



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: OCTOBER 26 2015

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

ORDINANCES

Ordinance 15-41(S), An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2016 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Page 3

Memorandum 15-178 from Community Recreation Manager as backup Page 7
Written public comments Page 11

PENDING BUSINESS

Ordinance 15-23, An Ordinance of the Homer City Council Amending Homer City Code 21.40.070, Requirements, Regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District. Planning.

Memorandum 15-179 from City Planner as backup Page 13
Supporting documents as backup Page 15

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

City Manager

3
4 **ORDINANCE 15-41(S)**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING
7 FUNDS FOR THE CALENDAR YEAR 2016 FOR THE GENERAL FUND,
8 THE WATER FUND, THE-SEWER FUND, THE PORT/HARBOR FUND,
9 CAPITAL PROJECTS, AND INTERNAL SERVICE FUNDS.

10
11 THE CITY OF HOMER ORDAINS:

12
13 Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following
14 appropriations are made for the calendar year ending December 2016:

15
16 General Fund \$11,658,093
17 Water Fund \$ 2,105,246
18 Sewer Fund \$ 1,626,500
19 Port/Harbor Fund \$ 4,688,729
20 Capital Projects \$ 1,355,275
21
22 Total Expenditures \$21,433,843
23
24 Internal Service Funds \$ 1,990,459

25
26 Section 2. Pursuant to the authority of Alaska Statutes Title 29, the following
27 appropriations are made for the calendar year ending December 2016:

28
29 General Fund \$10,609,676
30 Water Fund \$ 2,105,246
31 Sewer Fund \$ 1,626,500
32 Port/Harbor Fund \$ 4,688,729
33 Capital Projects \$ 1,355,275
34
35 Total Expenditures \$20,385,426
36
37 Internal Service Funds \$ 1,947,259

38
39 Section 3. The amounts appropriated by this ordinance are appropriated to the
40 objects and purposes stated in the adopted budget.

- 84 AYES:
- 85 NOES:
- 86 ABSTAIN:
- 87 ABSENT:
- 88
- 89
- 90
- 91 First Reading:
- 92 Public Hearing:
- 93 Second Reading:
- 94 Effective Date:

95
96
97
98
99 Reviewed and approved as to form:

100 _____
101 _____

102 Mary K. Koester, City Manager

103
104 Date: _____

105

Thomas F. Klinkner, City Attorney

Date: _____



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Administration

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Memorandum 15-178

TO: Mayor & City Council Members
THROUGH: Katie Koester, City Manager
FROM: Mike Illg, Community Recreation Manager
DATE: 10/22/15
SUBJECT: Community Recreation Information

The City of Homer Community Recreation program continues to be very popular service for our community members. Our activities through a partnership with the Kenai Peninsula Borough School District are located at Homer High School, Homer Middle School, West Homer Elementary and the city owned HERC building. Our mission statement is:

"The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns."

The City of Homer Community Recreation program is a high interactive and multi-dimensional program that has many players and entities involved. There are many tangible and intangible benefits that the Community Recreation program provides. As identified in the City of Homer's 2015 Parks, Arts, Recreation & Culture Needs Assessment, community members identified these **intangible benefits** of recreation.

- **Health benefits:** Community safety; mental and physical health
- **Family and social wellbeing:** Networking, role modeling, having places for people to interact, as an extended family, especially when many people have family far away.
- **Education:** Opportunities for young people to spend free time and/or to develop their vocation; contributes to a great school system.
- **Economic wellbeing:** Generates business opportunities and is a visitor destination.

There are many proven studies that show how municipal recreational services directly provide many important and beneficial results including; increasing property values, attracting businesses to a community, reducing crime, extend life expectancy, improve quality of life, reduce childhood obesity, strengthen neighborhoods and sense of community and attracting new residents to a community.

I will also provide you Community Recreation's **tangible benefits and value** from FY2014.

2014 BUDGET

2014 Budget	\$138,580 (The city's smallest division budget)
2014 <i>Actual</i> Budget	\$125,542 (9.4% unexpended)
2014 Revenue Collected	\$ 40,280
2014 Total Cost to provide CR	\$ 85,262

2016 BUDGET (projected)

2016 Budget	\$132,291
2016 <i>Actual</i> Budget	unknown
2016 Revenue Collected	\$ 35,000 (estimated)
2016 Estimated Total Cost to provide CR	\$ 97,291

PEOPLE

There were **50** individual volunteers who have donated **4,576** volunteer hours and this equates to a monetary value of **\$119,765 (\$26.59/hour)**.

There were **30** individual contracted instructors that generated approximately **\$23,000** in revenue that are essentially **part time jobs** contributing to our local economy.

There is **1** full time employee (Recreation Manager) and **3** (.03 FTE each), on-call, part time employees to fill in or assist with the many programs and events.

PROGRAMS

There have been many **increases** in 2014:

- Provided **97** Programs and **6** Special Events
- Total participants increased by **25% (4,138)**
- Total **youth** participants: **1,795**; Total **adult** participants: **2,343**
- Total estimated visits increased by **98%** (26,273, repeat visitors)
- Total revenue collected increased by **32%** (**\$40,280**)
- Total increase of volunteer hours by **56%** (4,576)
- Total increase in donated volunteer value increased by **86%** (**\$119,765**)
- **Offers programs 7 days a week!**

Community Recreation spearheaded the collaborative community efforts to create, design and help fund the popular "**HOMER TRAILS Map**".

PARTNERSHIPS/PLACES

The ability to utilize existing public infrastructure through a significant partnership with the Kenai Peninsula Borough School District allows the Community Recreation program to operate very frugally. The City of Homer Community Recreation pays **\$6,000** annually to the Kenai Peninsula Borough School District to use Homer High School and Homer Middle School for educational and recreational programs and events. This fee also includes office space, use of copy machines, office supplies and custodial fees.

The current rate to rent a classroom is **\$20/hour** and **\$30/hour** to rent the gymnasium. There is also a **\$30/hour** custodial fee in addition to the rental fees. If CR were to be charged the standard rental and custodial fees the estimated annual cost for existing programs would be in the range of **\$130,000-\$140,000**. The estimated annual custodial cost would be **\$30,000**. The estimated annual office supply value is **\$500**.

For the **\$6,000** annual fee, the CR program receives an estimated **value of \$165,500** in services in return.

FISCAL SUMMARY

In 2014:

The total cost of providing the CR program: **\$ 85,262**

For this investment CR received:

From KPBSD:	\$165,500
Volunteer Value:	\$119,765

For this investment CR created part time jobs (contracted instructors) valued at: **\$ 23,000**

Total In Kind & Monetary Value: \$308,265

For every \$1.00 invested in Community Recreation, there is an estimated Return Value of \$3.61.

From: [Mary Griswold](#)
To: [Jo Johnson](#)
Subject: Budget considerations
Date: Wednesday, October 21, 2015 1:09:28 PM

(Please distribute to council members and include as public comment in the council packet)

Budget considerations

I encourage you to cut the lobbyist from Budget A and apply the savings to library books. Technology and communications are very good these days. It is easy to track legislation and get in touch with our legislators, either in Juneau or here in Homer on their frequent visits. I followed the lobbyist reports at council meetings last spring and was not impressed. They did not have information not available to me. In fact, at one meeting, Linda said she'd have to get back to the council on the matter of re-appropriating Wadell Way funding to the Public Safety Building when Representative Seaton had already announced that there would be no re-appropriating of funds.

I urge you to cut \$46,600 in funding to the Pratt from Budget A and apply some of that to the Homer Foundation. The Pratt is one of many fine nonprofits in this community. It should not be singled out for special funding. The Homer Foundation provides equal opportunity access by all our nonprofits to city funding.



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Memorandum 15-179

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD, CITY PLANNER
DATE: October 22, 2015
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

The Planning Commission recommended an amendment to the previously proposed ordinance.

The amendment addresses the concerns found at the City Council. Technically, two different concepts are addressed. Reminder: These concepts only apply to lots that are less than 2.5 acres. No new lots may be subdivided under 4.5 acres in size.

1. What constitutes impervious on site? All structures, walkways, and driveways are impervious for calculating the mitigation measures.
2. What exception may be granted for the calculation of impervious cover? 50% of the area used as walkways and driveways may be excluded for determination of the total amount of impervious allowed.

In a nutshell, if one wishes to exceed impervious cover greater than 4.2% on their, they will be expected to create a mitigation plan that considers the entire proposed development. They may develop 6.4% of the lot in addition to a maximum of an additional 50% of the proposed walkway and driveway area. This is all permitted within the Planning Office. If an exception greater than 50% of the walkway and driveway is proposed, they will need approval of the Planning Commission.

I believe this is a good compromise that really does not deviate much from the current allowance for impervious coverage, but makes it much friendlier to those wanting to develop. It provides a reasonable amount of exception for the development of small lots.

CITY OF HOMER
ORDINANCE 15-xx

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING
STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE
CREEK WATERSHED PROTECTION DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:

21.40.070 Requirements. The requirements of this section shall apply to all structures and uses in the BCWP district unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.

a. Impervious Coverage.

1. Lots two and one-half acres and larger shall have a maximum total impervious coverage of 4.2 percent.

2. Lots smaller than two and one-half acres shall have a maximum total impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this section.

3. Lots smaller than two and one-half acres may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan for the City Planner's ~~Planning Commission's~~ approval, and (b) if approved, thereafter implements and continuously complies with the approved plan. The mitigation plan must be designed to mitigate the effect of impervious coverage on water flow and the effect of loss of vegetation created by the impervious coverage and shall comply with the following performance standards:

a. Disturbed areas shall be reseeded by August 31st

b. Storm water retention for the proposed new impervious surface must be provided on site.

1. The post-development stormwater discharge rate shall not exceed the pre-development peak discharge rate (PDR) for the 10-year frequency storm event, consisting of rainfall for a period of three consecutive hours at a rate of one-half inch per hour.

2. Retention may be provided in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner.

b. Impervious Coverage Calculations.

1. For the purpose of calculating impervious coverage on lots smaller than two and one-half acres, 50% of driveways and walkways may be ~~partially or fully~~ excluded from the calculation, if constructed and maintained in accordance with a mitigation

[Bold and underlined added. Deleted language stricken through.]

44 plan **that addresses the entire impervious coverage proposed for the lot,** submitted
45 and approved in accordance with subsection (a)(3) of this section. **Exclusion of more**
46 **than 50% of driveways and walkways from the calculation shall require approval of**
47 **the Planning Commission.**

48 2. Except as otherwise provided in this section, parcels of land subdivided after
49 February 25, 2003, shall be allowed a total impervious coverage of 4.2 percent including
50 right-of-way (ROW) dedication. ROW coverage area shall be calculated as 50 percent of
51 the total area of the dedicated ROW. The impervious coverage allowed for the
52 subdivided parcels shall be calculated after deducting the ROW coverage from the total
53 parcel allowance according to the following formula:

54 Formula:
55 (Area of parcel being subdivided) x 0.042 = Total allowed impervious coverage
56 (TAC)
57 (Area of ROW dedication) x 0.5 = ROW coverage (ROW C)
58 (TAC) – (ROW C) = Allowed impervious coverage for remainder of parcel being
59 subdivided
60 (Area of parcel being subdivided) – (Area of ROW dedication) = New parcel area
61 (Allowed impervious coverage for remainder) ÷ (New parcel area) x 100 =
62 Percent impervious coverage allowed on subdivided lots.

63 c. Additional Requirements for Subdivisions and Lots.

64 1. Lots created by subdivision after February 25, 2003, shall be a minimum of
65 four and one-half acres.

66 2. Applications for subdivisions, dedications, and vacations of easements and
67 rights-of-way in the BCWP district must be approved by the Planning Commission prior
68 to submission to the Kenai Peninsula Borough.

69 d. Building Setbacks. Buildings must be set back from the Bridge Creek Reservoir and
70 from streams as provided in HCC 21.40.110 and 21.40.120.

71 e. Sewer Systems. Appropriate to the use of the lot, each lot shall be served by a septic
72 or sewer system approved by the Alaska State Department of Environmental Conservation
73 (ADEC). Stream setbacks equal to 100 feet for drain fields and subsurface discharge and 250
74 feet for raised septic systems are required.

75 f. Ongoing Construction and Timber Harvesting. All activities including, but not limited
76 to, timber harvesting, road building, subdivision and building activities involving loss of
77 vegetation ground cover or soil disturbance and that are in process on February 25, 2003, shall
78 be required to obtain permits under this chapter and shall fully conform to the terms of this
79 chapter. Activities leaving disturbed or lost vegetative ground cover, disturbed soils without
80 revegetation or leaving slash piles will be considered in process for the purposes of this
81 subsection, regardless of when the activity occurred.

82 g. Pending Subdivisions. Subdivisions that have not received final plat approval by
83 February 25, 2003, shall obtain approval from the Planning Commission and shall be required
84 to conform to the requirements of this chapter.

85

[Bold and underlined added. Deleted language stricken through.]

86 Section 2. This Ordinance is of a permanent and general character and shall be included
87 in the City Code.

88
89 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
90 _____ 2015.

91 CITY OF HOMER

92
93 _____
94 MARY E. WYTHE, MAYOR

95 ATTEST:

96
97 _____
98 JO JOHNSON, MMC, CITY CLERK

99
100 AYES:

101 NOES:

102 ABSTAIN:

103 ABSENT:

104
105 First Reading:

106 Public Hearing:

107 Second Reading:

108 Effective Date:

109
110 Reviewed and approved as to form:

111
112 _____
113 Mary K. Koester, City Manager

111
112 _____
113 Thomas F. Klinkner, City Attorney

114
115 Date: _____

114
115 Date: _____

[Bold and underlined added. Deleted language stricken through.]



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Staff Report PL 15-73

TO: Homer Advisory Planning Commission
FROM : Rick Abboud, City Planner
DATE: October 21, 2015
SUBJECT: Draft ordinance for the Bridge Creek Watershed Protection District.

This draft ordinance accomplishes several things for those developing in the Bridge Creek Watershed Protection District (BCWPD) on lots smaller than 2.5 acres. This ordinance will save applicants time and provide clear and consistent expectations when developing in the Homer's watershed. This ordinance:

1. Allows the City Planner to approve mitigation plans for lots smaller than 2.5 acres that choose to develop an impervious coverage up to 6.4% of the lot area (lines 23-25).

Currently, all lots in the BCWPD are allowed up to 4.2% of impervious coverage. Lots less than 2.5 acres may develop up to 6.4%, if the Planning Commission approves the mitigation plan. The Planning staff is familiar with these mitigation methods and can provide assistance to applicants. This will avoid delays when scheduling before the Commission, while letting the applicant work with one staff person instead of seven Commissioners.

2. Describes standards for calculating the amount of mitigation needed (lines 28-39).

Currently, how to mitigate for the impervious coverage is not defined. This leads applicants to design for what feels like to them, a moving target. The ordinance eliminates the moving target by outlining standards for storm water mitigation. The ordinance describes the rain event (a 10 year event for 3 hours, equal to 0.5" per hour) for which the developer is to mitigate, so applicants will have clear expectations on what their mitigation plan needs to accomplish. The ordinance outlines acceptable mitigation measures and provides the ability to consider mitigation methods not listed.

3. 50% of the driveways and walkways may be excluded (lines 46-52).

This clarifies that up to 50% of the driveways and walkways may be excluded from the impervious calculations when a mitigation plan considers the entire impervious coverage proposed. Consideration for a proposal of greater than 50% will require approval of the Planning

Commission. Currently, driveways may be fully excluded with approval of the Commission. A 50% exclusion would have accommodated all previous application with the exception of one.

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

Discussion: The Comprehensive Plan, Ch. 4, Goal 2: "Maintain the quality of Homer's natural environment and scenic beauty." A strategy to accomplish this goal includes "recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics." Examples include "site development policies for drainage, vegetation, and grading." This amendment directly correlates to accomplishing this goal.

Staff response: This amendment is consistent with the Comprehensive Plan.

- b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. Standards for mitigation calculation are more certain than current policy.

- c. Will promote the present and future public health, safety and welfare.

Staff response: Public health, safety and welfare are promoted in the creation of standards to help mitigate potential negative impacts on the Bridge Creek Reservoir.

- d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

Staff Recommendation: Hold public hearing. Move to recommend adoption by the City Council.

Att: Draft Ordinance public hearing version



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Staff Report PL 15-69

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 7, 2015
SUBJECT: BCWPD

Introduction: After working with the last recommendations for the ordinance, I found some difficulty with interpretation and intent within the language.

Analysis: The ordinance forwards two separate concepts that should be clearly noted. The first is that in order to exceed the 4.2% impervious coverage on lots smaller than 2.5 acres, one is required to produce a mitigation plan in accordance with the standards set forth in the amended ordinance. Second, one may get some exclusion from impervious calculation for driveways and walkways.

The version of the ordinance sent to the City Council used the method of calculating a mitigation measure as the amount of exclusion for impervious cover that was acceptable, all without specifically spelling it out. The implied amount of exclusion was 10% of the structure and 30% of the driveway ("walkways may be calculated as 70% impervious and structures as 90% impervious"), as it represents the numbers an engineer would use in calculating the amount of retention necessary for the specified event.

One of the goals of the amendment was to clarify just how much of a driveway or walkway may be excluded without presenting a mitigation plan before the Planning Commission. Currently, one may partially or fully exclude driveways or walkways from the amount of impervious (even without any specific guidelines). My proposed amendment would specify allowance at 50% that could be approved in the Planning Office. Only one proposal since inception of the district, in 2003, has proposed a greater number. Additionally, the last proposal that requested relief worked with the 90% and 70%, which equated to consideration of 60% impervious for the driveway.

I am comfortable with providing 50% relief for walkways and driveways with the installation of retention measures that consider the entire development for a lot. The proposed language spells this out and does not mix the mitigation measures with the formula for impervious mitigation. This way code is consistent in what is considered impervious in other sections of

title 21. If one does find it necessary to request relief beyond the 50% for walkways and driveways, they may make their case before the Commission.

Staff Recommendation: Review proposed amendment and make recommendation. This may then be scheduled for a public hearing.

Attachments:

1. Ordinance



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Staff Report PL 15-64

TO: Homer Advisory Planning Commission
FROM : Rick Abboud, City Planner
DATE: August 19, 2015
SUBJECT: Draft ordinance for the Bridge Creek Watershed Protection District

Introduction

On July 27th, the Council held a public hearing and second reading of Ordinance 15-23 (Amending HCC 21.40.070, Standards for Impervious Coverage in the Bridge Creek Watershed Protection District). Council made amendments to the Ordinance to remove the language about using the figures of 70% and 90% for driveway and structure impervious calculations. They then added back in that driveways could be mitigated and partially or fully excluded from the impervious calculation. The City Council remanded back to the Commission to re-present the ordinance with more definition around the impervious standards. Please see the minutes.

Staff has provided information below on impervious surface calculations, and also see attachments. The Commission has two possible ways to respond to Council: stick with the impervious calculations that have been discussed thus far and why, or, agree with Council on the amendments. Please discuss so the minutes can reflect the Commission's comments back to the Council.

Discussion

Option A, HAPC recommendations: By having code that defines the imperviousness as 70% for driveways and 90% for buildings, it takes the guesswork out for staff and the applicant. If an applicant has other information, or a better way to build a permeable driveway, they can provide that. Staff can consider it before making a decision. But both driveways and structures have a reduction from the usual 100% impervious calculation.

Option B, Council's Amendment: Buildings would continue to be calculated as 100% impervious. Driveways could be calculated based on best available information as provided by the applicant, their engineer, or staff could use the figures provided in the Homer Stormwater and Meltwater Management Handbook. Code would not provide any guidance.

Impervious Runoff Coefficients

The most common method to determine the volume of stormwater runoff after a storm event is the called the Rational Method. The Rational Method uses “runoff coefficients” which is a percentage of runoff created by the impervious surface. Engineers use well documented and scientifically based “runoff coefficients” when estimate the amount of stormwater runoff that is created on a certain storm event.

Attached are two documents with more information. The Homer Storm Water Meltwater Management Handbook discusses this method and provides localized coefficients. The Knox County information offers a technical description is frequently used as reference for describing the rational method.

Staff recommendation Our collective goal is clear, easy to understand code language. Planning Commission:

1. Discuss Options A and B. Which is easier to understand, administer, and defend on appeal?
2. Planning Commission respond to the Council’s request for Commission to re-present the ordinance with more definition around the impervious standards.

Attachments:

1. Ordinance 15-23
2. Minutes from July 27, 2015 Council meeting
3. Pages 32-36 of the Homer Stormwater and
4. Knox County Tennessee Storm Water Management Manual
5. Memorandum 15-100

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 15-23

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING
STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK
WATERSHED PROTECTION DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:

21.40.070 Requirements. The requirements of this section shall apply to all structures and uses in the BCWP district unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.

a. Impervious Coverage.

1. Lots two and one-half acres and larger shall have a maximum total impervious coverage of 4.2 percent.

2. Lots smaller than two and one-half acres shall have a maximum total impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this section.

3. Lots smaller than two and one-half-acres may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan for **the City Planner's** ~~Planning Commission's~~ approval, and (b) if approved, thereafter implements and continuously complies with the approved plan. The mitigation plan must be designed to mitigate the effect of impervious coverage on water flow and the effect of loss of vegetation created by the impervious coverage and **shall comply with the following performance standards:**

a. Disturbed areas shall be reseeded by August 31st

b. Storm water retention for the proposed new impervious surface must be provided on site.

1. The post-development stormwater discharge rate shall not exceed the pre-development peak discharge rate (PDR) for the 10-year frequency storm event, consisting of rainfall for a period of three consecutive hours at a rate of one-half inch per hour.

2. Retention may be provided in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner.

c. For the purpose of calculating impervious coverage for mitigation plans on lots smaller than two and one-half acres, driveways and

[**Bold and underlined added.** Deleted language stricken through.]

~~walkways may be calculated as 70% impervious and structures as 90% impervious.~~

b. Impervious Coverage Calculations:

1. For the purpose of calculating impervious coverage on lots smaller than two and one-half acres, driveways and walkways may be partially or fully excluded from the calculation, if constructed and maintained in accordance with a mitigation plan, submitted and approved in accordance with subsection (a)(3) of this section.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____ 2015.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

[**Bold and underlined added.** Deleted language stricken through.]

Requirement From the Homer Accelerated Water And Sewer Fund (HAWSP) in the Amount of \$576,773.10 for the Purpose of Completing the Water Distribution/Storage Improvement Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Councilmember Burgess previously declared a conflict of interest and was recused from participation.

Mayor Wythe opened the public hearing.

Scott Adams, city resident, commented most developments for water and sewer are LIDs. If the Shellfish, South Slope, and Kachemak Drive projects are not, they should not be included in this program.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-20 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

The intention of Public Works was to complete the water system to remove dead ends and make it more connected. The improvement will benefit the whole water system, not just those that will be upgraded.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- C. **Ordinance 15-23**, An Ordinance of the Homer City Council Amending Homer City Code 21.40.070, Requirements, Regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District. Planning. Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Memorandum 15-100 from City Planner as backup.

Mayor Wythe opened the public hearing.

Bill Smith, Homer resident, served on the Planning Commission when Bridge Creek Watershed Protection District (BCWPD) was developed. The commission put a lot of thought in how to apply scientific standards about impervious coverage and the impact on water quality. He submitted a letter to the Council stating he is in favor of a number of parts, but it is troubling to count structures as 90% impervious; that is an amount used by engineers to calculate the run-off in culverts and ditches. The ordinance misses the point in the BCWPD; we are estimating impact of water quality, not storm water run-off.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-23 by reading of title only for second and final reading.

ROBERTS/REYNOLDS - SO MOVED.

BURGESS/LEWIS - MOVED TO AMEND TO REMOVE LINES 41, 42, 43, AND 44.

There will be no replacement; the ordinance will stick with the current standards.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND TO REINSTATE LINES 46 TO 49.

Lines 46 to 49 will become item C.

City Planner Abboud advised the Council the purpose is for lots eligible for 6.2% coverage. Currently you have to go to the Planning Commission to have your whole driveway excluded or not. There are no standards to determine who deserves 100% other than going to the Planning Commission for their vote. The ordinance gives him a defined measure he can do in his office. If someone wants to have driveway over their whole lot who is he to say no, he would tell the person you just have to have a good mitigation plan. It doesn't matter what the impervious is.

Councilmember Burgess didn't want to reinstate the stricken items as they were specific to walkways and structures. There is no reason to allow structure to be considered partially impervious. A driveway can be considered up to 50% impervious at the discretion of the Planning Commission.

Mayor Wythe asked Councilmember Burgess if he was an owner of property in the BCWPD. Councilmember Burgess answered he owns property through a company and it has been previously ruled he had no conflict.

City Planner Abboud told the Council it will be easier to define the percentages of impervious coverage for structures and driveways. Seventy percent (70%) is the usual impervious coverage for a driveway.

The letter from Bill Smith was read regarding impervious coverage on walkways and driveways.

City Planner Abboud told the Council if someone asked for 100% for a driveway he is unsure what standard to ask the applicant to prove to the Planning Commission if it is not in code.

VOTE: (amendment) YES. ROBERTS, ZAK, BURGESS, VAN DYKE

VOTE: NO. REYNOLDS, LEWIS

Motion carried.

LEWIS/ZAK - MOVED TO AMEND TO ADD LINES 41 - 44 WITH 100% IMPERVIOUS IN STRUCTURES.

Councilmember Burgess commented the Council voted to reduce runoff issues, but in the watershed which is the most critical erosion and we are trying to meet a standard of water quality, not just storm water attention. We agree structures are 100% impervious, but an arbitrary percentage figure is being selected for driveways and walkways. Currently the burden of proof is on the developer and mitigation plan, which is subjective. It should be reviewed by the Planning Commission.

City Planner Abboud advised 70% impervious is used in the standard gravel pathway which is in the engineering standard book.

Councilmember Roberts pointed out reinstating lines 41 - 44 will make it more difficult since we are putting a 70% impervious limit on driveways and pathways. In the old language that standard was not applied for calculating impervious coverage on lots smaller than 2.5 acres driveways and pathways may be partially or fully excluded. Adding the 70% impervious coverage will limit development on the lots.

Councilmember Lewis recommended his motion be voted down and we postpone the ordinance for further discussion. We should not be making amendments without the experts here to discuss this.

VOTE: (amendment) YES.

VOTE: NO. REYNOLDS, ROBERTS, VAN DYKE, ZAK, BURGESS, LEWIS

Motion failed.

LEWIS/ROBERTS - MOVED TO POSTPONE TO A WORKSESSION SO WE ARE NOT AMENDING IT ON THE FLY.

Planner Abboud can review the ordinance with the Planning Commission to see if they wish to make a change based on the Council's discussions.

Councilmember Burgess expressed opposition to the postponement. If we pass the ordinance as written it can be amended later. We don't waste the Planning Commission's work.

City Clerk Johnson advised a date certain of September 14 instead of leaving the postponement open ended.

VOTE: (postponement) YES. LEWIS, ZAK

VOTE: NO. VAN DYKE, REYNOLDS, ROBERTS, BURGESS

Motion failed.

REYNOLDS/ZAK - MOVED TO REFER TO THE PLANNING COMMISSION TO RE-PRESENT THE ORDINANCE WITH MORE DEFINITION AROUND THE IMPERVIOUS STANDARDS AND ASK THEM TO BRING IT BACK TO US AT THE SEPTEMBER 14TH MEETING.

VOTE: (refer) YES. ZAK, VAN DYKE, REYNOLDS

VOTE: NO. BURGESS, LEWIS, ROBERTS

Mayor Wythe broke the tie vote with a YES vote.

Motion carried.

- D. **Ordinance 15-24**, An Ordinance of the Homer City Council Enacting HCC 2.52.080, Correctional Officer Qualifications, Regarding the Qualification and Certification of City Correctional Officers. City Manager. Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Memorandum 15-090 from Police Chief as backup.

Mayor Wythe opened the public hearing. In the absence of public testimony, Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-24 by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

There was no discussion.