

# City of Poulsbo

## *Planning & Economic Development*



### **CLEARING AND GRADING ORDINANCE UPDATE STAFF REPORT AND RECOMMENDATION**

**To:** Planning Commission  
**From:** Nikole Coleman, Associate Planner  
**Subject:** Clearing and Grading Ordinance Update  
**Date:** May 21, 2019

Staff respectfully recommends approval of the 2019 Clearing and Grading Ordinance Update, including modifications as identified by the Poulsbo Planning Commission during its workshop review, as set forth in Exhibit A and B to this staff report.

#### **PROPOSED MOTION:**

**MOVE** to recommend (approval) (approval with modifications) to the Poulsbo City Council the 2019 Tree Cutting and Clearing Ordinance and Grading Ordinance Updates as identified as Exhibit A and B; and direct the Planning and Economic Development Director to prepare findings of fact in support of this decision for the Planning Commission Chair's signature.

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## 1.0 Introduction

The City's Grading and Clearing ordinance is found in Poulsbo Municipal Code Chapter 15.35 and was last substantially updated in 1995, with a few amendments since then. As part of this update, the grading portion of the ordinance would be moved to a new Chapter 15.40, *Grading*. Chapter 15.35 will be repealed and replaced with the *Tree Cutting and Clearing Ordinance*.

The update is initiated to primarily reformat the existing ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning, critical areas, land division, and permit procedures). The City Planning and Economic Development (PED) staff believe that the reorganization of the existing Grading and Clearing ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally.

### ***Tree Cutting and Clearing (Chapter 15.35)***

Land clearing includes any activity which cuts, removes or seriously damages vegetation, groundcover, trees or other organic plant matter, including but not limited to root-mat removal and/or topsoil removal, by physical, mechanical, chemical or any other means.

The purpose of the *Tree Cutting and Clearing Ordinance* is to regulate the cutting of trees in order to help preserve the wooded character of the City of Poulsbo and to protect its urban forest, promote, protect and preserve the public interest by regulating land alteration, enhance the City's physical aesthetic character by managing the removal of vegetation, trees and ground cover, and recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and ground cover.

The *Tree Cutting and Clearing Ordinance* provides the vehicle to allow Poulsbo to administer the DNR forest practice permits as required by RCW 76.09.240, provides a mechanism to control the timing of clearing to be closely related to the actual development of the property, and clarifies the process for the maintenance of required planting areas.

*The Tree Cutting and Clearing Ordinance is a new ordinance which includes new standards for tree cutting and should be read and reviewed in its entirety.*

### ***Grading (Chapter 15.40)***

The *Grading Ordinance* regulates grading within the City, and establishes standards for grading, including filling and excavation activities. The purpose of the *Grading ordinance* is to promote, protect and preserve the public interest by regulating land alteration, ensure prompt construction, restoration, replanting and effective erosion and sedimentation, prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls, minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices, promote safety upon public and private property, and promote the health safety and welfare of the public.

The Grading ordinance update includes changes to strengthen and clarify text and eliminate "loopholes" and ambiguity.

*The Grading Ordinance is a new ordinance, and while most of the provisions related to grading are the same or similar to the current Chapter 15.35, the entirety of the draft ordinance should be read and reviewed based upon the newly formatted document.*

## 2.0 Review Process to Date

The Draft Clearing and Grading Ordinance Amendments were publicly released March 8, 2019. This release and all associated documents were posted on the City's website, distributed to Washington State Department of Commerce and local, regional and state agencies, and emailed to the City's Development Regulations Update interested parties e-notice list.

On March 15, 2019, the Notice of Application (NOA) with Optional DNS was published in the North Kitsap Herald, emailed to the NOA, SEPA and Development Regulations e-notice list, and posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website.

On April 2, 2019 the SEPA Threshold Determination was issued.

On May 3, 2019, a public notice announcing the Poulsbo Planning Commission Public Hearing was published in the North Kitsap Herald, emailed to the public hearing and Development Regulations e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website.

One public comment has been received to date (Exhibit C).

### **3.0 Planning Commission Draft Tree Cutting and Clearing and Grading Ordinances**

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the initial release draft Tree Cutting and Clearing and Grading Ordinances. The Planning Commission held three workshops on the Update (3/26/19, 4/9/19, and 5/14/19) and identified several additional modifications. Planning Commission additions and deletions are shown in **red underline** or **strikeout**, recommended moving of draft language is shown in **green underline** or **strikeout**, and changes recommended from public comment are shown in **purple underline** or **strikeout**.

### **4.0 Attorney General's Unconstitutional Takings Memo**

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the draft ordinance update and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the draft ordinance does not result in any unconstitutional taking.

### **5.0 Staff Conclusion and Recommendation**

The Poulsbo Planning and Economic Development staff respectfully recommends the Planning Commission offer a recommendation of approval to the City Council for the proposed Tree Cutting and Clearing Ordinance and Grading Ordinance.

### **6.0 Planning Commission Public Hearing May 28, 2019**

A public hearing has been scheduled for 7:00 on May 28, 2019 for the Planning Commission to receive public comments on the proposed Tree Cutting and Clearing Ordinance and Grading Ordinance.

#### **PROPOSED MOTION:**

**MOVE** to recommend (approval) (approval with modifications) to the Poulsbo City Council the 2019 Tree Cutting and Clearing Ordinance and Grading Ordinance Updates as identified as Exhibit A and B; and direct the Planning and Economic Development Director to prepare findings of fact in support of this decision for the Planning Commission Chair's signature.

### **7.0 Exhibits**

- A. Planning Commission Recommended Chapter 15.35 Tree Cutting and Clearing
- B. Planning Commission Recommended Chapter 15.40 Grading
- C. Public Comments rec'd to date
- D. Initial Release Memo
- E. Public Participation Plan
- F. Notice of Application with Optional DNS
- G. SEPA Threshold Determination DNS with commented checklist
- H. Notice of Planning Commission Public Hearing

# **EXHIBIT A**

**Planning Commission Recommended  
Chapter 15.35 Tree Cutting and Clearing**

## **Chapter 15.35 Tree Cutting and Clearing**

- 15.35.010 Purpose
- 15.35.020 Applicability and Authority
- 15.35.030 Interpretation
- 15.35.040 Definitions
- 15.35.050 Permit Required
- 15.35.060 Activities Requiring Tree Cutting and Clearing Permit
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- 15.35.080 Application Submittal Requirements
- 15.35.090 Class IV Forest Practices
- 15.35.100 Trees in Critical Areas
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- 15.35.130 Performance Standards
- 15.35.140 Tree Cutting and Clearing Limits
- 15.35.150 Best Pruning Practices
- 15.35.160 Financial Guarantees
- 15.35.170 Enforcement and Violations

## 15.35 Tree Cutting and Clearing.

### 15.35.010 Purpose.

The purpose of this chapter is to:

- A. Regulate the cutting of trees in order to help preserve the wooded character of the City of Poulsbo and to protect its urban forest.
- B. Promote, protect and preserve the public interest by regulating land alteration, particularly the clearing of land in the City.
- C. Enhance the City's physical aesthetic character by managing the removal of vegetation, trees and ground cover.
- D. Recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and ground cover.

### 15.35.020 Applicability and Authority.

- A. This Chapter sets forth rules and regulations for tree removal, pruning, cutting and clearing; establishes the procedures for issuance of permits; provides for approval of plans, inspections, enforcement and penalties.
- B. The Planning Director is responsible for the interpretation and administration of this Chapter. When required or determined necessary, the Planning Director shall consult with the City Contract Arborist. All costs associated with review by the City Arborist shall be the responsibility of the property owner or applicant.
- C. The Planning Director or designee has the authority to take actions appropriate to enforce the requirements of the Chapter and shall proceed under the provisions of Section 15.35.160 and Chapter 1.16.

### 15.35.030 Interpretation.

This Chapter shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the City of Poulsbo Comprehensive Plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application.

### 15.35.040 Definitions.

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the following meanings.

**Applicant.** The individual, partnership, association or corporation applying for a permit to do the work under this Chapter, and includes property owners, employees, agents, consultants, contractors and successors in interest.

**Blazing.** Minor non-vehicular cutting or removal of vegetation, including trees, shrubs or groundcover, sufficient for line-of-site surveying and foot access trails to the extent that the site is not otherwise significantly disturbed.

**Class IV Forest Practice Activity.** A timber harvest, thinning or other activity as established by the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the city limits, while still maintain the right to convert the property to a use inconsistent with growing timber.

**Clearing.** Any tree cutting, clearing or removal of vegetation in any manner exceeding the extent of blazing as defined above.

**City Arborist.** The City of Poulsbo designated contract arborist. When required or determined necessary, the Planning Director shall consult with the City Arborist. All costs associated with review by the City Arborist shall be the responsibility of the applicant of the tree cutting or clearing permit.

**Cutting.** The felling or removal of a tree, or any procedure in which the natural result will lead to the death or substantial destruction of a tree. Such acts include ~~by~~ but are not limited to the severe cutting back of limbs, and damage inflicted upon the root system of the tree. Cutting does not include normal pruning within the bounds of accepted arboricultural practices.

**DNR.** Washington State Department of Natural Resources.

**Diameter at Breast Height (DBH).** A tree's diameter in inches at 4 1/2 feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4 1/2 foot above the ground.

**Dead, Dying and Danger Trees.** See Section 15.35.120.

**Development.** Land disturbing activity or the addition or replacement of impervious surface. Development also includes buildings, structures, parking and loading areas, landscaping, pavement.

**Drip Line.** The drip line of a tree is located by the vertical projection of a line at the tips of the outermost branches.

**Fully Developed.** (1) Any individual lot or parcel, which may not be further subdivided or developed, that is presently occupied by one or more buildings over 120 square feet in floor area in usable condition. (2) Any street or utility right-of-way that has been constructed to at least minimum City standards. (3) Park lands that are currently managed and maintained for public use which include landscaped areas, trails or recreational facilities.

**Ground Cover.** Any plant matter less than three feet in height occurring above the soil layer.

**High Grading.** In forestry, high grading is a selective type of timber harvesting that removes the highest grade of timber (i.e. the most merchantable stems ) in an area of forest. The stunted, slow growing or poorly formed trees that are left as residuals will, if ecological conditions permit, reseed the space that has been created. Over time the practice of high grading can therefore give rise to forest stands containing stems of less value in terms of timber quality.

