

ORDINANCE NO. 1001

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO
ESTABLISHING NECESSARY PLANNING
ENTITLEMENTS, GENERAL STANDARDS AND
CRITERIA FOR WIRELESS ANTENNA FACILITIES AND
APPLICATION CHECKLIST IN THE TOWN OF SAN
ANSELMO**

The Town Council of the Town of San Anselmo hereby ordains as follows:

SECTION 1: A new Section, Title 10, Chapter 3, Article 28 of the San Anselmo Municipal Code to be added as follows:

Sections:

- 10-3.2810 Purpose and Intent of Chapter
- 10-3.2811 Applicability
- 10-3.2812 Exceptions
- 10-3.2813 Planning Commission Approval Required
- 10-3.2814 Findings
- 10-3.2815 Standards and Criteria for Wireless Telecommunications Facilities and Application Checklist
- 10-3.2816 Appeals
- 10-3.2817 Severability
- 10-3.2818 Repeals
- 10-3.2819 Effective Date

SECTION 10-3.2810 PURPOSE AND INTENT OF CHAPTER

The purpose and intent of the chapter is to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of San Anselmo as set forth with the goals, objectives and policies of the Town's General Plan. It is also the intent to keep stride with technology by not unduly restricting wireless telecommunications providers to make available new technologies to the Town and its citizens. It is also the stated intent of this chapter to build a framework which provides a public forum to insure a balance between public concern and private interest in establishing telecommunication facilities. Therefore the Ordinance, Standards and Criteria for Wireless Telecommunications Facilities, and the Applicant's Checklist shall accomplish the following goals:

- A. Protect the visual character of the Town from potential adverse effects of telecommunication facilities and their development;

- B. Ensure against the creation of visual blight within or along the Town's commercial, residential, and open space areas;
- C. Protect the citizens of San Anselmo from possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
- D. Protect the environmental resources of San Anselmo;
- E. Consider that the broad range of telecommunications services and high quality telecommunications infrastructure are provided to sufficiently serve the community;
- F. Provide for the charging of reasonable, competitively neutral, non-discriminatory fees for planning entitlements and other associated materials, improvements and securities.

SECTION 10-3.2811 APPLICABILITY

This chapter identifies general regulations applicable Townwide for the entitlement, location and design of all telecommunication antenna facilities including satellite, cellular, PCS, paging and other wireless telecommunication technologies that require granting of licenses from the Federal Communications Commission and/or the Public Utilities Commission.

SECTION 10-3.2812 EXCEPTIONS

The following uses are exempt of the regulations stated in this ordinance. All other antennas that are not public utility or for telecommunications purposes and are for private use only are subject to the Development Standards Table (Table 4A) of this Title:

- A. A single ground or building mounted receive-only radio or television antenna, or citizens band antenna including any mast, for the sole use of the owner or tenant occupying a parcel on which the antenna is located. Antenna not to exceed thirty feet (30') above grade and is subject to the allowable setbacks pursuant to Table 4A of Section 10-3.4 of this Title.
- B. A ground, building or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height of which does not exceed thirty feet (30') above grade and is subject to the allowable setbacks pursuant to Table 4A of Section 10-3.4 of this Title.
- C. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time this ordinance was adopted (April 1997).

- D. Mobile services providing public information coverage of news events of a temporary nature.
- E. Town owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition, or other health and safety devices which require antennas.

SECTION 10-3.2813 PLANNING COMMISSION APPROVAL REQUIRED

Applications for new or expanded telecommunication facilities shall be acted upon by the Planning Commission pursuant to Article 13 (Use Permit) and Article 15 (Design Review) of the Zoning Regulations when all the following criteria are met:

- A. Telecommunication facilities, including but not limited to, ground mounted, building mounted, shared or co-located antennas and associated equipment which exceed the allowable exceptions, and is located within the Town of San Anselmo
- B. Facility shall be in conformance with the current version of the Town's Standards and Criteria for Wireless Facilities.

SECTION 10-3.2814 FINDINGS

Approval of a new or expanded telecommunication facility, which may include the imposition of conditions, shall be made only after making the following findings:

A. USE PERMIT

- 1. Conformance to the findings required by Section 10-3.1305(a)
- 2. The establishment or expansion of this facility is, or has demonstrated a significant and reasonable attempt to minimize stand-alone facilities, and is designed to protect the visual quality of the Town.
- 3. The establishment or expansion of this facility will not cause individual or cumulative levels of electromagnetic field (EMF) radiation which exceed those levels allowed by Federal law.
- 4. That construction, if any, within the ridgezone meets the following two findings:
 - a) That any construction within the ridgezone is permitted only when the applicant has demonstrated to the satisfaction of the Planning Director and the Planning Commission that construction outside the ridgezone would be detrimental with respect to soil and geologic conditions, vegetation removal, drainage and such other factors as are determined to be pertinent: and

b) That construction of telecommunication facilities and any accessory improvement including, but not limited to, parking areas, equipment buildings and roads, be allowed in the ridgezone only if kept to a low visual profile.

B. DESIGN REVIEW

1. Conformance to the findings required by Section 10-3.1505(a) and (b)

SECTION 10-3.2815 Standards and Criteria for Wireless Telecommunications Facilities and Application Checklist

A. The Standards and Criteria For Wireless Telecommunications, a document to be approved, and amended from time to time, by the Town Council, contains the following:

- 1) Submittal requirements and provision for standard agreement between Town and provider;
- 2) Development and location regulations;
- 3) Provisions for radio frequency (RF) emission reports and their peer review for proposed projects and performance monitoring;
- 4) Provisions for aesthetic and environmental standards; and
- 5) Glossary of terms.

B. The Application Checklist is a working version of the Standards and Criteria to aid the applicant in providing a complete application package.

SECTION 10-3.2816 APPEALS

Discretionary actions may be appealed by the procedures described in Section 1-4.01 of the San Anselmo Municipal Code.

SECTION 10-3.2817 SEVERABILITY

If any action, subsection, sentence, clause, or phrase of this Chapter 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 this Chapter. The Town Council of the Town of San Anselmo hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, and phrases may be held invalid or unconstitutional.

SECTION 10-3.2818

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

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The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the Town Council of San Anselmo held on the 22nd day of December 1998, by the following vote:


* * *

AYES: Breen, Chignell, Kroot, Hodgens
NOES: (None)
ABSENT: Overberger
ABSTAIN: (None)



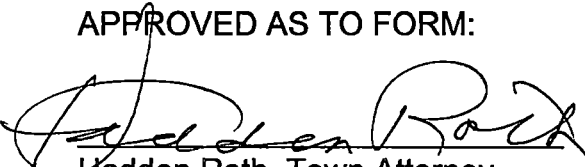
Paul Chignell, Mayor

ATTEST:



Debra Stutsman, Town Clerk

APPROVED AS TO FORM:



Hadden Roth, Town Attorney