

TEHAMA COUNTY PLANNING COMMISSION



Board Chambers
Time: 9:00 AM
Location: Board Chambers
Administration Building
727 Oak Street, Red Bluff, CA 96080
<https://tehamacounty.legistar.com/Calendar.aspx>

AGENDA FOR THURSDAY, MARCH 19, 2026

DATE: Thursday, March 19, 2026
TIME: 9:00 AM
LOCATION: BOARD CHAMBERS
ADMINISTRATION BUILDING
727 OAK STREET
RED BLUFF, CALIFORNIA 96080

Members of the public who are unable to attend in person may participate, listen and watch in the following ways:

- 1) To participate in the Board meeting, the public may listen and comment over the phone by calling: (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment.
- 2) Members of the public who are unable to attend in person may watch and listen via the web at: <https://tehamacounty.legistar.com/Calendar.aspx>. To comment on an upcoming agenda item, call (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment at the time the item is called.

The audio and live video streaming is being offered as a convenience. The Board meeting will continue even if there is a disruption. If there is a disruption, the public is encouraged to consider an alternate option listed above. If you have trouble connecting or accessing the meeting, contact the Board office for assistance at (530) 527-4655.

Use of Cell Phones During Meetings: The Commission appreciates your cooperation in turning off or muting all cell phones during the meeting.

Recording Device used to record the meeting.

I. PLEDGE OF ALLEGIANCE

II. CITIZENS CONCERNS

This time is set aside for citizens to address the Planning Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. No action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code Section 54954.2(b) (typically, this applies to items meeting criteria as an off-agenda emergency). The Chair reserves the right to limit each speaker to five (5) minutes. Disclosure of a speaker’s identity is purely voluntary during the public comment period.

III. MINUTES OF THE MEETING

1. APPROVAL OF MINUTES - February 19, 2026, Planning Commission Minutes 26-0392

a) Waive the reading and approve the minutes of the regular meeting held 2/19/2026

IV. REGULAR ITEM

2. REZONE #25-02; ADMINISTRATIVE PERMIT AGRICULTURE TOURISM 25-2068

Staff recommends the Planning Commission take the following actions:

- A. Public Hearing - Conduct a public hearing to receive input from public
- B. Move to recommend that the Board of Supervisors find that the project is exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) and adopt the Findings relative to CEQA in the staff report;
- C. Move to recommend that the Board of Supervisors adopt the findings in the staff report, and the Ordinance in Attachment A for Text Rezone #25-02.

3. STUDY SESSION - COMMUNICATION FACILITIES 26-0390

No action is needed by the Planning Commission at this time.

4. DISCUSSION SESSION - DIRECTOR OF PLANNING 26-0210

- A. To review and discuss the Ground Water Ad-Hoc Committee.
- B. Discussion and possible direction for staff.

V. PUBLIC HEARING

**5. Environmental Health/Code Enforcement - Code Enforcement 26-0345
Officers Clint Weston and Ron Robbins**

a) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance (Code) under Chapter 10.16 of the Tehama County Code:

Owner: Frank Johnson
Site Address: 5639 Hwy 99W, Corning
APN: 069-040-019
Case No: CE-26-6, Notice of Violation, appeal

**6. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT - Hearing on 26-0346
Notice Issued by the Enforcing Officer in Public Nuisance
Enforcement Action Against the Premises**

A) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance under Chapter 10.16(Code) of the Tehama County Code

Owner: Frank Johnson
Site Address: 5639 Hwy 99W, Corning
APN: 069-040-019 (District 4)
Case No: CE-26-6, Abatement Notice

B) RESOLUTION - Request adoption of a Resolution declaring the existence of a public nuisance on the property is a use or condition of the property in violation of Tehama County Code 10.16; and ordering abatement thereof; and directing an itemized accounting of the costs incurred in abating the nuisance.

VI. DIRECTOR COMMENTS

VII. ADJOURN

NOTE:

Any written materials related to an open session item on this agenda that are submitted to the Planning Department less than 72 hours prior to the Planning Commission Meeting, and that are not exempt from disclosure under the Public Records Act, will promptly be made available for public inspection at the Tehama County Planning Department, 444 Oak Street, Room "1", Red Bluff, California, during normal business hours.

Anyone wishing to appeal a decision of the Planning Commission may do so within 10 calendar days for Use Permits and Tracts (Subdivisions). A \$575.00 filing fee (\$745.00 filing

fee if appealing a Public Works condition) must be submitted with the letter of appeal. Requests for a re-hearing must be submitted within 5 calendar days for General Plan Amendments and Rezones. The appeal/request with fees must be submitted to: Tehama County Clerk of the Board of Supervisors, P.O. Box 250, 633 Washington Street, Room 12, Red Bluff, CA 96080.

Postmarks will not be accepted.

MINUTES, AGENDAS, and AGENDA MATERIAL are available on our website at <https://tehamacounty.legistar.com/Calendar.aspx>



Tehama County

Agenda Request Form

File #: 26-0392

Agenda Date: 3/19/2026

Agenda #: 1.

APPROVAL OF MINUTES - February 19, 2026, Planning Commission Minutes

Requested Action(s)

a) Waive the reading and approve the minutes of the regular meeting held 2/19/2026

Financial Impact:

None

Background Information:



Tehama County
Thursday, February 19, 2026, 9:00 AM
Planning Commission
Meeting Minutes - Draft

Time: 9:00 AM
Location: Board Chambers
Administration Building
727 Oak Street, Red Bluff, CA 96080

MINUTES OF THE MEETING HELD: THURSDAY, FEBRUARY 19, 2026

LOCATION: BOARD CHAMBERS
ADMINISTRATION BUILDING
727 OAK STREET
RED BLUFF, CA 96080

COMMISSIONERS PRESENT: MIRANDA, JONES, HARRIS, PATRICK

COMMISSIONERS ABSENT: NONE

STAFF PRESENT: JESSICA MARTINEZ, DIRECTOR OF PLANNING
ANDREW PLETT, COUNTY COUNSEL
MELINDA TOUVELL, ADMINISTRATIVE SECRETARY III

I. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Chair Miranda

II. CITIZENS CONCERNS

None

III. MINUTES OF THE MEETING

1. APPROVAL OF MINUTES - December 4, 2025, Planning Commission Minutes

A. Waive the reading and approve the minutes of the regular meeting held
12/4/2025.

RESULT: ITEM A: APPROVED

MOVER: Commissioner Harris

SECONDER: Commissioner Patrick

AYES: Harris, Miranda, Jones, Patrick

NAYS: None

IV. OTHER MATTERS

2. 2026/27 NOMINATION OF CHAIR AND VICE-CHAIR

Nomination and Appointment of Planning Commission Chairperson and Vice-Chairperson 2026/27.

A. Nomination of Chairperson for the 2026/27 year.

Commissioner Jones made a motion to nominate Commissioner Miranda for Chair.

RESULT: Item A: APPROVED

MOVER: Commissioner Jones

SECONDER: Commissioner Patrick

AYES: Harris, Miranda, Jones, Patrick

NAYS: None

B. Nomination of Vice-Chairperson for the 2026/27 year.

Commissioner Patrick made a motion to nominate Commissioner Harris for Vice-Chair.

RESULT: Item B: APPROVED

MOVER: Commissioner Patrick

SECONDER: Commissioner Jones

AYES: Harris, Miranda, Jones, Patrick

NAYS: None

3. DISCUSSION SESSION - DIRECTOR OF PLANNING

Jessica Martinez, Director of Planning, asked the commissioners how they would like to proceed with the Ground Water Ad-Hoc Committee.

Commissioner Jones stated she would like to wait until they have a fifth commissioner to see their opinion on the Ground Water Ad-Hoc Committee.

Chair Miranda agreed and tabled the item until the next Planning Commission Meeting.

A. To review and discuss the Ground Water Ad-Hoc Committee.

B. Discussion and possible direction for staff.

V. REGULAR ITEM

4. REZONE #25-02; ADMINISTRATIVE PERMIT AGRICULTURE TOURISM

Staff recommend the Planning Commission take the following action:

Jessica Martinez, Director of Planning, presented rezone #25-02; Administrative Use Permit Agriculture Tourism.

Commissioner Jones stated she feels the hours should start a bit earlier than what were given in the ordinance. Commissioner Jones thinks that 7:00 AM to 10:00 PM would be reasonable.

Chair Miranda opened the public hearing;

Chip Gracey, member of the public, stated he hopes the ordinance will keep moving forward and does not fall through the cracks.

Andrew Grady, member of the public, stated he is very excited about the future of this ordinance, but feels that hours should not be regulated.

Jessica Pierce, member of the public, stated she is a community member in support of the ordinance and is excited about the Farm to Fork opportunities.

Tia Branton, Environmental Health Director, brought up a few issues she felt needed to be revised in the ordinance.

Ms. Martinez stated that the abandoned use code would not pertain to people who are growing crops or products to sell to the community. Ms. Martinez stated if they are growing products to sell in the near future it would not be ruled an abandoned use.

Chair Miranda closed the public hearing.

After further discussion by the commissioners.

- A. Public Hearing - Conduct a public hearing to receive input from public
- B. Move to recommend that the Board of Supervisors find that the project is exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) and adopt the Findings relative to CEQA in the staff report.
- C. Move to recommend that the Board of Supervisors adopt the findings in the staff report, and the Ordinance in Attachment A for Text Rezone #25-02.

Commissioner Harris made a motion to table the item until the next Planning Commission Meeting;

RESULT: Item A: Tabled
MOVER: Commissioner Harris
SECONDER: Commissioner Jones
AYES:Harris, Miranda, Jones, Patrick
NAYS: None

VI. PUBLIC HEARING

5. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT - Hearing on Notice Issued by the Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

A) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance under Chapter 10.16(Code) of the Tehama County Code

Owner: Kristin M McDaniel
Site Address: 18975 Jewell Rd., Cottonwood
APN: 006-140-005 (District 3)
Case No: CE-25-29

B) RESOLUTION - Adoption of a Resolution declaring the existence of a public nuisance on the property is a use or condition of the property in violation of Tehama County Code 10.16; is unsafe or detrimental to public health, safety, and/or welfare; ordering abatement thereof; and directing an itemized accounting of the costs incurred in abating the nuisance.

Ron Robbins, Code Enforcement Officer, presented the code case located at 18975 Jewell Rd. Mr. Robbins shared photos of the property and the issues with the parcel.

Chair Miranda asked since a penalty lien has already been issued on a different case at a different date is it necessary to record a new violation if the lien has already been recorded.

Mr. Robbins stated we are trying to bring the property to compliance, so we are taking more aggressive action by declaring it a public nuisance. Mr. Robbins stated by doing this it will take care of the removal of the horses and illegal vehicles on the property.

Andrew Plett, County Counsel, clarified the new violation was not for prior

administrative penalties, but for new public nuisance activities which have never been addressed.

Chair Miranda opened the public hearing.

Robert Falker, neighbor located right next to the parcel, stated during the summer he had 50 to 100 flies on his windows and the smell is atrocious. He stated Ms. McDaniel horses and vehicles have been an issue for years even before he bought his property.

Chair Miranda closed the public hearing.

Commissioner Jones made a motion to approve Item B;

RESULT: Item B: APPROVED

MOVER: Commissioner Jones

SECONDER: Commissioner Patrick

AYES:Harris, Miranda, Jones, Patrick

NAYS: None

VII. DIRECTOR COMMENTS

Jessica Martinez, Director of Planning, stated that the Planning Department has a new Planner IV. Ms. Martinez also stated that Use Permit 24-02 (Beegum) that was tabled at a previous meeting, will not be coming back to the commissioners because the FCC Shot Clock ran out and it is automatically approved. She stated due to that fact Planning will be bringing a study session next month regarding the Shot Clock, Telecommunications, and Radio Frequencies.

VIII. ADJOURN

Meeting concluded at 9:48 AM.



Tehama County

Agenda Request Form

File #: 25-2068

Agenda Date: 3/19/2026

Agenda #: 2.

REZONE #25-02; ADMINISTRATIVE PERMIT AGRICULTURE TOURISM

Requested Action(s)

Staff recommends the Planning Commission take the following actions:

- A. Public Hearing - Conduct a public hearing to receive input from public
- B. Move to recommend that the Board of Supervisors find that the project is exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) and adopt the Findings relative to CEQA in the staff report;
- C. Move to recommend that the Board of Supervisors adopt the findings in the staff report, and the Ordinance in Attachment A for Text Rezone #25-02.

Financial Impact:

None at this time

Background Information:

Under future agenda items on December 12, 2023, Board of Supervisors meeting Supervisor Nolen requested a study session to discuss possible amendments to Tehama County Code Chapter 17.81. On January 9, 2024, Senior Planner, Jessica Martinez was given direction to bring the item to the Planning Commission for further review and consideration. On July 22, 2025, Supervisor Jones requested a study session to look at allowing Farmers to sell food directly to consumers in the Farm to Fork Corridor.



PLANNING DEPARTMENT COUNTY OF TEHAMA

STAFF REPORT

DATE: December 4, 2025

TO: Tehama County Planning Commission

FROM: Jessica Martinez, Director of Planning

SUBJECT: **PUBLIC HEARING RECOMMENDING THE APPROVAL OF REZONE NO. 25-02 AMENDING THE TEHAMA COUNTY ZONING CODE; CHAPTER 17.81 ADMINISTRATIVE PERMIT AGRICULTURE TOURISM USES TEXT AMENDMENT, TO THE BOARD OF SUPERVISORS FOR ADOPTION**

BOARD OF SUPERVISORS DIRECTION

Under future agenda items on December 12, 2023, Board of Supervisors meeting Supervisor Nolen requested a study session to discuss possible amendments to Tehama County Code Chapter 17.81. On January 9, 2024, Senior Planner, Jessica Martinez was given direction to bring the item to the Planning Commission for further review and consideration. On July 22, 2025, Supervisor Jones requested a study session to look at allowing Farmers to sell food directly to consumers in the Farm to Fork Corridor.

SUMMARY:

At the Planning Commission meeting on August 21, 2025, a Study/Discussion Session was held to review the Administrative Permit Agriculture Tourism Ordinance. The Planning Commission received input from the public and staff. Direction was given to staff to expand the uses to allow all zones in the current Administrative Permit Agriculture Tourism Ordinance to be permitted to sell prepared foods. In addition, the Planning Commission requested to add the A-Animal Raising Combining District.

PROPOSED AMENDMENTS:

The purpose and intent of the requested countywide ordinance (Rezone #25-02) is to modify Chapter 17.81 Administrative Permit Agriculture Tourism Uses of the Tehama County Zoning Code, expanding the uses permitted and adding the A-Combining District.

The expanded use is to allow prepared foods to be sold directly to the consumer with a minimum of 25 percent of all food products used for the purpose of selling prepared foods shall be grown, harvested, raised or similar procedure within Tehama County.

The Tehama County Zoning Code Chapter 17.48 A-Animal Raising Combining District is permitted to have Animal husbandry and livestock farming, as follows: not more than one horse, cow or similar livestock per acre of land, Poultry and rabbit farming; provided, that such operations for commercial purposes shall be confined within enclosed structures, and further provided that poultry farms meet the standards and requirements of Chapter 17.82, and Sale of Agricultural products produced on the premises an sign of not more than four square feet

advertising of such sales (Chapter 17.48.020(B)(C)(D). Therefore, adding the A-Combining District would be consistent with the Zoning Code and the General Plan.

