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GENERAL GUIDELINES FOR PROJECT APPLICATIONS

(Revised 02/27/2014)

I. INTRODUCTION.

BIMID reviews a project to see if it will have any impact on the levee or drainage, or if it will affect BIMID's ability to provide reclamation and drainage services to the residents of Bethel Island.

On October 30, 2006 BIMID adopted revised Ordinance 4 and the revised Ordinance 9. These General Guidelines are intended to give applicants for a District Approval some guidance now that the revised Ordinance 4 and the revised Ordinance 9 are being fully implemented.

These General Guidelines are intended as a summary to help applicants more readily understand the provisions of these two ordinances.

This document is not intended to cover every situation, nor is it intended to give every detail about the project application process. Further, this document is not intended to give a complete list of what can, and cannot, be done on the levee or in a drainage ditch.

Levee safety is of the utmost importance to Bethel Island. The District receives supplemental funds for levee safety from the state government and emergency funds from the federal government and thus is required to meet state and federal levee safety standards. The requirements contained in BIMID's ordinances are to ensure that proper safety standards can be met.

II. WHEN IS A DISTRICT APPROVAL REQUIRED?

If you propose to do anything on or near the levee, or in or near a drainage ditch, you need to go to the BIMID office and speak to a BIMID staff member, who can tell you if a District Approval is required.

Although the term "projects" is commonly used when referring to the need to obtain a District Approval, "projects" are not limited to construction activities. (Construction activities, however, are the most common type of "project" that is submitted to BIMID for review and approval).

As a general rule, most construction projects on Bethel Island must be reviewed and approved by BIMID before a County Building Permit can be obtained. Additionally, many activities taking place on the levee or near a BIMID drainage ditch will require a BIMID approval, even if no County permit is required.

As examples, the following projects and activities will need a BIMID approval before they are started:

- (A) any grading or digging;
- (B) the construction of a new structure, (such as a residence, garage or shed);
- (C) the building of a retaining wall* (including the stacking of pre-cast blocks);
- (D) erecting or maintaining any fence, gate;
- (E) placing a walkway or gang plank on the waterside of the levee;
- (F) planting grass on the levee crown (the flat part at the top of the levee);
- (G) erecting or maintaining any portable toilet, or other movable structure on the levee;
- (H) constructing wave-wash protection devices from the levee (such as rip-rap rock and bulkheads);
- (I) placing underground utilities in the levee;
- (J) pounding a piling into the levee (including the submerged part of the levee);
- (K) demolishing a structure;
- (L) any construction on the exterior of an existing structure (such as a house or dock);
- (M) the construction of a new dock;
- (N) any construction on the interior of a structure that is "non-conforming" and "encroaching" (check with BIMID staff to determine if your structure is non-conforming and encroaching); and
- (O) the creation of any impervious surface (a surface that water cannot easily go through), such as surfaces made of concrete, asphalt, brick and tile.

* (Note: New retaining walls on the levee, or near the base of the levee, are discouraged by BIMID and, except in unusual circumstances, are unlikely to receive a BIMID approval.)

Further, certain non-construction activities require a BIMID approval. For example, storing or placing things like lumber, pipes, construction materials, trampolines, sports equipment, picnic tables, outdoor furniture, swing sets and wading pools on the levee require a BIMID approval.

The above are only some of the activities that require a BIMID approval before they can be performed. There are additional activities that are prohibited unless a BIMID approval is first obtained. **Please consult a BIMID staff member to determine if your proposed activity (whether construction related or not) needs a BIMID approval.**

Certain activities are prohibited on the levee, and BIMID will not grant an approval for them. These include:

- (A) planting trees, shrubs, bushes, cacti, and some types of ground covers; **
- (B) camping;
- (C) launching a boat (except from a launching ramp or other facility regularly maintained for launching boats); and
- (D) brandishing or discharging a firearm or bow and arrow.

** (Note: For more details on landscaping and planting, see discussion under section IV(H) appearing below in this document.)

A property owner can apply for a variance under Ordinance 18 if there is good cause to deviate from a BIMID regulation. A variance is applied for by filling-out an Application for a Variance, which is available at the BIMID office.

Although a BIMID approval must be obtained for some activities that are not related to construction, the remainder of this document will focus on the requirements for, and processing of, construction projects.

