Chapter 21.40 Bridge Creek Watershed Protection District

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21.40.010 Purpose. The purpose of this chapter is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City's public water utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city’s water system by restricting land use activities that would impair the water quality, or increase the cost for treatment. (Ord. 08-29, 2008).

21.40.020 Description of Area; Authority. a. This chapter applies to the Bridge Creek Watershed Protection District. The district is defined as that area of land bounded by the following description:

Commencing at the intersection of West Hill Road and Skyline Drive, also being the section corner common to Sections 12 and 13, Township 6 South, Range 14 West and Sections 7 and 18, Township 6 South, Range 13 West; Thence northeasterly along Skyline Drive within Section 7, Township 6 South, Range 13 West, approximately 0.9 miles to the intersection of Skyline Drive and an unnamed road to Bridge Creek Reservoir, and the Point of Beginning; Thence northeasterly along the unnamed road passing by Bridge Creek Reservoir, within Sections 5, 6 and 7, Township 6 South, Range 13 West, approximately 1.5 miles, to the intersection of the unnamed road with the road commonly known as Crossman Ridge Road;
Thence easterly and southeasterly along the unnamed road commonly known as Crossman Ridge Road, within Sections 3, 4 and 5, Township 6 South, Range 13 West, approximately 2.5 miles, to the intersection of the unnamed road commonly known as Crossman Ridge Road and Skyline Drive; Thence southwesterly and northwesterly along Skyline Drive, within Sections 3, 7, 8, 9 and 10, Township 6 South, Range 13 West, approximately 3.9 miles, to the intersection of Skyline Drive and the unnamed road to Bridge Creek Reservoir, and the Point of Beginning; All within the Seward Meridian, Alaska.

b. This chapter is adopted pursuant to the authority granted to the city under AS 29.35.020 and Kenai Peninsula Borough Ordinance 99-47. If there is a conflict between this chapter and any other law or regulation applicable to property or activity in the Bridge Creek Watershed, then the more restrictive provision(s) shall apply.
c. Excluded from the regulations of the Bridge Creek Watershed Protection District are parcels that are within the Bridge Creek Watershed Protection District and from which all the surface waters drain away from the Bridge Creek Watershed, provided that the drainage of the entire parcel is proven by survey to be unable to enter the Bridge Creek Watershed. The determination of whether a parcel is excluded under this subsection will be made by the Planning Commission on a case-by-case basis after notice and a public hearing. The property owner has the

burden of proof. (Ord. 08-29, 2008).

21.40.040 Compliance. a. No land or structures within the BCWP District shall be used, constructed, occupied, or altered except in conformance with the requirements of this chapter and the other applicable provisions of Title 21 of this code. HCC Chapter 21.70 does apply to the entire BCWP District, notwithstanding the fact that a portion of the district may lie outside of the boundaries of the city. Other provisions of Title 21 generally applicable to interpretation, administration, enforcement, and appeals under the zoning code also apply to this chapter.
b. The Bridge Creek Watershed Protection District is an overlay district as to those lands lying within the boundaries of the City of Homer. In the case of irreconcilable conflict between the provisions of this chapter and the regulations of the applicable underlying zoning district, the more stringent provision(s) shall be applied. (Ord. 08-29, 2008).

21.40.045 Permits Required. In the BCWP District, a Zoning Permit issued under HCC Chapter 21.70 is required for all activity described in HCC § 21.70.010. Notwithstanding any exemptions or contrary provisions in HCC § 21.70.010 or any other provision of the code, a Zoning Permit is also required for the following activity in the BCWP District:
a. Construction or reconstruction that creates Impervious Coverage of 500 square feet or more;
b. Construction, storage or other activities that, in the aggregate, would exceed 75% of the allowed Impervious Coverage;
c. Building construction or activity that requires a septic or sewer system;
d. Construction or installation of a septic or sewer system, including tanks and leach fields;
e. Repair that requires excavation of an existing septic or sewer system or leach field, in whole or in part;
f. Cutting or clearing of brush or trees, or other disturbance of ground cover over an area in excess of 2500 square feet;
g. Disturbance of ground cover within the required setback or buffer of any stream or reservoir;
h. Construction in public rights-of-way of a road, trail or driveway;
i. Construction on private land of a road, trail or driveway longer than 100 feet;
j. Storage of any matter that produces an impervious cover in excess of 500 square feet for more than thirty consecutive days;
k. For any use requiring a conditional use permit in the BCWP district;
1. Construction or enlargement of an aircraft runway;
m. Construction of a bridge;
n. Installation of a culvert or drainage ditch;
o. Diversion of a stream course; (Ord. 08-29, 2008).

