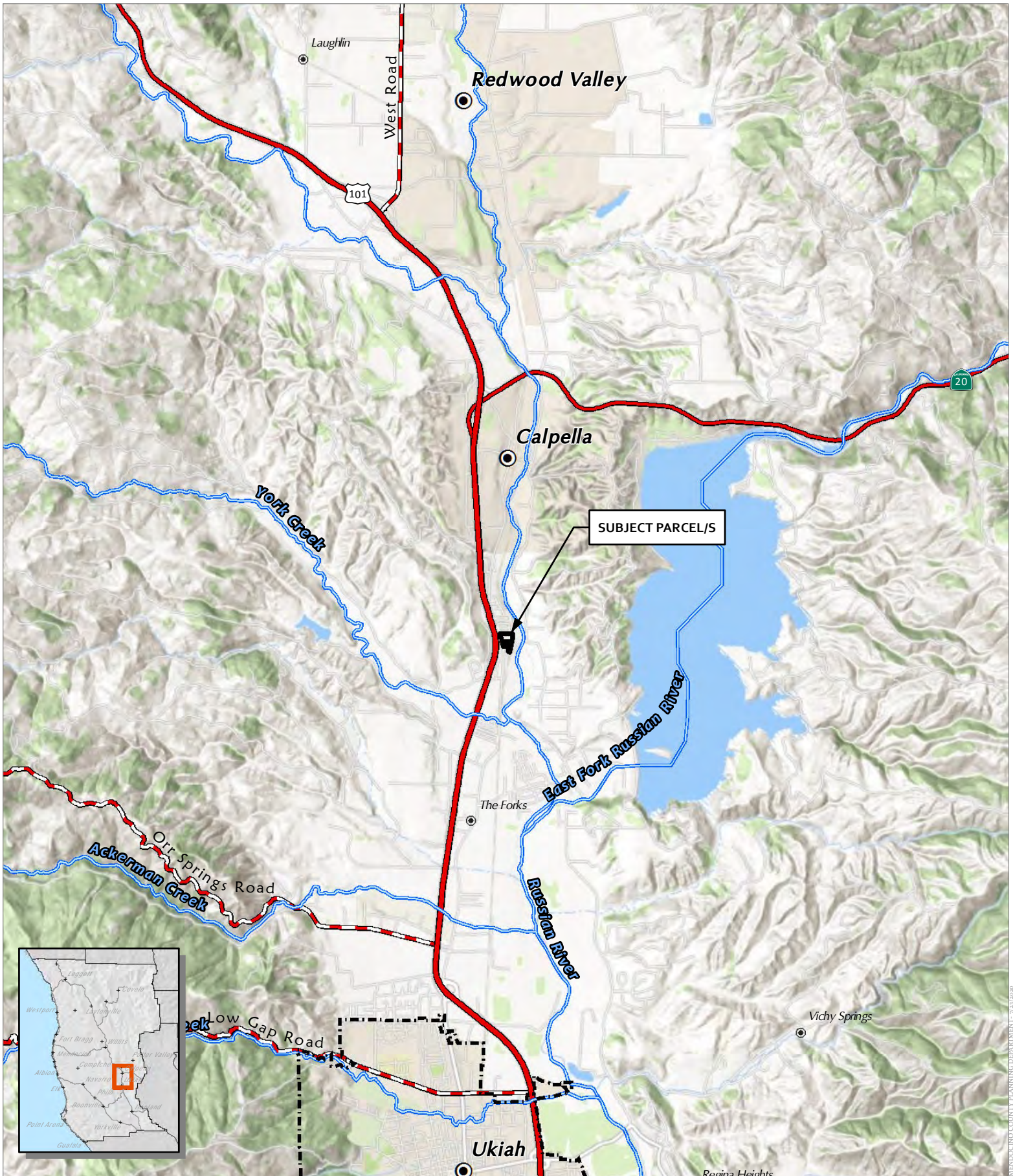
The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,



