

Chapter 18.12

DEFINITIONS

18.12.080 Building height. “Building height” means the vertical distance as measured in a straight line from any point ~~of the roof to~~ to either existing or finished grade.

18.12.130 Floor area ratio. “Floor area ratio” means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot, the floor area is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls. Floor area also includes mezzanines, finished basements and attics, garages, carports, porches which are screened or otherwise enclosed, the entirety of porches which have a depth greater than ten feet, stairs and elevators on one floor, and other detached structures which are accessory to a dwelling.

18.12.315 Slope. “Slope” means percent slope determined by the difference between the minimum and maximum elevations, divided by the horizontal distance between these respective elevations measured along a line perpendicular to the natural contours, times one hundred. The measurement of slope shall be determined by the town engineer.

Chapter 18.39

HILLSIDE LOT REGULATIONS

18.39.005 Title. This ordinance shall be known and may be cited as the Hillside Lot Ordinance.

18.39.010 Purpose. The purpose of this chapter is as follows:

- ~~(1a)~~ Ensure that development is consistent with the goals, policies and criteria of the general plan;
- ~~(2b)~~ Protect and preserve public and private open space as a limited and valuable resource;
- ~~(3c)~~ Preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain;
- ~~(4d)~~ Protect fragile steep slopes, creeks, significant native vegetation, ~~and~~ wildlife and other environmental resources;

(5e) Limit development to a level consistent with available public services and road access that can be reasonably provided to and within the parcel;

(6f) Ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety;

(7g) Protect the public health, safety and; general welfare and the property of people in the vicinity of steep hillside building sites;

(8h) Ensure that development will not create or increase the potential of major financial loss to the town or any other governmental entity through claim or litigation.

(i) Reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

This chapter establishes procedures and standards for the review of land divisions and the construction of buildings, structures and improvements necessary to meet this purpose.

18.39.020 Chapter application.

–(a) This chapter shall apply to hillside areas. Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the town slope stability map. An application for a hillside lot review is required for any development or subdivision of a hillside lot.

(b) A hillside lot application is also required on improved parcels having thirty percent or greater overall natural or building site slope, or containing Hazard Zones 3 or 4, for:

(1) All new buildings, building relocations, and for all exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding two hundred square feet of new floor area, including enclosing existing open areas;

(2) The construction of any retaining wall greater than forty eight inches in height as measured from bottom of footing to top of wall or any terraced retaining walls totaling more than forty-eight inches in height;

(3) Retaining walls totaling more than one hundred linear feet;

(4) Any activity or project resulting in more than fifty cubic yards of grading or filling, whether or not a building permit is required;

(5) Any construction, improvements, grading/filling or other site work within twenty-five feet of a creek, waterway or drainageway, whether or not a building permit is required; and

~~new buildings and additions to existing buildings when the additional square~~

~~footage totals twenty percent or more of the original primary structure square footage (excluding the floor area of garage) or more than one thousand square feet, whichever is less, and (6) fFor any project on a lot that previously received a hillside lot application approval.~~

A hillside lot application is also required for staged, phased or cumulative improvements that exceed these thresholds.

(c) A hillside lot application is also required for any land division which has a natural slope or building site slope of thirty percent or greater for any existing or proposed lots.

(d) No building permit for buildings or structures shall be issued for hillside areas, and no map of any proposed subdivision containing hillside areas shall be approved, until a hillside lot application is approved by the town consistent with the requirements of this chapter.

~~18.39.025 Exceptions. This chapter shall not apply to additions to existing buildings when the additional square footage totals less than twenty percent of the original primary structure square footage (excluding the floor area of garage) or less than one thousand square feet, whichever is less, unless the project is on a lot that previously received a hillside lot application approval. A hillside lot application is required for staged, phased or cumulative improvements that exceed these thresholds.~~

18.39.030 Submittal requirements. (a) An applicant shall file an application for hillside lot review with the planning department on forms prepared by the town planner. The applicant shall pay a fee as set by the town council.

(b) Every hillside lot application shall include drawings, plans, reports, specifications and graphic or written material as required by the town planner or town council to clearly and accurately describe the proposed work, its effect on the environment and its relationship to existing improvements. Standard submittal requirements will be prepared by the town planner. Additional information may be required by the planner or town council. The town engineer will review all applications to determine the appropriate level of geotechnical report necessary to evaluate the safety of the proposed improvement.

