EXHIBIT B TO ORDINANCE 2516

(Underlined text indicates new material; strikethrough text indicates deletions.)

BEGIN

Sec. 21-3218. Early Grading Permits

- Description. If an applicant for development desires to proceed with overall grading of the property prior to final approval of the applicable Development Plan or Plat by the City, and/or prior to final Construction Document approval(s), an applicant may apply for an Early Grading Permit. An Early Grading Permit allows for clearing, grubbing and grading only. No infrastructure or building construction is allowed with an Early Grading Permit. A final grading permit will be required prior to infrastructure or building construction.
- 2) Requirement. Early Grading Permits are optional and not required.
- 3) Review. The city engineer reviews applications for grading permits and is authorized to approve, approve with conditions, or deny such applications based on the approval criteria below.
- 4) Approval Criteria. The City Engineer, may, to the extent provided for in this Section, authorize the issuance of an Early Grading Permit prior to final approval of a Development Plan, PUD Development Permit, or Subdivision, if the following requirements are satisfied:
 - a. A Stormwater Management Plan, inclusive of that contains thean Erosion and Sediment Ceontrol Pplan,s hashave been submitted and compliesy with the city's engineering and construction standards and specifications (ECSS) and setorm Delay Delay and Technical Ceriteria Memanual.
 - b. The subject property is not part of any active public hearing application (Zoning, Conditional Use Permit, Variance, etc.).
 - c. A preliminary drainage report, if applicable, has been approved by the City Engineer
 - d. No application for an early grading permit for properties undergoing any required review will be accepted by the city until the Final Subdivision review is complete unless acceptance is specifically authorized by the Community Development and Public Works directors.
 - e. The subject property is not located in any floodplain.
 - f. A grading surety, in a form acceptable to the City has been provided to and accepted by the City in accordance with the City's laws and regulations.

- g. No waivers or alternative standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Final Subdivision application.
- h. Applicable State stormwater permit has been acquired.
- i. To the maximum extent feasible the applicant shall adhere to Sec. 21-7110. Protected Land and Habitat.
- 5) <u>Conditions for Approval</u>. By accepting a grading permit, the applicant agrees to comply with the following requirements, in addition to any others which may be imposed by the city:
 - a. The developer/owner understands that in the case of early grading all grading is done at his own risk. The issuance of this permit is no guarantee that the final site plan will be approved. Before issuing an Early Grading Permit under this subsection, the applicant, developer, and property owner must execute an assumption of risk letter and a release of all rights and claims of any type whatsoever, including any claim of vested rights, against the City relating to the Early Grading Permit, and any related approval, and indemnifying the City from any related claim for damages, and in a form acceptable to the City. An executed waiver and consent form by which the applicant, developer, and property owner acknowledges and agrees to the above is required.
 - b. Approval of an Early Grading Permit shall not create a vested right or interest.
 - c. An Early Grading Permit does not constitute approval of roadway design, construction documents, foundation plans, or building site pad grading. At no time will impervious areas or utilities be installed at the site as part of the early grading permit.
 - d. The grading activities shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;
 - e. The owner shall schedule construction activities to minimize the total amount of soil exposed, including stockpiles, at any given time in order to reduce the period of accelerated soil erosion; and
 - f. The area of land disturbance must not be exposed for more than 60 consecutive days without temporary or permanent stabilization.
- 6) <u>Stop Work Orders</u>. If the site is not in compliance with the approved erosion and sediment control plan, the city's requirements for erosion and sediment control, or the above conditions, the city shall have the authority to issue a stop work order within 24 hours of notification to the owner or developer of non-compliance.

7)	<u>Lapse</u> . If the work described in any early grading permit is not commenced within six months, or substantially completed within two years of the date the permit was issued, the permit shall automatically lapse and be null and void.