21.40.048 Zoning permit not required. If they occur outside of stream and reservoir setbacks and buffers, the following uses do not require a Zoning Permit under HCC Chapter 21.70. Although excluded from Zoning Permit requirements, these uses are still subject to all other applicable requirements of this chapter:
a. Personal use gardens described in HCC § 21.40.090(c).
b. Other customary accessory uses incidental to permitted principal uses, provided that the principal use and all accessory uses do not cumulatively exceed 75% of limits for impervious cover stated in HCC Chapter 21.40.
c. Cutting or clearing of brush and trees that cover an area less than 2500 square feet, provided the underlying ground cover is undisturbed.
d. Lawns 5000 square feet or smaller in contiguous area. (Ord. 08-29, 2008).

21.40.050 Permitted uses and structures. The following uses and structures are permitted outright in the BCWP District, except when such use or structure requires a conditional use permit by reason of its nature, size or other reasons set forth in this chapter. Permitted uses and structures remain subject to all applicable provisions of this chapter:
a. Single family dwelling;
b. Duplex dwelling;
c. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2);
d. Public parks and playgrounds;
e. Rooming houses or bed and breakfast establishments;
f. Storage of personal commercial fishing gear in a safe and orderly manner;
g. Private storage in yards, in a safe and orderly manner, of equipment, including trucks, boats, recreational vehicles and automobiles, provided that all are in good mechanical and operable condition, and if subject to licensing, currently able to meet licensing requirements, and further provided that the stored items do not create impervious cover in excess of the limits in HCC § 21.40.070;

h. Other customary accessory uses incidental to any of the principal permitted uses listed in the BCWP District, such as limited personal use gardening as described in HCC § 21.40.090(c);
i. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;
j. Mobile homes, subject to the requirements set forth in HCC § 21.54.060;
k. Day care homes;
l. Up to four recreational vehicles on a lot as a temporary dwelling not to exceed ninety days occupancy per vehicle in any calendar year;
m. Religious, cultural, and fraternal assembly;
n. Public schools and private schools;
o. Day care facilities;
p. Ministorage.
q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.(Ord. 09-34(A) §20 (part), 2009; Ord. 08-29, 2008).

21.40.055 Prohibited uses. All uses not described in HCC § 21.40.050 and HCC § 21.40.060 are prohibited in the BCWP District. Without limiting the generality of the foregoing sentence, the following are examples of uses that under all circumstances are prohibited:
a. Junkyards and recycling yards and facilities;
b. Impound Yards;
c. Dog lots or other aggregations of more than six dogs over the age of five months;
d. Farming of swine;
e. Use of motorized vehicles, off-road vehicles, personal motorized watercraft or motorized boats on City of Homer properties or upon or in the waters on those properties, unless the use is expressly authorized by the City of Homer;
f. Racetracks;
g. Any use or structure requiring an Alaska Department of Environmental Conservation (ADEC) approved septic or sewer system that is not connected to a properly functioning ADEC approved septic or sewer system;
h. All uses that would cause a degradation of the water quality or endanger the suitability of the Bridge Creek Reservoir as a water supply source for the City's public water utility. (Ord. 08-29, 2008).

21.40.060 Conditional uses and structures. The following uses are permitted in the BCWP District if authorized by a conditional use permit granted in accordance with HCC Chapter 21.71 and subject to the other requirements of this chapter:
a. Cemeteries;
b. Public utility facilities and structures;
c. Timber harvesting operations, timber growing, and forest crops, provided they conform to HCC § 21.40.100;
d. Agricultural activity and stables, if it conforms to HCC § 21.40.090, but not including farming of swine;
e. Other uses similar to uses permitted and conditionally permitted in the BCWP District, as approved by written decision of the Planning Commission upon application of the property owner and after a public hearing.
f. Uses, activities, structures, exceptions, or other things described as requiring a conditional use permit in HCC § 21.40.080(a), HCC § 21.40.110(b) or any other provision of this chapter.
g. More than one building containing a permitted principal use on a lot. (Ord. 10-05, 2010; Ord. 08-29, 2008).

