



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

August 8, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 5, 2019, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: R_2018-0002

DATE FILED: 5/4/2018

OWNER/APPLICANT: CYRIL BENDA

REQUEST: Rezone of 13± acre parcel within the Rural Residential zoning district from a lot size minimum of 2 acres (RR:2) to a minimum of 10 acres (RR:10).

ENVIRONMENTAL DETERMINATION: Categorically Exempt per CEQA Section 15183.

LOCATION: 0.5± miles south of Comptche town center, on the west side of Flynn Creek Road (CR 135), immediately south of the Volunteer Fire Department, located at 8475 Flynn Creek Rd., Comptche (APN: 125-090-31).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: SAM VANDEWATER

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at www.mendocinocounty.org/pbs.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than September 4, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall a recommendation to the Board of Supervisors, and the Boards action shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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August 8, 2019

TO: Mendocino Coast Beacon
FROM: James Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on August 15, 2019 in the Legal Notices Section of the Mendocino Coast Beacon.

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BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- REZONE**

**SEPTEMBER 5, 2019
R_2018-0002**

SUMMARY

OWNER/APPLICANT: CYRIL BENDA
PO BOX 102
COMPTCHE, CA 95427

REQUEST: Rezone of 13± acre parcel within the Rural Residential zoning district from a lot size minimum of 2 acres (RR:2) to a minimum of 10 acres (RR:10).

LOCATION: 0.5± miles south of Comptche town center, on the west side of Flynn Creek Road (CR 135), immediately south of the Volunteer Fire Department, located at 8475 Flynn Creek Rd., Comptche (APN: 125-090-31).

TOTAL ACREAGE: 12.9± Acres

GENERAL PLAN: Rural Residence – 5 acre minimum (RR5), Rural Residence – 10 acre minimum (RR10)

ZONING: Rural Residential (RR:2)

SUPERVISORIAL DISTRICT: 5th District (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt per CEQA Section 15183

RECOMMENDATION: Recommend the Board of Supervisors Approve Rezone R_2018-0002 from RR:2 to RR:10.

STAFF PLANNER: Sam Vandy Vandewater

BACKGROUND

PROJECT DESCRIPTION: Rezone of a 13± acre parcel within the Rural Residential zoning district from a lot size minimum of 2 acres (RR:2) to a minimum of 10 acres (RR:10). The proposed project is located mostly within the Rural Residential General Plan Designation with a two (2) acre minimum; however, there is a small corner of the parcel (See *General Plan Map Attachment*) that exists within the ten (10) acre minimum for the RR Designation. The parcel would remain in the Rural Residential zoning district, as defined by Mendocino County Code (MCC) Section 20.048, with the rezone changing acreage minimums.

SITE CHARACTERISTICS: The subject parcel is located just south of the Comptche town center, on the east side of Flynn Creek Road from which the parcel is accessed. The parcel utilizes an on-site well for water, PG&E for electricity, and a septic system for wastewater disposal. Additionally, the parcel is located in CalFire responsibility area, but is adjacent to the Comptche Volunteer Fire Department.

RELATED ON-SITE APPLICATIONS: The subject parcel was reconfigured by Boundary Line Adjustment **B_2018-0024**, which reduced the acreage from 14.9 to 12.9 acres.

PUBLIC SERVICES:

Access: Flynn Creek Road
Fire District: CalFire
Water District: None
Sewer District: None
School District: Mendocino Unified School District

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR)	Rural Residential (RR:2)	1±, 14± Acres	Residential
EAST	Rural Residential (RR)	Rural Residential (RR:10)	1± Acres	Residential
SOUTH	Rural Residential (RR)	Rural Residential (RR:10/RR:2)	13±, 3±, 3± Acres	Residential
WEST	Rural Residential (RR)	Rural Residential (RR:2)	1±, 2± Acres	Vacant

AGENCY COMMENTS: On June 20, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health	No Comment
Building Inspection	No Comment
Assessor	No Comment
CalFire (Prevention)	No Comment
Comptche Community Services District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response

KEY ISSUES

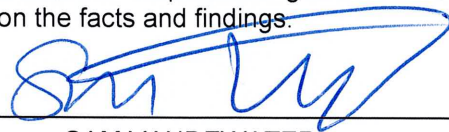
- 1. General Plan and Zoning Consistency:** The proposed project is the rezone of a legal parcel (APN 125-090-31) within the Rural Residential General Plan Land Use Designation from a Rural Residential zoning district with a two (2) acre minimum (RR:2) to ten (10) acre minimum (RR:10). The proposed zone change would remain consistent with the Rural Residential Land Use Designation, as well as the policies of the General Plan, and is consistent with the Rural Residential zoning district, per MCC Section 20.048.
- 2. Environmental Determination:** Article 12, Section 15183 of the California Environmental Quality Act allows for projects that are consistent with the General Plan to be exempt from additional review, as it can be established that the environmental determination was previously completed through the adoption of the Mendocino County General Plan. The proposed rezone is considered minor in nature and remains consistent with the prior environmental analysis of the General Plan.

RECOMMENDATION

By resolution, the Planning Commission recommends the Board of Supervisors grant Rezone R_2018-0002 for the Project, as proposed by the applicant, based on the facts and findings.

