

**URGENCY INTERIM ORDINANCE NO. 989**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO  
PROHIBITING THE CONSTRUCTION OR INSTALLATION  
OF WIRELESS COMMUNICATION FACILITIES  
PENDING REVIEW AND CONFORMANCE OF APPROPRIATE  
GUIDELINES TO THE PLANNING AND ZONING POLICIES  
OF THE TOWN OF SAN ANSELMO**

**WHEREAS**, the Town Council adopted Urgency Interim Ordinances No. 985 and 987 on June 24, 1997 and August 5, 1997 respectively which prohibit any person from constructing or installing any further wireless communication facilities, except for personal communications service (PCS) facilities for which applications are currently pending before the Town of San Anselmo, and communication facilities relative to police, fire suppression and/or paramedic personnel to preserve public health safety and welfare; and

**WHEREAS**, in adopting Urgency Interim Ordinance No. 987, the Town Council limited the effectiveness of the Ordinance for a period of 120 day, unless and until extended as set forth in California Government Code Section 65858; and

**WHEREAS**, Ordinance No. 987 lapsed on December 2, 1997, without being extended; and

**WHEREAS**, when a prior interim ordinance expires, California Government Code Section 65858(f) allows a jurisdiction to adopt another interim ordinance provided the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance; and

**WHEREAS**, according to the provisions of California Government Code 65858, regarding urgency measures, said ordinance shall be of no further force and effect 45 days from its date of adoption, but may be extended for up to 22 months and 15 days.

**THEREFORE, THE TOWN COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. FINDINGS AND DECLARATION OF PURPOSE**

New findings different from the prior interim ordinance:

1. The Town held a Wireless Telecommunications Workshop on November 24, 1997, for the purpose of gaining an understanding of the fundamentals

and technology of wireless telecommunications systems. This knowledge will be used to formulate future land use policy regulating local wireless facilities. Presentations were made by industry representatives and an expert in the field of health effects from telecommunication facilities.

2. Because of existing technologies, and advancements in technologies, including PCS, paging, cellular, and ESMR (enhanced specialized mobile radio), as well as in-fill of existing cell coverage, it is likely there will be a proliferation of new facility site requirements beyond that envisioned by the Town at the time the prior interim ordinance was adopted.
3. The Marin County Interim Standards and Criteria, from which the Town intends to pattern its own set of standards and criteria, is not expected to be adopted until the early part of 1998.

**Applicable findings from the prior interim ordinance:**

1. The Town has been called upon to respond to inquiries concerning applications for wireless communication facilities in Marin County near the Town of San Anselmo corporate limits in highly visible hillside areas near open space lands. During the course of said application process, questions arose regarding the applicability of Marin County Community Development Agency Interim Standards and Criteria for Wireless Communications Facilities approved by the Marin County Board of Supervisors November 12, 1996.
2. A draft wireless communication facilities ordinance, patterned after the Marin County Interim Standards and Criteria, had been approved by the Town Planning Commission and was pending Town Council action at the time questions arose regarding the County applications referenced above. This prompted the Town Council to continue the ordinance adoption until sensitive land use and zoning issues were resolved.
3. Because of the topography and geography of the Ross Valley, the proximity of San Anselmo is an important link in the receiving and transmitting network of wireless communication facilities.
4. A potential conflict exists between the land use and zoning policies of the Town in that no specific guidelines or criteria currently exist within these documents to evaluate wireless communication facilities.
5. As a result of the above, there exists a threat to the public health, safety and welfare posed by processing and approval of use permits, variances, design review approvals, building permits or other applicable entitlements for the construction and/or use of wireless communication facilities such

that processing and approval of such use permits, variances, design review approvals, and building permits or other applicable entitlements for the construction and/or installation of wireless communication facilities would lead to potential inconsistencies with the San Anselmo General Plan and Zoning Ordinance, and a decline in residential neighborhoods due to effects on aesthetics and property value. It is necessary that the Town Council and the Planning Commission conduct further study to address the issues identified in subsections 1 through 4 inclusive.

6. A moratorium on the processing and approval of use permits, variances, building permits and/or applicable uses and entitlements for the construction of wireless communication facilities is necessary to protect the public health, safety and welfare.
7. A moratorium is consistent with the objectives, policies and general land uses specified in the Town's General Plan and Zoning Ordinance.
8. A moratorium will not adversely affect the orderly development, and will in fact, enhance the orderly development of property and/or the preservation of property values in the Town.

## **SECTION 2. PROHIBITION ON CONSTRUCTION OF COMMERCIAL ANTENNAE**

Except as provided herein, it is unlawful for any person to construct or install any further wireless telecommunication facilities. Pending the review contemplated herein, the Town shall not process and/or approve any application(s) for permits, variances, building permits, encroachment permits, and/or applicable use and entitlements for the construction and/or use of wireless telecommunication facilities.

## **SECTION 3. EXEMPTION**

The following shall be exempt from the provisions of this urgency interim ordinance:

- 1) Installation of personal communications service (PCS) facilities for which applications are currently pending before the Town of San Anselmo; and
- 2) Any facility or equipment used by police, fire suppression and/or paramedic personnel to preserve public health safety and welfare.

**SECTION 4: EFFECTIVE DATE**

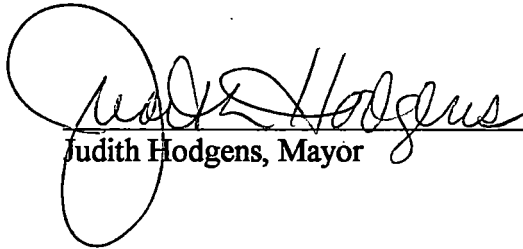
This Ordinance shall take effect immediately, and shall be of no further force and effect 45 days from the date of adoption, unless and until extended as set forth in California Government Code Section 65858 by further action of the Town Council of the Town of San Anselmo.

I hereby certify that Urgency Interim Ordinance No. 989 was duly passed and adopted at a regular meeting of the Town Council held on December 9, 1997, by the following vote:

Ayes: Chignell, Overberger, Kroot, Breen, Hodgens

Noes: None

Absent: None

  
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Judith Hodgens, Mayor

ATTEST:

  
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Debbie Stutsman, Town Clerk