

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

4 Planning Commission

5 **ORDINANCE 22-32**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE,
9 TITLE 21.44 SLOPES, TITLE 21.50.020 SITE DEVELOPMENT
10 STANDARDS – LEVEL ONE, AND TITLE 21.50.020 SITE
11 DEVELOPMENT STANDARDS – LEVEL TWO.
12

13 WHEREAS, The State of Alaska Division of Geological & Geophysical Surveys (DGGS)
14 provided a study titled Coastal Bluff Stability Assessment for Homer Alaska; and
15

16 WHEREAS, The study provided information and technical assistance to improve
17 regulation of the coastline susceptible to erosion; and
18

19 WHEREAS, The 2018 Homer Comprehensive Plan concludes that new strategies will be
20 needed to protect the environment as the community grows – particularly regarding drainage,
21 erosion, open space, [and] climate change; and
22

23 WHEREAS, The 2018 Homer Comprehensive Plan identifies that a need exists for the
24 community to take seriously the issue of allowing ongoing shoreline development; and
25

26 WHEREAS, The Homer Planning Commission has considered the recommendations for
27 coastal bluff definition and coastal setback policies developed by the DGGS study; and
28

29 WHEREAS, The Homer Planning Commission has found that the proposed amendments
30 provide better measures of safety for those developing in proximity to the coastline than
31 current code.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. Homer City Code Chapter 21.03.040 Definitions used in zoning code is hereby
36 amended to read as follows:
37

38 “Coastal bluff ~~edge~~” means a bluff whose toe is **the seaward extent of a relatively flat land**
39 **where a slope break or scarp occurs that is adjacent and** within 300 feet of the mean high
40 water line of Kachemak Bay. **The chosen coastal edge must represent the seaward extent**
41 **of land that is neither part of a previous landslide nor a bench on a slope.**

42
43 Section 2. Homer City Code Chapter 21.44 Slopes is hereby amended to read as follows:

44 Chapter 21.44 SLOPES **& COASTAL DEVELOPMENT**

45 21.44.010 Purpose and intent.

46 This chapter regulates development activity and structures in areas affected by slopes, bluffs,
47 ~~coastal bluffs, and~~ ravines, **and the coastal edge**, and provides the means for additional
48 review and protection to encourage safe and orderly growth to promote the health, welfare
49 and safety of Homer residents.

50 21.44.020 Applicability.

51 a. This chapter applies to all development activity that disturbs the existing land surface,
52 including without limitation clearing, grading, excavating and filling in areas that are subject
53 to any of the following conditions:

- 54 1. Lots with average slopes 15 percent or greater, bluffs, coastal bluffs **edge** and ravines;
55 2. Located within 40 feet of the top or within 15 feet of the toe of a steep slope, bluff,
56 coastal-bluff **edge** or ravine; and
57 3. Any other location where the City Engineer determines that adverse conditions
58 associated with slope stability, erosion or sedimentation are present.

59 b. This chapter imposes regulations and standards in addition to the requirements of the
60 underlying zoning district(s). [Ord. 08-29, 2008].

61 21.44.030 Slope development standards.

62 The following standards apply to all development activity on a site described in HCC 21.44.020:

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

65 b. Area of Development.

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

- 69 a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.
70 b. Greater than 30 percent but less than 45 percent shall not exceed 10 percent
71 of the total lot area.

72 2. The area of development on a lot with an average slope of 45 percent or greater shall
73 not exceed the area of development described in a site plan approved by the City
74 Engineer under HCC 21.44.050.

75 c. Setbacks. Subject to the exceptions to setback requirements in HCC 21.44.040, all
76 development activity is subject to the following setback requirements:

77 1. No structure may be closer to the top of a ravine, steep slope or ~~noncoastal~~ bluff than
78 the lesser of:

79 a. Forty feet; or

80 b. One-third of the height of the bluff or steep slope, but not less than 15 feet.