8/6/19

DATE

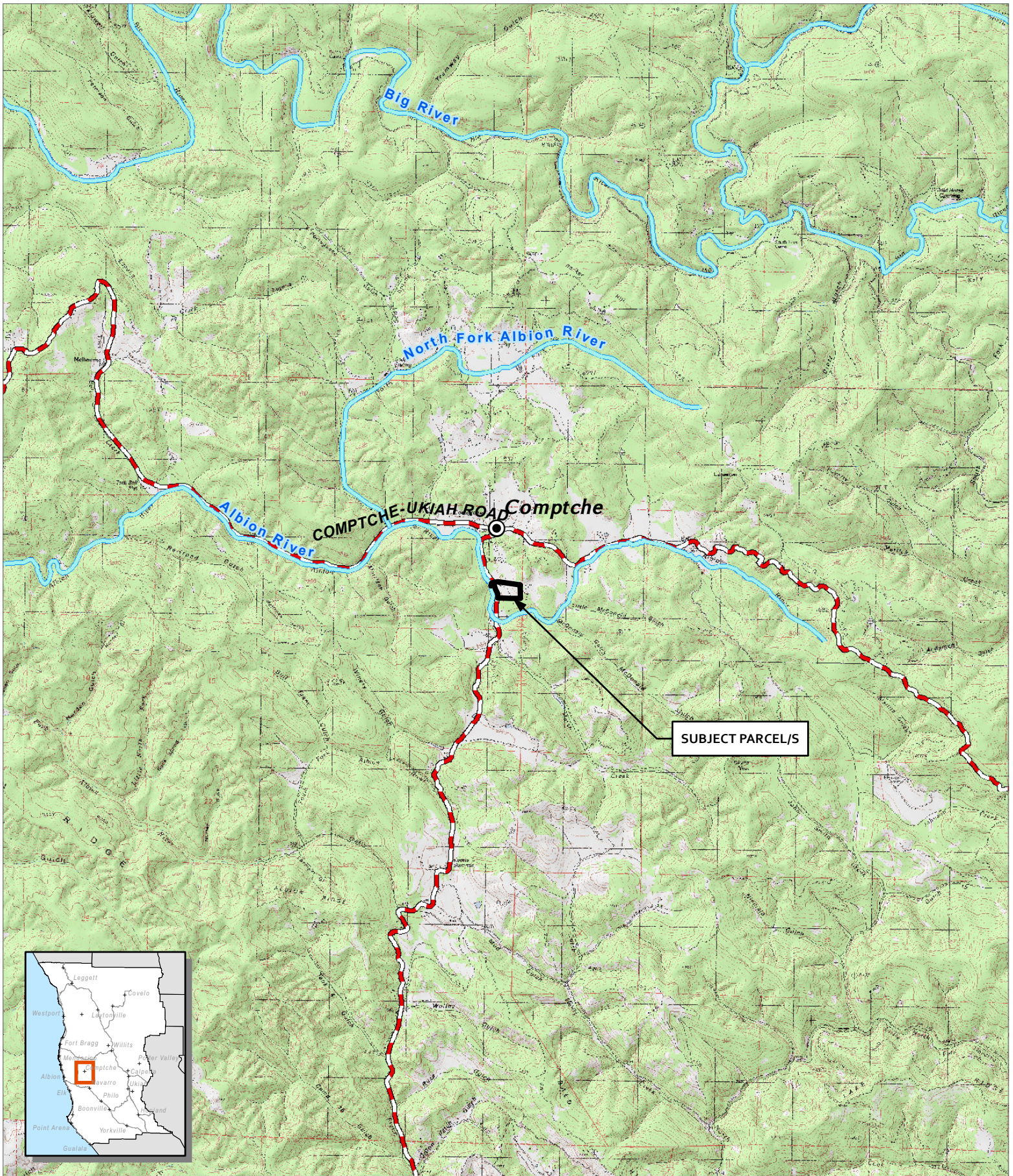


SAM VANDEWATER
PLANNER II

ATTACHMENTS:


- | | | |
|-----------------|-----------------------|-----------------------|
| A. Location Map | D. General Plan Map | G. Soils Map |
| B. Aerial Map | E. Adjacent Owner Map | H. Important Farmland |
| C. Zoning Map | F. Fire Hazards Map | |

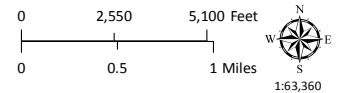
RESOLUTION (Exhibit A):



CASE: R 2018-0002
OWNER: BENDA, Cyril
APN: 125-090-31
APLCT: Cyril Benda
AGENT:

ADDRESS: 8475 Flynn Creek Road, Comptche

-  Major Towns & Places
-  Major Rivers
-  Major Roads






LOCATION
ATTACHMENT A

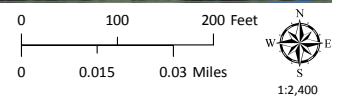
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: R 2018-0002
 OWNER: BENDA, Cyril
 APN: 125-090-31
 APLCT: Cyril Benda
 AGENT:

