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## MEMORANDUM

DATE: MAY 16, 2024  
TO: PLANNING COMMISSION  
FROM: MATT GOINES, PLANNER II  
SUBJECT: U\_2023-0002/B\_2023-0001 (ALBION LITTLE RIVER FIRE PROTECTION DISTRICT) NUMBER OF EMPLOYEE SHIFT CHANGE

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On January 13, 2023, the application for this project was received. Applicant had listed a maximum of 1 to 2 employees per shift and a maximum of 2 to 3 shifts per day on the application. On March 28, 2024, Diane Wiedemann spoke with Staff on behalf of the applicant's concerns regarding the maximum number of employees. Applicant requested the estimated number of employees per shift not be considered a maximum limit as the need for more employees may change in the future. Staff recommends that condition #6 in the Resolution in part, be redacted to not limit the number of employees as there may be times where this particular fire station is in need of more than three employees due to natural disasters or emergency situations.

6. Per MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. As noted above, the Department of Transportation recommended conditional approval of the Project, and those recommendations have been included as Conditions of Approval. ~~The maximum number of employees working any one (1) shift would be three (3). This is similar to the size of a standard residential household, and as such, the impact of the Project on Highway 1 capacity is minimal because the impacts of a standard residential household on Highway 1 capacity were addressed when the Local Coastal Program was adopted.~~ The nearest solid waste facility is the Albion Transfer Station approximately 4 miles east of the site.

**Resolution Number \_\_\_\_\_**

County of Mendocino  
Ukiah, California

**MAY 16, 2024**

U\_2023-0002/B\_2023-0001 – ALBION LITTLE RIVER FIRE PROTECTION DISTRICT (ALRFPD)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE AND GRANTING A COASTAL DEVELOPMENT USE PERMIT AND BOUNDARY LINE ADJUSTMENT FOR THE DEMOLITION OF AN EXISTING FIRE STATION, CONSTRUCTION OF A NEW FIRE STATION WITH APPARATUS BAY, CONSTRUCTION OF AN ADMINISTRATION BUILDING, DEVELOPMENT OF APPURTENANT STRUCTURES AND UTILITIES, AND A MERGER OF SEVEN (7) EXISTING LOTS INTO ONE (1) LOT

WHEREAS, the applicant, ALBION LITTLE RIVER FIRE PROTECTION DISTRICT (ALRFPD), filed an application for a Coastal Development Use Permit and Coastal Boundary Line Adjustment with the Mendocino County Department of Planning and Building Services for removal of an existing fire station, construction of a new fire station with apparatus bay, construction of an administration building, development of appurtenant structures and utilities, and a merger of seven (7) existing lots into one (1) lot, in the Coastal Zone, within the Albion town center, 425± feet northeast of the intersection with Albion Ridge Road (CR 402) and State Route 1 (SR 1), 150± feet west of the intersection of West Street, Albion River South Side Road (CR 402A) and Albion Ridge Road (CR 402), located at 33870 Albion Little River South Side Road and 33900 West Street, Albion; APN(s): 123-150-45, 123-150-47, and 123-150-48; General Plan Rural Village (RV); Zoning Rural Village (RV); Supervisorial District 5; (the “Project”); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on March 1, 2024 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on April 4, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. Per MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified local coastal program. As discussed throughout the Staff Report, the project is in conformity with applicable Coastal Element Policies and Sections of the Mendocino County Coastal Zoning Code. The Project matches the intent of the Rural Village land use classification because the scale of development is consistent with the surrounding neighborhood and the proposed colors and materials would match the surroundings or nearby fire stations. Standard construction practices and BMPs would limit impacts due to grading, the site has been located outside of the literal extent of any ESHA, is not within a hazard area, has been shown to conform to the Development Criteria for Highly Scenic Areas, is not within a hazard area, is not within a Minimum Access Location, and other necessary findings can be made as discussed below; and