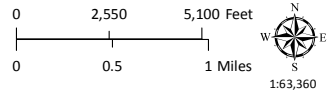
Jillian Guldenbrein  
Researcher



MENDOCINO COUNTY PLANNING DEPARTMENT 7/23/2025




CASE: MS 2020-0006  
 OWNER: Jack Rafter, LLC  
 APN: 167-190-08, 167-230-03  
 APLCT: W. Vance Ricks  
 AGENT: W. Vance Ricks  
 ADDRESS: 4681 N. State Street, Ukiah


- Major Towns & Places
- Highways
- City Limits
- Major Roads
- Major Rivers

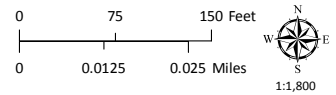




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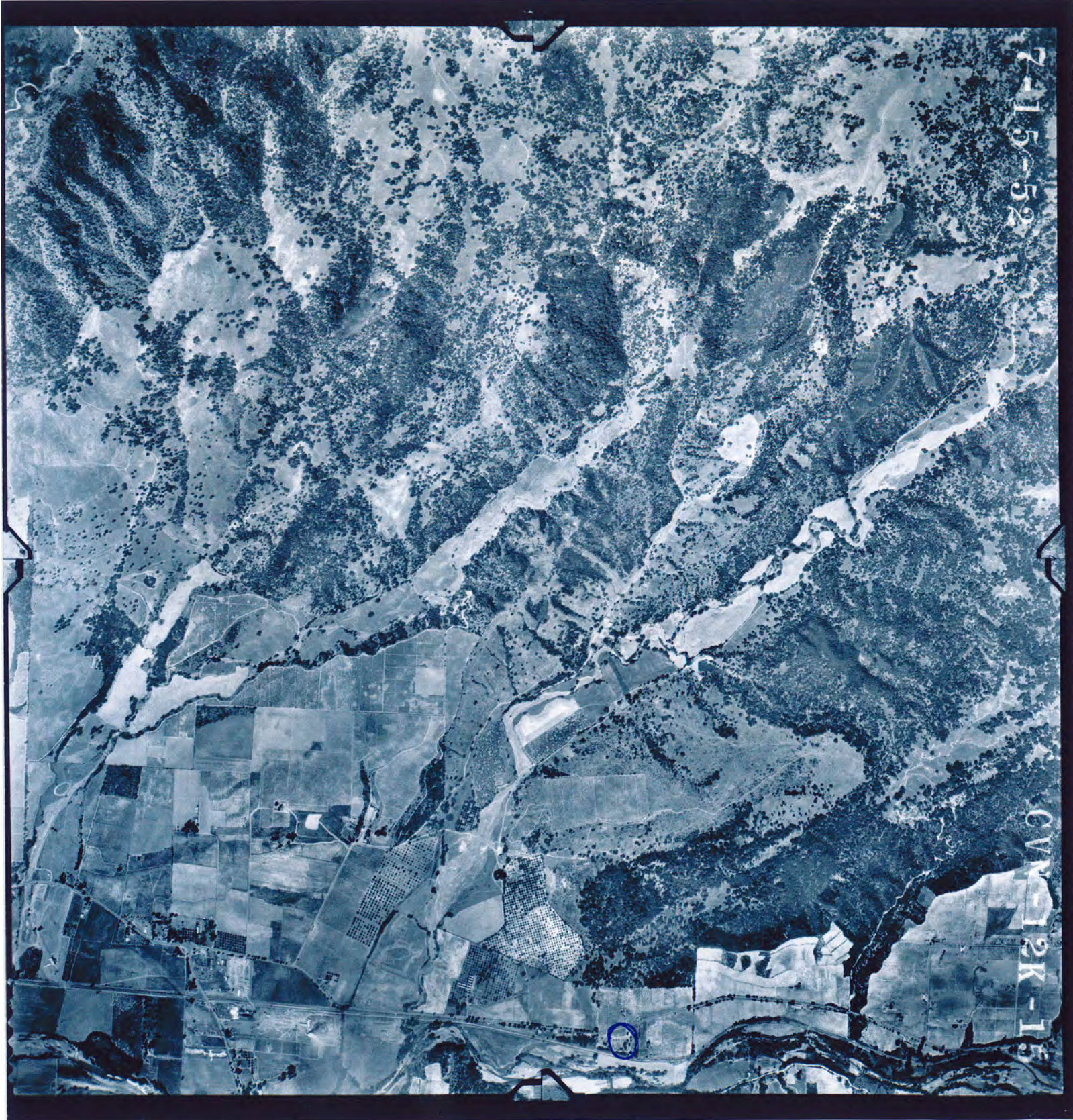
-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads

 Railroads



WRENSHAW COUNTY PLANNING DEPARTMENT 7/23/2021

The aerial photos of the site are to show the on the ground structures and lack thereof (none on the subject parcel) circa 1952 along with the orchard on the subject property, the proximity of the railroad tracks (circa 1910 to date) and river to the site. The first aerial shows the distance from York Creek to the site (greater than 1200 yards) The 1912 state highway map is included to show the structure on the residual parcel (no longer there) and the use of the property as a pasture indicating that there is a little chance that the site was occupied by indigenous peoples. Once we review the topographic map we will see that there is a bluff running along the easterly property line separating the parcel from the railroad tracks and the river to the east of that.

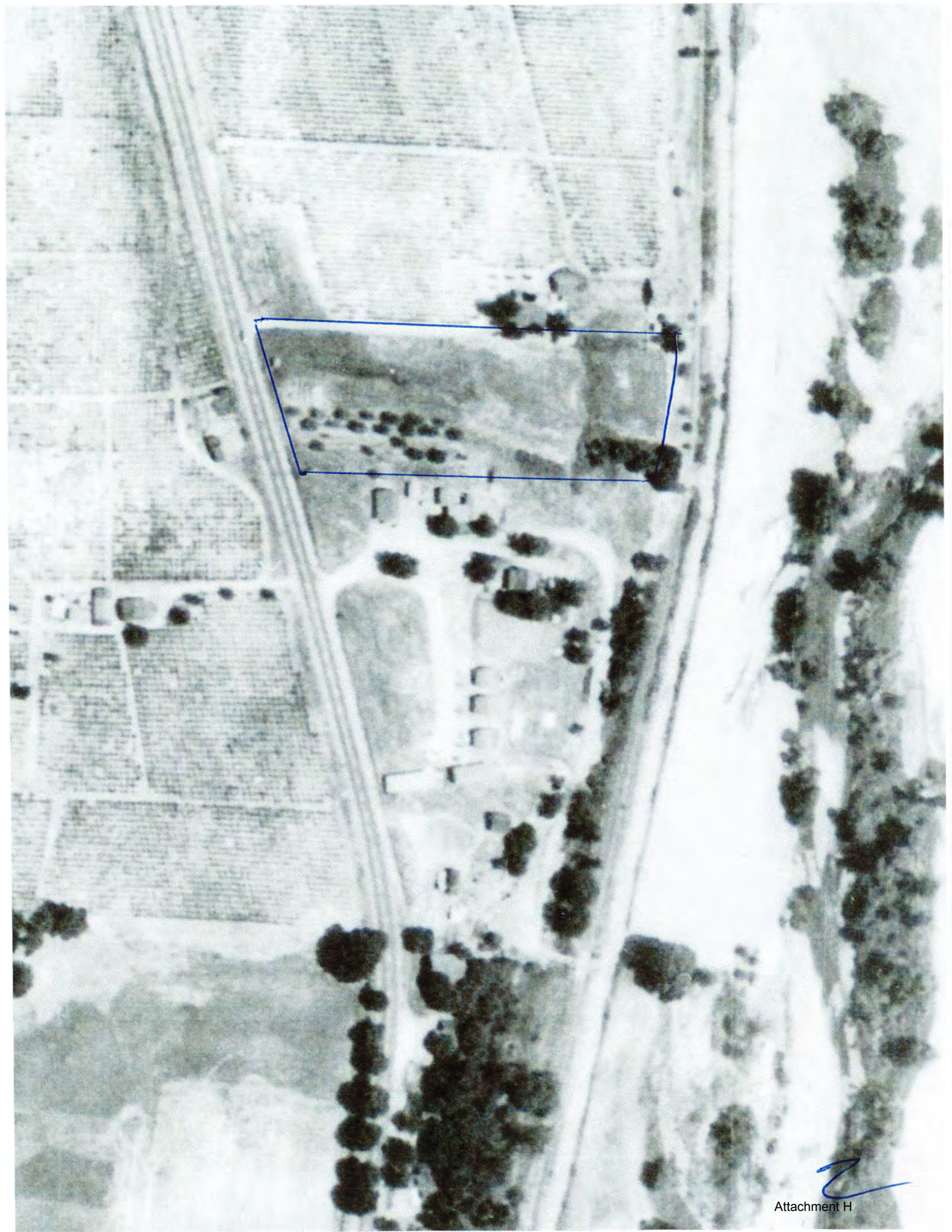


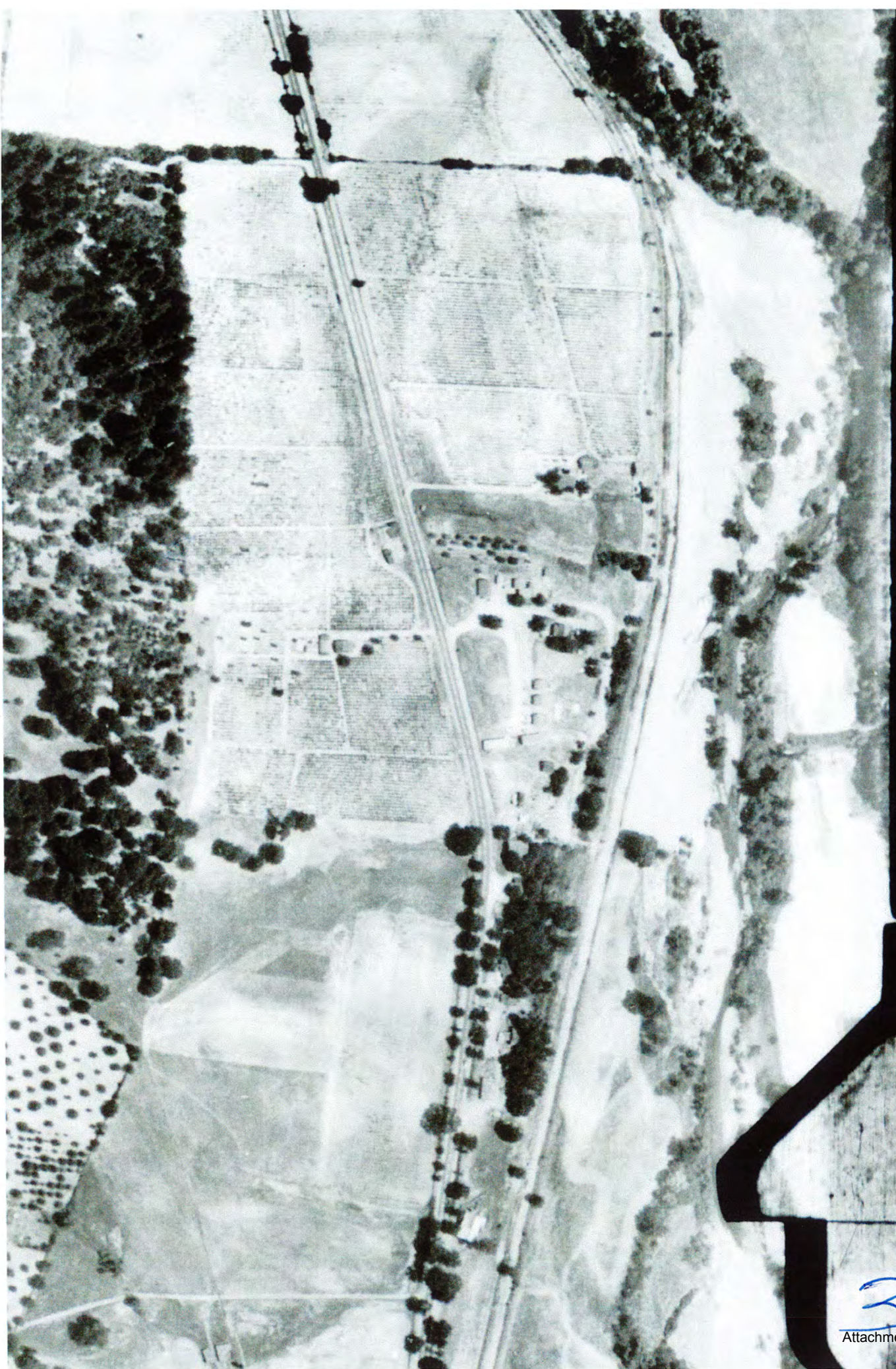
7-15-52

CVM-12K-1

SUBJECT  
PROPERTY

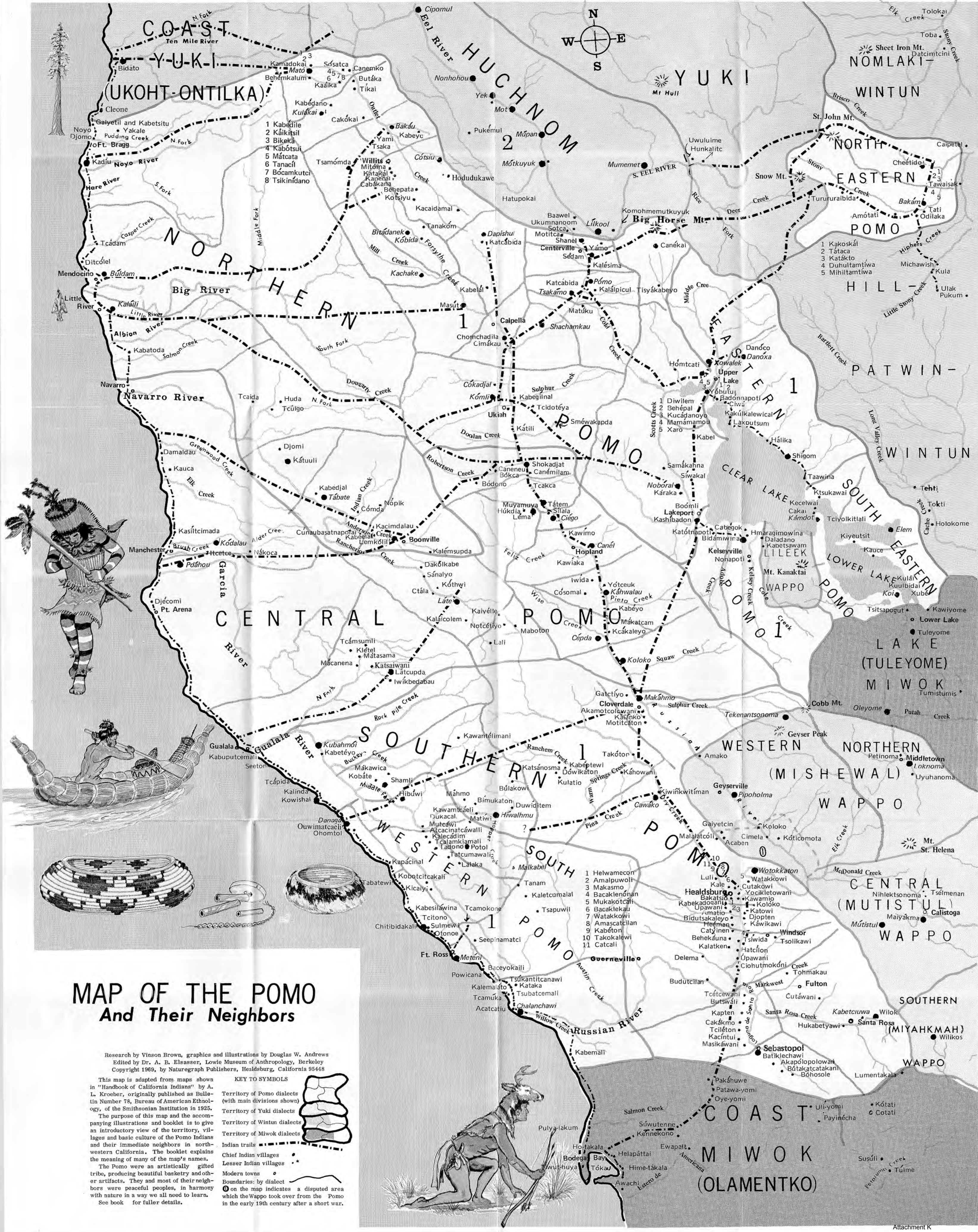












