

# ATTACHMENT A

## Ordinance \_\_\_\_\_

**AN ORDINANCE (REZONE NO. 19-05) OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA AMENDING THE TEHAMA COUNTY ZONING CODE CHAPTER 17.02 ADOPTION, PURPOSE, INTERPREATION BY REPEALING SECTION 17.02.025 PLANNING DIRECTOR TO INTERPRET.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS AS FOLLOWS:

**SECTION 1.** Sections of Chapter 17.02 of the Tehama County Code are hereby repealed and replaced to read as:

## Chapter 17.02

### Chapter 17.02 - ADOPTION, PURPOSE, INTERPRETATION

Sections:

- 17.02.010 - Adoption and purpose.
- 17.02.020 - Interpretation as to agricultural use.
- 17.02.030 - Regulations are minimum.
- 17.02.040 - Relationship to other regulations and to private restrictions.
- 17.02.050 - Consistency of zoning districts with general plan.
- 17.02.060 - Applicability.
- 17.02.070 - Permissive code.
- 17.02.080 - Rules of Construction of Language.

#### **17.02.010 - Adoption and purpose.**

- A. There is hereby adopted a zoning code for the county.
- B. Said zoning code is adopted for the purpose of providing for the promotion and protection of the public health, safety, peace, morals, comfort, convenience and general welfare; and
  - 1. To implement the county general plan and to guide the future growth of the county in accordance with said plan;
  - 2. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, recreational and other areas within the county, and to assure the orderly and beneficial development of such areas.

**17.02.020 - Interpretation as to agricultural use.**

The board hereby finds that agriculture is a major industry in the county and declares that the provisions of the zoning code shall be interpreted liberally as they affect valid agricultural uses and shall serve as a means of preventing undesirable encroachments of other land uses upon agricultural lands. Other reasonable and desirable land uses shall receive due consideration.

**SECTION 2.** Section 17.02.025 of the Tehama County Code is hereby repealed:

**~~17.02.025 – Planning Director to interpret.~~**

~~Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the Director of Planning shall determine the correct application of that provision in consultation with the County Counsel and any other affected County department heads. The Director shall report any interpretation made pursuant to this section at the next scheduled meeting of the Planning Commission, and shall keep a record of such interpretations that shall be available to the public. Any decision of the Director made pursuant to this section may be appealed to the Planning Commission by any interested person, or may be reviewed by either the Planning Commission or Board of Supervisors on its own motion. Appeal from any decision of the Planning Commission hereunder may be made to the Board of Supervisors.~~

~~(Ord. 1972, 2012)~~

**17.02.030 - Regulations are minimum.**

In interpreting and applying the provisions of the zoning code, unless otherwise stated, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare.

**17.02.040 - Relationship to other regulations and to private restrictions.**

- A. Where conflict occurs between the regulations of the zoning code and any building code or other regulations within the county the more restrictive of any of such regulations shall apply.
- B. It is not intended that the zoning code shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect; provided, however, that where the zoning code imposes a greater restriction or regulation, or by easements, covenants or agreements, the provisions of the zoning code shall apply.

**17.02.050 - Consistency of zoning districts with general plan.**

- A. The various zoning districts contained in this Code shall each be geographically applied in a manner consistent with the land use categories or designations provided by the county general plan according to the statement of purpose or intent accompanying each district.
- B. It is noted, however, that certain<sub>2</sub> preexisting land uses are not consistent with

the land use designations provided by the plan.

- C. These preexisting, inconsistent land uses shall nonetheless be subject to zoning district classifications which are consistent with the general plan, thereby making them nonconforming uses as prescribed by the zoning code. Recognizing that consistency between the general plan and zoning code must be balanced by practical considerations and the avoidance of undue hardships, the nonconforming use regulations contained in this Code have been relaxed. This relaxation is not intended to detract from or diminish the overall objective of the ensuring consistency of the zoning code with the general plan.

**17.02.060 - Applicability.**

The board declares that the regulations of this title are intended to apply to all ownerships of real property within the unincorporated area of the county.

**17.02.070 - Permissive code.**

Any use not specifically permitted by the provisions of this title is prohibited. All prohibited uses specified at any place within this title are examples only and are not to be construed as a complete listing of all prohibited uses.

**17.02.080 - Rules of Construction of Language.**

In addition to the general provisions of the Tehama County Code, the following rules of construction shall apply:

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. "And" indicates that all connected words or provisions shall apply.
  - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
  - 3. "Either ... or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. References to departments, committees, commissions, boards, or other offices are to those of the County of Tehama unless otherwise indicated.
- D. References to a public official in the County is to that person who performs the function referred to and includes a designated deputy of such official.
- E. Any and all references to days are to calendar days unless otherwise indicated.
- F. Section and section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

G. The words "activities" and "facilities" include any part thereof.

H. "Director" means the Director of Planning or his or her designee.

**SECTION 3.** This ordinance shall take effect thirty (30) days from the date of its adoption. Prior to the expiration of fifteen (15) days from the adoption thereof, a summary of the ordinance prepared in accordance with Government Code section 25124, subdivision (b) shall be published, along with the names of those supervisors voting for and against the ordinance, at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County. A certified copy of the full text of the adopted ordinance, along with the names of those supervisors voting for and against the ordinance, shall be posted at that time in the office of the Clerk of the Board of Supervisors.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

\_\_\_\_\_  
CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA    )  
  ) ss  
COUNTY OF TEHAMA    )

I, Jennifer A. Vise, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Jennifer A. Vise, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By \_\_\_\_\_  
Deputy