**Land Disturbing Activity.** Any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and nonvegetative, or the existing topography. Land disturbing activities include, but are not limited to, tree removal, grading, filling, excavation, or addition of new or the replacement of impervious surface. Vegetative maintenance practices are not considered land disturbing activities.

**Land Use Review.** An approval procedure for a specific use or development required under Title 16, 17 or 18.

**Limbing.** Removal of branches and leaving at least two-thirds of the existing tree branch structure. Limbing does not include topping of trees.

**Owner.** The owner of record for real property as shown on the tax rolls of Kitsap County, or a person purchasing a piece of property under contract.

**Permittee.** The person or entity to whom a permit is issued for tree cutting or clearing purposes.

**Partially Developed Land.** Any individual lot or parcel, which may be further subdivided, that is presently occupied by one of more buildings over 120 square feet in usable condition.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local government entities.

**Planning Director.** The City of Poulsbo Planning and Economic Development Department Director or authorized designee.

**Pruning.** Cutting back of limbs larger than one and one-half inches in diameter. Pruning shall conform to the International Society of Arboriculture standards, or other standards approved by the Department of Natural Resources (DNR) and/or the Department of Ecology (DOE), to maintain trees within environmentally critical areas and shoreline areas in a healthy and safe condition.

**Removal.** The act of removing vegetation by digging up, cutting down or any act which is likely to cause vegetation to die within a period of five years, including, but not limited to, damage inflicted to the root system by machinery, storage of materials, or soil compaction; change the ground level in the area of the root system; damage inflicted on vegetation permitting infection or infestation, excessive pruning or any other action which is deemed harmful to vegetation.

**Review Authority.** The person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in Title 19 Project Permit Application Procedures.

**Routine Landscape Maintenance.** Lawn mowing, composting, gardening, tree limbing and ground cover maintenance that does not include tree removal and is undertaken by person in connection with the normal maintenance and repair of the property.

**Site.** The defined portion of any lot(s) or parcel(s) of land or contiguous combination thereof, where tree cutting, or clearing is performed or permitted.

**SEPA.** State Environmental Policy Act (see Chapter 16.04).

**Thinning.** The removal of trees less than 18 inches DBH where removal will improve the growth of remaining trees or removal of diseased trees that might otherwise die.

**Tree.** A living woody plant characterized by one main stem or trunk and many branches and having a diameter of six inches or more measured at DBH or is generally referred to in the nursery and landscape industry as a tree.

**Topping.** The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Undeveloped Land.** (1) Any lot or parcel not presently occupied by one of more buildings over 120 square feet in usable condition. (2) Any street or utility right-of-way which is not currently opened and constructed to minimum City standards.

**Vegetation.** Plant matter, including trees, shrubs and ground cover.

**Vegetation Removal.** The act of removing vegetation by digging up, cutting down or any act which is likely to cause vegetation to die within a period of five years, including but not limited to, damage inflicted to the root system by machinery, storage of materials, or soil compaction, change to the ground level in the area of the root system; damage inflicted on vegetation permitting infection or infestation, excessive pruning or any other action which is deemed harmful to vegetation.

#### **15.35.050 Permit Required.**

- A. Except as otherwise specifically provided for in this Chapter, a tree cutting and/or clearing permit shall be obtained from the City before commencing any activity for which a permit is required. Tree cutting and clearing permits shall be issued by the Planning Director or authorized designee.
- B. Speculative tree clearing is prohibited. A land use development permit (such as site plan, preliminary plat, short plat, planned unit development, conditional use) must be approved before a tree cutting and clearing permit will be issued, except as otherwise specifically allowed by this Chapter.
- C. Issued tree cutting and clearing permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved permit, permitted activities shall be inspected by the City during tree removal.
- D. In general, tree cutting and clearing permits shall expire one year from the date of issuance, provided that the specific time limit shall be identified in the permit's conditions of approval. The Planning Director may impose a time limit which the proposed site work must be completed based upon weather and/or environmental concerns. The Planning Director is authorized to grant extensions as set forth in the permit's conditions of approval.
- E. When a tree cutting and clearing permit and a grading permit (Chapter 15.40) are both required, the City may choose to combine the reviews under one permitting process.

**15.35.060 Activities Requiring Tree Cutting and/or Clearing Permit.**

- A. Full site tree clearing, only when a land use development permit has been obtained; except for any tree retention or vegetation protection required by the land use development permit.
- B. Tree cutting and removal in order to develop property with substantial permanent improvements, such as streets, utilities, buildings, parking, driveways, etc. Land use development permit must be obtained.
- C. Selective thinning limited to once a calendar year and subject to the following provisions:
  - 1. Submittal of the tree thinning plan.
  - 2. The selective thinning shall be the minimum necessary. The City Arborist shall review the proposed tree thinning plan.
  - 3. The thinning of the trees shall not have a significant impact on the soil stability and structure, flow of surface waters, water quality, health of adjacent trees and understory plants, and existing windbreaks. Depending on the proposed disturbance of soil, erosion control measures may be required.
  - 4. The thinning plan shall comply with the requirements of Chapter 16.20 Critical Areas Ordinance, regarding protection of critical areas and buffers, if applicable.
- D. Any proposed tree removal that is not specifically exempt (Section 15.35.070) from a tree cutting and clearing permit. The Planning Director may consult with the City Arborist if determined necessary.
- E. Class IV General Forest Practice permittees for conversion, thinning or maintenance. (No harvesting is allowed without a land use development permit approval.) (See Section 15.35.090).
- F. Tree removal in Open Space Tracts, Tree Retention Tracts, Critical Areas and Buffers and other protective areas. See Section 15.35.100 and 110.
- G. Removal of street trees within the City right-of-way shall be as set forth in Chapter 16.24. In addition, when street tree installation was required as a land use permit condition of approval, it shall be replanted. Guidelines on street tree maintenance, removal and replacement are available from the Planning and Economic Development Department.
- H. Removal and replacement of trees within an approved and required landscape area shall be as set forth in Chapter 18.130, as established through the approved land use permit drawings or conditions of approval, and/or as otherwise approved by the Planning Director.

**15.35.070 Activities Exempt from Tree Cutting or Clearing Permit.**

- A. ~~E. Normal and routine maintenance of existing landscaping, such as lawn mowing, rototilling, composting, gardening and pruning of vegetation.~~
- B. ~~Any removal or cutting on developed, partially developed, or undeveloped lots when the total area to be disturbed is less than 7,000 square feet (see Stormwater Management Manual for Western Washington) per calendar year.~~
- C. ~~Selective cutting or removal of trees and associated ground covers on R-zoned existing lots 10,890 square feet or less in size, for purposes of general maintenance, landscaping or gardening; provided that the trees and/or ground cover are not part of a protected open space tract, tree retention tract, critical area buffer, required street tree or otherwise prohibited.~~
- D. ~~Normal and routine maintenance, including cutting or clearing of trees and vegetation, on fully developed (see definition) lot, parcel, street or utility right-of-way or park which does not require other permits or SEPA review.~~
- F. ~~Non-commercial firewood cutting under 2,000 board feet, which does not require other permits, for personal use by the property owner.~~
- C. ~~B~~ The installation and maintenance of fire hydrants, water meters, and pumping stations by the City or its contractors.
- D. ~~A~~ All non-conversion forest practice on property equal to or greater than 20 acres; harvesting from a recognized timber growing operator or small forest landowner, that is enrolled as forest land of long

term commercial significance under Chapter 84.33 RCW or has filed an accepted forest management plan with DNR; and has provided statement to the City and DNR that the forest landowner does not intend to convert the use to a non-forest operation for a period of at least ten years. All applicable state forest practice permit requirements remain, as set forth under Chapter 76.09 RCW. {Class IV General Forest Practice requires a tree cutting and clearing permit; see Section 15.35.090 for Class IV General Forest Practice.}

- E. ~~G.~~ Minimal blazing for line-of-site surveying and foot access and limited clearing and grading as required to perform geotechnical exploration to characterize geologic formations and soils.
- F. ~~H.~~ The removal of plants designated as noxious weeds by government agencies.
- G. ~~I.~~ Trees that are damaged during a weather event, such as windstorm.
- H. ~~J.~~ Removal of trees in emergency situations involving immediate danger to life or property or substantial fire hazards. If the removal exceeds 7,000 square of disturbed area, or is located within an open space tract, tree retention tract, required landscaping, designated critical area (including buffers) and other protective areas, ~~t~~The City shall be notified within seven days of the removal tree being cut, is and shall be provided ~~provided such~~ additional information, as needed the City requests in order to verify the emergency, ~~and An after-the-fact permit may be required is obtained within 20 days following the cutting of the tree, if required.~~
- I. ~~K.~~ Removal of dead, dying or dangerous trees consistent with per Section 15.35.120. ~~upon written verification by a qualified arborist or landscape architect or landscape contractor which states the removal of the tree is essential for the protection of life, limb or property and whose statement has been filed with the Planning Director. The Planning Director may consult with the City Arborist to assist in the review of the submitted written verification when deemed necessary.~~
- J. ~~L.~~ An exemption from a tree cutting permit does not exempt a property owner from complying with policies, criteria and standards contained in this chapter or other applicable local, state or federal regulations or permit requirements.

#### **15.35.080 Application Submittal Requirements.**

An application for a tree cutting and clearing permit shall contain the following:

- A. A completed tree cutting and clearing permit application form and all identified submittal requirements.
- B. The required application fees.
- C. A description of the work to be covered by the permit.
- D. Each completed application shall be accompanied by the required number of plans, at a scale as prescribed by the Planning Director, and include:
  - 1. Date and north arrow;
  - 2. Prominent physical features of the property including, but not limited to, topography, critical areas and watercourses;
  - 3. General location, type, range of size, and condition of all trees including the species, size and accurate location of all healthy trees having a trunk diameter of at least six inches or more measured at DBH.
  - 4. Identification of all trees and ground cover proposed to be removed;
  - ~~5. A topographic map of the property, delineating contours, existing and proposed, at no greater than five foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights;~~
  - ~~5.~~ ~~6.~~ Any existing improvements on the property including, but not limited to structures, driveways, ponds, and utilities;
  - ~~6.~~ ~~7.~~ Temporary Erosion and Sedimentation Control Plan, including sequence for tree removal and other land-disturbing activities, schedule for installation and removal of all temporary erosion and sediment control measures, including vegetative measures, and outline of the methods to be used in clearing vegetation and disposing of the cleared vegetative matter;

~~7.~~ ~~8.~~ Identification of tree protection provisions for areas not subject to the tree cutting and/or clearing permit.