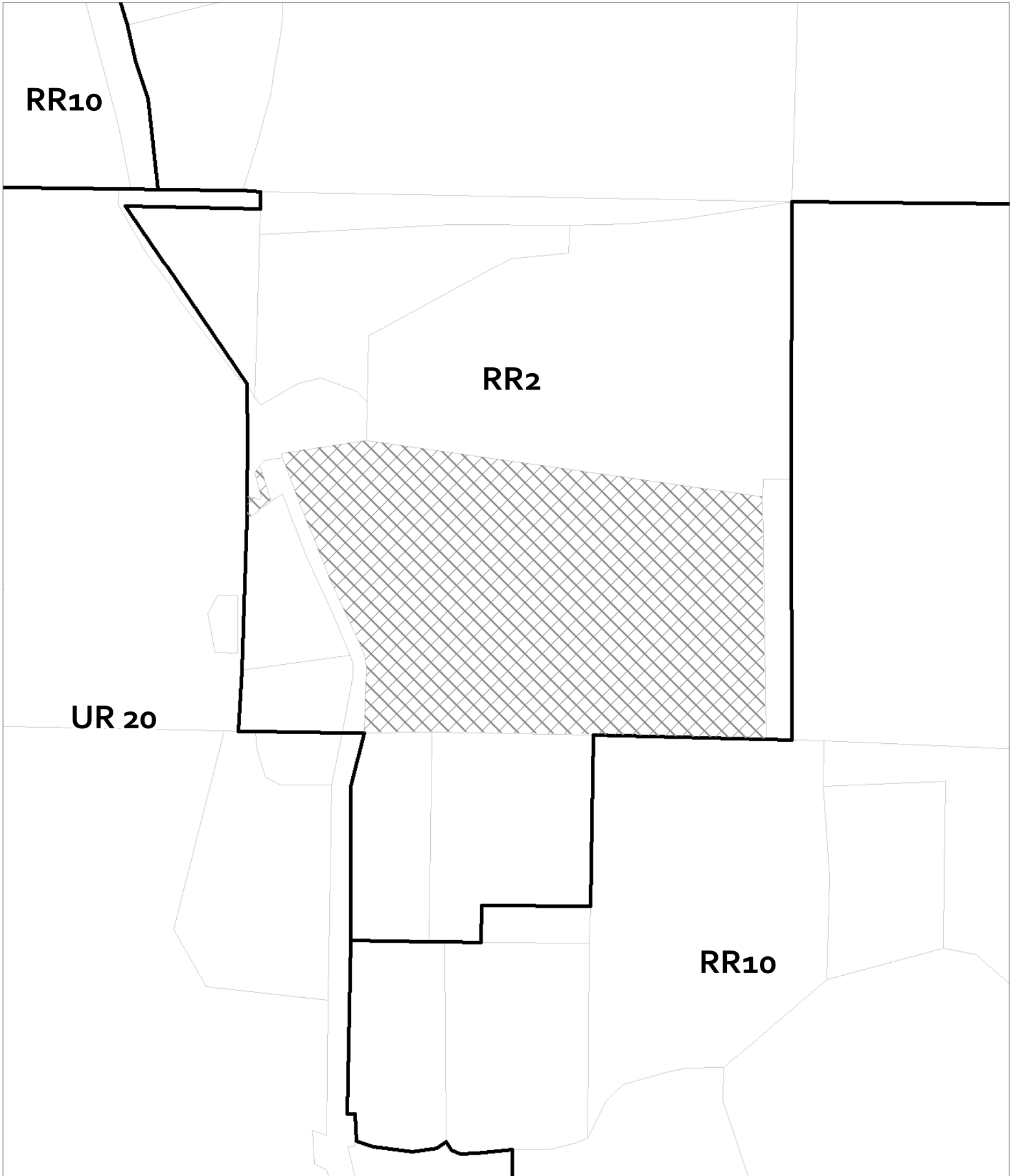
ADDRESS: 8475 Flynn Creek Road, Comptche

