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# Council Policy

## Road Right-of-Way Landscaping & Maintenance Policy

APPROVED December 21, 1976

RESOLUTION: R375/10/04/26

REPLACING: R179/00/03/06; R-1976/12/21

DATE OF LAST REVIEW: April 2010

### A. BACKGROUND

The City's policy to date has been to require grass and trees within landscaped boulevards off the roadway surface. Recognizing the many unique situations that occur within the City of Kelowna because of the combination of fully urbanized and rural roadway cross-sections, there is a need for flexibility. The objective must be to ensure an aesthetically pleasing, maintainable and safe road right-of-way.

The purpose of this policy is to provide direction to the public and City staff in administering requests for landscaping and maintenance of City boulevards. The Policy will be broken into two distinct areas:

1. Fully urbanized road right-of-ways, which have full asphalt width, two-way curb and gutter and possible sidewalks.
2. Rural roadway cross-sections, that could include gravel shoulders, drainage ditches and swales, and landscaped and natural right-of-ways.

#### 1. Urbanized Road Right-of-way

The boundary of the roadway surface is the curb line on an urbanized right-of-way. The City, developer or property owner depending on the situation typically installs landscaped treatments behind the curb. The City landscapes when urbanizing public roadways as part of road upgrading projects. Developers are responsible for landscaping as part of their roadway and site development. Residents are typically responsible for the development and maintenance of their property and frontage in new residential subdivisions.

##### Key Requirements:

1. Landscaping should be consistent with landscape standards identified by the City Parks Department and to be incorporated in the City's Subdivision, Development & Servicing Manual.
2. Any features placed behind the curb must not prohibit the normal abilities such as the opening of vehicle doors; maintaining of sight lines at driveways and intersections; must be reasonably maintainable recognizing activities such as snow and ice control; litter clean-up and other maintenance issues.
3. Landscaping within a block or area must be similar in order to be aesthetically pleasing. Individual lot frontage should not have significantly different landscaping than abutting or adjacent lots within a block or area.
4. Materials placed in boulevards must not wash back onto streets during rainfalls, must not be a safety risk to those walking along sidewalks, i.e. visibility. Tree branch heights must be sufficient to avoid damage to passing vehicles and shall have a minimum of 2.5 m clearance over the sidewalk. The materials must not unreasonably impact normal road and sidewalk maintenance activities.
5. Features installed must not hamper access or unduly increase the cost of maintenance of shallow underground utilities within the boulevards.
6. Landscaping behind the sidewalk can include trees and shrubs as long as shallow utilities, sightlines and safety requirements are met.

#### 2. Rural Cross-Section Roadways

Normal rural road cross-sections consist of a gravel shoulder, followed by a drainage ditch and landscaping behind that. Because of the variability in cross-sections, all requests for improvements will be processed through the City Transportation Division, recognizing liabilities and maintenance responsibilities.

**Key criteria shall include:**

1. Protection of gravel shoulders for drainage and parking purposes.
2. Protection of drainage swales and ditches to ensure stormwater is properly conveyed to protect properties from damage.
3. Ensure visibility and sightlines are protected for driveways, pedestrian movements and traffic intersections and signage.
4. Ensuring no features are installed that could cause liability concerns.

Since the driving and parking areas of a rural cross-section are not well defined in many cases, in order to minimize the City's liability based on features being placed in the right-of-way, the following criteria will be used in its decision making:

1. No permanent structures (i.e. retaining walls or large rocks) will be permitted within the road right-of-way recognizing the liability risks if a vehicle should hit them.
2. Trees will not necessarily be permitted within the road right-of-ways, but shrubs and hedges will be permitted depending on sightline impacts (see Item 7 below).
3. Consistency within the entire block must be maintained.
4. Parking surfaces must be protected where required by the City.
5. Installation of irrigation and planting of grasses at the edge of asphalt will not be approved, recognizing the impact to road base infrastructures.
6. Positive drainage relief must be provided off the asphalt road surface at all times.
7. Consideration for features such as trees will be made recognizing at all times factors listed previously and that this location does not raise liability concerns.

**Process:**

1. Approvals for landscaping during new development will be dealt with as part of the normal development approval processes.
2. Residents requesting information on landscape improvements within the City road right-of-way shall work through the Manager of Transportation and staff who shall review the proposal based on the above criteria. They shall confirm with the Parks Division as necessary.
3. Complaints regarding landscaping within road right-of-ways shall be dealt with by City Bylaw staff and/or Transportation staff as necessary.
4. Disputes regarding permitted landscaping shall be dealt with by the Transportation Services Manager.
5. Maintenance of boulevards abutting roadways is the responsibility of the property owners.

**REASON FOR POLICY**

To provide direction to the public and City staff in administering requests for landscaping and maintenance of City boulevards.

**LEGISLATIVE AUTHORITY**

Council Resolution.

**PROCEDURE FOR IMPLEMENTATION**

As outlined in policy.