



PERMITTING POLICY

4.1 OBJECTIVES

- 1) The purpose of this Manual is to set forth the policies, procedures, and technical requirements associated with connecting to, placing structures in or across, or otherwise making use of, the lands and/or facilities of the East County Water Control District (the “District”).
- 2) Any and all work involving the lands and/or drainage/water management facilities of the District shall not commence until prior approval of the District Board of Supervisors is received. The approval process consists of submitting an Application for Permit, (along with other requirements listed in the application) to the District. The District Manager and Engineer shall review the application for conformance with the established policies and technical requirements contained in this manual. The permit may be issued following the approval of the application, by the Board of Supervisors with appropriate limiting conditions.
- 3) The District’s Water Management Facilities include, but are not limited to: drainage and water management facilities, storm sewer systems, canals, lakes, structures, works, culverts and related utilities (the facilities).
- 4) Issuance of a permit does not convey any property rights or privileges other than those specified in the permit. It does not authorize any injury to private property or invasion of private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the assent of the District insofar as concerns the public’s interest and protection under the General Drainage Law, Chapter 298 and Chapter 2000-423, Laws of Florida, to authorize the drainage, reclamation and irrigation of the lands in said District.

4.2 AUTHORITY

- 1) A copy of all laws relating to the operating of ECWCD is available for public inspection at the District's office.
- 2) The Board of Supervisors of the East County Water Control District is authorized and empowered by the Florida Statute 298 and by law as signed by Governor Bush following the 2000 Session, Chapter 2000-423, Laws of Florida, to authorize the drainage, reclamation and irrigation of the lands in said District by units.

4.3 POLICY STATEMENT CONCERNING THE DISTRICT'S PERMITTING CRITERIA

- 1) It is the policy of the District to consider the use of the lands and/or drainage/water management facilities of the District for adjacent owners, private corporations and governmental entities.
- 2) The use shall not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions.
- 3) In order that the District can determine that a use of the rights-of-way will not interfere with the District's objectives, the District requires individuals or entities' wishing to use the District's rights-of-way to first obtain approval before any activity begins on the rights-of-way.
- 4) Construction on or use of the rights-of-way without obtaining prior District approval is unauthorized and in violation of Section 298.66, Florida Statutes. Such activity is an act of bad faith, which will be taken into consideration in the review of any request the user may subsequently make or in such enforcement action as the District may elect to initiate.
- 5) No permit will be granted for any use of the District's lands or drainage works when granting such permit would be inconsistent with the Water Management Plan of the District.
- 6) The District reserves the right to change, regulate, and limit discharges into or withdrawals from District facilities, amend or change any of its policies, practices, procedures, or regulations.
- 7) Such action shall not constitute any claim for damages nor become the basis for legal suit by any permittee.

4.4 GENERAL INFORMATION

- 1) A permit must be obtained by any person, company, corporation, association or governmental agency desiring to connect to, cross (under/over), place structures upon, or otherwise make use of the lands and/or drainage/water management facilities of the District.
- 2) Issuance of a permit by the District is simply an acknowledgment that the specific use of Public Land, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit.
- 3) A permit must be obtained by all (1) commercial, (2) industrial, (3) multi-family, or (4) single-family parcels greater than one acre.
- 4) Permit applications may be obtained at the District office or website at www.ecwcd.com.

4.5 OBLIGATIONS OF PERMITEE

With the acceptance of a permit, the permittee agrees to the following:

- 1) To abide by the terms and conditions of the issued permit.
- 2) To maintain any works or structures (title to which remains with the permittee) located on District rights-of-way, in a good and safe condition.
- 3) To hold and save the District, its officials, employees, contract agents and its successors, harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance, or use of the work or structure involved in the permit.
- 4) To allow inspection at any time, by the District, of any works or structure authorized by the permit.
- 5) To prevent the discharge of debris and/or hyacinths, or other exotic aquatic plants harmful to drainage, water control, conservation or navigation, into any District works.
- 6) To conform to any changes in the administrative or technical requirements upon which the original permit was issued as deemed necessary by the District, so long as no manifest hardship or injustice occurs to the permittee because of such changes.
- 7) The District can inspect and correct at the permittee's expense any Deficiency Notice that is ignored.
- 8) To allow the District unimpeded access to construct, operate and maintain its drainage/water management facilities.
- 9) Permittee will be responsible to follow all "Best Management Practices" during construction. These include silt fences, filter fabric or any other apparatus needed to stabilize East County Water Control District's right of way.

4.6 DURATION OF PERMITS

- 1) Generally speaking, a permit may be issued for the life of the requested use. However, limiting conditions and/or special situations associated with the issuance of a particular permit may restrict its useful life span. **The construction period for all permits shall be limited to three (3) years from the time of issuance.**
- 2) Certain types of permits may be rescinded and will be clearly stated in “special conditions”, however the District reserves the right to rescind any permit that it sees fit:
 - a) An expiration date may be stated.
 - b) The District may determine a higher priority use.

4.7

MODIFICATIONS TO AN EXISTING PERMIT

- 1) Any modifications to a previously permitted and currently existing use of District lands or drainage/water management facilities will not require a new permit.
- 2) The permittee must submit a written request to the District to amend his/her permit. Such request shall be submitted in triplicate and shall include sufficient information detailing the modification desired and the reasons for the modification.
- 3) Requests to amend an existing permit shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit applications.
- 4) The permittee will be notified in writing by the District as to the disposition of his/her request to amend an existing permit.

4.8 TRANSFER OF EXISTING PERMIT

- 1) The holder of a valid permit issued by the District may allow a third party the use of his/her permitted facility, provided that the permittee notifies the District in writing of such intended changes. Permits are not assignable without the express written consent of the District. A valid permit can be transferred to a new permittee only upon written request to the District, with the consent of the original permittee clearly indicated.
- 2) The permit resides with the permitted property and transfers with ownership, unless otherwise provided herein.

4.9 THE PERMITTING PROCESS - APPLICATION FOR PERMIT (FORM 1)

- 1) The permitting process begins with the submittal of an Application for Permit. Required application forms can be obtained in person at the District office located at 601 East County Lane, Lehigh Acres, FL 33936, on the District's website, www.ecwcd.com, or by telephone at (239) 368-0044.
- 2) A nominal fee may be charged for postage and handling if permit application materials must be mailed.
- 3) Forms must contain all available information and be dated and signed by the *owner* or a designated representative of the *owner* having the legal capacity to so sign.
- 4) All Applications for Permit shall be accompanied by payment of the appropriate review fee in accordance with the established fee schedule (Section 4.15 Permit Fees).