-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads



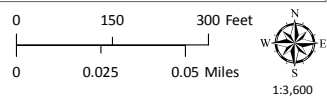
AERIAL IMAGERY
 ATTACHMENT B

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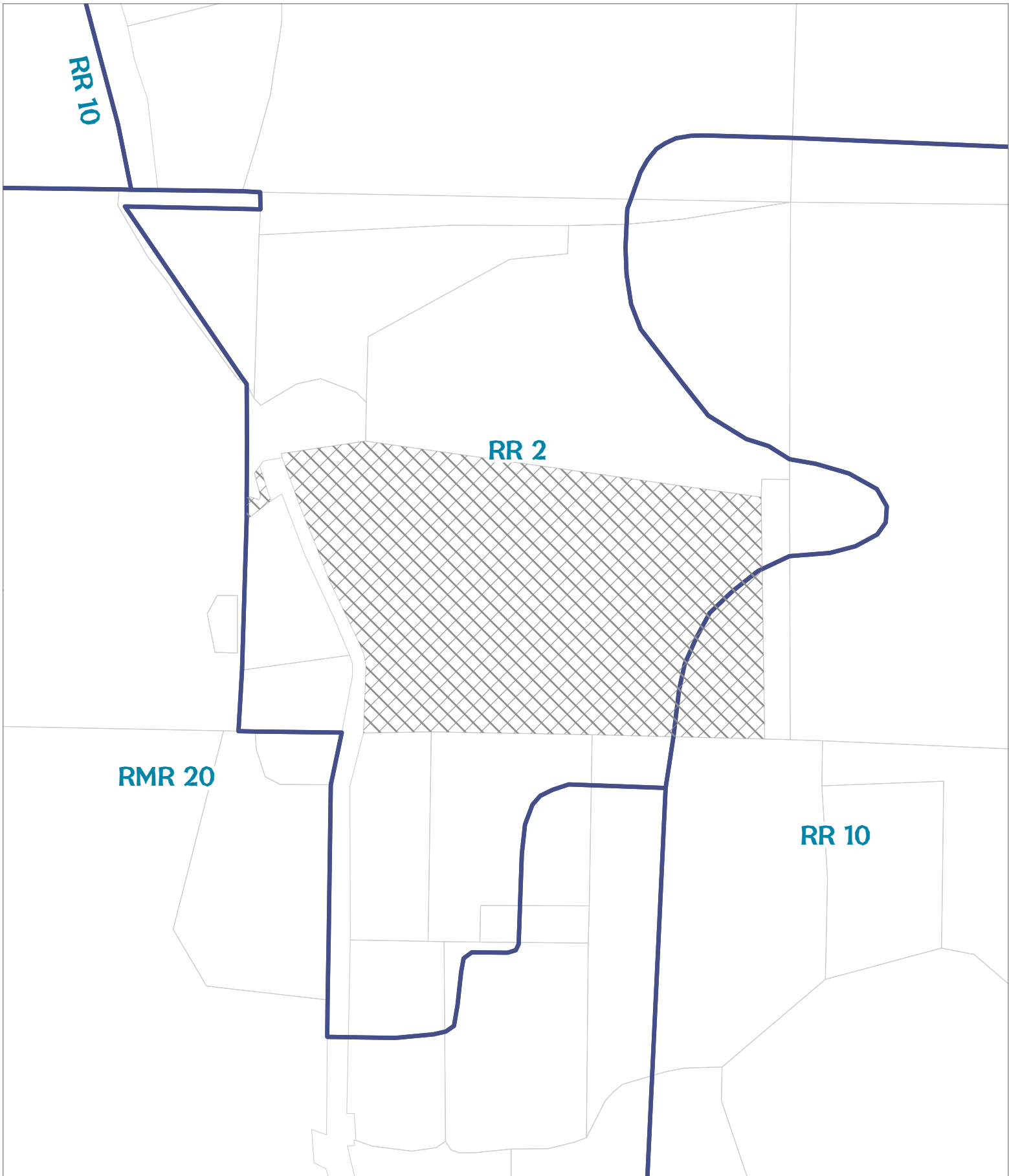
CASE: R 2018-0002
OWNER: BENDA, Cyril
APN: 125-090-31
APLCT: Cyril Benda
AGENT:
ADDRESS: 8475 Flynn Creek Road, Comptche

 Zoning Districts




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ZONING DISPLAY MAP
ATTACHMENT C



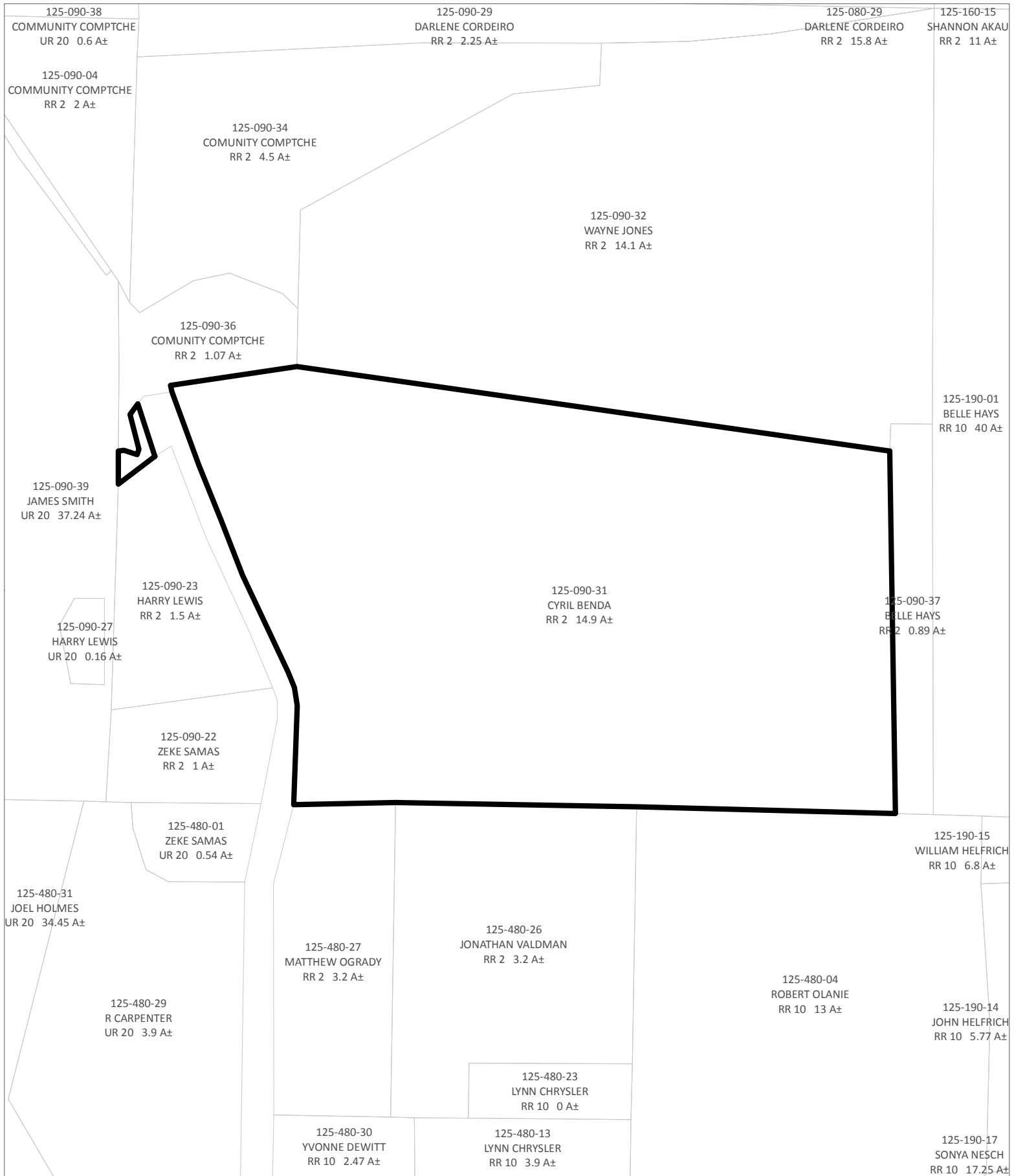
CASE: R 2018-0002
OWNER: BENDA, Cyril
APN: 125-090-31
APLCT: Cyril Benda
AGENT:
ADDRESS: 8475 Flynn Creek Road, Comptche