E. Statement by the applicant that the subject property proposed for land clearing is not and has not been subject to a notice of conversion to a non-forestry use for six years prior to the permit application.

#### 15.35.090 Class IV Forest Practices.

- A. As established in RCW 76.09.070, lands within the city limits and Poulsbo Urban Growth Area are not considered appropriate for long term timber production and harvesting, which takes a full forty-year cycle. Limited timber thinning is allowed while still maintaining the right to convert the property to a use inconsistent with growing timber.
- B. Conversion of the land to non-timber production shall occur when the City has approved a land use development permit for the site. Significant clearing or harvesting is not allowed until conversion occurs.
- C. For Class IV General Forest Practices, maintenance and thinning of existing timber stands is allowed to promote the overall health and growth of the stand until the area is converted. A tree cutting and clearing permit shall be required for any maintenance and thinning and shall be reviewed by the City Arborist. High grading or top-down thinning shall not be permitted. The remaining trees should be healthy, long-term trees from the dominant and co-dominant crown classes. The stand shall be marked prior to the selective thinning operation, indicating which trees will be removed and retained.

#### 15.35.100 Trees in Critical Areas and Shoreline.

Consultation with the Planning and Economic Development Department is required for any tree cutting, tree topping, tree trimming, pruning, thinning and/or vegetation clearing with in a critical area, critical area buffer, shoreline and shoreline buffer. A critical areas or shoreline permit may be required for such activities under certain circumstances. Consultation requirements and special critical area permits are provided for in Chapter 16.20, Critical Areas, and 16.08, Shoreline Master Program.

#### 15.35.110 Trees and Vegetation in Open Space Tracts, Tree Retention Tracts and other Protective Areas.

- A. Trees located in open space tracts, tree retention tracts, or other protected areas may only be removed if the tree is dead, dying, or dangerous and pose potential hazard to persons or property, ~~upon written verification by a qualified arborist or landscape architect or landscape contractor which states the removal of the tree is essential for the protection of life, limb or property and whose statement has been filed with the Planning Director. The Planning Director may consult with the City Arborist to assist in the review of the submitted written verification when deemed necessary.~~ (See Section 15.35.120 for provisions to dead, dying or dangerous trees).
- B. A tree cutting and clearing permit is required for tree removal in these protective areas.
- C. Replanting is required. Replacement trees shall conform to the original planting installation or as approved by the Planning Director.
  - 1. Tree replacement shall be determined according to the DBH of the tree removed, upon consultation with the City Arborist.
  - 2. The location of the replacement tree(s) shall be on the property where the tree was removed, unless approved otherwise by the Planning Director upon consultation with the City Arborist.
  - 3. If any replacement tree dies within three years of the planting, the tree shall be replaced in accordance with this Chapter.

#### 15.35.120 Dead, Dying or Dangerous Trees.

- A. For purposes of this Section:
  - 1. "Dead" means the tree is lifeless.
  - 2. "Dying" means the tree is in an advance state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of the infestation or disease to other trees.

3. “Dangerous” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- B. Removal of dead, dying or dangerous trees is allowed. If the removal exceeds 7,000 square of disturbed area, or is located within an open space tract, tree retention tract, required landscaping, designated critical area (including buffers) and other protective areas, a tree cutting and clearing permit shall be required.
- C. When a permit is required, a qualified arborist or landscape architect shall provide upon written verification by ~~or landscape contractor~~ which states the removal ~~of the tree~~ is essential for the protection of life, limb or property ~~and whose statement has been filed with the Planning Director.~~ The Planning Director may consult with the City Arborist to assist in the review of the submitted written verification when deemed necessary.
- C. The Planning Director, upon consultation with the City Arborist, may determine that dead or dying trees be retained in critical area, critical area buffer, tree retention tract, open space tract or other protected areas, in order to provide for wildlife habitat and natural processes, unless the tree presents a potential hazard to person or properties.

#### 15.35.130 Performance Standards.

The following shall apply to all tree removal activities within the City. Tree removal activities that are exempt from the requirement to obtain a tree cutting and clearing land removal permit (Section 15.35.070), must still comply with the performance standards listed below:

- A. Clearing, cutting or removal of trees shall not occur on any lot or parcel without the consent of the property owner.
- B. Clearing, cutting or removal of trees shall not result in any damage to abutting lots or parcels, public property or water resources, including but not limited to, trunk, bark, limb or leaf damage, damage to roads, trails or utilities, water or soil contamination, alteration of drainage courses, transport and disposition of dirt, mud or sediment or the creation of a fire hazard or other unsafe condition.
- C. All public rights of ways including easements for roads and utilities shall be kept clear of silt, dirt, mud and debris and immediately cleaned and/or restored to their original condition prior to impact.

#### 15.35.140 Tree Cutting and Clearing Limits.

- A. Tree removal boundaries shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if tree removal is to occur in close proximity to property boundaries.
- B. Open space tracts, tree retention tracts, protected critical areas and buffers, and other areas not subject to tree removal shall be protected from potentially damaging activities. The applicant and/or authorized contractor shall:
  1. Protection areas shall be clearly shown on all applicable site development, preliminary plats, and construction drawings. Protection areas may only be modified or temporarily relocated with prior written approval of the Planning Director.
  2. Install a visible protective fencing along the outer edge and completely surrounding the protected area (drip line/critical root zone) of all protected trees, group of trees, or vegetation. Protective fencing shall consist of chain link or other type a sturdy construction fencing attached to posts set in the ground a minimum of twelve inches and spaced no more than ten feet apart.
  3. Maintain the protective barriers in place until the City authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.
  4. Ensure that any landscaping done in the protected area(s) subsequent to the removal of barriers shall be accomplished with light machinery or hand labor.
- C. Additional protection during construction consistent with requirements of Section 18.180.080, may be required by the Planning Director.

### **15.35.150 Best Pruning Practices.**

When a tree cutting and/or clearing permit is required per section 15.35.050 or for trees within an open space tract, tree retention tract, required landscaping, designated critical area (including buffers) and other protective areas:

- A. Tree pruning shall not exceed more than twenty-five percent of a tree's total leaf area. Tree pruning best practices shall conform to the International Society of Arboriculture standards or other accepted standards.
- B. Tree topping is prohibited, except under the following circumstances:
  - 1. Branches interfering with utility lines;
  - 2. Significant canopy dieback has occurred;
  - 3. Storm damage or prior incorrect pruning requires correction.

### **15.35.160 Financial Guarantees.**

The Planning Director may require that the applicant furnish a performance bond or other acceptable financial guarantee to the City, to secure the applicant's obligation, after the approved tree removal has been accomplished, to complete any required restoration and replacing in accordance with the conditions of the permit.

### **15.35.170 Enforcement and Violations.**

- A. The Planning Director is authorized with the enforcement of the provisions of this Chapter, and to designate City employees as authorized representatives to investigate suspected violations and to issue stop work notices, correction notices and/or notices of infraction.
- B. Removal of a tree (or its stump) that is subject to a tree cutting and clearing permit, without obtaining a tree removal permit prior to its removal, constitutes a violation of this Chapter. Mitigation is required if a tree is cut in violation of this Chapter.
  - 1. Tree replacement shall be determined according to the DBH of the tree removed. ~~The total DBH of the replanted tree(s) shall equal the DBH of the tree removed.~~ The Planning Director may consult with the City Arborist to determine the appropriate replacement plan.
  - 2. The location of the replacement trees shall be on the property where the tree was removed, unless approved otherwise by the Planning Director upon consultation with the City Arborist.
  - 3. If any replacement tree dies within three years of the planting, the property owner shall replace the tree. No replacement tree shall be cut without a permit under this Chapter.
- C. Violations of the provisions of this Chapter and/or the tree cutting and clearing permit conditions of approval shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation or to such other condition acceptable to the City.
- D. The violation of any provision of this Chapter or permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The Planning Director may issue a notice of infraction in accordance with Chapter 1.16. Any person who violates or fails to comply with any of the provisions or this Chapter or permit condition, where such person has been adjudged by the Poulso Municipal Court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted.

### **15.35.180 Permit Expiration and Extension.**

A tree cutting or clearing permit shall expire ~~one year~~ six months from the date of issuance. Upon written request demonstrating good cause by the applicant or property owner filed no less than thirty days prior to the date of expiration, the PED director may grant an extension of time up to but not exceeding an additional 60 days.

# **EXHIBIT B**

**Planning Commission Recommended  
Chapter 15.40 Grading**

## **Chapter 15.40      Grading**

- 15.40.010      Purpose
- 15.40.020      Applicability and Authority
- 15.40.030      Interpretation
- 15.40.040      Definitions
- 15.40.050      Permit Required
- 15.40.060      Activities Requiring Grading Permit
- 15.40.070      Activities Exempt from Grading Permit
- 15.40.080      Application Submittal Requirements
- 15.40.090      Financial Guarantee
- 15.40.100      Performance Standards
- 15.40.110      City Inspections
- 15.40.120      Work Completion
- 15.40.130      Enforcement and Violations

## **Title 15.40 Grading.**

### **15.40.010 Purpose.**

The purpose of this Chapter is to:

- A. Promote, protect and preserve the public interest by regulating land alteration, particularly the grading of land in the City.
- B. To ensure prompt construction, restoration, replanting and effective erosion and sedimentation control in properties before, during, and after grading.
- C. Prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls.
- D. Minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices.
- E. Promote safety upon public and private property.
- F. Promote the health safety and welfare of the public.

### **15.40.020 Applicability and Authority.**

- A. This Chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including cuts, fills and embankments; establishes the procedures for issuance of permits; provides for approval of plans, inspections, enforcement and penalties.
- B. The City Engineer or designee has the authority to take actions appropriate to implement the provisions and provisions of this Chapter. The City Engineer may further enforce the requirements of the Chapter and shall proceed under the provisions of Section 15.40.130 and Chapter 1.16.

### **15.40.030 Interpretation.**

This Chapter shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the City of Poulsbo Comprehensive Plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application.

### **15.40.040 Definitions.**

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the following meanings.

**Applicant.** The individual, partnership, association or corporation applying for a permit to do the work under Chapter, and includes property owners, employees, agents, consultants, contractors and successors in interest.

