# Memorandum 10-138 Amend HCC 21.50.020, Site Development Standards and HCC 21.50.150, Fill Standards

**Memorandum ID:** 10-138
**Memorandum Status:** No Status

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MEMORANDUM 10-138

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud City Planner
DATE: November 25, 2009
SUBJ: Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

Introduction

This proposed ordinance makes two changes to city code. First, it requires storm water plans (SWP) city-wide in some circumstances. Second, it sets standards for filling a lot, and requires a grading plan, again in some circumstances.

Storm water plans
Ordinance 2004-11(A), adopted in April 2004, required storm water plans in the commercial business districts, but excluded the residential districts. For at least 3 years, the Planning Commission has sought to address further standards for dealing with storm water runoff for all larger projects, not just those in the commercial district as currently found in the code. The Residential Office district was amended in earlier this year to require storm water plans. Previously, projects like the hospital and other large buildings were not required to address storm water. As Homer becomes denser over the coming years, drainage and water runoff must be addressed so that problems are prevented. Ordinance 10-xx will apply storm water standards to the rest of the districts, so that if a contractor is building an apartment building, the same rules apply no matter where in the city the project is located.

There is one major difference between this ordinance, and the commercial district code already in place. HCC 21.50.030 (e) lists the criteria for when a project must provide a storm water plan. This new code will be less stringent i.e., you could build a bigger project without triggering a storm water plan. Generally speaking, the code is written to avoid requiring storm water plans for most single family home construction in the residential districts. But larger projects, like an apartment building, school, church or major park project would need a SWP.

Lot Filling
In addition to the storm water requirements, the commission also wishes to address standards for filling lots to ensure that best management practices are adhered to concerning limitations of what may be included in fill and physical requirements for the placement of a large amount of fill. One concern the Commission wanted to address was the use of stumps for fill; this creates a potential problem for future developers who may not know they purchased a lot full of stumps. The proposed ordinance limits the use of stumps to those that originated on the property. It is recognized that stumps can be difficult to get rid of and that burial in limited quantities is reasonable; entire lots used for stump dumping is what the Commission wants to avoid. The ordinance also addresses the use of asphalt, concrete and other construction debris.

Another component of the second section of the ordinance is the requirement for a grading plan. As smaller lots are filled and homes are built, filling can easily create drainage problems for existing neighboring homes, or for

future development on downhill lots. Homer does not have a current drainage management plan, which is a growing problem as more of the city is developed. Creating and implementing a new plan will be very expensive; and interim solution is to more closely regulate lot filling. One of the more difficult problems planning and public works is asked to address is when home owners call to say their neighbor is causing a drainage problem, or doing something that will cause a problem. Staff tries to work with land owners to find common ground solutions, but there are situations where it is obvious there will be a problem, and the city has no requirements to address it. The grading plan is a first step at addressing some of these issues, without adopting a building code.

This subject has been explored at numerous work sessions and Planning Commission Meetings. Prior to the public hearings held September 15th and October 6th Planning Commission meetings, a personal notice was sent to all identified construction contractors and realtors in the Homer area, notifying them of the ordinance and the opportunity for input. All were invited to the Kachemak Board of Realtors meeting in September, where staff made a presentation, and the public hearings.

The Homer Advisory Planning Commission recommended adoption of the ordinance at their meeting on October 20, 2010.

Recommendation: Adopt Ordinance 10-54 amending HCC 21.50.020, Site development standards – level one and HCC 21.50.150, Fill Standards.

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