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## Mendocino County

### Meeting: Board of Supervisors on 2024-03-26 9:00 AM - Regular Meeting

Meeting Time: March 26, 2024 at 9:00am PDT

### Agenda Item

**4b) 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)**

[Agenda Summary Resolution Memo PC 2024-0001 Reoslution PC Denial Resolution U\\_2021-0016 & V\\_2015-0005 Planning Appeal 01-04-24 PC Notice, Staff Report, Attachments 01-04-24 PC Initial Study MND 01-04-2024 PC Public Comments Combined 12-07-23 PC Public Comments Combined U\\_2021-0016 & V\\_2021-0005 12-07-23 Memo to PC U\\_2021-0016 & V\\_2021-0005 TIS Planning Commission 12-7-23 Minutes Planning Commission 1-4-24 Draft Minutes Proof of Publication U\\_2021-0016 & V\\_2021-0005 \( Faizan\) BOS 3-26-24 \(UDJ\) 03-25-24 PBS Presentation](#)

If you are a human, ignore this field

Select a Position:  Oppose  Neutral  Support

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# ATTACHMENT O

Submit Comment

8 Public Comments



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[Eileen Mitro](#) 23 days ago

Oppose

Climate Action Mendocino has reviewed the past history of this applicant and notes that there have been innumerable citations for non-compliance on other gas stations the applicant owns or has owned. The signage is incompatible with appropriate signage along Highway 101 and a large gas station is nearby at the Casino. We hope the BOS denies this appeal.



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[Sheilah Rogers](#) 23 days ago

Oppose

As a long time resident and property owner of Redwood Valley, I stand with the Planning Commissions' denial of this Minor Use Permit. There are so many cited reasons why this is the wrong project in the wrong place. The highway safety issue as noted by Caltrans rises to the top of the list. I ask you to deny this appeal and oppose the project. Respectfully, Sheilah Rogers



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[Frances Owen](#) 24 days ago

Oppose

RE: Opposition to Fazian Corp proposal for new Redwood Valley gas station  
Board of Supervisors,

We are writing you today to express our concern that you may reverse the Planning Commissioners' decision to deny the Fazian Corp gas station here in Redwood Valley at the base of the Willits grade. It is disconcerting that you would give any thought to approving such an endeavor when this corporation has had serious environmental violations in the past. Also, that there are no electric charging stations to be developed. Even if they now offer to add electric charging stations, we are very concerned about the potential for accidents in this location. More construction in that area will cause more hazards in a heavily traveled area. It also seems approval could conceivably cause legal action against the County with regards to boundary disputes with long-time local neighboring properties.

Redwood Valley has spoken through its RVMAC representatives that we would like more input and determination as to the future of our community. The Planning Commissioners, as our representatives, listened to our concerns and in their wisdom voted to deny this project. Please don't put dollars before community wishes and safety. We don't see any reason why you should go against the Planning Department and Commissioners' recommendations and decision. We respectfully request you listen to

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them and Redwood Valley citizens who have valid concerns. Please deny this proposal.

Sincerely,

Jim and Frances Owen  
Redwood Valley residents since 1973



[Thomas Rawles](#) 24 days ago  
Oppose

To: Mendocino County Board of Supervisors

From: Thomas B. Rawles & Family  
9581 North State Street  
Redwood Valley, Ca, 95470

POSITION: OPPOSE approval for the subject project

Concerns Regarding: 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)

As an adjoining property owner, I have stated my concerns regarding this development at the December 7, 2023, and January 4, 2024, Planning Commission meetings. Additionally, I have indicated that I have a 40-foot easement that runs through the middle of the proposed project. This easement was in place before the current ownership of the Faizan Corporation. Previous property owners deeded the easement on November 16, 1976, when the entrance was changed for safety concerns of the prior access from North State St.( Formerly Hwy101).

The Faizain Corporation has yet to sufficiently address how they will prevent my easement from being blocked, thus preventing access to my home and ranch. The easement must always be clear to maintain ranching operations and home deliveries. Additionally, emergency vehicles will need access to my property in the case of an emergency. The easement is a 'non-buildable easement ". Putting gas pumps to the west of my easement and a convenience store to the east is passively building a gas station/ convenience store over my family's easement.

