

**RECLAMATION DISTRICT NO. 800
BYRON TRACT**

**ENCROACHMENT STANDARDS
RULES AND REGULATIONS**

**Adopted
March 30, 1995**

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CHAPTER 1
GENERAL PROVISIONS

Section 1.01	Purpose	1
Section 1.02	Authority	1
Section 1.03	Standards Uniform Unless Provided Otherwise	3
Section 1.04	Definitions	3
Section 1.05	Covenants, Conditions, and Restrictions	6
Section 1.06	General Prohibitions	6

CHAPTER 2
ENCROACHMENTS WHICH MAY BE PERMITTED WITH A PERMIT

Section 2.01	Slope Control Area	7
Section 2.02	Reclamation District Elevation Control Easement (RDECE)	10
Section 2.03	Storm Drain Easement (SDE)	13
Section 2.04	Side Yard Setbacks	13
Section 2.05	Mooring Lines	14
Section 2.06	Lot Excavation	14
Section 2.07	Special Circumstances	14

CHAPTER 3
EXCAVATION ON OR ALONG WATERSIDE SLOPES

Section 3.01	Definitions	15
Section 3.02	Permits Required	16

CHAPTER 4
SLOPE MAINTENANCE WITHIN DEVELOPED AREAS

Section 4.01	History	17
Section 4.02	General Rule	18
Section 4.03	Land Access	18
Section 4.04	Landowner Responsibility	18

CHAPTER 5
PROCEDURE FOR SEEKING PERMITS

Section 5.01	Application	19
Section 5.02	Plans	19

Section 5.03	Plan Submittal Requirements	19
Section 5.04	Fees	20
Section 5.05	Number of Encroachments	21
Section 5.06	Approval	22
Section 5.07	Covenants, Release and Indemnification Agreement (CRI)	22
Section 5.08	Appeal	22

Chapter 6
VARIANCES

Section 6.01	General	22
Section 6.02	Procedure	23

Chapter 7
Procedure for Enforcement

Section 7.01	Procedure	24
Section 7.02	Definitions	26

Chapter 8
MISCELLANEOUS

Section 8.01	Applicability	26
Section 8.02	No Mandatory Duty of Care	27

EXHIBITS

Exhibit A-1	Grant of Easement or Right of Encroachment
Exhibit A-2	Grant of Easement or Right of Encroachment and Restrictive Covenant
Exhibit B	February 27, 1975 Letter to Contra Costa County Planning Development
Exhibit C	Example of Plot Plan (Section 5.03)
Exhibit D	Example of Profile (Section 5.03)
Exhibit E	Permit
Exhibit F-1-F-5	District Permit Stamps
Exhibit G	Plan Review Form
Exhibit H	Covenants and Release and Indemnification Form
Exhibit I	California Regional Water Quality Control Board Order No. 85-070
Exhibit J	Application for Variance (Section 6.02)
Exhibit K	Conditions for below deck structures such as Lattice (Section 2.01)
Exhibit L	Approved Boat Slip Covers (Section 2.05)
Exhibit M	Updated Encroachment Standards <u>Coverings</u> (Sections 2.01 & 2.02)

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CHAPTER 1
GENERAL PROVISIONS

- Section 1.01. Purpose
- Section 1.02. Authority
- Section 1.03. Standards Uniform Unless Provided Otherwise
- Section 1.04. Definitions
- Section 1.05. Covenants, Conditions, and Restrictions
- Section 1.06. General Prohibitions

Section 1.01. Purpose. The purpose of these Standards is to provide minimum requirements for encroachments in order to protect the reclamation works of Reclamation District No. 800, including, but not limited to, its levees, drainage structures, and easements, as well as those areas over which Reclamation District No. 800 exercises water quality or navigational control. These Standards are intended to ensure the integrity of the reclamation works themselves, as well as to provide for sufficient access to its facilities for the purposes of inspection, maintenance, and repair. These Standards represent a consolidation of various policies, conditions, procedures, rules, and regulations which presently bear upon activities within the Reclamation District. As such, these Standards, upon adoption, should not be considered to replace, repeal, or supersede rules, regulations, and procedures which are not incorporated herein. These Standards are to be used as a guide in determining what encroachments and activities will not be permitted, and what encroachments and activities will be permitted by issuance of a permit, within the boundaries of Reclamation District No. 800.

Section 1.02. Authority. Reclamation District No. 800 is charged by law with the responsibility for maintaining the levees and the drainage system within the District and has authority for all watering and dewatering activities within the District (Water Code, §§ 50,000 et seq.). A portion of the District now known generally as "Discovery Bay" was formerly dry land within the main flood protection levees of the District. In return for allowing portions of the main flood protection levee to be relocated, and certain lands to be flooded, the District retained its authority, by means of the creation of easements and dedications, and the granting of fee title to the District in various lands and waters, and the conditioning, execution, and