**Approval.** Approval by the City Engineer for the grading permit.

**Backfilling.** Returning a site to its original or approved contours after earth materials were removed.

**Best Management Practices (BMP).** Activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the City that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to the waters of Washington State.

**Civil Engineer.** A professional engineer licensed by the State of Washington in civil engineering.

**City Engineer.** The City Engineer shall mean the designated Poulsbo City Engineer or a duly authorized designee.

**Compaction.** The densification or consolidation of earth materials or fill resulting from the weight of overlying deposits or mechanical means.

**Construction.** The building of something, typically a building or structure but may include underground utilities, surface ponds, etc.

**Cut.** The change of a grade by excavation.

**Development.** Land disturbing activity or the addition or replacement of impervious surface for the purpose of subdividing or preparing land for construction for the purpose of this chapter, routine maintenance activities are not considered development.

**Earth Material.** Any rock, soil, or combination thereof.

**Engineer of Record.** A licensed engineer who has overall responsibility for the grading portion of the application, and whose stamp is on the application materials.

**Erosion.** The wearing away of the ground surface as a result of mass wasting or of the movement of wind, water, ice or other geological agents.

**Excavation.** The physical, manmade removal of earth material.

**Existing Grade.** The current surface contour of a site, including minor adjustments to the surface of the site in preparation for construction, or the surface contour that existed immediately prior to grading done without a permit.

**Existing Site.** A site prior to any grading activity or any site prior to the passage of the ordinance codified in this chapter.

**Exploratory Excavation.** Borings or small pits, hand-dug or excavated by mechanical equipment, for the purpose of determining soil characteristics or location of utilities.

**Fill.** A deposit of earth material placed by artificial means which increases the ground surface elevation.

**Filling.** The activity of depositing fill.

**Finished Grade.** The land surface elevation of the site after alterations are completed.

**Geotechnical Engineer.** A professional civil engineer licensed by the State of Washington who is qualified by reason of experience and education in the practice of evaluating and predicting the engineering properties of soils and geologic formations or a professional engineering geologist licensed by the State of Washington.

**Grade.** The vertical elevation of the ground surface.

**Grading.** The excavation, filling, in-place ground modification, removal of roots or stumps that includes ground disturbance, stockpiling of earth materials, or any combination thereof, including the establishment of a grade following demolition of a structure.

**Grading Permit.** A permit issued by the City Engineering Department giving permission for land disturbing activity.

**Impervious Surface.** A non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common examples include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces which similarly impeded the natural infiltration of stormwater.

**Land Disturbing Activity.** Any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and non-vegetative, or the existing topography. Land disturbing activities include, but are not limited to, tree and stump removal, grading, filling, excavation, or addition of new or the replacement of impervious surface. Vegetative maintenance practices are not considered land disturbing activities.

**Owner.** The owner of record for real property as shown on the tax rolls of Kitsap County, or a person purchasing a piece of property under contract.

**Permittee.** The person or entity to whom a permit is issued for grading purposes.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local government entities.

**Preloading.** The temporary stockpiling of earth materials over a site for the purpose of consolidating the existing soils.

**Review Authority.** The person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in Title 19 Project Permit Application Procedures.

**Site.** The defined portion of any lot(s) or parcel(s) of land or contiguous combination thereof, where grading is performed or permitted.

**Slide.** The movement of a mass of loosened rocks or earth down a hillside or slope.

**Slope.** An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as an angle from the horizontal.

**Soil.** A mass of mineral particles, with or without organic constituents, resulting from chemical and mechanical weathering of rock and decomposition of organic matter.

**Terrace.** A relatively level step constructed in the face of a graded slope surface.

**Topsoil.** The weathered surface soil, usually including the organic layer, in which plants have most of their roots.

#### **15.40.050 Grading Permit.**

- A. Except as otherwise specifically provided in this Chapter, a grading permit shall be obtained from the City before commencing any activity for which a permit is required as specified in Section 15.40.060. Grading permit approval shall be by the City Engineer or authorized designee.
- B. Speculative grading is prohibited. A land use development permit must be approved before a grading permit will be issued, except as otherwise specifically allowed by this Chapter.
- C. Issued grading permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved plans, permitted activities shall be inspected by the City during construction.
- D. All grading permit approval shall be subject to meeting the requirements of the adopted City of Poulsbo stormwater management and erosion control requirements.
- E. In general, grading permits shall expire one year from the date of issuance, provided that the specific time limit shall be identified in the permit's conditions of approval. The City Engineer may impose a time limit which the proposed site work must be completed based upon weather and/or environmental concerns. The City Engineer is authorized to grant one or more extensions not exceeding 90 days each. The extension shall be requested in writing with justifiable cause demonstrated and shall include a detailed schedule for completion.

#### **15.40.060 Activities Requiring Grading Permit.**

Projects involving earthwork of more than fifty cubic yards of material, or projects which change existing grade by more than four feet, within a twelve-month period, are required to obtain a grading permit unless specifically exempt in Section ~~15.40.060~~ 15.40.070. The quantity threshold is the total earthwork completed and not a net of cut and fill.

#### **15.40.070 Activities Exempt from Grading Permit.**

The following activities are exempt from needing a grading permit, however the work must be in compliance with Section 15.40.100 and meet the minimum performance standards outlined in that section.

- A. An excavation below finish grade for basements, footings of a building retaining wall, or other structure or activity authorized by any valid building permit.
- B. Utility trenching within a public right of way or upon an easement by a public agency or their designee.
- C. Routine maintenance of existing landscaping such as applying new mulch each year, removing weeds, or other similar activities.
- D. Emergency situations involving immediate danger to life or property, substantial fire hazards or other public safety hazards, provided verbal authorization by the City has been acquired and written

authorization communicating the need and verifying the nature of the emergency is provided by the City afterward.

- E. Routine agricultural activities such as plowing, harrowing, disking, ridging, listing, leveling and similar operations to prepare a field or crop.
- F. Grading associated with construction of a single-family home with a valid building permit when the zoning is RL and the site is developed with a single-family residence.
- G. Limited exploratory excavations under the direction of soils engineers, ~~or~~ engineering geologists or civil engineer licensed in Washington State.
- H. Excavation and filling of cemetery graves.
- I. In any one year an excavation of less than fifty cubic yards of material which:
  - 1. Is less than one foot in depth; and
  - 2. Does not obstruct a stream or surface water; and
  - 3. Does not create a cut slope greater than five feet in height and steeper than two horizontal to one vertical; and
  - 4. Is adequately protected against erosion.
- J. In any one year a fill less than fifty cubic yards of material which:
  - 1. Is less than one foot in depth; and
  - 2. Does not obstruct a stream or surface water; and
  - 3. Is not intended to support structures; and
  - 4. Does not create a fill slope greater than three feet in height and steeper than three horizontal to one vertical; and
  - 5. Is adequately protected against erosion.
- K. Except for subsection B for maintenance only, and D of this section, the exemptions set forth in this section shall not apply to activity within critical areas and associated buffers as defined in Chapter 16.20. See Chapter 16.20 for restricted grading activities restricted in critical areas.
- L. Activities that are exempted from a clearing grading permit as set forth in this section must still provide BMPs as necessary to protect water quality and provide site stability. Minimum requirements may be obtained by request from the City's Engineering Department accompanied by an adequate description of proposed work.

#### **15.40.080 Application Submittal Requirements.**

An application for a clearing grading permit shall contain the following:

- A. A completed grading permit application form and all identified submittal requirements.
- B. The required application fees.
- C. A description of work covered by the permit.
- D. An estimate of the quantities of work to be done to include area under application, area to be altered, amount of fill, amount of excavation, impervious area, slope of site.
- E. A description of any potential hazards, including but not limited to slides, erosion, siltation, flooding.
- F. A description of past land use activities at the site.
- G. The signature of the permittee or agent who may be required to show proof of authority.
- H. Completed environmental checklist in compliance with SEPA, when required. (Note: This requirement may be met with the SEPA checklist/threshold determination for the approved land use permit).
- I. Each completed application shall be accompanied by the required number of plans and specifications. The plans and specifications shall be prepared by a professional engineer licensed in the State of

Washington and have his/her stamp affixed. The plans and specifications shall be at a scale as prescribed by the City Engineer, and include:

1. Existing topographic information with a contour interval of not less than five-feet, including identification of any slopes over thirty percent in gradient. Contour intervals shall extend a minimum of 100-feet off-site.
  2. Proposed topographic information, including dimensions, elevations and finish contours of not greater than five-foot intervals, to be achieved by the proposed grading and related construction.
  3. Designation of all critical areas and buffers, tree retention areas, natural vegetation protection areas, or other areas that are not subject to the grading activity.
- J. A drainage plan and temporary erosion and sediment control plan that complies with the requirements in Chapter 13.17 Stormwater Management.
- K. Any additional studies required by the City Engineer such as a soils report, in situ soils testing, hydrology report or geotechnical engineer report.
- L. Approved grading permit plans shall not be amended without prior authorization from the City Engineer.

#### **15.40.090 Financial Guarantee.**

- A. The requirements of this section shall apply to development subject to the following permits:
1. All grading permits; and
  2. Building permits for development that are exempt per Section 15.40.070.F but are determined by the City Engineer to involve soil disturbing activity to an extent that is potentially damaging to the environment or property.
- B. As a condition of approving the permits identified above in subsection A of this section, the City Engineer shall, in addition to any other permit conditions, require the permit applicant to:
1. Make a cash deposit with the City in an amount determined by the City Engineer, [in accordance with Fee Schedule adopted by Council per PMC 3.12.020-A](#), to be sufficient to guarantee performance of any and all slope stabilization, drainage, and erosion control measures specified in the interim erosion control plan required for grading permit and any analogous requirements for building permits, and if such measures are not performed, to restore the site to such condition as may be necessary to control erosion and prevent slope destabilization and drainage impacts from the grading work. The cash deposit shall be made pursuant to an agreement in a form approved by the City Attorney and providing for the automatic forfeiture of the cash deposit upon a determination by the City Engineer that the interim erosion control plan has not been complied with and after notice of the intended forfeiture and an opportunity to cure the noncompliance has been provided to the permittee; provided, however, that such preforfeiture notice and opportunity to cure may be dispensed with in the event that the City Engineer determines that the nonperformance has resulted in an emergency condition which endangers the life or property, in which case notice shall be provided as soon as practicable.
  2. Any cash deposit forfeited under this section shall be used solely for the purpose of performing the work specified in said subsection and reimbursing the City for its costs associated with administering the work and enforcing the secured permit conditions. Any unused portion of the deposit will either be refunded to the permittee or, if the permittee intends to pursue the remainder of the work authorized by the permit, retained to guarantee performance of the remainder. The City Engineer may require replenishment of the deposit if the City Engineer determines, in his/her discretion, that replenishment is needed in order to provide a sufficient guarantee or performance.