2. Per MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. Preliminary approval has been granted by the Environmental Health Division for a new septic system and leach field to serve the Project. The site is within the jurisdiction of the Albion Mutual Water Company, and a connection exists to the site. Upon implementation of recommended conditions of approval, commercial driveway approaches would be constructed to Department of Transportation standards, which includes adequate drainage; and
3. Per MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. The Project would preserve the character of the rural atmosphere and visual quality of the Albion village because the scale of development is consistent with the surroundings, particularly the grocery store and post office adjacent to the subject parcel. The scale of development may also be compared to the nearby Albion Biological Field Station. The services to be provided are community-wide. As discussed in the "Visual Resources" section of the Staff Report, the building materials and colors are consistent with the Development Criteria for Highly Scenic Areas and Special Communities/Neighborhoods; and
4. Per MCC Section 20.532.095(A)(4), An Initial Study for the Project was completed in accordance with the California Environmental Quality Act (CEQA). Some potentially significant impacts were identified, but mitigation measures were recommended that would reduce potential impacts to less than significant levels. As such, a Mitigated Negative Declaration was prepared. Those mitigation measures have been recommended as conditions of approval.
5. Per MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological survey was conducted on the property and did not identify any resources. The survey was accepted by the Archaeological Commission at a regular meeting. The 'Discovery Clause' has been added as a condition of approval to address any unanticipated discoveries; and
6. 6. Per MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. As noted above, the Department of Transportation recommended conditional approval of the Project, and those recommendations have been included as Conditions of Approval. The nearest solid waste facility is the Albion Transfer Station approximately 4 miles east of the site.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and associated Mitigation Measures as set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit and Boundary Line Adjustment, subject to the Conditions of Approval and Mitigation Measures 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 Planning Commission 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.



**EXHIBIT A**

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES**

**MAY 16, 2024**

**U\_2023-0002/B\_2023-0001 – ALBION LITTLE RIVER FIRE PROTECTION DISTRICT (ALRFPD)**

Coastal Development Use Permit and Coastal Boundary Line Adjustment for the demolition of an existing fire station, construction of a new fire station with apparatus bay, construction of an administration building, development of appurtenant structures and utilities, and a merger of seven (7) existing lots into one (1) lot

**APPROVED PROJECT DESCRIPTION:** Coastal Development Use Permit and Coastal Boundary Line Adjustment for the demolition of an existing fire station, construction of a new fire station with apparatus bay, construction of an administration building, development of appurtenant structures and utilities, and a merger of seven (7) existing lots into one (1) lot

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*”):**

1. This action shall become final on the 11<sup>th</sup> day following the Planning Commission decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with Coastal Commission. This Coastal Development Permit shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgement in a court of competent jurisdiction has declared one or more conditions to

be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

7. This Coastal Development Permit is issued without a legal determination having been made upon the number, size, or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Conditions approving this Coastal Development Use Permit shall be printed on or attached to any building permit application and shall be a part of on-site construction drawings.
10. Prior to issuance of any building permit, the applicant shall specify Best Management Practices (BMPs) to be implemented to reduce erosion and sedimentation from construction activities. If the amount of grading on the site exceeds fifty (50) cubic yards, the applicant shall cease construction activities and develop a Grading and Erosion Control Plan for the site and submit it to Planning and Building Services for review and approval.
11. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection Conditions of Approval (CAL FIRE file #166-22) or other alternatives acceptable to the Department of Forestry. Prior to final inspection of the building permit for the single-family residence, written verification shall be submitted from the Department of Forestry and Fire Protection (CAL FIRE) to the Department of Planning and Building Services that this condition has been met to the satisfaction of CAL FIRE.
12. In accordance with the CAL FIRE Setback for Structure Defensible Space setback exception letter dated January 13, 2023, the following conditions shall apply:
  - a. The exception shall be a one-time exception that only applies to the Project.
  - b. The same practical effect shall be achieved by having five (5) feet of noncombustible material horizontally around the structure.
  - c. The proposed structures shall maintain a minimum five (5) foot setback from the property line.
  - d. The specified requirements in the Conditions of Approval shall be adhered to.
13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,966.75 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (5) days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal has been decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the

payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

14. In accordance with Mendocino County Code Section 20.504.035, any exterior lighting installed as part of the project shall conform to the following standards:
  - a. No light or light standard shall be erected in a manner which exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property, whichever is the lesser.
  - b. Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.
  - c. Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.
  - d. Minor additions to existing night lighting for safety purposes shall be exempt from a Coastal Development Permit.
  - e. No lights shall be installed so that they distract motorists.
15. Prior to commencement of construction activities or issuance of a building permit, the applicant shall construct one commercial driveway approach onto Albion Ridge Road (CR 402) and one commercial driveway approach onto Albion Little River South Side Road (CR 402A), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
16. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
17. **\*\***In accordance with the *Environmentally Sensitive Habitat Area Report* prepared for the Project, the applicant shall comply with the following measures:
  - a. The literal extent of the seasonal wetland shall be delineated and demarcated with high-visible construction fencing. All construction staff shall be made aware of the seasonal wetland and its status as a protected habitat.

No equipment or materials shall be laid down within the seasonal wetland or construction fencing barrier. All materials shall be stored on existing hardscaped areas or, if laid down on existing vegetation, will only be laid down in those areas scheduled for development. Spill prevention devices shall be readily available during construction and utilized for all toxic liquids/materials including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides. These materials should be stored 100 feet or greater from the seasonal wetland though they may necessarily require use within 100 feet of the seasonal wetland.

