



Municipal Water District

## **OLIVENHAIN MUNICIPAL WATER DISTRICT RIGHT OF WAY GUIDELINES & PROCEDURES**

BOARD APPROVED OCTOBER 2021

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The Olivenhain Municipal Water District (District) is committed to serving present and future customers with a safe, reliable, high quality water supply which exceeds all regulatory requirements in a cost-effective and environmentally responsive manner. To that end, the District acquires property and rights of way within which it operates and maintains potable water, recycled water, and wastewater treatment, distribution, and transmission facilities in addition to any other ancillary facilities required by the District for its operations. The District's property and right of way interests must be protected and preserved against unauthorized use, damage to District property and/or facilities, or hindrance of access to said facilities.

**The District currently** owns approximately 279 acres of fee site land (excluding the EFRR) and approximately 132 miles of pipeline easements (not within streets) varying in width from 10 to 60 feet. Currently, over 400 encroachment permits have been issued to property owners by the District. As development continues to grow within the District's service area, encroachments are becoming more common on our fee sites and rights of way.

### **Guidelines for Encroachments**

1. The District must maintain access to its fee sites and rights of way to retain the immediate ability to construct, reconstruct, maintain, repair, test, inspect, relocate, and or operate any of its facilities.
2. All requests for an encroachment permit are reviewed by staff on a case by case basis and are subject to review and approval by the District's Board of Directors.
3. The District currently allows certain encroachments within its right of way so long as the encroacher enters into an encroachment permit agreement. The following are encroachments that are considered impermissible and are NOT allowed within a District fee site or easement:
  - a. Structures/Buildings that prohibit access to the District facilities are not allowed; *\*Although fences and irrigation lines are construed as structures, staff generally allows these encroachments. Gates are required in all fences to allow the District unimpeded access along the easement. The property owner is responsible for any cost to remove the encroachments in the event of an emergency wherein the District must access its facilities within the easement.*
  - b. Trees are prohibited within the limits of the easement. Bushes and shrubs are generally allowed where they do not block access and they are not more than 3 feet tall. Additionally, bushes cannot make the District's easement impassable, even if they comply with all the aforementioned criteria.



- c. A change in existing ground elevation over the District's underground facilities is not permitted except when reviewed by the Engineering Manager and as required in the judgement of the General Manager when adequate precautions are employed to protect the District's facilities. Under no condition or circumstance shall less than three (3) feet of cover be maintained over the District's underground facilities or more than six (6) feet of fill placed over the District's underground facilities. Protection of the District's facilities shall include, but not be limited to, provision for adequate clearance between the permittee's installation and the District's existing or proposed facilities, non-interference with District facilities, non-interference with access of the District facilities over driveways and patrol roads during construction, and finish grading to provide acceptable access across the encroachment.
  - d. Large Boulders over 500 lbs are not allowed;
  - e. Blasting and Heavy Equipment are not allowed;
4. All requests for an encroachment permit are determined on a case by case basis depending on the recorded document that originally fixed the legal rights of the District and are subject to review and approval by the Olivenhain Municipal Water District Board of Directors.
5. Proposed encroaching facilities shown to be parallel to District facilities are typically not permitted; however, they may be permitted only after review by the Engineering Manager and as required in the judgement of the General Manager when adequate precautions are employed to protect the District's facilities. If approved, parallel encroaching facilities shall not be less than five (5) feet from the District's facilities, shall not involve any unusual uses (including, but not limited to, gaseous or liquid hydrocarbons and underground electric lines), and must meet the requirements of the California Department of Health Services.
6. The applicant must always indemnify and hold the District harmless for any damage to the District's facilities and also any damages to the encroachments when removal by the District is required
7. The application must always supply the District with As-Builts.
8. Generally permissible items in an encroachment permit area as follows:
  - a. Turf and other minor landscaping (trees are not permitted per above)
  - b. Asphalt concrete per District approved design
  - c. Concrete per District approved design with cold joints every 10 feet
  - d. Perpendicular underground utility crossings complying with approved design specifications and must be encased in red slurry concrete
  - e. Fences (so long as appropriate width gates are installed and no fence posts installed within five (5) feet of the pipelines)



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9. When an unauthorized use of a District fee site or easement is discovered, District staff notifies the responsible person and engages the property owner in dialogue for a reasonable period of time to resolve the encroachment. If voluntary corrective action is not undertaken in a reasonable amount of time or a resolution is not possible within a reasonable amount of time, District staff refers the matter to the District General Counsel for review.
10. Decisions of management and the General Counsel are always subject to review and approval of the Board. Emergency actions of management for health and safety reasons, not in-line with these Right of Way Guidelines, will be reviewed with the Board at the next Board meeting following the emergency action.