4.10 PROCESSING OF APPLICATION

- 1) In order for a permit application to be considered for the next regular monthly Board Meeting, a permit application must be submitted and recorded at the District Office a minimum of twenty-one (21) days and approved by the District Manager and District Engineer a minimum of ten (10) days prior to that monthly board meeting.
- 2) The District Manager must review all applications.
- 3) The District Engineer must also review applications for improvements affecting the District's lands and/or facilities.
- 4) If the District Engineer finds that the application lacks any of the required submittal materials, and/or requires revisions to be made to the proposed project application, the Engineer will notify the applicant and/or owner in writing. The requested items/revisions must then be submitted and recorded at the District Office a minimum of twenty-one (21) and approved a minimum of ten (10) days prior to the next monthly board meeting to be considered for that Board Meeting.
- 5) The Board of Supervisors will promptly consider applications at their next regularly scheduled meeting following completion of the necessary review process.
- 6) In the case of a bona fide emergency, or to avoid manifest hardship or injustice to the applicant, the Chairman of the Board of Supervisors and the Manager may, upon appropriate review, give conditional approval of the application, subject to full Board action at its next regularly scheduled meeting.
- 7) The application contains a section to help with completing the form and Part VI details the proper number of copies required for each submittal document.

4.11 PERMIT

- 1) A permit document will be issued to an approved Application for Permit. Said document will contain any and all terms upon which the permit is being issued, and will reflect the duration of the permit.
- 2) General Conditions that may be attached to the permit are (1) underground construction conditions (2) special conditions (3) out parcels conditions.
- 3) To be valid, following approval by the Board of Supervisors, the permit must be dated and signed by the District Manager.
- 4) A permit will be required for each individual parcel or strap number.

4.12 POLICY STATEMENT CONCERNING DISTRICT ENFORCEMENT POLICY

- 1) The District will make every effort, with the resources available, to aggressively pursue all violations of the District's Rules as contained in this Manual.

4.13 APPLICATION PROCESSING FEE

- 1) The District's Board of Supervisors adopted the Fee Schedule as set forth in 4.15. All applicants, including governmental entities, must pay an application-processing fee. This fee is charged to recover the cost of administration and other costs associated with the review and processing of applications for permits. There are no exemptions from this requirement and applications submitted without the proper fee are considered incomplete and will not be processed.
- 2) Applicants may request waiver of the fee. In the event an applicant believes that he is entitled to a waiver of the fee, he must file a standard application along with the required fee and also request, in writing, that the Board of Supervisors waive the application-processing fee. If the Board approves the fee waiver, the applicant's fee, or such portion thereof as the Board may agree to, will be refunded to the applicant.
- 3) Applications that are withdrawn at any point during processing are not entitled to a refund. Fees are not refundable if the permit has been processed and distributed for review.

4.14 PUBLIC INFORMATION AND INSPECTION OF RECORDS

- 1) Copies of District rules, forms and other public records shall be made at a charge not exceeding the actual cost of reproduction pursuant to the provisions of subsections 119.07(1) and 120.53(2), Florida Statutes.

4.15**PERMIT FEES****1) Permit Inspection and Administrative Fees for Regular Permits
(Application for a Permit – 7 Page Permit Application Long Form)**

	<u>Fee Amount</u>	<u>Permit Duration</u>
Culverts, Bridges, Roadways:		
Culvert Installations (0-120 L.F.)	\$ 750.00	
Culvert Installations (over 120 L.F.)	\$ 800.00	
Bridge new, re-designs or Box Culverts (0-120 L.F.)	\$ 1,500.00	
Bridge new, re-designs or Box Culverts (over 120 L.F.)	\$ 2,000.00	
Roadways (first culvert connection, new or replacement)	\$ 750.00	
Each additional culvert connection	\$ 150.00	
Utility Lines (Water, Sewer, Re-Use, Phone, Cable, Electric, Gas, etc.):		
Utility Crossings under / over existing culverts or attached to bridges.	\$ 750.00 + 15.00/L.F. (L.F. of crossing in R/W)	
Sub Aqueous and Aerial Utility Crossings of canals.	\$ 750.00 + 15.00/L.F. (L.F. of crossing in R/W)	
Parallel Installations (for each separate item inside ECWCD right-of-way)	\$ 750.00 + 15.00/L.F. (L.F. running in R/W)	
Drainage Permits or Modifications to Existing Permits:		
Projects 10 acres or less	\$ 750.00	
Projects above 10 acres and less than 40 acres	\$ 1,250.00	
Projects 40 acres and above	\$ 1,750.00	
Changes to previously approved master plan or Permits being modified (minor changes)	\$ 450.00	
Excavation of Rights-of-Way Maintenance Berm (not included in the above fees) if required for outfall pipe on drainage permits.	\$ 355.00	
Miscellaneous Permits:		
Agriculture water use (first connection included)	\$ 750.00/year	5 years
Additional pump connections	\$ 500.00/year	5 years
Fence / Gate located in the right-of-way (Fee is per Fence/Gate)	\$ 450.00	5 years

Miscellaneous Permits continued:

	<u>Fee Amount</u>	<u>Permit Duration</u>
Observation Decks / Boat Docks / Piers (Original Fee)	\$ 525.00	5 years
Observation Decks /Boat Docks /Piers (Renewal Fee - Due Every 5 years)	\$ 150.00	5 years
Signs (Not including billboards)	\$ 150.00	5 years

Note: For all regular plan reviews and regular permit applications the first resubmittal is free. But, all subsequent submittals will have a fee equal to the amount of the original permit fee (not including any additional per linear foot cost.)

**2) Permit Inspection and Administrative Fees for Temporary Construction Permits
(Application for Temporary Right-of-Way Permit – 2 Page Permit Application Short Form)**

	<u>Fee Amount</u>	<u>Permit Duration</u>
Temporary Construction on Right-of-Way	\$ 250.00	6 mos.
Landscaping, Shed or other non-structural Encroachments (not typically issued)	\$ 250.00	5 years

Note: Temporary Construction Permit fees cover the first site inspection visit only. The 1st re-inspection fee will be \$100.00, the 2nd will be \$150.00 with each one there after increasing \$50.00 each time. It is imperative that the contractor completes all requirements listed in the permit before calling for inspection.

