

## § 17.39.090. Installation, Replacement, Occupancy

### A. Accepted Practices Required

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous and healthy growth. All landscape material, living and nonliving, shall be in place prior to the issuance of the final Certificate of Occupancy. Living materials shall be in a healthy condition.

### B. Protection of Existing Trees During Construction

Any trees identified or approved for preservation by the Planning Commission shall be protected utilizing accepted techniques for protection including and not limited to those shown in Figure 17.39.090.

### C. Replacement of Dead, Diseased, or Dying Vegetation

The City Forester or Director of Community Development may require that landscaping be replaced in kind if vegetation becomes dead, diseased, or dying. In the event of blight or species-specific diseases, substitution of plants shall be approved by the Director of Community Development for private property and the City Forester for plants within the right-of-way.

### D. Temporary Occupancy Requirements

A Certificate of Occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the City and acceptance by the City of appropriate surety.

1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this chapter prior to the initiation of any use or any occupancy of the facility, structure, or grounds.

2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the Certificate of Occupancy is issued (snow cover, flooding). Financial or similar issues shall not constitute extenuating circumstances for the purpose of this section.

3. Financial surety shall be equal to 110% of the estimated cost of the plant material, labor, installation, and other materials.

a. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the City by the developer. If the Director of Community Development finds that the cost estimates are not generally within accepted standards for estimating the costs of

landscaping installation, the Director shall require that surety be based on accepted estimating practices.

b. Each estimate shall be guaranteed valid at the maturity of the surety instrument.

c. An irrevocable letter of credit, cash deposit, certificate of deposit endorsed in favor of the City, performance bond issued by a bonding company with an investment grade rating by Moodys or Standard and Poors, or savings account passbook issued in favor of the City shall be acceptable forms of surety.

4. Such an agreement shall expire 30 days after the commencement of the next seasonal planting opportunity. Plantings deferred due to summer climatic conditions shall be installed between September 15 and October 15. Plantings deferred due to winter conditions shall be installed after May 15. After such time, the City shall have the authority to seize the surety and install the landscaping.

#### E. Automatic Irrigation Required

All landscaping installations shall be required to incorporate an automatic underground irrigation system. Flood irrigation shall not be permitted for multiple family, commercial or industrial developments. Irrigation system design shall be approved by the Chief Building Official.

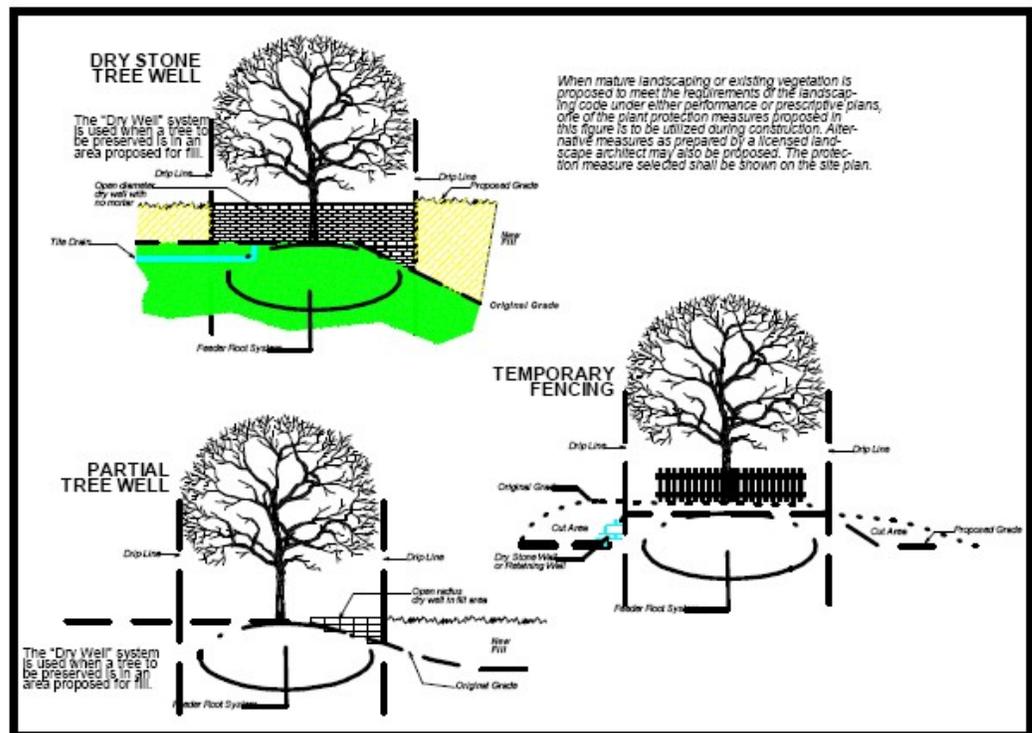


Figure 17.39.090: Tree Protection Measures