

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE ADDING CHAPTER 17.44 TELECOMMUNICATIONS FACILITIES TO ARTICLE 17.4 (“STANDARDS FOR SPECIFIC LAND USES”) OF THE FORT BRAGG COASTAL LAND USE AND DEVELOPMENT CODE.

ORDINANCE NO. XXX-2026

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan (“Coastal GP”) as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City’s Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City’s Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg’s coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development;

and

WHEREAS, the City Council adopted Ordinance Ord. 930, § 2, on June 12, 2017, amending **Chapter 17.44 Telecommunications Facilities** to article 17.4 (“standards for specific land uses”) of the Fort Bragg Inland Land Use And Development Code, and

WHEREAS, The City Council seeks to extend these **Telecommunications** regulations into the City’s Coastal Zone to comply with state law and will submit the attached ordinance as an LCP amendment; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and a resolution was transmitted to the City Council on **DATE**, 2025 that represents the Planning Commission’s recommendations; and

WHEREAS, the City Council has considered all public comments and a staff report dated **DATE**, 2026 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in Section 2 below; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long-range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)).

NOW, THEREFORE, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; State law; all reports and public testimony submitted as part of the City Council meeting of **DATE**, 2026 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), and **NOW, THEREFORE, the City Council finds as follows:**

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On **DATE**, 2026, the Planning Commission held a properly noticed public hearing to consider recommending the proposed amendments to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council’s adoption of the amendment to the

CLUDC.

3. On DATE, 2026 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws regarding telecommunications facility as codified in California Government Code and Federal Regulations; and
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including its Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; The proposed amendment is consistent with CLUDC standards; and
6. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
7. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
8. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

Section 2. Based on the foregoing, the City Council hereby replaces Chapter 17.44 Telecommunications in its entirety in the Coastal Land Use and Development Code of the Fort Bragg Municipal Code.

Chapter 17.44 Telecommunications Facilities

Sections:

- 17.44.010 Purpose
- 17.44.020 Definitions
- 17.44.030 Applicability
- 17.44.040 Permit Requirements
- 17.44.050 Limitations on Location
- 17.44.060 Facility Design and Development Standards
- 17.44.070 Operation and Maintenance Standards
- 17.44.080 Discontinuance and Site Restoration

17.44.010 - Purpose

This Chapter establishes development standards consistent with Federal law to: regulate the placement and design of communication facilities by Coastal Development Permit so as to preserve the unique visual character of the City, promote the aesthetic appearance of the City, and to ensure public safety and welfare; pursue additional benefits from the facilities to the public by encouraging the leasing of publicly owned properties where feasible for the development of communication facilities; and to provide the community with full coverage (no service gaps) by the cell phone and telecommunication providers that require cell tower facilities within the City.

17.44.020 - Definitions

The technical terms and phrases used in this Chapter are defined in Article 10 (Definitions) under "Telecommunications Facility."

17.44.030 - Applicability

The location, permit requirements, and other provisions of this Chapter shall apply to all communications facilities within the **Coastal Zone**, except the following, which are exempt from this Chapter. Subsections (B) & (G) of Section 17.44.040 and Sections 17.44.050, 17.44.060, 17.44.070, & 17.44.080 **apply to the review and approval of Coastal Development Permits**. All communication facilities shall also comply with all applicable requirements of State and Federal law.

All communication facilities shall also comply with all applicable requirements of State and Federal law.

A. Replacement or modification of previously permitted facilities or equipment determined by the Director to be of a minor nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.

B. An antenna that is 1 meter (39.37 inches) or less in diameter or diagonal measurement, that is designed:

1. To receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Code of Federal Regulations Title 47, and any interpretive decisions thereof issued by the Federal Communications Commission; or
2. For subscribing to a multipoint distribution service.

C. A satellite earth station (SES) antenna of 2 meters (78.74 inches) or less in diameter or diagonal measurement, located in a commercial or industrial zoning district, that is designed to transmit or receive radio communications by satellite or terrestrial communications antenna. These antennas may require a Building Permit and approval of the placement by the Director to ensure maximum safety is maintained. In order to avoid tripping hazards and the creation of an attractive nuisance, these antennas shall be placed whenever possible on the top of buildings as far from the edge of rooftops as possible.

