



## Siskiyou County Planning Division

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[Siskiyou County Planning Division](#)

### Variance Application Guide

In order to assure the fastest processing of your application, we ask for your cooperation in the following items:

- 1. Application.** The Application for Development Review shall be properly filled out and signed by the applicants and all property owners. All property owners shall sign or a power-of-attorney shall be submitted specifically authorizing a designated person to sign the application. If the property owner is a corporation, a resolution shall be provided which authorizes an individual or individuals to sign the application on behalf of the corporation.  
  
All information required in the Application must be typed or printed neatly in black ink.  
  
**Please note that our planners have been instructed not to accept incomplete applications. If you are unable to provide the requested information, please talk to one of our planners and they will be happy to help determine the proper course of action.**
- 2. Project Narrative.** A clear and legible written narrative shall be submitted on a separate sheet of paper which details the proposed project. The narrative shall include a description of the physical limitations or special circumstances on the property that is preventing adherence to zoning regulations, and reasons why the variance request is not a granting of special privileges.
- 3. Environmental Information Form.** Depending on the complexity of the application, the County's Environmental Information Form may be required. Please discuss this requirement with a planner to determine its applicability.
- 4. Water and Sewer Clearance Form.** Depending on the circumstances of the application, a completed Water and Sewer Clearance Form from the Environmental Health Division may be required. If required, a separate fee will be assessed by the Environmental Health Division. Please discuss this requirement with a planner to determine its applicability.
- 5. Site Layout Plan.** An accurate drawing of the property must be provided. Three (3) copies of the site plan must be provided. All site plans must be 24" x 36" or smaller. However, in no case shall the site plan be smaller than 8-1/2" x 11". If plans submitted are larger than 11" x 17", a copy of a reduced sized plan shall be provided. All site plans must be clear, legible, and contain the following information as applicable:
  - Exterior boundaries and dimensions of the property
  - North arrow and scale (generally, a scale not to exceed 1" = 40' works best)
  - Name and mailing address of property owner, property address, and assessor parcel number(s)
  - Slope Contour Map (note the direction and percentage of slope)

- General location of major topographic, natural and man-made features, such as rock outcrops, bluffs, streams, large trees, swales and graded areas
  - All existing and proposed buildings and structures, including their location, size (approximate square footage), height, elevation from grade and proposed or existing use (i.e., home, shop, pump house, fence, septic system, etc.)
  - Location, name, width and pavement type of adjacent and on-site streets/alleys
  - Types and location of existing/proposed water supply and sewage disposal facilities
  - Location and dimensions of all existing/proposed easements, points of access (existing and proposed), driveways and parking areas, and pavement type
  - All areas proposed for grading and landscaping
  - Any areas proposed to be reserved and maintained as open space
  - Location, use and approximate dimensions of all structures within 100 feet of the site's boundaries
  - A vicinity map showing precisely how to drive to the site (include street names and distances to help with describing how to get to the site)
6. **Grant Deed.** A current deed to the property must be provided. In some circumstances, a Preliminary Title Report may also be required.
7. **Development Plans.** If applicable, one set of building plans shall be required at the time of application submittal. The plans shall show elevations to scale which show all sides of any proposed building or structure. The plans shall also include a detailed scale drawing of the floor plan for each proposed building or structure. The floor plan shall show uses within each proposed building or structure.
8. **Lot Flagging.** A distinct flag may be required to be placed on each corner of the property if the boundaries of the property cannot be readily identifiable, and structures from adjacent properties are in close proximity to the proposed use.
9. **Adjacent Property Owners (APO).** A list of names and addresses of adjacent property owners within a 300-foot radius of the project site. Include current assessor's maps showing the 300-foot radius plot lines.
10. **Additional Information.** As the applicant, you may be asked to provide more detailed information on the project as part of the application requirements, including but not limited to, such items as soils reports, drainage plans, geologic reports, archaeological reports, biological studies, noise studies, traffic and circulation studies, etc. The required information is necessary to provide sufficient information to allow proper review of your application.

