

ASHLAND PLANNING DIVISION
FINDINGS & ORDERS

PLANNING ACTION: PA-2017-02235
SUBJECT PROPERTY: 509 Walnut Street
OWNER/APPLICANT: Dennett/Asher Homes
DESCRIPTION: A request for a Physical and Environmental Constraints Permit to construct a 2,083 square-foot single-family residence with a 683 square-foot daylight basement on land that has areas of more than 25 percent slopes.
COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; **ZONING:** R-1-7.5;
ASSESSOR'S MAP: 39 1E 05CA; **TAX LOT:** 501

SUBMITTAL DATE:	November 22, 2017
DEEMED COMPLETE DATE:	December 5, 2017
STAFF APPROVAL DATE:	January 11, 2018
DEADLINE TO APPEAL (4:30 p.m.):	January 23, 2018
FINAL DECISION DATE:	January 24, 2018
APPROVAL EXPIRATION DATE:	July 24, 2019

DECISION

Subject Property

The subject property is a flag lot, 25,682 square foot, vacant parcel. The lot was created in 1979 as part of the Deer Ridge Subdivision. It is zoned R-1-7.5. The subject site is located on the west side of Walnut Street about 600 feet north of Wimer. The lot is above the street grade.

The lot, along with the two lots to the south, is served by an existing private driveway. The easement for this driveway is 20 feet in width with 12 feet paved. There is an approximately 200-foot long driveway that runs from Walnut Street to 507 Walnut, the adjacent property. Beyond the paved portion is a dirt driveway that extends to a moderately level pad installed by a previous property owner. A few nearby lots are not developed, yet the majority are.

Environmental Constraints

The slope of the parcel requires a Physical and Environmental Constraints Review Permit for development of Hillside Lands. The average slope of the property is 24 percent, but portions of the lot have more than 25 percent slopes. Portions of the lot have slopes greater than 35 percent, but those portions are outside the proposed construction areas. The lot slopes generally from west to east. No trees are proposed for removal and the majority of trees are not in the area of development.

Proposed Residence

The proposed residence has a main floor, daylight basement and a garage. The structure is proposed almost entirely on the previously created pad area. The majority of the site is proposed to be left in a natural state with limited excavation and areas of development kept immediately adjacent to the proposed residence. Retaining walls are proposed to the west of the structure to retain the hillside from above. Along the west side of the structure, the retaining wall forms a portion of the structural bearing wall of the garage. The retaining wall then continues north as a 4-foot wall to form the driveway area, maneuvering area and third parking space. The daylight basement sits on the east side of the house, the downhill side.

The proposed residence is stepped into the hill. The proposed residence is 21-feet tall from the downhill side (east) and 10-feet tall on the uphill side (west). The roof of the residence is proposed with a roof with

shingles and a 4 / 12 pitch. The main entrance is on the north side of the house, next to the garage, and has a covered porch. A deck is proposed on the main floor extending north from the house to the east of the main entrance. A 10-foot by 9-foot portion of the deck will be covered. The parcel is subject to solar setback standard B, building permit submittal will need to demonstrate compliance.

Due to previous site disturbance, the building is not proposed to be cut into the hillside, and the proposal is to not disturb these slopes, except in efforts to stabilize, more than already altered. The proposed cut slopes and retaining walls on the site are proposed to be less than five feet tall and therefore, not require terracing. The applicant has proposed a 20-foot by 20-foot yard area, retained by walls to the west.

The proposal states the flag driveway will be improved to flag-driveway standards past the currently improved portion of the driveway, complete with a third parking space, and a firetruck turnaround. Proposed lot coverage is 19% and complies with the requirements of the zone.

The proposal requests an exception to Hillside Development Standards for a horizontal wall to be constructed that is more than 36-feet in length. It also requests an additional exception for the downhill wall height to exceed 20-feet by one foot. There is pre-existing grading, a pad with un-retained cut and fill slopes. The proposal states the horizontal wall is up against the hillside and assists in retaining the hillside. Exceeding the maximum length allows the retained area at the rear of the proposed residence to be within the existing pad area, and avoids cutting further into the hillside.

The proposal states should the structure need to be stepped into the hill further to achieve a downhill wall height of less than 20-feet, more excavation would be necessary to accommodate the minimal yard area. Fill slopes are not to exceed a total vertical height of 20 feet; however, the code is attempting to minimize cutting and filling for a site with no previous grading. In this case unusually minimal cutting is being done because of the existing pad, and so the additional foot accommodates the low-profile, one-story structure and daylight basement.