III. DEFINITIONS RELATED TO LEVEES.

If your project is on or near a levee, you should be familiar with the following definitions:

- (A) The "**levee crown**" is the flat (or nearly flat) area on top of the levee.
- (B) The "**design levee**" is the minimum shape of the levee under federal standards. Those standards require a 2:1 waterside slope and a 3:1 landside slope, and a **levee crown** width of twenty (20) feet at an elevation of 10.2 feet. The two most common examples of a **design levee** are shown on Exhibit A and Exhibit B to these Guidelines.
- (C) The "**landside toe**" is the point at which the landside sloped side of the levee intersects the land surface of the island.
- (D) The "**waterside toe**" is the point at which the waterside sloped side of the levee intersects the bottom of the slough.
- (E) The "**waterside levee setback**" is a line which determines how close to the **levee crown** docks on the waterside of the levee can be placed. The exact position differs, depending upon the type of levee involved, however a "rule of thumb" is to say that it exists 31 feet out into the water from the waterside edge of the levee crown.
- (F) The "**landside levee setback**" is a line which determines how close to the levee structures on the landside can be placed. It is defined by the following, (whichever is farther into the island):

a. 4 feet landward from the landside toe of the **design levee**;
Determining the location of the **landside levee setback** is not easy for the average property owner because it must be determined based, in part, upon the elevation of the existing **levee crown** and the elevation of the lot. As a general rule, the lower the elevation of the lot, the farther (into the island) the **landside levee setback** will be. A land surveyor or engineer can determine the **landside levee setback** by taking elevation data at the lot, and creating a levee cross-section. The approximate location of the **landside levee setback** can be determined using a worksheet that is available at the BIMID office.

Drawings showing a typical levee and a typical oversized levee are attached hereto as a reference.

IV. BIMID DESIGN GUIDELINES AND PLAN REQUIREMENTS.

If you are spending substantial sums of money on your project, such as building a new house, BIMID encourages you to have your segment of the levee widened and raised to bring it up to federal standards. If the levee is widened later, you might be adversely affected. BIMID may even do the levee work for you, at no cost, however you will need to enter into a Levee Agreement with BIMID, which will be recorded in the County land records.

Your construction project must be a certain distance from the levee. That distance is called the "levee setback." There is a setback on both the waterside and the landside. (See discussion of **waterside levee setback** and **landside levee setback** in the "DEFINITIONS RELATED TO LEVEES" section of these Guidelines.

BIMID requires that certain "standard notes" appear on plans that are submitted. Those "standard notes" are available in hand-out form at the BIMID office. You can cut out the applicable "standard notes" from the hand-out, paste them on your plans, and then photocopy the paste-up to make your final set of plans.

BIMID staff has created a list of the most common requirements imposed upon the types of projects that BIMID frequently reviews. Because each project is unique, the list does not attempt to specify every possible requirement. The list is as follows:

(A) Ramps ("gang planks") that Lead from the Levee to a Dock.

1. Ramps cannot have an outside width that exceeds 48 inches. (Note: Federal law generally requires a minimum unobstructed inside width ("accessible route") of 36 inches.)
2. Only one ramp is allowed per dock.
3. Ramps must be designed to be easily removable by the owner, so that they will not impair BIMID's ability to perform maintenance work on the levee or levee road.
4. All ramps must be supported by a concrete footing on the waterside of the levee, set to elevation 10.2.

(B) Docks and Pilings.

1. The Army Corps of Engineers has rules that may affect the size, shape and placement of docks, and therefore it is advised that you obtain their rules before designing your dock.
2. The plans for all docks and pilings must include a cross-section (profile) of the levee, at the location of the proposed dock or pilings, prepared by a licensed land surveyor or civil engineer. The elevations of the submerged part of the levee must be obtained by physical measurements on the water, usually by boat. The location of all pilings (both stand-alone pilings or pilings supporting a dock) must be shown on the cross-section. Note, if your submittal includes an Army Corp of Engineers permit, the permit needs to show a current cross section, if the permit that was issued is over 10 years old.
3. In addition to plans, the applicant proposing to erect a dock or pilings must also submit true and correct copies of any applications, plans, reports, covenant agreements, or other documents required by, or filed with, any governmental agency other than BMID, (including but not limited to the Army Corps of Engineers, the California Department of Fish and Game, the Regional Water Quality Control Board, the County, the federal Department of Fish and Wildlife, and the federal National Marine Fisheries Service) pertaining to the PROJECT, plus any letters, memoranda, permits, or other documents received from any such governmental agency pertaining to the PROJECT.