**Acceptance of your application by the Planning Department does not guarantee your application will be approved. The determination on whether or not the application can be approved will not take place until the application has been processed, any necessary review and/or hearing has been conducted, and any appeal period has ended.**

## **Frequently Asked Questions:**

### **What is a Variance?**

A variance is an administrative exception to land use regulations, generally in order to compensate for a deficiency in a real property, which would prevent the property, or proposed use, from complying with the zoning regulations (i.e. setbacks, height limitations). Variances are limited to those situations where the peculiar physical characteristics of a property make it difficult to develop under standard regulations, and special permission by the County may be required to bring the disadvantaged property up to the level of use that is enjoyed by nearby properties situated in the same zone designation.

*A variance shall not be granted for a use or activity that is not expressly authorized by the zoning regulations of the district in which the property is located.*

### **What are the Requirements for a Variance Application?**

A variance from the terms of the county ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of county code deprives such property of privileges enjoyed by other property in the vicinity and under an identical zoning classification. If this variance request also involves separate Environmental Health Division approval (i.e. for leach lines or wells), you must obtain Environmental Health approval prior to submitting a variance application to the Planning Department.

Any variance granted shall be subject to such conditions as will assure that the adjustment, thereby authorized, shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

### **How Do I Obtain a Variance?**

To begin the process, a completed application form must be submitted to County Planning. Application forms are available at the Planning Division, 806 S. Main St., Yreka; or on the Planning Division website. Depending upon the complexity of the application, it may be required to be completed by a Registered Civil Engineer, Licensed Land Surveyor, or Licensed Architect. The property owner must sign the application. Once all of the required information is submitted, it is reviewed by the Planning Division and other agencies prior to formal action on the application.

### **What Information is Required for a Variance?**

Applications for a Variance must be accompanied by information to substantiate the need for a variance. This normally includes a description of the physical limitations or special circumstances on the property that is preventing adherence to zoning regulations, and reasons why the variance request is not a granting of special privileges. In cases where the variance is a request to reduce a yard setback and/or increase the height limit of your property, a site plan of the property and/or building elevation profiles should accompany the application. If the variance will cause a request to install a septic system or groundwater well, water and sewer clearance must be approved by the Environmental Health Division.

### **What Are the Fees to Process this Application?**

Planning Department: The Siskiyou County Planning fees can be obtained from the Department's Universal Application for Development Review. Also, Section 10-6.1601 of the

County Code also provides additional information on development fees. Checks to pay Planning Department fees should be made payable to Siskiyou County.

California Department of Fish & Game: Pursuant to Fish and Game Code Section 711.4, the Department imposes and collects a filing fee to defray the costs of managing and protecting California's fish and wildlife resources. This fee applies regardless of whether the Department participates in the review of your project. Unless this fee is paid, your project will not be valid. In order to minimize the impact of collecting this fee, the fee is not paid until the project is approved. Under the same Fish and Game Code Section 711.4, the Siskiyou County Clerk collects a fee in order to off-set the cost for the posting of the Notice of Determination or Notice of Exemption for your project. It is the applicant's responsibility to pay the County Clerk (check made payable to the Siskiyou County Clerk) directly for both of these current fees immediately upon project approval and before the Notice of Determination or Notice of Exemption is filed.

California Northeast Information Center for Cultural Resources: Your project may be subject to this fee (made payable to the CSU Chico Research Foundation) should the project potentially impact historic or cultural resources.

Siskiyou County Environmental Health Division: Depending on the complexity of your project, you may be required to obtain Environmental Health Division sewer and water clearance prior to filing the Planning Division application. Please contact the Siskiyou County Environmental Health Division to determine the fee and obtain the application requirements.

Siskiyou County Counsel's Office: If your variance requires Planning Commission approval, a fee to defray the cost of the County Counsel's review time is required. This fee can be obtained from the Department's Universal Application Form. Certain applications will require additional review and an additional deposit will be required against which the costs of the additional review will be billed. Section 10-6.1601 of the County Code provides additional information on how this is calculated. The initial fee can be included in your check to pay for the Planning Department's fee (check made payable to the Siskiyou County).

### **How Long Will This Process Take?**

Under County regulations, some types of variances require Planning Director approval while others require Planning Commission approval. Depending on the type of variance that is being requested, the processing of the application can vary between 30 to 90 days. This timeline includes the department's review of the proposed variance, public notice and the public hearing process to bring an application before the Planning Director or Planning Commission. These timelines can become considerably longer if additional information is required from other agencies reviewing the project.

