

Minor Encroachment Permit Application Procedure

To Apply for a Permit:

Return the completed Application and \$300 processing fee* with three (3) sets of drawings or plans. Staff will review your application for completeness. If any additional information is required you will be contacted by the assigned technician.

Once the Application is determined to be complete, review time may take up to 30-days to receive approval, conditional approval, or denial of the permit. Applicants may appeal the denial of a permit as outlined in Section 7.00.060 (c) 6 of the Water Authority's Administrative Code Chapter 7.00.

If the permit is approved or conditionally approved, a separate check for the recording fee (payable to San Diego County Recorder) will be requested at the time the Permit is mailed back to you for signing and notarization.

If you have any questions, please contact the Engineering Department's Right of Way Group at (858) 522-6900.

Enclosures:

Guidelines

Application for Encroachment

Sample Encroachment Permit



GUIDELINES: Issuance of Minor Encroachment Permits

The following information is intended as a guideline only. For complete information please refer to Chapter 7.00 of the Water Authority's Administrative Code.

Section 7.00.060 (b) The following requirements apply to uses authorized pursuant to this section:

1. Addition, alteration, modification or demolition of a permitted use is itself a use subject to permit.
2. The Director of Engineering may establish conditions limiting the time, duration and method of construction. In addition to any other condition authorized by this section, the Director of Engineering may establish conditions for use that are consistent with the requirements for use established by Section 7.00.050.
3. Any use or structure shall be set back a minimum of twenty feet (20') from the edge of any Water Authority facility, whether surface or subsurface, or, in the case of rights of way used for access or patrol road purposes, 10 feet from the centerline of the road, unless a closer setback is specifically provided in this section. The Director of Engineering may reduce or eliminate the setback requirement for a use if the Director finds that the reduction will not be detrimental to the Water Authority. The reasons for and conditions of the reduction or elimination shall be stated in the permit issued for the use.
4. No use shall be permitted that would create an unacceptable load on a pipeline or subsurface structure as determined by the Director of Engineering.
5. Grading, including both excavation and fill, shall be permitted only if the Director of Engineering determines that the proposed grading will not pose a hazard to the integrity of the pipeline, cause an impediment to its maintenance, result in an unacceptable increase or reduction in cover, or cause ponding or erosion within the easement. Grading requiring a permit from another government agency is not allowed unless both the permit of the other agency and the permit of the Water Authority are obtained.
6. Avocado, citrus and other similar fruit trees, so long as the trunks are no closer than five (5) feet from the centerline of any Water Authority pipeline. Shallow-rooted trees that grow no higher than twenty-five feet (25') and have a mature root spread of no more than twenty feet (20') may be permitted provided the trees are planted no closer than twenty-five feet (25') from the closest edge of any of the Water Authority's pipelines. Deep-rooted trees are prohibited.

7. Conductor clearances for overhead electrical and telephone lines shall conform to the California State Public Utilities Commission, General Order 95, for Overhead Electrical Line Construction or at a greater clearance if required by the Water Authority. Clearance shall not be less than thirty-five feet (35'). Overhead lines shall be located at least thirty feet (30'), measured laterally, away from all above-ground structures on the pipelines. Utility poles are not permitted except pursuant to a major encroachment permit or joint use agreement.
8. When underground electric lines provide service at one hundred twenty (120) volts or greater, conduits shall be encased in a minimum of three inches (3") of red concrete. Above-ground warning signs shall be placed at the right of way lines where the conduits enter and exit the right of way with appropriate twelve (12) gauge tracer wire placed a minimum of twelve inches (12") above the buried utility, terminating in a junction box approved by the Water Authority.
9. Hard-surface, sports courts shall be of asphalt or unreinforced concrete, six inches (6") or less in thickness, with a 10-foot setback from the centerline of an access or patrol road and a 10-foot setback from the centerline of the pipeline. Fencing of sport courts shall comply with the provisions of this subdivision applicable to fences.
10. Playground equipment may be permitted within 10 feet (10') from the centerline of the pipeline and from the centerline of an access or patrol road. Playground equipment may be anchored to the ground in the same manner as fence posts.
11. Paved parking lots may be approved subject to conditions controlling loading to pipelines, landscaping, type of light standards, depth and location of light standard foundations, drainage, access and other aspects of design and improvement.
12. The Director of Engineering shall not approve a permit for a reclaimed or recycled water line unless the applicant has obtained Department of Health approval.
13. Storage of boxed landscape trees may be permitted so long as: (a) the boxes are no larger than 24 inches on each side, (b) the box has a bottom, (c) the tree, including the box, do not exceed 15 feet in height, and (d) the trees are stored no closer than 8 feet apart as measured from the edges of the boxes.