The format of the mark-up version of the proposed text rezone and ordinance includes wording that is proposed to be added by red underlined text.

GENERAL PLAN CONSISTENCY:

The surrounding land uses consist of Rural Large Lot, Rural Small lot, Valley floor Ag/Capay, Upland Ag, Valley Floor Ag, General Plan Land Use Designations. It should be noted that crops, orchards and other common agricultural activities are permit uses under the A-combining District designated land uses. The new land use and zoning designation will be compatible with the surrounding uses

ENVIRONMENTAL ASSESSMENT:

The proposed amendments to the Tehama County zoning code (Rezone No. 25-02) are consistent with various policies and implementation measures of the Tehama County General Plan (2009-2029). The proposed action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3). The expansion of existing permitted uses and the addition of the A-Combining Zoning District that is permitted to have animal husbandry and livestock farming and sale of agricultural products produced on the premises would not have an impact on the environment.

PUBLIC NOTICE:

A public hearing notice addressing the proposed ordinance changes to Chapter 17.81 Administrative Permit Agriculture Tourism uses was published in the Daily News on November 15, 2025

RECOMMENDATION:

Staff recommends the Planning Commission taking the following actions:

- A. Public Hearing – Conduct a public hearing to receive public input.**
- B. Move to Recommend that the Board of Supervisors find that the project is exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) and adopt the Findings relative to CEQA in the staff report;**
- C. Move to recommend that the Board of Supervisors adopt the findings in the staff report, and the Ordinance in Attachment A for Text Rezone #25-02.**

ATTACHMENTS

- A. Draft Ordinance (Text Rezone No. 25-02); Chapter 17.81 Administrative Permit Agriculture Tourism**

Chapter 17.81 ADMINISTRATIVE PERMIT AGRICULTURE TOURISM USES

17.81.010 Purpose.

The purpose of this chapter is to actively promote outdoor recreation opportunities such as agritourism, agri-nature-tourism, and similar uses that encourage and support agriculture in Tehama County. The ministerial administrative permit process is intended to allow the proper integration of such uses into the community, only if such uses are designed or arranged on the site in accordance with established development standards of this title and policies of the general plan. This chapter is intended to implement the 2009-2029 Tehama County General Plan Policy OS-9.4.

(Ord. No. 1972, § 20, 10-23-2012)

17.81.020 Administrative permit—Process.

- A. Applicants may apply for an administrative permit for an agritourism, agrinature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food or environmental learning tourism use on lands within the AG-1, AG-2, AG-3, AG-4, NR, A-Combining District (5-acre minimum) and GR zoning districts, if such use is consistent with the Administrative Permit application requirements and administrative permit standards and criteria set forth in this chapter. In the event that the proposed use or activity ~~exceeds~~ does not comply with the standards and requirements of this chapter, the applicant shall be required to obtain a use permit under Chapter 17.70.
- B. Application for an administrative permit shall be made in writing by the owner or authorized occupant of the property on a form prescribed by the director of planning. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the site and the proposed use or activity.
- C. Prior to issuance of any administrative permit, the proposed use or activity and site plans shall be reviewed by ~~the affected~~ relevant county departments and other ~~affected~~ public agencies to ascertain compliance with all applicable laws, policies, codes and regulations.
- D. Administrative permits under this chapter shall be issued only upon a determination by the director of planning that: the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use described in the application for the permit and the plans filed therewith conform to the requirements of this chapter and other applicable laws, regulations, and ordinances; and that the fee has been paid.

(Ord. No. 1972, § 20, 10-23-2012)

17.81.030 Administrative permit—Notice and appeals.

- A. A public hearing shall not be required ~~on any application~~ for an administrative permit prior to action being taken by the director of planning ~~to approve or deny~~ approving or denying the application.
- B. Upon the director of planning's ~~action to approve or deny~~ approval or denial of an administrative permit pursuant to this chapter, the Department shall notify by mail all property owners within one thousand feet of the project parcel, and the applicant, ~~shall be notified by mail~~ of the director of planning's action. The notice

shall include the location and general description of the proposed use that may be established upon the issuance of the administrative permit. The notice shall inform the property owners and applicant of their right to appeal the approval or denial of the administrative permit to the planning commission.

- C. Appeal of the ~~action to approve or deny~~ approval or denial of an administrative permit under this chapter by the director of planning shall be made in writing to the planning commission and submitted to the planning department within ~~twenty~~ ten days of the date the notification is mailed to the property owners and applicant pursuant to subdivision B. The written appeal shall be accompanied by an appeal fee ~~prescribed as~~ set by the board of supervisors.
- D. Following a public meeting, notice of which shall be given in the manner provided in subdivision B, the planning commission may affirm, modify or reverse the action of the director of planning, based upon the standards and requirements set forth in this chapter.
- E. The decision by the planning commission to affirm, modify or reverse the action of the director of planning may be appealed to the board of supervisors within ten days of such action. The appeal shall be submitted in writing to the clerk of the board and accompanied by an appeal fee ~~prescribed as~~ set by the board of supervisors.
- F. Following a public meeting, notice of which shall be given in the manner provided in subdivision B., the board of supervisors may affirm, modify or reverse the action of the planning commission. Action by the board of supervisors on the appeal of an administrative permit shall be final.

(Ord. No. 1972, § 20, 10-23-2012)

17.81.040 Administrative permit—Time limits.

- A. In any case where an administrative permit has not been used within one year after the date of ~~granting thereof final approval, then, without further action by the director of planning,~~ the administrative permit granted shall be null and void without further action by the director of planning.
- B. In any case where an active administrative permit has been abandoned for a period of six months, the administrative permit shall be deemed null and void.
- C. The director of planning may approve one extension of the time limits set forth in this section for an approved administrative permit, for up to eighteen additional months after notice is given in the same manner as the original approval, if the director finds that such extension is consistent with the purposes of this chapter.

(Ord. No. 1972, § 20, 10-23-2012)

17.81.050 Administrative permit—General provisions.

An administrative permit may be issued under this chapter for the following uses:

- A. Limited agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, in accordance with the development standards established by this Chapter, shall be permitted when conducted in compliance with ~~all of~~ the following:
 - 1. ~~The daily use or activity is limited to an average of fifteen persons per day with a maximum of one hundred six in any week (not counting employees). If averages are used, they must be on a per week basis.~~

Examples of limited agritourism and agri-nature tourism uses and activities to which this chapter applies may include, but are not limited to, star-gazing, educational and interpretive seminars, clinics, tours, and walks, horseback riding (which may include trail riding instruction necessary for the safety of guests, if pertinent to agritourism use), cross country skiing, picnics, gold panning, hiking, tours, working dog trials, horseback riding, wagon rides when confined to the agritourism parcel, wildlife viewing, photography, and youth exchange programs when related to an on-site agricultural operation and in accordance with agricultural homestay requirements.

- B. Larger and more frequent agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, including but not limited to collaborative agri-nature tourism events, petting zoos of resident animals, and hunting dog trials not involving the discharge of firearms, in accordance with the development standards established by this chapter, shall be permitted when conducted in compliance with all of the following:
- ~~1.~~ ~~A daily use or activity is limited to no more than an average of thirty five persons per day with a maximum of two hundred fifty in any given week (not counting employees). If averages are used, they must be on a per week basis.~~
 - ~~2.~~ The use or activity is conducted in accordance with the development standards established by this chapter.
 - ~~3.~~ Submittal of an agritourism facility compliance form to the Tehama County Planning Department shall be required annually for reporting of the permitted activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.
- C. Agricultural activities associated with a non-profit agricultural youth group project or projects shall not require an administrative permit but must still comply with applicable development and performance standards as established in this chapter.

(Ord. No. 1972, § 20, 10-23-2012)

17.81.060 Administrative permit—Development and performance standards.

Any agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use or activity permitted under this chapter shall comply with the following standards:

- A. The primary use of the parcel on which the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use or activity is located on shall be a farm, as defined in Food and Agricultural Code section 52262, that produces agricultural products ~~as its primary source of income~~. Uses and activities permitted under this chapter shall be ~~a secondary accessory use~~ to the primary ~~commercial~~ agricultural production use of the property.
- B. The amount of land allowed for permanent physical improvements (infrastructure and structural improvements) related to any use or activity permitted under this chapter shall be no more than ten percent of the parcel's acreage or five acres of total land area, whichever is ~~the lesser amount~~less. Permanent physical improvements do not include unpaved riding or hiking trails. If the permitted use or activity is conducted on multiple parcels, the maximum percentage of permanent physical improvement shall be separately calculated for each parcel on which the improved facilities are located, and there shall be no more than five acres cumulative physical improvement allowed on all of the parcels combined.

(Supp. No. 23)

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- C. ~~If the use or activity generates more than 7.5 Average Daily Trips (ADTs), the~~ The following road access and maintenance requirements shall apply:
1. The permitted use or activity shall have access from a public or private road or roads which have adequate capacity for existing traffic and the traffic generated by the activity or use, as set forth in the Tehama County Land Development and Engineering Design Standards. If the use or activity is proposed to have access from a county maintained road that does not fully meet the standards set forth in the Tehama County Land Development and Engineering Design Standards, then the use or activity may only occur if the road is improved by the applicant to provide adequate capacity as described above.
 2. The use or activity shall have access from roads which are maintained. If primary access is not from a county maintained road or a state highway, then the operator of the use or activity shall participate in any existing active road maintenance organization for all privately maintained access roads. If no road maintenance organization exists, then the applicant and any other parties whose consent is legally required shall develop, execute, and record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest county maintained road or state highway. The road maintenance agreement provisions shall be developed by the applicant and shall:
 - i. Be in effect for the life of the project, unless said maintenance is taken over by the county, a special district, other governmental entity, or another recorded private road maintenance association with the approval of the county.
 - ii. Provide for annual maintenance and the immediate correction of emergency and hazard situations.
 - iii. Be in a form approved by the director of planning and county counsel.
- D. Any exterior activities for permitted uses and activities hereunder shall not commence prior to seven o'clock a.m. and shall cease by ten o'clock p.m. The director of planning may grant exceptions to these hours of operation on a case by case basis, through the administrative permit process, for specific uses which are time sensitive, including, but not limited to, bird-watching, when the director of planning makes the finding that the amended hours will not adversely impact neighbors or the public.
- E. If the use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the use or activity (except as minimally necessary for public safety, as determined by the director of planning) and there shall be no organized activities after sunset. The director of planning may waive these requirements upon determining that such waiver will not adversely affect the poultry operation, and shall consider any written comments or agreements submitted by the operator of the poultry operation. This standard shall not apply if the permitted use or activity is established before a poultry operation is established on the adjacent property.
- F. The use or activity shall not employ more than one employee per acre, up to a maximum of five total employees, on-site at any one time. This limit does not include family members, as defined in Section 1.04.205, or employees solely of the agricultural operation. The director of planning may grant limited exceptions to the number of employees allowed at an operation on a case by case basis, through the administrative permit process, for specific uses which may occasionally require more employees, when the director of planning makes the finding that the increased number of employees will not adversely impact neighbors or the public.
- G. The permitted operator of the use or activity, or their authorized agent, shall be personally present onsite at all times throughout the duration of the use or activity.

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- H. Petting zoos of resident animals shall have a minimum of one-third mile buffer from adjacent properties.
 - I. Permitted uses or activities shall be limited to the parcel or parcels identified in the application. Parcel boundaries and no trespassing signs shall be clearly posted by the operator.
 - J. Permitted uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Tehama County Department of Environmental Health.
 - K. The use or activity shall have adequate provisions for potable water as determined by the Tehama County Department of Environmental Health.
 - L. The use or activity shall have adequate on-site parking for all employees and participants, inclusive of all ADA-compliant accessible parking spaces as required by law.
 - M. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not be visible off site.
 - N. An agricultural homestay shall meet all of the following requirements:
 - 1. The parcel on which an agricultural homestay is proposed shall be twenty-five acres in size or greater.
 - 2. The agricultural homestay is located in an existing permitted dwelling, occupied by one or more residents, on a full-time basis, as their primary domicile.
 - 3. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities.
 - 4. The agricultural homestay shall comply with all of the requirements for a bed and breakfast under Section 17.08.010, subdivision (j).
 - 5. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
 - O. A glamping use or activity shall meet all of the following requirements:
 - 1. The parcel on which glamping is proposed shall be twenty-acresfive acres in size or greater.
 - 2. The glamping operation shall be located on property containing an existing dwelling occupied by one or more residents, on a full-time basis, as their primary domicile.
 - 3. The glamping operation has not more than six guest units and accommodates not more than fifteen guests. Any activities or events that involve more than fifteen guests at a glamping establishment are prohibited.
 - 4. The glamping operation serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation.
 - 5. The glamping operation conforms to all building codes, fire codes, and American Disabilities Act and other accessibility requirements.
 - 6. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
 - P. In the event that a use or activity permitted hereunder is proposed in an area where there is regular agricultural spraying, the director of planning shall consider during the project review process the location of the use or activity in light of the types of chemicals commonly used in the immediate vicinity, the frequency of application and recommendations from department of pesticide regulation

for the chemicals that are applied. If it is determined that there is significant health risk to future employees or participants in the use or activity, the permitted location shall include sufficient land to provide an adequate buffer between the use or activity and any agricultural spraying activity.

Q. Farm to fork preparation and sales shall meet all of the following requirements:

1. 33 percent of all food products used for the purpose of selling prepared foods shall be grown, harvested, raised or similarly produced within Tehama County. Operator shall maintain sourcing records available for county review.
2. All food preparation shall comply with the California Retail Food Code and obtain approvals from the Tehama County Environmental Health.
 - a. Mobile food vending units may be used for on-site food preparation with the approval from the Tehama County Department of Environmental Health.
 - b. On-Site commercial kitchens which are an accessory to the Agriculture Tourism business may be used subject to applicable legal and regulatory standards, including but not limited to those of the Planning Department, Building and Safety, Tehama County Fire Department, and Environmental Health
3. Management Plan. Owner/operator shall maintain a management plan that includes but is not limited to all applicable conditions of approval, approved administrative permit and plot plan, traffic management plan, exhibit map showing all close surrounding sensitive receptors, and all other operational limitations. A copy of the management plan shall be provided to the planning department and shall be available for on-site inspections at all times.
4. Noise Control. Noise shall never create a nuisance for any sensitive receptor. Outdoor amplified music and speech shall not be allowed after 10:00 p.m.
5. Traffic and Circulation. The administrative permit shall include a traffic management plan. The traffic management plan shall be approved for traffic safety by the department of public works. The traffic management plan shall include the following requirements and standards:
 - a. Approved access conforming to county improvement standards as determined by the public works department.
 - b. Adequate ingress and egress shall be provided for all emergency vehicles to satisfaction of the Tehama County Fire Department and Public Works Department.
 - c. A traffic control plan to ensure an orderly and safe arrival, parking departure of all vehicles and ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
6. Operational Limitations. The following operational limitations apply to all agricultural tourism uses:
 - a. Agricultural tourism uses shall be accessory to the owner's primary agricultural use of property. No agricultural tourism uses will be permitted where there is no agricultural use.
 - b. Operational hours shall not exceed twelve hours per day and are limited to the hours of 7:00 a.m. and 10:00 p.m.
 - c. Permitted uses or activities shall be limited to the parcel or parcels identified in the application. Any new construction or alterations associated with these uses shall require building permits in accordance with Tehama County Title 15.
7. Setbacks. The minimum setback shall be as per the zoning code for each property.

