



COUNTY OF MENDOCINO

Board of Supervisors

DARCIE ANTLE
CLERK OF THE BOARD

501 Low Gap Rd. Room 1010
Ukiah, CA 95482

Email: bos@mendocinocounty.gov
Website: www.mendocinocounty.gov

Office: (707) 463-4221
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PLANNING APPEAL FORM

Appeals must be submitted to the Clerk of the Board's Office within the designated appeal period, which is 10 days from the date of the hearing. Please note that postmarks will not be accepted. Applicants are required to confirm the applicable fee amounts with the Planning and Building Services Department prior to submitting the appeal. The appeal form and a check in the appropriate amount must be submitted together in order for the appeal form to be deemed valid. Please make all checks payable to "County of Mendocino" and return to:

Mendocino County Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, CA. 95482

JUN 30 2025

APPLICANT INFORMATION:

Planning & Building Services

Date Appeal Submitted: June 30, 2025

Appeal Fee: \$ 3,057.39
☒ Verified ☐ Receipt Generated

Name: Cellco Partnership, d/b/a Verizon Wireless

Phone Number: 916-247-3047

Mailing Address: Attn: Matt Moore, Agent; 2009 V Street, Sacramento, CA 95818

CASE INFORMATION:

Case No: U_2024-01004

Hearing Date: June 19, 2025


Heard by: ☒ Planning Commission ☐ Mendocino Historical Review Board
☐ Zoning Administrator ☐ Coastal Permit Administrator
☐ Administrative (Planning) ☐ Other: _____

BASIS FOR APPEAL:

Please provide sufficient detail to describe the nature of the appeal. Letters describing the appeal may also be attached.

This decision is being appealed in order to amend Condition of Approval #29, which was issued by the Planning Commission at their regular meeting on June 19, 2025. As it stands, the Condition is overly broad as there is no essential nexus or rough proportionality between the project that was approved and the condition being attached, and as such, it is requested that the Condition be removed. Please see the attached letter from Mackenzie & Albritton LLP for further details.

☐ Check Here if Basis for Appeal is Continued on Next Page


Signature

ATTACHMENT A

BASIS FOR APPEAL *(continued, if needed):*

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

June 30, 2025

VIA EMAIL

Board of Supervisors
County of Mendocino
c/o Clerk of the Board
501 Low Gap Road, Room 1010
Ukiah, California 95482

Re: Verizon Wireless Appeal of Condition 29 of Planning Commission
Resolution No. PC 2025-0007 to Approve Wireless Telecommunications Facility
Application U 2024-0004, 28401 Timberline Road

Dear Supervisors:

Verizon Wireless appeals the decision of the County of Mendocino Planning Commission on June 19, 2025, to approve the above-referenced resolution and application for a wireless communication facility. Specifically, Verizon Wireless appeals Condition 29: "Prior to the issuance of the building permit, existing code violations on the property will be remediated."

Condition 29 exceeds the Commission's authority to impose conditions of approval on a use permit, because it is not necessary to secure the purposes of the zoning code nor to allow the findings of approval of the use permit. Mendocino County Zoning Code § 20.196.030. Planning Division staff recommended approval of the use permit. However, Condition 29 was not recommended by Planning Division staff nor the County Counsel's office, even though the topic of code compliance was raised during public comment at the prior hearing of June 5, 2025. Condition 29 was added to the resolution of approval by motion of Planning Commissioner Marie Jones.

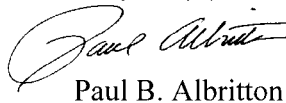
The County has not identified any current code violations on the subject property, which is not the subject of current enforcement actions. With no "existing" code violations, Condition 29 is moot. Verizon Wireless is concerned that the County may interpret Condition 29 to apply to any code violations alleged in the future that could delay issuance of a building permit. That would unreasonably delay issuance of a permit necessary to construct the wireless facility, in violation of the federal Telecommunications Act and Federal Communications Commission rules, which require the County to take final action on any permit required for a wireless communications facility within a reasonable period of time. 47 U.S.C. § 332(c)(7)(B)(ii), 47 C.F.R. § 1.6003.

Condition 29 also violates the United States Constitution, which requires that a local government establish both an “essential nexus” between a permit condition and project impacts (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825) and “rough proportionality” between the magnitude of the exaction and the effect of the proposed development (*Dolan v. City of Tigard* (1994) 512 U.S. 374). Verizon Wireless’s proposed equipment lease area will occupy only 1,600 square feet, less than 0.2 percent of the 22.83-acre parcel. As permittee, Verizon Wireless will be responsible for clearing, construction, and maintenance of its equipment lease area and its new access driveway connecting to a nearby road on the property. However, the condition of existing structures elsewhere on the property bears no relation to the impact of Verizon Wireless’s proposed facility, which complies with County standards and permit findings, as confirmed by staff’s recommendation and the Commission’s approval.

The Board should grant Verizon Wireless’s appeal, and remove Condition 29 from the use permit conditions of approval. Per the tolling agreement executed by Verizon Wireless and the County Counsel, the Board of Supervisors must issue a decision on the appeal and take final action on the application by July 31, 2025.

Verizon Wireless reserves the right to supplement these grounds for appeal prior to the Board’s consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul Albritton", written in black ink.

Paul B. Albritton

cc: Charlotte E. Scott, Esq.
Matthew Kiedrowski, Esq.
Keith Gronendyke, Planner III



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Indianapolis, IN 46278
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Permits & Applications Payment Confirmation (Ref #: 47519139)

PLC: Mendocino County Planning & Building Services **Date:** 06/30/2025 20:21 EDT
7340 860 North Bush St
Ukiah, California 95482
For: Permits & Applications

TRANSACTION INFORMATION

Name:	Matthew Matthew Moore	Transaction Reference #:	47519139
Street Address:	2009 V Street Sacramento, Ca 95818	Transaction Date/Time:	06/30/2025 20:21 EDT
Type Of Payment:	Planning Application Fee		
Building Permit Number:	U 2024-0003		

BILLING INFORMATION

Name: Matthew Moore
Address: 2009 V Street
95818
City, State Zip: Sacramento, Ca 95818
Phone #: (916)247-3047
Card #: xxxx-xxxx-xxxx-4084

PAYMENT INFORMATION

Approval #:	077252
Payment Amount:	\$2954.00
Service Fee:	\$105.00
Total Amount:	\$3059.00

The service fee is not refundable.

ATTENTION CARDHOLDER

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