

# **A SUBDIVISION POLICY FOR AN URBANIZING IRRIGATION DISTRICT**

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## **ABSTRACT**

An ever increasing challenge for rural irrigation districts in the agriculturally rich San Joaquin Valley of California is adjusting to urbanization while maintaining an effective and efficient irrigation water delivery system. The Oakdale Irrigation District (OID) is currently facing this challenge and has developed a Subdivision/Parcel Map Development Policy that attempts to bring balance to that concern. This paper will present OID's Subdivision Policy and discuss the reasoning behind the conditions and requirements within the policy. It is the intent of this paper to provide other irrigation districts, facing similar urbanization pressures, a foundation for development of similar policies in the hopes of preserving and protecting the water delivery systems so vital to our agricultural communities.

## **INTRODUCTION**

### **Oakdale Irrigation District**

Oakdale Irrigation District (OID) is located in the northeastern portion of Stanislaus County and is considered the northern boundary of the fertile San Joaquin Valley. OID provides irrigation and domestic water within a service area of 72,345 acres of which approximately 55,000 acres are irrigated farmland. The OID holds a senior water right to the Stanislaus River in addition to managing 27 deep wells and 43 reclamation pumps that provide water to its agricultural customers. Principle crops in the area are irrigated pasture, almonds, walnuts, corn and rice.

Situated an hour and a half east of the San Francisco Bay Area, the Oakdale area is considered within the ideal commute range for a growing number of metropolitan workers. The Oakdale area offers much of what the urban dweller lacks within their own region; that being open space, relatively affordable housing, less crime, increased recreational opportunities and a country atmosphere. All together these amenities amount to an increasing urban inflow and a new set of challenges for an irrigation district. Primary amongst these challenges is how to continue the delivery of irrigation water while wrestling with the demands of facility impacts from a patchwork quilt of sprawling developments.

OID has developed a Subdivision/Parcel Map Development Policy (hereafter referred as Policy) that attempts at one end; to control development which has a negative impact on OID water delivery and drainage facilities and on the other end is pliable enough for developers to work with, such that planned development may enhance the expanding community areas.

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What follows first is a presentation of the Policy itself. The presentation is then followed by a general discussion of certain sections of the Policy for purposes of clarifying the intent of the OID Board of Directors in making such requirements.

### **SUBDIVISION/PARCEL MAP DEVELOPMENT POLICY**

In accordance with the Subdivision Map Act (California Government Code Section 66410 et seq.), a Parcel Map is distinguished from a Subdivision Map by the number of parcels created and its designation when submitted by the appropriate lead agency for review. A Parcel Map can create up to 4 new parcels plus a remainder. A Parcel Map can create more than 4 parcels, and a remainder, if the parcels are 40 acres or greater in size or has a zoning designation of Commercial or Industrial. A Subdivision Map creates 5 or more parcels.

Pursuant to California Law, a parcel map is required when:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedication or improvements are required, or
2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway, or
3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has been approved as to street alignments and widths, or
4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

The following are the requirements, recommendations and considerations from the Oakdale Irrigation District (District) regarding development of subdivisions and parcel maps within the District's water service area in accord with and pursuant to the Subdivision Map Act.

#### **Requirements-General**

1. The District requires written, recorded easements for all of its facilities within the development area with the recorded instrument number noted on Parcel and Final (Subdivision) Maps.
2. The District requires that its irrigation and drainage easements be clearly identified on recorded Parcel and Final (Subdivision) Maps. Any proposed easements due to relocation requests shall also be identified.

