

Sherwood Road

28401 Timberline Road

Conditional Use Permit U_2024-0004

Verizon Wireless Appeal of Condition 29

Mendocino County Board of Supervisors

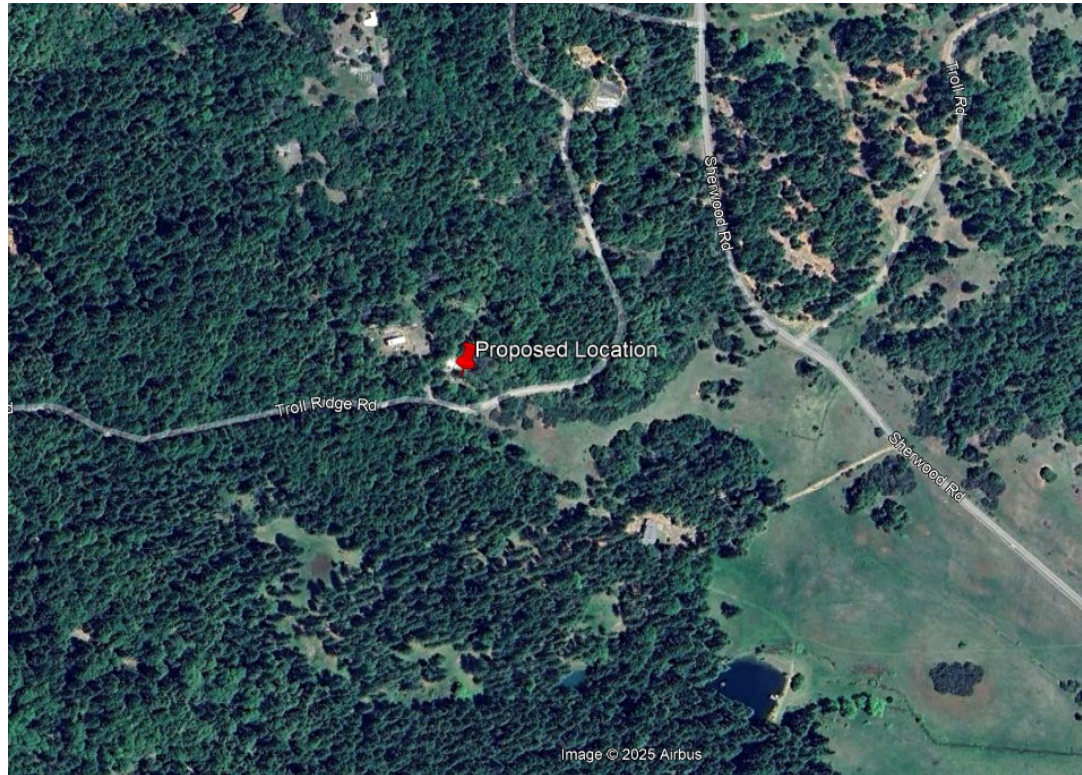
September 9, 2025

Matt Moore, Complete Wireless Consulting

Paul Albritton, Mackenzie & Albritton LLP

Project Overview

- Location: 28401 Timberline Road, Willits, CA 94590
- APN: 037-700-14
- Design: 65' tall Monopine to be placed within a 40' x 40' lease area in the Upland Residential zone
- 6' chain link fence with brown privacy slats
- One 30kw standby diesel generator with a 210 gallon fuel tank
- 2 equipment cabinets