 General Plan Classes

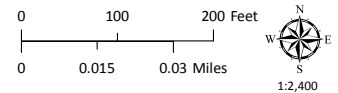
GENERAL PLAN CLASSIFICATIONS

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ATTACHMENT D

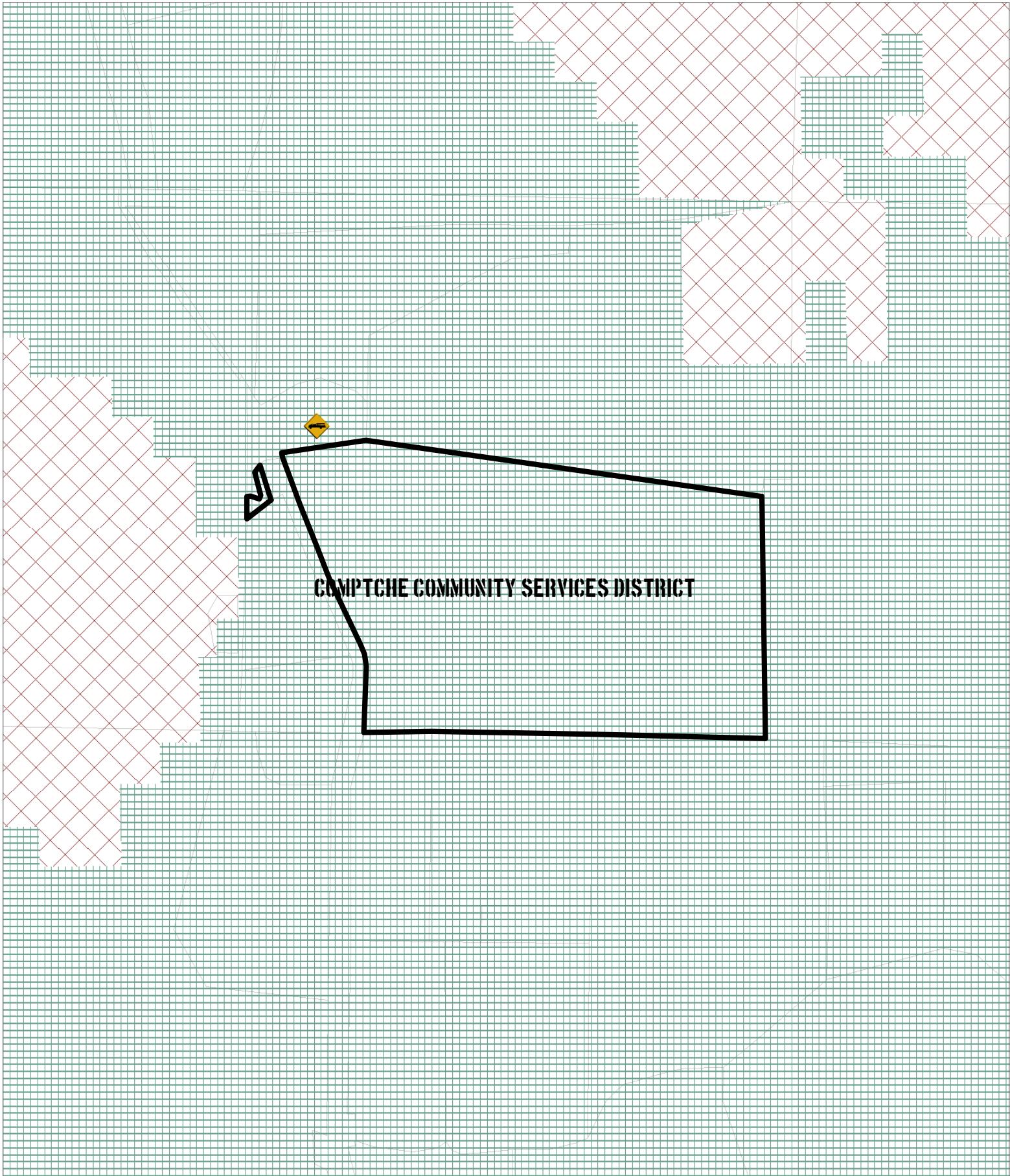


CASE: R 2018-0002
OWNER: BENDA, Cyril
APN: 125-090-31
APLCT: Cyril Benda
AGENT:
ADDRESS: 8475 Flynn Creek Road, Comptche