Section 7.00.060 (c) Encroachment permits issued under this section shall be processed as provided in this subdivision.

1. An owner may file an application for a minor encroachment permit with the Director of Engineering. The Director may establish and make available guidelines for submission of applications.

2. The application shall contain such information as the Director deems appropriate for complete review of the application, and shall include the address to which correspondence regarding the application shall be mailed.
3. Within thirty calendar days following submission of an application, the Director shall notify the applicant that the application is complete or the nature and extent of additional information that is required to make the application complete. If the Director determines that the proposed use poses a significant risk to the Authority's right of way or facilities, the Director may also advise the applicant that the application will be processed as an application for a major encroachment permit subject to the provisions of this chapter applicable to major encroachment permits.
4. If the applicant submits additional information, the Director shall have thirty calendar working days to notify the applicant that the application is complete or whether further additional information is required.
5. Within thirty calendar days after the Director has determined and notified the applicant that the application is complete, the Director shall approve, conditionally approve or deny a permit. In addition to the information contained in the application, the Director may consider any of the following: topography, soils, drainage, access or other characteristics of the property and adjacent property; community characteristics; location, condition, or nature of existing or reasonably foreseeable future works of the Authority. The Director's determination shall be in writing delivered to the applicant by personal delivery or first class mail.
6. An applicant may appeal the denial of a permit or any condition imposed on a permit to the General Manager by filing a written notice of appeal with the Director within thirty calendar days after the date of mailing or of personal service. The notice shall specify the particular reasons for the appeal. Within fifteen calendar days after filing, the General Manager shall decide the appeal based on the application, the written determination of the Director, the notice of appeal and any written response to the notice of appeal submitted by the Director. The decision of the General Manager shall be made in writing and delivered to the applicant by personal delivery or first class mail. The decision of the General Manager is final, except for judicial review.
7. Applications, correspondence, decisions and other permit records are public records and shall be kept in the Engineering Department.

Section 7.00.060 (d) The following provisions apply to all uses and structures authorized by an encroachment permit issued pursuant to this section:

1. Any use shall be located, constructed and maintained according to the terms and conditions of the minor use permit issued pursuant to this section.

2. The Authority shall not be liable for any damage or injury caused by or attributable to the use or structure.
3. Any use shall at all times be subject to the paramount right of the Authority to use its property and property rights as necessary or convenient to the full exercise of the Authority's rights according to the terms of the Authority's document of title.
4. The owner shall not allow the use or structure to create a nuisance or cause a dangerous condition of property.
5. Any structures or uses placed or maintained pursuant to this section are subject to immediate removal by the Authority as may be necessary or convenient for the Authority's purposes. The Authority shall not be liable for costs of damage to or replacement of structures or uses it removes. The Authority may require the owner to remove or relocate a structure or use at the owner's expense.
6. The Authority may, at the Owner's expense, cause the encroachment permit to be recorded in the Office of the County Recorder.
7. The owner shall be responsible for compliance with all applicable zoning, building, grading and other laws relating to the use of property.
8. The Authority and its officers and employees shall not be liable for any damages resulting from the issuance, denial, revocation or enforcement of an encroachment permit. The owner shall be responsible for the accuracy and completeness of the permit application and any plans, specifications or other information required by the Director pursuant to this Chapter.