recordation of certain documents, over certain lands and waters still within the District, but outside the main flood protection levees. The purpose of the retention of such authority is to protect the District's ability to control and maintain its levees, including, but not limited to, maintaining access by water to those levees. One of the District's functions under the Water Code is drainage, and the control of drainage, from, into, and through the lands of the District. As noted, certain bays, lakes, and waters (which are navigable waters) within the District's boundaries were created, under District permission, by allowing a breach of the main flood control protection levee, and relocation of that levee. Those created navigable waters discharge outside the District into navigable waters of the United States. Pursuant to State and Federal laws, the discharge into those navigable waters of the United States must meet certain standards of water quality. It is therefore necessary, as a direct consequence of the District's duty to provide for and control drainage under the Water Code, and to comply with other applicable laws, including the Federal Clean Water Act (33 U.S.C. §§ 1311, et seq.) and California Water Code §§ 13000, et seq. that the water quality within the bays, lakes and waters which are within the District be maintained. Indeed, originally the District was charged with additional responsibility pursuant to a Federal National Pollution Discharge Elimination System discharge permit. Although the permit expired in 1990, the District had accepted the responsibility, and agreed to continue to maintain water quality even upon expiration of the permit. Therefore, the District has constructed and operates water quality facilities, and continues to maintain water quality in certain waterways. Pursuant to its implied police power under the Water Code and to Water Code §§ 50900 et seq., Reclamation District No. 800 has the authority to adopt standards, rules, and regulations necessary or convenient to the carrying out of its activities. Furthermore, Reclamation District No. 800 has inherent power under the Swamp Land Act to regulate and/or restrict activities within or about its lands, facilities, and easements. As noted, recorded subdivision maps for the Discovery Bay Development grant Reclamation District No. 800 the authority to regulate activities within its dedicated easements, including, but not limited to, the Slope Control Area, Reclamation District Elevation Control Easement, and Storm Drain Easement. As noted, Reclamation District No. 800 is the agency which maintains water quality within the District, for limited purposes, in areas where it has fee ownership or easements. Further, in order to maintain access by water to the main flood protection levee, to minimize slope erosion and to aid in maintaining water quality and by virtue of either fee or easement title, Reclamation District No. 800 also posts navigational control devices, including buoys and speed limit signs over certain bays and lakes within the District, although the District does

not enforce these. The District however, does enforce certain mooring area limitations.

Section 1.03. Standards Uniform Unless Provided Otherwise. Unless otherwise indicated, these Encroachment Standards shall apply uniformly to all reclamation works within Reclamation District No. 800.

Section 1.04. Definitions. As used in these Standards, the following words or phrases shall have the following meanings:

A. "ARC" means any properly constituted Architectural Review Committee.

B. "Boat Lift" means a marine elevator, hydrohoist, or other device, either freestanding, or mounted on or attached to, an existing docking structure, which is used to lower vessels into, or remove vessels out of, the water.

C. "Bulkhead" means a permanent, relatively rigid structure of wood, masonry, or concrete that supports a mass of soil, and is structurally capable of withstanding the earth pressure applied to it. Bulkhead and retaining wall are synonymous terms.

D. "Deck" means any fixed above-water and/or above-ground structure, including any appurtenances attached thereto, such as walkways and gangways providing access to adjacent docks, which extend waterward from the principal structure, whether attached, or unattached, to the principal structure.

E. "Deep Water Bays" means those bays within the District from which the waterways of the Sacramento/San Joaquin Delta are directly accessible.

F. "District" means Reclamation District No. 800, Byron Tract, a political subdivision of the State of California. Additionally, whenever in these Encroachment Standards the word "District" is used to identify the entity granting approval, issuing permits, or otherwise taking action, it shall mean an action by (a) the Board of Trustees of District, or (b) the District Manager or other authorized representative of the District, as specified herein or by action of the Board of Trustees.

G. "District Interest(s)" means the interest(s) reasonably necessary to carry out the purposes and exercise the authority of the District, as those purposes and authority are set forth in Sections 1.01 and 1.02.

H. "Dock" means any floating on-water structure, designed primarily for the mooring and/or loading and unloading of vessels, and/or recreational access to the water including any appurtenances attached thereto, other than boat lifts.

I. "Encroachment" means any tower, pole, pipeline, fence, pump, planting, plant material, vegetation, dump, billboard, bridge, stand, building, or any structure or object of any kind or character which is placed in, under, over, upon, or near any portion of any levee, SCA, or other flood control, flood protection, or drainage works or facility of any kind or in any area. The term also includes any obstruction to the free flow of water or any construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other excavation in the bed of, or along the banks of, Indian Slough, Old River, and Kellogg Creek. It also includes the use of any land for which the District has acquired a property right by ownership, easement, or otherwise.

J. "Lot" means a parcel of land which is delineated or described as a single integral unit on a subdivision map.

K. "Mooring Area" means that area in which the placement of docks and the mooring of vessels will be allowed only upon compliance with these Encroachment Standards. This area is established for the purpose of ensuring access to District works. (See maps enclosed and incorporated herein as part of these Standards.)

L. "Mooring Lines" means the prescribed limits defining the mooring area.

M. "Peninsula Fill" means engineered fills constructed above the base flood elevation for the express purpose of supporting residential development.

N. "Permit" means approval, by means of issuance of permit(s), as set forth in Chapter 5 of these Standards.

O. "Pile" means a heavy beam of timber, concrete, or steel, driven into the earth as a foundation or support for a structure.

P. "Primary Levee" means any dike, structure, or embankment necessary to protect the lands within the District from flooding or inundation, as now existing or as may hereafter be modified or constructed. Levees may fall into one of the following categories:

1. "Agricultural Levee" means those levees which are adjacent to the undeveloped portions of the District. Minimum design standards for these levees are those prescribed by the Federal Emergency Management Agency;

2. "Urban Levee" means those levees which are adjacent to and part of the developed portions of the District. Minimum design standards for these levees will be those prescribed by the Federal Emergency Management Agency.

Q. "Principal Structure" means the permanent part of a building, including attached eaves, overhangs, etc.

R. "Reclamation District Elevation Control Easement" ("RDECE") means those areas dedicated to Reclamation District No. 800, or its designees, for the purpose of maintaining ground or structural elevations within said easement at not less than eleven feet (+11.0') above U.S.G.S. Sea Level Datum, either by earth embankment across the entire width of said easement, or by structure within said easement which will provide equal or superior protection against flood hazard or inundation.