### **Who Reviews and Approves This Application?**

The Planning Division reviews the application for completeness and distributes it to various federal, state, and county agencies for review (including any applicable property owners association). With any comments received from reviewing agencies, the Planning Division then prepares and circulates the necessary environmental documentation required by state law. Depending on the type of variance being requested, it may be either the Planning Director or the Planning Commission who approves the application. Most variances are subject to the review and approval of the Planning Director. However, if your variance involves

a building line setback along a County road, a public road, a State road or highway, and all Federal roads and highways, the Planning Commission is the approval authority.

It is important to note that input from various public agencies (e.g., California Department of Fish and Wildlife, California Northeast Information Center for Archeological Resources, and/or others) may necessitate further analysis of the subject site before the project may proceed. Such input often includes the requirement for an archeological and/or biological survey. Any expense incurred for these items is borne by the project applicant. When such additional information is required, applications will be deemed “incomplete” until received. Because this can potentially create delays in the processing of your application, it is suggested that you discuss this issue with a planner to determine the likelihood of this requirement as soon as possible.

Once the review period is completed, the application will be set for public hearing before the Planning Commission. Notice to all property owners within a minimum radius of 300 feet is required.

### **Are Incomplete Applications Returned?**

In the event that an application has not been determined to be complete and ready for processing within six (6) months after the date of the first incomplete notice, the applicant must complete all outstanding requirements within thirty (30) days of written notice to complete the application requirements. In the event that the applicant fails to complete the application submittal requirements within this time frame, the application will be considered abandoned and staff's time and costs incurred working on the project shall be charged against the application filing fees, and any remaining balance shall be refunded to the applicant.

The Planning Director may waive this requirement where this provision would represent an unreasonable time expectation in the determination of the Planning Director. Examples of such projects could include Environmental Impact Reports, projects which require the completion of complex studies, or projects where the applicant is diligently working with staff to address project related issues.

### **When Will the Variance Become Effective?**

The variance will become effective 10 days after approval by either the Planning Director or Planning Commission, or upon approval of the variance by the Board of Supervisors in the event the application is appealed. In cases where variances are approved with conditions, the variance shall not have any force or effect until the applicant acknowledges receipt and acceptance of the variance conditions.

### **Hold Harmless Policy**

The applicant(s) and property owner(s) agree to defend, indemnify and hold harmless the County of Siskiyou, its agents and officers and employees from any claim, action, or proceeding (collectively, “Action”) against the County of Siskiyou, its agents (including consultants), officers or employees to attack, set aside, void, or annul any approvals, or any part thereof, or any decision, determination or action, made or taken approving, supplementing, or sustaining the approvals sought in the application (the “Project”) or any part of the Project thereof, or any related approvals or Project conditions imposed by the County of Siskiyou or any of its agencies, departments, commissions, agents (including consultants), officers, or employees, concerning the Project, or to impose personal liability against such

agents (including consultants, officers or employees) resulting from their non-negligent involvement in the Project, which Action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or award to any party from the County of Siskiyou.

### ***Important Notice***

**Open Range Notice:** Siskiyou County is an Open Range county. You must fence live-stock out! Copies of the laws affecting your property are available in the offices of the Planning Division and the Building Inspector. These laws do affect your property and you should be aware of their provisions.

**Right to Farm:** Siskiyou County has established agriculture as a priority use on productive agricultural lands, and residents of property in agricultural districts should be prepared to accept some inconvenience or discomfort from normal and necessary farm operations. It will be recognized that the property in question may be in the vicinity of property utilized for agricultural purposes and residents of the development may be subject to the inconvenience or discomfort arising from the use of agricultural chemicals including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations including plowing, spraying, pruning, and harvesting, which occasionally generates dust, smoke, noise and odor. As part of the application approval process, a **Right to Farm Statement of Acknowledgment** will be required. Your application will not be considered to be complete and ready for formal processing until such time as the signed and notarized Right to Farm has been completed, recorded at the County Recorder's Office, and a copy of the recordation has been submitted to the Planning Department. The Right to Farm Statement of Acknowledgment is included in the [Application for Development Review](#).