



## **CARVER COUNTY DIVISION OF PUBLIC WORKS**

### **LANDSCAPE POLICY**

Adopted by the Carver County Board of Commissioners – March 3, 2015

#### **Policy Statement**

##### Goals

It is the goal of Carver County Public Works to provide rights-of-way for the traveling public that are safe, efficient, and free of unnecessary hazards, while providing minimum inconvenience to property owners. Year-round safety requires adequate sight distances, snow and ice control and a minimum operational clear zone that can also accommodate snow storage, signs, stormwater management and utilities. When municipalities and townships choose to install landscaping within County rights-of-way, Carver County seeks to encourage installations that meet stated safety and efficiency goals, enhance the pedestrian environment and visual impact of the right of way, and incorporate stormwater best management practices.

##### Purpose

The purpose of this policy is to provide a standard for the installation and maintenance responsibility of aesthetic landscaping treatments (which will include streetscaping for the purpose of this policy) on county highway rights-of-way under the jurisdiction of the Carver County Public Works as defined by the Carver County Cost Participation Policy for Cooperative Highway Projects. Carver County Public Works has prepared this policy in an effort to consistently apply landscape design practices.

##### Policy

All new landscape features that are within the county highway rights-of-way will only be allowed upon a completed and approved landscape permit application according to the provisions contained within this policy. Only municipalities and townships may apply for a landscaping permit. Minor and incidental landscaping features are allowed by private persons without a landscape permit as defined in the Management of the Public Right-of-Way Ordinance # 77-2014.

#### **Policy Guidelines**

##### General Requirements

This policy is to be used as a standard for recommended guidelines for landscape design. These guidelines are not all-inclusive or necessarily complete. Requests for more clarification should be directed to the Public Works Division Director or his designee. The terms city, municipality and township are used interchangeably and means any city or township located in Carver County.

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All landscape/streetscape plans, covering more than 200 square feet of ground area, must be prepared under the supervision and signed, in accordance with the State of Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design, by a licensed designer in the State of Minnesota. When within a city, the City Engineer shall also approve and sign the title or cover sheet for the proposed landscape plans.

Highway geometrics and driver sight distances, as defined in the “Operational Clear Zone” section, shall be considered when designing landscape items. The City Engineer or the professional licensed engineer for the township shall also evaluate sight distances along the project and present a certified report to assure Carver County Public Works that sight distances are adequate. The report should consider all elements obstructing a driver's vision such as trees, shrubs, plantings and structures.

The placement of obstacles or fixed objects, such as structures, trees, and other similar features within county highway rights-of-way shall comply with Minnesota Statute §160.27 and be cause for the city or township to assume legal liability and additional maintenance responsibility through a Landscaping Agreement. Exceptions to Minnesota Statute §160.27, may be requested and reviewed through the landscaping permit process required by Carver County Public Works. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

Any loose landscaping material, such as bark, must have an adequate means of containment that will prevent the material from spilling onto the county highway or pedestrian areas. The city or township shall be responsible for maintaining such material, if installed, and for removing the material if the material spills onto these surfaces. Loose landscape rock is not permitted within county highway rights-of-way.

The responsibility of Carver County Public Works for landscape restoration, after any County initiated activity, shall be limited to topsoil, sod or seed; or meet the standards described by the Cost Participation for Standalone Trails; or meet the standards described by the Cost Participation Policy for Cooperative Highway Projects; or meet the requirements of County Code Chapter 153, Water Resource Management; whichever is most applicable. Unless otherwise specified in one of the three aforementioned policies, restoration of specialty landscape items, sidewalks and plantings shall be the responsibility of the city or township.

Berms

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Berms are permitted only where a minimum of 60 feet of right-of-way exists as measured perpendicular in each direction from the centerline of the county highway. Where a berm is proposed, the adjoining property owner must provide Carver County Public Works with a permanent slope easement 10 feet in width outside of the existing right-of-way. This requirement is necessary to allow Carver County Public Works room to work if the berm needs to be modified for any reason (e.g. installing utilities, installing trails, widening the road).

A maximum of 10 feet or half of the berm, whichever is less, can extend into the right-of-way provided the area is not proposed for future use by other facilities such as trails, sidewalks, or drainage.

The maximum slope of the berm within the right-of-way is 1(V):3(H).

No special or additional maintenance shall be required of Carver County Public Works in regards to the upkeep of the berm.

Carver County is not responsible for construction of the berm.

A berm may be removed at any time by Carver County Public Works in order to construct additional facilities within the county highway right-of-way. The adjoining property owner, city or township may elect to pay for a retaining wall along the right-of-way so that the berm can remain on the adjoining property.

### Boulevard

Carver County Public Works prefers a low maintenance boulevard. Installed vegetation must be hardy enough to withstand snow storage, ice control methods, and drought conditions.

The city or township has the responsibility for mowing and the maintenance of landscaping features installed within county highway rights-of-way.

Trees are permitted within a boulevard in the county highway rights-of-way as long as they do not infringe upon the operational clear zone for the county highway or pedestrian trails and sidewalks.