I urge the Mendocino County Board of Supervisors to follow the Planning Commission's decision to deny the Minor Use Permit. Approving the permit would constitute a nuisance or be detrimental to my family's health, safety, peace, morals, comfort, and general welfare of my family since we reside and work through the neighborhood. It would also be detrimental or harmful to my family property and improvements in the neighborhood. The Planning Commission also found that the projected increased traffic and safety impacts of the proposed Project would require the closure of the US 101 median at the intersection of North State Street (CR 104) and Uva Drive (CR 239). Increased traffic due to the Project would increase the number of cars and trucks crossing US 101 at this intersection, increasing the likelihood of additional collisions, which, given the traffic speeds on US 101, would likely be severe if not fatal. Closure of the intersection is necessary mitigation to reduce potentially significant transportation safety impacts caused by the project to less than significant levels. This closure would eliminate the current ability of motorists to turn from either County road onto US 101 or turn from US 101 onto either County road. In addition, motorists would be unable to cross US 101 from one county road to another. If the median were to be closed, motorists traveling along US 101 would be required to use the West Road (CR 237) interchange to access North State Street and in turn the project site and neighboring properties. If the Project were to be approved, the required transportation mitigation would be a detriment to the general welfare of my family and my

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neighbors residing or working in the area because it would limit circulation options and place an undue burden on the existing ranchers and homeowners.

Respectfully,

Thomas (Tom) Rawles  
9581 North State St  
Redwood Valley CA, 95479  
707-391-7577



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[Teresa King](#) 24 days ago

Oppose

I am vehemently opposed to adding this gas station to the Redwood Valley neighborhood. My understanding is that the company proposing this land use has not been a very good environmental neighbor in other parts of the county and state. Because of their track record, I'm concerned for the safety of our groundwater, light pollution, closing off another emergency exit path for Redwood Valley residents and constant 24/7 traffic.

I don't feel that the Board of Supervisors in the past have given one thought to the desires of the people who live in this area - case in point, the Cannabis Opt-out request made by a majority of the citizens, which was denied based on 3 existing cannabis farms and out of county "squeaky wheels".

Pay attention NOW to our voices. Please deny this project.

Teresa King



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[ANNEMARIE WEIBEL](#) 24 days ago

Oppose

I have submitted my opposition in regards to this project for the 12-7 meeting. I have studied the issues along with many community members. The Planning Commission moved to continue the subject project to the 1-4 meeting with direction from staff to prepare an alternative resolution for denial of the minor use permit U-2021-0016 & Variance V-2021-0005. The Redwood Valley MAC included in their comments for the 1-4 meeting the 2019 report of gasoline groundwater pollution by Faizan Corporation at the Gobbi Street, Ukiah, gas station. The findings contradict what Attorney Momsen described as "paperwork" only. Please deny this project!



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[Scott WARD](#) 26 days ago

Oppose

The proposed gas station access crossing Highway 101 is not safe. Please take Cal Trans concerns seriously.

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[Dolly Riley](#) 26 days ago

Oppose

Redwood Valley Municipal Advisory Council (RVMAC)

PO Box 243, Redwood Valley, CA 5470

March 14, 2024

To: Mendocino County Board of Supervisors

From: Redwood Valley Municipal Advisory Council (RVMAC)

SUBJECT: Faizan Corporation Gas Station Proposed at US Route 101 and 9601-9621 N.

State St., Redwood Valley (Proposed Hearing Date 03/26/2024)

POSITION: OPPOSE approval for the subject project.

The Mendocino County Planning Commission denied the Subject project at their meeting on December 7, 2023, after hearing testimony/viewing letters opposing the project for a variety of reasons. The Redwood Valley Municipal Advisory Council (RVMAC) joined with our neighbors and other residents of Mendocino County to oppose this project. Beginning with a RVMAC Special Meeting in 2016, the Faizan Corporation gas station project has come before the RVMAC several times, with members of the community expressing concern about a number of issues. Most recently, the RVMAC held a publicly noticed meeting on November 8, 2024 to hear community views, and sent a letter of opposition to the Planning Commission prior to the December 7 meeting of the Commission. We support their December 7, 2023 action to deny the project and the requested variances.

Some of the concerns expressed in RVMAC letters of 2016 and 2017 include:

A) Haz mat runoff into riparian habitat.

B) Light pollution, from both the excessively large sign and the canopy over the pumps.

C) Diesel fuels—Idling trucks increase the impact to local residents of diesel, a known carcinogen.

D) Fuel pumps/charging stations—Not a single electric charging station is identified, while the project calls for 10 fuel pumps, representing an 8-fold increase in fuel pumps for the Redwood Valley area.

D) Overnight parking/truck stop amenities—Should these be allowed, the community would oppose; and if no public hearings would be done, that opposition must be recorded now.

E) Alcoholic beverage sales—Again, should these be allowed, the community has concerns, with an already wide array of alcohol purchasing outlets in the area.