(c) Independent evaluation and report by an architect, landscape architect, registered engineer or similarly qualified individual may be required by the town planner or council to assist the town in evaluating the application. This consultant will be selected by the town and retained at the applicant's expense.

(d) Any necessary review by a certified engineering geologist shall include an evaluation of the risk to adjoining property or structures by the proposed development, including the construction of roads and other improvements, or by the condition of the property after development has occurred. The review shall evaluate if the condition of adjacent property

indicates any significant risk of future damage to proposed structures. The review shall discuss the need for earth repair to mitigate soils conditions on the site and the effects of this repair on environmental concerns such as vegetation removal or massive grading.

18.39.040 Review authority and notice requirement. The town council ~~will shall~~ review the conduct the hillside lot ~~applications review provided for~~ required by this chapter at a public hearing. At least 10 days prior to the hearing a public notice shall be posted in at least three public places within the town, including the project site, and mailed to the property owner and to all owners of property as shown on the latest equalized assessment roll within 500 feet of the exterior boundary of the property.

~~18.39.050 Hearing.~~ ~~A hillside lot application will be heard by the town council at a public meeting. The town council will review the application at its next available meeting following a determination by the town planner that the application is complete. Town staff will have a notice of the public hearing published in a newspaper of general circulation in the town at least ten days before the date of the hearing. The town clerk~~

~~The planning department will mail written notice at least ten calendar days prior to the hearing to the applicant and to all owners of property within five hundred feet from the exterior boundaries of the project site.~~

18.39.060 Approval--Special conditions and findings. (a) The town council may approve, conditionally approve or deny an application for hillside lot review. The town council shall include conditions necessary to meet the purpose of this chapter and for substantial compliance with the hillside lot design standards set forth in this chapter. The council may adopt by resolution standard conditions for all projects to meet.

(b) The town council shall make the following findings to approve a hillside lot application;~~in approving any project:~~

- (1) The project complies with the stated purposes of this Chapter;
- (2) The project complies with the development regulations of Section 18.39.090, or that the Town Council has considered and approved a variance; and
- (3) The project substantially conforms to the hillside development guidelines in Section 18.39.090.

~~(1) Failure to secure a building permit and/or commence construction will cause hillside lot approval for development of an individual lot to expire one year from the date of approval without further notice.~~

~~(2) A hillside lot approval for a land division shall automatically expire two years after its approval by the council unless a final/parcel map has been recorded.~~

~~(3)~~

~~The project is consistent with the Ross general plan and zoning ordinance.~~

~~(c) The town council shall deny any project for which it cannot make findings required in this section.~~

~~18.39.070 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days or is continued at the applicant's request for more than sixty days.~~

~~18.39.080 Administrative exemption. The town planner may administratively exempt from hillside lot review any project which will not result in environmental impacts and which is consistent with the intent and design standards of this chapter and with zoning ordinance regulations. Such administrative exemption may include, but is not limited to, the improvement of existing unfinished attic or basement space not requiring excavation, grading or filling.~~

18.39.090 Hillside lot design regulations and guidelines standards.

~~Hillside lots shall meet the requirements of the base zoning district with which this chapter is combined. The following standards shall be in addition and shall govern if conflicts arise. This section provides both regulations and guidelines for hillside development. Regulations are identified by use of the term "shall" and compliance is mandatory. Guidelines are identified by use of the term "should" and compliance is not mandatory but is strongly recommended. The Town Council may deny an application where there are substantial inconsistencies with one or more guidelines in a manner that is counter to the purposes of this ordinance.~~

~~If any provision of this ordinance is in conflict with another area of the municipal code, the more restrictive regulation, guideline or policy shall apply.~~

~~Hillside lot projects shall be in substantial compliance with the following standards/guidelines. The town council may deny an application for failure to comply to any single guideline/criterion:~~

(a) Relationship to the Site:

(a) Maximum Floor area. The maximum floor area shall be limited based on the lot slope and lot size using the following formula:

$$\text{Maximum floor area} = (0.15 - 0.002S)A - 0.005 (A^2/43,560)$$

A = lot area in square feet, up to a maximum of 3 acres

S = slope of the lot, up to a maximum of 55%

For example, a 15,000 square foot lot with an slope of 33 percent would be permitted up to 1,234 square feet of floor area.