3) Additional Notes Applicable to ALL PERMITS:

- a) Permit Fees shall be doubled if improvements are started without a permit.
- b) A forty-eight (48) hour notice shall be given prior to required inspections.
- c) Improvements installed within ECWCD right-of-ways shall not be backfilled prior to inspection or a re-inspection fee will be charged and the work will have to be excavated for inspection.
- d) Record drawings are required to be submitted to ECWCD within sixty (60) days after the final inspection has been approved.
- f) The use of canal water for installing underground borings or any other construction activity is prohibited and will be immediately reported to the South Florida Water Management District for enforcement action.

4.16 ADMINISTRATIVE PROCESSING FEES

Clerical	\$ 35.00 / hour
Photocopy Fees	\$.15 / page
Engineering Plans (24" x 36")	\$ 5.00 / sheet
Recording Fees (for any documents)	\$ 10.00 / page
Returned Checks	\$ 30.00 / each check under \$300.00 \$ 40.00 / each check over \$300.00

4.17 OTHER FEES

Quit Claim Deeds for release of drainage / water management facility reservations:

(One time processing fee plus costs)

0.01 to 100 acres	\$ 500.00 / up front PLUS ACTUAL COST for Legislation, Legal, Engineering And Administrative Fees
100.01 to 200 acres	\$ 1,500.00 / up front PLUS ACTUAL COST for Legislation, Legal, Engineering And Administrative Fees
200.01 acres and up	\$ 2,500.00 / up front PLUS ACTUAL COST for Legislation, Legal, Engineering And Administrative Fees

Easements or Encroachments:

(One time processing fee plus costs)

Ingress / Egress Permanent Easements	\$ 450.00 / up front PLUS ACTUAL COST for Legislation, Legal, Engineering And Administrative Fees
Encroachment License Agreements (One time processing fee plus costs)	\$ 450.00 / up front PLUS ACTUAL COST for Legislation, Legal, Engineering And Administrative Fees
Permanent Structural and/or Paving Encroachments [Ref: Section 4.46]	\$ 750.00 + 15.00 / L.F. (L.F. running in R/W)
Non-Structural Encroachments [Ref: Section 4.46 thru 4.49]	\$ 750.00 + 10.00 / L.F. (L.F. running in R/W)

4.18 BRIDGE CROSSING CRITERIA

- 1) All bridges crossing District rights-of-way must be designed and certified (Signed and Sealed) by a professional Engineer registered in the State of Florida.

4.19 CROSS SECTIONS

- 1) Certified cross sections of the canal as it exists, taken at the centerline of the proposed work and a maximum of one hundred (100') ft. upstream and downstream of the proposed work, showing the entire canal, lake or drainage/water management facility, Right-of-Way to Right-of-Way, drawn to a scale specified below, shall be included in the submitted application plans.
- 2) Existing canal cross sections overlaid on design sections shall be shown on construction plans. Existing cross sections being provided shall have a scale of one inch (1") equals twenty feet (20') for all equalizing canals, lake or drainage/water management facility and one inch (1") equals ten feet (10') for all lateral canals. Both vertical and horizontal scales shall be identified. Upon receipt of the existing cross section (s) the District will furnish the design section (s) for inclusion on the final proposed cross sections.
- 3) All cross sections furnished for review shall be related to known land lines, i.e.: Section line, $\frac{1}{4}$ Section line, P.B.F. Co. Block lines, and recorded subdivision boundary lines.

4.20 SPANS

- 1) The center “clear” span shall be centered on the design section of the canal, lake or drainage/water management facility.
- 2) No pilings will be allowed in the center of the design channel.

4.21 GUARD RAILING OF BRIDGE APPROACHES

- 1) Where bridges and their roadway approaches cross District rights-of-way, and particularly where the rights-of-way has a canal maintenance berm, the bridge and roadway designs must make accommodations for a continuous District berm (Right-of-Way) access. Therefore, designs should be submitted so that guard railing does not interfere with the District's access requirements.

4.22 ESTABLISHING LOW MEMBER ELEVATION & HORIZONTAL CLEARANCES

- 1) Bridges constructed over canals, lakes or drainage/water management facilities within the boundaries of the District require crossings to have a fifteen (15') foot minimum horizontal clearance between center bents. There must be a minimum vertical clearance of six (6') feet between low member and normal water elevation **OR** one (1') foot above the 100 year- three (3) day storm event elevation, whichever is greater. The District may also require higher vertical clearances if necessary in certain circumstances.
- 2) Pilings and bridge support structures are required to be designed and located such that they will not catch debris or interfere with the normal flow of water. Pilings should be placed parallel to the major axis of the canal lake or drainage/water management facility and protected to allow for future cleaning under the bridge. Details of headwalls, wing walls and other special items, which will vary from site to site, must be shown on any submitted plans.
- 3) In the situation of a grade separation where a bridge crosses over the maintenance berm, the minimum vertical clearance between the berm elevation and the low member of the bridge shall be no less than eighteen feet (18'), unless other design and access considerations are agreed to by District Staff and the Board of Supervisors.

4.23 CROSSINGS OVER OPEN CHANNEL CONNECTIONS

- 1) Bridges constructed on District rights-of-way for the primary use of providing access for District vehicles and equipment over open channel connections made to District facilities shall provide a minimum roadway pavement width of 14 feet (14') and shall be designed for the standard H2O loading, or better. An acceptable surety must be provided to the District guaranteeing maintenance of the bridge. All Bridges/Crossings to be used by the public must conform to applicable FDOT criteria.
- 2) On all permits for bridges, any additional excavation required by the District within the affected Right-of-Way shall be performed by the permittee according to the associated construction plan(s) and methods approved by the District prior to the commencement of the bridge construction.