S. "Reclamation Works" or "District Works" means such public works as are necessary for District operations, and also includes, but is not limited to, levees, drainage structures, and easements.

T. "Side Yard Setback" means the minimum distance required between the adjacent property line and existing or planned improvements, where the District has an easement, on land, and, in all cases, between the property line, or extended property line, and existing or planned improvements in the water.

U. "Slope Control Area" ("SCA") means those areas dedicated to Reclamation District No. 800, or its designee, for the purpose of controlling slope ratios, and encroachments, whether structural or otherwise, that will prevent erosion, sliding, and interference with the volume or rate of flow of water through waterways or drainage channels.

V. "Slope Maintenance" is defined in Section 4 of these Encroachment Standards.

W. "Storm Drain Easement" ("SDE") means those areas dedicated to the County of Contra Costa, or its designee, and to the public for public use for storm, flood, and surface water drainage, including construction, access, and maintenance of works, improvements, and structures. (In some cases, water quality maintenance facilities are integrated into the SDE and dedication is also made to Reclamation District No. 800.)

X. "Vessel" means any freestanding waterborne object and/or any watercraft or other artificial contrivance primarily designed for use as a means of transportation on water; and, for the purpose of these Encroachment Standards, includes boat lifts.

Y. "Water Quality" means the maintenance of those standards for water quality set forth in California Regional Water Quality Control Board Discharge Order #85-070. (See Exhibit I)

Section 1.05. Covenants, Conditions, and Restrictions. There exist, within many portions of the District, Covenants, Conditions, and Restrictions ("CC&Rs") which are binding contractual documents running with the land. Although these Standards are not enacted either pursuant to, or in aid of, and do not purport to enforce CC&Rs, which are private contractual documents, it should be understood that in many cases the District is either a designated third-party beneficiary of, or a landowner under, CC&Rs, and the District retains whatever rights it may have thereunder, without reference to these Standards.

Section 1.06. General Prohibitions. No encroachment of any nature is permitted unless it is either (a) specifically allowed without a permit by these Standards, or (b) granted a permit in accordance with these Standards.

CHAPTER 2
ENCROACHMENTS WHICH MAY BE PERMITTED WITH A PERMIT

Section 2.01.	Slope Control Area ("SCA")
Section 2.02.	Reclamation District Elevation Control Easement ("RDECE")
Section 2.03.	Storm Drain Easement ("SDE")
Section 2.04.	Side Yard Setbacks
Section 2.05.	Mooring Lines
Section 2.06.	Lot Excavation
Section 2.07.	Special Circumstances

Section 2.01. Slope Control Area ("SCA"). The following standards apply to all that area within the Slope Control Area.

A. Principal Structure. No part of any principal structure shall encroach into the SCA if the SCA is less than or equal to forty feet (40') (except that eaves which are located at least eight (8) feet above grade may extend up to two (2) feet into the SCA). If the SCA exceeds forty feet (40'), a principal structure may encroach into the SCA, upon issuance of a permit, but only upon review and conditioning of such permit on a case-by-case basis, applying reasonable and necessary engineering principles to protect the District's interests.

B. Decks, Walkways, and Docks.

1. General. Decks, walkways, and docks will, to a limited extent, be allowed in the SCA subject to the approval of the District and subject to such conditions as the District may impose, applying reasonable and necessary engineering principles to protect the District's interests.

2. Materials. Decks must be of a conventional wood type, but may incorporate lightweight concrete, plastic or tile, or similar material, surfacing. The District must approve the materials as part of the issuance of a permit. Surface dimensions of columns extending above or below decks may not exceed twenty-four inches by eighteen inches (24" x 18").

3. Length. Where the SCA is, or is less than, thirty-five feet (35'), decks will not be allowed to extend any farther than a twenty foot (20') setback from the rear property line or the mean water line (elevation +3.0' U.S.G.S. Datum), whichever is greater. Second-story decks and/or balconies will not be allowed to extend any farther than four feet (4') into the SCA.

Where the SCA exceeds thirty-five feet (35'), encroachments in excess of these Standards may be allowed to elevation +3.0' U.S.G.S. Datum or the property line, whichever is lesser.

4. Covering. First and second story decks shall be open, uncovered, and unscreened, except as follows: (a) decks may be covered with a canvas covering, or with a lattice-type covering with a maximum blockage of light and air not to exceed fifty percent (50%) in any one square foot, provided that same covering will not support a live load nor otherwise serve as a second-story deck, and (b) any covering should be designed in a manner to facilitate easy removal without damage to the principal structure. (See Exhibit M updates as of April 3, 2003.)*

5. Enclosures. First story decks may be enclosed with a see-through windbreak constructed of clear glass, clear Plexiglas, or equivalent, not exceeding twenty feet (20') in length on any side, and along not more than two (2) sides of the first story deck on the prevailing wind exposure. Insect screening of a type approved by the District may be allowed to enclose the entire first story deck or a portion thereof. Framed walls will not be allowed. The windbreak or screening should not extend more than one story in height, or twelve feet (12') above the deck surface, whichever is less. Any enclosure should be designed in a manner to facilitate easy removal without damage to the principal structure, and, specifically, should be capable of being removed in sections, each of which should not exceed 200 pounds in total weight and should be capable of being removed by hand.

6. Railing. See-through railings not exceeding forty-two inches (42") in height will be allowed along all sides of both first and second story decks.