81 2. No structure may be closer than 15 feet to the toe of a bluff ~~other than a coastal~~
82 **bluff.**

83 3. ~~No structure may be closer than 40 feet to the top of a coastal bluff and closer than~~
84 ~~15 feet to the toe of a coastal bluff.~~ **Structures shall be setback 40 feet from the**
85 **coastal edge starting at the eastern extent of the City of Homer, adjacent to**
86 **Kachemak Bay extending to the north-south Section Line dividing Sections 19 & 24**
87 **Township 6 South Range 14 West Seward Meridian, and excluding all property**
88 **South of Mile Post 175 of the Sterling Highway. All structures west of the section**
89 **line shall be setback 60 feet from the coastal edge. No structure may be placed**
90 **closer than 15 feet from the toe of a coastal edge.**

91 d. Natural Drainage. The site design and development activity shall not restrict natural
92 drainage patterns, except as provided in this subsection.

93 1. To the maximum extent feasible, the natural surface drainage patterns unique to the
94 topography and vegetation of the site shall be preserved. Natural surface drainage
95 patterns may be modified only pursuant to a site plan approved by the City Engineer
96 under HCC 21.44.050, and upon a showing that there will be no significant adverse
97 environmental impacts on the site or on adjacent properties. If natural drainage
98 patterns are modified, appropriate soil stabilization techniques shall be employed.

99 2. The site shall be graded as necessary to ensure that drainage flows away from all
100 structures for a distance of at least 10 feet, especially where building pads are cut into
101 hillsides.

102 3. The development activity shall not cause an adverse effect on adjacent land and
103 surrounding drainage patterns.

104 e. Erosion Control.

105 1. Erosion control methods approved by the ~~City Planner and~~ City Engineer, including
106 without limitation sediment traps, small dams and barriers, shall be used during
107 construction and site development to protect water quality, control soil erosion and
108 control the velocity of runoff.

109 2. Winter Erosion Control Blankets. If development on a slope is not stabilized by
110 October 15th, erosion control blankets (or a product with equivalent performance
111 characteristics) must be installed upon completion of the seasonal work, but no later
112 than October 15th. The erosion control blankets shall remain in place until at least the
113 following May.

114 3. Vegetation shall remain undisturbed except as necessary to construct improvements
115 and to eliminate hazardous conditions, in which case it must be replanted with
116 approved materials including ground cover, shrubs and trees. Native vegetation is
117 preferred for replanting operations, and will be used where practicable.

118 4. Grading shall not alter the natural contours of the terrain except as necessary for
119 building sites or to correct unsafe conditions. The locations of buildings and roads shall
120 be planned to follow and conform to existing contours as nearly as possible. [Ord. 08-
121 29, 2008].

122 21.44.040 Exceptions to setback requirements.

123 a. Any of the following may be located within a setback required by HCC 21.44.030(c):

124 1. A deck extending no more than five feet into the required setback.

125 2. An unoccupied accessory structure having a building area not greater than 200
126 square feet that is no closer than 15 feet to the top of any bluff or ravine.

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

129 4. Development activity that the ~~City Planner~~ **City Engineer** determines is reasonably
130 intended to stabilize an eroding coastal **bluff edge**.

131 b. No structure other than a structure described in subsection (a) of this section may be located
132 in a required setback without a conditional use permit issued in accordance with Chapter 21.71
133 HCC and a site plan approved by the City Engineer under HCC 21.44.050. [Ord. 08-29, 2008].

134

135 21.44.050 Site plan requirements for slope development.

136 a. No permit for development activity for which HCC 21.44.030 or 21.44.040(b) requires a site
137 plan may be approved unless the City Engineer approves a site plan for the development
138 activity that conforms to the requirements of this section. The City Engineer shall accept or
139 reject the plan as submitted or may require that specific conditions be complied with in order
140 for the plan to meet approval.

141 b. The site plan shall be prepared by a qualified geotechnical engineer licensed to practice in
142 the State of Alaska and shall include the following information:

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

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

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

147 4. The location of all proposed and existing buildings, utilities (including on-site well
148 and septic facilities), driveways and streets.

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

152 6. Specific methods that will be used to control soil erosion, sedimentation, and
153 excessive stormwater runoff during and after construction.