17.44.040 - Permit Requirements

A. Use Permit or Minor Use Permit. Use Permit approval is required for all communication facilities subject to this Chapter, except for the following, which shall require Minor Use Permit approval. The Director shall ensure through the Minor Use Permit approval that each of the following facilities complies with all applicable requirements of this Chapter. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application:

1. An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.
2. A communication facility in which the antenna is mounted on a mast less than 10 feet high, is not located on a historic structure, and is not visible from a public right-of-way.

3. An amateur and/or citizens band antenna operated by a person holding a license issued by the FCC in compliance with 47 C.F.R. Part 97, and used solely in connection with that license, and which shall be subject to the “minimum practicable regulation to accomplish the local authority’s legitimate purpose,” in keeping with the order of the FCC known as “PRB-1,” FCC 85-506, released September 19, 1985; provided, that there shall be no more than 1 antenna support structure on a single parcel and that the antenna structure complies with the height limits of the applicable zoning district.

B. Coastal Development Permit. Unless preempted by federal law, a Coastal Development Permit is required for all communication facilities that constitute development as defined in Article 10 of this Development Code and are not otherwise exempt from CDP requirements pursuant to Section 30610 of the Coastal Act and Section 17.71.045 of this Development Code.

C. Application requirements. In addition to the information required for Use Permit or Minor Use Permit application by Chapter 17.70 (Permit Application Filing and Initial Processing) and information required for a Coastal Development Permit application by Chapter 17.71.045, the Use Permit, Minor Use Permit, or Coastal Development Permit application for a communication facility shall include:

1. An analysis of the proposed facility in combination with existing adjacent facilities that illustrates that the facility complies with State and Federal health requirements and standards pertaining to electromagnetic and/or radio frequency radiation; and
2. A report, as required by the Police Department, to evaluate the potential for interference (e.g., HF, UHF, VHF, 800 mHz). The applicant shall be responsible for paying any costs incurred by the City, including the costs of retaining consultants, to review and analyze the report.
3. A visual impact analysis: The applicant shall submit a visual impact analysis, which may include photomontage, field mock-up, or other techniques, which demonstrates the visual impacts of the proposed facility. Consideration shall be given to views from public areas. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. The analysis shall also consider the potential of future utility undergrounding construction. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

D. Master Use Permit. A service provider who intends to establish multiple wireless telecommunications facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities may be acted upon by the City as a single application, ensuring feasibility of long range company projections.

E. Communications consultant may be required. In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant’s expense.

F. Required findings for approval. The approval of a Use Permit or Minor Use Permit for a communication facility shall require that the review authority first make the following findings, in

addition to those required for Use Permit approval by § 17.71.060 (Use Permit and Minor Use Permit):

1. The communication facility complies with all applicable requirements of this Chapter; and
2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.

G. Required findings for Coastal Development Permit approval.

1. The approval of a Coastal Development Permit for a communication facility shall require that the review authority find that the communication facility complies with Section 17.71.045 (Coastal Development Permit) and that the communication facility complies with all requirements of this Chapter applicable to coastal development permits identified in Section 17.44.030 (Applicability).
2. The proposed communication facility shall comply with Sections 17.71.045 and Section 17.44.030 only to the extent necessary to find the development consistent with the policies of the certified LCP and consistent with the limitations imposed by Federal law.
3. Any decision to deny a permit for a communication facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision and the evidence that led to the decision.

17.44.050 - Limitations on Location

A. Zoning district priorities. A communication facility that requires a Use Permit shall be approved or located only within the PF (Public Facility) zoning district; except that the review authority may approve a facility within a commercial or industrial district if it first determines that the applicant has demonstrated that all PF zoning district options are infeasible, and/or there is no site within a PF district where the communication facility would provide adequate coverage.

