

- 9.8215** **Partition, Tentative Plan Approval Criteria- General.** The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:
- (1)** The proposed partition complies with all of the following, unless specifically exempt from compliance through a code provision applicable to a special area zone or overlay zone:
    - (a) Lot standards of EC 9.2000 through 9.4170 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone or the /WQ Water Quality Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by either:
      1. The combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback; or
      2. The /WQ Management Area.
    - (b) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways.
    - (c) EC 9.6500 through EC 9.6505 Public Improvement Standards.
    - (d) EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.
    - (e) EC 9.6710 Geological and Geotechnical Analysis.
    - (f) EC 9.6735 Public Access Required.
    - (g) EC 9.6750 Special Setback Standards.
    - (h) EC 9.6775 Underground Utilities.
    - (i) EC 9.6780 Vision Clearance Area.
    - (j) EC 9.6791 through 9.6797 regarding stormwater flood control, quality, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.
    - (k) All other applicable development standards for features explicitly included in the application.
    - (l) The applicable adopted plan policies beginning at EC 9.9500.

An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.
  - (2)** The proposed partition will not create a new nonconforming situation.
  - (3)** Partitions abutting collector and arterial streets comply with access management guidelines of the agency having jurisdiction over the street.
  - (4)** If the provisions of EC 9.8215(1) require a public street, or if the applicant proposes the creation of a public street, all of the following criteria also apply:
    - (a) The proposal will not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.
    - (b) The proposed partition will:
      1. Not result in significant risk of fire, flood, geological hazards, or other public health and safety concerns;

2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
  3. Not hamper the adequate provision of publicly owned open space for recreation needs.
- (c) The proposed partition provides direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and employment and industrial areas, and provides safe, convenient and direct transit circulation, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.

(5) As far as is practicable, lot side lines run at right angles to the street upon which the lots face, except that on curved streets they are radial to the curve.

(6) On R-1 zoned property, if the partition results in a parcel greater than 13,500 square feet in size based on EC 9.2761(5)(b), the application shall indicate the location of parcel lines and other details of layout that show future division of the parcel may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

*(Section 9.8215, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20285, enacted March 10, 2003, effective April 9, 2003; Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; Ordinance No. 20513, enacted July 8, 2013, effective August 9, 2013; Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014; and Ordinance 20528, enacted May 14, 2014, effective June 23, 2014; amended by Ordinance 20584, effective August 24, 2017)*