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

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

158 9. A slope stability analysis including the following:

159 a. Summary of all subsurface exploration data, including subsurface soil profile,
160 exploration logs, laboratory or in situ test results, and groundwater information;

161 b. Interpretation and analysis of the subsurface data;

162 c. Summary of seismic concerns and recommended mitigation;

163 d. Specific engineering recommendations for design;

164 e. Discussion of conditions for solution of anticipated problems;

165 f. Recommended geotechnical special provisions;

166 g. An opinion on adequacy for the intended use of sites to be developed by the
167 proposed grading as affected by soils engineering factors, including the stability of
168 slopes.

169
170 Section 3. Homer City Code Chapter 21.50.020 Site development standards – level one
171 is hereby amended to read as follows:

172
173 21.50.020 Site development standards – Level one.

174 This section establishes level one site development standards.

175 a. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal
176 **bluff edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of
177 Chapter 21.44 HCC in addition to the requirements of this section.

178 b. Drainage. All development activity on lands shall conform to the following:

179 1. Development shall provide a drainage system that is designed to deposit all runoff
180 into either an engineered drainage system or into a natural drainage.

181 2. Where open-ditch construction is used to handle drainage within the development,
182 a minimum of 15 feet shall be provided between any structures and the top of the bank
183 of the defined channel of the drainage ditch.

184 3. When a closed system is used to handle drainage within the development, all
185 structures shall be a minimum of 10 feet from the closed system.

186 c. Landscaping Requirements. All development activity on lands shall conform to the
187 following:

188 1. Development activities shall not adversely impact other properties by causing
189 damaging alteration of surface water drainage, surface water ponding, slope failure,
190 erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or
191 other damaging physical impacts. The property owner and developer shall take such
192 steps, including installation of culverts or buffers, or other methods, as necessary to
193 comply with this requirement.

194 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
195 disturbed soils shall be protected against subsequent erosion by methods such as, but
196 not limited to, landscaping, maintenance of native vegetative cover, or plantings to
197 minimize invasive species.

198 3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine
199 months following the initiation of earthwork, or reseeded by the next August 31st.
200 Native revegetation is acceptable if the site naturally revegetates within that nine-
201 month period. If native revegetation is not successful within that nine-month period,
202 the property owner and developer shall revegetate by other means no later than the
203 end of that nine-month period.

204 4. Drainage can be stabilized by other means than vegetation, if approved in writing by
205 the City Engineer.

206 d. A stormwater plan approved under Chapter 21.75 HCC is required for development that:

207 1. Creates more than 25,000 square feet of new impervious surface area on a lot;

208 2. Increases the total impervious surface area of a lot beyond one acre;

209 3. Includes grading, excavation or filling that cumulatively moves 1,000 cubic yards or
210 more of material; or

211 4. Includes grading, excavation or filling that creates a permanent slope of 3:1 or more,
212 and that has a total height, measured vertically from toe of slope to top of slope,
213 exceeding 10 feet.

214
215 Section 4. Homer City Code Chapter 21.50.030 Site development standards – level two
216 is hereby amended to read as follows:

217
218 21.50.030 Site development standards – Level two.

219 This section establishes level two site development standards.

220 a. Site Development.

221 1. Development shall not adversely impact other properties by causing damaging
222 alteration of surface water drainage, surface water ponding, slope failure, erosion,
223 siltation, or root damage to neighboring trees, or other adverse effects.

224 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
225 disturbed soils shall be protected against subsequent erosion by methods such as, but
226 not limited to, landscaping, planting, and maintenance of vegetative cover.

227 3. All exposed, cleared, filled and disturbed soils shall be revegetated within nine
228 months following the initiation of earthwork.

229 b. Slopes. All development on a site affected by a slope of 15 percent or more, bluff, coastal
230 **bluff edge** or ravine, as described in HCC 21.44.020, shall be subject to the requirements of
231 Chapter 21.44 HCC in addition to the requirements of this section.

232 c. Drainage.

233 1. Development shall provide a drainage system, as approved by the City, that is
234 designed to deposit all runoff into either an engineered drainage system or into a
235 natural drainage.