8. Lighting. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not shine on adjacent properties. All lighting associated with the agricultural tourism uses shall be turned off by 11:00 p.m. Parking lighting may remain on for a longer period of specified under the administrative use permit. All lighting shall comply with applicable California Title 24 energy efficiency and lightning standards.

9. Dust Control. The administrative use permit shall comply with all applicable requirements of the Tehama County Air Pollution Control District Rule 4:24, Fugitive Dust Emissions.

R. Williamson Act Contract Properties. Agriculture tourism uses on Williamson Act Contract Properties shall be accessory to the agricultural use of the property. Agriculture tourism uses are permitted only when: no new permanent improvements are required; when the use does not interfere with the existing agricultural operation; and the use is otherwise in compliance with the Williamson Act Contract.

(Ord. No. 1972, § 20, 10-23-2012)

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA AMENDING TITLE 17 OF THE TEHAMA COUNTY CODE REGULATING THE ADMINISTRIVE PERMIT AGRICULTURE TOURISM USES

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

SECTION 1. Section 17.81.020 of the Tehama County Code is hereby repealed.

SECTION 2. Section 17.81.020 is hereby added to the Tehama County Code to read:

17.81.020 Administrative Permit – Process.

- A. Applicants may apply for an administrative permit for an agritourism, agrinature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food or environmental learning tourism use on lands within the AG-1, AG-2, AG-3, AG-4, NR, A-Combining District (5-acre minimum) and GR zoning districts, if such use is consistent with the Administrative Permit application requirements and administrative permit standards and criteria set forth in this chapter. In the event that the proposed use or activity does not comply with the standards and requirements of this chapter, the applicant shall be required to obtain a use permit under Chapter 17.70.
- B. Application for an administrative permit shall be made in writing by the owner or authorized occupant of the property on a form prescribed by the director of planning. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the site and the proposed use or activity.
- C. Prior to issuance of any administrative permit, the proposed use or activity and site plans shall be reviewed by relevant county departments and other public agencies to ascertain compliance with all applicable laws, policies, codes and regulations.
- D. Administrative permits under this chapter shall be issued only upon a determination by the director of planning that: the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use described in the application for the permit and the plans filed therewith conform to the requirements of this chapter and other applicable laws, regulations, and ordinances; and that the fee has been paid.

SECTION 3. Section 17.81.030 of the Tehama County Code is hereby repealed.

SECTION 4. Section 17.81.030 is hereby added to the Tehama County Code to read:

17.81.030 Administrative Permit – Notice and appeals.

- A. A public hearing shall not be required for an administrative permit prior to action being taken by the director of planning approving or denying the application.
- B. Upon the director of planning's approval or denial of an administrative permit pursuant to this chapter, the Department shall notify by mail all property owners within one thousand feet of the project parcel, and the applicant, of the director of planning's action. The notice shall include the location and general description of the proposed use that may be established upon the issuance of the administrative permit. The notice shall inform the property owners and applicant of their right to appeal the approval or denial of the administrative permit to the planning commission.
- C. Appeal of the approval or denial of an administrative permit under this chapter by the director of planning shall be made in writing to the planning commission and submitted to the planning department within ten days of the date the notification is mailed to the property owners and applicant pursuant to subdivision B. The written appeal shall be accompanied by an appeal fee as set by the board of supervisors.
- D. Following a public meeting, notice of which shall be given in the manner provided in subdivision B, the planning commission may affirm, modify or reverse the action of the director of planning, based upon the standards and requirements set forth in this chapter.
- E. The decision by the planning commission to affirm, modify or reverse the action of the director of planning may be appealed to the board of supervisors within ten days of such action. The appeal shall be submitted in writing to the clerk of the board and accompanied by an appeal fee as set by the board of supervisors.
- F. Following a public meeting, notice of which shall be given in the manner provided in subdivision B., the board of supervisors may affirm, modify or reverse the action of the planning commission. Action by the board of supervisors on the appeal of an administrative permit shall be final.

SECTION 5. Section 17.81.040 of the Tehama County Code is hereby repealed.

SECTION 6. Section 17.81.040 is hereby added to the Tehama County Code to read:

17.81.040 Administrative Permit – Time limits.

- A. In any case where an administrative permit has not been used within one year after the date of final approval, the administrative permit granted shall be null and void without further action by the director of planning.
- B. In any case where an active administrative permit has been abandoned for a period of six months, the administrative permit shall be deemed null and void.
- C. The director of planning may approve one extension of the time limits set forth in this section for an approved administrative permit, for up to eighteen additional months after notice is given in the same manner as the original approval, if the director finds that such extension is consistent with the purposes of this chapter.

SECTION 7. Section 17.81.050 of the Tehama County Code is hereby repealed.

SECTION 8. Section 17.81.050 is hereby added to the Tehama County Code to read:

17.81.050 Administrative Permit – General Provisions.

An administrative permit may be issued under this chapter for the following uses:

- A. Limited agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, in accordance with the development standards established by this Chapter, shall be permitted when conducted in compliance with the following:
 - 1. Examples of limited agritourism and agri-nature tourism uses and activities to which this chapter applies may include, but are not limited to, star-gazing, educational and interpretive seminars, clinics, tours, and walks, horseback riding (which may include trail riding instruction necessary for the safety of guests, if pertinent to agritourism use), cross country skiing, picnics, gold panning, hiking, tours, working dog trials, horseback riding, wagon rides when confined to the agritourism parcel, wildlife viewing, photography, and youth exchange programs when related to an on-site agricultural operation and in accordance with agricultural homestay requirements.
- B. Larger and more frequent agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food and environmental learning tourism uses, as defined in Chapter 17.04, including but not limited to collaborative agri-nature tourism events, petting zoos of resident animals, and hunting dog trials not involving the discharge of firearms, in accordance with the development standards established by this chapter, shall be permitted when conducted in compliance with all of the following:
 - 1. The use or activity is conducted in accordance with the development standards established by this chapter.
 - 2. Submittal of an agritourism facility compliance form to the Tehama County Planning Department shall be required annually for reporting of the permitted activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.
- C. Agricultural activities associated with a non-profit agricultural youth group project or projects shall not require an administrative permit but must still comply with applicable development and performance standards as established in this chapter.

SECTION 9. Section 17.81.060 of the Tehama County Code is hereby repealed.

SECTION 10. Section 17.81.060 is hereby added to the Tehama County Code to read:

17.81.060 Administrative Permit – Development and performance standards.

Any agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use or activity permitted under this chapter shall comply with the following standards:

- A. The primary use of the parcel on which the agritourism, agri-nature-tourism, Geotourism, glamping, agricultural homestay, on-site food preparation, sale of prepared food, or environmental learning tourism use or activity is located on shall be a farm, as defined in Food and Agricultural Code section 52262, that produces agricultural products. Uses and activities permitted under this chapter shall be accessory to the primary agricultural production use of the property.
- B. The amount of land allowed for permanent physical improvements (infrastructure and structural improvements) related to any use or activity permitted under this chapter shall be no more than ten percent of the parcel's acreage or five acres of total land area, whichever is less. Permanent physical improvements do not include unpaved riding or hiking trails. If the permitted use or activity is conducted on multiple parcels, the maximum percentage of permanent physical improvement shall be separately calculated for each parcel on which the improved facilities are located, and there shall be no more than five acres cumulative physical improvement allowed on all of the parcels combined.
- C. The following road access and maintenance requirements shall apply:
 1. The permitted use or activity shall have access from a public or private road or roads which have adequate capacity for existing traffic and the traffic generated by the activity or use, as set forth in the Tehama County Land Development and Engineering Design Standards. If the use or activity is proposed to have access from a county maintained road that does not fully meet the standards set forth in the Tehama County Land Development and Engineering Design Standards, then the use or activity may only occur if the road is improved by the applicant to provide adequate capacity as described above.
 2. The use or activity shall have access from roads which are maintained. If primary access is not from a county maintained road or a state highway, then the operator of the use or activity shall participate in any existing active road maintenance organization for all privately maintained access roads. If no road maintenance organization exists, then the applicant and any other parties whose consent is legally required shall develop, execute, and record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest county maintained road or state highway. The road maintenance agreement provisions shall be developed by the applicant and shall:
 - i. Be in effect for the life of the project, unless said maintenance is taken over by the county, a special district, other governmental entity, or another recorded private road maintenance association with the approval of the county.
 - ii. Provide for annual maintenance and the immediate correction of emergency and hazard situations.

- iii. Be in a form approved by the director of planning and county counsel.
- D. Any exterior activities for permitted uses and activities hereunder shall not commence prior to seven o'clock a.m. and shall cease by ten o'clock p.m. The director of planning may grant exceptions to these hours of operation on a case by case basis, through the administrative permit process, for specific uses which are time sensitive, including, but not limited to, bird-watching, when the director of planning makes the finding that the amended hours will not adversely impact neighbors or the public.
- E. If the use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the use or activity (except as minimally necessary for public safety, as determined by the director of planning) and there shall be no organized activities after sunset. The director of planning may waive these requirements upon determining that such waiver will not adversely affect the poultry operation, and shall consider any written comments or agreements submitted by the operator of the poultry operation. This standard shall not apply if the permitted use or activity is established before a poultry operation is established on the adjacent property.
- F. The use or activity shall not employ more than one employee per acre, up to a maximum of five total employees, on-site at any one time. This limit does not include family members, as defined in Section 1.04.205, or employees solely of the agricultural operation. The director of planning may grant limited exceptions to the number of employees allowed at an operation on a case by case basis, through the administrative permit process, for specific uses which may occasionally require more employees, when the director of planning makes the finding that the increased number of employees will not adversely impact neighbors or the public.
- G. The permitted operator of the use or activity, or their authorized agent, shall be personally present onsite at all times throughout the duration of the use or activity.
- H. Petting zoos of resident animals shall have a minimum of one-third mile buffer from adjacent properties.
- I. Permitted uses or activities shall be limited to the parcel or parcels identified in the application. Parcel boundaries and no trespassing signs shall be clearly posted by the operator.
- J. Permitted uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Tehama County Department of Environmental Health.
- K. The use or activity shall have adequate provisions for potable water as determined by the Tehama County Department of Environmental Health.
- L. The use or activity shall have adequate on-site parking for all employees and participants, inclusive of all ADA-compliant accessible parking spaces as required by law.

- M. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not be visible off site.
- N. An agricultural homestay shall meet all of the following requirements:
1. The parcel on which an agricultural homestay is proposed shall be five acres in size or greater.
 2. The agricultural homestay is located in an existing permitted dwelling, occupied by one or more residents, on a full-time basis, as their primary domicile.
 3. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities.
 4. The agricultural homestay shall comply with all of the requirements for a bed and breakfast under Section 17.08.010, subdivision (j).
 5. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
- O. A glamping use or activity shall meet all of the following requirements:
1. The parcel on which glamping is proposed shall be five acres in size or greater.
 2. The glamping operation shall be located on property containing an existing dwelling occupied by one or more residents, on a full-time basis, as their primary domicile.
 3. The glamping operation has not more than six guest units and accommodates not more than fifteen guests. Any activities or events that involve more than fifteen guests at a glamping establishment are prohibited.
 4. The glamping operation serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation.
 5. The glamping operation conforms to all building codes, fire codes, and American Disabilities Act and other accessibility requirements.
 6. The operator shall obtain and maintain a valid Transient Occupancy Registration Certificate under Chapter 4.24.
- P. In the event that a use or activity permitted hereunder is proposed in an area where there is regular agricultural spraying, the director of planning shall consider during the project review process the location of the use or activity in light of the types of chemicals commonly used in the immediate vicinity, the frequency of application and recommendations from department of pesticide regulation for the chemicals that are applied. If it is determined that there is significant health risk to future employees or participants in the use or activity, the permitted location shall include sufficient land to provide an adequate buffer between the use or activity and any agricultural spraying activity.
- Q. Farm to fork preparation and sales shall meet all of the following requirements:

1. 33 percent of all food products used for the purpose of selling prepared foods shall be grown, harvested, raised or similarly produced within Tehama County. Operator shall maintain sourcing records available for county review.
2. All food preparation shall comply with the California Retail Food Code and obtain approvals from the Tehama County Environmental Health.
 - a. Mobile food vending units may be used for on-site food preparation with the approval from the Tehama County Department of Environmental Health.
 - b. On-Site commercial kitchens which are an accessory to the Agriculture Tourism business may be used subject to applicable legal and regulatory standards, including but not limited to those of the Planning Department, Building and Safety, Tehama County Fire Department, and Environmental Health.
3. Management Plan. Owner/operator shall maintain a management plan that includes but is not limited to all applicable conditions of approval, approved administrative permit and plot plan, traffic management plan, exhibit map showing all close surrounding sensitive receptors, and all other operational limitations. A copy of the management plan shall be provided to the planning department and shall be available for on-site inspections at all times.
4. Noise Control. Noise shall never create a nuisance for any sensitive receptor. Outdoor amplified music and speech shall not be allowed after 10:00 p.m.
5. Traffic and Circulation. The administrative permit shall include a traffic management plan. The traffic management plan shall be approved for traffic safety by the department of public works. The traffic management plan shall include the following requirements and standards:
 - a. Approved access conforming to county improvement standards as determined by the public works department.
 - b. Adequate ingress and egress shall be provided for all emergency vehicles to satisfaction of the Tehama County Fire Department and Public Works Department.
 - c. A traffic control plan to ensure an orderly and safe arrival, parking departure of all vehicles and ensure that traffic will not back-up or block private easements, county roads, intersections, or private driveways.
6. Operational Limitations. The following operational limitations apply to all agricultural tourism uses:
 - a. Agricultural tourism uses shall be accessory to the owner's primary agricultural use of property. No agricultural tourism uses will be permitted where there is no agricultural use.
 - b. Operational hours shall not exceed twelve hours per day and are limited to the hours of 7:00 a.m. and 10:00 p.m.

- c. Permitted uses or activities shall be limited to the parcel or parcels identified in the application. Any new construction or alterations associated with these uses shall require building permits in accordance with Tehama County Title 15.
- 7. Setbacks. The minimum setback shall be as per the zoning code for each property.
- 8. Lighting. Any new exterior lighting installed related to a permitted use or activity shall be designed to illuminate the immediate vicinity and shall not shine on adjacent properties. All lighting associated with the agricultural tourism uses shall be turned off by 11:00 p.m. Parking lighting may remain on for a longer period of specified under the administrative use permit. All lighting shall comply with applicable California Title 24 energy efficiency and lightning standards.
- 9. Dust Control. The administrative use permit shall comply with all applicable requirements of the Tehama County Air Pollution Control District Rule 4:24, Fugitive Dust Emissions.

R. Williamson Act Contract Properties. Agriculture tourism uses on Williamson Act Contract Properties shall be accessory to the agricultural use of the property. Agriculture tourism uses are permitted only when: no new permanent improvements are required; when the use does not interfere with the existing agricultural operation; and the use is otherwise in compliance with the Williamson Act Contract.

SECTION 11. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the Red Bluff Daily News, a newspaper of general circulation in Tehama County.

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 _____, 2026 by the following vote:

AYES:
 NOES:
 ABSENT OF NOT VOTING:

CHAIR, Board of Supervisors

Ordinance No. _____

STATE OF CALIFORNIA)
)
COUNTY OF TEHAMA)

I, SEAN HOUGHTBY, 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 a resolution adopted by said Board of Supervisors on the _____ day of _____, 2026.