ADJACENT PARCELS
ATTACHMENT E

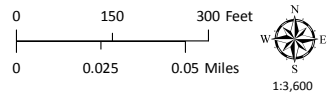
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CASE: R 2018-0002
OWNER: BENDA, Cyril
APN: 125-090-31
APLCT: Cyril Benda
AGENT:
ADDRESS: 8475 Flynn Creek Road, Comptche

-  Fire Stations
-  County Fire Districts
-  High Fire Hazard

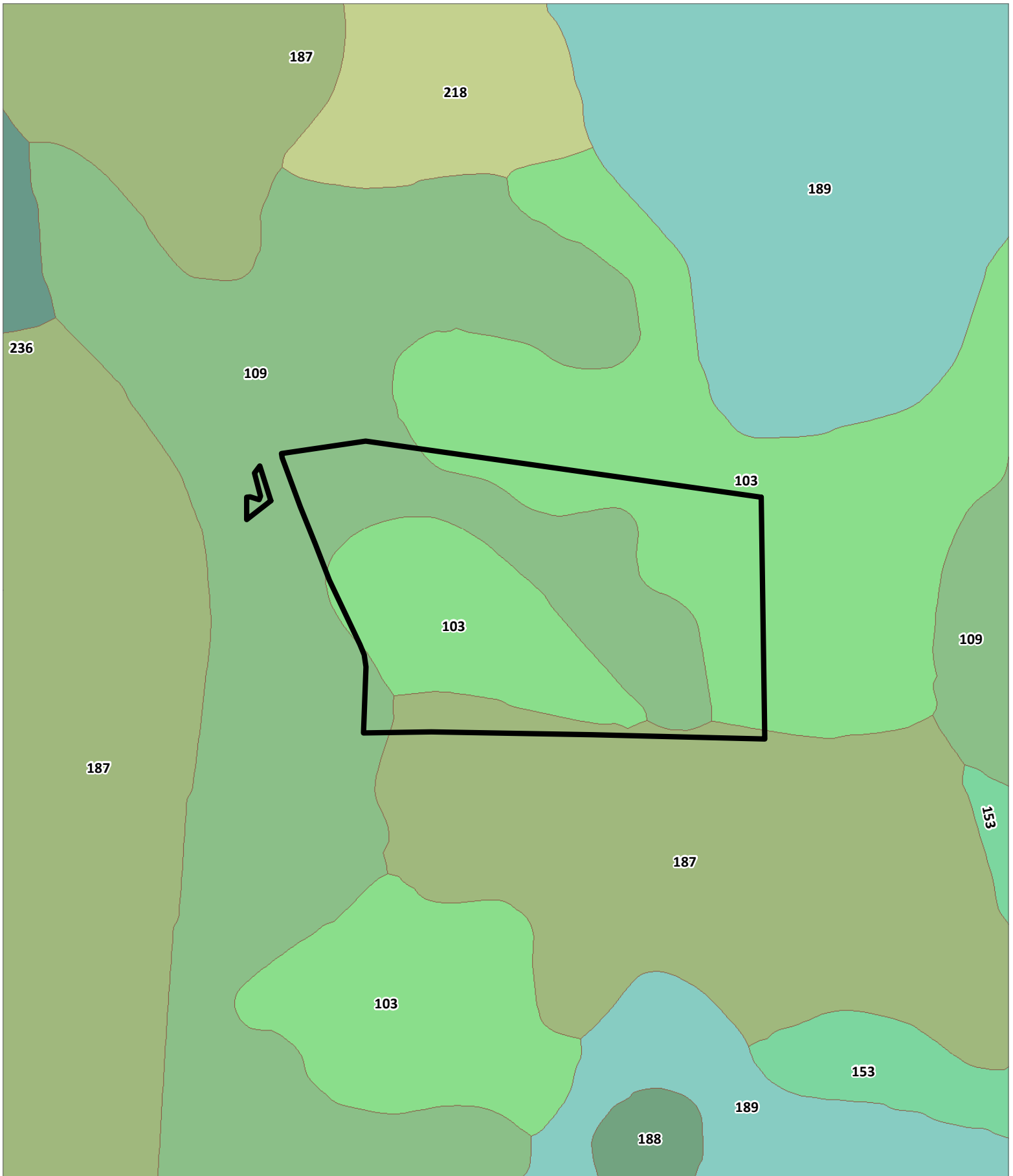
 Moderate Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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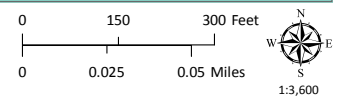
ATTACHMENT F



CASE: R 2018-0002
 OWNER: BENDA, Cyril
 APN: 125-090-31
 APLCT: Cyril Benda
 AGENT:

