

Chapter 18.07 LANDSCAPING REGULATIONS

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18.07.010 Purpose.

A. The provisions of this chapter are to provide minimum standards for landscaping in order to maintain and protect property values and enhance the general appearance of the town in all zoning districts excluding single family uses in single family districts~~except single family districts.~~

B. The intent of this chapter is also to encourage low-impact techniques including the use of native or drought-tolerant plants.

B. C. The planning director shall have the authority to waive specific requirements or impose additional requirements in unique or special circumstances to ensure the fulfillment of the stated purpose of this chapter and to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the planning director prior to submittal of a landscape plan.

Examples of special conditions might include:

1. Preservation of unique wildlife habitat;
2. Preservation of natural or native areas;
3. Compliance with special easements;
4. Renovation of existing landscaping;
5. Unique site uses. (Ord. 94-06 § 2, 1994).

18.07.020 Landscape plan approval.

A. A building permit shall not be issued until the landscaping plan has been approved;

B. At the time of development plan review, the planning director shall review specific landscape requirements with the owner or his representative.(Ord. 94-06 § 2, 1994).

18.07.025 Landscape, Irrigation and Tree Plan Submittal Requirements.

The applicant shall submit the appropriate number of landscape and irrigation plans for review, as determined by the Town Planner or designee. The landscape and irrigation plan may be provided separately or incorporated into plans submitted for site plan review. Landscaping and irrigation may be shown on the same plan. No permit for use which is subject to the requirements of this section shall be issued until the landscape and irrigation plan for such use has been approved by the Town Planner or designee.

A. Landscape Plans

1. Persons Qualified to Prepare Landscape Plan. The Landscape plan shall be prepared by a landscape architect licensed in the State of Washington, a nursery professional certified pursuant to the Washington Certified Nursery Professional program, or a Washington State certified landscape technician.

2. The landscape plan shall be prepared to an appropriate scale, not less than 1-inch to equal 40 feet, necessary to depict the following:

- a. Name and address or location of project;
- b. Vicinity Map;
- c. Scale, north arrow and date of plan;
- d. All property lines, impervious surfaces (including the total, paved impervious surface), vehicular drives, parking lots, existing and proposed structures (including the square footage of such structures), natural or manmade water features or bodies, above ground stormwater detention and treatment areas, existing or proposed fences and retaining walls, critical lands and associated buffers, and designated recreational open space areas;
- e. All existing and proposed landscape areas showing existing vegetation or significant trees to be retained and vegetation to be removed and proposed plants to be installed. The area of all existing and proposed landscaping shall be calculated and shown on the plan;
- f. A plant schedule containing the botanical and common names of the new plant material, existing plant material proposed to be retained, typical spacing for that species, the planting size of the material, the quantity of each plant, and any special planting instructions;
- g. All topographic features of the area to be landscaped such as swales. A contour map detailing intervals at two feet shall be provided; and
- h. All existing and proposed drainage and watering facilities.

B. Irrigation Plans. Where a landscape plan is required, as determined above, an irrigation plan must also be prepared to ensure that the planting will receive sufficient water for survival and growth.

1. Persons Qualified to Prepare Plans. The irrigation plan shall be prepared by a Washington State registered landscape architect or irrigation designer certified by the Irrigation Association.

2. Where automatic irrigation is required, a subsurface irrigation or drip irrigation system shall be provided in accordance with all State and local rules, regulations and ordinances including approved backflow devices. The tap, service, and meter shall be coordinated with the Town's Public Works Director. The system shall completely cover all planting areas.

3. The spacing of sprinkler heads shall not exceed the spacing recommended by the manufacturer of the head. Where an area may be utilized by pedestrians, pop-up heads are preferred. The system shall be designed to achieve maximum water efficiency and overthrow onto public sidewalks or streets shall be kept to a minimum.

C. Tree Survey and Plan.

1. Persons Qualified to Prepare Tree Plan. The Landscape plan shall be prepared by a landscape architect licensed in the State of Washington, a nursery professional certified pursuant to the Washington Certified Nursery Professional program, a Washington State certified landscape technician, or a certified arborist.

2. The applicant shall submit a tree retention plan concurrently with the other permit applications for the project.

3. The tree survey/plan shall be prepared to an appropriate scale, not less than 1-inch to equal 40 feet, necessary to depict the following.

- a. Name and address or location of project;
- b. Vicinity Map;
- c. Scale, north arrow and date of plan;
- d. A tree survey that identifies the location, approximate size, species and number of significant trees on the site.