3. The District requires that existing irrigation pipelines, canals, ditches, structures, turnouts and drains on the created parcels (both District and Private) be shown on the Parcel and Tentative Subdivision Maps for review purposes.
4. The District requires full, unencumbered access, as determined solely by the District, to both sides of its facilities and will rehabilitate, at its cost, those facilities within its control that do not meet that standard. This work shall be performed by the District after receipt of recorded easements and prior to signing the Final Map.
5. Relocation of District facilities to the benefit of the development must be coordinated and approved by the District. All costs associated with design, approval and analysis of relocations, including reasonable attorney and consultant fees, shall be at the Developer's expense.
6. The District shall require a Developer Agreement before any work can be done on District Facilities. Developer Agreements require a retainer for staff preparation time and additional related costs reasonably incurred by the District.
7. All irrigation facilities to the benefit of the development shall be built outside the District's easements and rights of way.
8. The District shall not provide water to ponds except as approved by the Board of Directors.

**Requirements-Irrigation**

1. The historical water delivery point for the developed property will continue to be the point of diversion for the development. No additional irrigation delivery connections will be provided as a result of development unless approved by the Board of Directors.
2. The historical water delivery volume for the developed property will not increase as a result of development. Totalizing flow meters shall be installed, at the developer's expense, to all District approved water delivery points within the development as a condition of project approval. All testing associated with verifying the flow volume shall be performed by the District at the Developer's expense.
3. The historical water delivery point and flow volumes will be determined by the District. The District may, at its sole discretion, reduce the number of historical delivery points on any development.
4. Parcels within the proposed development that will continue to irrigate shall be required to have independent water delivery systems. The independent delivery systems will be served by a cluster well or sump provided at the historical point of delivery by the developer. The District has standard plans available for this purpose.

5. The District will not serve irrigation water to created parcels that are less than 10 acres in size unless approved by the Board of Directors.
6. If parcels created by a Parcel Map or Subdivision Map choose not to irrigate, the Developer may apply to the District for a Surface Water Irrigation Service Abandonment and Quitclaim Agreement. Any Irrigation Service Abandonment Agreement is subject to approval by the District Board of Directors.
7. California Water Code requirements will be enforced on each irrigated parcel to ensure the reasonable and beneficial uses of water. Parcels or lots within developments, which have not shown a reasonable standard of care in the preparation for the receipt of irrigation water, as determined by the District, will not be permitted to irrigate or receive water.

### **Requirements-Drainage**

1. No drainage from residential and rural subdivisions, industrial developments and commercial developments shall be allowed into District facilities. All costs incurred by the District to mitigate or resolve drainage issues shall be at the cost of the Developer, including consultant and/or attorney fees.
2. Drainage from irrigated farmland shall be compliant with the Irrigated Lands Program as administered and controlled by the Central Valley Regional Water Quality Control Board.
3. Drainage from irrigated farmland into a District canal or drain shall be by agreement only and subject to existing District drainage policy.

### **Requirements-Easements and Encroachments**

1. Revocable License Agreements are required for any existing encroachments or proposed improvements within the current or requested District easement.
2. The District requires that its easements, rights-of-way, and fee title property be fenced to District Standards. This cost shall be borne by the Developer. Fencing shall be completed prior to approval of the Final Map. No gates nor cross fencing shall be installed or permitted within these areas without prior written authorization from the District.
3. Existing District facilities within a public road right-of-way shall be relocated into a right-of-way or easement dedicated to the District.
4. Standard Easement widths for District facilities shall be:

Main Canals	100 foot centered on canal
Canals/Drains	60 foot centered on canal/drain

Pipelines	30 foot centered on pipeline
Pipelines adjacent to roadways	20 foot
Pipelines adjacent to PUE	15 foot

Easement widths for joint projects shall meet the above minimum easement widths plus any additional easement width that may be required based on the specific project uses or as approved by the Board of Directors.

5. If an existing District facility is not centered on the property boundary between two properties, the District may require an easement width based on the distance to the centerline of the District facility.

**Recommendations and Considerations**

1. The developer should provide private irrigation easements for said properties to insure that existing downstream users can have access to irrigation water and can irrigate or continue to irrigate.
2. The developer should provide private drainage easements for the benefit of upstream parcels that have historically drained across newly created parcels.
3. If, upon review, the District determines that parcels created in a Parcel Map or Subdivision cannot irrigate efficiently, based on poor grading and planning, irrigation water will not be delivered until the situation is corrected to the sole satisfaction of the District.
4. “Improvement District” formation should be considered as a mechanism to ensure the responsible long-term operation and maintenance of private irrigation systems and as a means of irrigating parcels or lots developed under the ten-acre minimum.
5. The District would consider financially participating in conjunctive use reservoirs constructed to serve the irrigation needs of the development.

