



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: DECEMBER 16, 2025
TO: JULIA KROG, ZONING ADMINISTRATOR
FROM: LIAM CROWLEY, PLANNER II
SUBJECT: ADMINISTRATIVE PERMIT AP_2025-0030 (VERIZON WIRELESS)

On December 12, 2025, staff received a letter from Mackenzie & Albritton LLP on behalf of Verizon Wireless, which requested that conditions of approval numbers 3, 9, 12, and 13 be revised or deleted due to an asserted conflict with Federal Communications Commission (FCC) regulations regarding Eligible Facilities Requests (EFRs). The letter states that *“a local government may only impose conditions of approval that are related to generally applicable building and safety codes and other laws codifying objective standards reasonably related to health and safety.”* The letter cites Title 47 of the Code of Federal Regulations (CFR) section 1.6100, a 2014 Report and Order by the FCC, and a 2020 Declaratory Ruling by the FCC.

After reviewing the cited regulations, staff accepts the requests outlined in the letter and recommends that the Zoning Administrator adopt the attached “redlined” resolution incorporating the requested changes. The changes would include the deletion of conditions of approval numbers 3, 12, and 13, the revision of condition number 9, and the renumbering of the conditions accordingly.

Attachments:

1. 2025-12-12 Mackenzie & Albritton LLP Letter
2. Redline Resolution

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 620
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
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December 12, 2025

Julia Krog
Director, Planning & Building Services
County of Mendocino
860 North Bush Street
Ukiah, California 95482

Re: Verizon Wireless Eligible Facilities Requests, Conditions of Approval
Administrative Permit Applications AP_2025-0026, AP_2025-0028,
AP_2025-0029, AP_2025-0030, AP_2025-0031, AP_2025-0032
Zoning Administrator Agenda, December 17, 2025

Dear Julia:

We write on behalf of Verizon Wireless to suggest revisions to certain proposed conditions of approval for its six collocation applications in order to ensure consistency with federal law. Verizon Wireless appreciates the County's diligent processing of these administrative permit applications on an expedited basis, which will ensure continued reliable service for network users in 2026. As you know, the collocations qualify as eligible facilities requests, which must be approved according to Section 6409 of the federal Spectrum Act and Federal Communications Commission ("FCC") regulations because they will cause no "substantial change." 47 U.S.C. § 1455(a), 47 C.F.R. § 1.6100.

Verizon Wireless is concerned that certain conditions of approval proposed for the administrative permits exceed the scope of conditions that the FCC allows for eligible facilities requests. The FCC ruled that a local government may only impose conditions of approval that are related to generally applicable building and safety codes and other laws codifying objective standards reasonably related to health and safety. *See In Re: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Etc.*, Report and Order, 29 FCC Rcd 12865, 12944-45, ¶ 188, 12951, ¶ 202 (FCC October 17, 2014) (the "2014 Order").

Verizon Wireless proposes a compromise to allow the Zoning Administrator to approve the collocations with permit conditions that are consistent with federal law. Below, we list some of the conditions that are unrelated to health and safety codes, with some preempted for additional reasons. We also attach proposed redlined revisions to the conditions and a chart showing the condition numbers where they appear in the various applications' conditions of approval.

Renew prior use permit upon expiration. A condition for four of the applications requires renewal of prior tower permits when terms may have expired. Notably, for AP2025-0029, applicant must renew a 2014 use permit before the County will issue the building permit for the collocation. However, permit term limits such as 10 years are arbitrary and bear no relation to health and safety codes. The County's authority to impose such permit term limits was based on state law, Government Code Section 65964(b), which was adopted due to "public safety reasons or substantial land use reasons." However, an eligible facilities request to modify an existing tower poses no land use impact because it does not cause a "substantial change." 47 C.F.R. §§ 1.6100(b)(7), (c). It poses no negative public safety impact because the permit can be conditioned based on health and safety codes. Federal law preempts the California Government Code, so the County could not prohibit construction of the proposed collocations based on a permit term limit imposed by state law. *Verizon Wireless is not responsible to obtain renewal of any prior tower permits. For AP2025-0029 in particular, we propose a revision requiring filing of a renewal application prior to final inspection for the building permit.*

