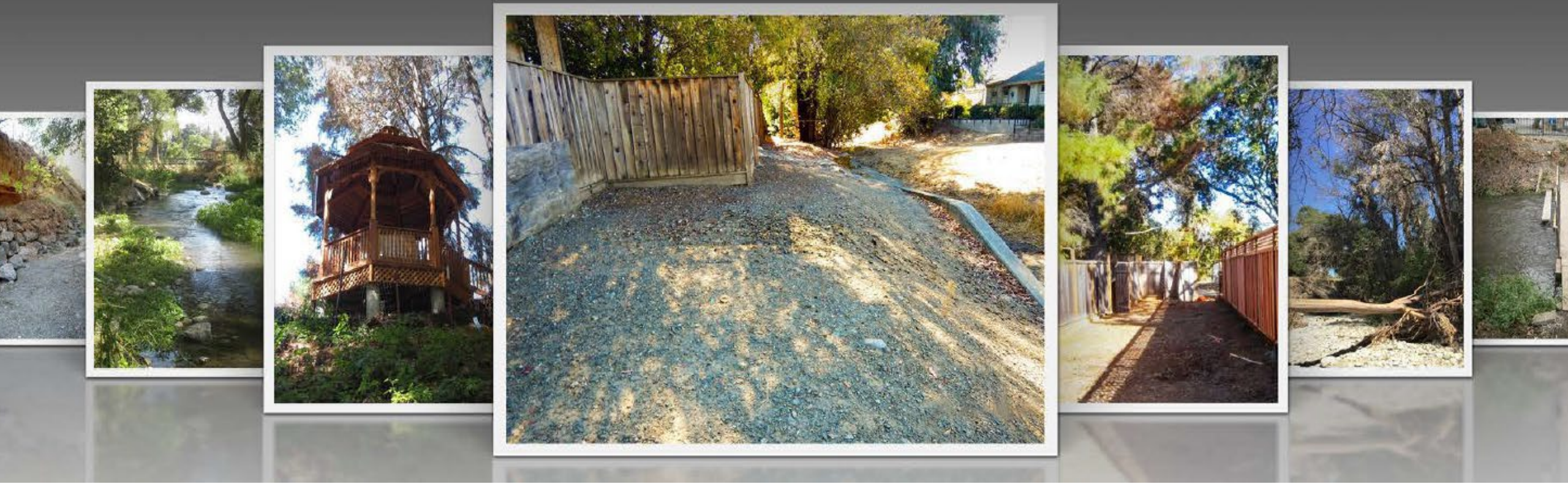




Valley Water

Clean Water • Healthy Environment • Flood Protection



Encroachment Remediation and Licensing Program

August 12, 2025

Governance Policies

EL 6.5.2

Proactively address and resolve encroachments and enforce violations of terms and conditions regarding third-party use of Valley Water real property (including Valley Water's real property interests in fee and easement), prioritizing enforcement of violations posing a threat to public health, safety, and welfare; natural resources; and Valley Water's facilities, operations, or maintenance.

Need for Encroachment Remediation Program Implementation Policy

- Educate community
- Confirm guiding principles
- Clarify priorities
- Standardize process



Encroachment Remediation Program Implementation



Objective:

Resolve encroachments on Valley Water owned land using a consistent, comprehensive and policy-driven process

Encroachment Remediation Program Implementation



Guiding Principle:

Community Relationships

Valley Water will work amicably with property owners to remediate their encroachments. Arborist consultation and fence cost-share will be offered.

Encroachment Remediation Program Implementation



Guiding Principle:

Survey Protocol

Early notification, Board director informed, personal meetings are offered, transparent process, neighborhood/reach basis

Encroachment Remediation Program Implementation



Guiding Principle:

Resolution Considerations

- Encroachments of 6" or less may be "de minimis"
- Excess land may be deemed surplus and exchanged or transferred
- License Program available for some encroachments

Encroachment Remediation Priorities

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PRIORITY 1

- Pose a threat to public, staff, and/or environmental health and safety
- Impact Valley Water's ability to operate, inspect and/or maintain an existing facility
- Impact Valley Water's ability to proceed with a project planned to begin in three years or less
- Pose a high risk/probability threat to water quality, stream stability, habitat, and/or Valley Water property
- Expose Valley Water to potential civil or criminal liability

Encroachment Remediation Priorities

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PRIORITY 2

- Impact Valley Water's ability to proceed with a project planned to begin in more than three years
- Are located in areas where access is not needed to conduct regular inspections, maintenance, or where there is no quantifiable design level of service to be maintained for three or more years
- Pose a low risk/probability threat to water quality, stream stability, habitat, and Valley Water property
- Pose a low risk/probability of exposing Valley Water to potential civil or criminal liability

Encroachment Remediation Priorities

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PRIORITY 3

Encroachments that do not fall into Priority 1 or 2 categories, existed before October 22, 2019, and are not deemed to be surplus.

NEW: The Option of Licensing

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- Property owners with a Priority 3 encroachment have the option to apply for a license
- Upon meeting licensing criteria, a temporary license may be issued for up to five two- year periods



General Elements of a License Agreement

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- Application and annual fee
- Use restrictions and insurance requirements
- Waiver of damages/duty to indemnify Valley Water
- Personal and non-transferable, can be recorded
- Duty to disclose encroachment to potential buyer
- Automatic termination upon sale, additional termination provisions
- Limited two-year term with option of four additional two-year renewals
- Restoration of property by Licensee upon surrender or termination of License

License Appeal Process

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Decisions subject to appeal:

1. Denial of license agreement
2. Denial of two-year renewal of license agreement (within 10-year limit)



Appeals Process:

1. Appeal staff level decision to CEO
2. Appeal CEO level decision to Board
 - a) Board has option to delegate to committee



Water Resources Protection Ordinance Revisions

Summary of Revisions:

- Amendments to incorporate the licensing program
- Aligning the appeals process for encroachment permits with license appeals
- Updates to encroachment permit process to avoid ambiguity and increase efficiency
- Non-substantive updates (e.g., “District” to “Valley Water”)

Recommendations

- Approve Proposed Encroachment Remediation Program Implementation Policy
- Approve Proposed Amendment of the Water Resources Protection Ordinance to Include the Encroachment Remediation License Program and Related Revisions

QUESTIONS





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