Sediment migration and erosion control measures shall be deployed on the northern perimeter of the Proposed Project Area to protect the seasonal wetland (as shown in Appendix A, Figure A-4 of the *Environmentally Sensitive Habitat Area Report*). Such barriers may include weed-free hay bales, weed-free straw waddles, silt fencing, and/or a combination of these materials. Regular inspection of the barriers shall be deployed and immediate remedies of damaged or compromised areas of the barriers.

Ground-disturbing construction and driveway installation shall occur during the dry season (May 15 through October 15) and should be suspended during unseasonable rainfalls of greater than one-half inch over a 24-hour period, all activities shall cease for 24 hours after perceptible rain ceases.

- b. Any building demolition should be conducted from September through March, outside of the general bat maternity season. If demolition during this period is not feasible, it is recommended that a bat habitat assessment and survey effort (the latter if needed) be performed by a qualified biologist prior to demolition to determine if bats are present in the buildings. If no suitable roosting habitat for bats is found, then no further study is warranted.

If special-status bat species or bat maternity roosts are detected, then roosts should be avoided until the end of the maternity roosting season. If this avoidance is not feasible, appropriate species- and roost-specific mitigation measures should be developed in consultation with CDFW. Irrespective of time of year, demolition should remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats present within the felled structure to escape.

- c. Prior to vegetation alteration/removal and initial ground disturbance occur from August 16 to January 31, outside of the general bird nesting season. If activities during this time are not feasible, a pre-construction nesting bird survey should be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance is recommended. The survey should cover the Project Area (including tree removal areas) and surrounding areas within 500 feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer should be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer.

- 18. **\*\***In accordance with CDFW recommendations, the applicant shall install high-visibility fencing, silt fencing, and low symbolic fencing on the northern perimeter of the Project area prior to ground disturbance to protect the seasonal wetland for the duration of the Project. To reduce encroachment into the seasonal wetland once construction is complete, the applicant shall maintain the low, permanent symbolic fence along the northern perimeter of the Project area.

- 19. The following conditions of approval shall apply to the proposed Coastal Boundary Line Adjustment:

No work shall be commenced in accordance with Use Permit U\_2023-0002 until the associated Boundary Line Adjustment B\_2023-0001 has been finalized and a Completion Certificate has been issued by the Department of Planning & Building Services.

- a. That for each proposed adjusted parcel, provide one perimeter description of each parcel. The new deed description submitted shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
- b. That each transfer of real property be by means of a Quitclaim Deed containing the following wording to be contained within the legal description:
  - i. *“Any and all lands and any and all interest thereto lying within the following described real property (perimeter description of the adjusted parcel(s)).”*

And,



- ii. *"This deed is given pursuant to Mendocino County Coastal Development Boundary Line Adjustment B\_2023-0001 and is intended to create no new parcel."*
- c. Per Mendocino County Code Section 17-17.5(l)(2):
  - i. "That the Treasurer-Tax Collector certifies that all taxes and assessments due on each parcel affected by the adjustment have been paid or cleared, and that a deposit to secure payment of the taxes and assessments which are due but not yet payable have been made."

The enclosed **Certificate of the Official Redeeming Officer form** must be certified by the Treasurer-Tax Collector and a copy returned to the Department of Planning and Building Services.
- d. After you have been given clearance to record the new documents, you must send a **copy** of the recorded deed(s) to the Department of Planning and Building Services. Upon review and approval of this information, you will receive a Completion Certificate.
- e. A note shall be placed on the deeds and/or legal descriptions stating that *"Future development may require additional studies and/or may be subject to restrictions"* and that *"Future development shall be in conformance with the criteria for development within the Environmentally Sensitive Habitat and Special Treatment Areas as set forth in the Coastal Plan and Coastal Zoning Code."*
- f. A note shall be placed on the deeds and/or legal descriptions stating, *"The Boundary Line Adjustment shall not relinquish, remise, release or terminate any prior right, interest in rights-of-way, easements, or other rights which may be appurtenant to and/or encumbrance to the subject properties."*
- g. A notation shall appear on the deeds that *"This is a voluntary merger of parcels"*.
- h. Once the deed(s) and/or instrument(s) have been prepared, please send a copy to the Department of Planning and Building Services. After we have reviewed the documents and accepted them as correct and all conditions of approval have been met, we will notify you. **DO NOT RECORD ANY DOCUMENTS UNTIL YOU HAVE RECEIVED APPROVAL OF THE DEED(S).**

PLEASE NOTE: Title must be transferred identical to the title now being held (all owners with their exact names).