ADDRESS: 8475 Flynn Creek Road, Comptche

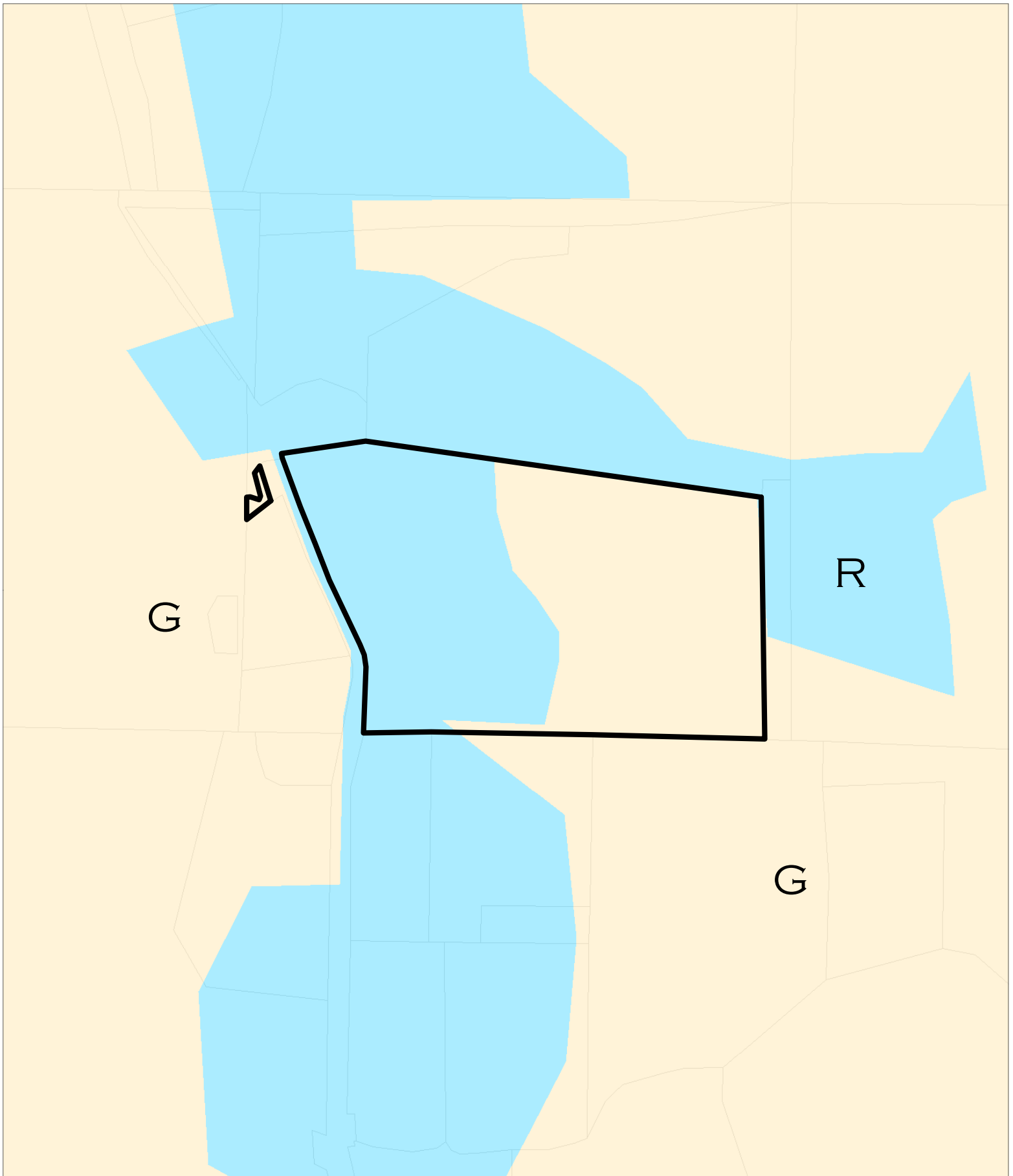
 Western Study Soil Types



LOCAL SOILS

ATTACHMENT G

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OWNER: BENDA, Cyril

APN: 125-090-31

APLCT: Cyril Benda

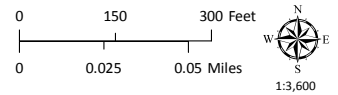
AGENT:

ADDRESS: 8475 Flynn Creek Road, Comptche



Grazing Land (G)

Rural Residential & Rural Commercial (R)



IMPORTANT FARMLAND

ATTACHMENT H

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Resolution Number _____

County of Mendocino
Ukiah, California

September 5, 2019

R_2018-0002 CYRIL BENDA

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING THE
GRANTING OF A REZONE OF RURAL RESIDENTIAL FROM A TWO
ACRE MINIMUM TO A TEN ACRE MINIMUM

WHEREAS, the applicant, CYRIL BENDA, filed an application for a rezone with the Mendocino County Department of Planning and Building Services to rezone one (1) parcel in a Rural Residential zoning district from a two acre minimum to a ten acre minimum, 0.5± miles south of Comptche town center, on the west side of Flynn Creek Road (CR 135), immediately south of the Volunteer Fire Department, located at 8475 Flynn Creek Rd., Comptche (APN: 125-090-31).; General Plan RR; Zoning RR:2; Supervisorial District 5; (the "Project"); and