7. Foundation. It is suggested that all decks, walkways, and/or docks in the SCA be on pile-driven foundations. The District's approval does not include review or evaluation of the adequacy of the structural design. The applicant should engage appropriate engineers, contractors, and/or the experts to analyze available information and/or conduct tests upon which to base conclusions and to determine the actual conditions to be encountered to design and construct the

* Revised April 3, 2003

structures as appropriate. Lateral earth pressures associated with slope movements as well as vertical loads should be considered. Design should include provisions for collection and conveyance of irrigation, precipitation, and other on lot surface flows to the bays and lakes without wetting of the Slope Control Area.

8. Slope Clearance. No part of any deck may extend below elevation 7.0' (U.S.G.S. Datum) except for pile foundations or landings and ramps constructed for the expressed purpose of accessing a floating boat dock. (See Variance Conditions Exhibit K, page 71.)*

C. Other Structures. No other encroachment will be allowed over the SCA.

D. Special Conditions. Notwithstanding the above standards, the following additional regulations will apply in the SCA in the designated areas:

1. Harbor Bay. Certain lots along the west side of Harbor Bay (Lots 60 - 64, Tract 4207) are subject to the following building restrictions:

a. No encroachments will be allowed to extend water ward past elevation five feet (+5.0' U.S.G.S. Datum) on the waterside slope.

2. Indian Slough. Prior litigation (6/27/85) in this area has resulted in a binding agreement establishing certain extra conditions. Certain lots along the south bank of Indian Slough (Lots 1 - 9, Tract 4224; Lots 55 - 70, Tract 4077; Lots 1 - 16, Tract 4223; Lots 80 and 81, Tract 4076; Lots 15 - 26, Tract 4378; and Lots 1 - 26, Tract 5353) are subject to the following additional restrictions:

Docks and other such encroachments along the south bank of Indian Slough must adhere to separate guidelines. A copy of these special guidelines for waterside encroachments along Indian Slough is available from the District upon request.*

3. Kellogg Creek. Certain lots along the east bank of Kellogg Creek at its north end (Lots 1 - 17 and part of 18, Tract 5811) are subject to the following building restriction:

No encroachments will be allowed to extend water ward of elevation three feet (3+ .0' U.S.G.S. Datum).

* Adopted June 6, 1996

* Revised March 11, 1997

4. Sand Bay.

a) Certain lots along the east end of Sand Bay (Lots 1 - 16, Tract 6856) are subject to the following building restrictions:

Decks will not be allowed to extend water ward more than five feet (5') past elevation three feet (+3.0' U.S.G.S. Datum) or more than fifteen feet (15') past elevation eight and one-half feet (+8.5' U.S.G.S. Datum), whichever is the more restrictive.

b) Certain lots along the east end of Sand Bay (Lots 7 - 16, Tract 6856) are subject to the following building restrictions:

No part of the principal structure will be allowed to extend water ward past elevation eight and one-half feet (+ 8.5' U.S.G.S. Datum), on the waterside slope, or into the SCA, whichever is the more restrictive.

Section 2.02. Reclamation District Elevation Control Easement (RDECE). The following standards apply to all that area within the RDECE.

A. Principal Structure. No part of any principal structure will be allowed to encroach into the RDECE (except that eaves which are located at least eight (8) feet above grade may extend up to two (2') feet into the RDECE).

B. Decks and Walkways.

1. General. Decks and walkways will, to a limited extent, be allowed in the RDECE subject to the approval of the District and subject to such conditions as imposed by the District, applying reasonable and necessary engineering principles to protect the District's interests.

2. Materials. Decks must be of a wood, but may incorporate lightweight concrete, plastic or tile, or similar material, surfacing. The District must approve the materials as part of the issuance of a permit. Surface dimensions of columns extending above or below decks may not exceed twenty-four inches by eighteen inches (24' x 18').

3. Covering. First and second story decks shall be open, uncovered, and unscreened, except as follows: decks may be covered with a canvas covering, or with a lattice-type covering with a maximum blockage of light and air not to exceed fifty percent (50%) in any one square foot, provided that same covering will not support a live load nor otherwise serve as a second story deck, and provided that any covering is designed and constructed in a manner to facilitate easy removal without damage to the principal structure, and do not extend into the SCA. No covering will be allowed on second story decks or balconies. (See Exhibit M updates as of April 3, 2003.)*

4. Enclosures. A See-through windbreak constructed of clear glass, clear Plexiglas, or equivalent, may be permitted on first story decks only, provided that such windbreak does not exceed twenty feet (20') in length on any side nor extend along more than two (2) sides of the first story deck on the prevailing wind exposure. Insect screening of a type approved by the District may be allowed to enclose the entire first story deck or a portion thereof. Screening will not be allowed on second story decks or balconies. Framed walls will not be allowed. The windbreak or screening should not extend more than one story in height, or twelve feet (12') above the deck surface, whichever is less. Any enclosure should be designed in a manner to facilitate easy removal without damage to the principal structure, and, specifically, should be capable of being removed in sections, each of which would not exceed 200 pounds in total weight and should be capable of being removed by hand.

5. Railings. See-through railings not exceeding forty-two inches (42") in height will be allowed along all sides of both first and second story decks.

6. Slope Clearance. No part of any deck may extend below elevation 7.0' U.S.G.S. datum, except for pile foundations or landing and ramps constructed for expressed purpose of accessing a floating dock. (See Variance considerations Exhibit K, page 71.)**

C. Special Conditions. Notwithstanding the above standards, the following additional regulations will apply in the areas indicated.