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 HCC Chapter 21.71. 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).
3. Lots smaller than two and one-half acres may be allowed Impervious Coverage up to 6.4 percent if (i) the owner submits a lot-specific mitigation plan for Planning Commission's approval, and (ii) 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.
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 HCC § 21.40.070(a)(2).

2. Except as otherwise provided in this section, parcels of land subdivided after February 25, 2003 shall be allowed a total Impervious Coverage of 4.2 percent including Right-Of-Way (ROW) dedication. ROW Coverage area shall be calculated as 50% of the total area of the dedicated ROW. The Impervious Coverage allowed for the subdivided parcels shall be calculated after deducting the ROW Coverage from the total parcel allowance according to the following formula.

Formula:

(Area of Parcel being subdivided) x .042 = Total Allowed Impervious Coverage (TAC)

(Area of ROW dedication) x .5 = ROW Coverage (ROW C)

(TAC) – (ROW C) = Allowed Impervious Coverage for remainder of parcel being subdivided

(Area of Parcel being subdivided) – (area of ROW dedication) = New Parcel area

(Allowed Impervious Coverage for remainder) ¸ (New Parcel area) x 100 = Percent Impervious Coverage allowed on subdivided lots.

c. Additional requirements for subdivisions and lots.
1. Lots created by subdivision after February 25, 2003 shall be a minimum of 4.5 acres.
2. Applications for subdivisions, dedications, and vacations of easements and rights-of-way in the BCWP District must be approved by the Planning Commission prior to submission to the Kenai Peninsula Borough.
d. Building Setbacks: Buildings must be set back from the Bridge Creek Reservoir and from streams as provided in HCC §§ 21.40.110 and 21.40.120.
e. Sewer Systems: Appropriate to the use of the lot, each lot shall be served by a septic or sewer system approved by the Alaska State Department of Environmental Conservation (ADEC). Stream setbacks equal to 100-feet for drain fields and subsurface discharge and 250-feet for raised septic systems are required.
f. Ongoing Construction and Timber Harvesting: All activities including, but not limited to, timber harvesting, road building, subdivision and building activities involving loss of vegetation ground cover or soil disturbance and that are in process on February 25, 2003 shall be required to obtain permits under HCC Chapter 21.40 and shall fully conform to the terms HCC Chapter 21.40. Activities leaving disturbed or lost vegetative ground cover, disturbed soils without revegetation or leaving slash piles will be considered in process for the purposes of this subsection, regardless of when the activity occurred.
g. Pending Subdivisions: Subdivisions that have not received final plat approval by February 25, 2003, shall obtain approval from the Planning Commission and shall be required to conform to the requirements of HCC Chapter 21.40. (Ord. 08-29, 2008).

21.40.080 Erosion and sediment control. a. All activities within the BCWP District involving the disturbance of the existing ground cover (i.e., topsoil or vegetation or both) resulting from excavation, grading or filling or other similar activity and involving (i) any area within 500 feet of Bridge Creek Reservoir or 100 feet from any known stream or tributary or (ii) an area in excess of 6,000 square feet, require a conditional use permit approved by the Planning Commission. The conditional use permit must require that the activity comply with a site?specific Erosion and Sediment Control Plan prepared and signed by a certified hydrologist, professional engineer, or soil scientist whose qualifications to prepare such a plan are reviewed and approved by the Public Works Director.
b. The Erosion and Sediment Control Plan shall ensure compliance with the following requirements:
1. A drainage system shall be provided to direct all runoff from impervious coverage or the disturbed ground either into an engineered drainage system or into a natural drainage, but no runoff shall be discharged untreated directly into the Bridge Creek Reservoir, or any stream or watercourse tributary to Bridge Creek Reservoir.
2. Where open-ditch construction is used to handle drainage within the tract, a minimum of 30 feet shall be provided between any structures and the top of the bank of the defined channel of the drainage ditch.
3. When a closed system is used to handle drainage within the tract, all structures shall be a minimum of ten feet from the closed system.
4. Natural vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, in which case it must be replanted with approved materials including ground cover, shrubs and trees. Native vegetation is preferred for replanting operations, and will be used where practicable.
5. Grading must not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings, roads and rights-of-way must be planned to follow and conform to existing contours as nearly as possible.

6. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils shall immediately be given sufficient protection by appropriate means, such as landscaping, planting, and maintenance of vegetative cover, or temporary protective measures to prevent erosion.
7. All exposed, cleared, filled and disturbed soils shall be revegetated within the current growing season, unless required to be revegetated sooner by other provisions of this title or other law.
8. Drainage, erosion, siltation, slope failure and other adverse effects may be prevented or controlled by means other than vegetation, if approved by the Planning Commission.
9. Development activities shall not adversely impact other properties or watershed water quality by causing adverse alteration of surface water drainage, increased turbidity above natural conditions, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill, root damage to neighboring trees, or other adverse physical impacts. The Erosion and Sediment Control Plan shall address this requirement, and the property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement. (Ord. 08-29, 2008).

21.40.090 Agricultural activity. a. Except as provided in subsection c., agricultural activity requires a conditional use permit approved by the Planning Commission.
b. The application for a conditional use permit must include a written plan for each proposed agricultural activity or operation that includes the following:
1. Name, address, phone number and approving signature of the landowner and operator.
2. A map showing the area of proposed activity and a written description detailing the activity within that area as follows:
a. the location of all streams, both intermittent and perennial, reservoirs, ponds, wetlands and other surface waters.
b. the boundaries of the agricultural area(s), types of equipment and techniques to be used in the area(s), and the specific operational period(s) for the area(s).
c. the location of feed and stable areas and a description of how animal wastes are to be controlled and disposed of.
d. the location of all buffer areas required to protect water quality;
e. the location of all slopes greater than 20% within the affected property.
f. the location and a description of all areas where fuel, equipment and chemicals will be stored and how spills and other potential threats to water quality will be prevented and responded to.
g. the location of all roads, trails and all structures that will be part of the proposed agriculture operation.
h. proposed use of fertilizers, pesticides, and herbicides including type, quantities, storage, use and spill contingency plans.
3. An Erosion and Sediment Control Plan if the proposed operation will include ground disturbance covered by HCC § 21.40.080.
4. A copy of the Homer Soil and Water Conservation District’s Soil, Water, Slope and Vegetation Report for the proposed activity.
5. A copy of an executed Cooperative Agreement with the Homer Soil and Water Conservation District.
c. Agricultural activities that are customary and accessory to single?family residential use are exempt from the requirements of this section only. For purposes of this section, personal use gardening of not more than five separate gardening plots not exceeding 1,000 square feet each with a minimum ten-foot separation of undisturbed ground and incidental keeping of livestock (not more than 3 animals with a density equal to or less than 2.5 animal units per five acres) for personal use will be considered customary and accessory to single-family residential use. Larger or more intense activities are not considered customary and accessory uses. (Ord. 08-29, 2008).

21.40.100 Timber growing and harvesting operations. a. Except as provided in subsection (c), no timber harvesting, timber growing, or forest crop activities are allowed without a conditional use permit approved by the Planning Commission.
b. The application for a conditional use permit must include a written plan for each proposed timber harvesting, timber growing, or forest crop use or operation that includes the following:
1. Name, address, phone number and approving signature of the landowner, timber rights owner, and operator or logger.
2. A map showing the area of proposed activity and a written description detailing the activity within that area as follows:
a. the location of all streams, both intermittent and perennial, reservoirs, ponds, wetlands, and other surface waters.
b. the location and proposed means of all stream crossings associated with the above waters.
c. the boundaries of the harvest area(s), types of equipment and techniques to be used in the area(s), and the specific operational period(s) for the area(s).

d. the location of all roads that will be constructed, and the location of construction materials if they are to be obtained onsite.
e. the location of all trails not included in subsection d. that will be used for the harvesting, processing, or transportation of timber.
f. the location of all buffer areas required to protect water quality;
g. the location of all slopes greater than 20% within the affected property.
h. the location and a description of all areas where fuel, equipment and chemicals will be stored and how spills and other potential threats to water quality will be prevented and responded to.
i. the location of all structures, logging yards, and storage areas that will be part of the proposed operation.
3. An Erosion and Sediment Control Plan as described in HCC § 21.40.080.
4. In the case of timber harvesting, the reforestation plan specifications.
5. A restoration plan for logging yards, storage areas, stream crossings, log landings, trails, and roads that will not be maintained after a timber harvesting operation.
6. A plan for maintenance and operation for all roads and trails that will remain after the operation.
7. A copy of the Homer Soil and Water Conservation District's Soil, Water, Slope and Vegetation Report for the proposed activity.
8. A copy of an executed Cooperative Agreement with the Homer Soil and Water Conservation District.
9. A plan for elimination of slash piles within six months of completion of timber harvesting.
c. Clearing of trees comprising less than 20 cords in one calendar year per lot for noncommercial purposes is exempt from the requirements of this section. (Ord. 08-29, 2008).