WHEREAS, the Project is Exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Article 12, Section 15183 governing Special Situations and Projects Consistent with a General Plan; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 5, 2019, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings based upon the evidence in the record;

1. **General Plan and Zoning Consistency Findings:** The proposed project is located within the Rural Residential General Plan Land Use Designation and Rural Residential zoning district with a two acre minimum parcel size and is consistent with both regulations. The parcel will remain consistent with the zoning code after rezoning to a Rural Residential ten acre minimum.
2. **Environmental Protection Findings:** The proposed project is exempt from review under CEQA pursuant to Article 12, Section 15183.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors grant the requested rezone as shown in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Board of Supervisors decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

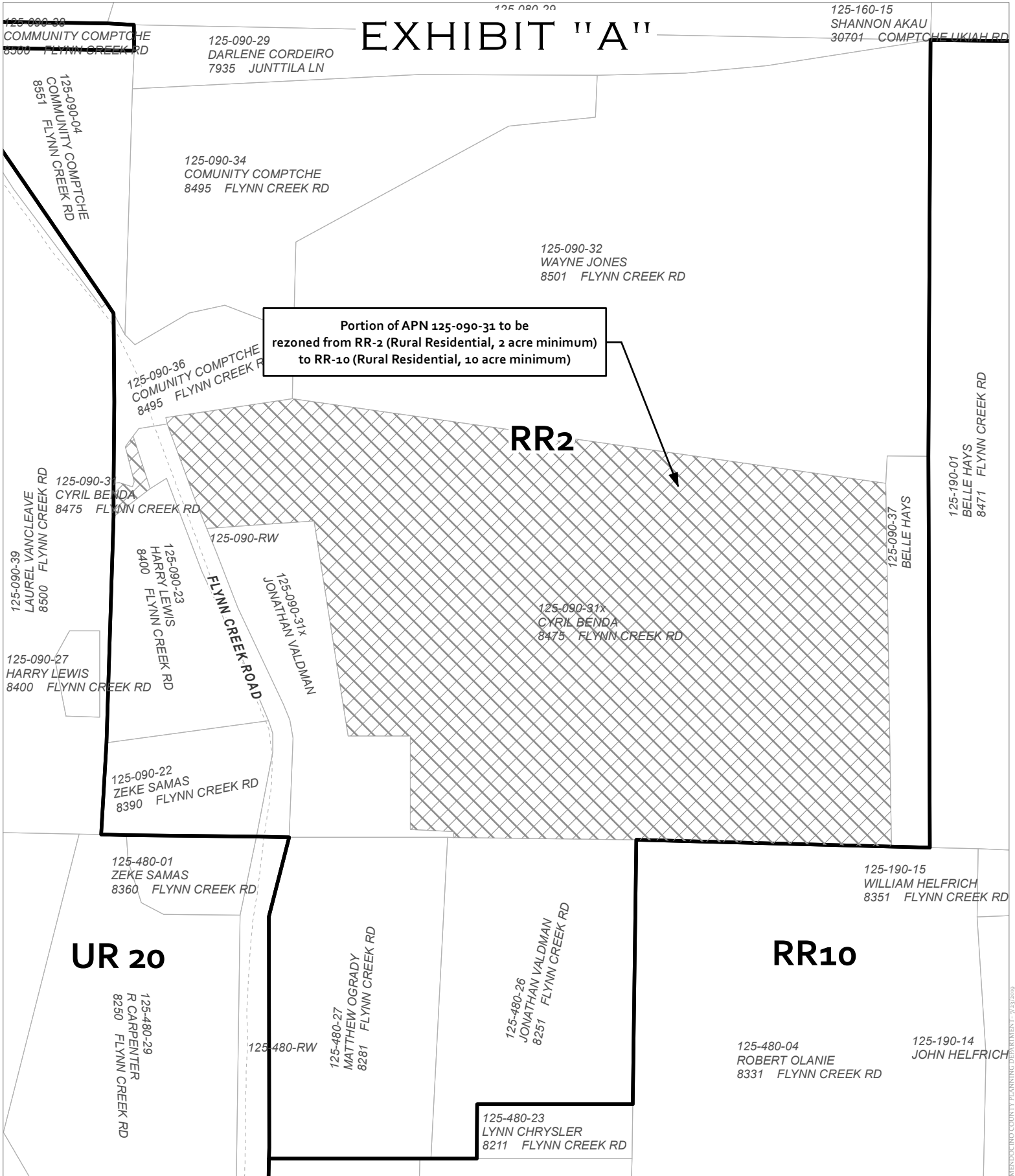
By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

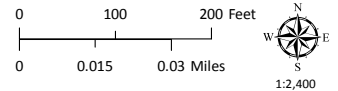
EXHIBIT A: REZONE EXHIBIT A MAP

EXHIBIT "A"



CASE: R 2018-0002
 OWNER: BENDA, Cyril
 APN: 125-090-31x
 APLCT: Cyril Benda
 AGENT:
 ADDRESS: 8475 Flynn Creek Road, Comptche

REZONE FROM: R-R :L :2 (Rural Residential, 2 acre minimum)
 TO: R-R :L :10 (Rural Residential, 10 acre minimum)
 Zoning Districts
 Public Roads



REZONE EXHIBIT