

## ORDINANCE NO. 4439

### AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY WITHIN MENDOCINO COUNTY

WHEREAS, the applicant, CYRIL BENDA, filed an application for rezone with the Mendocino County Department of Planning and Building Services to rezone one parcel in Rural Residential from a two acre minimum (RR:2) to a ten acre minimum (RR:10), 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, on September 5, 2019, the Planning Commission held a noticed public hearing, received comments and recommended the Board of Supervisors approve R\_2018-0002; and

WHEREAS, the Project is Categorically 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 the General Plan, and the Project was noticed and made available for agency and public review in accordance with the CEQA and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on October 22, 2019, at which time the Board of Supervisors 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.

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Findings. Based on the information provided in the memorandum accompanying this ordinance and evidence in the record, the Board of Supervisors makes the following findings:

- (a) The Project is Categorically Exempt from CEQA pursuant to Section 15183 of the State CEQA Guidelines.
- (b) The Project is located within a Rural Residential General Plan Land Use Designation and the site is consistent with the minimum parcel size of ten acres.
- (c) The Project meets the stated intent and minimum lot size requirements of the Rural Residential with a ten acre minimum (RR:10) zoning district, as stated in Mendocino County Code Chapter

Section 2. Rezone. Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as follows:

Said zoning change encompasses the property described by Assessor's Parcel Number 125-090-31 which is reclassified from Rural Residential with a two acre minimum (RR:2) to a ten acre minimum (RR:10) as shown on attached Exhibit A.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 22 day of October, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde and Williams

NOES: None

ABSENT: None

WHEREUPON, the Chair declared said Ordinance adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

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CARRE BROWN, Chair  
Mendocino County Board of Supervisors

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Deputy

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

*APPROVED AS TO FORM:*  
CHRISTIAN M CURTIS, Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

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CASE#: Rezone #R 2018-0002  
OWNER: CYRIL BENDA