



MEMORANDUM

To: Shane Silsby, OC Public Works Director

From: Todd Spitzer, Third District Supervisor

Date: October 27, 2016

RE: Validity of the Silverado-Modjeska Specific Plan

In April, I spoke at the Inter-Canyon League (ICL) to help answer community questions related to updating and upholding specific plans in addition to other canyon issues. I attended in the spirit of providing the community access to the County by bringing representatives who provide services to the Canyon to help answer questions.

As you may know after the ICL meeting, the County received an opinion from John G. McClendon (June 21, 2016) related to validity of the Silverado-Modjeska Specific Plan (Sil-Mod Plan).

It is my understanding from County Counsel's response to the opinion from McClendon that while the Sil-Mod Plan was adopted by the Board of Supervisors by Resolution in 1977, the zoning for the Sil-Mod area does not render the Sil-Mod Plan invalid, or "not binding". The Sil-Mod Plan may be interpreted by the Board and must be read in conjunction with the underlying zoning and the uses of land permitted under that zoning. The Sil-Mod Plan contains legally enforceable policies and guidelines.

It is important to me as the Third District Supervisor to protect the natural beauty and resources in the Canyons. That is why, I respectfully request that based on the analysis provided by County Counsel that county staff resume complying with and enforcing the Sil-Mod plan and its conditions.