DATED this _____ day of _____, 2026.

SEAN HOUGHTBY, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By: _____
Deputy

Ordinance No. _____



Tehama County

Agenda Request Form

File #: 26-0390

Agenda Date: 3/19/2026

Agenda #: 3.

STUDY SESSION - COMMUNICATION FACILITIES

Requested Action(s)

No action is needed by the Planning Commission at this time.

Financial Impact:

NONE AT THIS TIME

Background Information:

The Planning Department is processing a number of use permits for communication facilities, primarily cell towers, which will be coming before the Planning Commission in the next few months. Because there are specific obligations and limitations placed on the County regarding the regulation of these facilities by the Federal Telecommunications Act of 1996 and the implementing regulations enforced by the Federal Communications Commission, staff determined that a brief study session would be appropriate before these use permits are brought forward to the Commission. No action is needed by the Commission at this time. Each of the use permits coming forward in the near future will have its own noticed public hearing. Questions regarding this study session may be directed to Planner IV Greg Redeker at (530) 527-2200 or gredeker@tehama.gov.



PLANNING DEPARTMENT COUNTY OF TEHAMA

PLANNING COMMISSION STAFF REPORT

DATE: March 12, 2026 (March 19, 2026 Planning Commission meeting)

TO: Tehama County Planning Commission

FROM: Greg Redeker, AICP, Planner IV
gredeker@tehama.gov (530) 527-2200

SUBJECT: STUDY SESSION ON COMMUNICATION FACILITIES

SUMMARY

The Planning Department is processing a number of use permits for communications facilities, primarily cell towers, which will be coming before the Planning Commission in the next few months. Because there are specific obligations and limitations placed on the County regarding the regulation of these facilities by the Federal Telecommunications Act of 1996 and the implementing regulations enforced by the Federal Communications Commission, staff determined that a brief study session would be appropriate before these use permits are brought forward to the Commission. A Powerpoint presentation summarizing this written report will be shown at the study session.

No action is needed by the Commission at this time. Each of the use permits coming forward in the near future will have its own noticed public hearing.

OVERVIEW / BACKGROUND

Modern wireless telecommunication is dependent upon commercial communication facilities, also known as cell towers, to communicate with individual wireless devices and relay information to and from the Internet and telephone network. The towers communicate using radio waves at various frequencies that have been allocated to each telecommunications carrier by the FCC. Radio waves, also referred to as radiofrequency (RF) emissions, are located on the lower portion of the electromagnetic (EM) spectrum, as shown on **Attachment A**. The various frequencies and their allocations by the Federal Government are shown on **Attachment B**. As shown on that attachment, there are many more radio frequencies in use beyond those used by cell phones and cell towers. Large portions of the RF spectrum are allocated to AM radio, FM radio, amateur ("ham") radio, television broadcasts, aeronautical and maritime navigation and communication, satellite communications, Wi-Fi, and other uses.

Use of cell phones and other wireless devices has become widespread throughout the United States. According to the most recent survey data (see **Attachment C**), more than 85% of those age 44 and younger live in households that only have wireless telephone service. Even for those

age 65 and older, over half the population lives in a household without a landline. Wireless communication facilities are effectively 21st century infrastructure.

In terms of configuration, cell towers generally hold antenna arrays, organized into multiple sectors on each tower for greater efficiency and capacity, at an elevation that is typically 80+ feet above ground level. The power density of RF emissions generated by the antennas on the tower drop off rapidly with distance from the antenna, according to the inverse square law. Power density is also attenuated (reduced further) when the radio signals pass through vehicles, buildings, or other obstructions.

The height provided by cell towers allows the antennas to have a clearer line of sight to individual wireless devices (with fewer obstructions) while also placing the areas of highest power density well above ground level, in areas inaccessible to the general public. A diagram showing a typical antenna propagation pattern is provided as **Attachment D**. Dish antennas are also found on towers, providing high-capacity point-to-point communications, and are frequently used for backhaul (i.e., connecting the local cell tower to the larger network).

The extent of new or improved wireless service provided by a proposed tower is demonstrated by coverage maps submitted by an applicant. An example of these coverage maps (showing both current coverage and post-construction coverage) is provided as **Attachment E**. These maps typically show signal strength using various colors, with the colors associated with the approximate signal strength needed to provide service outdoors, in a vehicle, or in a building.

FEDERAL REGULATION

The Federal Government regulates RF emissions, devices, and facilities in the United States, via the Federal Communications Commission (FCC). The key legislation as it relates to communication facilities is the Telecommunications Act of 1996 (TCA) and the various FCC regulations which implement the TCA. Excerpts from the TCA relevant to local land use regulation, found at 47 U.S.C. 332(c)(7), and its implementing regulations, found at 47 C.F.R. Section 1.6001 – 1.6100, are provided as **Attachments F and G**, respectively.

Federal regulations also establish limits for human exposure to RF emissions. While the County can require an RF study to verify that a proposed facility complies with the Federal standard, it is a simple pass/fail determination – the County cannot establish or enforce its own standard. There is a large amount of information online about purported environmental and health effects of RF emissions, much of which is from other countries, but the FCC's rules occupy the regulatory field in the United States. Anecdotally, the RF studies for new facilities typically demonstrate that public exposure to RF emissions will be a small percentage of the allowed Federal standard.

Of note to the County is that local land use authority (e.g., zoning and permitting) is preserved in the TCA, albeit with some significant obligations and limitations. Tehama County and other local governments:

- Cannot regulate facilities in a way that prohibits the service
- Cannot discriminate amongst providers (e.g., Verizon, AT&T, T-Mobile)
- Cannot consider purported environmental effects from RF emissions, so long as the site complies with FCC exposure limits
- Must act on applications within “a reasonable period of time”
- Must make any denial in writing based on substantial evidence in a written record

The implementing regulations have been amended over the years, generally to lower regulatory barriers and speed wireless deployment. Most notably, there is now an FCC shot clock which will be discussed further below. There are also ongoing efforts by Congress, the FCC, and industry to modify the rules further, so the regulatory environment may be different in the future.

LOCAL REGULATION

The County's regulations for communication facilities are contained in Chapter 17.71 of the Tehama County Code (TCC), provided as **Attachment H**. The County's regulations establish three different levels of permitting, depending on the type of facility. Cell towers are considered "commercial communication facilities" and require approval of a use permit by the Planning Commission, subject to the standards contained in TCC 17.71.090. The code specifies what materials must be submitted when applying for a use permit for a new cell tower, and further requires the applicant to provide a "stealth" design option.

Stealth treatments for towers are simply architectural and/or aesthetic treatments to make the tower resemble something else, and therefore be less conspicuous. In Tehama County, this treatment typically takes the form of a "monopine", where a monopole tower is modified to resemble a pine tree. Monopines are generally the best option for the County's low density development pattern, which includes many rural and undeveloped areas. In different parts of California, one can encounter monopalms, faux water towers, faux church steeples, faux windmills, and other stealth designs. A sampling of stealth designs is provided as **Attachment I**. The decision whether to require a stealth treatment is one of the most significant decisions for the Commission to make when considering a use permit for a new communications facility. Staff will provide a recommendation regarding stealth in the staff report provided to the Commission for each project.

County regulations also state that new towers should not be located within 5 miles of an existing tower, unless the Commission finds that the visual impacts are negligible. Alternately, such tower placement can be approved by the Commission if the applicant demonstrates that the site is needed to provide the service and/or meet the demands of the applicant's network.

FCC SHOT CLOCK

The time limits for local government to process applications for various types of communications facilities are found in 47 C.F.R. Section 1.6003 (**page 3 of Attachment G**), and are known as the shot clock. The current shot clock regulations have been around since 2019, and are intended to establish clear direction on what is considered "a reasonable period of time" for a local jurisdiction to act on an application consistent with the TCA.

While perhaps more familiar in a sports context, a shot clock is intended to spur action and reduce delay. In this case, the FCC shot clock establishes relatively short timeframes for local governments to act on communication facility applications. These timeframes vary from as few as 60 days up to a maximum of 150 days, depending on the type of facility proposed. Failure by a local jurisdiction to take action on an application within the specified timeframe is generally considered equivalent to be "regulating in a way that prohibits the service", which is inconsistent with the TCA. There has been at least one instance recently where Tehama County failed to act in a timely fashion, resulting in a communication facility project being deemed approved.

There are limited circumstances that allow the shot clock to be stopped or reset; the County and the applicant can also enter into a tolling agreement to temporarily stop the shot clock. However, the shot clock will eventually march toward its conclusion, prompting the County to act. When a public hearing is scheduled before the Planning Commission for a communication facility use

permit, there may be little time remaining on the shot clock. To facilitate the Commission taking timely action on an application and avoid having the project “deemed approved” by failing to act, Commissioners are encouraged to reach out to staff prior to the public hearing with any questions or requests for clarification regarding the proposed facility.

FINAL SUMMARY

To summarize the key points to keep in mind when considering these use permit applications, staff provide the following recommendations to the Commission:

1. Allow the networks to grow and provide better service. Rolling out newer, better communications infrastructure is a priority of the Federal government, and a boon to those using the service.
2. Avoid favoring one applicant over another. Telecommunications is a competitive marketplace, and the government shouldn’t try to pick a “winner”.
3. Avoid discussion of environmental or health effects of RF emissions. Evidence in the record that decision-makers considered purported environmental or health effects of RF emissions when choosing to deny or unduly restrict a project makes that action vulnerable to legal challenge.
4. Resist the urge to continue the item. Take action if possible. If a continuance must be considered, confirm with staff how much time remains on the FCC shot clock.
5. If you have questions, PLEASE CONTACT STAFF PRIOR TO THE HEARING. Doing so gives staff a chance to research a topic, provide a supplemental memo, seek clarification from the applicant, or take other steps so that the Commission has the information and understanding it needs to make a decision.

CONCLUSION

Staff hope that this report and study session have brought additional clarity to this issue, and we are happy to answer any questions that the Commission or others attending the meeting may have on this topic. Noticed public hearings for the current group of communication facility use permits should commence next month.

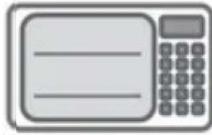
ATTACHMENTS

- A. **Electromagnetic (EM) Spectrum Diagram**
- B. **FCC Radio Frequency Allocation Chart**
- C. **Wireless Household Data (National Center for Health Statistics, National Health Interview Survey, excerpt)**
- D. **Antenna Propagation Diagram**
- E. **Sample Coverage Maps**
- F. **47 U.S.C. 332(c)(7) of the TCA “Preservation of local zoning authority”**
- G. **47 C.F.R. Section 1.6001 – 1.6100 “State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities”**
- H. **Tehama County Code Chapter 17.71 “Communication Facilities”**
- I. **Stealth Tower Designs**

ELECTROMAGNETIC SPECTRUM



RADIO WAVES



MICROWAVES



INFRARED



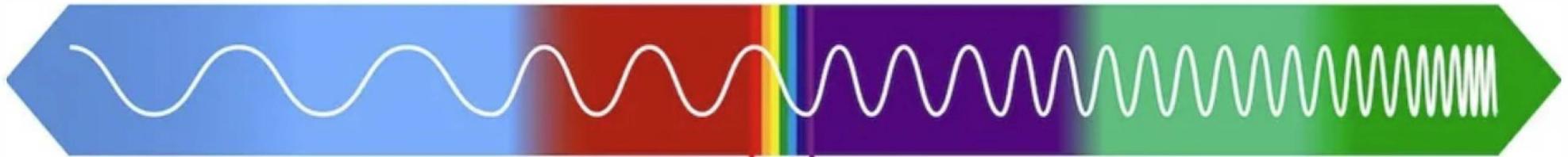
ULTRAVIOLET



X-RAYS



GAMMA RAYS





Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2024

Stephen J. Blumberg, Ph.D., and Julian V. Luke

Division of Health Interview Statistics, National Center for Health Statistics

Overview

Since 2007, the National Health Interview Survey (NHIS) Early Release Program has regularly released preliminary estimates of the percentages of adults and children living in homes with only wireless telephones (also known as cellular telephones, cell phones, or mobile phones). These estimates are the most up-to-date estimates available from the federal government concerning the size and characteristics of this population.

Estimates in this report are based on the second six months of 2024. During this time period, 78.7% of adults and 86.9% of children lived in wireless-only households.

NHIS data can also be used to estimate the percentage of adults who live in wireless-only households and have their own wireless telephone (wireless-only adults). For July-December 2024, 78.0% of adults were wireless-only adults. Demographic subgroups with the highest percentages of wireless-only adults include adults ages 25-29 (88.9%), 30-34 (88.1%), and 35-44 (88.3%) (Figure), and adults renting their homes (88.1%).

NHIS Early Release Program

This report is published by the National Center for Health Statistics (NCHS) as part of the NHIS Early Release Program. It presents selected estimates of telephone coverage for the civilian noninstitutionalized U.S. population based on data from NHIS, along with comparable estimates from NHIS for the previous 2 years. The estimates are based on personal interviews that are conducted throughout the year to collect information on health status, health-related behaviors,

and health care access and utilization. The survey also includes information about household telephones and whether anyone in the household has a wireless telephone.

To provide access to the most recent information from NHIS, estimates using the July-December 2024 data are being released prior to final data editing and final weighting. These estimates should be considered preliminary. Estimates produced using the final data files may differ slightly from those presented here.

