

Chapter 17.28

EXCEPTIONS—APPEALS

Sections:

- 17.28.010 Authorization.
- 17.28.020 Conditional exceptions approval.
- 17.28.030 Hearing--Notice.
- 17.28.040 Appeal.
- 17.28.050 Disposition of appeal.

17.28.010 Authorization. Conditional exceptions to any of the provisions of this title, or Title 18, may be authorized by the town council upon the written request of the subdivider or owner, if exceptional circumstances or special conditions are applicable to the property being subdivided. Such circumstances or conditions may include limited size, unusual shapes, peculiar topographic conditions, drainage problems, or the impracticability of employing the comprehensive plan in the layout due to surrounding property conditions. (Prior code §10 206 (part)).

17.28.020 Conditional exceptions approval. Such conditional exceptions may be approved provided findings can be had that the tentative map of a subdivision with such exceptions will secure substantially the objectives of these regulations to which the exceptions are granted, and that the approval of such exceptions will not be detrimental to the public welfare or to other properties in the vicinity. (Prior code §10 206 (part)).

17.28.030 Hearing--Notice. Where a conditional exception is requested, notice of the public hearing on the subdivision under Section 17.12.020 shall indicate that a conditional exception(s) is being requested. (Ord. 419 §2, 1980: prior code §10 206 (part)).

17.28.040 Appeal. Appeal may be made to the town council from any decision, determination or requirement of the town engineer in accordance with the provisions therefor contained in the Subdivision Map Act. The appeal may be filed by the subdivider or owner in the form of a written notice to the town clerk within fifteen days after the action of the town engineer, reciting therein the grounds upon which the owner or subdivider deems himself aggrieved. (Ord. 386 §10, 1977: prior code §10 206 (part)).

17.28.050 Disposition of appeal. Upon the conclusion of the hearing upon the appeal as required by law, the town council may overrule or modify the decision, determination or requirement appealed from, and enter any such order or orders as are in harmony with the spirit and intent of this chapter, and the disposition of the appeal shall be final. (Prior code §10 206 (part)).