### Crosswalks

Crosswalks shall conform to the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) and the Carver County Sign Policy.

The standard crosswalk for Carver County Public Works crosswalk is a block type pattern, painted white, on paved county highways.

Non-standard crosswalk surfaces (e.g. decorative brick and colored concrete) shall require prior approval by Carver County Public Works. Cities and townships shall have the responsibility to install and maintain any crosswalk surface, as well as the abutting material, if the crosswalk surface is not the standard crosswalk. The city or township shall also indemnify Carver County Public Works for the use of a non-standard crosswalk surface.

### Curb

Curb design selection must be approved by Carver County Public Works and any applicable Minnesota Department of Transportation State Aid standards on County State Aid Highways. Pedestrian curb ramps shall comply with the Americans with Disabilities Act (ADA).

### Irrigation

No grouped planting areas, including trees within the grouped planting area, will be allowed unless the city or township agrees to pay for the design, installation and maintenance of an underground watering system which covers all areas which are not hard surfaced. Isolated trees and small planting areas shall be analyzed on an individual basis by Carver County Public Works for the irrigation need. Irrigation must be of the trickle type in the median and no spray heads will be allowed. The water system shall be automatic and shall water the medians a sufficient amount per week for the installed vegetation, between the hours of 1:00 a.m. and 5:00 a.m. The system shall have an automatic cutout, which will not allow watering when the air temperature is below 40 degrees Fahrenheit. This watering requirement may be suspended during watering restrictions due to drought conditions. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

Water from irrigation systems shall not flow onto the traveled lanes of the county highway or onto any other structures such as traffic signal components and signage. Highway gutters shall collect excess water from irrigation systems and not allow water to flow across roadways (gutter in). Any impacts to the safety of the highway users shall be corrected immediately.

The effects of subgrade saturation shall be addressed when irrigation systems are proposed. Provisions, such as perforated pipe, shall be included for the pickup and disposal of irrigation water where necessary.

Carver County Public Works will not allow an open cut excavation for the installation or maintenance of irrigation piping, and as a result, irrigation piping shall be installed within a sleeve for county highway crossings. The

city or township may install the sleeve and irrigation piping as part of a county highway construction project by a direct bury method. Maintenance and repair of the irrigation system is the responsibility of the city or township.

### Medians

Carver County Public Works does not allow the planting of trees within the median unless there is the minimum operational clear zone for the posted speed limit in both directions.

Other plantings are permitted in median areas equal to or wider than ten feet in width. All plantings in medians shall adhere to sight line requirements and shall not be higher than 3 feet from the adjacent curb or shoulder. Medians may be depressed up to two feet to allow for plantings. Plantings should be kept as far back from the face of the curb as possible to minimize disturbance due to snow plowing.

### Operational Clear Zone

To facilitate the safe operation and maintenance of a county highway facility, an operational clear zone is required. Encroachment into the operational clear zone compromises safety for the highway users and maintenance crews.

The Carver County Public Works standard requires an operational clear zone of 6 feet where posted speeds are 30 miles per hour or less. For speeds greater than 30 miles per hour up to and including 40 miles per hour, the Carver County Public Works standard requires a 10 foot operational clear zone. The required operational clear zone for speeds greater than 40 miles per hour shall be analyzed on an individual basis by Carver County Public Works, but in no case will it be less than 10 feet. The clear zone will be determined by use of State Aid Rule 8820.9920 for rural and suburban highways, State Aid Rule 8820.9936 for urban highways and the Mn/DOT Road Design Manual Chapter 4 Sections 4-6.04 through 4-6.05.

### Right-of-Way

Landscape features within the county highway rights-of-way are reserved for the public and owned by the city or township. Carver County Public Works does not allow private landscaping enhancements within the county highway rights-of-way.

### Sidewalks and Trails

Carver County Public Works recommends a minimum sidewalk width of 5 feet located 10 feet from the face of curb to accommodate snow storage. In no case will the sidewalk be moved closer than 10 feet from the face of the

curb for the sole purpose of accommodating plantings within the county highway rights-of-way.

Roadway rights of way where County trails are identified by the County Comprehensive Plan will follow standards for those trail types as defined in the Comprehensive Plan, the Cost Participation Policy for Cooperative Highway Projects, and the Cost Participation Policy for Standalone Cooperative Trail Improvement Projects.

#### Traffic Signals and Traffic Control Devices

All traffic control devices shall comply with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) as specified in Minnesota Statute 169.06 and the Carver County Highway Sign Policy.

Carver County Public Works requires that traffic control signs be placed at least 6 feet from the face of curb to the edge of sign where possible, but at a minimum must be in compliance with the Carver County Sign Policy and the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD). The location of landscaping features should be considered with regard to future sign placement. Carver County Public Works prefers traffic control signage to be located between the curb and sidewalk/trail in urban areas. In areas where there is no sidewalk, clearance to the signage should be at least 6 feet from the face of curb or edge of shoulder to allow for maintenance and compliance with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD). Landscaping features shall not obstruct the view of traffic control signage.

