

**URGENCY INTERIM ORDINANCE NO. 985**

**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, this Ordinance is found to be exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970 as amended.

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN  
AS FOLLOWS:

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

Pursuant to the provisions of Government Code 36937(b) and 65858, and the Town of San Anselmo General Plan and Zoning Code, the Town Council of the Town of San Anselmo hereby finds as follows:

1. The Town has been recently 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. APPLICATION OF ORDINANCE**

This ordinance shall apply to every owner of real property within the Town.

## **SECTION 3. PROHIBITION ON CONSTRUCTION OF COMMERCIAL ANTENNAE**

Except as provided herein, it is unlawful for any person to construct or install any further wireless communication 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 uses and entitlements for the construction and/or use of wireless communication facilities.

**SECTION 4. EXEMPTION**

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

Installation of personal communications service (PCS) facilities for which applications are currently pending before the Town of San Anselmo.

**SECTION 5: VIOLATION**

The violation of any provision of this ordinance is hereby declared unlawful and shall constitute a misdemeanor and a public nuisance.

**SECTION 6: EFFECTIVE DATE AND POSTING**

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

Copies of the foregoing ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of San Anselmo, to wit: 1) Bulletin Board in front of Town Hall; 2) Town of San Anselmo Library; 3) Isabelle Cook Community Center; at places designated for that purpose.

I hereby certify that Urgency Interim Ordinance No. 985 was duly passed and adopted at a regular meeting of the Town Council held on June 24, 1997, by the following vote:

Ayes: Chignell, Breen, Kroot, Hodgens

Noes: Overberger

Absent: None

  
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Jeff Kroot, Mayor

ATTEST:

  
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Debbie Stutzman, Town Clerk