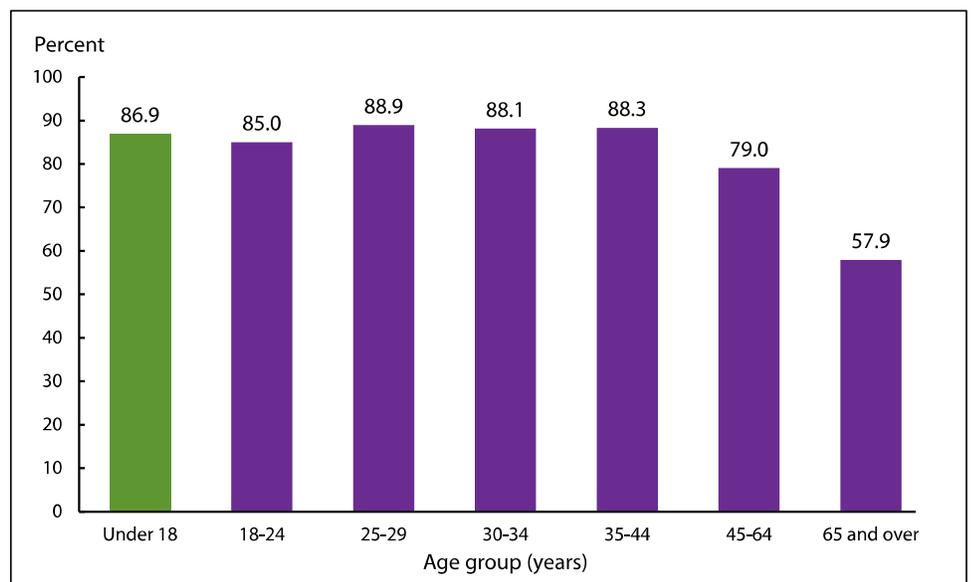
Background

Since 2003, NHIS has asked respondents about landlines and wireless telephones in their homes. Compared with adults living in landline households, adults living in wireless-only households were more likely to be people who smoke

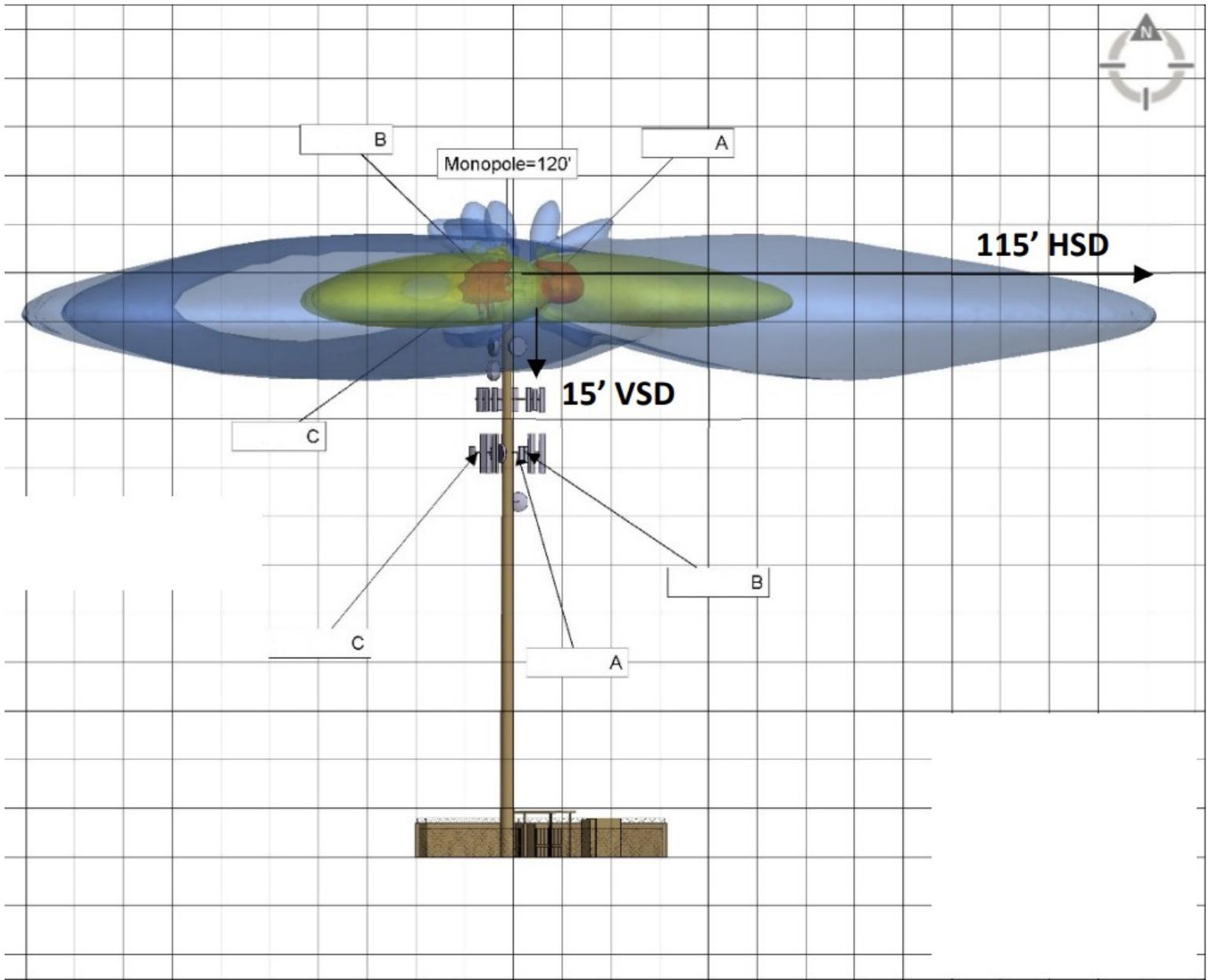
cigarettes and people who had at least one heavy drinking day in the past year. Adults living in wireless-only households were also less likely to have health insurance coverage, less likely to have a usual place to go for medical care, less likely to have received an influenza vaccination in the past year, and more likely to have experienced financial barriers to care. Previous **Early Release Program reports** based on data from 2003-2018 included additional details about these historical differences between people with and without landline telephones.

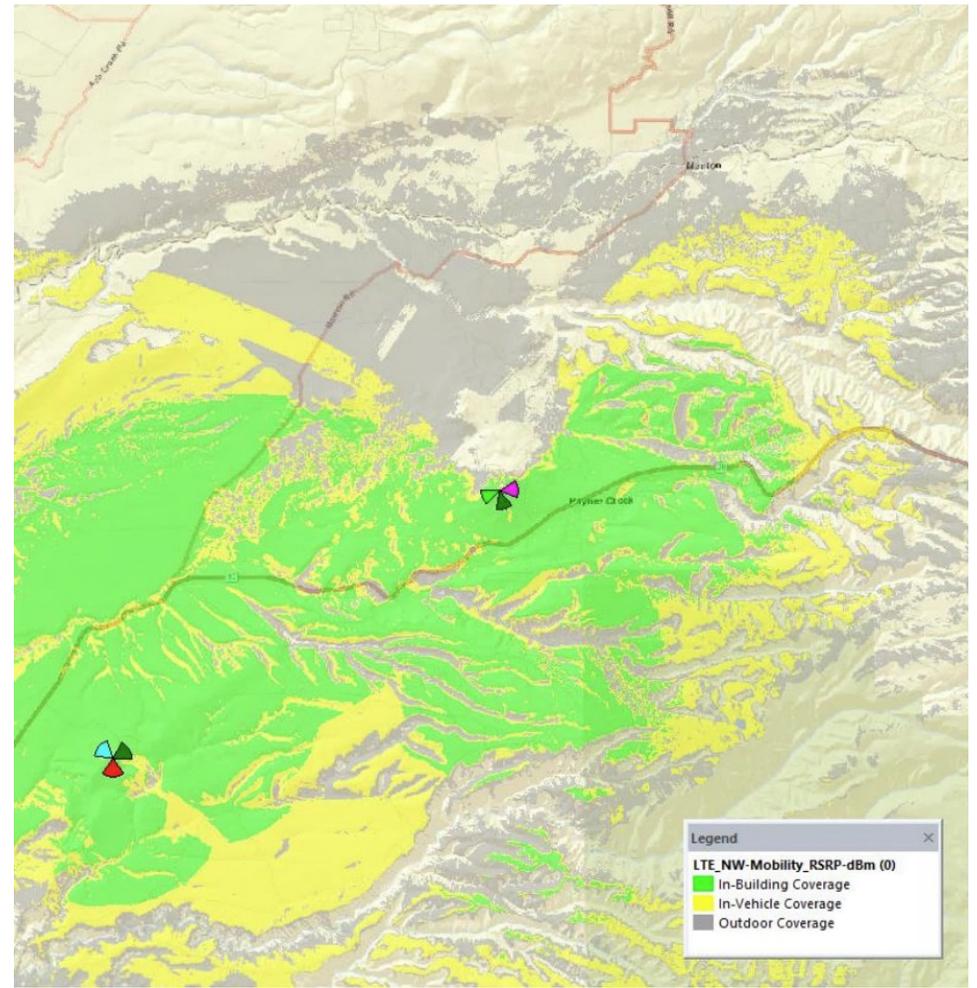
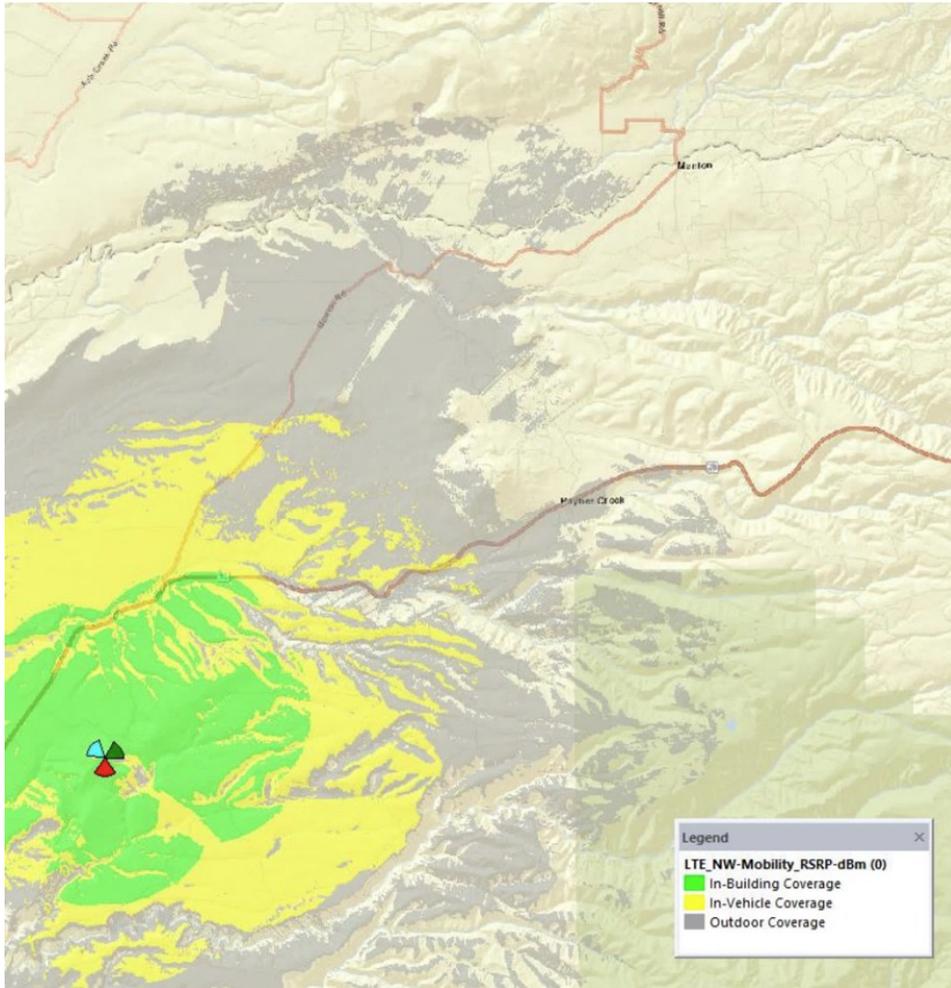
Because of these differences, there was concern that the results from random-digit-dial health surveys could have been biased if they did not include sufficient representation of households with only wireless telephones and households with landlines. NCHS continues to publish estimates of the size

Figure. Percentages of wireless-only adults and of children living in households with only wireless telephone service, by age group: United States, July-December 2024



NOTES: Wireless-only adults are adults who live in households with only wireless telephone service and have their own wireless telephone. SOURCE: National Center for Health Statistics, National Health Interview Survey.





ATTACHMENT E - SAMPLE COVERAGE MAPS

such petition, and shall, within 9 months after the date of its submission, grant or deny such petition. If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such periods of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory.

(B) If a State has in effect on June 1, 1993, any regulation concerning the rates for any commercial mobile service offered in such State on such date, such State may, no later than 1 year after August 10, 1993, petition the Commission requesting that the State be authorized to continue exercising authority over such rates. If a State files such a petition, the State's existing regulation shall, notwithstanding subparagraph (A), remain in effect until the Commission completes all action (including any reconsideration) on such petition. The Commission shall review such petition in accordance with the procedures established in such subparagraph, shall complete all action (including any reconsideration) within 12 months after such petition is filed, and shall grant such petition if the State satisfies the showing required under subparagraph (A)(i) or (A)(ii). If the Commission grants such petition, the Commission shall authorize the State to exercise under State law such authority over rates, for such period of time, as the Commission deems necessary to ensure that such rates are just and reasonable and not unjustly or unreasonably discriminatory. After a reasonable period of time, as determined by the Commission, has elapsed from the issuance of an order under subparagraph (A) or this subparagraph, any interested party may petition the Commission for an order that the exercise of authority by a State pursuant to such subparagraph is no longer necessary to ensure that the rates for commercial mobile services are just and reasonable and not unjustly or unreasonably discriminatory. The Commission shall provide reasonable opportunity for public comment in response to such petition, and shall, within 9 months after the date of its submission, grant or deny such petition in whole or in part.

(4) Regulatory treatment of communications satellite corporation

Nothing in this subsection shall be construed to alter or affect the regulatory treatment required by title IV of the Communications Satellite Act of 1962 [47 U.S.C. 741 et seq.] of the corporation authorized by title III of such Act [47 U.S.C. 731 et seq.].

(5) Space segment capacity

Nothing in this section shall prohibit the Commission from continuing to determine whether the provision of space segment capacity by satellite systems to providers of commercial mobile services shall be treated as common carriage.

(6) Foreign ownership

The Commission, upon a petition for waiver filed within 6 months after August 10, 1993, may waive the application of section 310(b) of

this title to any foreign ownership that lawfully existed before May 24, 1993, of any provider of a private land mobile service that will be treated as a common carrier as a result of the enactment of the Omnibus Budget Reconciliation Act of 1993, but only upon the following conditions:

(A) The extent of foreign ownership interest shall not be increased above the extent which existed on May 24, 1993.

(B) Such waiver shall not permit the subsequent transfer of ownership to any other person in violation of section 310(b) of this title.

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) Definitions

For purposes of this paragraph—

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v) of this title).

(8) Mobile services access

A person engaged in the provision of commercial mobile services, insofar as such person is so engaged, shall not be required to provide equal access to common carriers for the provision of telephone toll services. If the Commission determines that subscribers to such services are denied access to the provider of telephone toll services of the subscribers’ choice, and that such denial is contrary to the public interest, convenience, and necessity, then the Commission shall prescribe regulations to afford subscribers unblocked access to the provider of telephone toll services of the subscribers’ choice through the use of a carrier identification code assigned to such provider or other mechanism. The requirements for unblocking shall not apply to mobile satellite services unless the Commission finds it to be in the public interest to apply such requirements to such services.

(d) Definitions

For purposes of this section—

(1) the term “commercial mobile service” means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;

(2) the term “interconnected service” means service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission) or service for which a request for interconnection is pending pursuant to subsection (c)(1)(B); and

(3) the term “private mobile service” means any mobile service (as defined in section 153 of this title) that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by regulation by the Commission.

(June 19, 1934, ch. 652, title III, §332, formerly §331, as added Pub. L. 97-259, title I, §120(a), Sept. 13, 1982, 96 Stat. 1096; renumbered §332, Pub. L. 102-385, §25(b), Oct. 5, 1992, 106 Stat. 1502; amended Pub. L. 103-66, title VI, §6002(b)(2)(A), Aug. 10, 1993, 107 Stat. 392; Pub. L. 104-104, §3(d)(2), title VII, §§704(a), 705, Feb. 8, 1996, 110 Stat. 61, 151, 153; Pub. L. 115-141, div. P, title IV, §402(g), Mar. 23, 2018, 132 Stat. 1089; Pub. L. 117-286, §4(a)(296), Dec. 27, 2022, 136 Stat. 4338.)

Editorial Notes

REFERENCES IN TEXT

Provisions of part III of title 5, referred to in subsec. (b)(2), are classified to section 2101 et seq. of Title 5, Government Organization and Employees.