- e. The following information may be included on the tree survey or on a separate plan. The applicant must indicate the trees to be retained, removed, transplanted or replaced, in addition to providing a final calculation of the percentage of significant trees that will be retained.

D. Review of landscape, irrigation and tree plans. Where a landscape and irrigation plan are required in concert with other site development permit applications, the plans shall be reviewed by the Town Planner or designee or the Town's consultant, as determined by the Town Planner or designee. If the Town Planner or designee designates the plans be reviewed by the Town's consultant, the applicant shall cover the cost of the third party review as required in accordance with the Town's fee ordinance. All fees shall be set by resolution of the Town Council.

18.07.030 Failure to complete required landscaping – Inspection.

- A. Failure to complete all of the required landscaping or any part of it within six months of the building occupancy, issuance of the certificate of occupancy or the building directors final inspection shall constitute a zoning violation.
- B. It shall be the responsibility of the project manager or business owner to contact the planning director upon completion of the landscaping work and request an inspection.
- C. The planning director may inspect the landscaping upon request of the project manager or business owner or at any time after the six-month expiration date. (Ord. 94-06 § 2, 1994).

18.07.040 General landscape requirements for all zones.

- A. All parking areas of over 20,000 square feet shall have a minimum of 10 percent of the parking area, maneuvering area and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Fifty percent of the perimeter landscaping, required adjacent to property lines, may be calculated as part of the 10 percent figure.
- B. All ingress or egress easements which provide corridors to the subject lot, not adjacent to a public right-of-way, shall be considered the same as a public right-of-way. Landscape requirements for easement corridors shall be the same as those required adjacent to public rights-of-way.
- C. All outside storage areas shall be screened by fencing and landscaping a minimum of five feet in depth unless it is determined by development plan review that such screening is not necessary because stored materials are not visually obtrusive. The five-foot deep landscaped area can occur within the street right-of-way abutting the property line.
- D. All portions of a lot not devoted to building, future building, parking, storage or accessory uses shall be landscaped in a manner appropriate, to the stated purpose of this chapter.
- E. All required landscaping areas shall extend to the curbline or the street edge. A crushed rock path in lieu of landscaping may be required where appropriate as determined by the planning director.
- F. Required landscape areas which are inappropriate to landscape due to the existence of rail lines or other features shall be relocated, first, to another lot line, or second, to an equal-sized area in another portion of the lot, to be determined by the planning director upon review with the owner or developer.
- G. Bark mulch, gravel or other nonvegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Nonvegetative material is not a substitute for plant material.
- H. Required landscape areas shall be provided with adequate drainage.
- I. Slopes shall not exceed a three to one ratio (width to height), in order to decrease erosion potential and assist in ease of maintenance.

J. The perimeter of all parking areas which abut residential zones or uses shall be landscaped to a minimum depth of three feet with type II landscaping unless otherwise provided by this chapter. A six-foot high solid wood or equivalent fence is also required. Substitute fencing, including but not limited to, chainlink fence with slats, may be approved by the planning director upon application of the developer and adjacent residential property owners when such fencing shall provide buffering consistent with the purpose and intent of this chapter. The term "adjacent residential property," for purposes of this section, shall mean abutting property, and lots immediately adjacent to abutting property, and shall not mean property across a public road.

K. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. Safety features of landscaping shall be discussed at the time of development plan review, if necessary. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area as noted in EMC 18.07.050 pertaining to types of landscaping.

L. All trash containers shall be screened from abutting properties and streets by a 100 percent sight-obscuring fence or wall and appropriate landscaping.

M. Landscaping shall be placed outside of sight-obscuring or 100 percent sight-obscuring fences unless it is determined by the planning director that such arrangement would be detrimental to the stated purpose of this chapter.

N. A minimum of one tree shall be provided for each 100 square feet of required landscape area. (Ord. 99-11 § 8, 1999; Ord. 94-06 § 2, 1994).

O. Low Impact Development Option

1. Low Impact Planting Design and Technology. The following low-impact planting standards are provided to assist the applicant in the reduction of maintenance costs associated with development, to enhance the health and vitality of plant material, and to reduce watering costs, thus conserving water resources.

a. Water conservation.

i. Purpose. To take advantage of natural watering in order to reduce the amount of water that is required to maintain healthy plant material during the dry season to increase deep water penetration and soil oxygenation.

ii. Standards.

