POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2019-12

SUBJECT: Clearing and Grading Ordinance Adoption

CONFORM AS TO DATES & SIGNATURES

- ☑ Filed with the City Clerk: 07/11/19
- ☑ Passed by the City Council: 07/18/19
- ☑ Signature of Mayor
- ☑ Signature of City Clerk
- ☑ Publication: 07/26/19
- ☑ Effective: 07/31/19
- ☐ Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- ☑ NK Herald: 07/18/19
- ☑ Code Publishing
- ☐ City Attorney
- ☑ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☑ Posted to Library Drive and Website
- ☐ _____

Rhiannon Fernandez
City Clerk

07/23/19
Date

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING CHAPTER 15.35 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO REGULATE THE CUTTING OF TREES TO HELP PRESERVE THE WOODED CHARACTER OF THE CITY OF POULSBO AND TO PROTECT ITS URBAN FOREST; AMENDING TITLE 15 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 15.40 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING LAND ALTERATION IN THE CITY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 8, 2019, the City released the Draft Tree Cutting and Clearing and Grading Ordinances to the public, distributed to Washington State Department of Commerce and other local, regional and state agencies, and emailed to the City's Development Regulations interested parties e-notice list; and

WHEREAS, on March 15, 2019, the Notice of Application (NOA) and SEPA Threshold Determination was published in the North Kitsap Herald, emailed to the NOA, SEPA and Development Regulations interested parties e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the city's website; and

WHEREAS, on April 2, 2019, the SEPA Threshold Determination was issued; and

WHEREAS, on May 3, 2019 a public hearing 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; and

WHEREAS, on May 28, 2019, the Planning Commission held a duly noticed public hearing on the Tree Cutting and Clearing and Grading Ordinances; and

WHEREAS, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the Tree Cutting and Clearing and Grading Ordinances to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

WHEREAS, on June 21, 2019 a public hearing notice announcing the Poulsbo City Council 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; and

WHEREAS, the Poulsbo City Council held a duly noticed public hearing on the Tree Cutting and Clearing and Grading Ordinances on July 10, 2019; and

WHEREAS, after considering the staff and Planning Commission recommendations and any public testimony received in the public hearing, the Poulsbo City Council determined to approve certain modifications and edits and to adopt the final document by the passage of this ordinance; NOW THEREFORE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the following as findings and conclusions:

A. The recitals set forth above;

B. The findings, conclusions, and analysis contained in the Planning Commission Findings of Fact and Recommendation; and

C. The findings, conclusions and analysis contained in the City Council Public Hearing Staff Report, dated July 10, 2019.

Section 2. Tree Cutting and Clearing Ordinance Adopted. Chapter 15.35 is hereby amended and replaced as set forth in Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Grading Ordinance Adopted. Title 15 is hereby amended to include a new Chapter 15.40 to read as set forth in Exhibit B attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK: 07/11/19
PASSED BY THE CITY COUNCIL: 07/18/19
PUBLISHED: 07/26/19
EFFECTIVE DATE: 07/31/19
ORDINANCE NO. 2019-12

SUMMARY OF ORDINANCE NO. 2019-12

of the City of Poulsbo, Washington

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING CHAPTER 15.35 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO REGULATE THE CUTTING OF TREES TO HELP PRESERVE THE WOODED CHARACTER OF THE CITY OF POULSBO AND TO PROTECT ITS URBAN FOREST; AMENDING TITLE 15 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 15.40 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING LAND ALTERATION IN THE CITY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

On the 17th day of July, 2019, the City Council of the City of Poulsbo, passed Ordinance No. 2019-12. A summary of the content of said ordinance, consisting of the title, provides as follows:

The full text of this Ordinance will be mailed upon request.

DATED this 18th day of July, 2019.

CITY CLERK RHIANNON FERNANDEZ

EXHIBIT A

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
15.35.070 Activities Exempt from Tree Cutting and Clearing Permit
15.35.080 Application Submittal Requirements
15.35.090 Class IV General Forest Practices
15.35.100 Trees in Critical Areas
15.35.110 Trees and Vegetation in Open Space Tracts, Tree Retention Tracts and other Protective Areas
15.35.120 Dead, Dying or Dangerous Trees
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
15.35.180 Permit Expiration and Extension

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 (RCW 76.09), 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 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 Hight (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.

