ORDINANCE NO. 4074

AN ORDINANCE of the city council of the city of Kent, Washington, amending Chapter 15.07, Kent City Code pertaining to landscaping regulations; repealing Section 15.02.172, and adding new Sections 15.02.086 and 15.02.274, Kent City Code [ZCA-2012-3].

RECITALS

A. Local planning legislation arises from many sources, including, but not limited to, Federal, State or regional mandates; changes to local community vision; complaints; need for clarity; updated technologies, business operations or strategies that make existing codes outdated; and conflicts with updated regulations in other city departments.

B. The city has determined that amendments to Chapter 15.07, Kent City Code (KCC), Landscaping Regulations, with related amendments to definitions in 15.02.086, 15.02.172 and 15.02.274 are necessary to modernize the code, incorporate low impact development techniques, and provide clarity where there is confusion.

C. The Land Use and Planning Board discussed amendments to Chapter 15.07, KCC, that regulate landscaping, with related amendments to definitions in 15.02.086, 15.02.172, and 15.02.274, at its public

1 Amend Chapter 15.07
Landscaping Regulations
Ordinance
workshops on October 8, 2012 and November 26, 2012. After holding a public hearing on January 14, 2013 and January 28, 2013, the Board recommended approval of the amendments. The Economic and Community Development Committee considered this matter at its February 11, 2013, meeting, and the city council considered this matter at its February 19, 2013 meeting.

D. The City's State Environmental Policy Act (SEPA) Responsible Official conducted an environmental analysis of the impacts of the proposed amendments and issued a Determination of Nonsignificance on November 26, 2012.

E. On November 19, 2012, notice was sent to the Washington State Department of Commerce and expedited review was requested. On December 13, 2012, the City was granted expedited review and was informed that it had met the Growth Management Act notice requirements under RCW 36.70A.106.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Section 15.07.010 of the Kent City Code is amended as follows:

Sec. 15.07.010. 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 city. It is also the purpose of this chapter to encourage Low Impact Development (LID) through the use of soil amendments and integration of landscape areas and LID stormwater management facilities. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views, and spaces, and providing buffers, transitions, and screening.

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

This list is for illustrative purposes only, and is not intended to be exhaustive.
SECTION 2. - Amendment. Section 15.07.020 of the Kent City Code is amended as follows:

Sec. 15.07.020. 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 department shall review specific landscape requirements with the owner or his representative applicant.

C. Landscape plan review shall be required in the following instances:

1. New construction. New construction is covered by this chapter as follows:
   a. Buildings constructed or enlarged.
   b. Other structures or use areas constructed or enlarged.
   c. Landscaped areas constructed or enlarged as follows:
      i. If constructing new landscaped area or adding the equivalent of fifty (50) percent or more of the existing landscaped area, the entire site must meet the standards of this title.
      ii. If adding less than fifty (50) percent of the existing landscaped area, only the new portion must meet the standards of this title.
2. Change in use. When change of use permit is required, landscaping shall be provided to meet the standards in this title.

SECTION 3. - Amendment. Section 15.07.030 of the Kent City Code is amended as follows:

Sec. 15.07.030. Failure to complete required landscaping - Inspection.

A. Failure to complete all of the required landscaping or any part of it within six (6) months of the building occupancy, issuance of the certificate of occupancy, or issuance of the temporary certificate of occupancy, or the planning department final inspection shall constitute a zoning code violation, subject to abatement under KCC 1.04.

B. It shall be the responsibility of the project manager or business owner to contact the planning department services upon completion of the landscaping work and request an inspection.

C. The planning department services may inspect the landscaping upon request of the project manager or business owner or at any time after the six (6) month expiration date as described in subsection A of this section.

SECTION 4. - Amendment. Section 15.07.040 of the Kent City Code is amended as follows:

Sec. 15.07.040. General landscape requirements for all zones.
A. Landscape Development Standards.

1. All ingress or egress easements that provide corridors to a subject lot, and are 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 for areas adjacent to public rights of way.

2. 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 purposes of this chapter.

3. All required landscaping areas shall extend to the curbline or to the street edge. A crushed rock path in lieu of landscaping shall be required where appropriate, as determined by planning services. Landscaping located in a right-of-way does not satisfy the landscape requirements.

4. Required landscape areas that are not appropriate for landscaping, due to the existence of rail lines or other features, shall be relocated. Relocation shall be another lot line of the subject lot, if appropriate; if inappropriate, relocation shall be to an equal-sized area in another portion of the lot, to be determined by planning services upon review with the owner or developer.