The first geo-technical site evaluation was performed by Amrhein and Associates in 2007. That firm has since closed, and so Robin Warren, P.E., of Applied Geotechnical Engineering reviewed the previous evaluation in October 2017 and a geo-tech engineer and geologist visited the site in September. They concluded that the property is suitable for the proposed construction. The report identified the constraint issues listed in the Hillside Ordinance (seismic factors, erosion control, slope stability, storm water etc.) and specifically lists the appropriate mitigation requirements for the construction. Applied Geotechnical Engineering's report provides recommendations for lot development and erosion control measures. The report also discusses the need for periodic inspections in order to assure compliance with the Geotechnical Expert's findings and recommendations. The findings and recommendations of the Geotechnical Investigation and Geologic Hazard Study dated October 23, 2017 by Applied Geotechnical Engineering and Geologic Consulting, are conditions of the Physical and Environmental Constraints Permit approval, and thus, must be instituted with the development of the lot.

The application states utilities will be within the existing and proposed driveway, limiting disturbance. The proposal states storm water will be designed to divert from the steepest portions of the site and piped into the storm drain facilities on Walnut. Proposal states fire sprinkler system will be installed.

No landscape plan was provided in the application. Staff consulted with City's conservation analyst, who felt the reseeded with hydro seed proposed in disturbed areas was sufficient.

It is Staff's opinion that the proposal meets the requirements of the Physical and Environmental Constraints chapter for Hillside Development and that with the conditions of the previous approval this project can be found to comply with the requirements.

The criteria for a Physical Constraints Review Permit are described in AMC Chapter 18.3.10.050, as follows:

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

The application with the attached conditions complies with all applicable City ordinances.

Planning Action 2015-02235 is approved with the following conditions. Further, if any one or more of the following conditions are found to be invalid for any reason whatsoever, then Planning Action 2015-02235 is denied. The following are the conditions and they are attached to the approval:

- 1) That all proposals of the applicant shall be conditions of approval unless otherwise modified here.
- 2) That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.3.10.090.C.
- 3) A construction staging / storage plan for the project shall be submitted for review and approval to delineate where materials will be stored and contractors will park.
- 4) That prior to the submittal of a building permit:
 - a) That the applicant submit an electric design and distribution plan including load calculations and locations of all primary and secondary services including transformers, cabinets and all other necessary equipment. This plan must be reviewed and approved by the Electric Department prior to the building permit submittal. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department.
 - b) That the storm drainage plan shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties in accordance with 18.62.080.C.1. The storm drainage plan shall be submitted for review and approval to the Ashland Engineering and Building Divisions prior to application for a building permit.
 - c) That written verification from the project geotechnical experts addressing the consistency of the building permit plan submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit submittals.
 - d) That exterior building materials and paint colors shall be compatible with the surrounding landscape to minimize contrast between the structure and the natural environment. Sample exterior building colors shall be provided with the building permit submittals for review and approval prior to the issuance of a building permit.
 - e) Solar setback calculations demonstrating that the proposed construction complies with the Solar Setback B along with elevations or cross section drawings clearly identifying the highest shadow producing point(s) and their height(s) from natural grade.
- 5) That a preconstruction conference be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The preconstruction

conference should be included in inspection schedule final report and should be attended by the applicant's project team, including the project engineer, project geotechnical experts (i.e. Applied Geotechnical Engineering), the general contractor, landscape architect and their excavation subcontractors to review the requirements of the Hillside Development Permit and erosion control.

6) That prior to the issuance of a building permit:

c) That the temporary erosion control measures (i.e. silt fence and bale barriers) shall be installed according to the approved plan prior to any site work, storage of materials, issuance of an excavation permit and issuance of a building permit. The temporary erosion control measures shall be inspected and approved by the Ashland Planning Division prior to site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.

d) That all erosion control measures required by the project geotechnical expert including but not limited to erosion netting / fabric installed on the downhill side of the construction area shall be installed and inspected prior to issuance of a building permit and maintained throughout the duration of the construction.

e) That a Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, excavation, and/or storage of materials. The Verification Permit is to inspect the identification of the tree to be removed and the installation of tree protection fencing for the trees on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with project landscape architect proposal.

6) That prior to the issuance of a certificate of occupancy:

a) All service and equipment installation shall be installed according to Ashland Electric Department specifications prior to certificate of occupancy.

b) The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to issuance of the certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.

c) That a representative of Applied Geotechnical Engineering shall inspect the site according to the inspection schedule of the engineering geology report created by Applied Geotechnical Engineering, included in the application and date stamped October 2017. Prior to the issuance of the certificate of occupancy, Applied Geotechnical Engineering shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.

7) That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.3.10.090.B.6.

Bill Molnar, Director
Department of Community Development

Date