Traffic signals shall meet the type and color typically used by Carver County Public Works. Any other color scheme requires prior review and approval by Carver County Public Works and requires the city or township to maintain the paint system at no cost to the Carver County Public Works. Paint must comply with current Mn/DOT specifications. Internally illuminated street signs shall be designed, paid for, and maintained by the city or township and must comply with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD).

#### Snow Storage

Carver County Public Works requires minimum operational clear zones for safety, signs and snow storage along the side of the road based on the posted speed limit. The requirement of an operational clear zone for snow storage promotes efficiency to clear roads of snow and maintain an acceptable operational level of service. Inadequate snow storage will reduce lane widths, adversely affect operational level of service and restrict trucks. County highways that are not cleared of snow along the curb to the storm drain can also cause drainage problems when the snow melts.

Carver County Public Works may require that the city or township obtain additional easement area if there is inadequate snow storage available within the county highway rights-of-way as a result of landscaping features. In cases where landscaping features cause inadequate room to store snow within the county highway rights-of-way, and additional easement area cannot be obtained, the city or township will be required to either move or haul away the snow.

#### Street Lighting

All street lighting on the county highway system within a city boundary is the responsibility of the city. Street lighting must be functional and the illumination level shall be approved by Carver County Public Works. Special consideration should be given to eliminating glare and shadows.

#### Trees

Tree placement must balance potential benefits with potential safety hazards. Potential benefits of trees may include shade for pedestrians, air quality benefits, water treatment, and aesthetic enhancement. Potential hazards of trees may include obstructing the view of traffic signs and signals ; and preventing the sun from melting frost, snow and ice during the winter months. Sight lines and shade patterns that include consideration for fully mature trees and their canopies should be evaluated prior to the placement of any tree to maximize roadway safety for all roadway users.

Trees require a minimum of 2 cubic feet of planting soils for each square foot of anticipated mature canopy area.

Carver County Public Works does not allow the planting of trees on County right-of-way within the operational clear zone.

Planting coniferous trees is discouraged within county highway rights-of-way. Coniferous trees cast too much shade when located on the southwest and east sides of a roadway and act as a snow fence which tends to block the traveled lanes when located on the north and west sides of a roadway.

Tree grates in sidewalks or paved areas, unless properly installed and maintained, can be a hazard to pedestrians, people with disabilities, and snow removal operations. For these reasons, the County discourages use of tree grates. In cases where tree grates are necessary, the city or township assumes all liability for the placement of any tree grates or other obstacles within the county highway rights-of-way. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

It is the city or township's responsibility to specify the appropriate trees that can tolerate a harsh environment, are resistant to drought, do not block sight lines, do not shade the roadway in the winter, and have root systems that minimize potential damage to curbs, sidewalks, panels, utility boxes, and other transportation elements in the county highway rights-of-way. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

#### Utilities

Underground utilities that do not extend above the surface may be placed within the county highway operational clear zone. Above ground utilities, however, shall be placed outside of the county highway operational clear zone.

Landscaping design should make allowances for the placement or expansion of future utilities within the county highway rights-of-way. The city or township shall be responsible to follow up on restoration with private utilities.

#### Maintenance

##### Maintenance

The city or township shall be responsible for all landscaping maintenance and replacement in the county highway rights-of-way. This includes the cleaning out of catch basins of leaves and mowing, mulching and weeding as necessary as well as trimming of all plantings to maintain required sight lines and operational clear zones. Tree canopies shall not overhang the curb or edge of the shoulder of the county highway. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

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Carver County Public Works will not warranty any trees or plantings. The city or township is responsible for replacement. Carver County Public Works does not contribute to the replacement of any landscape element as a result of any highway maintenance, modification or utility work. In cases where highway construction must meet the requirements of County Code Chapter 153, Water Resource Management, or stormwater treatment projects are proposed, exceptions may be allowed by Carver County Public Works with an approved landscaping permit.

Carver County Public Works will not change its methods or chemicals used for snow and ice control to account for landscaping in the county highway rights-of-way. The city or township and its designers are responsible to specify species that can tolerate the harsh county highway environment.

The city or township shall be responsible to maintain the landscaping elements from April 15 to November 1 of each year.

Traffic control during maintenance of landscaping shall comply with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD). Maintenance shall be done between the hours of 9:00 a.m. and 3:00 p.m. or after 7:00 p.m. and before sunset to avoid disruptions to highway traffic during typical peak periods.

Damage to infrastructure caused by root systems is the responsibility of the city or township to remediate.

If the city or township does not adequately maintain the landscape features, or they become a safety hazard, Carver County Public Works has the authority to remove them without replacement or compensation and the city or township shall reimburse Carver County Public Works for all costs incurred to perform this work.

### **Discretionary Decisions**

#### **Public Works Division Director Discretion**

Situations may occasionally arise which require flexibility and practicality when following this policy. The Public Works Division Director is authorized to make good management decisions relating to matters not specifically addressed by this policy. Management decisions that are made should follow the general intent of this policy.