Subject to prior permit conditions. Any conditions of prior permits for the existing towers that are unrelated to current health or safety codes are preempted by FCC regulations, and cannot apply to Verizon Wireless's eligible facilities requests. *We propose a revision specifying that only prior conditions based on health and safety codes still in effect would apply.*

Confirm compliance with prior conditions within 30 days. Here again, Verizon Wireless need only comply with prior conditions related to current health and safety codes. *We propose a revision asking for a letter confirming compliance with prior conditions based on health and safety codes still in effect.*

Future modifications considered cumulative for substantial change. This is preempted by FCC rules, and the County risks conflict by imposing its own contradictory requirements. For example, the FCC ruled that the limit of four new cabinets is counted for each eligible facilities request, not as a cumulative total over time. *See In Re: Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a), Declaratory Ruling, 35 FCC Rcd 5977, 5992-93, ¶ 30 (FCC June 9, 2020).* The FCC also specified limits on cumulative height increases, setting a baseline of the original tower height plus any modifications approved before Congress passed the Spectrum Act. *See 2014 Order, 29 FCC Rcd at 12948-49, ¶¶ 196-97; see also 47 C.F.R. § 1.6100(b)(7)(i)(A).* *We suggest deleting this condition.*

Submit color/material samples before issuance of building permit. This is not based on health or safety codes. None of the existing towers are concealed or camouflaged. *We suggest deleting this condition.*


Julia Krog
County of Mendocino
December 12, 2025
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Submit evaluation of stealth capability within one year. This also is not based on objective health or safety codes, and again, none of the facilities are concealed or of stealth design. *We suggest deleting this condition.*

Provide tower space for public emergency service provider. This is an unlawful exaction preempted by federal law, 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). A collocation poses no public safety impact that would warrant special emergency antennas on the tower. *We suggest deleting this condition.*

If parcel number/shape/size is found to be different than permit requires, then permit is void. This is also unrelated to health or safety. *We suggest deleting the second sentence allowing the County to void the permit.*

Verizon Wireless appreciates the County’s thorough, expedited review of the applications, and urges staff to revise the conditions of approval to ensure consistency with federal law and FCC regulations.

Very truly yours,

Paul B. Albritton

Attachments

cc: Charlotte Scott, Esq.
Matthew Kiedrowski, Esq.
Shelby Miller
Rob Fitzsimmons
Marco Rodriguez
Jamie Henry
Liam Crowley
Jessie Waldman

Verizon Wireless Administrative Permit Conditions Suggested Revisions

Renew prior use permit upon expiration (see application AP2025-0029, Stornetta)

Prior to final inspection issuance of the building permit to install permanent equipment (as outlined in this Staff Report), the applicants ~~applicant~~ or landowner shall apply for ~~obtain~~ a Use Permit renewal for the use of the existing wireless tower facility previously approved as UM_2014-0008.

Subject to prior permit conditions

This Administrative Permit, AP_2025-XXXX, is subject to the conditions of approval based on applicable health and safety codes still in effect set forth in previous governing Use Permit XXXX ...

The Applicant shall adhere to previous conditions of approval based on applicable health and safety codes still in effect as required in Use Permit Modification XXX

Confirm compliance with prior conditions within 30 days

The Applicant shall submit to Planning and Building Services within 30 days of the approval a signed letter of acknowledgement stating that they have read all Conditions of Approval for previously approved Use and Administrative Permits and that the project will be consistent with all conditions based on applicable health and safety codes still in effect.