4.24 EXCAVATION REQUIRED IN CONJUNCTION WITH BRIDGE CONSTRUCTION

- 1) In cases where a bridge or other pile-supported crossing is proposed over a canal, lake or drainage/water management facility which has not been dug to its ultimate section as determined by the District, the District may require excavation of the canal, lake or drainage/water management facility beneath the bridge (plus adequate transitions) to the required ultimate section prior to the construction of the proposed bridge.
- 2) Improper and incomplete excavation at the proposed crossings after piles are in place is a recurring problem. The District will not allow bridge construction to occur prior to the completion of any required excavation below the bridge. In this regard, no pilings shall be driven (with the exception of one (1) test pile) until all excavation is complete and has been inspected and approved by the District.
- 3) The District is not responsible for the permittee neglecting to inform the contractor of this requirement when preparing bid documents, field orders for work or similar construction specifications and/or procedures.

4.25 BRIDGES BLOCKING DISTRICT ACCESS

- 1) With a few exceptions, all bridges crossing District canals, lake or drainage/water management facility must provide for continuous uninterrupted access for District equipment along both canal berms. Normally this will be accomplished by the Applicant providing drop curbs, reinforced sidewalk sections, ramps, guardrail gaps, and median gaps (where applicable) where road crossings are at or near berm grade. In cases where the District determines such access is undesirable for employee safety or site specific conditions such as differences in berm and roadway grades, available road and/or canal, lake or drainage/water management facility rights-of-way width or configuration (such as in the case of expressways or other high level or high speed crossings) exist, the District shall require alternate access easements or bridge configurations which allow for District access beneath the bridge.
- 2) In cases where alternate access is preferable, the applicant must provide any necessary features such as easements, stabilized roadways, and ramps. Any and all features necessary at a particular site will be determined on a case by case basis.
- 3) In cases where roadbeds or embankments are allowed to encroach within the rights-of-way in order to reduce the length of bridge structures, a minimum berm width of 15 feet (as measured from the ultimate top of bank) will be maintained by the applicant/permittee. The berm and road embankment end slope will be stabilized or paved. The berm will be back-sloped away from the canal and an acceptable drainage system provided to preclude over-bank storm water flows.
- 4) Except when specifically accepted for operations and maintenance by the District, all facilities provided by Permittee for the purpose of providing the District with alternate access or access below bridges shall be the Permittee's responsibility for operation and maintenance for the life of the Permit, however the District reserves the right to perform maintenance or other activities to these facilities at any time the District sees fit.

4.26 ACCESS FEATURES

Bridge approaches shall be designed and constructed in such a manner as to not interfere with the passage of the District's maintenance equipment along the rights-of-way. In designing roadway approaches to bridges, applicants should consider the following guidelines:

1) Berm Ramps:

- a) Where there is a difference between the proposed road grade and the District's berm, berm ramps must be provided.
- b) Berm ramps should have a minimum top width of fifteen feet (15') and stable side slopes. The ramp should be constructed of suitable compacted material and have a slope not steeper than 10 horizontal to 1 vertical.
- c) Berm ramps, including side slopes, must be constructed fully within the District's rights-of-way.

2) Curbs and Sidewalks:

- a) Where curbs and sidewalks will be part of the roadway design, drop curbs and reinforced sidewalk sections must be provided at the berm access points.
- b) Sidewalks should be of sufficient load-bearing strength to withstand the District's maintenance operations.

3) Guard railing:

- a) Guard railing must not block or interfere with District access. Guard railing designs tend to be site specific, but applicants should consider the following in their proposals:
 - i) Continuous guard railing that blocks access to berms will not be allowed.
 - ii) Where guard railing which blocks access is proposed, the applicant must design, install, and maintain a gate having a minimum opening of sixteen feet (16') designed to be secured with a District lock. The gates must be designed so that they can be opened without the use of tools or equipment. Designs, which necessitate the removal of posts or unbolting of panels, are not acceptable.
 - iii) Gates and guardrails shall be constructed so as to enable the District's equipment to pull out of traffic in order to stop and open the gate. This will frequently require the guardrail alignment to be moved away from the roadway.

4) Medians:

- a) Where divided highways are proposed, gaps in medians shall be provided to allow for continuous access by District equipment from one side of the roadway to the other.

5) Land Acquisition/Additional Rights-of-way:

- a) It is incumbent upon the applicant to accommodate District access requirements into plans when determining right-of-way requirements for road and highway projects. Any additional land acquisition, which may be necessary to provide for District access, is the applicant's sole

responsibility. This requirement should be carefully considered particularly in any roadway widening projects.

6) Stabilization:

- a) Bank slope (side slope) stabilization shall be installed for a distance to be determined by authorized District personnel on either side of the installation. Erosion protection shall extend from the top of bank to the normal water (control) elevation in the canal, lake or drainage/water management facility.

4.27 USE OF OR CONNECTION TO PROJECT PROVIDED INLET STRUCTURES

- 1) Inlet structures and culverts are provided during the course of existing channel or levee improvements, new channel or levee construction, and channel crossing installations. These structures are provided at a cost to the District's projects. They are generally installed at points of existing artificial and natural inflow into the improved or newly constructed drainage facility. In certain instances, they may be installed at points where no pre-existing inflow exists, but where future inflow is planned to enter the drainage facility.
- 2) At those locations where an inlet structure has been installed at a point of no pre-existing inflow, the subsequent connection of an on-the-land drainage facility to that inlet structure will require a District right-of-way Occupancy Permit. This permit will be for the connection of the upland ditch or channel to and use of the project inlet only, and will not obligate the permittee for maintenance of the inlet structure itself.
- 3) At those locations where a pre-existing on-the-land drainage facility, providing positive drainage discharge, connects to a District Facility by means of an open connection, this connection shall be placed under a District permit.
- 4) Regardless of the status of previous connection(s) prior to Project construction, the landowner is obligated and required to apply for a permit for any connection, whether a culvert or open channel, made in conjunction with or subsequent to project improvement of the canal or levee.