#### **15.40.100 Performance Standards.**

- A. No grading activity shall occur on any site without the written consent of the property owner.
- B. All public rights-of-ways and easements for roads and utilities shall be kept clear of silt, dirt, mud and debris and immediately cleaned and/or restored to its original condition prior to impact.

- C. Grading boundaries shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if grading is to occur in close proximity to property boundaries.
1. Open space tracts, tree retention tracts, protected critical areas and buffers, and other areas not subject to grading shall be protected from potentially damaging activities. The applicant and/or authorized contractor shall:
    - a. Install visible protective fencing in accordance with Section 18.180.070 and Chapter 16.20
    - b. Maintain the protective barriers in place until the City authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.
    - c. Additional protection during construction consistent with requirements of Section 18.180.080 may be required by the Planning Director.
  2. Areas proposed for infiltration shall be protected during construction and grading activities.
- D. Cuts. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical unless the permittee provides a soils engineering and/or a geotechnical engineering report stating that site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. The report shall be reviewed and approved by the City Engineer prior to earth work. The City may require a third-party review of the report, with the costs of review the responsibility of the permittee.
- E. Fills.
1. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.
  2. These provisions may be waived by the City Engineer for minor fills not intended to support structures.
  3. Fill slopes shall not be constructed on natural slopes steeper than two to one unless a geotechnical report has been prepared, reviewed, and approved.
  4. On slopes less than five to one and height is less than five feet, the ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill. Fills greater than five feet or on slopes steeper than five to one shall be completed in accordance with the recommendations and methodology outlined by the geotechnical engineer.
  5. Organic material shall not be permitted in fills.
  6. In general, rocks or similar irreducible material with a maximum dimension greater than twelve inches shall not be used for fill. In limited circumstances the City Engineer may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. All rocks shall be placed so as to assure filling of all voids.
  7. Compaction. All fills shall be compacted to a minimum of ninety percent of maximum density or as determined by the geotechnical engineer.
  8. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.
- F. Terracing. Any terracing proposed as part of the project shall be designed by a geotechnical engineer and be constructed in accordance with the proposed plan and methodology. The terrace design shall account for interceptor drains, terrace widths and locations, and runoff.
- G. The City Engineer may restrict the timing of grading activities to specific dates when such restrictions are necessary for the public health, safety or protection of the environment.
1. During the dry weather period, between May 1 and September 30, no soils shall remain unstabilized for longer than seven days.

2. During the wet weather period, between October 1 and April 30, no soils shall remain unstabilized for longer than two days.
  3. On or around September 1, the City shall meet with project proponents working under an approved and issued grading permit to discuss the wet weather period and site stabilization requirements. Activity under a permit may be suspended or restricted.
- H. Grading activities shall maintain appropriate setbacks to all utilities, including existing drain fields and wells.
- I. Grading may be phased or may be required to be phased based on the size, complexity, and risk of the project as determined by the City Engineer. Individual phases may be conditioned to be completed and stabilized prior to start of work on next phase.

**15.40.110 City Inspections.**

- A. All projects which require a grading permit shall be subject to inspection by the City. The City shall be granted unlimited right of entry to the work site by submittal of the grading application for the purposes of review, making inspections to determine that the requirements of the plans and permits are being complied with, and for the purpose of taking corrective measures of an emergency nature. The cost of such corrective measures shall be borne by the permittee. The City may require inspection and testing by an approved testing agency at any stage of the project.
- B. Every contractor or other person performing or directing the performance of any work requiring a grading permit shall have in his/her possession prior to commencement of and during all phases of the work, an original or copy of the approved grading permit, and shall further have a duty to be familiar with the terms and conditions of the permit and approved plans.
- C. Whenever the City determines that the act or intended act of grading (excavation or fill) has become or will constitute a hazard, endangers property, or adversely affects the safety, use or stability of a public way, drainage channel, stream or surface water, including siltation and sedimentation therein, the City shall immediately suspend the grading activity. The permittee or agent in control of the grading activity, upon receipt of the stop work notice from the City shall terminate such grading, excavation, embankment or fill.

**15.40.120 Work Completion.**

- A. Upon completion of the rough grading work, and at the final completion of the work the grading permit authorized, the following drawings and reports may be required by the City Engineer:
1. As-graded record drawing prepared by a licensed civil engineer. The civil engineer will state that to the best of his/her knowledge the work was done in accordance with the final approved grading plan.
  2. A soils-grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading. The soils engineer shall render a finding as to the adequacy of the site for the intended use.
  3. A geologic grading report prepared by engineering geologist, including a final description of the geology of the site and any information disclosed during the grading. The engineering geologist shall render a finding as to the adequacy of the site for the intended use.
- B. The City shall complete a final inspection of the grading operation. Final approval shall not be given until all work and all erosion-control measures have been completed in accordance with the final approved grading plan and any required reports have been submitted.
- C. Permanent measures shall be implemented to stabilize the site completely. This includes establishing vegetation on exposed soils, installation of stormwater facilities and controls, and other measures as required under the permit.

**15.40.130 Enforcement and Violations.**

- A. The City Engineer is authorized with the enforcement of the provisions of this Chapter to designate City employees as authorized representatives to investigate suspected violations and to issue stop work notices, correction notices and/or notices of infraction.
  - 1. City staff shall first post and provide written correction notice to onsite contractor as well as site owner/project proponent. The correction notice will include requirements to achieve compliance as well as a time frame for completion. The site shall be inspected to determine if compliance has been achieved or if further action is required.
  - 2. The City Engineer may post a stop work order on site and provide copy to site owner/project proponent. All site work shall stop once a stop work has been posted with the exception of items necessary to achieve compliance and ongoing erosion and sediment maintenance activities. Stop work order must be paid in accordance with adopted fee schedule.
- B. Violations of the provisions of this Chapter and/or the grading permit conditions of approval shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation or to such other condition acceptable to the City.
  - 1. Restoration shall include but not be limited to the replacement of all improperly removed materials and the removal of improper fill and stabilization of slopes.
  - 2. Restoration shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored groundcover and vegetation reach sufficient maturation to function.
  - 3. No further work shall be allowed until the property is fully restored in compliance with this Chapter and requirements of the City Engineer.
- C. The violation of any provision of this Chapter or grading permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The City Engineer may issue a notice of infraction in accordance with Chapter 1.16. Any person who violates or fails to comply with any of the provisions or this Chapter or grading permit condition, where such person has been adjudged by the Poulso Municipal Court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted.
- D. Notwithstanding any provision of this Chapter, the City Engineer may take immediate action to prevent an imminent and substantial danger to the public health, safety or the environment by the violation of any provision of this Chapter.
- E. In addition to any other remedy provided in this section, the City Engineer may, but shall not be obligated to, forfeit any cash deposit made pursuant to Section 15.40.090 and may, but shall not be obligated to, take such steps as are necessary to provide interim erosion control, slope stabilization, and control of drainage as required in any interim erosion control plan upon the failure of the permittee to comply with such plan.

# **EXHIBIT C**

**Public Comments Received to Date**

**From:** [Berni Kenworthy](#)  
**To:** [Michael J. Bateman](#)  
**Cc:** [Nikole CH. Coleman](#); [Russ Shiple](#); [Levi Holmes](#)  
**Subject:** Proposed Tree Cutting/Clearing & Grading Ordinance Changes  
**Date:** Wednesday, April 10, 2019 8:31:46 AM

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Hi Michael,

Below are a couple comments and questions for you on the proposed changes to the referenced codes.

#### Tree Cutting and Clearing

1. I'm curious why "Development" has a different definition in this chapter vs the grading chapter?
2. "Removal" and "Tree Removal" are the same definition. I'm curious if there is a reason for the redundancy (15.35.070).
3. I noted that installation of hydrants, water meters and pump stations are exempt. I am curious if installation of sewer systems should also be exempt?

#### Grading

1. Has there been any discussion about increasing the permit threshold to something greater than 50 cy. That is quite a small volume to trigger a permit especially if it can't be calculated on the net cut/fill.
2. Limited exploratory excavations under the direction of soils engineers or engineering geologists are exempt from grading permit (15.40.070). Can civil engineers be added to soils engineers and engineering geologists?
3. How is the cash deposit calculated that is referenced in 15.40.090.B.1? Does the public get to comment on the calculation method? Are there other financial guarantees that could be used....bonds?
4. Section 15.40.120 requires submittal items for work completion. Are these required for small projects as well or is there a certain project size that triggers record drawings etc.
5. Will there be a minor vs major grading permit?

I was hoping to have more time to review, but these were a few things that jumped out.

Berni

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# EXHIBIT D

Initial Release Memo



Clearing and Grading Update  
**Overview Memo**  
**Initial Public Release of Draft Amendments**  
March 2019

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## **1.0 INTRODUCTION AND SUMMARY OF UPDATE**

The City's Grading and Clearing ordinance is found in Poulsbo Municipal Code Chapter 15.35 and was last substantially updated in 1995, with a few amendments since then. As part of this update, the grading portion of the ordinance would be moved to a new Chapter 15.40, *Grading*. Chapter 15.35 will be repealed and replaced with the *Tree Cutting and Clearing Ordinance*.

The update is initiated to primarily reformat the existing ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning, critical areas, land division, and permit procedures). The City Planning and Economic Development (PED) staff believe that the reorganization of the existing Grading and Clearing ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally.

### ***Tree Cutting and Clearing***

Land clearing includes any activity which cuts, removes or seriously damages vegetation, groundcover, trees or other organic plant matter, including but not limited to root-mat removal and/or topsoil removal, by physical, mechanical, chemical or any other means.

The purpose of the *Tree Cutting and Clearing Ordinance* is to regulate the cutting of trees in order to help preserve the wooded character of the City of Poulsbo and to protect its urban forest, promote, protect and preserve the public interest by regulating land alteration, enhance the City's physical aesthetic character by managing the removal of vegetation, trees and ground cover, and recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and ground cover.