**BASIS FOR POLICY REQUIREMENTS**

The following section provides some insight and background on the basis for many of the aforementioned policy requirements. Each segment will be addressed in the order it appeared in the Policy.

**Requirements-General**

During the early development of irrigation districts in California, many of the canals and drains of districts were constructed solely under verbal agreements with underlying landowners who were more than cooperative to have irrigation water delivered to their lands. After so many years, the districts acquired prescriptive rights to the canal or drainage facility, but still no written easement. In today’s “modern” society, while the

importance of irrigation water to the urban dweller has mostly diminished, their desire to challenge the land holdings of the irrigation district has escalated.

Therefore, OID has made it a condition of development that the developer shall provide deeded and recorded easements for all OID facilities within the developed area. In addition, these facilities (whether ditch, pipe, turnout, check, etc.) will be clearly identified and marked on the Tentative Maps.

The loss of facility access in OID is one of the biggest impediments caused by urban development. To ensure no further loss of access occurs, OID intends to go in and reconstruct its facility within developing areas to re-establish its footprint. By doing so, with proper markers, fences, etc., not only does it become more difficult to encroach upon OID facilities, it makes illegal encroachments more visible. The old adage about “fences make good neighbors” is never truer than it is today. OID views fencing as a new expense worth the investment as a means to insure continued access.

The desire to have a pond by small ranchette owners who purchase rural acreages is problematic for OID. Most believe this is a right associated with land ownership and new urban land owners share little sympathy or understanding with the reasonable and beneficial use standards applied to water in California. Early denial of such planning efforts when caught in the planning process is the best tool to curb this practice.

### **Requirements-Irrigation**

Much of this section of the Policy is fairly self explanatory, but the largest premise here is; OID will not accept additional new turnouts as a result of development. A 40-acre parcel broken into eight 5-acre parcels adds a net seven (7) customers to what previously was one. The increased labor demand on an irrigation district can be substantial and it is not an expense OID wishes to pass on to its existing customers.

Likewise, on issues related to billings and non-payments, shut-off events are more easily controlled and performed if each resident has their own individual shut-off valve located at a cluster well accessible by the irrigation district. This is why the OID reserves the right to dictate the location of the point of water delivery for each development.

The 10-acre limitation for receipt of water delivery is an attempt to differentiate between true agricultural usage and non-agricultural usage (i.e. ranchette water) for purposes of billing structure in the future. It is also an attempt to further limit the 1 and 2 acre parcels that seem to be appearing in the countryside from 40 acre parcel owners wishing to cash in on high land values.

As always, the OID wishes to further influence the need for good water management practices even on small acreages. As OID’s own policy dictates, if the land is not prepared for the receipt of irrigation water, it may not be delivered. This standard applies to all landowners equally.

### **Requirements-Drainage**

Changes in the laws concerning agricultural drainage in California are putting an ever increasing demand on drainage water containment. Current policy in OID requires the agricultural discharger to have a drainage agreement from the OID before runoff water will be accepted into OID facilities.

Approximately 10 percent of OID is in San Joaquin County. The storm containment policy of that county is the 50-year storm event. The remaining 90 percent of OID within Stanislaus County has a storm containment requirement for the 25-year event. Any exceedences of these events are considered “acts of God” and beyond the control of OID should these waters enter an OID facility.

In the Central Valley of California the Regional Water Quality Control Board has put requirements on the drainage of water, both irrigation and stormwater on owners of lands outside city defined boundaries. These requirements are the responsibility of the landowner and it is OID’s intent to steer landowners to seek the compliance guidelines from the Regional Water Quality Control Board before accepting any drainage waters into its system.