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 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. Any removal or cutting on developed, partially developed, or undeveloped lots when the total area to be disturbed is 7,001 square feet or more (see Stormwater Management Manual for Western Washington) per calendar year.

B. Full site tree clearing, allowed 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.

C. Tree cutting and clearing in order to develop property with substantial permanent improvements, such as streets, utilities, buildings, parking, driveways, etc. Allowed only when a land use development permit has been obtained.

D. 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.

E. 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.

F. 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).

G. Tree removal in Open Space Tracts, Tree Retention Tracts, Critical Areas and Buffers and other protective areas. See Section 15.35.100 and 110.

H. 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, when feasible. The Planning Director may consult with the City Arborist to determine the appropriate replacement plan. Guidelines on street tree maintenance, removal and replacement are available from the Planning and Economic Development Department.

I. 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.

An exemption from a tree cutting or clearing permit does not necessarily exempt a property owner from complying with other requirements. These may include policies, criteria, and standards contained in this chapter, plat requirements, HOA rules, or other applicable local, state, or federal regulations or permit requirements.

A. 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 7,000 square feet or less (see Stormwater Management Manual for Western Washington) per calendar year.

C. The installation and maintenance of fire hydrants, water meters, and pumping stations by the City or its contractors.

D. All non-conversion forest practice on property equal to or greater than 20 acres; 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. 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. The removal of plants designated as noxious weeds by government agencies.

G. Trees that are damaged during a weather event, such as windstorm.

H. Removal of trees in emergency situations involving immediate danger to life or property or substantial fire hazards. If the removal is 7,001 square feet or more of disturbed area, or is located within an open space tract, tree retention tract, required landscaping, designated critical area or shoreline (including buffers) and other protective areas, the City shall be notified within seven days of the removal and shall be provided additional information, as to verify the emergency. An after-the-fact permit may be required.

I. Removal of dead, dying or dangerous trees per Section 15.35.120.

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 diameter at breast height (DBH).
4. Identification of all trees and ground cover proposed to be removed;
5. Any existing improvements on the property including, but not limited to structures, driveways, ponds, and utilities;
6. 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. 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 General Forest Practices.

A. This Chapter is intended to allow the city of Poulsbo to assume jurisdiction for approval of general forest practices, approvals occurring in the City of Poulsbo, as authorized under the Washington State Forest Practices Act, Chapter 76.09 RCW.

B. Lands within the city limits and Poulsbo Urban Growth Area (UGA) are not considered appropriate for long term timber production and harvesting, which takes a full forty-year cycle. Forest management activities shall be consistent with the city's Comprehensive Land Use Plan and implementing regulations for the UGA. Forest practice applications shall meet the requirements specified in subsections C, D, and E of this section.

C. Conversion of properties within the UGA can reasonably be expected, therefore, significant land clearing of such properties shall only take place at the time of a valid land use application. Tree tracts, open spaces and buffers can then be properly coordinated with the actual development plans. Conversion of the land to non-timber production shall occur when the City has approved a land use development permit for the site. Significant (7.001 square feet or more of clearing and/or disturbance) clearing or harvesting is not allowed until conversion occurs.

D. 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 within 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. See Section 15.35.120 for provisions to remove 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 diameter at breast height (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 is 7,001 square feet or more 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 per (B) above, a qualified arborist or landscape architect shall provide written verification which states the removal is essential for the protection of life, limb or property. The Planning Director may consult with the City Arborist to assist in the review of the submitted written verification when deemed necessary.

D. 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 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 which prohibit 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.
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 the following standards shall apply:

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.
4. As authorized by the Planning Director, upon consultation with the City Arborist.

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 diameter at breast height (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 Poulsbo 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 and clearing permit shall expire one year 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

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 mantel 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 15.40.070. 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, engineering geologists or civil engineer licensed in Washington State.

H. Excavation and filling of cemetery graves in an approved Cemetery.

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 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 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 un-stabilized for longer than seven days.
2. During the wet weather period, between October 1 and April 30, no soils shall remain un-stabilized 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 Poulsbo 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.