If parcel number/shape/size is found to be different than permit requires, then permit is void

This 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.~~

Condition	Suggestion	Comptche AP2025-0031	Mtn Road AP2025-0032	Signal Rdg AP2025-0030	Stornetta AP2025-0029	Road 207 AP2025-0028	Redwing Tr AP2025-0026
Renew prior use permit upon expiration (* for Stornetta, prior to issuance of BP)	Revise	3	24	3	13*		
Subject to prior permit conditions	Revise	5		12			15
Confirm compliance with prior conditions within 30 days	Revise	6				10	
Future modifications considered cumulative for substantial change	Delete	15	26	13			7
Submit color/material samples before issuance of building permit	Delete		1				
Submit evaluation of stealth capability within one year	Delete		4				
Provide tower space for public emergency service provider	Delete		12				
If parcel number/shape/size is found to be different than permit requires, then permit is void	Revise	11	23	9	7	7	12

Resolution Number _____

County of Mendocino
Ukiah, California

DECEMBER 17, 2025

AP_2025-0030 - US Cellular

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING AN ADMINISTRATIVE PERMIT FOR TEMPORARY MODIFICATIONS TO AN EXISTING WIRELESS COMMUNICATION FACILITY, INCLUDING THE INSTALLATION OF THREE (3) ANTENNAS, A 30KW DIESEL GENERATOR ON A TRAILER, AND A BATTERY TRAILER WITHIN AN EXISTING LEASED AREA.

WHEREAS, the applicant, Verizon Wireless C/O Complete Wireless Consulting, filed an application for an Administrative Permit with the Mendocino County Department of Planning and Building Services for temporary modifications to an existing wireless communication facility, including the installation of three (3) antennas, a 30kW diesel generator on a trailer, and a battery trailer within an existing leased area, 8.5± miles west of Boonville, on a private road 1± mile south of Signal Ridge Road (CR 133), 4.25± miles south of its intersection with Philo-Greenwood Road (CR 132), located at 9817 Signal Ridge Road, Philo (APN: 026-450-42); General Plan Rangeland (RL:160); Zoning Rangeland (RL:160); Supervisorial District 5; (the "Project"); and

WHEREAS, the California Natural Resources Secretary has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents within the meaning of the California Environmental Quality Act (CEQA) and the project has been found to be Categorically Exempt per California Code of Regulations Title 14 Sections 15301 and 15304 for *Existing Facilities* and *Minor Alterations to Land*. The temporary installation of three (3) antennas meets the criteria for an exemption under Section 15301 because the installation is temporary, would not increase the overall height of the tower, would not involve new ground disturbance, and would not exceed radio frequency emission requirements. Therefore, the temporarily increased intensity of use of the existing wireless communication facility is negligible. The temporary installation of a generator and battery on trailers meets the criteria for an exemption under Section 15304 because they are a minor temporary use of the land having negligible or no permanent effects on the environment. The temporary use of the trailers would not require ground disturbance or grading and would be located within the existing leased area, which was previously disturbed when the facility was first constructed.

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on December 17, 2025, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings based on the evidence in the record before it;

1. Pursuant to Mendocino County Code section 20.192.020(A), the proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Division and all other titles of the Mendocino County Code, General Plan, and any applicable Specific Plan. The project involves modifications to an existing wireless communication facility, which is classified under the

Major Impact Services and Utilities use type, which is permitted in the Rangeland (RL) zoning district upon issuance of a Use Permit pursuant to section 20.060.020, which was most recently renewed under UR_2016-0001. Section 20.236.020 permits Eligible Facilities Requests (EFR) upon the issuance of an Administrative Permit. The proposed modifications are considered a permissible EFR because they will not substantially change the physical dimensions of the facility. The proposed modifications will not substantially change the physical dimensions of the facility because they will not increase the height of the tower, the proposed temporary antennas will not extend more than twenty (20) feet from the body of the existing tower, only one (1) temporary equipment cabinet would be installed which is smaller than existing cabinets in the facility, no trenching or excavation is proposed, the proposed equipment would be located within the existing base station site, the existing tower does not employ concealment features, the proposed modifications would have negligible impact on public views of the tower, and the modifications would not conflict with the conditions of approval from past entitlements; and