### **Requirements-Easements and Encroachments**

The Policy intent is not to permit the permanent installation of any encroachment not integral to the delivery of irrigation water. That being said, OID’s use of a Revocable License Agreement ensures this legal control.

The ability to fence an easement in California is precluded by law unless that right is waived by the underlying landowner. OID, as a condition of development, requires that the developer give up that right and give an easement to OID waiving their rights. This requirement ensures that OID’s facility footprint is established prior to the creation of multiple parcels.

### **Recommendations and Considerations**

Beyond the easement and rights of way boundaries of the OID, OID is precluded from placing conditions or requirements on land not within its control. However, it does not preclude the OID from making recommendations or considerations to developers during the development process. This section of the Policy is an attempt to deal ahead of time with many of the post-development issues OID encounters resulting from poor planning of subdivisions and/or parcel splits. After development, unsuspecting urbanites, with preconceived premises of country living, come to the OID seeking assistance in obtaining water. Often, their premises and OID policy requirements are at odds.

The OID irrigation system was laid out to provide water to the quarter section (160 acre parcel). Upon OID meeting that requirement, all systems emanating from that point are considered private systems and the responsibility of the benefiting landowners. When

new property owners come to OID seeking water, OID informs them of the nearest point of delivery and their obligation to get the water to their lands. Often this requires crossing another parcel or parcels to accomplish that effort. This is the most common issue OID faces with new small parcel owners. As such, OID recommends that the ability to bring water to a new parcel be addressed by providing legally dedicated irrigation easements for that purpose.

As enthusiastically as the above easements are sought for irrigation, dedicated drainage easements are equally suggested. For any seasoned veteran in agriculture, the need for drainage pathways seems intuitively obvious. For the urbanite however, this is not the case. Their past world has dealt with water flowing to the front of the lot, into the street, down the gutter and into a storm drain system. In the county however, the storm drain system is above ground, and if one purchases low-land properties, one ends up seeing quite a bit of that flow across their property. This issue consumes more field staff time than any other issue faced at OID. Having defined drainage easements attached to property titles goes a long way in quelling complaints.

To address both the above issues, OID encourages the formation of “Improvement Districts” as a means to operate and maintain common irrigation and/or drainage facilities within developments. These organizations, outlined in California’s Water Code (§ 23600), provide a sense of certainty for small parcel owners that their irrigation and drainage needs will be met financially for years to come.

Landowners within rural subdivisions or small parcel owners in the country, if not retired and not farming for a living, have another job. If they are a daily commuter, they travel long distances consuming a good portion of each and every day of the week. Their need to take care of their properties then is usually relegated to weekends, including the need to irrigate.

In its intent to adjust to a changing customer base, OID is open to the development of multi-functional reservoirs within developments. OID offers to each development the opportunity to build reservoirs that serve both a function to the development and also OID. This offering is predicated on the idea that a reservoir could be constructed within the development, sufficient in size to accommodate the weekend water needs of the development. In short, irrigation water would be available Saturday and Sunday within the development.

During the Monday through Friday time period, when not in use or needed, OID could use the reservoir as an intermittent storage or delivery facility to meet its agricultural demands. However, always leaving the reservoir full come midnight on Friday. Costs for this division of use are left to be negotiated on a case by case basis.

### **SUMMARY**

Portions of OID’s Subdivision/Parcel Map Development Policy have been in effect for a number of years. However, the recent surge in developments, subdivisions and the



parceling out of Oakdale's rural countryside has prompted OID to take a more proactive roll in protecting its' irrigation and drainage interests.

It would be futile to attempt to change the course of the community's growth. However, Oakdale is still a heavy agricultural area producing a way of life and a national product (food) that needs to be protected. The end result OID strives for in its policy is balance. A balance in the protection of an irrigation district's ability to provide for the efficient operation and maintenance of its water delivery and drainage facilities with the needs of professional well planned developments that strive to meet the quality of life needs of our growing rural community.