The *Tree Cutting and Clearing Ordinance* provides the vehicle to allow Poulsbo to administer the DNR forest practice permits as required by RCW 76.09.240, provides a mechanism to control the timing of clearing to be closely related to the actual development of the property, and clarifies the process for the maintenance of required planting areas.

### ***Grading***

The *Grading Ordinance* regulates grading within the City, and establishes standards for grading, including filling and excavation activities. The purpose of the *Grading ordinance* is to promote, protect and preserve the public interest by regulating land alteration, ensure prompt construction, restoration, replanting and effective erosion and sedimentation, prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls, minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices, promote safety upon public and private property, and promote the health safety and welfare of the public.

The *Grading ordinance* update includes changes to strengthen and clarify text and eliminate "loopholes" and ambiguity.

***The Tree Cutting and Clearing Ordinance and Grading Ordinance are new ordinances, and while most of the provisions are the same or similar to the current Chapter 15.35, the entirety of each draft ordinance should be read and reviewed based upon the newly formatted document.***

### **3.0 PLANNING COMMISSION AND CITY COUNCIL REVIEW**

The Poulsbo Planning Commission, in its role as advisory body on land use policy documents and regulations, will begin meeting to review Clearing and Grading Update. Two workshops are scheduled with the Planning Commission, with the ability to add more if determined necessary by the Commission. After the Planning Commission has completed its review through workshops, a public hearing on the proposed amendments will be held, and a recommendation to the City Council will occur. The Planning Commission recommended draft code will then be transferred to the City Council. The Council will also hold two workshops and a public hearing. These meetings and dates are detailed below.

### **4.0 PUBLIC AND AGENCY REVIEW TIMELINE**

All documents related the Clearing and Grading Update are available for public review and will be posted on the City's website here: <https://cityofpoulsbo.com/development-regulation-amendments/>.

The following is the anticipated public review timeline of the Clearing and Grading Update. Interested parties are encouraged to attend the workshops and/or public hearings. Written testimony may be submitted at any time up until the close of the City Council public hearing (May 15). All meetings are held at Poulsbo City Hall, Council Chambers, 200 NE Moe Street.

**March 8, 2019**

Public Release of Update: 1) post on City's website; 2) distributed to local, regional and state agencies; 3) distributed to Planning Commission and City Council; 4) email announcing availability of material sent to email list.

**March 15, 2019**

Notice of Application with Optional DNS published in NK Herald; distributed to resource agencies, Tribe, other interested parties

**March 12, 2019**

Planning Commission (PC) workshop - 6 p.m. | Council Chambers

**March 29, 2019**

Notice of Application with Optional DNS comment period over

**March 26, 2019**

PC Workshop - 7 p.m. | Council Chambers

**March 29, 2019**

PC Public Hearing Notice published in NK Herald; posted and distributed

**April 9, 2019**

PC Public Hearing 7 p.m. | Council Chambers

**April 26, 2019**

City Council (CC) Public Hearing Notice published in NK Herald; posted and distributed

**May 1, 2019**

CC Workshop – 7 p.m. | Council Chambers

**May 8, 2019**

CC Workshop (if needed) – 7 p.m. | Council Chambers

**May 15, 2019**

City Council Public Hearing - 7 p.m. | Council Chambers

## **5.0 PUBLIC ENGAGEMENT OPPORTUNITIES**

The City is committed to providing multiple opportunities for the public to engage throughout the process. The City will take advantage of various modes of communication to inform the public and encourage their participation.

- **Website:** The City's Planning and Economic Development (PED) Department webpage will house the Clearing and Grading Update where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information. This webpage will be the primary repository of all information related to the process:  
<https://cityofpoulsbo.com/development-regulation-amendments/>
- **E-Notice Mailing List:** An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive periodic notices regarding the Clearing and Grading Update progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com) and request being placed on the Development Regulations updates e-notice mailing list.
- **Comment:** Interested citizens are encouraged to provide comments to the City by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

City of Poulsbo Planning and Economic Development Department  
200 NE Moe Street  
Poulsbo, WA 98370  
Fax (360)697-8269  
[plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com)

- **Attend:** Interested citizens are encouraged to attend and provide verbal comments to the City at the Planning Commission and/or City Council workshops and public hearings.

A public and agency participation plan has been developed for this project and can be viewed at the [City's website](#), under the link <https://cityofpoulsbo.com/development-regulation-amendments/>.

# **EXHIBIT E**

## **Public Participation Plan**



## **INTRODUCTION**

The project involves updating the City of Poulsbo Clearing and Grading Ordinance. The ordinance is currently found in Poulsbo Municipal Code (PMC) Chapter 15.35. As part of the update, the grading ordinance would be moved to a new Chapter 15.40, *Grading*. Chapter 15.35 will be repealed and replaced with the *Tree Cutting and Clearing Ordinance*.

### ***Tree Cutting and Clearing***

Land clearing includes any activity which cuts, removes or seriously damages vegetation, groundcover, trees or other organic plant matter, including but not limited to root-mat removal and/or topsoil removal, by physical, mechanical, chemical or any other means.

The purpose of the Tree Cutting and Clearing Ordinance is to regulate the cutting of trees in order to help preserve the wooded character of the City of Poulsbo and to protect its urban forest, promote, protect and preserve the public interest by regulating land alteration, enhance the City's physical aesthetic character by managing the removal of vegetation, trees and ground cover, and recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and ground cover.

The clearing and tree cutting ordinance provides the vehicle to allow Poulsbo to administer the DNR forest practice permits as required by RCW 76.09.240, provides a mechanism to control the timing of clearing to be closely related to the actual development of the property, and clarifies the process for the maintenance of required planting areas.

### ***Grading***

The Grading Ordinance regulates grading within the City, and establishes standards for grading, including filling and excavation activities. The purpose of the grading ordinance is to promote, protect and preserve the public interest by regulating land alteration, ensure prompt construction, restoration, replanting and effective erosion and sedimentation, prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls, minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices, promote safety upon public and private property, and promote the health safety and welfare of the public.

The grading ordinance update includes changes to strengthen and clarify text and eliminate "loopholes" and ambiguity.

## **PUBLIC AND AGENCY GOALS**

- To provide the public with timely information, an understanding of the process, and opportunities to review and comment on the critical areas ordinance amendments, and to have these comments forwarded to the City's decision makers.
- Ensure that information about the process is provided to the public early in the process and at regular intervals thereafter, to maximize public awareness and participation in the process.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the amendment process and the future of Poulsbo land uses and the City's Comprehensive Plan.
- Encourage the public to informally review and comment on the update throughout the process.
- Incorporate public comment into the local government's review process prior to significant milestones or decision making.

- Provide forums for formal public input at milestones prior to decision making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

## **PUBLIC ENGAGEMENT OPPORTUNITIES**

The City is committed to providing multiple opportunities for the public to engage throughout the process. The City will take advantage of various modes of communication to inform the public and encourage their participation.

- **Website:** The City’s Planning and Economic Development (PED) Department webpage will house the Clearing and Grading Update where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information. This webpage will be the primary repository of all information related to the process:  
<https://cityofpoulsbo.com/development-regulation-amendments/>
- **E-Notice Mailing List:** An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive periodic notices regarding the Clearing and Grading Update progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com) and request being placed on the Development Regulations updates e-notice mailing list.
- **Comment:** Interested citizens are encouraged to provide comments to the City by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

City of Poulsbo Planning and Economic Development Department  
200 NE Moe Street  
Poulsbo, WA 98370  
Fax (360)697-8269  
[plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com)

- **Attend:** Interested citizens are encouraged to attend and provide verbal comments to the City at the Planning Commission and/or City Council workshops and public hearings.

## **INFORMATION AVAILABILITY**

The proposed ordinance is available for public review. The primary repository of all information related to the update is the City’s website— [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) – at the Planning and Economic Development main page – where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted. An e-mail link for questions or comments will also be provided at the website.

Documents are also available for review at Poulsbo City Hall 200 NE Moe Street, Poulsbo. Copies will be provided at a reasonable cost. Official notices will be published in the North Kitsap Herald and posted in the Poulsbo Post Office, Poulsbo Library, and Poulsbo City Hall notice boards. The local news media will be kept up to date on the update process, and receive copies of all official notices.

## **PUBLIC AND AGENCY REVIEW TIMELINE**

A Public Participation Plan is required by the Growth Management Act to describe how the City will encourage early and continuous public participation throughout the process of reviewing and updating Development Regulations. The Public Participation Plan includes opportunities to comment, review timeline, and contact information.

**March 8, 2019**

Public Release of Update: 1) post on City's website; 2) distributed to local, regional and state agencies; 3) distributed to Planning Commission and City Council; 4) email announcing availability of material sent to email list.

**March 15, 2019**

Notice of Application with Optional DNS published in NK Herald; distributed to resource agencies, Tribe, other interested parties

**March 12, 2019**

Planning Commission (PC) workshop - 6 p.m. | Council Chambers

**March 29, 2019**

Notice of Application with Optional DNS comment period over

**March 26, 2019**

PC Workshop - 6 p.m. | Council Chambers

**April 9, 2019**

PC Workshop - 6 p.m. | Council Chambers

**May 3, 2019 - REVISED**

PC Public Hearing Notice published in NK Herald; posted and distributed

**May 14, 2019 - REVISED**

PC Workshop - 6 p.m. | Council Chambers

**May 28, 2019 - REVISED**

PC Public Hearing 7 p.m. | Council Chambers

**May 31, 2019 - REVISED**

City Council (CC) Public Hearing Notice published in NK Herald; posted and distributed

**June 8, 2019 - REVISED**

CC Workshop - 7 p.m. | Council Chambers

**June 12, 2019 - REVISED**

CC Workshop (if needed) - 7 p.m. | Council Chambers

**June 19, 2019 - REVISED**

City Council Public Hearing - 7 p.m. | Council Chambers

**PUBLIC HEARINGS**

The Planning Commission and City Council will conduct at least one public hearing each to gather and consider public testimony on the Clearing and Grading Update. The hearing(s) are anticipated for **May 28, 2019 (PC) and June 19, 2019 (CC)**. Public notice of all hearings will state explicitly the date/time, review body and location of the public hearing. The public notices will be published in the North Kitsap Herald, posted at the City's public notice locations, sent to the E-notice mailing list and others who request such notice.

**RECORDING OF MEETINGS**

All public meetings and hearings will be audio recorded. Minutes and/or meeting summary for all public meetings will be prepared, and hard copies made available upon request.