2. Pursuant to Mendocino County Code section 20.192.020(B), the proposed use will not constitute a nuisance or be detrimental to the public health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or welfare, the finding shall be to that effect. According to the applicant, the proposed modifications would preserve coverage for Verizon Wireless customers as a permanent solution for retaining coverage is pursued. Although Verizon Wireless is a private corporation, the Mendocino County General Plan has recognized wireless communication services as publicly important. As such, the preservation of wireless coverage furthers public welfare. The proposed modifications would not be a nuisance because the radio frequency emissions would be below Federal Communications Commission requirements as discussed in the submitted Radio Frequency Report, and the noise generated by the modifications would be within the requirements of the General Plan as discussed in the submitted Environmental Noise Assessment; and
3. Pursuant to Mendocino County Code section 20.192.020(C), the proposed use complies with any design or development standards applicable to the zone or the use in question, unless waived or modified pursuant to the provisions of this Division. The development standards applicable to the use include the EFR standards contained in section 20.236.020. As noted in finding No. 1 above, the proposed modifications meet the definition of EFR and would not result in a substantial change to the facility; and
4. Pursuant to Mendocino County Code section 20.192.020(D), adequate utilities, access roads, drainage improvements and other necessary facilities have been or are being provided. The proposed development would include the deployment of a temporary generator, battery, diesel tank, and cabling, which will provide power to the antennas. As shown in the plans, Verizon would establish a new twenty (20) foot wide access and utility easement along the existing road currently used by US Cellular.
5. The project is consistent with Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012. As shown in the submitted plans, the modifications would not increase the height of the existing tower by more than ten percent (10%), would involve the installation of zero (0) new equipment cabinets or shelters, would not add any appurtenance to the tower which would protrude from the edge of the tower more than twenty (20) feet, and would not involve excavation outside the current tower site.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby approves the requested Administrative Permit (AP_2025-0030), subject to the Conditions of Approval in Exhibit A attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the 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.

BE IT FURTHER RESOLVED that the Zoning Administrator's action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: Jocelyn Gonzalez-Thies
Acting Commission Services Supervisor

By: _____

BY: Julia Krog
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

DECEMBER 17, 2025

AP_2025-0030 – US CELLULAR

Administrative Permit for temporary modifications to an existing wireless communication facility, including the installation of three (3) antennas, a 30kW diesel generator on a trailer, and a battery trailer within an existing leased area.

APPROVED PROJECT DESCRIPTION: Administrative Permit for temporary modifications to an existing wireless communication facility, including the installation of three (3) antennas, a 30kW diesel generator on a trailer, and a battery trailer within an existing leased area. Additionally, the submitted plans note that a new temporary above-ground fuel line, temporary 500-gallon diesel tank, cable tray, hybrid cable, cable ladder, access gate, temporary equipment platform, temporary outdoor equipment cabinet, temporary utility H-frame, temporary surge suppressor, temporary Starlink antenna, and temporary RRUs would be installed.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
2. Prior to the expiration of two years after the effective date of this permit, the permittee shall either (1) remove the temporarily installed equipment, (2) submit an application to permanently authorize the modifications, or (3) submit an application to modify or replace the temporarily installed equipment with permanent equipment.
- ~~3. As provided in the underlying Use Permit UR_2016-0001, the Wireless Communication Facility use entitlement shall expire on March 17, 2026. The applicant has the sole responsibility for renewing the underlying Use Permit before the expiration date. The county will not provide notice prior to the expiration date.~~
- ~~4.3~~ The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
- ~~5.4~~ To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- ~~6.5~~ 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 Zoning Administrator.
- ~~7.6~~ This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

~~8.7.~~ 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 judgment of 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.

~~9.8.~~ This 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.~~

~~10.9.~~ If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department 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.

~~11.10.~~ Conditions approving this Use Permit shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.

~~12.~~ ~~This permit is subject to the conditions of approval set forth in previous governing entitlements, including U 28-97, UM 28-97/2003, UR 2016-0001, AP 2016-0007, and AP 2019-0095.~~

~~13.~~ ~~Future modifications shall be considered cumulatively to determine if the request constitutes a "substantial change" to the facility under applicable federal law.~~

~~14.11.~~ Per Mendocino County Code Section 16.30.070(B), the permittee shall implement Best Management Practices (BMPs) to prevent the discharge of debris, contaminants, or construction waste from the site, or from grading or construction materials, tools, and equipment.