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**PLANNING COMMISSION  
STAFF REPORT- REZONE**

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**SEPTEMBER 5, 2019  
R\_2018-0002**

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**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:** 5<sup>th</sup> 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
<b>NORTH</b>	Rural Residential (RR)	Rural Residential (RR:2)	1±, 14± Acres	Residential
<b>EAST</b>	Rural Residential (RR)	Rural Residential (RR:10)	1± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR)	Rural Residential (RR:10/RR:2)	13±, 3±, 3± Acres	Residential
<b>WEST</b>	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.

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DATE

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SAM VANDEWATER  
PLANNER II

**ATTACHMENTS:**

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|-----------------|-----------------------|-----------------------|
| 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):**