1. Beaver, Starboard, Marlin and Harbor Bays. Certain lots at the west end of Beaver, Starboard, Marlin, and Harbor Bays (Lots 1 – 64, Tract 4207) are subject to the following building restrictions:

The principal structure will be allowed to encroach into the RDECE up to a maximum of nine feet (9').

* Revised April 3, 2003

** Adopted June 6, 1996

2. Harbor Bay. Certain lots along the west side of Harbor Bay (Lots 60 – 64, Tract 4207) are subject to the following building restrictions:

No encroachments will be allowed to extend water ward past elevation five feet (+5.0' U.S.G.S. DATUM) on the waterside slope.

3. Indian Bay. Certain lots at the west end of Indian Bay (Lots 27 – 45, Tract 4378) are subject to the following building restrictions:

The principal structure will be allowed to encroach into the RDECE up to a maximum of nine feet (9').

4. Indian Slough. Certain lots along the south bank of Indian Slough (Lots 1 – 9, Tract 4224; Lots 55 – 70, Tract 4077; Lots 1 – 16, Tract 4223; Lots 80 and 81, Tract 4076; Lots 15 – 26, Tract 4378; and Lots 1 – 26, Tract 5353) are subject to the following building restrictions.

Docks and other such encroachments along the south bank of Indian Slough must adhere to separate guidelines. A copy of the special guidelines for waterside encroachments along Indian Slough is available from the District upon request.

5. Sand Bay.

a. Certain lots along the east end of Sand Bay (Lots 7 – 16, Tract 6856) are subject to the following building restrictions:

Decks will not be allowed to extend water ward more than five feet (5') past elevation three feet (+3.0' U.S.G.S. DATUM) or more than fifteen feet (15') past elevation eight and one-half feet (+8.5' U.S.G.S. DATUM), whichever is the more restrictive.

b. Certain lots along the east end of Sand bay (Lots 7 – 16, Tract 6856) are subject to the following building restrictions:

No part of the principal structure will be allowed to extend water ward of elevation eight and one half feet (+8.5' U.S.G.S. DATUM) on the waterside slope, or into the RDECE, whichever is the more restrictive.

c. Certain lots along the east end of Sand Bay (Lots 1 – 6, Tract 6856) are subject to the following building restrictions:

The principal structure will be allowed to encroach into the RDECE up to a maximum of eight feet (8').

6. Proposed principal structure designs for Lots and Tracts not specifically addressed under this section with RDECE easements will be reviewed and approved by the Board on a case by case basis using reasonable engineering judgment.*

Section 2.03. Storm Drain Easement (SDE). This section applies where the SDE has been dedicated by map, deed, or use to the District. No part of the principal structure will be allowed to encroach into the SDE. Limited landscaping and fencing may be considered subject to the approval of the District and subject to such conditions as the District may impose, applying reasonable and necessary engineering principles to protect the District's interests.

Section 2.04. Side Yard Setbacks.

A. In areas on the land where the District has an easement interest, no existing or planned improvement will be allowed in the area of easement, except upon issuance of a permit in the same manner as specified in Section 2.03 (Storm Drain Easement (SDE)).

B. In areas on the water, the distance between dock structures and the side property line, and extension of the side property line (P/L) must be a minimum of ten feet (10'). Encroachment into the side yard setback area will be considered, provided that a permit is issued, subject to the approval of the District and subject to such conditions as the District may impose applying reasonable and necessary engineering principles to protect the District's interest. Further, since such encroachment may limit similar future encroachments by adjoining lot owners, the District will require, as a condition for submission of an application, the provision to the District of a copy of a recorded Grant of Easement form executed by the adjoining affected landowner. Such Grant of Easement forms should be submitted along with the applicant's application and must comply with the proper format, examples of which are attached as Exhibits A-1 and A-2.

* Revised April 3, 1997

Section 2.05. Mooring Lines. Placement of docks and the mooring of vessels will not be allowed outside the mooring lines. No structure shall be erected or attached to docks within the mooring area except:

- A. Boarding ladders or steps,
- B. Dock boxes,
- C. Approved Boat Slip Covers for the purpose of weather protection for moored boats that are within the design guidelines outlined and illustrated in Exhibit "L".*

The "mooring area" is the area between the mooring line and the property line.

Section 2.06. Lot Excavation. Excavation adjacent to Reclamation District easements is to be discouraged. Proposals for excavation, which can affect District easements will be considered on a case-by-case basis and be subject to the approval of the District and such other conditions as the District may impose applying reasonable and necessary engineering principles to protect the District's interests.

Section 2.07. Special Circumstances. Notwithstanding any other portion of these Standards, the following special rules apply to the areas indicated:

A. Bulkheads Along Deep Water Bays. New construction of bulkheads will not be allowed along any deep-water bays. Repairs to existing bulkheads will be considered on a case-by-case basis and subject to the approval of the District, and subject to such other conditions as the District may impose applying reasonable and necessary engineering principles to protect the District's interests. A bulkhead is defined as a permanent, relatively rigid structure of wood, masonry, or concrete that supports a mass of soil, and is structurally capable of withstanding the earth pressure applied to it. Bulkhead and retaining wall are synonymous terms.

B. Indian Slough. Certain lots along the south bank of Indian Slough (Lots 1 – 9, Tract 4224; Lots 55 – 70, Tract 4077; Lots 1 – 16, Tract 4223; Lots 80 and 81, Tract 4076; Lots 15 – 26, Tract 4378; and Lots 1 – 26, Tract 5353) are subject to the following building restrictions:

Docks and other such encroachments along the south bank of Indian Slough must adhere to separate guidelines for waterside encroachments along Indian Slough. A copy of these guidelines is available from the District upon request.