5. 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. Crime Prevention Through Environmental Design (CPTED) principles shall
be used in the development and landscape plan to identify and incorporate design features that reduce opportunities for criminal activity to occur.

6. Required landscaping may be integrated with LID stormwater management facilities, where feasible. LID facilities shall not compromise the purpose or intent of required landscaping, and landscaping shall not result in the disruption of the function of the LID facilities. LID facilities shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (2005 edition, or as subsequently amended) and any applicable city codes and standards.

7. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of stormwater systems.

B. Landscape Requirements for Parking Areas, Buffers, and Screening.

1. All parking, maneuvering, and loading areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the parking area, maneuvering area, and loading space landscaped with Type V landscaping as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the ten (10) percent figure.

2. The perimeter of all parking lots that abut residential zones or uses shall be landscaped in a manner that shields residential zones or uses from lights and provides aesthetic separation between uses. This shall include minimum depth of five (5) feet of type II landscaping and appropriate fencing (6 foot high solid wood fence or equivalent), unless
otherwise provided by this chapter, or otherwise approved by the planning director.

3. All property abutting Highway 167 or Interstate 5 shall be landscaped with Type III landscaping to a minimum depth of ten (10) feet unless a larger area is required elsewhere in this chapter.

4. All property abutting East Valley Highway between South 180th Street on the north to the SR167 overpass on the south shall be landscaped with Type III landscaping to a minimum depth of fifteen (15) feet unless a larger area is required elsewhere in this chapter.

5. All trash containers shall be screened from abutting properties and streets by a one hundred (100) percent sight-obscuring fence or wall and appropriate landscape screen (Type II or III, minimum three (3) feet wide) that allows for aesthetic improvement without compromising site safety.

6. All outside storage areas shall be screened by fencing and landscaping a minimum of five (5) feet in depth unless it is determined by development plan review that such screening is not necessary, due to storage area location, existing fencing or landscaping, or because stored materials are not visually obtrusive.

7. Landscaping shall be placed outside of sight-obscuring fences, or one hundred (100) percent sight-obscuring fences, unless it is determined by planning services that such arrangement would be detrimental to the stated purposes of this chapter or would compromise site safety.

8. The perimeter of all stormwater detention ponds shall be landscaped to a minimum depth of ten (10) feet of Type II landscaping. If

Amend Chapter 15.07
Landscaping Regulations
Ordinance
perimeter fencing is required based on public works department standards, it shall be constructed of vinyl-coated chainlink or sold screen fencing. The fencing shall be located between the pond and the landscape area.

C. Landscape Planting Requirements.

1. 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.

2. Required landscape areas shall be provided with adequate drainage. All new landscape areas shall incorporate soil amendments as follows: the uppermost twelve (12) inches of soil shall be tilled and two (2) inches of composted material shall be fully incorporated into the tilled soil; or to specifications as otherwise provided in the Stormwater Management Manual of Western Washington, Department of Ecology, dated August 2012, or as subsequently amended. Compaction of landscaping areas from vehicles and heavy equipment shall be avoided after tilling.

3. Slopes shall not exceed a three (3) to one (1) ratio (width to height), in order to decrease erosion potential and assist in ease of maintenance.

4. Quantity, arrangement, and types of plants installed shall be appropriate to the size of the required landscape areas and purpose of planting area as noted in KCC 15.07.050 pertaining to types of landscaping.
5. **Landscape plans** shall include a diversity of native, native adapteds, and drought tolerant, low water use plant species, and shall promote native wildlife habitat where feasible.

6. **Irrigation systems** incorporated into a landscaping area shall include rain sensors to promote water conservation.

A. All parking, maneuvering, and loading areas of over twenty thousand (20,000) square feet shall have a minimum of ten (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. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the ten (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 (5) 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 (5) 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 shall be required where appropriate as determined by the planning department.

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 department upon review with the owner or developer.

G. Bark mulch, gravel, or other non-vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Non-vegetative 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 (3) to one (1) 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 (3) feet with type II landscaping unless otherwise provided by this chapter. A six (6) 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.

11 Amend Chapter 15.07 Landscaping Regulations Ordinance
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.

L. 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 KCC 15.07.050 pertaining to types of landscaping.

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

N. Landscaping shall be placed outside of sight-obscuring or one hundred (100) percent sight-obscuring fences unless it is determined by the planning department that such arrangement would be detrimental to the stated purpose of this chapter.

O. All property abutting Highway 167 or Interstate 5 shall be landscaped to a minimum depth of ten (10) feet unless a larger area is required elsewhere in this chapter.