4.28 DISCHARGE CRITERIA

- 1) Allowable discharge limits apply to all developments and/or road improvements. All projects must conform to the current District Water Control Plan of the District and/or to South Florida Water Management District criteria.
- 2) Discharge culvert size, location, and elevation shall be approved by the District Engineer.
- 3) Discharge culverts within District Right-of-Way must be clearly marked with a sign or marker approved by District Staff.
- 4) The outlet ends of discharge pipes shall be placed as to not extend into the effective canal, lake or drainage/water management facility flow area, and erosion control (rip-rap) must be placed per FDOT Specifications at the culvert outlet to prevent erosion to the canal, lake or drainage/water management facility bank.
- 5) Invert of discharge orifices shall be no lower than the control elevation in the receiving East County Water Control District canal, lake or drainage/water management facility.
- 6) The minimum discharge orifice area shall be six (6) square inches, with a three (3) inch diameter minimum dimension.
- 7) Discharge orifices shall incorporate a trash baffle or other device to prevent clogging.
- 8) Minimum road and parking tract elevations shall in no case be any lower than the 25-year, 3-day storm peak elevations within the ECWCD system. The backwater effects due to distance from the receiving canal must be considered.
- 9) All waters discharged into the East County Water Control District's canal system shall meet water quality standards in accordance with the laws of Florida and the Federal Government.
- 10) All developments within the East County Water Control District shall be limited to a maximum discharge of 30 CSM (cubic feet per second per square mile) for the 25-year, 3-day SFWMD design storm event.

4.29 CULVERT CONNECTIONS

- 1) Culvert size, diameter, and type vary with the requirements for each connection. However, in every instance, all disturbed areas within District rights-of-way shall be restored to pre-construction conditions, or to the conditions approved by the District Engineer.
- 2) For culvert sizes above 12” in diameter, the District requires specified pipes to be Reinforced Concrete Pipe. Other pipe materials may be used if approved by the District Engineer.
- 3) All trenches within the District rights-of-way shall be back-filled and compacted to a density of 100% as determined by AASHTO T-99, Method C.
- 4) Any installation above normal water level shall include necessary erosion control measures. If any culvert connection causes erosion to District lands or Facilities, said damages to District lands or Facilities must be repaired promptly by the permittee at no cost to the District.
- 5) Drainage culvert connections must be sized to conform to the inflow limitation Criteria of the District. Maximum pipe crown elevation shall be 0.5 feet below design water surface where feasible. That portion of any line crossing District rights-of-way must have sufficient cover to prevent damage from District maintenance equipment and proper erosion control measures must be provided at the outfall end. Permittee’s must adequately identify culverts with a permanent-type marker, which is to be placed in a position so as not to prohibit vehicular access along the canal (this does not apply where visible headwalls are used).
- 6) Each Permittee shall be required to take all measures acceptable to the District to prevent the discharge of debris or aquatic weeds into the District’s drainage/water management system by the Permitted use.

4.30 PUMP CONNECTIONS

- 1) Since no permanent pumping stations are allowed on District rights-of-way, a culvert or pipe connection is the usual means by which a pump connection is made to the District System. The same standards applicable to culvert connections are also the criteria to be used these types of installations.
- 2) The settling basin or forebay shall be located clear of the District rights-of-way. Under certain conditions the forebay may be constructed on the land side of the berm on Project rights-of-way, only if approved the by the District Engineer. Such conditions must consider the amount of available rights-of-way needed for District operations and maintenance, future canal enlargement or levee expansion, and the applicant's property interests.
- 3) Berms surrounding forebays shall be constructed with a crown elevation one-half foot or lower, below the required elevation of the adjacent District Berm.
- 4) Each Permittee shall be required to take all feasible measures acceptable to the District to prevent the discharge of debris or aquatic weeds into the Districts Facilities by the permitted use. Every installation must incorporate adequate erosion control and anti-shoaling measures in the design and construction.
- 5) If pumps are connected directly to the culverts, thereby eliminating the usual forebay, flanged type connections will be required rather than bands. All other specifications governing connections of culverts, both directly and through Berms, apply. Pump capacities must comply with all limitations required to meet South Florida Water Management District (SFWMD) Criteria.

4.31 OPEN CHANNEL CONNECTIONS

- 1) Open channel connections disrupt continuous access along the canals by District maintenance equipment. Therefore, open channel drainage connections shall not be permitted. Waivers of this provision require Board approval. In order to obtain a waiver, applicants must:
 - a) Provide inflow control devices where applicable;
 - b) Provide alternate access, such as easements or a bridge over the new channel connection;
 - c) Provide all feasible measures acceptable to the District to prevent discharge of debris or aquatic weeds into the District drainage/water management facilities by the permitted use.

4.32 WASTEWATER TREATMENT PLANT EFFLUENT

- 1) It is the intention of the District to remove existing treatment plant effluent discharges from any surface waters under its jurisdiction. In this regard, no Permit shall be granted for the discharge of wastewater from a wastewater treatment source into any drainage/water management system, owned and operated by the District.

4.33 BEAUTIFICATION

- 1) Grass is the only permissible type of vegetation on District rights-of-way. The planting of trees or shrubs or erecting of structures that will limit or prohibit access by District equipment or vehicles is prohibited.

4.34 RIGHTS-OF-WAY RE-GRADING

- 1) In certain areas, individual homeowners may desire to re-grade an existing canal bank (for reasons of aesthetics, sight lines, etc.). In areas where the drainage way side slope is altered, the permittee must acknowledge that during flood events, canal waters may rise up and beyond the rights-of-way line.
- 2) Re-grading may only take place if the re-grading complies with the following and is approved by the District Engineer:
 - a) Provide a six (6) to one (1) maximum slope on the maintenance side of the canal, lake or drainage/water management facility, down to the water line.
 - b) Provide a four (4) to one (1) maximum slope on the non-maintenance side of the canal.
 - c) The minimum design dimensions of the canal cannot be decreased.
 - d) It is desired, wherever possible, to continue the side slopes down two feet below the normal water elevation before increasing the side slope.

4.35 SIGNS

- 1) No signs of an advertising or commercial nature will be permitted on District land or rights-of-way. The District may authorize by Permit the construction of regulatory, informational or directional signs upon its rights-of-way, facilities and/or lands provided that they are not adverse to the District's maintenance and operations activities. Signs of an advertising or commercial nature will require a leasing agreement.

4.36 BULKHEADS AND SEAWALLS

- 1) The construction of vertical bulkheads or seawalls must be approved by District Staff. Bulkheads and seawalls shall be designed by a Professional Engineer registered in the State of Florida, and shall not have any adverse environmental effects or limit the District's ability to perform any operational or maintenance activities.

4.37 LAUNCHING RAMPS, BOAT DOCKS, OBSERVATION DECKS

EAST COUNTY WATER CONTROL DISTRICT reserves the right to refuse any applications that do not meet the following criteria:

LAUNCHING RAMPS

- 1) Private launching ramps are generally prohibited in District lakes and canals.