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

The Communications Satellite Act of 1962, referred to in subsec. (c)(4), is Pub. L. 87-624, Aug. 31, 1962, 76 Stat. 419. Titles III and IV of the Act are classified generally to subchapters III (§731 et seq.) and IV (§741 et seq.), respectively, of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Omnibus Budget Reconciliation Act of 1993, referred to in subsec. (c)(6), is Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (b)(2), “section 1342 of title 31” substituted for “section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

2022—Subsec. (b)(4). Pub. L. 117-286 substituted “chapter 10 of title 5.” for “the Federal Advisory Committee Act.”

2018—Subsec. (c)(1)(C). Pub. L. 115-141 struck out first and second sentences which read as follows: “The Commission shall review competitive market conditions with respect to commercial mobile services and shall include in its annual report an analysis of those conditions. Such analysis shall include an identification of the number of competitors in various commercial mobile services, an analysis of whether or not there is effective competition, an analysis of whether any of such competitors have a dominant share of the market for such services, and a statement of whether additional providers or classes of providers in those services would be likely to enhance competition.”

1996—Subsec. (c)(7). Pub. L. 104-104, §704(a), added par. (7).

Subsec. (c)(8). Pub. L. 104-104, §705, added par. (8).

Subsec. (d)(1), (3). Pub. L. 104-104, §3(d)(2), substituted “section 153” for “section 153(n)”.

1993—Pub. L. 103-66 struck out “Private land” before “mobile services” in section catchline, struck out “land” before “mobile services” wherever appearing in subssecs. (a) and (b), added subssecs. (c) and (d), and struck out former subsec. (c) which related to service provided by specialized mobile radio, multiple licensed radio dispatch systems, and other radio dispatch systems; common carriers; and rate or entry regulations.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-66, title VI, §6002(c), Aug. 10, 1993, 107 Stat. 396, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 152, 153, and 309 of this title] are effective on the date of enactment of this Act [Aug. 10, 1993].

“(2) EFFECTIVE DATES OF MOBILE SERVICE AMENDMENTS.—The amendments made by subsection (b)(2) [amending this section and sections 152 and 153 of this title] shall be effective on the date of enactment of this Act [Aug. 10, 1993], except that—

“(A) section 332(c)(3)(A) of the Communications Act of 1934 [subsec. (c)(3)(A) of this section], as amended

This content is from the eCFR and is authoritative but unofficial.

Title 47 –Telecommunication

Chapter I –Federal Communications Commission

Subchapter A –General

Part 1 –Practice and Procedure

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

Subpart U State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities

§ 1.6001 Purpose.

§ 1.6002 Definitions.

§ 1.6003 Reasonable periods of time to act on siting applications.

§ 1.6100 Wireless Facility Modifications.

Editorial Note: Nomenclature changes to part 1 appear at 63 FR 54077, Oct. 8, 1998.

Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities

Source: 83 FR 51884, Oct. 15, 2018, unless otherwise noted.

§ 1.6001 Purpose.

This subpart implements 47 U.S.C. 332(c)(7) and 1455.

§ 1.6002 Definitions.

Terms not specifically defined in this section or elsewhere in this subpart have the meanings defined in this part and the Communications Act of 1934, 47 U.S.C. 151 *et seq.* Terms used in this subpart have the following meanings:

- (a) **Action or to act** on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application.
- (b) **Antenna**, consistent with § 1.1320(d), means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under part 15 of this chapter.
- (c) **Antenna equipment**, consistent with § 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

- (d) **Antenna facility** means an antenna and associated antenna equipment.
- (e) **Applicant** means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.
- (f) **Authorization** means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.
- (g) **Collocation**, consistent with § 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, appendix B of this part, section I.B, means—
 - (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
 - (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
 - (3) The definition of “collocation” in § 1.6100(b)(2) applies to the term as used in that section.
- (h) **Deployment** means placement, construction, or modification of a personal wireless service facility.
- (i) **Facility or personal wireless service facility** means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- (j) **Siting application or application** means a written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.
- (k) **Siting authority** means a State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.
- (l) **Small wireless facilities** are facilities that meet each of the following conditions:
 - (1) The facilities—
 - (i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or
 - (ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in § 1.1320(d)), is no more than three cubic feet in volume;
 - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 - (4) The facilities do not require antenna structure registration under part 17 of this chapter;
 - (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
 - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

- (m) **Structure** means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

[83 FR 51884, Oct. 15, 2018, as amended at 84 FR 59567, Nov. 5, 2019]

§ 1.6003 Reasonable periods of time to act on siting applications.

- (a) **Timely action required.** A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.
- (b) **Shot clock period.** The shot clock period for a siting application is the sum of—
 - (1) The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section; plus
 - (2) The number of days of the tolling period, if any, pursuant to paragraph (d) of this section.
- (c) **Presumptively reasonable periods of time —**
 - (1) **Review periods for individual applications.** The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth in paragraphs (c)(1)(i) through (iv) of this section:
 - (i) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.
 - (ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.
 - (iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.
 - (iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.
 - (2) **Batching.**
 - (i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or (iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.
 - (ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) of this section and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.
 - (iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (ii) of this section.
- (d) **Tolling period.** Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth in paragraphs (d)(1) through (3) of this section.

- (1) For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.
- (2) For all other initial applications, the tolling period shall be the number of days from—
 - (i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until
 - (ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;
 - (iii) But only if the notice pursuant to paragraph (d)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or
- (3) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from—
 - (i) The day after the date when the siting authority notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority's original request under paragraph (d)(1) or (2) of this section; until
 - (ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;
 - (iii) But only if the notice pursuant to paragraph (d)(3)(i) of this section is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under paragraph (d)(1) or (2) of this section.
- (e) **Shot clock date.** The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; *provided*, that if the date calculated in this manner is a "holiday" as defined in § 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The term "business day" means any day as defined in § 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.

§ 1.6100 Wireless Facility Modifications.

(a) [Reserved]

(b) **Definitions.** Terms used in this section have the following meanings.

- (1) **Base station.** A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
 - (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.
- (2) **Collocation.** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (3) **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
- (i) Collocation of new transmission equipment;
 - (ii) Removal of transmission equipment; or
 - (iii) Replacement of transmission equipment.
- (4) **Eligible support structure.** Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.
- (5) **Existing.** A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- (6) **Site.** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.
- (7) **Substantial change.** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - (A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - (iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
 - (v) It would defeat the concealment elements of the eligible support structure; or
 - (vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).
- (8) **Transmission equipment.** Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (9) **Tower.** Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

- (c) **Review of applications.** A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.
- (1) **Documentation requirement for review.** When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.
- (2) **Timeframe for review.** Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.
- (3) **Tolling of the timeframe for review.** The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
- (i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.
- (ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.
- (iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (4) **Failure to act.** In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- (5) **Remedies.** Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

[80 FR 1269, Jan. 8, 2015. Redesignated and amended at 83 FR 51886, Oct. 15, 2018; 85 FR 78018, Dec. 3, 2020]

Chapter 17.71 COMMUNICATION FACILITIES¹

17.71.010 Purpose.

- A. The purpose of this section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of communication facilities in the unincorporated areas of the Tehama County.
- B. It is also the purpose of this chapter to assure, by the regulation of siting of communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate and inappropriate proliferation of wireless communication facilities also known as "communication facilities" while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Tehama County.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.020 Definitions.

For the purpose of this chapter the following definitions shall apply:

- A. "Accessory communication building or structure" shall mean a cabinet, shelter, building or backup generator used by wireless communication providers to support the primary use of an approved commercial communication facility or fixed wireless internet facility.
- B. "Colocate" shall mean the placement and/or adherence of an antenna(s), dish(es), or similar device that transmits and/or receives electromagnetic signals including but not limited to antenna, microwave dish, horn, and other types of equipment for the transmission or reception of such signals on an existing approved communication facility or structure supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
- C. "Commercial communication facility" shall mean a single structure (monopole or other fixed structure) supporting mobile devices through one or more antennas, dishes, or other types of equipment that transmits and/or receives electromagnetic signals; excluding radio transmission apparatuses used solely for the purpose of Amateur Radio and/or Ham Radio if so licensed, television reception apparatuses (antenna/dish) that are stand-alone or fixed to an approved residential structure, and small and large fixed wireless internet facilities.
- D. "Guy-wire" shall mean a tensioned cable, wire or rope that is designed to add stability to a free standing tower structure.
- E. "Large fixed wireless facility" shall mean any structure or combination of structures over eighty-one feet in height and less than one hundred twenty-one feet in height above grade, and may include a tower, pole, antenna(s), equipment or combination thereof utilized for the purpose of providing wireless internet service to one or more residential and/or commercial/industrial customer(s) at fixed locations. This may also include non-commercial radio transmission apparatuses used solely for the

¹Ord. No. 2113, adopted November 16, 2021, repealed and reenacted Ch. 17.71 to read as set out herein. Former Ch. 17.71, §§ 17.71.010—17.71.030 pertained to administrative permit for communications facilities, and derived from Ord. 1720 §3(part), adopted in 2000.

purpose of Amateur Radio and/or Ham Radio if so licensed, television reception apparatuses (antenna/dish) or other non-commercial radio transmission apparatuses.

- F. "Lattice tower or truss tower" shall mean a freestanding vertical framework tower with or without guy-wires.
- G. "Monopole" shall mean a telecommunications tower structure comprised of a single tubular mast that is erected on the ground to support one or more antennas, dishes, or similar devices that transmits and/or receives electromagnetic signals.
- H. "Non-commercial communication facility" shall mean radio transmission apparatuses used solely for the purpose of Amateur Radio and/or Ham Radio if so licensed, small television reception apparatuses (antenna/dish), telemetry equipment and structures, government facilities, and the use of data and voice equipment on an existing or standalone structure for the purpose of a business's internal point to point communication were they are not providing or selling their communication services to another party.
- I. "Premises" shall mean a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.
- J. "Small fixed wireless facility " shall mean any structure or combination of structures eighty-one feet or less in height above grade, and may include a tower, pole, antenna(s), equipment or combination thereof utilized for the purpose of providing wireless internet service to one or more residential and/or commercial/industrial customer(s) at fixed locations. This may also include non-commercial radio transmission apparatuses used solely for the purpose of Amateur Radio and/or Ham Radio if so licensed, television reception apparatuses (antenna/dish) or other non-commercial radio transmission apparatuses.
- K. "Stealth and/or camouflage" shall mean a type of architectural design for the purpose of concealing and/or obscuring communication facilities, which for the purposes of this chapter may include but is not limited to, faux water towers, windmill towers, Grain Silo's, Monocypress, Monopine, and/or Monocedar; other options may be included within this definition with the director of planning's approval.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.030 Uses permitted in any zoning district.

- A. All new antennas, dishes, or similar devices for commercial communication facilities that will not increase the height of the existing fixed structure by more than fifteen feet, this provision includes colocation.
- B. All new antennas, dishes, or similar devices for small fixed wireless and non-commercial communication facilities that will not increase the height of an existing fixed structure in a manner that will exceed the standards as defined in subsection 17.71.020(J), Small Fixed Wireless Facility; this provision includes colocation.
- C. Accessory communication building(s) or structure(s) for a permitted use that does not exceed the height, lot coverage or setback standards within the applicable zoning district.
- D. Small fixed wireless or non-commercial communications facilities as an accessory use to the primary use defined in the applicable zoning district on a premises larger than one acre that has a structure face width or diameter of less than or equal to forty-eight inches and has a minimum setback to all property lines equal to the facilities height. Any associated guy-wires are not to be included in the setback requirement.

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(Supp. No. 23)

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- E. Large fixed wireless or non-commercial communications facilities as an accessory use to the primary use defined in the applicable zoning district on a premises larger than five acres that has a structure face width or diameter of less than or equal to eighty inches and has a minimum setback to all property lines equal to the facilities height. Any associated guy-wires are not to be included in the setback requirement.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.040 Uses permitted in any zoning district with an administrative use permit.

- A. All new antennas, dishes, or similar devices for commercial communication facilities that will increase the height of the existing fixed structure by more than fifteen feet, but that will not exceed twenty-five feet above the height limit within the applicable zoning district, this provision includes colocation.
- B. Small fixed wireless or non-commercial communications facilities as an accessory use to the primary use defined in the applicable zoning district on a premises one acre or less that has a structure face width or diameter of less than or equal to forty-eight inches and has a minimum setback to all property lines equal to the facilities height. Any associated guy-wires are not to be included in the setback requirement.
- C. Small fixed wireless or non-commercial communications facilities as an accessory use to the primary use defined in the applicable zoning district on a premises larger than one acre that has a structure face width or diameter of less than or equal to sixty-six inches and has a minimum setback to all property lines equal to the facilities height. Any associated guy-wires are not to be included in the setback requirement.
- D. Large fixed wireless or non-commercial communications facilities as an accessory use to the primary use defined in the applicable zoning district on a premises larger than five acres that has a structure face width or diameter of less than or equal to one hundred thirty-five inches and has a minimum setback to all property lines equal to the facilities height. Any associated guy-wires are not to be included in the setback requirement.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.050 Uses allowed in any zoning district with a use permit.

- A. Except as provided in subsections 17.71.030(A), (B) and 17.71.040(A), no commercial communication facility shall be placed, attached, adhered, erected, sited and/or located within any zoning district of the unincorporated areas of Tehama County without first notifying the director of planning and securing a use permit.
- B. Fixed wireless and non-commercial communications facilities one hundred twenty-one feet in height above grade or more may be placed, attached, adhered, erected, sited and/or located within any district of the unincorporated areas of Tehama County upon notification of the director of planning and securing a use permit.
- C. All new antennas, dishes, or similar devices for commercial communication facilities or fixed wireless facilities that will increase the height of the existing fixed structure by more than twenty-five feet above the applicable zoning districts height limit, this provision includes colocation.
- D. Accessory communication building(s) or structure(s) for a permitted use that exceed the height, lot coverage or setback standards within the applicable zoning district.
- E. Small or large fixed wireless facilities that are located on a premises without a residence or primary use as defined in the applicable zoning code.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.060 Administrative use permit application submittal and process.

- A. Applicants may apply for an administrative use permit pursuant to Section 17.71.040, if such use is consistent with the administrative use permit application requirements and other standards set forth in this chapter. In the event that the proposed use or activity does not meet the standards and requirements of Section 17.71.040, the applicant shall be required to obtain a use permit under Chapter 17.71.70.
- B. Application for an administrative use permit shall be made in writing by the owner or authorized occupant of the property on a form prescribed by the director of planning. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the site and the proposed use or activity. The details shall include but are not limited to a dimensioned site plan, color dimensioned elevations of the proposed structures and a color scaled montage of the proposed structure next to the primary use and the surrounding properties.
- C. Prior to issuance of any administrative use permit, the proposed use or activity and site plan shall be reviewed by the director for compliance with setbacks and other applicable laws, policies, codes and regulations.
- D. Administrative use permits under this chapter shall be approved and issued upon a determination by the director of planning that the proposed structure meets the required for an administrative use permit including height limits and setbacks established in this chapter of the code, and that the fees has been paid.
- E. A public hearing shall not be required on any application for an administrative use permit prior to action being taken by the director of planning to approve or deny the application. Approval or denial of the project pursuant to Subsection 17.71.060(D) shall cause a notification of the directors decision to be mailed to the applicant, and if approved to all of the surrounding neighbors within one thousand feet of the projects boundaries. The notice shall include the following:
 - 1. The notice shall include the location and general description of the proposed use that may be established upon the issuance of the administrative use permit.
 - 2. The notice shall inform the property owners and applicant of their right to appeal the approval or denial of the administrative use permit to the planning commission.
- F. Appeal of the action to approve or deny an administrative use permit under this chapter by the director of planning shall be made in writing to the planning commission and submitted to the planning department within ten business days of the date the notification is mailed pursuant to subsection 17.71.060(E). If the planning commission's action is appealed to the board of supervisors an appeal fee and written notice of appeal shall be made in writing to the board of supervisors and submitted to the clerk of the board within ten business days of the date of the planning commission meeting. If an appeal is received within the time frame establish in this section of the code, notice of the appeal shall be provided to the applicant/owner and all of the neighbors within one thousand feet of the project in a manor described in subsection 17.71.060(E).
- G. Planning commission and board of supervisors action regarding an appeal of a project shall be limited to affirming, modifying or reversing the previous recorded action. Action by the board of supervisors on the appeal of an administrative use permit shall be final.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.070 Use permit application submittal criteria.