APPLICATION FOR MINOR ENCROACHMENT PERMIT

Mail Completed Application and Fee to:

SAN DIEGO COUNTY WATER AUTHORITY
 4677 Overland Avenue, San Diego, CA 92123
 Attention: Engineering Dept. - Right of Way Group
 Telephone Number: (858) 522-6900

OWNERSHIP INFORMATION:

REPRESENTATIVE INFORMATION (If applicable):

Fee Owner Complete Name(s):	Representative Name and Title:
	Name of Firm:
Mailing Address:	Address:
City, State and Zip Code:	City, State and Zip Code:
Telephone Number(s):	Telephone Number(s):
Email:	Email:

LOCATION OF PROPOSED ENCROACHMENT:

Assessor Parcel Number:	Legal Description:
Address:	
City and Zip Code:	
Have you ever applied for an Encroachment Removal Agreement (ERA) for this location? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list ERA Permit Number(s) Issued:	

DESCRIPTION OF PROPOSED ENCROACHMENT:

Application shall be accompanied by the appropriate application fee of \$300 (payable to *San Diego County Water Authority*) along with a drawing or set of plans of the proposed improvement to be placed within the San Diego County Water Authority easement. In special circumstances additional investigative fees to offset Water Authority costs may be charged prior to issuance of permit for proposed encroachments requiring special engineering investigations as determined by the Engineering Department. All approved encroachments will require an Encroachment Permit signed by the fee owner of the property and recorded with the County Recorder. The fees for recording shall be paid by fee owner (typically \$29 for 6 pages) and payable to: *San Diego County Recorder*.

I understand that this application is subject to the approval of the San Diego County Water Authority and that application fees are non-refundable.

X _____
Fee Owner (1) Signature **Date**

X _____
Fee Owner (2) Signature **Date**

*****AUTHORITY USE ONLY*****

Fee Received:\$ _____ Check No. _____ Date: _____

File Name: _____ ROW# _____

Pipeline(s): _____ TG: _____ Sta: _____

Reviewed by: _____ Date: _____

Authority Parcel(s) affected: _____

APPROVED BY: _____ ON: _____ PERMIT No: _____

**RECORDING REQUESTED BY AND
MAIL TO:**

Engineering Department
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

APN#

Water Authority Affected Pipeline(s) and Parcel(s):

SPACE ABOVE THIS LINE FOR COUNTY RECORDER USE

ENCROACHMENT PERMIT #

An Encroachment Permit (Permit) is hereby granted to _____ (Permittee) as the owner of the Benefited Property described in paragraph two, Exhibit "A," to encroach upon the San Diego County Water Authority's (Water Authority) right of way described in paragraph three, Exhibit "A," and as detailed in the diagram, Exhibit "B." Exhibits "A" and "B" are hereby incorporated herein by this reference as though fully set forth at length. In consideration of the issuance of this Permit, Permittee hereby covenants and agrees for the benefit of the Water Authority, as follows:

1. This Permit runs with the land and is binding upon and inure to the benefit of the future owners, encumbrances, successors, heirs, personal representatives, transferees, and assigns of the respective parties.
2. Permittee shall use and occupy the Water Authority's right of way in accordance with all applicable laws and solely for the purposes described in Exhibit "A."
3. Permittee shall obtain all building, grading, or other permits required for construction of the encroachment. Nothing in any such permit shall supersede the provisions of this Permit.
4. Work authorized by this Permit must be completed within 12 months of the issue date, unless otherwise specified by the Water Authority. Failure to complete the work within the specified time period shall deem the Permit null and void. When work is completed within the specified time period, the term of this Permit is indefinite and may be revoked by the Water Authority pursuant to the Water Authority's recorded right of way that encumbers the Benefited Property described in Exhibit "A" or abandoned by Permittee at any time. The Water Authority shall mail written notice of revocation to Permittee addressed to the Benefited Property which shall set forth the date upon which the benefits of this Permit are to cease.
5. The encroachment shall be installed and maintained in a safe and sanitary condition at the sole cost, risk, and responsibility of the Permittee.
6. The Permittee shall defend, indemnify, and save the Water Authority free and harmless from and pay in full, any and all claims, demands, losses, damages, or expenses that the Water Authority may sustain or incur in any manner resulting from the construction, maintenance, state of use, repair, or presence of the encroachment, including any loss, damage, or expense arising out of (1) loss of or damage to property, including without limitation the encroachment, (2) injury to or death of persons; and (3) claims of extra or additional work or delay by persons performing work for the Water Authority within the right of way. The Permittee's obligation to indemnify shall not extend to any loss, damage, or expense and claims for loss, damage, or expense resulting in any manner from the gross negligence of the Water Authority, its contractors, officers, agents, or employees.
7. The Permittee shall remove or relocate the encroachment as directed by the Water Authority within 30 days after notice by the Water Authority, or the Water Authority, at its option, may cause such work to be done, and the costs thereof shall be that of the Permittee. The Water Authority is also entitled to remove all or a portion of the encroachment at anytime to repair, replace, maintain, or install public improvements, and if such action is taken, Water Authority shall have no obligation to pay for or restore Permittee's encroachment.

8. Upon abandonment or revocation, Permittee shall, at no cost to the Water Authority, return Water Authority right of way to its pre-permit condition within the time specified in the notice of revocation or prior to the date of abandonment.
9. If Permittee fails to restore the Water Authority right of way, the Water Authority shall have the right to enter upon the Water Authority's right of way, after notice to the Permittee, delivered at the Benefited Property, and restore the Water Authority's right of way to its pre-permit condition, to include the removal and destruction of any improvements, and Permittee agrees to reimburse the Water Authority for the costs incurred.
10. Permittee's duties and obligations under this Permit are a lien upon the Benefited Property. Upon 30-day notice, and an opportunity to respond, the Water Authority may add to the tax bill of the Benefited Property any past-due financial obligation owing to Water Authority by way of this Permit.
11. Permittee waives the right to assert any claim or action against the Water Authority arising out of or resulting from the revocation of this permit or the removal of any improvements or any other action by the Water Authority, its officers, agents, or employees taken in a non-negligent manner, in accordance with the terms of this Permit.
12. This Permit may be recorded with the County Recorder of the County of San Diego. The recording fee shall be paid by Permittee.
13. Permittee shall not place or use any hazardous material or substance within the Water Authority's right of way, unless such placement or use is necessary for the encroachment and then only in accordance with the manufacturer's label and use instruction. Storage of hazardous materials is prohibited.

Agreed and accepted this _____ day of _____, 20__.

 (Signature of Permittee)
 (Acknowledgement Notarization Required)

 (Signature of Permittee)
 (Acknowledgement Notarization Required)

Approved and executed by the San Diego County Water Authority in San Diego, California, this _____ day of _____, 20__.

 W. John Kross
 Right of Way Manager

EXHIBIT "A"
TO ENCROACHMENT PERMIT #

PERMITTEE

BENEFITED PROPERTY

Assessor Parcel Number:

Address Description:

WATER AUTHORITY RIGHT OF WAY

Pipeline(s) and Parcel(s):

A permanent, exclusive easement on a strip of land in favor of the San Diego County Water Authority, and more particularly described in _____, of official records in the County of San Diego.

PURPOSE

This permit is granted exclusively for

CONTACT THE RIGHT OF WAY GROUP AT (858) 522-6900 PRIOR TO STARTING ANY WORK.

This permit does not authorize other construction, grading or landscaping within the Water Authority's right of way.

It shall be the owner/Permittee's responsibility to secure all necessary permits required by local agencies.

Notify Underground Service Alert at least two (2) working days prior to doing any digging by dialing 8-1-1.