21.40.110 Stream buffers. a. A stream buffer must be preserved and maintained along all perennial and intermittent streams in the BCWP district. The stream buffer must be at least 50 feet on each side of the stream measured from the top of the stream bank. Buildings and other features that require grading or construction must be set back at least ten additional feet from the edge of the buffer. To avoid a decrease in the buffer's effectiveness in protecting the stream the buffer shall remain in natural and undisturbed vegetation.
b. The following exceptions or intrusions into the stream buffer may be granted by conditional use permit approved by the Planning Commission:
1. Street, driveway, culvert, recreational features, intakes, utilities, bridges or other crossings, provided that they are designed to minimize the amount of intrusion into the buffer. The aforementioned structures and improvements may run generally within the stream buffer only where no other access route is available and when their design minimizes the amount of intrusion of the stream buffer.
2. Passive recreational activities, such as walking trails, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, are located outside of the buffer.
3. Clearing and re-vegetating the stream buffer for the purposes of improving its pollutant and silt removal efficiency may be permitted based upon clear and convincing proof that efficiency will be improved.
4. Storm water control structures and temporary erosion control structures, provided that:
a. the property owner or applicant demonstrates to the satisfaction of the Public Works Director and Planning Commission that such facilities cannot be practicably located outside of the stream buffer, and that any proposed storm water control structure is sited and designed to minimize disturbance of the stream and stream buffer. Siting storm water control structures away from the stream channel is preferable to siting such structures in the stream channel.
b. a vegetated buffer of a width not less than the minimum recommended by the Public Works Director is provided around the storm water control structures.
c. any land disturbed for construction of these structures is immediately revegetated.
5. Timber harvest operations, provided that:
a. along perennial streams the buffer must include, but is not limited to, a 50-foot permanent buffer of undisturbed natural vegetation and an additional 75-foot buffer area of selective logging leaving no less than 30% of the original standing timber; and
b. along intermittent streams or drainages the buffer must include, but is not limited to, a 25-foot buffer area of selective logging leaving no less than 30% of the original standing timber; and
c. vegetation sufficient to stabilize the soil shall be established on all disturbed areas. (Ord. 08-29, 2008).

21.40.120 Bridge Creek Reservoir buffer. A 500-foot reservoir buffer must be maintained from the banks of the Bridge Creek Reservoir, measured at normal full water level. The reservoir buffer must remain in undisturbed natural vegetation. The facilities and improvements of the city water utility are exempt from this section. (Ord. 08-29, 2008).