OBSERVATION DECKS

- 1) Private observation decks are generally prohibited in District canals and lakes.
- 2) Observation decks are generally prohibited in District canals but may be permitted in wider water bodies.
- 3) Construction of observation decks may be authorized with a permit canals and lakes. Each application shall meet the District's requirements of the specific location and all local, county and state requirements. Applications will be reviewed on a case by case basis.
 - a) Observation decks shall only be permitted on canals/lakes or water management facilities with a water surface width at the control elevation of thirty feet (30') or more. Decks may extend no more than two and one-half feet (2 ½') into a canal with a mean water surface of thirty feet (30') to thirty-five feet (35') and no more than five feet (5') into a canal with a mean water surface of thirty-six feet (36') or more.
 - b) Observation decks are prohibited within six hundred feet (600') of a control structure.
 - c) Continuing proof of insurance in the minimum amount of \$300,000 listing the District as an additional named insured must be provided. An original certificate of insurance is to be supplied to the District annually, prior to expiration date of the policy. The permit will be terminated if insurance coverage is not renewed annually, with proof of such renewal provided to the District. Observation Decks NOT in compliance with this insurance requirement must be removed by the property owner or the District may remove it at the owner's expense.
 - d) The permit applicant shall indemnify and hold harmless the East County Water Control District for any liabilities arising out of the subject permit (**complete attachment**).
 - e) Certification of title shall be furnished, addressed to the District, signed by an Attorney, licensed to practice in the State of Florida or the President or Vice-President of a title company authorized to do business in the State of Florida. It must contain a complete legal description of the property and the owner's name(s) as it appears in the current Public Records.
 - f) A Land Survey (preferably) or scaled sketch of the property shall be furnished showing the proposed location of the observation dock in reference to the property lines and the water's edge.
 - g) A drawing shall be furnished showing the type of construction and materials to be used.
 - h) Minimum low member elevation for docks shall be two feet (2') above the 25 year peak storm elevation for that canal.

- i) The owner is responsible for the structural design of the pier or deck. The District does not review or certify structural adequacy in any way by the issuance of a permit. A District permit does not replace the need for or guarantee the issuance of permits required by any other Governmental entities.
- j) The District reserves the right to revoke the permit and require the observation deck to be removed at the owner's expense if the permitted facility becomes a hazard to public safety/health or if required due to improvements to that water body (i.e. widening, re-sloping, etc).
- k) The owner must agree to maintain, to a level acceptable to the District, the entire right of way and slope behind their property should the District approve the permit.
- l) The proposed works will not block/interrupt District Vehicular access along the canal, lake or drainage/water management system rights-of-way.
- m) The homeowner shall keep pilings and or posts free of debris.

BOAT DOCKS/PIERS

- 1) Private boat docks/piers are generally prohibited in District canals.
- 2) Boat docks/piers are generally prohibited in District canals but may be permitted in wider water bodies.
- 3) Construction of boat docks/piers may be authorized with a permit in canals and lakes. Each application shall meet the District's requirements of the specific location and all local, county and state requirements. Applications will be reviewed on a case by case basis.
 - b) Boat docks/piers shall only be permitted at a length of 25' on lakes more than 100' to 150' feet. If a lake is more than 150', the boat dock/pier can be permitted at 40'
 - c) Boat docks/ piers are prohibited within six hundred feet (600') of a control structure.
 - d) Continuing proof of insurance in the minimum amount of \$300,000 listing the District as an additional named insured must be provided. An original certificate of insurance is to be supplied to the District annually, prior to expiration date of the policy. The permit will be terminated if insurance coverage is not renewed annually, with proof of such renewal provided to the District.
 - e) The permit applicant shall indemnify and hold harmless the East County Water Control District for any liabilities arising out of the subject permit (**complete attached**).
 - f) Certification of title shall be furnished, addressed to the District, signed by an Attorney, licensed to practice in the State of Florida or the President or Vice-President of a title company authorized to do business in the State of Florida. It must contain a complete legal description of the property and the owner's name(s) as it appears in the current Public Records.
 - g) A Land Survey (preferably) or scaled sketch of the property shall be furnished showing the proposed location of the dock in reference to the property lines and the water's edge.

- h) A drawing shall be furnished showing the type of construction and materials to be used.
- i) Minimum low member elevation for docks shall be one foot (1') above the control elevation of the lake
- j) The owner is responsible for the structural design of the boat dock/pier. The District does not review or certify structural adequacy in any way by the issuance of a permit. A District permit does not replace the need for or guarantee the issuance of permits required by any other Governmental entities.
- k) The District reserves the right to revoke the permit and require the boat dock/pier to be removed at the owner's expense if the permitted facility becomes a hazard to public safety/health or if required due to improvements to that water body (i.e. widening, re-sloping, etc).
- l) The owner must agree to maintain, to a level acceptable to the District, the entire right of way and slope behind their property should the District approve the permit.
- m) The proposed works will not block/interrupt District Vehicular access along the canal, lake or drainage/water management system rights-of-way.
- n) The homeowner shall keep pilings and or posts free of debris.

4.38 FENCES AND GATES

- 1) The East County Water Control District has the responsibility to operate and maintain canals, lakes, water management areas, and preservation areas, drainage/water management facility, under its control to benefit the property located within the District boundaries.
- 2) To effectively operate and maintain the drainage/water management facilities, it is imperative that ECWCD personnel maintain the access easements along these facilities.
- 3) The private installation of fences encroaching into the ECWCD access easements and rights-of-way has the potential to hinder ECWCD maintenance activities. This policy has been prepared to clarify ECWCD's position on fencing:
 - a) No private fences shall be installed on ECWCD right-of-way. Private fences serving to delineate the limits of back property lines must be installed on private property.
 - b) ECWCD retains the right to install fences, gates, and other containment type barriers on District Rights-of-Way to limit unauthorized access to certain ECWCD rights-of-way.
 - c) ECWCD reserves the right to discourage pedestrian access within its right-of-way should it become necessary to protect drainage/water management facilities, monitoring devices, and other publicly owned facilities which may be subjected to damage by vandals or misuse.
 - d) ECWCD reserves the right to prevent all public access to environmentally protected (preservation) areas under its management or control should this become necessary to preserve the health and well being of the area.
 - e) ECWCD reserves the right to install fences, barriers, etc. as necessary to limit public access to District drainage/water management facilities which may present hazardous or threatening conditions to the public on a day-to-day basis or during storm events.
- 4) In general, ECWCD prohibits the installation of private fences, gates, or barriers within its rights-of-way. Should a unique case exist where installation of a private fence will actually benefit the District and the general public, ECWCD reserves the right to issue a permit authorizing the installation.
- 5) ECWCD will also consider issuing access permits to gated areas where an individual or entity will benefit from the use of an ECWCD right-of-way for construction access, direct access to a privately owned parcel with no public access or other special circumstances. Each access request will be considered separately and ECWCD will require advanced coordination with the District Manager and Field Superintendent to have gates unlocked