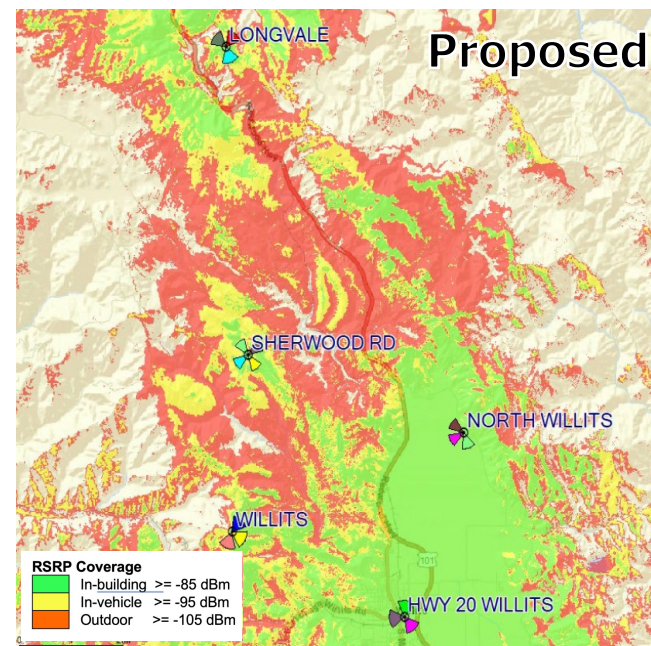
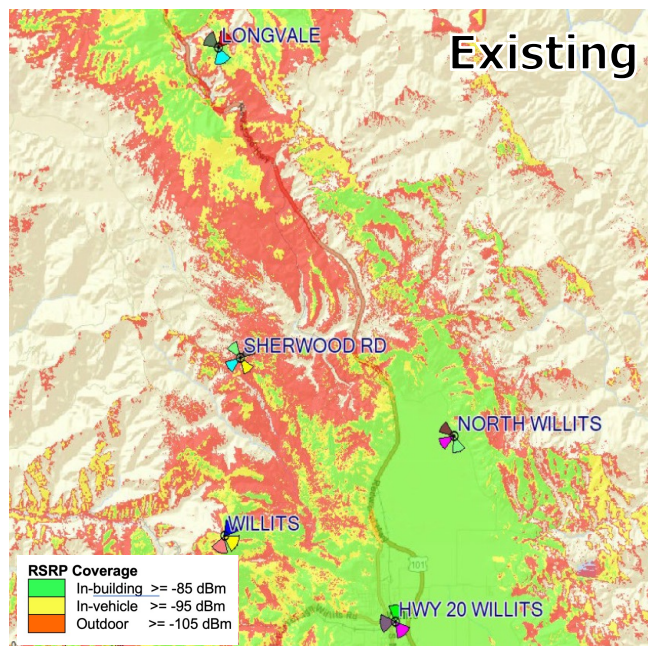
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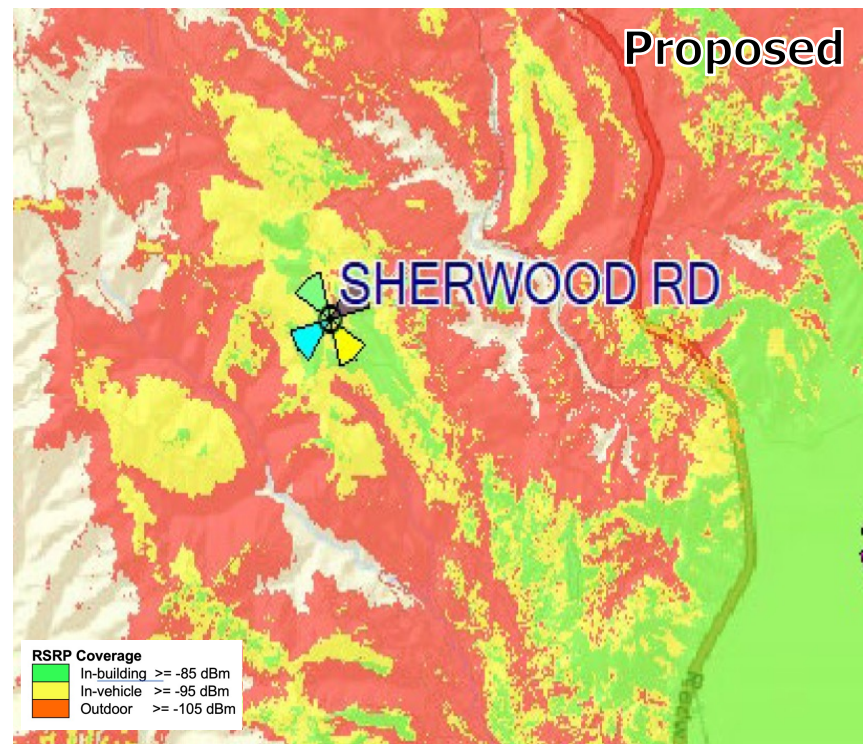
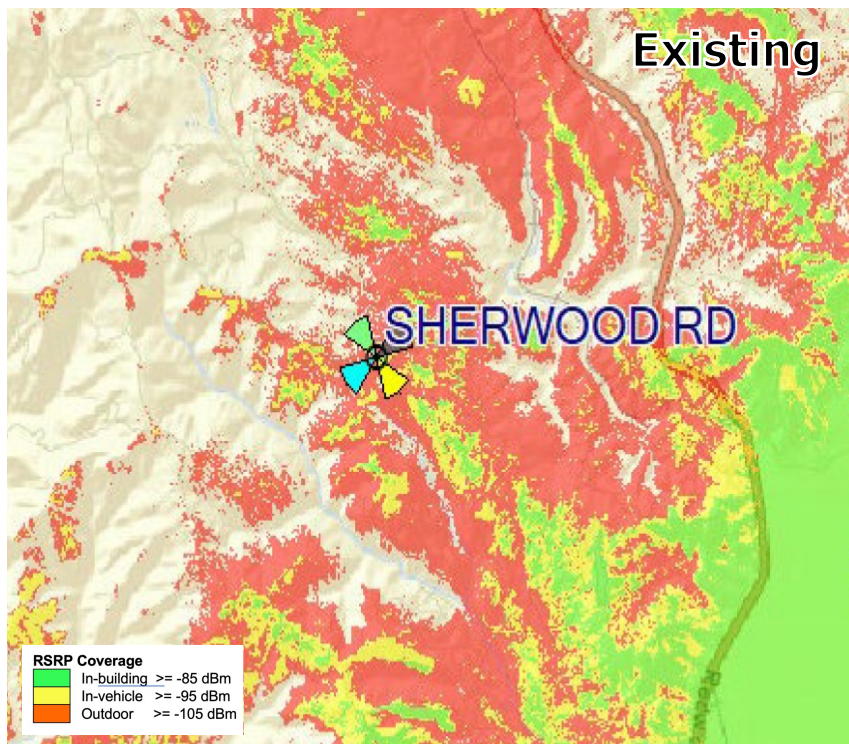