(1) The following hillside slope/intensity guidelines are recommended for all hillside lots:

Slope	Up to and Including	Allowable Build Sq. Ft.	FAR Max. for Each	Running Total of Building
30-35%	1	3,485	8%	3,485
	2	3,049	7%	6,534
	3	2,614	6%	9,148
36-40%	1	3,049	7%	3,049
	2	2,614	6%	5,663
	3	2,178	5%	7,841
41-45%	1	2,614	6%	2,614
	2	2,178	5%	4,792
	3	1,742	4%	6,534
46-50%	1	2,178	5%	2,178
	2	1,742	4%	3,920
	3	1,307+	3%	5,227
>51%	1	1,742	4%	1,742
	2	1,307	3%	3,049
	3	871+	2%	3,920

These guidelines relate FAR to parcel slope and parcel size. The guideline FAR percentages are applied based on actual lot sizes for lots between zero and one acre, one and two acres, and two and three acres, to a maximum of 3 acres. A parcel of .5 acres with a slope between thirty percent and thirty-five percent, for example, would be recommended for a total floor area of $(.5)(3,485) = 1,743$ square feet. A parcel of 1.5 acres with a slope between thirty percent and thirty-five percent, for example, would be recommended for a total floor area of $3,485 + .5(3,049) = 5,010$ square feet.

~~Development above guideline floor area levels may be permitted if the town council finds that such development intensity is appropriate and consistent with this chapter. Factors which could support such a finding include, but are not limited to, excellence of design and site planning which minimizes environmental impacts.~~

(b) Building setbacks. Minimum yards should be provided as follows. Reduced yard requirements may be approved by the town council (to the yard requirements in the base zoning district) if warranted to further the purposes of this chapter, considering adjacent neighbor privacy. Such purposes could include preservation of significant trees, protection of creeks, or to allow a residence to be located on a level area of a site.

<u>Building Square Feet</u>	<u>Front Setback (feet)</u>	<u>Side Setback (feet)</u>	<u>Rear Setback (feet)</u>
<u>0-3500</u>	<u>25</u>	<u>25</u>	<u>40</u>
<u>3501+</u>	<u>25</u>	<u>45</u>	<u>70</u>

~~(32)~~ (c) Grading and retaining walls. Grading, cutting and filling and retaining walls ~~should~~shall be minimized for hillside development by using building techniques which reflect the natural topography of the site. Graded slopes shall not exceed 2:1. Individual retaining walls shall not exceed a height of eight feet. Terraced retaining walls should be at least three feet apart to allow for screening vegetation. The aggregate height of retaining walls shall not exceed eighteen feet for any particular slope. Upslope walls up to four feet in height may be constructed of pressure-treated timber. All walls up to six feet in height may be constructed of reinforced concrete block. All other walls shall be constructed of reinforced concrete.

~~(3) — Building design and the placement of driveways shall conform to the natural contours of the site.~~

~~(b)~~ (d) Architecture.

- (1) Architectural style ~~should~~shall complement the form of the natural landscape.
- (2) Designs ~~should~~shall be well-articulated to minimize the appearance of bulk.
- (3) Materials and colors ~~should~~shall be of subdued tones to blend with the natural landscape.

(4) — Building design and the placement of driveways should conform to the natural contours of the site.

(5) A building should be in scale with its surroundings and the town council may consider limiting floor area to account for tall wall heights and other volumes that exaggerate the height, bulk and mass of a building but are not included in floor area.

(6) Elevated and ground level decks and patios impact the exterior appearance of a structure and may affect the privacy of adjoining sites. Decks, particularly elevated decks, should enhance the appearance of a house and be of a scale and style which are compatible with the house, adjacent development, and the surroundings. The town council may limit deck and patio area based on considerations of aesthetics, potential for noise, bulk and mass, privacy of adjacent sites, and visibility.

(ee) Landscape Architecture.

(1) Native shrubs and trees ~~should shall~~ be retained on hillside terrain wherever possible to help reduce erosion and preserve the character of the hillside environment. Newly introduced landscaping shall ~~be of the character and quality identified on the town hillside plantings list~~ blend with the site setting.

(2) Drought and fire-resistant plantings are recommended.