4.39 TEMPORARY ACCESS FOR CONSTRUCTION OR HAULING

- 1) The use of District right-of-way on a temporary basis for access to construction sites or for the removal of fill material is prohibited, unless:
 - a) A permit is issued from the District;
 - b) Such use is in no way adverse to the District's operations and maintenance programs, policies or goals;
 - c) The District has sufficient interest in the rights-of-way to allow its use by third parties;
 - d) The project associated with the request has all necessary permits, licenses or other forms of approval;
 - e) No previously authorized use of the right-of-way is adversely affected;
 - f) There is an absence of past violations of District rules;
 - g) The applicant demonstrates financial assurances to ensure compliance with permit conditions;
 - h) The use is otherwise consistent with the Florida Statutes.
 - i) Unless stated in the outstanding agreement with Lehigh Corporation, that agreement serves as the permit for the life of the agreement.
- 2) Applicants are advised that such applications are often complex and can involve delays due to the necessary information submittals. Therefore, applicants should anticipate delays in obtaining a permit for this type of use and submit the request as early as possible.
- 3) The applicant should also clearly understand that failure to maintain the rights-of-way on a daily basis in accordance with the terms and conditions of the permit is grounds for immediate permit revocation. A permittee shall be responsible for the repair or restoration of any damage to the District's right-of-way, which result from the permitted use. Such restoration shall be to original or better condition.

4.40 PARKING

- 1) Permanent Parking on District Right-of-Way is prohibited.
- 2) The District will consider a permit application for temporary parking associated with construction activities.
- 3) Any parking permit that has been issued will expire when the District determines that the Right-of-Way has a higher priority use.

4.41 OVERHEAD CROSSINGS

- 1) Overhead lines crossing directly over the District's drainage/water management facilities will not be permitted.
- 2) Overhead telephone and similar utility line crossings of the District's rights-of-way shall have the following minimum vertical clearance to the elevation of the low wires:
 - a) Forty feet (40') of clearance above the elevation of the top of bank as measured from the final point of sag.
 - b) Forty feet (40') above top of perimeter/maintenance berm, or higher to provide required berm clearances.
- 3) The minimum permissible elevation of the low wire will be governed by whichever of the above requirements produces the maximum low wire elevation.
- 4) Clearance must be calculated from the elevation of the point of maximum sag to the highest ground or levee elevation.
- 5) All guy wires should not interfere with the District's maintenance. All guy wires should be noted on design plans.

4.42 AERIAL (OVER WATER) PIPE CROSSINGS

- 1) The District generally discourages aerial crossings.
- 2) Aerial crossings are generally described as lines which are buried within the right-of-way, but which span the canal, lake or drainage/water management facility above the water surface.
- 3) Aerial crossings shall be no closer than fifteen feet (15') from bridges, or shall be located immediately adjacent to the bridge.
- 4) Aerial crossings shall adhere to the same minimum clearances as "**BRIDGES**", Section 4.0.
- 5) Bank stabilization shall be provided for the limits of the disturbed area of right-of-way.
- 6) Location of gas and other high pressure lines shall be marked with a permanent marker at least four feet (4') high. Marker shall be placed at the right-of-way line on each side of the crossing.
- 7) When such construction is supported on pilings or free-span, the required clearance (both horizontal and vertical) for bridge crossings are in effect. Should installations be made adjacent to an existing bridge, pilings will be aligned with bridge pilings, so that no additional obstruction to the flow of water is created.
- 8) A cross section of the canal, lake or drainage/water management facility as it exists, taken at the centerline of proposed work, showing the entire right-of-way, drawn to scale, shall be incorporated within the Application Plans.

4.43 SUBAQUEOUS PIPE CROSSINGS

- 1) The District may require crossings to be subaqueous in areas that have a proliferation of existing pile-supported crossings, which have a potential adverse impact in canal flow characteristics or where right-of-way constraints have limited District maintenance access capabilities.
- 2) Subaqueous crossings such as electric or communication cables, water or fuel (gas or liquid petroleum products) lines, etc. shall be laid to a predetermined depth and cross section that will provide for a minimum of four feet (4') of cover below the existing bottom, design section or, if known, the ultimate section, whichever produces the lowest installation.
- 3) Subaqueous crossings shall be encased in steel reinforced concrete which is structurally designed to withstand excavations of the canal, lake or drainage/water management facility, and/or a six inch (6") thick reinforced concrete slab over the line with a width that shall exceed the pipe by a minimum of one foot (1') on each side.
- 4) Bank stabilization shall be provided for the limits of the disturbed area of right-of-way.
- 5) Location of all lines shall be marked with a permanent marker at least four feet (4') high. Marker shall be placed at the right-of-way line on each side of the crossing.
- 6) A cross-section of the canal, lake or drainage/water management facility as it exists; taken at the centerline of proposed work showing the entire canal Right-of-Way, drawn to the same horizontal and vertical scale, shall be submitted with the Application.
- 7) During the construction of a subaqueous crossing, it is the responsibility of the Applicant and its agent(s) to maintain appropriate canal, lake or drainage/water management facility flows during construction to prevent upstream high-water problems. The Applicant should bear this requirement in mind when planning or designing such an installation and should also advise potential bidders and/or contractors of this requirement.