Coverage Objectives

- Area lacks sufficient Verizon Wireless coverage, resulting in dropped calls and failed connection attempts
- Proposed Facility will enhance service in area of 22 square miles with population of 1,253, including Highway 101 to east
- Will provide network support to surrounding facilities, particularly North Willits



Coverage Objectives



Photosimulation View 1 – Looking northwest from Sherwood Road

Proposed



Proposed Verizon
Installation Not Visible

view from Sherwood Road looking northwest at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

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Sherwood RD
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Photosims Produced on 6-7-2024

Photosimulation View 2 – Looking south from Sherwood Road

Proposed



Proposed Verizon
Installation Not Visible

view from Sherwood Road looking south at site

AdvanceSim
Photo Simulation Solutions
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Photosimulation View 3 – Looking northeast from Troll Ridge (Timberline) Road

Proposed



*Proposed Verizon
Installation Behind Foliage*

view from Troll Ridge Road looking northeast at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507

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Photosims Produced on 6-7-2024

Appeal of Condition 29

- Planning Commission added Condition of Approval 29 at June 19, 2025, hearing:

29. Prior to the issuance of the building permit, existing code violations on the property will be remediated.

- County Counsel advised Planning Commission not to add this condition
- Verizon Wireless appealed Condition 29 on June 30, 2025, because it cannot be held responsible for any issues on the 22-acre property beyond its 1,600 square foot lease area
- Condition 29 violates federal law according to U.S. Supreme Court *Nolan* and *Dolan* decisions, which require that conditions have an essential nexus and be proportionate to a project's impacts
- Even if there were a nexus, requiring the cure of alleged violations such as permitting a 50-year-old house would overly burden Verizon Wireless's application in cost and delay
- If universally applied, requiring remediation of off-premises violations would constitute a prohibition of service
- Planning Director memo recommends that Board uphold Verizon Wireless's appeal, removing Condition 29

County Inspection, Property Owner Resolution

- Planning & Building Department issued Inspection Report on July 23, 2025, alleging six violations
- Property owner Kathleen Rosenberg is working with Verizon Wireless to resolve all six alleged violations, according to letter from Vannucci Momsen Morrow, Attorneys at Law

Alleged Violation	Resolution
1. Unpermitted single-family home	Property owner researching legal non-conforming status for home built before 1974, or will bring up to code
2. Unpermitted barn	Property owner seeking to permit or remove barn, Verizon Wireless removing barn addition
3. Unpermitted hoop structures	Property owner to remove
4. RV unlawful in UR–Upland Residential Zone	Property owner applying to permit RV for caretaker, remaining RVs to be removed by private contractor
5. Non-operational vehicles	To be removed by private contractor
6. Disposable refuse	To be removed by private contractor

Conclusion

- Verizon Wireless requests that the Board of Supervisors delete Condition 29 and approve the application