- A. The application materials contained in the submittal requirements as stated in subsections 17.70.020(A), (C) and (D). Section 17.70.020(B) is superseded regarding communications facilities and their associated

structures by the following criteria, which shall be submitted with said application in a clear and legible form (Note. Incomplete applications will not be accepted):

1. The height from natural grade to the top of proposed facility;
2. A description of support equipment proposed;
3. A written analysis of the RF/EMF output for the proposed facility prepared by a qualified professional;
 - a. The written analyses shall include a cumulative RF/EMF analysis of all existing and proposed emission from the communication facility. The cumulative analyses shall include a conclusion section that indicates the total cumulative emissions for all emitters on the communication facility represented as a percentage of the acceptable general public exposure threshold, per the most recent FCC approved version of the OET Bulletin No. 65 circulation.
4. The site location coordinates;
5. The proposed elevations of the tower structure and any accessory buildings, including building height and other physical dimensions, drawn to graphic scale;
6. A visual impact assessment, photo montages, mock-ups are required (color elevation of the proposed communication facilities). More information may be required as determined by the director of planning. The assessment shall identify any proposed trimming of vegetation that will be required for the normal operation of the facility. The applicant shall provide two options for its proposed facility of which one shall be a stealth and camouflage technology (See definition for acceptable types);
 - a. All of the communication facilities shall be enclosed by a six foot solid chain link fence, or anti-climb facility.
7. A complete service area map showing the entire wireless communications network of the providers twenty miles in all directions from the proposed site for the time period from the filing of the application to twelve months from the filing of the application, for the purpose of visually aiding cumulative environmental analysis, with and without the proposed facility or facilities, showing all hand-off sites within the above specified area;
8. Applicants which operate common carrier communication facilities (specifically, but not limited to cellular, PCS, SMR and paging service licensees of the FCC) shall provide written evidence that the applicant has provided notice to all FCC licensed wireless communication service carriers operating within the county of the plans to develop the site;
9. If a water source is existing and available, landscaping shall be required where ground level equipment is completely visible from a state controlled transportation route. Painting plans for the completed project shall be aesthetically and architecturally compatible with the surrounding environment;
10. All ground level support facilities shall be placed in an equipment building painted and/or screened from view. All aesthetic treatments shall be maintained as approved for the life of the facility;
11. Aesthetically compatible materials and veneers such as wood, brick, or stucco shall be used for equipment buildings, which shall be designed to architecturally match the exterior of residential structures, if any, in the area or blend into the surrounding environment;
12. The minimum lot area for a facility shall be based on required setbacks as set forth in the Tehama County zoning code or the Tehama County general plan;
13. Except for colocation, no more than one new commercial communication facility may be placed within five miles of any other existing facility(s), unless visual impacts are negligible, or the planning commission authorizes it based on the fact that the applicant has demonstrated that the site is a technical necessity to meet the demands of the geographic service area and the applicant's network;

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14. The applicant/owner/representative shall demonstrate in writing that the proposed communication facility and its proposed placement, attachment, adherence, erection, sitting and/or location complies with all applicable provisions of the Tehama County Zoning Code and other applicable ordinances;
 15. The Applicant must either own the property or have notarized permission from the owner(s) to use the premises for this purpose;
 16. A deposit or bond in the amount of fifty percent of the building permits evaluation of the communication facility shall be required in order to cover the removal expense. The deposit or bond shall be posted prior to the issuance of the permit and the applicant shall grant Tehama County the right to remove and dispose of the communication facility or to store it at the sole discretion of the director of planning. Upon expiration or revocation of the permit, the removal and/or disposal and/or storage shall be at the cost and expense of the applicant;
 17. Any additional and supplemental information that the planning department, department of public works, department of environmental health, department of building and safety, and Tehama County Fire Department determines is necessary to process the application.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.080 Additional standards for issuance of a use permit.

- A. The planning commission in its discretion may place conditions on any use permit pursuant to Chapter 17.70, in addition to those set forth in Section 17.71.090.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.090 Additional standard terms and conditions.

All communication facilities, including fixed wireless facilities permitted with a building permit, administrative use permit or use permit under this chapter shall adhere to the following standards and conditions:

- A. Height Limits. The height of a communication facility shall not exceed one hundred ninety-nine feet. The planning commission may approve a facility that exceeds one hundred ninety-nine feet, but the applicant shall demonstrate that the proposed communication facility is the minimum height required to function.
- B. Location. Facilities shall be sited to avoid or minimize land use conflicts.
 1. None shall be sited in a location where it will obstruct the operations of any airport.
 2. None shall be sited along a state designated scenic highway, or where identified significant historic, cultural or archaeological resources exist unless it is collocated on an existing structure or otherwise camouflaged/stealthed.
 3. No commercial communication facility shall be placed within five miles of an existing wireless telecommunication facility unless environmental documentation verifies that a concentration of towers in close proximity will not have a cumulative adverse impact on the visual character or quality of the site and its surroundings.
- C. Colocation. Any tower or monopole installation subject to this section shall allow colocation.
- D. Lighting.

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1. Tower or monopoles shall not be artificially lighted unless required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), the Uniform Building Code (UBC), or other state or federal law.
 2. External structure and area lighting shall be permitted only where such lighting is activated and controlled by motion sensors.
- E. Outside Storage. No outdoor storage of equipment, materials, or supplies shall be permitted, except in approved structures as defined in this ordinance.
 - F. Any landscaping that is required for the facility shall be maintained for the life of the facility to screen any ground structures or equipment.
 - G. Support structures, antennas, and any associated hardware shall have a non-reflective finish that is maintained for the life of the facility.
 - H. Safety. The project site shall be enclosed within a solid chain link fence with slats at least six-feet high and/or anti-climb features, except for parcels that contain a primary use and do not contain commercial communication facilities.
 - I. Signage. No advertising signage or identifying logos shall be placed on any facility, except small identification plates used for emergency notification.
 - J. Licensing. The applicant shall show proof of Federal Communication Commission (FCC) licensing prior to issuance of a building permit.
 - K. Aesthetic Consideration. Communication facilities shall not have a significant adverse effect on a scenic vista or significantly impact the existing visual character or quality of the site and its surroundings.
 - L. Sensitive Environmental Areas. This chapter shall not authorize the development and/or construction of a fixed wireless facility in any sensitive environmental area, unless approved through a use permit or authorized by the California Department of Fish and Wildlife.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.100 Permit; revocation, modification, suspension.

- A. Without limiting any other provision of this chapter, a use permit for a communication facility may be suspended or revoked in accordance with Chapter 17.70 if the permit holder does not comply with any provision of this chapter. The director of planning shall commence suspension or revocation proceedings if any of the following conditions exist:
 1. The director of building determines that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to cause injury or unsafe conditions to public health, safety or welfare.
 2. The director of planning determines that a condition of the use permit is being violated.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

17.71.110 Penalty.

Any communication facility in violation of this chapter is hereby declared to be a public nuisance. Such nuisance may be abated in the manner set forth in Chapter 10.16, in addition to any other remedies.

(Ord. No. 2113, §§ 6, 7, 11-16-2021)

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ATTACHMENT I - STEALTH TOWER DESIGNS



Tehama County

Agenda Request Form

File #: 26-0210

Agenda Date: 3/19/2026

Agenda #: 4.

DISCUSSION SESSION - DIRECTOR OF PLANNING

Requested Action(s)

- A. To review and discuss the Ground Water Ad-Hoc Committee.
- B. Discussion and possible direction for staff.

Financial Impact:

None

Background Information:

[Click here to enter Background Info.](#)



Tehama County

Agenda Request Form

File #: 26-0345

Agenda Date: 3/19/2026

Agenda #: 5.

Environmental Health/Code Enforcement - Code Enforcement Officers Clint Weston and Ron Robbins

Requested Action(s)

- a) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance (Code) under Chapter 10.16 of the Tehama County Code:

Owner:	Frank Johnson
Site Address:	5639 Hwy 99W, Corning
APN:	069-040-019
Case No:	CE-26-6, Notice of Violation, appeal

Financial Impact:

none

Background Information:

Tehama County Code Enforcement conducted an inspection of 5639 Hwy 99W, Corning, California (APN: 069-040-019) ("Premises") on 1/6/2026. The enforcing officer issued a "Notice of Violation and Proposed Administrative Penalty" (Notice") to the owner(s) and/or occupants(s) of the Premises on 1/12/2026.

The Notice alleged a public nuisance, existed on the Premises. Compliance was ordered as specified in the Notice.



**Notice of Violation and Proposed Administrative Penalty
Public Nuisance
(Tehama County Code chapter 10.16)**

DATE OF NOTICE: January 12, 2026

Case No.: CE-26-6

Property Owner Name and Last Known Address:

**JOHNSON, FRANK
2163 GRAPE AVE
REDDING CA 96001**

Occupant:

All occupants

Site Address:

**5639 HWY 99W
CORNING CA 96021**

Assessor's Parcel Number:

069-040-019-1

Enforcing Officer:

Ron Robbins

Nuisance:

YOU ARE HEREBY NOTIFIED that the Tehama County Code Enforcing Officer has determined that the following conditions existing on the above premises constitute a public nuisance under Tehama County Code section 10.16.020.

Violation #1: 17.86.030 tcc: Temporary occupancies(Occupy RV >30 days)

Corrective Action #1: Currently there exists five recreational vehicles being used for human occupancy on the mentioned parcel.

You must discontinue the use of recreational vehicles for human occupancy on the mentioned parcel.

10.16 tcc

Tehama County Code-17.86.030 No person shall occupy as a place of human habitation any travel trailer or recreational vehicle for thirty (30) or more days in a 365-day period. Placement or human habitation of a travel trailer or recreational vehicle for more than 30 days shall require a Temporary Occupancy Permit by obtaining an Administrative Use Permit from the Planning Department.

17.86.110 – Storage of unoccupied recreational vehicles.

Recreational vehicles or travel trailers may be stored on property with and existing residence provided that the travel trailer or recreational vehicle is stored in the following manner:

Disconnection from all fuel, gas, water and sewage disposal system;

That the placement of such recreational vehicles(s) or travel trailer(s) shall comply with the minimum setback of five feet on the side yards and twenty feet in the front yards and five feet on the rear yards;

Storage of the recreational vehicle or travel trailer shall remain in a condition as required for moving on a public road, except that stabilization devices may be used to prevent damage;

No recreational vehicle or travel trailer that has been declared by the environmental health department as salvage or substandard shall be allowed to be placed in dead storage pursuant to this section.

You are also using, operating, or maintaining the Premises in violation of Tehama County Code and/or state law(s).

THE NUISANCE CREATED BY THESE CONDITIONS MUST BE ABATED BY: January 22, 2026

In order to avoid any administrative penalty, you must abate the foregoing condition(s) and contact Code Enforcement at (530) 527-8020 so that the abatement may be confirmed.

Penalty

Administrative Penalty:

If the nuisance has not been confirmed to be abated by the Enforcing Officer within **10 DAYS OF THIS NOTICE** an administrative penalty of up to **\$1,000.00** per day, for each violation, shall begin to accrue and continue to accrue for up to 30 days.

THE NUISANCE CREATED BY THESE CONDITIONS MUST BE ABATED BY:

In order to avoid any administrative penalty, you must abate the foregoing condition(s) and contact Code Enforcement at (530) 527-8020 so that the abatement may be confirmed.

Penalty

Administrative Penalty:

If the nuisance has not been confirmed to be abated by the Enforcing Officer within **10 DAYS OF THIS NOTICE** an administrative penalty of up to **\$1,000.00** per day, for each violation, shall begin to accrue and continue to accrue for up to 30 days.

Hearing:

The proposed administrative penalty may be contested by submitting a written request for a hearing before the Tehama County Planning Commission to the Department of Environmental Health (633 Washington St., Rm. 36, Red Bluff, CA 96080). Failure to request a hearing within thirty (30) days of date of this notice shall constitute a failure to exhaust administrative remedies and the administrative penalty shall become final and conclusive; as of the same date the administrative penalty is due and interest shall begin to accrue.

ATTENTION!

Daily Administrative Penalties of UP To \$1000 per day for each violation will begin accruing on and will continue until all condition(s) are met or 30 days, whichever is shorter. Scheduled Hearings to contest the amount of the proposed administrative penalty and appeals DO NOT stop any penalties from accruing.

Date of Notice

Ron Robbins
Enforcing Officer (Clint Weston/Ron Robbins)

TEHAMA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH - CODE ENFORCEMENT
633 Washington Street, Room 36, Red Bluff, CA 96080
Phone: 530-527-8020 FAX: 530-527-6617

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
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JOHNSON, FRANK
 2163 GRAPE AVE
 REDDING CA 96001

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FEB 10 2026

TEHAMA COUNTY ENVIRONMENTAL HEALTH

REQUEST FOR APPEAL HEARING

Tehama County Ordinance No. 1973 (Tehama County Code sections 10.16)

TO: Department of Environmental Health-Code Enforcement 633 WASHINGTON ST, ROOM 36 RED BLUFF, CA 96080

Date Notice to Abate / Penalty Notice Served: 1-12-2026

Property Owner(s): Frank Johnson

Occupant(s) (if different): Rick & Terry Morrison, Doug Le Fave, Emily Davis, Newben Rivers, Sammie McGee, Bill Klarenbrich

- Appeal of Abatement Notice
Appeal of Administrative Penalty
Both

Property Address: 5639 Hwy 99w Corning CA 96021

I HEREBY REQUEST an Appeal Hearing pursuant to Section 10.16).

THE STATEMENT OF ALL FACTS supporting Appeal of the Notice to Abate Public Nuisance as follows:

I have discussed this notice with the residents and they all told me what I already knew, they have no place to go! The eviction process, as you know, can take up to 3 months or longer. I'm not sure if your dept can handle that directly but even the sheriff cannot assist without a court order.

Attachment - Additional documents to support Appeal 3 pages

Frank Johnson Printed Name

SoCal Mailing Address if different from Above

Signature of Party Filing Appeal

2-10-2026 Date Signed

FOR OFFICE USE ONLY: Hearing Date: Date Notices Mailed: Filing Fee Paid Y/N Fee Waiver Requested Y/N Fee Waiver Approved Y/N

②

I guess I don't understand county codes
How does a code such as this get put in the
system? Is there any way to change the code?
Can I get a use permit? The property
is zoned light industrial and shouldn't
have any conflicts regarding that

If those ~~options~~ are not possible I would
like to appeal this decision. The homeless
situation is a huge problem and I don't
hear any attempts to help that situation
This type of living helps the current
residents get their situations kept in order
meeting the traditional requirements most
All Park's demand was impossible for them
And they have all been respectable
tenants.