1) Soil Preparation.

a. Planting beds should be deep tilled to a depth of at least 12-inches. Soils will be greatly enhanced through the addition of the following materials; organic matter such as composted yard waste, and forestry by-products. Benefits include improved water drainage, moisture penetration, soil oxygenation, and/or water holding capacity.

b. For all newly landscaped areas, three to four cubic yards of composted organic matter per 1,000 square feet of landscape area should be added to a depth of four to six inches.

c. On project sites where topsoil is limited or nonexistent, a minimum of 6-inches of sandy loam topsoil should be tilled into the soil to a depth of 12 inches though all planting and turf areas.

2) Mulching.

a. Mulch should be applied regularly, and maintained in all planting areas to assist soils in retaining moisture, reducing weed growth, and minimizing erosion.

b. Mulches include organic materials such as wood chips and shredded bark.

c. Non-porous materials, such as plastic sheeting, are not recommended for use in any area of the landscape because of

down- slope erosion and potential soil contamination from herbicide washing.

d. Mulches should be applied to the following depths: a minimum three inches over bare soil, and two inches where plant materials will cover.

3) Compatible Water Use Design.

a. Trees and plant species should be selected based on having similar climatic, water, soil, and maintenance requirements.

b. Plants should be selected and grouped as determined by natural site conditions and be coordinated with the irrigation plan.

4) Plant Material.

a. Plants should be incorporated into landscape designs that are native to the Pacific Northwest or are introduced plants that are common to the Pacific Northwest in order to better reflect and complement the natural surroundings.

b. Drought-tolerant plants should be incorporated into designs in order to reduce irrigation requirements.

2. Low Impact Incentives. If all low impact practices and techniques noted in 18.07.040.O. are implemented, the following reductions in quantity and spacing of planting materials may be permitted as approved by the Town Planner or designee.

A. Standard.

The spacing requirement for trees and shrubs may be increased by up to 30 percent.

The spacing requirements for groundcover planting material may be increased by up to 40 percent. The minimum shrub size of planting material shall be reduced to a 1-gallon container.

B. Modification of Landscape Requirements. At the discretion of the Town Planner or designee, these landscape standards may be modified depending on the plant species proposed.

18.07.050 Types of landscaping.

A. Type I: Solid Screen.

1. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.

2. Description. Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of six feet at planting, which will provide a 100 percent sight-obscuring screen within two years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by 100 percent sight-obscuring fence.

B. Type II: Visual Screen.

1. Purpose. Type II landscaping is intended to create a visual separation that is not necessarily 100 percent sight-obscuring between incompatible uses.

2. Description.

a. Type II landscaping shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. A sight-obscuring fence will be required unless it is determined by development plan review that such a fence is not necessary. The plantings and fence must not violate the sight area safety requirements at street intersections.

b. Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:

i. One-inch caliper: 10 feet on center;

ii. Two-inch caliper: 20 feet on center;

iii. Three-inch caliper: 30 feet on center;

iv. Three-and-one-half to five-inch caliper: 40 feet on center.

- c. Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.

C. Type III: Visual Buffer.

1. Purpose. Type III landscaping is intended to provide visual separation of uses from streets and main arterials and between compatible uses so as to soften the appearance of streets, parking lots and building facades.

2. Description.

- a. Type III landscaping shall be evergreen and deciduous trees planted not more than 30 feet on center interspersed with shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least 36 inches in height at a time of planting and form a solid screen two years after planting. The planting shall not violate the sight area safety requirements at street intersections or driveways.
- b. Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:
 - i. One-inch caliper: 10 feet on center;
 - ii. Two-inch caliper: 20 feet on center;
 - iii. Three-inch caliper: 30 feet on center;
 - iv. Three-and-one-half to five-inch caliper: 40 feet on center.
- c. Ground cover shall be of sufficient size and spacing to form a solid cover within two years after the time of planting.

D. Type IV: Low Cover.

1. Purpose. Type IV landscaping is intended to provide visual relief where clear sight is desired or as a complement to larger, more predominant planting materials.

2. Description. Type IV landscaping shall consist of a mixture of evergreen and deciduous shrubs and ground cover, to provide solid covering of the entire landscaping area within two years of planting and to be held to a maximum height of three and one-half feet (see definition of ground cover).