### MAP OF THE POMO And Their Neighbors

Research by Vinson Brown, graphics and illustrations by Douglas W. Andrews  
 Edited by Dr. A. B. Ellsworth, Lewis Museum of Anthropology, Berkeley  
 Copyright 1969, by Naturograph Publishers, Heidelberg, California 95448

**KEY TO SYMBOLS**

- Territory of Pomo dialects (with main divisions shown)
- Territory of Yuki dialects
- Territory of Wintun dialects
- Territory of Miwok dialects
- Indian trails
- Chief Indian villages
- Lesser Indian villages
- Modern towns
- Boundaries by dialect
- On the map indicates a disputed area which the Wappo took over from the Pomo in the early 19th century after a short war.



**ARCHAEOLOGICAL COMMISSION ACTION SHEET**

**CASE NUMBER:** MS\_2020-0006

**HEARING DATE:** APRIL 10, 2021

**OWNER:** JACK RAFTER LLC

**PROJECT COORDINATOR:** MARK CLISER

**ATTENDANCE:** Jim Ronco, Vance Ricks,

**ARCHAEOLOGICAL SURVEY REQUIRED**

Until a survey has been prepared, submitted to, and found to be complete by the Archaeological Commission, the time limits specified by State law relative to the processing of application are suspended. Surveys must be submitted two weeks prior to next available meeting date (2<sup>nd</sup> Wednesdays of each month) to be placed on the agenda for consideration.

3-0-1

**NO SURVEY REQUIRED**  
 (APPLICANT ADVISED OF THE DISCOVERY CLAUSE, MCC 22.12.090)

**SURVEY ACCEPTED**

**Survey Prepared by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Findings:**

**No Cultural, Historical or Archaeological Sites Observed (MCC 22.12.090 -Discovery Clause shall be adhered to)**

**Site(s) Identified-Recommendations of the Report shall be strictly adhered to**

**ADDITIONAL COMMENTS/RECOMMENDATIONS/CONDITIONS OF THE COMMISSION**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Mendocino County Code Section 22.12.090 Discoveries.** (Portion of)

(A) Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological site shall take all of the following actions:

(1) Cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery;

(2) Make notification of the discovery to the Director of Planning and Building Services...

**See Over....**

**Sec. 22.12.100 Discoveries of Human Remains.** (Portion of)

- (A) The provisions of this section shall apply in addition to the provisions of Section 22.12.090 of this Chapter whenever any human remains are discovered.
- (B) Any person who, while excavating or otherwise disturbing earth, discovers any bones or other human remains, whether or not as part of an archaeological site, shall immediately cease and desist from all further excavation and disturbance and shall immediately telephone or otherwise notify the Sheriff-Coroner of Mendocino County. If an archaeological site is involved, the Sheriff-Coroner shall thereupon notify a designated representative of the Commission and if the remains are considered to be those of a Native American Indian, the Sheriff-Coroner shall also make notification as required by Section 7050.5 of the California Health and Safety Code...