My tenants that have been here the
longest are from Paradise and lost everything
in the Camp Fire they are retired and live
on the maximum that social security pays
they would likely be able to move on
but for certain their expenses will increase

The beginning of the year my newest tenants moved in. They were homeless but with the help of Greenville Rancheria and PATTI they were able to get off the streets with their new born baby. If they are forced to move they will almost certainly be back on the streets.

Another tenant is in very poor health but wants his independence in his final days, months. He has no place to go.

The second largest tenants have 7 kids all under the age of 19 they have no place to go.

And I have one more tenant that needs to get her credit higher and more rental history before she can qualify anywhere else.

I'm asking the board allow these people to stay put so they can get some things in order. I'm also asking for you to look at this from the perspective that I've outlined. Can you see this helping with the Homeless epidemic? It may not be much but I was homeless most of last year after my landlord passed away and I was forced to move due to family wanting to sell the property. It was a nightmare and I know first hand how expensive things have gotten over the past couple years and how difficult it is meeting requirements.

Is there a solution that everyone can work with? There are a lot of problems during these times. Problems that are making it more difficult for people. There doesn't seem to be many things trying to help anyone.

Thank you, Frank Johnson

TEHAMA COUNTY CODE ENFORCEMENT

633 Washington St., Room 36
Red Bluff, CA. 96080
Tehama County Courthouse Annex
Phone: (530) 527-8020
FAX (530) 527-6617

February 10, 2026

Frank Johnson
2163 Grape Ave.
Redding, CA 96001

Site Address: **5639 Hwy 99W, Corning**
APN: **069-040-019**
Case No: **CE-26-6**

Dear Frank Johnson,

We received your request for an appeal hearing before the Planning Commission.
Your hearing is scheduled:

Date: **3/19/2026**

Time: **9:00 am**

Address: **727 Oak Street, Red Bluff, CA 96080 (Board of Supervisors Chambers)**

If you require an interpreter, you are responsible for providing one for yourself

Sincerely,

Julie Benson
Code Compliance Coordinator

RESOLUTION NO. # _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TEHAMA
DECLARING THE EXISTENCE OF A PUBLIC NUISANCE ON THE PROPERTY IN THE
UNINCORPORATED AREA OF THE COUNTY OF TEHAMA; ORDERING THE
PROPOSED ADMINISTRATIVE PENALTY.;**

**Owner: Frank Johnson
Site Address: 5639 Hwy 99W, Corning
APN: 069-040-019
Case No.: CE-26-6, Notice of Violation, appeal**

WHEREAS, Tehama County Code Section 10.16.020, subdivision (E) provides that any use or condition of land, buildings, or premises established, operated, or maintained in violation of this code or state law is declared to be unlawful and a public nuisance; and

WHEREAS, Tehama County Code Section 10.16.200, authorizes the enforcing officer to issue and serve a "Notice of Violation and Proposed Administrative Penalty" ("Notice") in accordance with Tehama County Code Chapter 10.16; and

WHEREAS, on 1/12/2026, the Tehama County Code Enforcement Officer, Ron Robbins issued and served, by posting and certified mailing, a Notice in accordance with Tehama County Code Section 10.16.200 upon the owner(s) and occupant(s) of **5639 Hwy 99W, Corning, CALIFORNIA, (APN: 069-040-019)** ("Premises"); and

WHEREAS, that Notice informed the owners or occupants of their right to request a hearing before the Planning Commission which they have. Pursuant to Tehama County Code Section 10.16.200, they were notified by first class mail of hearing date which was set before the Tehama County Planning Commission for 3/19/2026;

WHEREAS, on 3/19/2026 the Tehama County Planning Commission conducted a duly noticed hearing, heard, and considered the evidence presented by the enforcing officer and other interested persons; and

WHEREAS, the evidence presented at the hearing shows that there presently exists several recreational vehicles on the referenced parcel being used for human occupancy. Such condition constitutes a public nuisance by Tehama County Code section 10.16.020 and 17.86.030; and

NOW THEREFORE BE IT RESOLVED that the Tehama County Planning Commission hereby finds and declares that:

1. The foregoing recitals are true and correct.
2. The public nuisance, as defined above, presently exists on the Premises.
3. The occupied recreational vehicle used for human occupancy on the Premises constitutes a public nuisance, in violation of Tehama County Code Section 10.16.020, subdivision (E) and 17.86.030; and

BE IT FURTHER RESOLVED that the Tehama County Planning Commission of hereby orders that:

1. The "Notice of Violation and Proposed Administrative Penalty" issued by the enforcing officer on 1/12/2026 is hereby affirmed in full.
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E) the use of the premises is in violation of the zoning code and constitutes a public nuisance and shall be abated by the owner and/or occupant; and
3. In the event that such nuisance is not abated by the owner or occupant as set forth above, the enforcing officer shall abate, or cause to be abated, the public nuisance(s) in the manner set forth in Tehama County Code section 10.16.130, and shall keep an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the Premises and against each person who causes, permits, suffers, or maintains the public nuisance to exist, in accordance with the provisions of Chapter 10.16 of the Tehama County Code .

Pursuant to Tehama County Code Section 10.16.200, the Clerk of the Tehama County Planning Commission shall promptly transmit this Recommended Decision ("Recommendation") to the Tehama County Board of Supervisors

The foregoing resolution was offered on a motion by Planning Commissioner _____, seconded by Planning Commissioner _____, and carried by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIRPERSON, Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, _____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama,

State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Planning Commission on the _____ day of _____, 2026.

DATED: This _____ day of _____, 2026.

_____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama.

By _____



Tehama County

Agenda Request Form

File #: 26-0346

Agenda Date: 3/19/2026

Agenda #: 6.

ENVIRONMENTAL HEALTH / CODE ENFORCEMENT - Hearing on Notice Issued by the Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

Requested Action(s)

- A) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance under Chapter 10.16(Code) of the Tehama County Code

Owner: Frank Johnson
Site Address: 5639 Hwy 99W, Corning
APN: 069-040-019 (District 4)
Case No: CE-26-6, Abatement Notice

- B) RESOLUTION - Request adoption of a Resolution declaring the existence of a public nuisance on the property is a use or condition of the property in violation of Tehama County Code 10.16; and ordering abatement thereof; and directing an itemized accounting of the costs incurred in abating the nuisance.

Financial Impact:

none

Background Information:

Tehama County Code Enforcement conducted an inspection of 5639 Hwy 99W, Corning, California, APN: 069-040-019 ("Premises") on 1/6/2026. The enforcing officer issued a "Notice of Violation and Proposed Administrative Penalty on 1/12/2026.

The enforcing officer issued a "Notice to Abate Public Nuisance and Administrative Order to Show Cause" ("Notice") to the owner(s) and/or occupants(s) of the Premises on 2/23/2026.

The Notice alleged a public nuisance, existed on the Premises. Abatement of the nuisance was ordered as specified in the Notice.



**Notice of Violation and Proposed Administrative Penalty,
 Notice to Abate Public Nuisance and
 Administrative Order to Show Cause
 (Tehama County Code chapter 10.16)**

DATE OF NOTICE: February 23, 2026

Case No. CE-26-6

Property Owner Name and Last Known Address:

**JOHNSON, FRANK
 2163 GRAPE AVE
 REDDING CA 96001**

Occupant: **All occupants**

Site Address: **5639 HWY 99W CORNING CA 96021**

Assessor's Parcel Number: **069-040-019-1**

YOU ARE HEREBY NOTIFIED that the Tehama County Code Enforcing Officer has determined that the following conditions existing on the above premises constitute a public nuisance pursuant to Tehama County Code section 10.16.020:

Violation #1: 17.86.030 tcc: Temporary occupancies(Occupy RV >30 days)

Corrective Action #1: Currently there exists five recreational vehicles being used for human occupancy on the mentioned parcel.

You must discontinue the use of recreational vehicles for human occupancy on the mentioned parcel.

10.16 tcc

Tehama County Code-17.86.030 No person shall occupy as a place of human habitation any travel trailer or recreational vehicle for thirty (30) or more days in a 365-day period. Placement or human habitation of a travel trailer or recreational vehicle for more than 30 days shall require a Temporary Occupancy Permit by obtaining an Administrative Use Permit from the Planning Department.

17.86.110 – Storage of unoccupied recreational vehicles.

Recreational vehicles or travel trailers may be stored on property with an existing residence provided that the travel trailer or recreational vehicle is stored in the following manner:

Disconnection from all fuel, gas, water and sewage disposal system;

That the placement of such recreational vehicles(s) or travel trailer(s) shall comply with the minimum setback of five feet on the side yards and twenty feet in the front yards and five feet on the rear yards;

Storage of the recreational vehicle or travel trailer shall remain in a condition as required for moving on a public road, except that stabilization devices may be used to prevent damage;

No recreational vehicle or travel trailer that has been declared by the environmental health department as salvage or substandard shall be allowed to be placed in dead storage pursuant to this section.

YOU ARE REQUIRED TO ABATE THE PUBLIC NUISANCE BY: March 5, 2026.

Penalty and Hearing

Administrative Penalty:

Unless you abate the foregoing condition(s) **within ten (10) days**, an administrative penalty of **\$100.00** per day, for each violation, will accrue each day beginning on **March 6, 2026** and daily administrative penalties will continue to accrue for up to 30 days.

In order to avoid any administrative penalty you must abate the foregoing condition(s) and contact Code Enforcement at 530-527-8020 so that the abatement may be confirmed.

Failure to Abate:

If you do not abate the foregoing condition(s) the enforcing officer will abate the nuisance.

Planning Commission Hearing:

Unless you abate the foregoing condition(s) by **March 5, 2026**, a hearing to determine whether there is any good cause why the foregoing condition(s) should not be abated will be held before the Tehama County Planning Commission ("Planning Commission Hearing") on:

DATE: **March 19, 2026**

TIME: **9:00 am**

ADDRESS: **727 Oak Street, Red Bluff, CA 96080 (Board of Supervisors Chambers)**

YOU WILL BE GIVEN AN OPPORTUNITY to present evidence and elicit testimony regarding whether the condition(s) existing on the premises constitute a nuisance or whether there is any good cause why the said condition(s) should not be abated. **FAILURE TO ATTEND THIS HEARING SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES. The administrative costs, including the cost of abatement, may be specifically assessed against the parcel and the County taxes**

Hearing:

If you wish to contest the proposed administrative penalty as set forth in this Notice, YOU MAY REQUEST A HEARING before the Tehama County Planning Commission by filing a written request with the Department of Environmental Health (633 Washington St., Rm. 36, Red Bluff, CA 96080) within **thirty (30) days** of the date of this Notice. **FAILURE TO REQUEST A HEARING OR ATTEND A SCHEDULED HEARING SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.** Consequently, the administrative penalty shall become final and conclusive, and you shall immediately make payment of the administrative penalty and accrued interest as of the date of the administrative penalty order to Tehama County.

ATTENTION!

Daily Administrative Penalties of UP To \$1000 per day for each violation will begin accruing on **March 6, 2026** and will continue until all condition(s) are met or 30 days, whichever is shorter. Scheduled Hearings to contest the amount of the proposed administrative penalty and appeals DO NOT stop any penalties from accruing.

February 23, 2026

Date of Notice



Enforcing Officer (Clint Weston/Ron Robbins)

9589 0710 5270 1862 1453 01

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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

RESOLUTION NO. # _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TEHAMA RECOMMENDING TO THE BOARD OF SUPERVISORS THE DECLARATION OF A PUBLIC NUISANCE AND TO ORDER ABATEMENT AND ASSESSMENT OF COSTS FOR THE PROPERTY LISTED:

Owner: Frank Johnson
Site Address: 5639 Hwy 99W, Corning
APN: 069-040-019
Case No: CE-26-6, Abatement Notice

WHEREAS, Tehama County Code section 10.16.020, subdivision (E) provides that any use of land, building, or premises established, operated, or maintained contrary to the provisions of this code or state law constitutes a public nuisance; and

WHEREAS, Tehama County Code Section 10.16.060, authorizes the enforcing officer to issue and serve a "Notice to Abate Public Nuisance and Administrative Order to Show Cause" ("Notice") in accordance with Tehama County Code sections 10.16.070 and 10.16.080 in order to commence abatement proceedings under Chapter 10.16 of the Tehama County Code; and

WHEREAS, under Tehama County Code Section 10.16.100, the Tehama County Planning Commission shall hold an administrative hearing, not less than fifteen (15) calendar days after service of the Notice, to determine whether the conditions existing on the property subject to the Notice constitute a nuisance under Chapter 10.16 of the Tehama County Code, or whether there is any other good cause why those conditions should not be abated; and

WHEREAS, on 2/23/2026, the Tehama County Code Enforcement Officer, Ron Robbins, issued and served, by posting and certified mailing, a Notice in accordance with Tehama County Code section 10.16.080 upon the owner(s) and occupant(s) of **5639 Hwy 99W, Corning, CALIFORNIA, (APN: 069-040-019)** ("Premises"); and

WHEREAS, the Notice complied with all relevant provisions of Chapter 10.16; and

WHEREAS, pursuant to Tehama County Code section 10.16.070, the Notice advised that an administrative hearing before the Tehama County Planning Commission was set for 3/19/2026, in accordance with Tehama County Code section 10.16.100. and

WHEREAS, the Enforcing Officer appeared before the Tehama County Planning Commission, testified, and presented documentary evidence:

WHEREAS, on 3/19/2026 the Tehama County Planning Commission conducted a duly noticed hearing, and heard and considered the evidence presented by the enforcing officer and other interested persons; and

NOW THEREFORE BE IT RESOLVED that the Tehama County Planning Commission

hereby finds and declares that:

1. The foregoing recitals are true and correct; and
2. The public nuisances did exist on the Premises constituted and was not properly abated in accordance with Tehama County Code Section 10.16.040, subdivision (E) of the Tehama County Code.

BE IT FURTHER RESOLVED that the Tehama County Planning Commission hereby recommends that:

1. The "Notice to Abate Public Nuisance and Administrative Order to Show Cause" issued by the enforcing officer on 2/23/2026 be affirmed in full; and
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E) the use of the premises is in violation of the zoning code and constitutes a public nuisance and shall be abated by the owner and/or occupant; and
3. In the event that such nuisance is not abated by the owner or occupant as set forth above, the enforcing officer shall abate, or cause to be abated, the public nuisance(s) in the manner set forth in Tehama County Code section 10.16.130, and shall keep an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the Premises and against each person who causes, permits, suffers, or maintains the public nuisance to exist, in accordance with the provisions of Chapter 10.16 of the Tehama County Code .

The Clerk of the Tehama County Planning Commission shall promptly transmit this Recommended Decision ("Recommendation") to the Tehama County Board of Supervisors to adopt without further notice of hearing, or to set for de novo hearing. The Decision of the Tehama County Board of Supervisors shall be final and conclusive.

The foregoing resolution was offered on a motion by Planning Commissioner _____, seconded by Planning Commissioner _____, and carried by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIRPERSON, Planning Commission

STATE OF CALIFORNIA)
) ss

COUNTY OF TEHAMA)

I, _____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Planning Commission on the _____ day of _____, 2026.

DATED: This _____ day of _____, 2026.

_____, Administrative Secretary for the Tehama County Planning Department and ex-officio Clerk of the Planning Commission of the County of Tehama.

By _____