

2nd on 7/11/17 @ 10:35 pm

AGENDA WORKSHEET

Submit completed worksheet to:
Siskiyou County Clerk, 510 N Main St, Yreka, CA

JB

Regular Time Requested: 5 min Meeting Date: 6/20/17

OR
Consent

Contact Person/Department: Natalie E. Reed, County Counsel's Office Phone: 530-842-8100

Address: 205 Lane Street, Yreka, CA 96097

Person Appearing/Title: Natalie E. Reed

Subject/Summary of Issue:

Discussion, direction and possible action regarding the first reading of an ordinance to amend Siskiyou County Code Section 10-6.1405 regarding appeals to the Board of Supervisors on use permits and variances following Planning Commission action. A recent inquiry made by a Deputy City Attorney for the City of Redwood about appeal procedures on use permits under the Siskiyou County Code brought to staff's attention the need to clarify the Code as to the nature of the appeal. This ordinance amendment would clarify that these appeals are heard by the Board de novo (or anew) and would remove the requirement that the Planning Commission provide the Board of Supervisors with a report after an appeal has been filed.

Financial Impact:

NO Describe why no financial impact:

YES Describe impact by indicating amount budgeted and funding source below

Amount: _____
Fund: _____ Description: _____ Org.: _____ Description: _____
Account: _____ Description: _____
Activity Code: _____ Description: _____

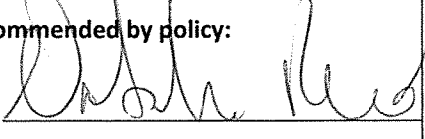
Local Preference: YES NO

For Contracts – Explain how vendor was selected:

Additional Information:

Recommended Motion:

If the Board so desires: 1. Introduce, waive, and approve the first reading of the amendment of Section 10-6-1405 of the Siskiyou County Code relating to appeals on use permits and variances to the Board; and 2. Direct the Clerk to schedule a public hearing on, and second reading of, the ordinance as soon as possible.

Reviewed as recommended by policy:
County Counsel 
Auditor _____
Personnel _____
CAO _____

Special Requests:
Certified Minute Order(s) _____ Quantity: _____
Other: _____

NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 12:00 p.m. on the Wednesday prior to the Board Meeting.

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
AMENDING SECTION 10-6-1405 OF CHAPTER 6 OF TITLE 10
OF THE SISKIYOU COUNTY CODE
REGARDING APPEALS TO THE BOARD OF SUPERVISORS
ON USE PERMITS AND VARIANCES**

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

SECTION I: Section 10-6-1405, of Chapter 6, of Title 10 of the Siskiyou County Code is hereby amended to read as follows:

Sec. 10-6.1405. - Appeals on use permits and variances to Board: Procedure.

Appeals on use permits and variances shall be made in writing and filed with the County Clerk, accompanied by a fee set by the Board.

Upon the receipt of such appeal, the Board shall set the matter for public hearing, notice thereof to be given in the same time and manner provided by law.

Notice shall be given to the Planning Commission and the applicant of such appeal. Appeal hearings shall be de novo. The action of the Board shall be by the affirmative vote of not less than a majority of its total membership. The decision of the Board shall be rendered not more than forty-five (45) days after the close of the hearing.

SECTION II: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or

more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION III: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

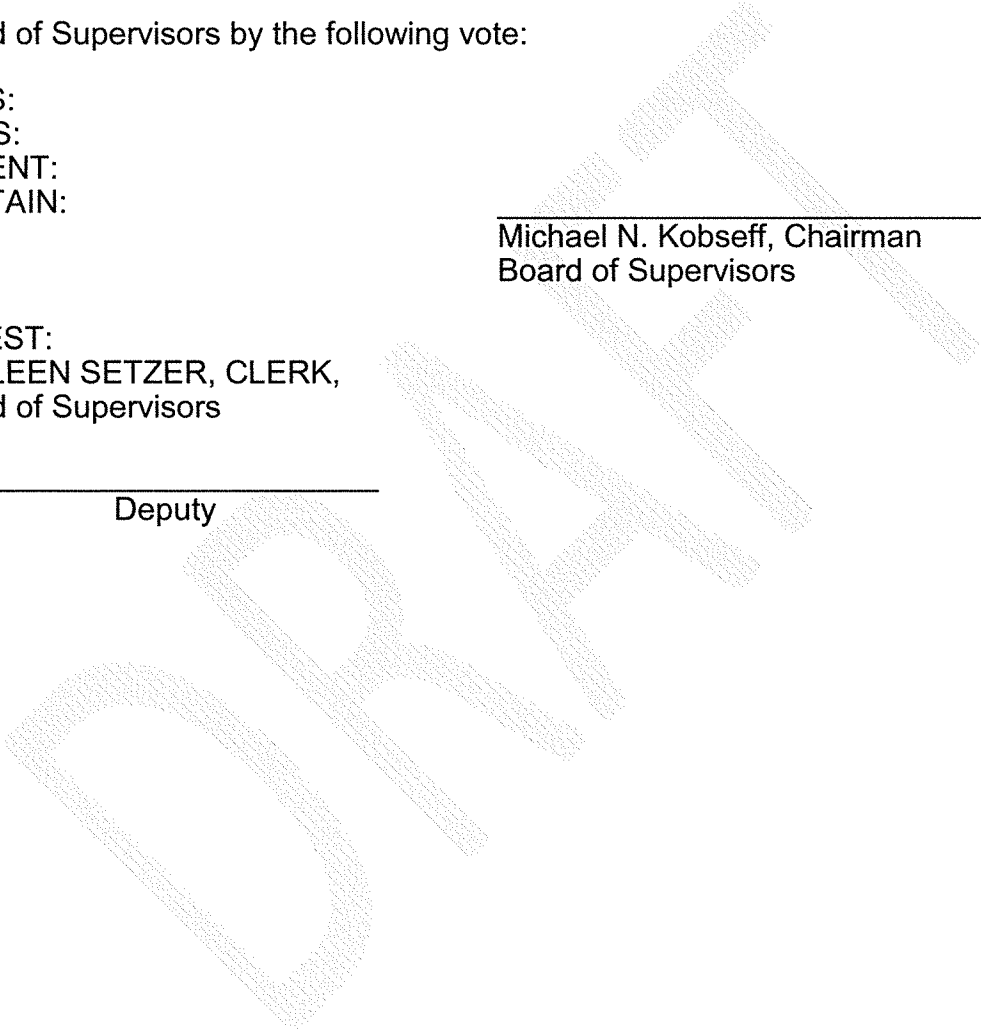
PASSED AND ADOPTED this ____ day of July, 2017 at a regular meeting of the Board of Supervisors by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael N. Kobseff, Chairman
Board of Supervisors

ATTEST:
COLLEEN SETZER, CLERK,
Board of Supervisors

By _____
Deputy



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Upon the receipt of such appeal, the Board shall set the matter for public hearing, notice thereof to be given in the same time and manner provided by law.

Notice shall be given to the Planning Commission and the applicant of such appeal, ~~and a report shall be submitted by the Planning Commission to the Board setting forth the reasons for the action taken by the Planning Commission. Such report shall be submitted in writing and may be supplemented by oral and documented evidence. Appeal hearings shall be de novo.~~ The action of the Board to ~~change the decision of the Planning Commission~~ shall be by the affirmative vote of not less than a majority of its total membership. The decision of the Board shall be rendered not more than forty-five (45) days after the close of the hearing.

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Michael N. Kobseff, Chairman
Board of Supervisors

ATTEST:
COLLEEN SETZER, CLERK,
Board of Supervisors

By _____
Deputy