P. All property abutting East Valley Highway between South 180th Street on the north to the SR167 overpass on the south shall be landscaped to a minimum depth of fifteen (15) feet unless a larger area is required elsewhere in this chapter.

Q. The use of native and drought-tolerant, low water use plants shall be incorporated into landscape design plans.
R. Landscape plans shall include where feasible a diversity of native plant species which promote native wildlife habitat.

S. When irrigation systems are incorporated into a landscaping area, the applicant shall prepare a water use and conservation plan for review and approval by the public works department.

T. Landscaping adjacent to required biofiltration systems may be considered part of any required landscaping areas, subject to approval by the planning director and the public works department. Landscaping shall not be permitted within the treatment area of a biofiltration system. The chosen vegetation shall not result in any disruption of bioswale functions at any time.

U. Landscaping buffers shall be required adjacent to any above-ground stormwater facilities, as required in the city’s construction standards, subject to the approval of the public works department.

V. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of stormwater systems.

W. The perimeter of all stormwater detention ponds shall be landscaped to a minimum depth of ten (10) feet of type II landscaping. If perimeter fencing is required based on public works department standards, it shall be constructed of vinyl-coated chainlink or solid screen fencing. The fencing shall be located between the pond and the landscape area.

SECTION 5. - Amendment. Section 15.07.050 of the Kent City Code is amended as follows:

Amend Chapter 15.07
Landscaping Regulations
Ordinance
### Sec. 15.07.050. Types of landscaping.

<table>
<thead>
<tr>
<th>Type I</th>
<th>Type II</th>
<th>Type III</th>
<th>Type IV</th>
<th>Type V</th>
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</thead>
<tbody>
<tr>
<td>Sold Screen</td>
<td>Visual Screen</td>
<td>Visual Buffer</td>
<td>Low Cover</td>
<td>Open Area</td>
</tr>
</tbody>
</table>

**Purpose**
- Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.
- Type II landscaping is intended to create a visual separation that is not necessarily one hundred (100) percent sight-obscuring between incompatible uses.
- 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.
- Type IV landscaping is primarily intended to visually interrupt large open spaces of parking areas.

**Description**
- Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of six (6) feet at planting, which will provide a one hundred (100) percent sight-obscuring screen within two (2) years from the time of planting, or a combination of evergreen and deciduous trees and shrubs backed by one hundred (100) percent sight-obscuring fence.
- 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 (See also A, B, and C below).
- Type III landscaping shall be evergreen and deciduous trees planted not more than thirty (30) feet on center interspersed with large shrubs and ground cover where used to separate parking from streets, plantings must create a visual barrier of at least forty-two (42) inches in height at time of planting and form a solid screen two (2) years after planting (See also A, B, and C below).
- 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 (2) years of planting and to be held to a maximum height of three and one-half (3 1/2) feet (see definition of ground cover).
- 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 one hundred (100) square foot minimum area and no dimension less than five (5) feet.

**Additional requirements for types II, III, and V are as follows**

**Specifications consistent with American Standard for Nursery Stock, ANSI Z60.1-2004, or as amended, are also acceptable**

(A) Deciduous trees shall be a minimum of one and one-half inches caliper at the time of planting. Evergreen trees shall be an average height of six (6) feet high at planting. Tree spacing shall be as appropriate for the species. Deciduous trees shall be the following areas based on their spacing:

1. One (1) inch caliper. Ten (10) feet on center.
2. Two (2) inch caliper. Twenty (20) feet on center.
3. Three (3) inch caliper. Thirty (30) feet on center.
4. Three and one-half (3 1/2) to five (5) inch caliper. Forty (40) feet on center.

(B) Ground cover means low-growing vegetative materials with a mound or spreading manner of growth.
growth. Spacing is dependent on the type and size of the plant material and must be adequate to provide total coverage of the landscape area within three (3) years. shrubs shall be of sufficient size and spacing to form a solid cover within two (2) years from the time of planting. Ground cover plants, other than grasses, must be at least the four-inch (4") pot size at time of planting.

(C) Shrubs shall be a minimum of 18 inches in height, or two-gallon container size, at the time of planting.

(D) The plantings and fence must not violate the sight area safety requirements at street intersections.

SECTION 6. - Amendment. Section 15.07.060 of the Kent City Code is repealed in its entirety and replaced as follows:

Sec. 15.07.060. Regulations for specific districts.

