

POLICY MANUAL

Date Adopted : February 27, 1990

Classification : **ENGINEERING OPERATIONS**

Date Last Amended :

Subject : ENCROACHMENTS; BASINS, RESERVOIRS

Approved by :



It is the general policy of the District that encroachments involving any form of land use, land surface modification, or the storage of waters within the storm water storage space of the District's basins and reservoirs will not be permitted. This policy generally prohibits excavation and fill activities within the flood storage pool of the basins and reservoirs.

This policy is founded on the District's desire to avoid the risk to the public health, safety and welfare that is associated with basin and reservoir encroachments. This policy also recognizes the need of the District to avoid the unnecessary administration and enforcement expense typically associated with encroachment permit systems.

Only those encroachment requests meeting all of the following conditions will be considered by the District as potential exceptions to the general policy:

- (1) the problem being experienced by the applicant, and which would be resolved by the granting of an encroachment, is unique and causes a significant adverse economic, health, safety or welfare impact on the applicant.
- (2) the granting of the permit would in no way minimize the District's ability to insure the protection of the public health, safety and welfare through the subject flood control facility.
- (3) the execution of an encroachment permit would not expose the District to extensive review, administration or enforcement activities.
- (4) the collective circumstances surrounding the application are so unique and unusual that the granting of the requested encroachment would in no way establish a precedent which might bind or influence the District to future encroachment applications.

It is noted that encroachment applications issued prior to the date of this policy were determined to satisfy the conditions of this policy, or were conditions existing prior to the knowledge or involvement of the District. Such encroachment permits were therefore issued as a means of equitably resolving the collective private and public interests.

No encroachment permits with respect to any basin or reservoir of the District may be issued without the prior consent and approval of both the District Engineer and the District Manager.