# **EXHIBIT F**

## **Notice of Application with Optional DNS**



# NOTICE OF APPLICATION and Optional DNS

Planning and Economic Development Department  
200 NE Moe Street | Poulsbo, Washington 98370  
(360) 394-9748 | fax (360) 697-8269  
[www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) | [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com)

## 2019 CLEARING AND GRADING UPDATE, TYPE IV Comments Due: March 29, 2019

The public has the right to review contents of the official file for the proposal, provide written comments, participate in any public hearings, and request a copy of the final decision.

<b>Planning File:</b>	2019 Clearing and Grading Ordinance Update
<b>Notice of Application:</b>	March 15, 2019
<b>Summary of Proposed Application:</b>	<p>The project involves updating the City of Poulsbo Clearing and Grading Ordinance. The ordinance is currently found in Poulsbo Municipal Code (PMC) Chapter 15.35. As part of the update, the grading ordinance would be moved to a new Chapter 15.40, <i>Grading</i>. Chapter 15.35 will be repealed and replaced with the <i>Tree Cutting and Clearing Ordinance</i>.</p>
<b>Environmental Review:</b>	<p>The City of Poulsbo has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this code update. The Optional DNS process in WAC 197-11-355 is being used. <b><i>This may be the only opportunity to comment on the environmental impacts of the proposed project.</i></b> The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposal may be obtained upon request.</p> <p>Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. <b>COMMENTS RELATED TO ENVIRONMENTAL REVIEW MUST BE SUBMITTED BY MARCH 29, 2019.</b></p> <p>Interested citizens are encouraged to provide comments to the City by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:</p> <p style="padding-left: 40px;">Mail: City of Poulsbo Planning and Economic Development Department 200 NE Moe Street Poulsbo, WA 98370 Fax: (360) 697-8269   Email: <a href="mailto:plan&amp;econ@cityofpoulsbo.com">plan&amp;econ@cityofpoulsbo.com</a></p>
<b>Public Comment Methods:</b>	
<b>Public Participation Plan:</b>	<p>Interested citizens are also encouraged to attend and provide verbal comments to the City at the Planning Commission and City Council public hearings. Workshops and hearings are held at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, WA.</p> <p>A public and agency participation plan has been developed for this review process, and can be viewed at the <a href="#">City's website</a>. A copy is also available at the Planning and Economic Development (PED) Department.</p>

**Date, Time, and Place of Meetings and Hearings:**

The Planning Commission has a public hearing scheduled for April 9, 2019. The City Council has a public hearing scheduled for May 15, 2019. Dates are subject to change. All hearings will be held at Poulsbo City Hall Council Chambers. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.

The Planning Commission will make recommendations to the City Council. The City Council is the decision-making authority for the draft ordinance. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order.

**Further Information:**

Please contact the Poulsbo PED Department at (360) 394-9748, [www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) or [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com) for further information.

**Examination of File:**

The complete document may be viewed at the PED Department, Poulsbo City Hall, 200 NE Moe Street, from 8:30 a.m. to 4:30 p.m. Monday through Friday. Project documents are also available online here: <https://cityofpoulsbo.com/development-regulation-amendments/>



# EXHIBIT G

SEPA Threshold Determination with commented checklist



## DETERMINATION OF NONSIGNIFICANCE (DNS)

### Clearing and Grading Ordinance Update, Type IV Application

**Description of Proposal:** The project involves updating the City of Poulsbo Clearing and Grading Ordinance. The ordinance is currently found in Poulsbo Municipal Code (PMC) Chapter 15.35. As part of the update, the grading ordinance would be moved to a new Chapter 15.40, *Grading*. Chapter 15.35 will be repealed and replaced with the *Tree Cutting and Clearing Ordinance*.

**NOA/Optional DNS:** March 15, 2019

**Applicant:** City of Poulsbo Planning and Economic Development Department  
200 NE Moe Street, Poulsbo, WA 98370

**Lead Agency:** City of Poulsbo

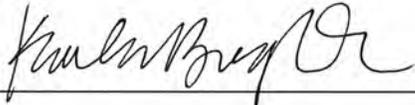
The City of Poulsbo has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**THIS DNS IS ISSUED AFTER USING THE OPTIONAL DNS PROCESS IN WAC 197-11-355. THERE IS NO FURTHER COMMENT PERIOD ON THE DNS.**

**Responsible Official:** Karla Boughton

**Position/Title:** Planning and Economic Development Department Director  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394 -9748

**Date:** 4/1/19

**Signature:** 

**APPEAL:** Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the date of this notice. You should be prepared to make specific factual objections. Contact the responsible official to read or ask about the procedure for SEPA appeals.





# AFFIDAVIT OF PUBLIC NOTICE

Nikole Coleman, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on April 2, 2019, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: \_\_\_\_\_

[Signature]

Subscribed and sworn to before me this 21<sup>st</sup> day of May, 2019.

AMANDA RODGERS  
 Notary Public  
 State of Washington  
 License Number 201765  
 My Commission Expires  
 July 16, 2022

[Signature]  
NOTARY PUBLIC in and for the State of Washington, residing at:

Bremerton, WA  
My Commission expires on:

07/16/2022



# SEPA ENVIRONMENTAL CHECKLIST

200 NE Moe Street | Poulsbo, Washington 98370

(360) 394-9748 | fax (360) 697-8269

www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

A. BACKGROUND		
<b>Name of proposed project, if applicable:</b> Clearing and Grading Ordinance Update		<b>Date Prepared:</b> March 7, 2019
<b>Name of Applicant:</b> City of Poulsbo	<b>Address:</b> 200 NE Moe Street Poulsbo, Washington 98370	<b>Phone Number:</b> (360) 394-9748
<b>Contact:</b> Nikole Coleman, Associate Planner	<b>Agency Requesting Checklist:</b> City of Poulsbo	
<b>Proposed timing or schedule (including phasing, if applicable)</b> <p>The Planning Commission has scheduled public workshops on March 12 and 26, 2019; a public hearing is scheduled for April 9, 2019. The City Council has workshops scheduled for May 1 and 8, 2019 and a public hearing scheduled on May 15, 2019. All meeting dates are subject to change. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.</p>		
<b>Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.</b> <p>No.</p>		
<b>List any environmental information you know about that has been prepared, directly related to this proposal.</b> <p>No specific environmental information has been prepared for this update. Land use applications submitted to the City will be required to be processed under the provisions of Title 19, and may require environmental review when development is proposed, pursuant to SEPA rules.</p>		
<b>Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.</b> <p>Permits will be processed under the current zoning ordinance until new regulations go into effect.</p>		
<b>List any government approvals or permits that will be needed for your proposal, if known.</b> <p>City Council approval and adoption.</p>		
<b>Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.</b> <p>The project involves updating the City of Poulsbo Clearing and Grading Ordinance. The ordinance is currently found in Poulsbo Municipal Code (PMC) Chapter 15.35. As part of the update, the grading ordinance would be moved to a new Chapter 15.40, <i>Grading</i>. Chapter 15.35 will be repealed and replaced with the <i>Tree Cutting and Clearing Ordinance</i>.</p>		

*Reviewed & commented by Paula Boyington 3/12/19*

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26. The updated Ordinance will apply to residentially zoned properties city-wide. The responses provided from this point forward imply city-wide applicability, unless otherwise specified.

B. ENVIRONMENTAL ELEMENTS		Agree	Disagree	Mitigate
<b>1. Earth</b>				
<p>a. General description of the site (check one):  <input type="checkbox"/> flat <input type="checkbox"/> rolling <input type="checkbox"/> hilly <input type="checkbox"/> steep <input type="checkbox"/> slopes <input type="checkbox"/> mountainous  <input type="checkbox"/> other.</p> <p>Poulsbo's topography varies throughout the city, from flat to areas of steep slopes. Actual development will be subject to additional SEPA review as appropriate. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time.</p>	✓			
<p>b. What is the steepest slope on the site (approximate percent slope)?</p> <p>There are areas within the city limits with slopes exceeding 40 percent, and potential geohazard areas are mapped on the City's critical areas maps. At the time of a development proposal, additional information on slopes will be required. Future development will require additional environmental review.</p>	✓			
<p>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils</p> <p>According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils.</p>	✓			
<p>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</p> <p>Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance. No development is proposed at this time. Review of soil conditions will occur at the time specific proposals move forward.</p>	✓			
<p>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</p> <p>This is not applicable to this non-project action.</p>	✓			

<p>f. Could erosion occur as a result of clearing, construction or use? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations.</p>	✓		
<p>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Projects will require further analysis and SEPA review, where appropriate.</p>	✓		
<p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.</p> <p>None. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓	<p><i>The updated Grading ordinance specifically addresses</i></p>	<p><i>land grading &amp; Best Management Practices &amp; erosion control.</i></p>
<b>2. Air</b>			
<p>a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Proposed measures to reduce or control emissions or other impacts to air, if any.</p> <p>None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. New construction will comply with the requirements of the Poulsbo Municipal Code and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward.</p>	✓		
<b>3. Water</b>			
<b>a. Surface:</b>			
<p>1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.</p> <p>Poulsbo's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review.</p>	✓		

(km)

<p>2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>b. Ground:</b>			
<p>1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals.; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

c. <b>Water Runoff (including storm water):</b>			
<p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>2) Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Does the proposal alter or otherwise affect drainage patterns near the site? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p>This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and updated critical areas ordinance.</p>	✓		
4. Plants			
<p>a. Check types of vegetation found on the site:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other</li> <li><input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other</li> <li><input checked="" type="checkbox"/> Shrubs</li> <li><input checked="" type="checkbox"/> Grass</li> <li><input checked="" type="checkbox"/> Pasture</li> <li><input type="checkbox"/> Crop or grain</li> <li><input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other</li> <li><input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other</li> <li><input type="checkbox"/> Other types of vegetation</li> </ul> <p>The checked vegetation is found throughout Poulsbo. This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review.</p>	✓		