NOTE: The above-referenced code sections represent only a portion of the Archaeological Resources Chapter of the Mendocino County Code Section 22.12. Other sections address such matters as granting permission to authorized officials to enter onto lands containing discoveries, site disturbance restrictions, site protection methods, etc. Please contact the Department of Planning and Building Services for further information or go online at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)

Copies of Archaeological Surveys are not kept by the Planning and Building Department. Property owners should request a copy of the survey report from their Archeologist for their personal use and future development plans. Copies of the report are filed with the North West Information Center at Sonoma State University to be logged into their inventory of sensitive areas.

The Project Coordinator will be notified of the results of this review process. Questions with regards to your project and further hearings should be directed to the Coordinator.

**If an archaeological survey is required**, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org> If you wish to have a list sent to you please call (707) 234-6650.

Archaeological Commission Action Sheet  
Updated 12-5-15 (AT)



**ARCHAEOLOGICAL COMMISSION ACTION SHEET**

**CASE NUMBER:** MS\_2020-0006

**HEARING DATE:** MARCH 10, 2021

**OWNER:** JACK RAFTER LLC

**PROJECT COORDINATOR:** MARK CLISER

**ATTENDANCE:** Jim Ronco, Vance Ricks

**ARCHAEOLOGICAL SURVEY REQUIRED**

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**NO SURVEY REQUIRED  
 (APPLICANT ADVISED OF THE DISCOVERY CLAUSE, MCC 22.12.090)**

**SURVEY ACCEPTED**

**Survey Prepared by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Findings:**

**No Cultural, Historical or Archaeological Sites Observed (MCC 22.12.090 -Discovery Clause shall be adhered to)**

**Site(s) Identified-Recommendations of the Report shall be strictly adhered to**

**ADDITIONAL COMMENTS/RECOMMENDATIONS/CONDITIONS OF THE COMMISSION**

Continued by request of project agent.

**Mendocino County Code Section 22.12.090 Discoveries. (Portion of)**

(A) Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological site shall take all of the following actions:

- (1) Cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery;
- (2) Make notification of the discovery to the Director of Planning and Building Services...

**See Over....**

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- (A) The provisions of this section shall apply in addition to the provisions of Section 22.12.090 of this Chapter whenever any human remains are discovered.
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Archaeological Commission Action Sheet  
Updated 12-5-15 (AT)



**MENDOCINO COUNTY BOARD OF SUPERVISORS  
PLANNING APPEAL FORM**

Appeals must be received in the Executive Office within the appeal period, 10 days from the date of the hearing\* (post-marks will NOT be accepted). The Clerk of the Board or Planning and Building Services will verify appeal fee amounts\*. The appeal fee must accompany the appeal letter/form in order to be considered valid.

*\*Verify with Planning and Building Services or with the Clerk of the Board of Supervisors*

Date Appeal Submitted*: <u>4-22-2021</u>	Appeal Fee*: \$ _____ <input type="checkbox"/> Verified <input type="checkbox"/> Receipt Generated
Case No.: _____	Applicant: _____
Heard by: _____	Hearing Date: _____
Source: Planning Commission • MHRB • Zoning Administrator • Administrative (Planning) • Coastal Permit Administrator	

Printed Name, Address, and Phone No. of Appealing Party:

Jim Ronco  
445 N. State St.  
Ukiah, Ca . 95482  
( 707) 477 - 7616

REC'D BOARD OF SUPERVISORS  
APR 22 21 PM 4:15

Basis for Appeal (Please provide sufficient detail to describe the nature of the appeal. Letters describing appeal may also be attached):

please refer to the attached letter dated April 22, 2021

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Jim Ronco 4/22/21  
 Signature

**Submit completed form to:**  
 Mendocino County Clerk of the Board  
 501 Low Gap Road, Room 1010  
 Ukiah, CA 95482  
 (707) 463-4221