* Revised October 3, 1996

C. Willow Lake. Lots along Willow Lake are subject to the following building restrictions:

1. No part of the principal structure will be allowed to encroach farther than a twenty foot (20') setback from the rear property line.

2. Decks will not be allowed to extend any farther than a twenty foot (20') setback from the rear property line or to the mean water line (elevation - 0.56' U.S.G.S. Datum) of Willow Lake, whichever is greater. Where permitted bulkheads define the shoreline, the waterside edge of the bulkhead shall be the mean water line, and decks will not be allowed to extend waterward of the bulkhead.

3. Filling the lake or otherwise extending the shoreline waterward will not be allowed. Filling minor erosion areas will be allowed to a limited extent, subject to the approval of the District and subject to such other conditions as the District may impose, applying reasonable and necessary engineering principles to protect the District's interests.

4. Docks will not be allowed to extend any farther than twenty-five feet (25') into the lake from the permitted shoreline. All floating structures, other than permanently affixed docks, must be pulled up on shore at night and when not in use. Ramping of slopes will not be permitted, except on a case-by-case basis, by action of the District's Board of Trustees. Those ramps which are permitted must be considered so as to preclude public access.

5. No fences will be allowed to extend beyond the shoreline into the lake.

CHAPTER 3 EXCAVATION ON OR ALONG WATERSIDE SLOPES

Section 3.01. Definitions

Section 3.02. Permits Required

Section 3.01. Definitions. Waterside slopes fall into two categories:

A. New Slopes. Those slopes designed and constructed pursuant to specific engineering criteria and with construction inspection certifications which are currently on file with the District. These slopes are generally those which are located on the waterside slopes created by the construction of new bodies of water such as the lakes and lagoons within the Discovery Bay Development.

B. Old Slopes. Those slopes for which specific design and construction inspection details are not on file with the District. These slopes are generally those along waterways which were in existence prior to the Discovery Bay Development, such as those along the cuts commonly referred to as Indian Slough and Kellogg Creek.

Section 3.02. Permits Required. No excavation on or along new slopes is allowed except upon issuance of a permit. Permits for excavating material on or along New Slopes which is in excess of the designed section may be granted by the District provided that:

A. The permittee has submitted plans with before condition waterside slope cross-sections at the beginning, middle and end of the area along each lot to be excavated certified as to accuracy by a Registered Civil Engineer or licensed surveyor showing the excess material to be excavated;

B. The permittee agrees to submit within ten (10) days after completion of the excavation "as built" cross-sections at each of the before condition cross-section locations certified as to accuracy by a Registered Civil Engineer or licensed surveyor and accompanied by the written certifications of a Registered Civil Engineer that the slopes after excavation are stable and free of known defects;

C. The permittee has provided the District a bond with a recognized surety in a form approved by the attorney for the District or cash to fund for a period of five (5) years from the date of the permit all District slope maintenance and repair costs (including any engineering and legal costs pertaining to the same) on or along the lot to be excavated and on or along any adjoining lot affected by the excavation. The amount of the bond or cash shall be one and one-half times the potential cost of repair as determined by the District. Interest on any case deposit shall be payable to the permittee as accrued.

D. At the end of the five (5) year period, the District will release the unclaimed portion of such bond and the balance, if any, of such cash deposit.

E. Permits for excavation of material on or along "New Slopes" which intrude within the designed section and permits for excavation of material on or along "Old Slope" will be matters requiring action of the Board of Trustees. Applications in these cases will be considered only if accompanied by design calculations submitted by a licensed Registered civil Engineer and supported by actual soil tests on the lot in question showing the proposed work to be properly designed and stable. In addition to those conditions applicable to permits for excavating "material on or along New Slopes which is in excess of the designed section," the Board may impose such other conditions deemed by it to be appropriate, applying reasonable and necessary engineering principals to protect the District's interest.

CHAPTER 4
SLOPE MAINTENANCE WITHIN DEVELOPED AREAS

- Section 4.01 History
- Section 4.02 General Rule
- Section 4.03 Land Access
- Section 4.04 Landowner Responsibility

Section 4.01. History. The District's policy on slope maintenance within developed areas (as generally set forth in the district's February 27, 1975 letter to the Contra Costa Planning Department, a copy of which is attached hereto as Exhibit B) was that each lot owner had the obligation to maintain his own lot at his own expense and that the District would take action to compel the owner to maintain only where the principal levee systems (elevation control easement area) or facilities of the District are threatened or where a particular lot with a protected slope is threatened by lack of adjoining owner slope maintenance.

In the interest of facilitating better protection of slope surfaces and waterways within the District, the District decided it is desirable for the District to undertake quarry stone rock riprap slope surface protection in certain cases at the expense of the District.

Section 4.02. General Rule. On each lot where quarry stone riprap slope surface protection has been placed by the owner in accordance with the requirements of the District and where the owner provides unobstructed access to the slope for additional placement of rock by conventional waterborne equipment the District will, at District expense, provide and place quarry stone rock riprap to supplement and replace existing slope surface protection. If access is obstructed, and other arrangements for maintenance delivery are made, the owner will be required to execute an indemnification and hold harmless agreement in a form approved by the District.

Section 4.03. Land Access. In special circumstances where access to the slope for placement of rock riprap by conventional waterborne equipment is obstructed, but the owner provides adequate access to a part of the slope so as to allow the District to provide and place a stockpile of rock, and the owner agrees to the satisfaction of the District to hand place the stockpiled rock in areas of need, the District may authorize the provision and placement of such a stockpile of quarry stone riprap at District expense. As a prerequisite to such District action, the owner will be required to execute an indemnification and hold harmless agreement in a form approved by the District.