<p><b>b. What kind and amount of vegetation will be removed or altered?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>c. List threatened or endangered species known to be on or near the site.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓	<i>Tree Cutting &amp; Clearing Ordinance establishes regulations &amp; standards for removal of trees.</i>	<i>regulations</i> <i>(14/16)</i>
<p><b>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.</p>	✓		
<p><b>e. List all noxious weeds and invasive species known to be on or near the site.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.</p>	✓		
<p><b>5. Animals</b></p>			
<p><b>a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:</b></p> <p><input type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other:</p> <p><input type="checkbox"/> Mammals: deer, bear, elk, beaver, other:</p> <p><input type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other:</p> <p>There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.</p>	✓		
<p><b>b. List any threatened or endangered species known to be on or near the site.</b></p> <p>Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance.</p> <p>No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development.</p>	✓		
<p><b>c. Is the site part of a migration route? If so, explain.</b></p> <p>Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway – a flight corridor for migrating waterfowl and other birds – that extends from Alaska to Mexico and South America.</p>	✓		
<p><b>d. Proposed measures to preserve or enhance wildlife, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site-specific development review.</p>	✓		

<p>e. <b>List any invasive animal species known to be on or near the site.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site-specific development review.</p>	✓		
<b>6. Energy and Natural Resources</b>			
<p>a. <b>What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Electric energy is available city-wide and natural gas is available in specific locations in the city limits.</p>	✓		
<p>b. <b>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. <b>What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Future development will meet the current energy code as identified in the International Building Code.</p>	✓		
<b>7. Environmental Health</b>			
<p>a. <b>Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>1) <b>Describe any known or possible contamination at the site from present or past uses.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>2) <b>Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>4) Describe special emergency services that might be required.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>5) Proposed measures to reduce or control environmental health hazards, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>b. Noise</b>			
<p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</p> <p>The city has a typical level of noise expected in an urban environment.</p>	✓		
<p>2) What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>3) Proposed measures to reduce or control noise impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsbo Municipal Code.</p>	✓		
<b>8. Land and Shoreline Use</b>			
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.</p> <p>The city has a variety of single-family residential development along with commercial areas, and other uses including multifamily residential, light industrial, institutional, and parks.</p>	✓		

<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. Describe any structures on the site.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Will any structures be demolished? If so, what?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>e. What is the current zoning classification of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of zoning classification and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
<p>f. What is the current comprehensive plan designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of comprehensive plan designation will be made at the time specific proposals move forward.</p>	✓		
<p>g. If applicable, what is the current shoreline master program designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
<p>h. Has any part of the site been classified as a critical area by the city or county? If so, specify</p> <p>The actual development of the specific sites will be subject to additional development review and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of critical areas will be made based on the City's Critical Area Ordinances maps and site-specific environmental information prepared during the development review process.</p>	✓		
<p>i. Approximately how many people would reside or work in the completed project?</p>	✓		

<p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>			
<p><b>j. Approximately how many people would the completed project displace?</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>k. Proposed measures to avoid or reduce displacement impacts, if any.</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.</b> No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		
<p><b>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.</b> No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.</p>	✓		
<b>9. Housing</b>			
<p><b>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.</b> None. This is a non-project action.</p>	✓		
<p><b>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.</b> None. This is a non-project action.</p>	✓		
<p><b>c. Proposed measures to reduce or control housing impacts, if any.</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>10. Aesthetics</b>			
<p><b>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>b. What views in the immediate vicinity would be altered or obstructed?</b> This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>c. <b>Proposed measures to reduce or control aesthetic impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance.</p>	✓		
<b>11. Light and Glare</b>			
<p>a. <b>What type of light or glare will the proposal produce? What time of day would it mainly occur?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. <b>Could light or glare from the finished project be a safety hazard or interfere with views?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. <b>What existing off-site sources of light or glare may affect your proposal?</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. <b>Proposed measures to reduce or control light and glare impacts, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific impacts are not identified at this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development.</p>	✓		
<b>12. Recreation</b>			
<p>a. <b>What designated and informal recreational opportunities are in the immediate vicinity?</b></p> <p>Poulsbo has a variety of public parks and recreation opportunities throughout the city.</p>	✓		
<p>b. <b>Would the proposed project displace any existing recreational uses? If so, describe.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>c. <b>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<b>13. Historic and Cultural Preservation</b>			
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.</p> <p>Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.</p>	✓		
<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.</p> <p>Unknown at this time.</p>	✓		
<p>c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Proposed measures to reduce or control impacts, if any.</p> <p>If at the time of site-specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.</p>	✓		
<b>14. Transportation</b>			
<p>a. Identify public streets and highways serving the site and describe proposed access to the existing street system. Show on site plans, if any.</p> <p>Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive, Hostmark, Caldart, and Lincoln.</p>	✓		
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?</p> <p>Kitsap Transit provides public transit throughout the city.</p>	✓		
<p>c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

<p>e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</p> <p>No.</p>	✓		
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>h. Proposed measures to reduce or control transportation impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed.</p>	✓		
<b>15. Public Services</b>			
<p>a. Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p>b. Proposed measures to reduce or control direct impacts on public services, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>16. Utilities</b>			
<p>a. Check the utilities currently available at the site:</p> <p><input type="checkbox"/> electric <input type="checkbox"/> natural gas <input type="checkbox"/> water <input type="checkbox"/> refuse service <input type="checkbox"/> telephone,  <input type="checkbox"/> sanitary sewer <input type="checkbox"/> septic system <input type="checkbox"/> other.</p> <p>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	✓		

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.

✓

### C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: 3/7/19

## D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1.	<p><b>How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise?</b></p> <p>As a non-project action, the Clearing and Grading Ordinance Update would not create any of these effects. All development and uses will be subject to all applicable local, state and federal regulatory requirements and will be reviewed on a case-by-case basis during the development review process.</p> <p><b>Proposed measures to avoid or reduce such increases are:</b></p> <p>No measures are proposed with the update. However, measures will be identified as necessary during the development permit and environmental process for specific projects. Compliance with city regulations and other appropriate mitigations would reduce increases.</p>
2.	<p><b>How would the proposal be likely to affect plants, animals, fish, or marine life?</b></p> <p>As a non-project action, the Clearing and Grading Ordinance Update would not directly affect plants, animals, fish or marine life. Projects resulting from the update may require further review under SEPA,</p> <p><b>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</b></p> <p>The CAO provides regulatory protective measures to protect and conserve vegetation and wildlife habitat. Additional measures may be identified during the development permit and environmental review process for specific projects.</p>
3.	<p><b>How would the proposal be likely to deplete energy or natural resources?</b></p> <p>As a non-project action, the Clearing and Grading Ordinance Update would not deplete energy or natural resources. Projects resulting from the amendments will require further environmental review at the time of development application.</p> <p><b>Proposed measures to protect or conserve energy and natural resources are:</b></p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>
4.	<p><b>How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</b></p> <p>No development is proposed. The CAO includes standards to protect critical areas and their buffers when development is proposed.</p> <p><b>Proposed measures to protect such resources or to avoid or reduce impacts are:</b></p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>

5.	<p><b>How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</b></p> <p>The proposed updates will not change existing land use patterns.</p> <p><b>Proposed measures to avoid or reduce shoreline and land use impacts are:</b></p> <p>The amendments being considered through the update do not pose shoreline or land use impacts. All development applications will be subject to further review under SEPA, the city's zoning code and the Shoreline Master Program where appropriate.</p>
6.	<p><b>How would the proposal be likely to increase demands on transportation or public services and utilities?</b></p> <p>No development is proposed. However, future developments on the subject sites may have increased demands, which would be identified during the specific project development review. Projects resulting from amendments may require further review under SEPA which will be accomplished as required under WAC 197-11 and the Poulsbo Municipal Code.</p> <p><b>Proposed measures to reduce or respond to such demand(s) are:</b></p> <p>Measures to reduce impacts on transportation, public services and utilities would be identified during project specific development review. Compliance with city regulations and other appropriate mitigations could provide the appropriate measures to reduce impacts.</p>
7.	<p><b>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</b></p> <p>The proposed amendments do not conflict with any local, state or federal laws or requirements for the protection of the environment. All future development proposals would be required to follow all applicable regulations regarding the protection of the environment.</p>

# **EXHIBIT H**

## **Notice of Planning Commission Public Hearing**



# REVISED - NOTICE OF PUBLIC HEARING

Planning and Economic Development Department  
200 NE Moe Street | Poulsbo, Washington 98370  
(360) 394-9748 | fax (360) 697-8269  
[www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) | [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com)

## 2019 CLEARING AND GRADING ORDINANCE UPDATE, TYPE IV Planning Commission Public Hearing: May 28, 2019 @ 7 PM

<b>Hearing Date:</b>	May 28, 2019	<b>Hearing Time:</b>	The hearing is scheduled to begin at 7 pm.
<b>Hearing Location:</b>	Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA		
<b>Requested Action:</b>	All interested citizens and agencies are invited to provide written and verbal testimony to the Planning Commission regarding the proposed project.		
<b>Project Description:</b>	The project involves updating the City of Poulsbo Clearing and Grading Ordinance. The ordinance is currently found in Poulsbo Municipal Code (PMC) Chapter 15.35. As part of the update, the grading ordinance would be moved to a new Chapter 15.40, <i>Grading</i> . Chapter 15.35 will be repealed and replaced with the <i>Tree Cutting and Clearing Ordinance</i> .		
<b>Public Comment Methods:</b>	Written comments may be mailed, faxed, or e-mailed to the PED Department contact information indicated above. To ensure consideration, all written comments must be received prior to close of the public hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony regarding the proposed project.		
<b>Draft Document:</b>	The proposed amendments can be found online: <a href="https://cityofpoulsbo.com/development-regulation-amendments/">https://cityofpoulsbo.com/development-regulation-amendments/</a>		
<b>Public Participation Plan:</b>	A public and agency participation plan has been developed for this application, and can be viewed here: <a href="https://cityofpoulsbo.com/development-regulation-amendments/">https://cityofpoulsbo.com/development-regulation-amendments/</a>		
<b>Hearing Information:</b>	The Planning Commission public hearing is scheduled for <b>May 28, 2019 at 7pm</b> . The Planning Commission will make recommendations to the City Council. City Council is the review and decision-making authority. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order.		

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

**THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PED DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.**



# AFFIDAVIT OF PUBLIC NOTICE

Nikole Coleman, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on May 3rd, 2019, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing (cc)
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: \_\_\_\_\_

[Signature]

Subscribed and sworn to before me this 21<sup>st</sup> day of May, 2019.

[Signature]  
NOTARY PUBLIC in and for the State of Washington, residing at:

AMANDA RODGERS  
Notary Public  
State of Washington  
License Number 201765  
My Commission Expires  
July 16, 2022

Bremerton, WA  
My Commission expires on:

07/16/2022