

1
2
3
4
5
6
7
8
9
10
11
12
13

**CITY OF HOMER
HOMER, ALASKA**

Planning

14
15
16

ORDINANCE 10-56

17
18
19
20
21
22
23
24
25
26

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS; ENACTING HOMER CITY CODE CHAPTER 21.44, SLOPES; AND AMENDING HOMER CITY CODE 21.50.020, SITE DEVELOPMENT STANDARDS – LEVEL ONE, AND HOMER CITY CODE 21.50.030, SITE DEVELOPMENT STANDARDS – LEVEL TWO; REGARDING THE REGULATION OF DEVELOPMENT ACTIVITY ON SITES AFFECTED BY SLOPES.

27
28
29
30
31
32
33
34
35
36
37
38

WHEREAS, There has been community concern about steep slope development since 2001 and the formation of the Steep Slope Task Force; and

39
40
41
42
43
44
45

WHEREAS, The 2008 City of Homer Comprehensive Plan, Chapter 4 Land Use, Goal 1 Object C, strategy 7 states, “Develop and apply in all districts new standards addressing environmental issues including management of storm water, slope standards, and onsite septic systems”; and

WHEREAS, Goal 2, Objective B, includes strategies such as developing standards for building setbacks on coastal bluffs, creating standards for development on steep slopes and creating an option for a specialized review process for hillsides, e.g. allowing development on steeper slopes subject to more extensive site analysis and engineering reports.

NOW THEREFORE THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.040, Definitions used in zoning code, is hereby amended by adding the following definitions:

“*Bluff*” means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200% (two feet difference in elevation per one foot of horizontal distance).

“*Coastal bluff*” means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

“*Ravine*” means a long, deep hollow in the earth’s surface with walls that have a height of at least 15 feet and an average slope of not less than 500% (five feet difference in elevation per one foot of horizontal distance).

“*Slope*” means with respect to two points on the surface of the ground, the ratio, expressed as a percentage, of the difference between their elevations divided by the horizontal distance between them. Slope is measured as provided in HCC 21.05.040.

46 “Steep slope” means an elevation change in topography of at least 15 feet, with an
47 average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal
48 distance). A steep slope can occur naturally or can be created by excavation into or filling over
49 natural ground.

50
51 Section 2. Homer City Code Chapter 21.44 Steep Slopes is hereby enacted to read as
52 follows:

53
54 CHAPTER 21.44

55
56 SLOPES

57
58 21.44.010 Purpose and intent
59 21.44.020 Applicability
60 21.44.030 Slope development standards
61 21.44.040 Exceptions to setback requirements
62 21.44.050 Site plan requirements for slope development
63

64 21.44.010 Purpose and intent. This chapter regulates development activity and structures
65 in areas affected by slopes, bluffs, coastal bluffs and ravines, and provides the means for
66 additional review and protection to encourage safe and orderly growth to promote the health,
67 welfare and safety of Homer residents.

68
69 21.44.020 Applicability. a. This chapter applies to all development activity that disturbs
70 the existing land surface, including without limitation clearing, grading, excavating and filling in
71 areas that are subject to any of the following conditions:

- 72 1. Lots with average slopes 15% or greater, bluffs, coastal bluffs and ravines;
73 2. Located within forty (40) feet of the top or within fifteen (15) feet of the
74 toe of a steep slope, bluff, coastal bluff or ravine; and
75 3. Any other location where the City Engineer determines that adverse
76 conditions associated with slope stability, erosion or sedimentation are present.

77 b. This chapter imposes regulations and standards in addition to the requirements of
78 the underlying zoning district(s).

79
80 21.44.030 Slope development standards. The following standards apply to all
81 development activity on a site described in HCC 21.44.020.

82 a. No development activity, including clearing and grading, may occur before the
83 issuance of a zoning permit under HCC Chapter 21.70.

84 b. Area of development.

85 1. Except where the City Engineer approves a site plan under HCC
86 21.44.050 that provides for a larger area of development, the area of development on a lot with
87 an average slope:

- 88 a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.