Section 4.04. Landowner Responsibility. The slope stability and expense of maintenance and maintenance of bulkheads and slope protection other than quarry stone rock riprap shall continue to be the responsibility of the lot owner.

CHAPTER 5 PROCEDURE FOR SEEKING PERMITS

- Section 5.01 Application
- Section 5.02 Plan
- Section 5.03 Plan Submittal Requirements
- Section 5.04 Fees
- Section 5.05 Number of Encroachments
- Section 5.06 Approval
- Section 5.07 Conditions
- Section 5.08 Appeal

Section 5.01 Application. Each applicant seeking a permit from Reclamation District No. 800 will be required to comply with the requirements set forth in this Chapter. The applicant is required to submit ^{FIVE (5)} ~~four (4)~~ copies* of the plot plan and/or applicable building plans to the District for review. All applicants are reminded that, while Reclamation District No. 800 requires a permit (and may grant, grant conditionally, or deny an application for a permit), other entities, including, but not limited to DERC, and/or other homeowners associations may, pursuant to C C & R's, require plans and/or approvals. Applicants are strongly encouraged to obtain such other approvals as may be necessary in order to minimize time spent.

Section 5.02 Plans. Plans submitted should be in a form complying with Contra Costa County building permit requirements, and conforming to the Reclamation District No. 800 regulations. The street address of the proposed improvements is required on all plan submittals.

Section 5.03 Plan Submittal Requirements.

A. For Principal Structures and/or Decks:

1. An architecturally scaled plot plan of a size sufficient to accommodate District stamps (see Exhibit F), and no less than 11" x 17", showing the locations of the following: existing and proposed structure; the Slope Control Area (SCA), Reclamation District Elevation Control Easement (RDECE), mooring lines, side yard setbacks, other relevant easements, and property lines. For an example, refer to Exhibit "C" page 37.
2. An architecturally scaled profile view showing the existing elevation of the lot from the face of curb to the rear property line and the locations of the following: existing and proposed improvements; the SCA, RDECE, mooring lines, side yard setbacks, and any other relevant easements; and property lines. For an example, refer to Exhibit "D" page 38.
3. Plans indicating building elevations (on four sides).
4. Floor plans.

* Revised January 11, 1996

5. Foundation plans showing in detail any and all proposed excavations.

6. Drainage plans indicating provisions for the collection and conveyance of irrigation, precipitation, and other on-lot surface flows to the bays and lakes without wetting the SCA above the high water mark.

7. Framing plans including the structure and the materials.

8. Deck plans, including railing details if applicable.

B. For Docks:

1. An architecturally scaled plot plan of a size sufficient to accommodate District stamps (see Exhibit F), and no less than 11" x 17", showing the locations of the following; existing and proposed structures; and the SCA, RDECE, mooring lines, side yard setbacks, and any other relevant easements from curb to mooring line. [See Exhibit "C."]

2. An architecturally scaled profile view showing the existing elevation of the lot from the face of curb to the rear property line and the locations of the following: existing and proposed improvements; the SCA, RDECE, mooring lines, side yard setbacks, and any other relevant easements; and property lines. [See Exhibit "D."]

3. Framing plans including the structure and the materials.

4. Setback plans showing the location of existing structures on adjacent properties, if any, if the applicant requests a variance from the ten foot (10') side yard setback requirement.

Section 5.04. Fees. Permit fees are assigned to defray the District's administrative, engineering, and inspection expenses incurred in the evaluation, review, and processing of project plans and specifications. Applicable permit fees must accompany the permit application. Fees are payable in accordance with the following schedule:

House and Dock (submitted together)	\$ 35.00
House	\$ 35.00
Dock	\$ 35.00
Home Additions	\$ 35.00
Dock and/or Deck Extensions and Trellis	\$ 20.00
Fence, and/or Landscaping, and/or Walkways	\$ 7.50
Variance*	\$100.00
The processing of permits on any unpermitted construction will be subject to a fee of (To accommodate the extra work of the District necessary to review already constructed structures for conformity with plans.)	\$100.00

For processing encroachment applications for work not listed above, the applicant will be required to enter into a reimbursement agreement with the District to reimburse the district for all direct costs associated with processing the application, including, but not limited to, engineering, legal and administrative costs.

Certain plans may be submitted to the District simply to determine whether there is an impact on District interests, or not. There will be no charge for review of such plans, except that if an impact is determined to exist, a new application pursuant to Section 5.01 must be submitted.

Section 5.05. Number of Encroachments. Each submittal may be for any number of encroachments provided that sufficient information is included to allow complete review of all proposed encroachments.

Section 5.06. Approval. Applications for encroachments subject to the terms and conditions set forth herein may be approved only by the, District Manager or by a designated representative of the District. Upon completion of the District's review of the Applicant's plans, plans will be returned to the Applicant as follows:

A. Approved Plans. The District will return two (2) sets of approved plans to the Applicant along with an executed permit, a copy of which is attached as Exhibit "E." One set of plans is intended for the Applicant's use in obtaining a building permit from the County of Contra Costa Building Department. The second set is provided for use by the Applicant. The second set is provided for use by the applicant. Upon approval, the Applicant is authorized

* Revised June 5, 1996

to construct the subject encroachment(s) in accordance with the terms and condition set forth on the permit form and stamped on the plans. Typical District stamps are attached as Exhibits "F-1" through "F-5."

B. Disapproved Plans. The District will return four (4) sets of plans which were originally submitted to the Applicant along with Conditions of Approval which set forth the reason(s) for disapproval and the conditions and/or revisions necessary to obtain the District's approval of the proposed encroachment(s). A copy of the standard form is attached as Exhibit "G." Resubmittal of revised plans in an effort to comply with Conditions of Approval will not be subject to additional plan review fees.

