

- 9.8055 Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:
- (1) The proposed subdivision complies with:
 - (a) EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General except for the standards related to EC 9.2760 Residential Zone Lot Standards; and
 - (b) EC 9.2750 Residential Zone Development Standards;
 - (c) 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;
 - (d) 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. With the exception of density requirements, the residential development standards of EC 9.2750 Residential Zone Development Standards and EC 9.2751 Special Development Standards for Table 9.2750 may be relaxed based on compliance with the remainder of the cluster subdivision criteria. An exception or an adjustment to a development standard constitutes compliance with the standard.
 - (2) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision includes at least 25% of the development site in common open space that either is suitable area for natural resource protection or for use by residents. Areas used for motor vehicle parking and maneuvering shall not be considered as open space.
 - (3) For areas not included on the city's acknowledged Goal 5 inventory, the proposed subdivision shall maintain open space around natural features, such as steep slopes, wooded areas, and natural waterways or wetlands where those exist, or create common open space with amenities for community activities for residents such as picnic areas, playgrounds, sports features, or gardens.
 - (4) The cluster subdivision will provide an appropriate transition to surrounding properties including, but not limited to, anticipated building locations, bulk, and height.
 - (5) The proposed residential density, accounting for any duplex, tri-plex and fourplex lots, shall comply with Table 9.2750 Residential Zone Development Standards.
 - (6) The proposed development provides adequate degree of light, air circulation, and privacy for residents within the development.
 - (7) For areas included on the city's acknowledged Goal 5 inventory, natural resource protection shall be consistent with the acknowledged level of protection provided for the resource.

(Section 9.8055, 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; and administratively corrected June 5, 2003; amended by Ordinance No. 20351, enacted November 14, 2005, effective January 1, 2006; amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006; amended by Ordinance No. 20369, enacted June 14, 2006, effective July 14, 2006; administratively corrected August 28, 2006 and February 5, 2007; and amended by Ordinance 20430, enacted March 9, 2009, effective June 10, 2009; amended by Ordinance No. 20521, enacted January 13, 2014, effective March 1, 2014.)