**Fee made out to :**  
 County of Mendocino

**Staff Use:**

- Obtain Agenda for meeting/appeal verification (distribute with appeal form to all parties listed below)
- Appeal period verified and confirmed
- Appeal fee verified and confirmed
- Form distribution completed/Date Stamp form
- Copy of receipt and check attached to original appeal form and provided to DCOB
- Other \_\_\_\_\_

Distribute: Planning & Building Services (& Coast office, if applicable); District Supervisor; County Counsel; copy to BOS meeting-pending file (COB); Original to Planning Appeals Folder (DCOB); Note: If project is considered to be 'county-wide', copy to all BOS  
 Revised 7/11/11 - COB\Departmental Procedures\Planning\Planning Appeal Form.doc

Jim Ronco Consulting

445 N. State St.  
Ukiah, Ca. 95482  
707-477-7616

April 22, 2021

To:

Mendocino County Clerk of the Board of Supervisors

Mendocino County Board of Supervisor Members

501 Low Gap Road room 1010

Ukiah, Ca. 95482

RE: Archaeological Commission actions on March 10 and April 14, 2021 regarding

MS\_2020-0006; Jack Rafter LLC, owner, Vance Ricks, applicant, Jim Ronco, agent

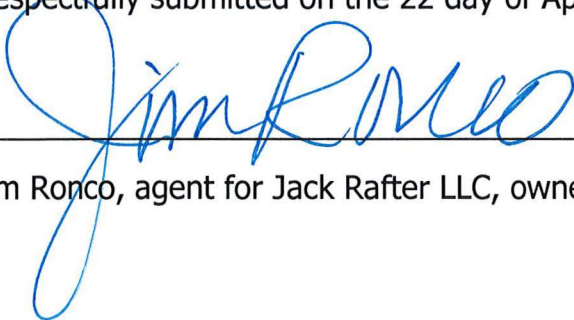
On behalf of the owner, the undersigned as agent, does hereby appeal the actions of the Archaeological Commission regarding MS\_2020-0006 taken on March 10, 2021 and April 14, 2021 which resulted in the action "Archaeological Survey Required" on April 14, 2021 for the reasons listed below and further request that actions of the commission be overturned removing the requirement for an archaeological survey.

1. The actions of the commission were made without any reference to any factual evidence.
2. Owner's evidence supplied to the Mendocino County Planning Department for consideration by the Commission in a timely manner, was not accepted into evidence by the commission because the commission members denied receiving the evidence from the Planning Department at the March 10 hearing.
3. The commission attempted to make a motion to require the "survey" despite the request by the applicant and agent that the matter be continued until the next hearing to allow for a retransmittal by U. S. mail of the evidence due to the fact that some commission members do not have access to the internet and e-mail. The applicant and agent requested that the evidence previously supplied to the Commission members be considered prior to their making a decision. Commission members opined that a survey would be required because "Pomo

Lane is nearby and that should tell you something” and “the commission was interested in knowing who was there 15,000 years ago” before Planning staff granted the continuance at the March 10 hearing.

4. The Planning staff was provided, in a timely manner, additional evidence prior the April 14, 2021 hearing but was advised that the hearing would have be continued for yet another one month for delivery by U.S. mail of the evidence to the members.
5. The commission attempted on April 14, to make a motion for survey requirement without discussion of or acknowledgement of the evidence provided by Owner after verbal testimony was made regarding the evidence provided.
6. The owner was denied the opportunity to provide verbal testimony at the April 14, hearing. Requests for his testimony to be allowed being denied because a motion and second had been made and it was stated “it was too late”.
7. The commission made no verbal mention of any matters supporting the motion to compel a survey nor was there any discussion or comments made except for the motion and 2<sup>nd</sup> for the survey requirement at the April 14, 2021 meeting.

Respectfully submitted on the 22 day of April 2021 by



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Jim Ronco, agent for Jack Rafter LLC, owner