

SECTION 35. AMENDMENTS

- A. **APPLICABILITY OF SECTION:** The provisions of this section shall apply to and govern the procedural requirements for Amendments of Zoning Ordinance and General Plan.

The General Plan of the County of Trinity consists of those documents and maps adopted by the Board of Supervisors which, as adopted or as amended from time to time, set forth the objectives, principles, and the plan proposals which constitute a statement of the development policies of the County of Trinity.

The Zoning Ordinance consists of this Ordinance and its accompanying maps.

- B. **INITIATION BY PROPERTY OWNER:** Proceedings for a General Plan or Zoning Ordinance amendment may be initiated by application of any owner, lessee or other person having the right of possession to the land sought to be reclassified. Whenever such application is made by a person having less than the fee simple title to the land, the holders of the reversionary or remaining interests shall consent thereto in writing. A mortgagee/trustee under a deed of trust, or purchaser under a contract of sale, shall not be considered the owner of the fee simple title to the land.

1. **Application.** The applicant shall submit his or her application on a form provided by the Planning Director. The Planning Director shall accept the application as complete pursuant to procedures as set forth in Section 30.5 of this Ordinance.

2. **Fees.** Fees are required for any entitlement required by this Ordinance unless waived by the Board of Supervisors, prior to submittal of an application. The required fees for any such application not waived shall be governed by the provisions of Section 30.5 of this Ordinance.

- C. **INITIATION BY BOARD OF SUPERVISORS OR PLANNING COMMISSION:** By Resolution, the Board of Supervisors or the Planning Commission may initiate the procedure for amendment. Upon receipt of such a resolution, the Planning Director shall file the necessary application.

- D. **PROCEDURE - PLANNING COMMISSION:**

1. **Hearings and Notice.** At least one hearing for an amendment shall be conducted by the Planning Commission. The procedural requirements for any such hearings and notice shall be governed by the provisions of Section 34 of this Ordinance.

- E. **RECOMMENDATION OF PLANNING COMMISSION:** After the conclusion of the Planning Commission hearing, the Planning Commission shall recommend approval or denial of the application for an amendment to the General Plan or Zoning Ordinance, including findings in support of its recommendations to the Board of Supervisors.

- F. **HEARING BY THE BOARD OF SUPERVISORS:** The Clerk of the Board of Supervisors shall provide public notices, posting, mailing or advertising in the same manner as provided for the Planning Commission hearing. However, the required public notices may be incorporated with the Planning Commission notices. The Clerk of the Board of Supervisors shall place the General Plan or Zoning Amendment request on the agenda for hearing before the Board within forty-five (45) days of receipt of the Planning Commission recommendation, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Board hearing.

After completion of said public hearing, the Board of Supervisors may approve, disapprove or modify an amendment by adoption of an Ordinance in the case of a request concerning the Zoning Ordinance or by adoption of a Resolution in the case of a request concerning the General Plan.

- G. **DEVELOPMENT PLAN REVIEW - CONDITION OF REZONING:** Whenever a proposed development plan or a representation concerning development made by the applicant, or a stipulation concerning site plan review, is a material factor in the decision of the Board of Supervisors to approve the rezoning of property, that rezoning shall be subject to and the ordinance of rezoning shall so provide for, the following:

1. The ordinance shall contain a statement of reference to the proposed development plan or a statement of the representation made by the applicant which is the material factor to the action of rezoning.
2. If an application for a building permit or other construction permit is filed for a development plan or representation referred to in the ordinance of rezoning, the matter shall be referred to the Planning Commission for review and such action as it may deem warranted, including action to initiate the rezoning of the subject property back to its original zoning classification or to some other classification it may deem appropriate, and no building permit shall be issued pending these proceedings.
3. In a rezoning proceeding where a proposed development plan is not provided by the applicant, it may be stipulated as a condition to the rezoning and in order to insure that future development will relate to characteristics of the site and the surrounding area, that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been review and approval of preliminary and final site plans by the Planning Commission. Such review and approval shall be limited to the following:
 - a. Considerations relating to site layout, the orientation and location of buildings, signs, other structures, open spaces, landscaping and other development features in relation to the physical characteristics, zoning, and land use of the site and surrounding properties.

- b. Considerations relating to traffic safety and traffic congestion, including the effect of the site development plan on traffic conditions on abutting streets, the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exists, drives, and walkways, the adequacy of off-street parking facilities to prevent traffic congestion, and the circulation patterns within the boundaries of the development.
- c. Considerations necessary to insure that the proposed development is consistent with the General Plan and all applicable Specific Plans.

H. DEDICATION - CONDITION OF REZONING:

- 1. There may be imposed as a condition of rezoning any property a requirement that land be dedicated for road purposes only to the County in fee whenever the Board of Supervisors finds that:
 - a. The area proposed to be dedicated is to be used for a public purpose which will provide substantial benefits to the property in question; and
 - b. Dedication of such area will not prevent a reasonable use of the property;
 - c. The dedication is in accordance with definite principles and standards set forth in an element of the General Plan or any Specific Plan; and
 - d. Improvement of the area to be dedicated will either be provided by applicant for rezoning or will be accomplished within a reasonable time after development has occurred in the vicinity of the property required to be dedicated.
- 2. Designation of Ordinance. Whenever a dedication of property has been required pursuant to this subsection as a condition of rezoning, the ordinance approving such rezoning shall state the purpose of the dedication, shall include the legal description of the portion of the property, which is to be dedicated, and shall indicate the time and conditions applicable to making such dedication.
- 3. Timing of Dedication:
 - a. When a dedication is required as a condition of rezoning of property for which a tentative subdivision map is approved for the same development, the offer of dedication shall be made in connection with the approval of the final subdivision map at the same time and in the same manner as is provided for dedications required as conditions of approval of subdivision maps in accordance with Chapter 16 of the County Code.

- b. When a dedication is required as a condition of rezoning for which a subdivision map is not required for the proposed development, the applicant, prior to the approval of the rezoning, shall make an irrevocable offer of dedication, conditioned upon the approval of the rezoning and in a form approved by the County Counsel. Said offer shall be effective upon the effective date of the ordinance rezoning the property.