236 2. Where open-ditch construction is used to handle drainage within the development,
237 a minimum of 15 feet shall be provided between any structures and the top of the bank
238 of the defined channel of the drainage ditch.

239 3. When a closed system is used to handle drainage within the development, all
240 structures shall be a minimum of 10 feet horizontally from the closed system.

241 4. Drainage can be stabilized by methods other than vegetation, if approved in writing
242 by the City Engineer.

243 d. A development activity plan (DAP) approved by the City under Chapter 21.74 HCC is required
244 if the project includes:

245 1. Land clearing or grading of 10,000 square feet or greater surface area;

246 2. The cumulative addition of 5,000 square feet or greater of impervious surface area
247 from pre-development conditions;

248 3. Grading involving the movement of 1,000 cubic yards or more of material;

249 4. Grading that will result in a temporary or permanent slope having a steepness of 3:1
250 or greater and having a total slope height, measured vertically from toe of slope to top
251 of slope, exceeding five feet;

252 5. Grading that will result in the diversion of an existing drainage course, either natural
253 or human-made, from its existing point of entry to or exit from the grading site; or

254 6. Any land clearing or grading on a slope steeper than 20 percent, or within 20 feet of
255 any wetland, watercourse, or water body.

256 e. A stormwater plan (SWP) approved under Chapter 21.75 HCC is required if the project
257 includes:

- 258 1. An impervious surface coverage that is greater than 60 percent of the lot area
259 (existing and proposed development combined);
- 260 2. The cumulative addition of 25,000 square feet or greater of impervious surface area
261 from the pre-development conditions;
- 262 3. Land grading of one acre or greater surface area;
- 263 4. Grading involving the movement of 10,000 cubic yards or more of material;
- 264 5. Grading that will result in a temporary or permanent slope having a steepness of 3:1
265 or greater and having a total slope height, measured vertically from toe of slope to top
266 of slope, exceeding 10 feet; or
- 267 6. Any land clearing or grading on a slope steeper than 25 percent, or within 10 feet of
268 any wetland, watercourse, or water body.

269 f. Landscaping Requirements. All development shall conform to the following landscaping
270 requirements:

271 1. Landscaping shall include the retention of native vegetation to the maximum extent
272 possible and shall include, but is not limited to, the following:

273 a. Buffers.

274 i. A buffer of three feet minimum width along all lot lines where setbacks permit;
275 except where a single use is contiguous across common lot lines, such as, but
276 not limited to, shared driveways and parking areas. Whenever such contiguous
277 uses cease the required buffers shall be installed.

278 ii. A buffer of 15 feet minimum width from the top of the bank of any defined
279 drainage channel or stream.

280 b. Parking Lots.

281 i. A minimum of 10 percent of the area of parking lots with 24 spaces or more
282 shall be landscaped in islands, dividers, or a combination of the two;

283 ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped
284 buffer adjacent to road rights-of-way;

285 iii. Parking lots with only one single-loaded or one double-loaded aisle that have
286 a 15-foot minimum landscaped buffer adjacent to road rights-of-way are
287 exempt from the requirement of subsection (f)(1)(b)(i) of this section.

288 2. Topsoil addition, final grading, seeding, and all plantings of flora must be completed
289 within nine months of substantial completion of the project, or within the first full
290 growing season after substantial completion of the project, whichever comes first.

291 Required landscaping will be maintained thereafter, with all shrubs, trees, and ground
292 cover being replaced as needed.

293
294 Section 5. This Ordinance is of a permanent and general character and shall be included
295 in the City Code.

296
297 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this this 27th day of June, 2022.

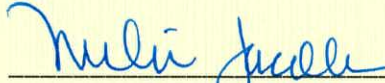
298
299
300
301
302
303
304
305
306

CITY OF HOMER



KEN CASTNER, MAYOR

307 ATTEST:

308 
309 _____

310 MELISSA JACOBSEN, MMC, CITY CLERK

311

312 YES: 6

313 NO: 0

314 ABSTAIN: 0

315 ABSENT: 0

316

317 First Reading: 6-13-22

318 Public Hearing: 6-27-22

319 Second Reading: 6-27-22

320 Effective Date: 6-28-22

