

## Chapter 16.50

### SUBDIVISION MODIFICATIONS

#### *Section*

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#### **Sec. 16.50.010      Modification Authority**

The Advisory Agency or other duly authorized body may, in accordance with the provisions of this Chapter grant, conditionally grant or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Planning Director or Planning Commission to authorize variances from the regulations and requirements of the Zoning Ordinance. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein.

#### **Sec. 16.50.020      Required Findings and Conditions**

Before granting any modification, the Advisory Agency shall make all the following findings:

- A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical or undesirable in the particular case to conform to the strict application of these regulations.
- B. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.
- C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.

- D. That granting the modification is in accordance with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable Specific Plans of the County.

In granting a modification, the Advisory Agency or other duly authorized body shall impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the General Plan, with all applicable Specific Plans, and with the intent and purposes of these regulations.

**Sec. 16.50.030      Modification Filing Time**

Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and acceptance of the final map or parcel map by the County Surveyor or Public Works Director.

For the purposes of this Chapter, modifications filed prior to the approval of the tentative map shall be referred to as "concurrent modifications", and modifications filed after approval of the tentative map shall be referred to as "post modifications">

Action by the Advisory Agency or other duly authorized body on any post modification shall not extend the time for filing the final map or parcel map with the County Surveyor.

**Sec. 16.50.040      Application Requirements**

Applications for concurrent modifications shall be filed, in writing, by the subdivider in the County Planning Department upon a form and in the number of copies required for that purpose in conjunction with the tentative map application.

Applications for post modifications shall be filed, in writing, with the County Planning Department upon a form and in the number of copies required for that purpose.

Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 16.50.020 (Required Findings and Conditions).

**Sec. 16.50.050      Fees**

An application for a subdivision modification shall be accompanied by a filing fee as established in the County Fee Resolution.

**Sec. 16.50.060      Referrals**

The Planning Director shall transmit copies of the concurrent modification application for review and comment to members of the Subdivision Review Committee and to those

public or private agencies or departments affected by the proposed subdivision as he deems appropriate.

The Advisory Agency or other duly authorized hearing body, may in its discretion transmit post modification applications to the Subdivision Review Committee for review and comment if it determines that said review is appropriate under the circumstances.

**Sec. 16.50.070      Hearing Requirement**

Prior to approving, conditionally approving, or disapproving the subdivision modification, the Advisory Agency or other duly authorized body shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation at least ten (10) working days prior to the hearing. In addition, all persons owning property within three hundred feet of the proposed lot line adjustment or merger shall be sent written notice of the hearing by mail or other means at least ten (10) days prior to the hearing.