(C) Utility Lines (sewer pipes, electrical conduits and household pressure water pipes) Crossing the Levee.

1. Utility lines must not be buried more than 12 inches deep.
2. Utility lines must be installed using a trench (no hydraulic or other drilling is allowed).
3. Utility lines must be made of Schedule 80 PVC pipe, or a better material.
4. The location of utility lines must be clearly marked on both sides of the levee, just off of the levee crown. Markers shall be either: (a) 4x4 wooden posts, painted white, 12 inches above ground, and embedded 12 inches into the ground; or (b) Schedule 80 PVC pipe of the same diameter as the buried pipe, 12 inches above ground, and embedded 12 inches into the ground.
5. Pressurized water pipes must have an accessible and clearly marked shut-off valve at the levee, on the side of the water source.
6. Pipes must be installed in full 20 foot lengths (in order to minimize the number of couplings in the levee).
7. Pipes must be directly buried. They must not be placed inside another pipe as a sleeve because open-ended pipes are prohibited.
8. The landowner must acknowledge (by placing a note on the plans) that future levee maintenance may require removal of all or part of the utility lines at the landowner's expense.
9. The above does not apply to water pipes having a pressure higher than normal household pressure, such as some commercial lines and fire lines.

(D) Fences on the Levee.

1. Fences must be on the side property lines.
2. Fences must be perpendicular to, or within twenty degrees of perpendicular to, the centerline of the levee.
3. Fences cannot extend any closer to the water than 22 feet from the waterside edge of the levee crown on the designed levee profile or 2 feet, measured away from the water, from the landside edge of the levee crown, (which ever is farther away from the water).
4. Only parcels in certain areas of Bethel Island (generally where farming is still conducted) can have fences across the levee crown.
5. No fences are allowed on the waterside of the levee, except when used as a railing along a dock ramp or gang-plank.
6. No fences are allowed across the levee crown.
7. Any fence must be of an open wire or semi-transparent design and construction (so visual inspection of the levee from either side of the fence is not impaired or hindered).
8. The landowner must acknowledge (by placing a note on the plans) that future levee maintenance may require removal of all or part of the fence at the landowner's expense.

(E) Stairs and Walkways on the landside of the Levee.

1. The term "walkways" includes an elevated walkway leading from a structure (such as a residence) to the landside edge of the levee top.
2. Stairs and walkways must be made of wood.
3. Stairs and walkways must be above grade (they cannot be dug into the levee).
4. Stairs and walkways cannot have an outside width that exceeds 48 inches. (Note: Federal law generally requires a minimum unobstructed inside width ("accessible route") of 36 inches.)
5. Piles, concrete footings and posts will be allowed to support stairs and walkways above the levee. Concrete footings and posts for a stairway or walkway can usually be embedded up to 24 inches into the ground. Footings must not act as a retaining wall.
6. The landowner must acknowledge (by placing a note on the plans) that future levee maintenance may require removal of all or part of the stairway or walkway at the landowner's expense.

(F) Decks.

1. On a typical levee (Exhibit A), a deck from a building cannot extend more than ten (10) feet toward the water from the toe of the **design levee** (which may not be the actual toe at the time of construction). On an oversized levee (Exhibit B), a deck from a building cannot extend more than ten (10) feet toward the water from the actual toe of the oversized levee.

2. The vertical clearance from the **design levee** to the deck structure shall be no less than eight (8) feet, (so that BIMID has room to inspect the levee).
3. Piles, concrete footings and posts will be allowed to support decks above the levee. Piles, concrete footings and posts supporting a deck can usually be embedded up to 36 inches into the ground. Footings must not act as a retaining wall.

(G) Flagpoles in the Levee Setback Area.

1. Flagpoles are allowed up to the landside edge of the **levee crown**. They are prohibited on the **levee crown** itself.
2. Flagpoles must have a proper footing for the size of the pole.

(H) Landscaping on the slopes and crown of the Levee.

1. Most landscaping activities are prohibited on the levee.
2. The planting of trees, bushes and most other vegetation is prohibited on the levee. Only certain types of ground covers are allowed, but only on the levee slopes. (The State of California has created a list of approved ground covers for levee slopes, and BIMID has adopted that list, with some minor modifications. BIMID's list of approved ground covers is available from the BIMID office.)
3. Grass is allowed on the crown of the levee (sod is allowed however it will likely be damaged by BIMID vehicles before it has a chance to root).
4. The landowner must acknowledge (by placing a statement on the plans or the application) that the landowner assumes all risk of loss and damage to the grass caused by the use of the levee road.

(I) Projects located within 2 Feet of a Property Line.

1. If a project involves the construction of, improvement of, alteration to, addition to, or repair of, any structure intended to be located on a property line, or within two (2) feet of a property line, (including but not limited to a fence), BIMID may (but is not obligated to) require written proof that the structure is or will be on the property line or on applicant's side of the property line. Such proof may be in any form acceptable BIMID, including but not limited to a land survey signed by a licensed professional, or a letter signed by the affected adjoining property owner. (This guideline has arisen because BIMID has been threatened with lawsuits for approving projects that later turned out to be straddling a property line.)

(J) Landside Projects in General.

1. The project cannot obstruct a drainage ditch. (In general, no permanent structure will be allowed within 15 feet of the edge of a drainage ditch, because that area is required for equipment to clean the ditch.)
2. The project cannot redirect drainage waters onto a neighboring property.

3. If there is a drainage ditch along the roadway in front of a lot, only one ditch crossing (culvert) will be allowed per lot. (Crossings for levee upramps are not counted towards the "one crossing" restriction if BIMID has a written easement for the upramp.) All culvert pipes cannot exceed 20 feet in length (this is due to the fact that most contractors only have cleaning equipment to clean out culverts that can extend 10 feet into each end of a culvert). Also, culverts must be at least 18" in diameter. Any length or size that is different than what is described above will have to be submitted for a varinance.
4. As to lots that are at the levee, the lot must be brought up to a minimum of a one and one-quarter percent (1¼%) grade, sloped away from the levee toe, before building commences, so that water will drain away from the base of the levee and prevent ponding. (Note: 1¼% grade is approximately 1/4 inch vertical change for every one foot horizontal distance.)
6. If the project is a large project (such as a subdivision) located near the levee, BIMID will likely require that the property owner prepare a detailed report on the stability of the nearby levee.
7. If the project is near the levee, some of BIMID's design rules may be relaxed if the property owner, at the property owner's expense, places sheet pile on the waterside of the levee in accordance with the recommendations of BIMID's engineer. (If you are considering this option, please check with BIMID staff.)

(K) Demolition Activities

1. Demolition activities generally require a BIMID approval.
2. Unlike other BIMID applications, you must get your permits from other agencies before you apply for your BIMID approval. Those other agencies include, but are not limited to, the County (a demolition permit) and the Bay Area Air Quality Management District (a "J Number" permit). (NOTE: When obtaining your "J number" permit, you may be asked for the date of demolition. If so, make sure you give them a date that is a sufficient amount of time in the future for BIMID to process and rule upon your BIMID application.)
3. On the BIMID application, you must disclose the location of where you are going to dispose of the debris from the demolition.

V. REQUIREMENTS OF OTHER AGENCIES:

BIMID may not be the only agency that you need to obtain some type of permit or approval from before commencing your project. Further, although you may not need to obtain an approval or a permit from a particular agency, you may need to comply with that agency's rules and regulations. Other agencies that you may need to obtain a permit or approval from, or whose regulations you must comply with, may include:

1. The County, (website:).
2. The Army Corps of Engineers, Sacramento District, (website: www.spk.usace.army.mil).
3. Ironhouse Sanitation District, (website: www.ironhousesanitarydistrict.com).

4. The Bay Area Air Quality Management District ("BAAQMD"; website: www.baaqmd.gov).
5. The Central Valley Regional Water Quality Control Board (sewer pumps, etc.; website: www.waterboards.ca.gov/centralvalley).
6. The California Department of Fish and Game, (website: www.dfg.ca.gov).
7. Utility companies (PG&E, AT&T, etc.).
8. The U.S. Fish and Wildlife Service (website: www.fws.gov).
9. The National Marine Fisheries Service (website: www.nmfs.noaa.gov).
10. U.S. Access Board (Americans with Disabilities Act), (website: www.access-board.gov).

BIMID will not be liable if you fail to get all required permits from other agencies, or you fail to comply with the regulations of any agency.

VI. DRAWINGS AND RELATED DOCUMENTS FOR CONSTRUCTION PROJECTS:

There are several types of drawings that may be required by BIMID to properly evaluate the impacts that your project may have on the levee or drainage. Check with BIMID staff to see which drawings your property will require. All drawings must be on paper that is at least 11 x 17 inches in size, and five (5) sets are required. The following are the types of documents BIMID may need:

1. **Plot Plan.** Nearly every application to BIMID requires a plot plan. The extent of the plot plan will be determined by the extent of the proposed project. For a residence, addition to a residence, or a garage, this drawing must show: (a) the clearances for the side yards; (b) the front yard clearance (from the street right of way); (c) rear yard clearance (from the landside toe of the levee); and (d) the various physical features on the property now, and which are proposed, such as all buildings and other structures, trees, driveways, culverts, retaining walls, and drainage systems.
2. **Boundary Survey.** Projects on a boundary line, or within two feet of a boundary line, will likely require a boundary survey, although a consent letter from the neighboring property owner may be sufficient. (See discussion under IV(1), above.) A Boundary Survey drawing is prepared by a licensed land surveyor or civil engineer, and shows the boundaries of the property and the limits of any easements on the property. The corners of the property must be set with permanent markers such as rebar, pipes and brass disk in concrete (no wood corners are permitted). (If a Boundary Survey drawing is required for the project, BIMID requires the corners be set in order to avoid inadvertently placing improvements on neighboring properties or within easements belonging to others.)
3. **Profile Drawing.** This drawing shows the "side view" of the project. If a levee is involved, it must also show the profile (shape) of the levee in relation to the project, and be prepared by a licensed land surveyor or civil engineer.

4. Title Report. A title report may be required to verify the existence or absence of easements across your property. Most likely, the title report will not need to be current, but may be from the escrow when you bought the property. (The type of title report that is required will often be titled "Preliminary Report" or "Policy of Title Insurance.")

The County will likely require additional documents.

VII. PROJECT APPROVAL PROCESS:

For both landside projects (usually the construction involving a residence) and waterside projects (usually construction involving a dock), the BIMID project approval process starts when you file papers with BIMID.

BIMID does not issue any permits. Instead, it issues a "District Approval" after reviewing a project. As noted above, BIMID reviews a project to see if it will have any impact on the levee or drainage, or will affect BIMID's ability to provide reclamation and drainage services to the residents of Bethel Island.

For a demolition, the papers are submitted to BIMID after first obtaining a County demolition permit, and a "J number" permit from the Bay Area Air Quality Management District).

BIMID's review of a project starts after you fill-out and file, with BIMID's Administrative Assistant, the BIMID form titled "Application for Project Approval Under District Ordinances." At the time of filing the Application, you must submit five copies of your drawings (plans) to BIMID. BIMID will then review your application and drawings. In some instances, BIMID staff may ask you to provide additional information.

It is very important that you fully describe your project on the Application, and not rely upon the plans to show the full extent of your project. (For example, if your application says that you are seeking a levee utility crossing, but your plans also show a new shed, only the levee utility crossing will be considered as being part of your project, and any approval will only be for the levee utility crossing. Further, you may be asked by BIMID staff to delete the shed from the plans.)

Why are five sets of plans required by BIMID? One set is for BIMID to retain in its files, and four sets will be stamped by BIMID and returned to the applicant. Those other sets will be used by other agencies in the permit process, as described below.

Most construction projects on the interior of a structure are automatically approved by BIMID. Exterior construction projects and a few interior projects will be sent to a BIMID Director, or to the full BIMID Board, for a decision. The decision will either be to approve the project, approve the project with conditions, or deny the project. If your project is approved or approved with conditions, BIMID will stamp all copies of the plans and return four copies to you.

There are only three types of interior projects that will not be automatically approved by BIMID, (and which therefore must be approved by a Director or the full Board):

1. An interior project in a structure that is built within the levee setback area;
2. Any interior work involving digging near the levee (such as digging a basement or wine cellar); and
3. Any interior work that affects drainage (such as a project which proposes a discharge of rain water, from an interior courtyard, onto a neighboring property).

After obtaining BIMID's "District Approval," you then need to get approvals from all other government agencies. (The exception is a demolition, in which case you have already obtained your County and Air Quality permits.)

VIII. CHANGES TO THIS GUIDE:

The content of this document is subject to change, clarification and updating at any time. Please check this website and BIMID staff members for changes, clarifications and updates.

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