Section 5.07. Covenants, Release, and Indemnification Agreement ("CRI"). Each permit will require, as a condition of approval, execution, by all owners of the property, of a Covenant, Release, and Indemnification. Upon first requesting a permit, the applicant must either demonstrate to the District that a CRI has been properly executed and recorded for that property, or complete a CRI. Once a properly executed and recorded CRI is in place for that property, no further CRI will be necessary, unless specifically directed by the Board of Trustees for unusual situations. A copy of the standard form of CRI is attached hereto as Exhibit H.

Section 5.08. Appeal. In the event that an Applicant or other interested party is dissatisfied with or disagrees with an administrative decision rendered by a representative of the District with reference to any matter included within these Standards, the complaining party shall, at his request, be heard by the Trustees of the District, with the decisions of the Board of Trustees being final.

CHAPTER 6 VARIANCES

Section 6.01. General
Section 6.02. Procedure

Section 6.01. General. Occasions may arise when an applicant, either upon appeal after denial of a request for a permit in accordance with Section 5.08, or prior to an initial request for a permit, feels that these Encroachment Standards and Rules and Regulations do not or should not apply to a particular factual situation. In such

event, the applicant may, by submission of a written request to the Board of Trustees of District, request a variance from these Standards, in accordance with the procedure set forth in Section 6.02.

Section 6.02. Procedure.

A. Application shall be made in writing by the property owner or his/her authorized agent, on forms provided by the District (Exhibit "J") and accompanied by such data and information as may be necessary to fully describe the request.

B. A filing and investigation fee of \$100.00 shall be paid upon submission of the variance application to accommodate the extra work required of the District to process the variance.*

C. Upon the filing of an application for variance, the District Manager shall set the matter for hearing before the Board of Trustees. A written notice of hearing shall be mailed at least ten calendar days prior to the hearing to all property owners, any part of whose property lies within a radius of three hundred feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. Failure to receive the notice required by this section shall not invalidate the action of the Board of Trustees.

D. The Board of Trustees shall have the power to grant variances when it finds and determines that all of the following circumstances apply:

1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity of the subject property;

2. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Encroachment Standards is found to create an unreasonable hardship for the subject property;

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

4. That the granting of such variance will be in conformity with the general purpose and intent of these Encroachment Standards.

E. Any variance granted or approved by the Board of Trustees involving the erection, alteration, or enlargement of a building or structure is null and void after the expiration of one year from the date the variance is granted unless the building or structure is completed within this time. The Board of Trustees, for good cause shown, may extend the one-year period for not longer than an additional six months upon application in writing being made before expiration of the variance.

F. The Board of Trustees may condition the issuance of a variance, and/or may require another or special CRI.

CHAPTER 7 PROCEDURE FOR ENFORCEMENT

Section 7.01.	Procedure
Section 7.02.	Definitions

Section 7.01. Procedure. In the event that any alleged violation of the Standards comes or is brought to the attention of any Trustee, employee, or any engineer, consultant, or attorney retained by the District, the following procedure shall be followed:

A. The alleged violation shall be referred to the District Manager in the most expeditious manner.

B. The District Manager shall investigate the alleged violation and shall determine if a violation exists. If a violation does exist, the District Manager shall attempt to contact the person or persons responsible orally, and attempt to have the violation corrected within 30 days. The District Manager shall within five (5) working days send a follow-up letter confirming the oral contact. If the violation poses an imminent threat to health, life, safety, or the integrity of the District levee system

(defined as "an emergency situation"), however, the violation must be corrected immediately. If an emergency situation exists, the District Manager shall attempt to contact the person(s) responsible, but if the person or persons responsible do not correct it immediately, or cannot be contacted, the District Manager, in consultation with the engineer for the District, shall take such action as is necessary to correct it.

C. If the violation is corrected within the time period specified, no further action is needed. If the violation is not corrected*, the District Manager shall by written report to the Board of Trustees, the Engineer, and the General Counsel of the District, memorialize all such investigation and oral discussions. If corrective action is taken by the District with respect to any emergency situation, the costs of such action shall be reported to the Board of Trustees, which may authorize the attorney for the District to take such legal action as may be available to recover such costs.

D. This subsection, and the remainder of this section, do not apply to emergency situations. If the violation is not corrected within the time period specified, the District Manager shall deliver, by certified mail, return receipt requested, or by personal delivery to the person or persons responsible for such violation, a written letter setting forth the violations, with precise reference to the Standard or Standards violated. The letter shall also detail the necessary corrections to achieve compliance with the Standards, and demand submission, by the person or persons responsible for the violation, to the District Manager, of a plan for correction of the violation(s), such plan to be submitted within thirty (30) days of the date of receipt of the letter. The letter shall also include a copy of this Chapter of the Standards, and notice to the person or persons responsible for the violation (hereinafter called "respondent") to appear at a specified meeting of the Board of Trustees of Reclamation District No. 800, which meeting shall be the next available regular meeting of the Board of Trustees which is more than 30, but less than 60, days from the date of receipt of the letter, to show cause why the Board of Trustees should not initiate legal proceedings to force compliance.

E. The District Manager shall submit to the Secretary of Reclamation District No. 800, at least five (5) days prior to the specified meeting at which the respondent is to show cause, all documents relevant to any violation.

F. At the meeting specified for the show cause hearing, if it shall appear to the Board of Trustees that the violation is corrected, no further action need to be

* Revised August 1, 1996