21.40.130 Exceptions to buffers. a. A conditional use permit is required for any intrusion into a required buffer

including, but not limited, to those intrusions and exceptions listed in HCC § 21.40.110 (b). When any approved intrusion into a buffer involves excavation or clearing, the conditional use permit must require the disturbed area to be revegetated immediately.
b. Upon application of the property owner, the Planning Commission may grant a conditional use permit to reduce the reservoir buffer requirements on a case-by-case basis only if it finds that:
1. The full reservoir buffer would result in an exceptional hardship, depriving the property owner of the economic advantages of ownership, i.e., all potential for appreciation and all opportunity for development of the property. Mere failure to realize the maximum appreciation or full development potential from the property shall not be considered an exceptional hardship.
2. The intrusion into the reservoir buffer is the minimum necessary to relieve that exceptional hardship.
3. The intrusion will not cause a degradation of the water quality or endanger the suitability of the Bridge Creek Reservoir as a water supply source for the City's public water utility.
In making such findings, the Planning Commission must consider topography, water quality protection, erosion potential, surrounding uses, the size of the parcel, and any other relevant factors. A site plan and an erosion and sediment control plan must be provided by the property owner. The Planning Commission must impose any conditions necessary to protect the water quality and ensure continued suitability of the Bridge Creek Reservoir as a water supply source for the City's public water utility.
c. Upon application of the property owner, the Planning Commission may grant a conditional use permit, on a case-by-case basis, to pipe an intermittent or perennial stream, thereby reducing or eliminating stream buffer requirements, only if it finds that:
1. For intermittent streams, the owner demonstrates that such piping is necessary to allow reasonable use of the property or for purposes of public safety.
2. For perennial streams, the owner or applicant demonstrates that use of the property without such piping will cause an exceptional hardship, depriving the property owner of the economic advantages of ownership, i.e., all potential for appreciation and all opportunity for development of the property. Mere failure to realize the maximum appreciation or full development potential from the property shall not be considered an exceptional hardship.
3. The intrusion will not cause a degradation of the water quality or endanger the suitability the Bridge Creek Reservoir as a water supply source for the City's public water utility.
If the Planning Commission approves a conditional use permit for stream piping, it must impose conditions requiring a vegetated buffer area or other device approved by the Public Works Director to protect the stream at any intake structure and other conditions as necessary to control erosion and sedimentation. All buffers and physical improvements related to the stream piping must be located entirely on the affected property or on easements adjacent to the property. (Ord. 08-29, 2008).

21.40.135 Nonconforming lots, uses, and structures. a. Except as otherwise provided in this section, lawfully subdivided lots, lawful existing uses, and lawfully constructed existing structures and improvements that are rendered unlawful by the adoption of this chapter or by any amendment to this chapter shall be treated as nonconforming.
b. No aspect of any nonconforming lot, use, structure, improvement, or any other kind of nonconformity in the BCWP District shall expand or increase in size or degree of nonconformance beyond the nonconformity existing on the effective date of the enactment that rendered it unlawful.
c. Nothing in this section shall be construed to exempt ongoing activities or pending plats from the requirements from the requirements of HCC § 21.40.070 (g) or (h) or to be an exemption from any other provision of this chapter that specifically applies to any activity or thing in progress on the effective date of the enactment.
d. Nothing in this section shall be construed to allow any preexisting or ongoing violation of HCC § 21.40.140 to continue. (Ord. 08-29, 2008).

21.40.140 Pollution prohibited. No person shall pollute, poison, defile or corrupt the waters of the Bridge Creek Watershed nor throw or deposit offal, refuse, rubbish, garbage, dead animals, excrement, hazardous material, petroleum product, or any foul, offensive or noxious matter into the waters of the Bridge Creek Watershed or upon these waters when frozen, or upon the shores of these waters and the land constituting the watershed. No person shall cause, allow or permit any sewage, drainage, refuse or polluting matter, that either by itself or in connection with other matter will tend to corrupt or impair the quality of the water of said watershed, or tend to render it injurious to health, to discharge, drain, percolate or permeate into the watershed. (Ord. 08-29, 2008).

21.40.150 Enforcement. a. In the event that any person holding a conditional use permit issued under this chapter violates the terms of the permit or any person implements site development in such a manner as to adversely affect or endanger the water quality in the Bridge Creek Watershed, the City Planner may issue a stop work order or suspend or revoke a conditional use permit. A stop work order or suspension of a conditional use permit may be

imposed immediately and without prior notice to stop or prevent imminent material harm to the water quality, provided that notice and a reasonable opportunity for a hearing must be provided promptly after the issuance of the order or suspension. A conditional use permit may be revoked permanently or suspended for longer than thirty days only after notice and a reasonable opportunity for a hearing. A revocation or suspension of a conditional use permit for longer than thirty days must be done by written decision.
b. The City may also issue other stop work orders and take other enforcement actions under HCC Chapter 21.90.
c. The City may also exercise one or more other legal, equitable or other remedies available to it, including, but not limited to, criminal prosecution and the imposition of civil penalties by the City Manager under HCC 1.16.020.
d. In addition to the penalties provided for herein, the City may apply to a court of competent jurisdiction for an order upon the parties responsible to cease any use or activity, or to re-establish or restore any or all of the grade, slope, stability, vegetation, drainage and other features and systems of a property in order to eliminate or prevent an adverse impact upon any adjacent or subservient property located in the Bridge Creek Watershed or to prevent degradation of the water quality, and for such other and further relief as may be appropriate in the circumstances. (Ord. 08-29, 2008).

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