

FEB 23 2007



## Policy on Utilization of Dirt from Drainage Facilities

February 13, 2007

### I. PURPOSE AND SCOPE

There are an estimated 5.3 million cubic yards of dirt in master planned channels and another 3.8 million cubic yards of dirt in master planned basins. Much of this dirt would be used by developers of property that are adjacent to the planned drainage facilities. The balance of the material could be available to developments that are not adjacent to the facilities. Developers adjacent to the channels or basins dedicate the facilities to the City as a condition of development. Due to the flatness of the ground surface of the majority of the land within the City of Lancaster, there is usually a need to import dirt for many residential and commercial developments.

There is City owned dirt available for use by developers. To date, the City owns or has easements for a portion of the master planned channels and basins. The City recently obtained approximately 96 acres west of Fox Field from the county for use as a drainage basin, and additional easements for channels in the same area. In the past, property was dedicated to the City for drainage facilities but was not excavated. The City also removes, or has dirt removed, from the existing channels and basins which accumulated as a result of silt carried by storm water.

There is value to the City for dirt in the unexcavated master planned channels and basins and accumulated silt deposits in existing channels and basins. This policy sets the value of the dirt within City owned channels and basins and sets requirements for developer/contractor purchase of City dirt.

### II. DEFINITIONS

1. City Owned Channels and Basins - These are lands owned by the City in fee simple title or easements over lands dedicated to the City for drainage purposes.
2. Master Planned Channels and Basins - Master planned channels and basins are facilities shown on the latest version of the Master Plan of Drainage. The latest version is January 2005.
3. City Dirt - Any and all dirt located within City owned channels and basins including silt deposited by storm water or other means.
4. Urgent Need - An urgent need may arise any time the Public Works Director or his designee determines that dirt in a channel or basin may cause an obstruction to the free passage of storm water thereby causing risk to health or safety. Generally, this will apply to removal of accumulated silt in an existing channel or basin; however, it could apply to any situation endangering public health or safety as determined by the Public Works Director or his designee.
5. Dirt, Silt, Soil - These words are used interchangeably within the text of this document and mean the usable earthen material within the channels and basins.

### III. PROCEDURE

Proposed Users of City dirt will:

1. Contact the Engineering Division, Subdivision Section to request to purchase dirt from a City owned channel or basin.
2. Requests for dirt will be on a first come first served basis.
3. Provide soils testing, analysis and determination of its applicability for a particular use. The City does not guarantee the dirt is suitable for any intended purpose.
4. The developer/contractor will be required to pay all costs associated with the dirt operations.
5. The Subdivision Section will determine where dirt is available and provide specific requirements for removal of dirt from the channel or basin. The specific requirements may include, but not be limited to:
  - a. Preparing a plan showing the proposed excavation
  - b. Installation of fencing, gates, and/or access ramps
  - c. Surveying before and after excavation
  - d. Depositing funds based on the quantity of dirt to be removed
  - e. Making application for a permit
  - f. Providing insurance in an amount acceptable to the City with the City named as the insured
  - g. Providing a proposed schedule of excavation operations
  - h. Providing a stockpile plan
  - i. Providing a routing plan
  - j. Complying with any environmental requirements which may include but not be limited to:
    - i. Obtaining coverage under NPDES
    - ii. Preparing a Storm Water Pollution Prevention Plan
    - iii. Installing/using Best Management Practices (BMP's)
    - iv. Providing special consultants as needed
6. Once the specific requirements have been agreed to, or accomplished as needed, a permit will be issued.
7. Prior to mobilizing, the permittee will contact the Senior Subdivision Inspector and Maintenance Division to review and coordinate schedule, environmental compliance, surveying, excavation, hauling and stockpiling activities, availability of maintenance crews when needed, etc.
8. During excavation activities maintain contact with the Senior Subdivision Inspector or his assignee. If City maintenance crews are involved, supervision/direction will be provided by the City crew leader.
9. Upon completion of the excavation activities the permittee will call for an inspection of the site by the Senior Subdivision Inspector and Maintenance Division.
10. Once approvals from the Senior Subdivision Inspector and Maintenance Division have been obtained, the contractor may demobilize its equipment and close out the permit.

The following costs are to be paid by the developer/contractor:

1. For dirt where City support is provided at the loading site and an urgent need to remove the dirt does not exist, cost is \$1.75 per cubic yard.
2. For dirt where City support is not provided at the loading site and an urgent need to remove the dirt does not exist, cost is \$1.50 per cubic yard.
3. For dirt where City support is provided at the loading site and an urgent need to remove the dirt does exist, cost is \$1.00 per cubic yard.
4. For dirt where City support is not provided at the loading site and an urgent need to remove the dirt does exist, cost is \$0.75 per cubic yard.

Collected Funds:

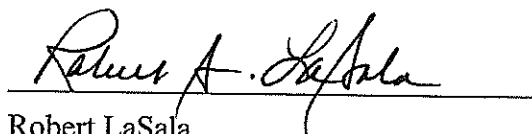
Funds collected from the sale of dirt will be deposited in a special account to be used to pay for City support of the excavation efforts or to purchase additional master planned channel/basin right-of-way.

#### IV. EXCEPTIONS

For situations where the City has an urgent need to have the dirt removed, the Public Works Director or his designee, is authorized to reduce the cost per cubic yard to as little as no charge to encourage prompt removal.

#### V. AUTHORITY

Issued by order of the City Manager.



Robert LaSala

City Manager