E. Type V: Open Area Landscaping.

1. Purpose. Type V landscaping is primarily intended to visually interrupt large open spaces of parking areas.

2. Description.

- a. Type V landscaping shall consist of trees planted with supporting shrubs or ground cover. Each landscape area shall be of sufficient size to promote and protect growth of plantings, with a ~~400-160~~ square-foot minimum and a minimum dimension of six feet (see EMC 18.07.040(A)).
- b. Parking lot landscaping will also serve as on-site stormwater infiltration facilities, unless such techniques are adequately demonstrated to be infeasible. LID stormwater infiltration facilities shall be designed and constructed in accordance with *Low Impact Development Technical Guidance Manual for Puget Sound (latest edition)*. Parking lot landscaping shall also serve as stormwater infiltration facilities where on-site infiltration rates are 0.25 inches per hour or greater.
- ~~b.~~c. Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:
 - i. One-inch caliper: 10 feet on center;
 - ii. Two-inch caliper: 20 feet on center;
 - iii. Three-inch caliper: 30 feet on center;
 - iv. Three-and-one-half to five-inch caliper: 40 feet on center.

e.d. Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.

d.e. Grass is an acceptable ground cover for all areas. (Ord. 94-06 § 2, 1994).

18.07.060 Regulations for specific districts.

Landscaping regulations for specific zoning districts are as follows:

A. Single-Family Residential, SF-1 and SF-2.

None.

B. Medium- and High-Density multifamily Residential, MF-1 and MF-2.

1. A minimum of 10 feet of landscaping shall be provided abutting a public right-of-way;

2. Open green area shall occupy no less than 25 percent of the area of the lot;

3. The side and rear perimeters of properties shall be landscaped to a minimum depth of 10 feet;

4. A minimum of five feet of foundation landscaping shall be placed along the perimeter of any multifamily structure. Foundation landscaping consists of shrubbery or some other combination of landscape materials that helps to reduce the visual bulk of structures and buffer dwelling units from light, glare and other environmental intrusions.

C. Downtown Commercial District, C-1.

1. A minimum of three feet of landscaping to screen off-street parking areas, placement of which shall be reviewed by the planning director.

2. Street trees may be required in accordance with the downtown beautification plan.

D. General Commercial, C-2.

1. The side perimeter of property abutting a residential district shall be landscaped to a minimum width of 10 feet.

2. A planting strip not less than three feet in depth shall be provided along all property abutting public rights-of-way.

3. A minimum of three feet of landscaping to mask street and parking area shall be provided.

4. Street trees may be required as specified by the planning director.

E. Industrial District, I.

1. Front Yard. The front 10 feet shall be improved with appropriate permanently maintained landscaping.

2. Side Yard. At least five feet of the side yard shall be landscaped with permanently maintained landscaping. (Ord. 94-06 § 2, 1994).

18.07.65 Tree Retention and Conservation

A. Purpose. The retention of trees throughout the Town of Eatonville is necessary to preserve and enhance the visual appearance throughout the town, to preserve the natural wooded character of the Town, to promote utilization of natural systems, to reduce the impacts of site development on the storm drainage system and water resources, and to provide a better transition between the various permitted land uses. The retention of trees shall be accomplished through preserving existing trees, whenever feasible, and the planting of new trees.

B. All development proposals and land clearing applications shall use the standards set forth in this section for tree conservation and retention, which promotes tree conservation by establishing minimum tree density requirements, expressed as tree units per acre, for new uses proposed on vacant or redeveloping parcels. The only exceptions shall be developments located within the Downtown Commercial District (C-1), and the Aerospace District (AP).

1. Minimum Tree Density - New Uses on Vacant or Redeveloping Parcels. The tree density requirements will be met primarily through the conservation of existing trees. However, in order to provide for continued flexibility in the design of new development, in those situations where a development's design would preclude the retention of the required number of trees, the use of

replacement or supplemental tree planting is authorized. The minimum tree density for each land use designation is specified in Table 18.07.065.A.

2. Sites with Insufficient Tree Cover. It is recognized that some sites may not contain a sufficient number of existing trees to meet the tree density standards set forth in Table 18.07.080.A. In those situations, additional trees are to be planted as necessary to achieve the minimum tree density requirements of this Section.

3. Exemptions. Diseased or dangerous trees shall not be credited towards satisfying the minimum tree density requirements for a particular property. For trees that are deemed to be unhealthy and proposed to be removed from the site, the condition should be certified by a professional arborist or landscape architect at the applicant's expense. A tree removal permit must be obtained from the Town of Eatonville prior to the removal of dangerous and diseased trees. There is no fee associated with the removal of a dangerous or diseased tree as certified by a professional arborist or landscape architect.

4. Tree Density Requirements. All regulated activity shall ensure that the following tree densities shall be achieved and maintained during and after development:

Minimum Tree Density Requirements for Vacant or Redeveloping Parcels (Table 18.07.065A) <i>Undeveloped or Redeveloping Properties</i>	
Land Use Designation	Required Tree Unit Density(1)(2)
MU, C-2, I	25 tree units/acre
MF-1, MF-2, SF-1, SF-2, SF-3, PUD	30 tree units/acre

5. Calculation of the Total Tree Units Required. The total number of tree units required to be provided by a regulated activity shall be calculated by multiplying gross site acreage, minus any public or private streets and regulated critical areas (excluding buffers) determined by Eatonville to be undesirable for tree planting (e.g., certain wildlife habitat and wetlands), by the required tree density (in tree units per acre) set forth in Table 18.07.065.A. The result of the calculation will be the total number of tree units required for the activity. If the calculation results in a fractional quantity, it shall be rounded to the nearest whole number (greater than or equal to .5 is rounded up, less than .5 is rounded down).

6. Tree Unit Credits. The number of tree unit credits given for retaining existing trees or the planting of new trees varies in order to encourage the retention of large existing trees and the planting of replacement trees that provide greater canopy areas at maturity. Tree unit credits for the retention of existing trees, significant trees, and the planting of new trees shall be awarded as follows:

Tree Unit Credits (Table 18.07.065.B.)	
Tree Category	Tree Unit Credit
Existing Tree 1" to 6" d.b.h.	1.0 tree units per tree
Existing Tree >6" to 12" d.b.h.	1.5 tree units per tree
Existing Tree >12" to 18" d.b.h.	2.0 tree units per tree
Existing Tree >18" to 24" d.b.h.	2.5 tree units per tree
Existing Tree > 24" d.b.h.	3.0 tree units per tree
Significant Tree < 24" d.b.h.	2.5 tree units per tree
Significant Tree >24" d.b.h.	3.0 tree units per tree
Replacement Tree, Small Canopy Species (Mature canopy area < 450 SF) feet)	.50 tree units per tree
Replacement Tree, Medium Canopy Species (Mature canopy area 450 to 1,250 SF)	1.0 tree units per tree
Replacement Tree, Large Canopy Species (Mature canopy area > 1,250 SF)	1.5 tree units per tree

a. Damaged or diseased trees shall not be credited towards satisfying the tree units per acre requirement. Provided, at the discretion of the Town Planner or designee, damaged or diseased or standing dead trees may be retained and counted toward the tree requirement, if it is demonstrated that such trees will provide important wildlife habitat and are not classified as dangerous trees.

b. Trees located within critical area buffers shall be credited towards satisfying the tree units per acre requirement and the acreage of any such areas be included when calculating the number of trees required for purposes of compliance with the tree units per acre requirement. Critical area buffers shall comply with the requirements set forth in Title 15.16.

7. Tree Conservation Requirements - Expansions of Existing Uses. Expansions of existing commercial, industrial, and multi-family properties which do not conform to the tree density requirements of this Chapter shall be subject to the following tree conservation requirements whenever such expansion would result in a greater than a 10 percent increase in the size of the existing building footprint or associated impervious areas (parking lots, storage areas, etc.):

a. A minimum of one tree unit shall be provided for each 500 square feet of building expansion or new construction; and

b. A minimum of three tree units shall be provided for each tree unit removed, up to a maximum of 25 tree units per acre.

c. No clearing, grading, or other approvals for vegetation removal at a site shall be approved until such time as the Town of Eatonville has approved any associated landscaping or tree preservation plans.

d. Tree retention areas and significant trees shall be protected during the construction phase through application of the following standards:

i. Reduce soil compaction during construction phase by protecting critical tree root zones that usually extends beyond the trees canopy or drip line. The critical tree root zone should be factored using the trees DBH (6" DBH = 6' radius, 10" DBH = 10' radius, 30" DBH = 45' radius).

ii. Prohibit any excavation within the critical tree root zone.

iii. Prohibit the stockpiling or disposal of excavated or construction materials in the vegetation retention areas.

iv. Avoid changing the grade near trees that have been designated for protection. If the grade level around a tree is to be raised, a dry rock wall or rock well shall be constructed around the tree. The diameter of this wall or well should be at least equal to the diameter of the tree spread plus five feet.

v. Restrict trenching in critical tree root zone areas.

- vi. Prevent wounds to tree trunks and limbs during the construction phase. Construction fencing should be installed to allow movement of construction equipment while maintaining free clearance around tree trunks and limbs.
- vii. Prohibit the installation of any impervious surfaces in critical root zone areas. Where road or sidewalk surfaces are needed under a tree canopy, unmortared porous pavers or flagstone (rather than concrete or asphalt) can be used. Boardwalks or bridging can span root zones without harming the tree roots.
- viii. Prep tree conservation areas to better withstand the stresses of the construction phase by, if necessary, fertilizing, pruning and mulching around them well in advance of beginning any construction activities.
- ix. Install brightly colored construction fencing to alert construction workers of the limits of vegetation retention areas to prevent accidental damage to these resources during construction activities.
- e. Tree retention areas and significant trees shall be protected after development as follows:
 - i. Tree retention areas shall be protected post development through the use of fencing, signage, homeowners' covenants, deed restrictions, and/or easements as determined necessary by the Town Planner or Designee.
 - ii. If any significant tree that has been specifically designated to be retained in the tree preservation plan dies within five years of the development of the site, then the significant tree shall be replaced by the planting of a minimum of three trees of the same or similar species. Any required planting shall be monitored for a minimum of three years following installation to ensure plant survival and success. Planting which fail to survive during this three-year period shall be replaced at the expense of the developer, owner, or homeowners association as specified in the landscaping plan for the proposal.

18.07.070 Installation and Maintenance of landscaping.

A. Required. Whenever landscaping is or has been required in accordance with the provisions of this title or any addition or amendments to this title, or in accordance with the provisions of any previous code or ordinance of the town, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.

B. All landscaping areas shall be provided with a permanent irrigation system unless the landscape architect, a nursery professional, or a Washington State certified landscape technician specifies drought tolerant landscaping in the landscaping plan and certifies that the species selected do not require permanent irrigation.

C. Where landscaping is required under the provision of this chapter, trees, shrubs and planting areas shall be maintained in a healthy state to include mowing, watering, insect control, fertilizing and pruning by the owner of the lot or tract.

D. Plant material that has died shall be replaced at the beginning of the next appropriate planting season and planting areas shall be kept reasonably free of noxious weeds and trash.

E. Trees and/or shrubs shall be pruned to avoid potential safety hazards or nuisances created through overhanging branches or excessive shading.

F. All required landscaping that is located within the public right-of-way shall be maintained by the abutting property owner.

B. G. Notice of Violation. The planning director or his designated representative is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent, tenant, lessee or assignee of any such owner, that the landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall

specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at his last known address.

C. H. Action Upon Noncompliance.

1. Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within 15 days after the date of such notice if the notice is returned to the town by the post office department because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of the owner or agent, the planning director or his designated representative is hereby authorized and empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with the cost to be collected or taxed against the property affected as provided in this section.

2. Nothing in this section shall prevent the planning director or a designated representative from taking action as provided in EMC 18.09.070.

D. I. Charge for Maintenance by Town to Be Included in Tax Bill. When the town has performed landscape maintenance or has paid for such maintenance, the actual cost thereof, plus accrued interest at the rate of eight percent per annum from the date of the completion of work, if not paid by such owner prior thereto, may be charged to the owner of such property on the next regular tax bill forwarded to such owner by the town, and if so charged shall be due and payable by the owner at the time of payment of such bill.

E. J. Lien for Payment of Charges. If the full amount due the town is not paid by such owner within 30 days after performance of the maintenance as provided for in subsection (C) of this section, then, in that case, the planning director (or the director's designated representative) may cause to be recorded in the office of the town clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the legal description of the property on which the work was done. The recording of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs, if any, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of eight percent per annum if the costs and expenses are not paid in full on or before the date the tax bill upon which the charge appears become delinquent. Sworn statements recorded in accordance with the provisions of this subsection shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and that the charge is due and collectible as provided by law.

F. K. Alternative Methods of Collection of Charges. In addition to or in lieu of the provision of subsections (D) and (E) of this section, the town may, at its option, commence a civil action in any court of competent jurisdiction to collect for any charges incurred by the town for performance of maintenance as provided in subsection (C) of this section. (Ord. 94-06 § 2, 1994).