4.44 UNDERGROUND INSTALLATIONS PARALLELING OR CROSSING DISTRICT LANDS

- 1) Any buried water, gas, sewage, petroleum products line or cable installed on District rights-of-way in a manner generally paralleling the right-of-way or the canal, lake or drainage/water management facility must be installed in a manner that will not limit this District's use of the rights-of-way. Generally, required cover for installations such as those described above should be two (2') feet or greater.
- 2) When permits are issued for uses of this category, it is with the understanding that permittee is responsible for any alterations, repairs or relocations required of their facility if needed to perform other required District activities.
- 3) When designing utility lines that run parallel to District rights-of-way, utility companies should strive to make use of any platted utility easements or adjacent landowners' properties. The District should not be approached for a Permit to place a utility run within its rights-of-way simply because an adjacent utility easement already has other existing installations or because adjacent owners have encumbered the utility easement with encroachments. Dealing with such problems is the responsibility of the utility entity desiring to provide service and not the District's.
- 4) The Board of Supervisors has the discretion to waive the fees for parallel installations should they deem that the permittee will be providing a "trade" or other benefit to the District.

4.45 AERIAL PARALLEL INSTALLATIONS

- 1) Utility lines installed in and parallel to a right-of-way shall be installed as close as possible to the right-of-way, but no more than five feet (5') from the right-of-way.
- 2) Persons wishing to construct a parallel installation must obtain prior approval of the Board of Supervisors of the East County Water Control District.

***NOTE:** Proof must be shown that all other routes were sought and denied before seeking a parallel installation permit.

4.46 MISC. PERMANENT AND SEMI-PERMANENT STRUCTURES OR USES

- 1) The District will not issue Permits for uses which, in its judgment, will impose hardships on, or otherwise interfere with, its present or future ability to operate and maintain the system. Therefore, staff will not recommend approval of the following types of encroachments:
 - a) Buildings (residential or commercial);
 - b) Garage or other permanent out-buildings;
 - c) Swimming pools;
 - d) Transmission or receiving towers, antennas, satellite dishes, etc.;
 - e) Equipment, material or automobile storage;
 - f) Trash, rubbish or compost piles;
 - g) Nursery operations.
- 2) When the District authorizes uses such as patios or slabs constructed at grade, to be placed within the rights-of-way, the owner should be aware that District equipment may at some time traverse the slab. The District assumes no responsibility for any damage that may result from this or any other activity.
- 3) Not “For-Profit” operations will be permitted on District ROWS.
- 4) Landscape Permits may be issued, limiting trees and shrubs to an approved list. Table 4.1.

4.47 IRRIGATION LINES AND SPRINKLER SYSTEMS

- 1) Irrigation lines that connect into District canals and cross the rights-of-way shall typically not be allowed. No pumps or pump houses will be allowed within the District's rights-of-way.
- 2) The installation of sprinklers on District right-of-way is not encouraged due to their susceptibility to damage by District equipment. However, when sprinkler systems are authorized within the right-of-way, they must utilize sprinkler heads that are flush with the surrounding ground elevation or flush mounted pop-up types may be used. No raised sprinkler heads will be permitted within the rights-of-way.
- 3) Upon completion of irrigation installations, the permittee is responsible for restoring the rights-of-way to original or better condition. Permittee is also responsible for the correction of any erosion, which may result from the installation or operation of his/her facilities.
- 4) The District's equipment will travel over the sprinkler and irrigation lines and District maintenance equipment may operate in the canal/lake or on the canal bank. The District assumes no responsibility for any damage, which may result from this type, or any other type of activity.
- 5) Applicants are advised that authorized installations are not exempt from complying with SFWMD water use permitting requirements. Individuals proposing to withdraw water must obtain any applicable SFWMD water use permit in addition to a District right-of-way permit.
- 6) Failure to comply with water use restrictions during water emergencies or declared water shortage is grounds for permit cancellation.

4.48 ENCROACHMENTS INTO “AIR SPACE”

- 1) Signs, roofs and other installations that overhang the District’s rights-of-way are considered encroachments and are subject to District right-of-way permitting rules. As many of these installations are permanent structures (particularly roof overhangs or eaves), staff will recommend denial of encroachments of this type due to the District’s prohibition against permanent facilities within the rights-of-way.

4.49

REPAIRS AND MAINTENANCE

- 1) Due to the potential for ground and surface water degradation, the District will not authorize uses which may have a potential adverse impact on the resource. Therefore, the following types of uses are prohibited:
 - a) Storage of hazardous substances or petroleum by-products which are regulated under Federal, State or local law;
 - b) Storage of gasoline or other liquid fuels, paints, thinners, solvents or other petroleum distillates;
 - c) Underground or above ground fuel storage tanks;
 - d) Storage of lead, batteries, or other articles containing heavy metals;
 - e) Vehicle, truck or engine maintenance activities;
 - f) "Burn pits" or the use of the rights-of-way for the incineration or burning of refuse.

4.50 IMPOUNDMENT'S AND EXCAVATIONS ADJACENT TO DISTRICT LANDS

- 1) The District requires that designers, of ponds or borrow pits which are proposed to be adjacent to the District's canals, lakes and/or berms, demonstrate that their excavations will have no impact on the stability of the land within the rights-of-way.
- 2) Designers of such drainage/water management facilities must take into account the lateral stability and need for lateral support of the mounds, berms and banks located along the various canals and impoundment areas of the District particularly where the possibility of extreme head differentials exist.

4.51 CONSTRUCTION DE-WATERING

- 1) The quality of the discharge water shall be in accordance with South Florida Water Management District (SFWMD) and Florida Department of Environmental Protection (FDEP) Standards.
- 2) Discharges shall not disturb the bottom of the receiving body or cause shoaling, turbidity, or erosion.
- 3) The District's rights-of-way shall not be obstructed and shall be returned to the original existing condition or better at the termination of the operation.
- 4) Bank slopes (side slopes) shall not be compromised.
- 5) General Conditions:
 - a) Proof of a permit or written approval from South Florida Water Management District and any other applicable governmental agency shall be furnished prior to commencement of the dewatering operation.
 - b) The District retains the right to stop all operations should any adverse impact occur to District Facilities, or a breach of any of the above conditions occur.
 - c) The District retains the right to stop all operations if warranted by adverse weather conditions.

4.52 TEMPORARY CONSTRUCTION PERMITS

- 1) Adjacent owners, private corporations, government agencies or any other entity shall apply for a temporary construction permit for any impact on District lands, rights-of-way, drainage systems, infrastructure, etc.
- 2) Fees will be charged to re-coup any costs for administration and inspection services.
- 3) All District lands, rights-of-way, drainage systems, infrastructure, etc. must be returned to the condition prior to the impact allowed by the permit.
- 4) Temporary permit applications may be obtained at the District office or website at www.ecwcd.com.