B. Co-location required. A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the review authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with noncommunications facilities (e.g., light standards, water tanks, and other utility structures) where the review authority determines that this co-location will minimize the overall visual impact.

1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.
3. In order to facilitate co-location, Use Permit and Coastal Development Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the review authority to be feasible and aesthetically desirable.

C. City-owned property. A communication facility shall not adversely affect the public health, peace, safety or welfare. In order to best benefit the citizens of Fort Bragg from this necessary community impact, the Commission shall always consider City-owned sites as the highest priority for the location of communication facilities.

17.44.060 - Facility Design and Development Standards

Each proposed communication facility shall comply with the following standards; except that any standard may be modified or waived by the review authority upon a determination that effective signal reception and transmission will not occur if the facility complies with these standards:

A. Facility placement.

1. Standards for all facilities.

- a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
- b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every 1 foot of height, where feasible.
- c. A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet. No part of any tower shall extend into a required front setback or beyond a property line of the site.
- d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.

2. Facilities within commercial and industrial districts. Within an industrial zoning district, a minimum distance of 500 feet shall be provided between towers, and there shall be no more than 2 towers on a single Assessor's parcel or developed site, unless the towers are located on a public facility consistent with Subsection (A)(1) of this Section.

B. Height limitations.

- 1. All ground-mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
- 2. The height of a tower located on the ground shall not exceed 60 feet in the PF zoning district and 40 feet in a commercial or industrial zoning district. The review authority may grant an exception to allow towers of up to 80 feet where the review authority determines that the increased height is necessary for adequate coverage, and the tower will co-locate service providers.
- 3. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.

4. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.

C. Colors and materials. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.

D. Screening, landscaping. All ground-mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground-mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Director or by the Commission. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.

E. Additional screening and landscaping. As part of project review, the Director, the Commission, or the Council (on appeal) may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public rights-of-way.

F. Power lines. All power lines to and within a communication facility site shall be underground.

G. Backup power supplies. A backup power supply (i.e., generator) shall be enclosed within a structure and operated in compliance with Subsection (D) of this Section (Screening, landscaping). In any zoning district, ancillary power supplies and fuel storage tanks to support backup power supplies shall require Use Permit approval.

17.44.070 - Operation and Maintenance Standards

A. Contact and site information. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:

1. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
2. Name, address, and telephone number of a local contact person for emergencies;
3. Type of service provided; and
4. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.

B. Facility maintenance. All communication facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed by the service provider from any facility or equipment as soon as practicable, and in no instances more than 48 hours from the time of notification by the City.

C. Landscaping maintenance. All trees, foliage, and other landscaping elements on a communication facility site, whether or not used as screening, shall be maintained in good condition at all times in compliance with the approved landscape plan. The facility owner or operator shall be responsible for replacing any damaged, dead, or decayed landscaping as promptly as reasonably possible. Amendments or modifications to the landscape plan shall require approval by the Director. The Commission may also require a landscape maintenance agreement.

D. Noise. Each communication facility shall be operated so as to minimize the generation of noise that is audible from off the site. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

E. Site inspection required. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards identified in this Chapter.

F. Exterior lighting. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies, unless otherwise required by applicable Federal law or FCC rules. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Light fixtures shall be low wattage, hooded, and downward directed.

17.44.080 - Discontinuance and Site Restoration

All equipment associated with a communication facility shall be removed within 30 days of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director. The service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days before site vacation. This removal requirement, and appropriate bonding requirements, shall be included in the terms of a lease for a facility on public property. A private lease for a facility located on private property is encouraged to include terms for equipment removal, since the property owner shall be ultimately responsible for removal of the equipment.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, the City Clerk shall cause a summary of said

Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

Section 5. Fort Bragg City Council does hereby recommend that the Coastal Commission approve This LCP Amendment to amend Division 17 to the Fort Bragg Municipal Code.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jason Godek,
Mayor

ATTEST:

City Clerk

PUBLISH: Date, 2026 and Date, 2026 (by summary).

EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission