



Mendocino County

Legislation Details (With Text)

File #: 24-0335 **Version:** 1 **Name:**
Type: Approval **Status:** Agenda Ready
File created: 3/1/2024 **In control:** Planning and Building Services
On agenda: 3/26/2024 **Final action:**
Title: Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Planning Commission's Denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) to Establish and Operate a Gas Station with Ten (10) Gas Pumps, Two (2) Separate Illuminated Canopies, Twenty-Eight (28) New Parking Spaces, Landscaping, Conversion of Part of an Existing Structure to a Convenience Store, and Concurrent Variance for a Sixty-Five (65) Foot Tall Business Identification Sign, Increase in the Allowable Sign Area, and to Reduce the Front Yard Setback; Located at 9621 and 9601 North State Street, Redwood Valley; APNs: 162-100-58 and 162-100-59 which May Include Adoption of a Resolution or Additional Direction to Staff (Sponsor: Planning and Building Services)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Memo, 3. PC 2024-0001 Reoslution, 4. PC Denial Resolution, 5. U_2021-0016 & V_2015-0005 Planning Appeal, 6. 01-04-24 PC Notice, Staff Report, Attachments, 7. 01-04-24 PC Initial Study MND, 8. 01-04-2024 PC Public Comments Combined, 9. 12-07-23 PC Public Comments Combined, 10. U_2021-0016 & V_2021-0005 12-07-23 Memo to PC, 11. U_2021-0016 & V_2021-0005 TIS, 12. Planning Commission 12-7-23 Minutes, 13. Planning Commission 1-4-24 Draft Minutes, 14. Proof of Publication U_2021-0016 & V_2021-0005 (Faizan) BOS 3-26-24 (UDJ), 15. 03-25-24 PBS Presentation

Date	Ver.	Action By	Action	Result
3/26/2024	1	Board of Supervisors		

To: BOARD OF SUPERVISORS

From: Planning and Building Services

Meeting Date: March 26, 2024

Department Contact: Liam Crowley

Phone: 707-234-6650

Department Contact: Julia Krog

Phone: 707-234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 1.5 Hours

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Planning Commission's Denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) to Establish and Operate a Gas Station with Ten (10) Gas Pumps, Two (2) Separate Illuminated Canopies, Twenty-Eight (28) New Parking Spaces, Landscaping, Conversion of Part of an Existing Structure to a Convenience Store, and Concurrent Variance for a Sixty-Five (65) Foot Tall Business Identification Sign, Increase in the Allowable Sign Area, and to Reduce the Front Yard Setback; Located at 9621 and 9601 North State Street, Redwood Valley; APNs: 162-100-58 and 162-100-59 which May Include Adoption of a Resolution or Additional Direction to Staff

(Sponsor: Planning and Building Services)

Recommended Action/Motion:

Adopt resolution denying the appeal and upholding the Planning Commission's denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) to establish and operate a gas station with ten (10) gas pumps, two (2) separate illuminated canopies, twenty-eight (28) new parking spaces, landscaping, conversion of part of an existing structure to a convenience store, and concurrent variance for a sixty-five (65) foot tall business identification sign, increase in the allowable sign area, and to reduce the front yard setback; located at 9621 and 9601 North State Street, Redwood Valley; APNs: 162-100-58 and 162-100-59; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

In 1987 the Board adopted Division I of Title 20 of the Mendocino County Code through Ordinance No. 3639, including Chapters 20.196 and 20.200 pertaining to Use Permits and Variances, respectively.

Summary of Request:

Minor Use Permit U_2021-0016 and Variance V_2021-0005 (the "Project") was denied by the Planning Commission on January 4, 2024. See Resolution No. PC_2024-0001 for findings in support of the action.

On January 5, 2024, attorney Brian S. Momsen, on behalf of Faizan Corporation and 898 Main Street LLC, filed an appeal of the Planning Commission's decision. The Project requested authorization to establish and operate a gas station with ten (10) gas pumps, two (2) separate illuminated canopies, twenty-eight (28) new parking spaces, landscaping, and conversion of part of an existing structure to a convenience store. A concurrent Variance was requested for a sixty-five (65) foot tall business identification sign, increase in the allowable sign area, and to reduce the front yard setback.

The Project site is located 1.6± miles southwest of Redwood Valley center, on the north side of North State Street (CR 104), 600± feet east of its intersection with U.S. Route 101 (US 101), located at 9621 & 9601 North State St, Redwood Valley; APNs 162-100-58 & 162-100-58.

The Appeal asserts that the Planning Commission *"did not proceed in a manner required by law and its determination was not supported by substantial evidence in the record there was no evidence (only vague complaints from the public) that the proposed project would be a nuisance or would interfere with an easement. There was no evidence that the project's environmental impacts could not be mitigated to acceptable levels with the conditions of approval staff proposed. The proposed freeway conditions are exactions as defined in the Dolan v. City of Tigard decision."*

Please see the attached memorandum for further details. The associated staff report, action sheet, appeal document, and additional materials are attached for review.

Alternative Action/Motion:

Uphold the Appeal and remand U_2021-0016/V_2021-0005 to the Planning Commission to reconsider the Project, including for purposes of CEQA, or provide direction to staff.

Strategic Plan Priority Designation: A Safe and Healthy County

Supervisory 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

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Senior Deputy Clerk

Final Status: **Continued**

Date: March 26, 2024