F) Archaeology—This site is a known repository of Native American relics. What consideration is being made for any excavation or grading?

Since the RVMAC began addressing our concerns in 2016, major new issues have arisen which the Board of Supervisors should also consider:

1) Serial Violations of California Law. In 2019, the State Water Quality Control Board (SWQCB) issued a Cleanup and Abatement Order (# R1-2019-004, Case Number 1TMC532) requiring the Faizan Corporation to clean up and abate both ground and water pollution caused by leaking hydrocarbon products at 390 East Gobbi Street in Ukiah. The Order named Mahood Alam and Farah Alam, and identified them as “Dischargers” who created a condition of pollution in groundwater and soils at the site, and where excavated soils were improperly stored. The City of Ukiah staff had to remove from service a “public water supply well” that was “located approximately 500 feet from the Site, due to unauthorized Underground Storage Tank operations and discharges at the site.” Additionally, just over 1 year ago, 7 Northern California counties joined with the Alameda County District Attorney in charging the Faizan Corporation, LLC, with at least 64 violations of the California Health and Safety Code and the Business and Professions Code, including the charge of mis-labeling Octane ratings, thereby overcharging customers. A

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settlement ordered a penalty of \$500,000 to be assessed against Faizan. Apparently, this limited liability corporation considers violations of California law to be part of their cost of doing business.

2) Requests for Permit Variances that Violate the Rights of Local Residents and Businesses.

Faizan requests that a setback requirement of 20 feet be reduced to 2 feet. This severely cuts into a long-standing right-of-way for local residents/businesses. A County staff member commented at the Planning Commission hearing that such rights-of-way agreements exist strictly between local land owners, and that the residents could address their complaints against Faizan through a legal process. If the system requires the average person to hire an attorney because the County granted a special condition to another person (or Corporation), how is democracy served? Why should a newcomer be supported by the County to violate the existing rights of another?

Likewise, Faizan requests a variance to the signage regulations, wanting a lighted sign 4 to 5 times larger than what is allowed. A 512 square foot sign is enormous; such an eyesore would be less useful in these times, when most everyone uses GPS systems that clearly display fuel stations, restaurants, and other services used by travelers. This is simply overkill, especially as local residents particularly called out their objections to enormous signage and adverse impacts to our treasured night skies. Additionally, Faizan wants to avoid a requirement to install safety barriers so that high-speed drivers on the 101 South could cross northbound traffic to roll in for fuel. CHP, quite rightly, will require these barriers and other safety mechanisms; local residents will have reduced access to the businesses located on the East side of the 101, adding to their inconvenience. All these reasons demonstrate that the site is unsuitable for the subject project.

3) The Climate Emergency. New findings, laws, regulations, and concerns relative to climate heating have transpired since the RVMAC's 2016-2017 letters. In 2018, California passed legislation (SB100) calling for 100% renewable energy by 2045. In 2019, the Mendocino County Board of Supervisors declared a "Climate Emergency." A 2021 report from the PUC and CEC stipulates that clean energy is technically achievable by 2045; construction of clean electric generation and storage facilities must be sustained at record-setting rates; and diversity in energy resources and technologies lowers overall costs. Other counties and communities are banning new gas stations (Sonoma County, Santa Rosa, Rohnert Park, Sebastopol, Calistoga, Petaluma, etc.). Where can clean energy be implemented if not at the local level? Even if Mendocino County is not ready to enact an ordinance banning additional gas and diesel fuel pumps, our county already has far more fuel pumps per capita than our neighboring counties, including multiple pumps at the Coyote Valley tribal station just south of the requested project.

The Community Action Plan for Redwood Valley, created by the residents of this community, strongly calls for smart, sustainable growth that retains the area's rural character. Like most of the residents of Mendocino County, we live outside the incorporated cities/towns. With development in these rural areas, rarely do huge numbers of citizens walk the County halls to protest unwelcome developments. That may make it easier for County officials to believe that objections don't exist. In the case of the subject proposal, residents expect that County officials will work harder to at least mitigate our concerns on new, undesirable developments. Redwood Valley residents have spoken loud and clear to the RVMAC; we hope you will take these concerns seriously. Thank you.

Respectfully,

Dolly Riley, Chair, Redwood Valley Municipal Advisory Council

Cc. Clerk of the Board of Supervisors

Julia Krog, Director, County PBS

This correspondence is the voice of the RVMAC on a matter of concern for the community, and not necessarily the opinion of the Mendocino County Board of Supervisors.

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