



the proposed condition modifications conflict with the following requirements contained in the Subdivision Ordinance:

1) *Section 16.44.120, Design Criteria which reads as follows:*

*All design criteria and improvements made or installed in conjunction with the approval of a tentative parcel map shall conform to the standards and specifications contained or referred to in the Subdivision Design and Improvement Standards Manual, which shall be adopted and amended by resolution of the board of supervisors.*

*A. All land divisions shall establish parcels consistent with the zoning regulations applicable to the area where the parcels are located and shall be consistent with applicable general and specific plans.*

*B. Right-of-way.*

*1. On-site.*

*a. A fifty foot (50') minimum width on-site public road and utility easement shall be irrevocably offered for dedication to the county to serve all parcels being created. Such easement may be extended, at the county's discretion, to the limits of the property in order to provide an orderly vehicle circulation system to and for adjacent properties. All cuts and fills necessary for the roadway which are outside the basic right-of-way width, shall be included in an easement or increased right-of-way width.*

*b. When the approving authority finds there is no future need for public access, on-site rights-of-way which serve only the parcels being created may be private, nonexclusive road and public utility easements.*

*2. Off-site.*

*a. The parcels proposed in the subdivision shall have access to a state or county maintained road. Proof of access, as defined in subsection B.2.a.(I)(A) of this section, shall be a condition placed on a tentative map.*

*(I) Proof of access may be shown as follows:*

*(A) A recorded easement or court judgment as shown on a guarantee of record provided by a title company which provides for legal access to all parcels being created. The description of said easement shall be sufficient to identify its location and alignment.*

*(B) Access rights-of-way on land owned by a public entity or railroad may be documented by other than the above method, subject to county approval.*

*C. The minimum width of easements or road bed improvements may be modified upon the approval of the approving authority.*

The applicant's reasoning for the requested changes are stated in the letter from Michael Kuhl to Roger Trout dated March 21, 2011 (Attachment 3). As represented in that letter, the Board considered a companion Conditional Certificate of Compliance COC09-0022, because it requested that the County recognize and accept the parcels as legally created in accordance with the Subdivision Map Act despite being less than the 160 acre minimum size required for lands zoned TPZ. The Board approved that COC application and approved the applicant's request modifying the conditions, which are identical to the requested modifications herein.