- 89 b. Greater than 30 percent but less than 45 percent shall not exceed
90 10 percent of the total lot area.
- 91 2. The area of development on a lot with an average slope of 45 percent or
92 greater shall not exceed the area of development described in a site plan approved by the City
93 Engineer under HCC 21.44.050.
- 94 c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all
95 development activity is subject to the following setback requirements.
- 96 1. No structure may be closer to the top of a ravine, steep slope or non-
97 coastal bluff than the lesser of:
- 98 i. 40 feet; or
99 ii. 1/3 of the height of the bluff or steep slope, but not less than 15
100 feet.
- 101 2. No structure may be closer than 15 feet to the toe of a bluff other than a
102 coastal bluff.
- 103 3. No structure may be closer than 40 feet to the top of a coastal bluff and
104 closer than 15 feet to the toe of a coastal bluff.
- 105 d. Natural Drainage. The site design and development activity shall not restrict
106 natural drainage patterns, except as provided in this subsection.
- 107 1. To the maximum extent feasible, the natural surface drainage patterns
108 unique to the topography and vegetation of the site shall be preserved. Natural surface drainage
109 patterns may be modified only pursuant to a site plan approved by the City Engineer under HCC
110 21.44.050, and upon a showing that there will be no significant adverse environmental impacts
111 on the site or on adjacent properties. If natural drainage patterns are modified, appropriate soil
112 stabilization techniques shall be employed.
- 113 2. The site shall be graded as necessary to ensure that drainage flows away
114 from all structures for a distance of at least 10 feet, especially where building pads are cut into
115 hillsides.
- 116 3. The development activity shall not cause an adverse effect on adjacent
117 land and surrounding drainage patterns.
- 118 e. Erosion control.
- 119 1. Erosion control methods approved by the City Planner and City Engineer,
120 including without limitation sediment traps, small dams and barriers, shall be used during
121 construction and site development to protect water quality, control soil erosion and control the
122 velocity of runoff.
- 123 2. Winter Erosion Control Blankets. If development on a slope is not
124 stabilized by October 15, erosion control blankets (or a product with equivalent performance
125 characteristics) must be installed upon completion of the seasonal work, but no later than
126 October 15. The erosion control blankets shall remain in place until at least the following May
- 127 3. Vegetation shall remain undisturbed except as necessary to construct
128 improvements and to eliminate hazardous conditions, in which case it must be replanted with
129 approved materials including ground cover, shrubs and trees. Native vegetation is preferred for
130 replanting operations, and will be used where practicable.

131 4. Grading shall not alter the natural contours of the terrain except as
132 necessary for building sites or to correct unsafe conditions. The locations of buildings and roads
133 shall be planned to follow and conform to existing contours as nearly as possible.

134
135 21.44.040 Exceptions to setback requirements. a. Any of the following may be located
136 within a setback required by HCC 21.44.030(c):

137 1. A deck extending no more than five feet into the required setback.
138 2. An unoccupied accessory structure having a building area not greater than
139 200 square feet that is no closer than 15 feet to the top of any bluff or ravine.

140 3. A boardwalk, sidewalk, foot path or stairway that provides access to a
141 beach, bluff or accessory structure, and that is located at or within three feet above ground level.

142 4. Development activity that the City Planner determines is reasonably
143 intended to stabilize an eroding coastal bluff.

144 b. No structure other than a structure described in (a) of this section may be located
145 in a required setback without a conditional use permit issued in accordance with HCC Chapter
146 21.71 and a site plan approved by the City Engineer under HCC 21.44.050.

147
148 21.44.050 Site plan requirements for slope development. a. No permit for development
149 activity for which HCC 21.44.030 or 21.44.040(b) requires a site plan may be approved unless
150 the City Engineer approves a site plan for the development activity that conforms to the
151 requirements of this section. The City Engineer shall accept or reject the plan as submitted or
152 may require that specific conditions be complied with in order for the plan to meet approval.

153 b. The site plan shall be prepared by a qualified geotechnical engineer licensed to
154 practice in the state of Alaska and shall include the following information.

155 1. The location of all watercourses, water bodies, and wetlands within 100
156 feet of the location of the proposed development activity.

157 2. The location of all existing and proposed drainage structures and patterns.

158 3. Site topography shown by contours with a maximum vertical interval of
159 five feet.

160 4. The location of all proposed and existing buildings, utilities (including
161 onsite well and septic facilities), driveways and streets.

162 5. The location of all existing vegetation types including meadow, forest and
163 scrub lands, identifying all areas of vegetation that will be removed as well as vegetation to be
164 preserved or replaced. Specifications for revegetation shall also be included.

165 6. Specific methods that will be used to control soil erosion, sedimentation,
166 and excessive storm water runoff during and after construction.

167 7. A description of the stability of the existing soils on site and a narrative
168 and other detail sufficient to demonstrate the appropriateness of the development and
169 construction methods proposed.

170 8. A grading plan for all areas that will be disturbed by the development
171 activity.

172 9. A slope stability analysis including the following:

- 173 i. Summary of all subsurface exploration data, including subsurface
174 soil profile, exploration logs, laboratory or *in situ* test results, and ground water information;
175 ii. Interpretation and analysis of the subsurface data;
176 iii. Summary of seismic concerns and recommended mitigation;
177 iv. Specific engineering recommendations for design;
178 v. Discussion of conditions for solution of anticipated problems;
179 vi. Recommended geotechnical special provisions;
180 vii. An opinion on adequacy for the intended use of sites to be
181 developed by the proposed grading as affected by soils engineering factors, including the
182 stability of slopes.

183
184 Section 3. Homer City Code 21.50.020(a), Site development standards – level one,
185 Slopes is amended to read as follows:

186
187 This section establishes level one site development standards. Level one site
188 development standards apply in all zoning districts, unless otherwise provided by another
189 provision of the zoning code.

190 a. Slopes. All development on a site affected by a slope of 15% or more, bluff,
191 coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements of
192 HCC Chapter 21.44 in addition to the requirements of this section.

193
194 Section 4. Subsection (b) of Homer City Code 21.50.030(b) Slopes, Site development
195 standards – level two, is amended to read as follows:

196
197 b. Slopes. All development on a site affected by a by a slope of 15% or more, bluff,
198 coastal bluff or ravine, as described in HCC 21.44.020, shall be subject to the requirements of
199 HCC Chapter 21.44 in addition to the requirements of this section.

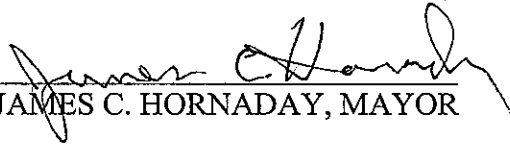
200
201 Section 5. This ordinance shall be effective upon adoption, except that land development
202 plans that received final approval prior to the effective date of this ordinance shall not be subject
203 to the amendments in this ordinance.

204
205 Section 6. This Ordinance is of a permanent and general character and shall be included
206 in the City Code.

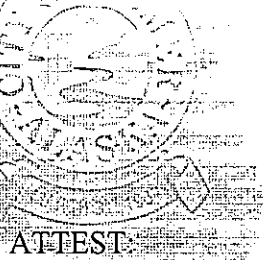
207
208 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of January
209 24, 2011.

210
211
212
213
214


CITY OF HOMER


JAMES C. HORNADAY, MAYOR

215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243



ATTEST


JO JOHNSON, CMC, CITY CLERK

YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 12/13/10
Public Hearing: 1/24/11
Second Reading: 1/24/11
Effective Date: 1/25/11

Reviewed and approved as to form:


Walt E. Wrede, City Manager

Date: 1/26/11


Thomas F. Klinkner, City Attorney

Date: 1-28-11