<table>
<thead>
<tr>
<th>Zones</th>
<th>Minimum Perimeter Landscape Planter Width and Type</th>
<th>Additional requirements</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Abutting Street</td>
<td>Side Yard</td>
</tr>
<tr>
<td>SR-1 through SR-8</td>
<td>N/A (see also 12.04.245)</td>
<td>N/A</td>
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<tr>
<td>MR-D</td>
<td>N/A</td>
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<tr>
<td>MR-G, MR-T, MR-M, MR-H</td>
<td>10' Type III</td>
<td>10' Type II or III</td>
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<td>Open green area shall occupy no less than twenty-five (25) percent of the total lot area,</td>
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<td>A minimum of 5' of foundation landscaping shall be placed along the perimeter of any multifamily structure.</td>
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<td>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.</td>
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<td>Additional</td>
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Amend Chapter 15.07
Landscaping Regulations
Ordinance
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<tr>
<th>MHP</th>
<th>Requirements per Chapter 12.05 KCC</th>
<th>5' Type III</th>
<th>N/A</th>
<th>10' Type II, and for parking lots per 15.07.040.B.2</th>
<th>N/A</th>
</tr>
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<tbody>
<tr>
<td>CC</td>
<td>A minimum of 3' of landscaping to screen off-street parking areas, placement of which shall be determined through the downtown design review process outlined in KCC 15.09.046. Additional landscaping or alternative methods of screening may be approved through downtown design review.</td>
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Amend Chapter 15.07
Landscaping Regulations
Ordinance
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<th>MTC-2</th>
<th>MCR ² ³</th>
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<tbody>
<tr>
<td>MA AG M1</td>
<td>20' Type III in front yard</td>
</tr>
<tr>
<td>M2</td>
<td>15' Type III in front yard</td>
</tr>
<tr>
<td>M3</td>
<td>10' Type III in front yard</td>
</tr>
<tr>
<td>GWC</td>
<td>15' or 20' Type III</td>
</tr>
<tr>
<td>NCC</td>
<td>10' Type III</td>
</tr>
</tbody>
</table>

'TMC-1 additional landscaping requirements. Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas and building elevation, and to provide separation between uses:

a. The perimeter of properties abutting a single-family residential or mobile home park land use shall be landscaped with a minimum of ten (10) feet of type I landscaping.

b. The perimeter of properties abutting a multifamily residential land use shall be landscaped with a minimum of ten (10) feet of type I landscaping.

c. The perimeter of properties abutting a public right-of-way shall be landscaped with a minimum of ten (10) feet of type III landscaping. The following exceptions apply:

i. When a vehicular parking area abuts such setback, a type III landscape strip with an average of twenty (20) feet in depth shall be provided.
ii. When such setback is utilized as a public open space plaza and not accompanying parking, no perimeter landscaping strip shall be required.

iii. When such setback is utilized as a public open space plaza and exceeds thirty (30) linear feet, street trees shall be provided as set forth in the 2009 Design and Construction Standards, or as the same may be subsequently amended.

d. The perimeter of side property lines shall be landscaped with a minimum of five (5) feet of type III landscaping, unless the building is constructed at the build-to line or property line.

*MTC-2 additional landscaping requirements.* Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas, and building elevations, and to provide separation between uses:

a. The perimeter of properties abutting public parks, plazas, open space, or multi-purpose trails shall be landscaped with a minimum of ten (10) feet of type III landscaping.

b. When a vehicular parking area abuts a public right-of-way, a type III landscaping strip a minimum of five (5) feet in depth shall be provided.

c. When a vehicular parking area abuts the side property lines, a type III landscaping strip a minimum of ten (10) feet in depth shall be provided.
MCR additional landscape requirements. Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas and, building elevations, and to provide separation between uses:

Where buildings abut the required front yard, a landscape strip at least fifteen (15) feet in depth shall be provided. Where vehicular parking areas abut the required front yard, a landscape strip at least twenty (20) feet in depth shall be provided.

No landscaping along the side property lines shall be required between adjacent properties where a common, shared driveway with a perpetual cross-access easement is provided to serve the adjoining properties.

A Type III landscape strip of at least fifteen (15) feet in depth shall be provided alongside property lines flanking the street of a corner lot.

A Type III landscape strip of at least ten (10) feet in depth shall be provided alongside property lines flanking the street of a corner lot.

SECTION 7. - Amendment. Section 15.07.070 of the Kent City Code is amended as follows:

Sec. 15.07.070. 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 city, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required. All landscaping which, due to accident, damage, disease, lack of maintenance, or other cause, fails to show a healthy appearance and growth, shall be restored, or replaced with the same type of landscaping elements and in the same location as required in the approved landscape plan. These requirements also apply to landscaping for LID stormwater management systems, such as bioretention swales. Failure to permanently maintain landscaping will result in a code violation, in accordance with KCC 1.04.

B. Maintenance Assurance. To ensure the maintenance of new landscaping, the planning director may require a performance and maintenance bond or other acceptable maintenance assurance device, such as an irrevocable letter of credit, set-aside letter, assignment of funds, or certificate of deposit, prior to permit issuance. In determining whether to require an assurance device, the planning director may consider elements such as the size and complexity of the project, the likelihood of plant survival, and the likelihood of adequate maintenance. The device shall remain in effect for two years from the completion of planting. The value of the maintenance assurance device shall equal at least 125 percent of the total landscape materials plus installation. If a maintenance assurance device is required, the property owner shall comply with the following provisions:

1. If the landscaping is not being properly maintained, the planning director shall notify the property owner that the owner must restore the landscaping to its required condition, to the satisfaction of the director, within thirty (30) days. If the property owner does not restore the landscaping to the satisfaction of the director within thirty (30) days of
the notification, then the city may use the proceeds of the assurance
device to perform any type of maintenance or replacement necessary to
ensure compliance with this chapter.

2. The maintenance assurance device shall be accompanied by
an agreement granting the city and its agents the right to enter the
property and perform any necessary work. The agreement shall also hold
the city harmless from all claims and expenses, including attorney's fees.

3. Upon completion of the two-year maintenance period, and
inspection by the city to determine that the landscaping has been
maintained to the satisfaction of the planning director, the city shall
release the maintenance assurance device, less any proceeds previously
used by the city pursuant to this section 15.07.070.

4. The property owner is responsible for all costs incurred by the
city in doing any work covered by the assurance device. The property
owner shall reimburse the city for any amount expended by the city that
exceeds any proceeds of the assurance device actually used by the city.
The city shall have a lien against the subject property for the amount of
any excess.

B. Notice of violation: The planning manager or his or her designee 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. 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 fifteen (15) days after the date of such notice if the notice is returned to the city 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 manager or his or her designee 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 manager or his or her designee from taking action as provided in KCC 15.09.090:

D. Charge for maintenance by city to be included in tax bill. When the city has performed landscape maintenance or has paid for such maintenance, the actual cost thereof, plus accrued interest at the rate of eight (8) 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 city, and if so charged shall be due and payable by the owner at the time of payment of such bill.

E. Lien for payment of charges. If the full amount due the city is not paid by such owner within thirty (30) days after performance of the maintenance as provided for in subsection (C) of this section, then, in that case, the planning manager or his or her designee may cause to be recorded in the office of the supervisor of treasury accounting 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 (8) 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. Alternative methods of collection of charges. In addition to or in lieu of the provisions of subsections (D) and (E) of this section, the city may, at its option and pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid charges, interest, and penalties owed or assessed pursuant to this chapter, or the city may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

SECTION 8. – Amendment. A new section 15.02.086 is added to the Kent City Code as follows:

Sec. 15.02.086. Composted material.

Composted material means organic solid waste that has undergone biological degradation and transformation under controlled conditions.
designed to promote aerobic decomposition at a solid waste facility in compliance with state regulations. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material. Composted material must contain 40% - 65% organic matter and meet the contaminant standards for "composted materials" in WAC 173-350-220.

**SECTION 9. - Amendment.** Section 15.02.172 of the Kent City Code, entitled “Ground Cover” is repealed in its entirety.

**SECTION 10. - Amendment.** A new Section 15.02.274 is added to the Kent City Code as follows:

**Sec. 15.02.274. Native adapteds.**

*Native adapteds* means noninvasive plant species that have adapted to the climactic conditions of the Northwest region.

**SECTION 11. - Savings.** The existing portions of Title 15 of the Kent City Code which are repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 12. - Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and the same shall maintain its full force and effect.

**SECTION 13. - Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section or subsection numbering;
or references to other local, state or federal laws, codes, rules, or regulations.

**SECTION 14.** - **Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication as provided by law.

![Signature]

SUZETTE COOKE, MAYOR

**ATTEST:**

![Signature]

RONALD F. MOORE, CITY CLERK

**APPROVED AS TO FORM:**

![Signature]

TOM BRUBAKER, CITY ATTORNEY

**PASSED:** 19th day of February, 2013.

**APPROVED:** 19th day of February, 2013.

**PUBLISHED:** 26th day of February, 2013.

I hereby certify that this is a true copy of Ordinance No. 4074 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

![Signature]

RONALD F. MOORE, CITY CLERK

P:

| Amend Chapter 15.07
| Landscaping Regulations
| Ordinance | 25 | Landscape Regulations Amendments dock |