(3) Native vegetation and trees shall be protected from damage during construction.

(4) ~~An drip~~ irrigation system is required to establish new ~~for~~ hillside landscaping.

(5) Landscaping ~~should shall~~ preserve the penetration of sunlight to neighboring properties.

(6) Small patios, terraces and pathways are allowed. They ~~shall should~~ be porous in nature wherever possible.

(7) Fences and walls enclosing a parcel are not recommended. All fences and walls are subject to review as part of the landscaping plan or design review as mandated.

(fe) Views.

(1) Hillside designs ~~should shall~~ protect views to the site and those viewsheds of neighboring property owners.

(2) No building shall be located on a ridge. ~~Dedication of ridgetop land may be required as a condition of approval of a development plan.~~

(ge) Public Safety.

- (1) Class A roofing assembly is required.
- (2) The fire official shall ensure the adequacy of the water supply for fire fighting purposes by requiring water mains and the upgrade of fire hydrants as necessary.
- (3) Sprinkler systems shall be provided as required by the fire official.
- (4) Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official.
- (5) Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.
- (6) Development should adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code.

(h) Geology.

- (1) All newly created slopes shall be planted or otherwise protected from the effects of storm runoff and erosion within thirty days after completion of grading.
- (2) Development shall avoid unstable areas on the site, such as slides, severe creep areas and debris flows. Locating improvements in such areas shall be grounds for project denial. Projects plans should include repair of all~~unstable areas on the site, such as slides, severe creep areas and debris flows, both in the immediate area of the proposed development and elsewhere on the site including any roadways traversing undeveloped areas~~ as required by the town or project engineers.
~~, shall be repaired to the satisfaction of the town.~~
- (3) Prior to any approval of a final subdivision map, all slides to be repaired shall be bonded to guarantee the repair during the normal construction of subdivision improvements. In the case of parcel maps, bonding shall be provided prior to the recordation of the parcel map.
- (4) All slide repair work shall be accomplished under a building permit and the direction of a registered civil engineer specializing in soils engineering or a certified engineering geologist. At the conclusion of work ~~and prior to the issuance of a building permit,~~ the engineer or geologist shall submit written confirmation to the town that all work accomplished under his jurisdiction is acceptable.
- (5) Erosion control measures and Best Management Practices (BMPs) shall be required for all development. Erosion control plans shall comply with the County of Marin stormwater regulations and shall meet the National Pollutant Discharge Elimination System (NPDES) permit requirements for Marin County.

(~~ig~~) Hydrology.

(1) Residences and accessory structures shall not traverse, encroach or impede a natural watercourse or drainage swale.

(2) ~~All new development shall provide drainage improvements necessary to mitigate the runoff created by disturbance to the watershed. Site drainage shall be designed by a licensed engineer. The plan shall be designed to produce no net increase in peak runoff from the site compared to pre-project conditions. Drainage plans should comply with Design Review criteria 18.41.100(t) Low Impact Development for Stormwater Management.~~

(3) ~~Site drainage shall be designed by a licensed engineer and shall conform to current stormwater discharge practices in Marin County.~~

(~~hj~~) Circulation.

(1) The design of the circulation system ~~shall~~should provide for an adequate transition and maximum compatibility with adjoining patterns of development and open space.

(2) The design of the circulation system ~~should~~shall follow the natural contours of the land.

(3) The points of ingress and egress to a street shall have a minimum visual clearance commensurate with adequate safety requirements. In any event, the visual clearance shall not be less than one hundred feet.

(4) All roadway improvements shall meet the specifications determined by the director of public works and town engineer.

18.39.100 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of this code.

18.39.110 Expiration. (a) Failure to secure a building permit and/or commence construction will cause hillside lot approval for development of an individual lot to expire one year from the date of approval without further notice. The town council may grant an extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

(b) A hillside lot approval for a land division shall automatically expire two years after its approval by the council unless a final/parcel map has been recorded. The town council may grant a time extension of up to one year from the original expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

(c) A second extension of up to one year may be granted upon submittal of a request prior to the expiration of the first extension if the council determines that the original findings remain valid.

18.39.120 Variances. Consistent with State law, an applicant may apply to the town council for a variance from any development regulation in this chapter, pursuant to Chapter 18.48 of this Title.