

**Meeting of the Central Valley Flood Protection Board
April 27, 2012**

Staff Report – Encroachment Permit

**Slavic Missionary Church
Parcel Improvements, Yuba County**

1.0 – ITEM

Consider approval of Permit No. 18560 (Attachment B)

2.0 – APPLICANT

Slavic Missionary Church

3.0 – LOCATION

The project is located east of Marysville at 2291 Walnut Avenue.
(Yuba River Designated Floodway, Yuba County, see Attachment A)

4.0 – Description

The applicant requests authorization of an existing dwelling, a 0.87-acre pond, an in-ground swimming pool, two entry gates, 730-feet of wrought iron fence, 350-feet of chain link fence, two garden sheds, a house pump, an agricultural well, a septic tank, and 319 trees; To remove and replace two garden sheds and a metal storage shed; To construct a metal foot bridge, a gazebo, a small waterfall, a pump house, five light poles, 420-feet of chain link fence, and 975-feet of barbed wire fence all within Area C of the Yuba River Designated Floodway.

5.0 – Project Analysis

All encroachments will be located inside of the Yuba River Designated Floodway (DF) which was adopted by the Board on July 28, 1972. Title 23, Section 134, Figure 8.11 identifies the project area as being inside “Area C” of the DF. Title 23, Sections 134 and 113 identify Area C as an area of shallow flooding (1-foot or less).

The existing home was constructed in 1967, five years prior to the adoption of the Yuba River Designated Floodway. All of the remaining encroachments conform to Title 23 standards.

5.1 – Hydraulic Analysis

The width of the floodway at the parcel location is approximately 2.5-miles wide and the project blocks less than 1% of the floodway; therefore a hydraulic analysis was not required.

5.2 – Geotechnical Analysis

The scope of the project does not require a geotechnical analysis.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project from all pertinent agencies are shown below:

- Marysville Levee District endorsed the project on December 28, 2011 with one condition that has been incorporated into the permit.
- The U.S. Army Corps of Engineers 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities involving negligible or no expansion of an existing use, and a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:
2. The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.
3. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

4. Effects of the decision on the entire State Plan of Flood Control:

The proposed project area is considered a shallow flooding area per Title 23, Sections 134 and 113. Potential hydraulic impacts from the project on the entire State Plan of Flood Control are considered insignificant.

5. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

Future events, changes in hydrology and climate may increase flows in the Yuba River which in turn would increase the flood risk to the project.

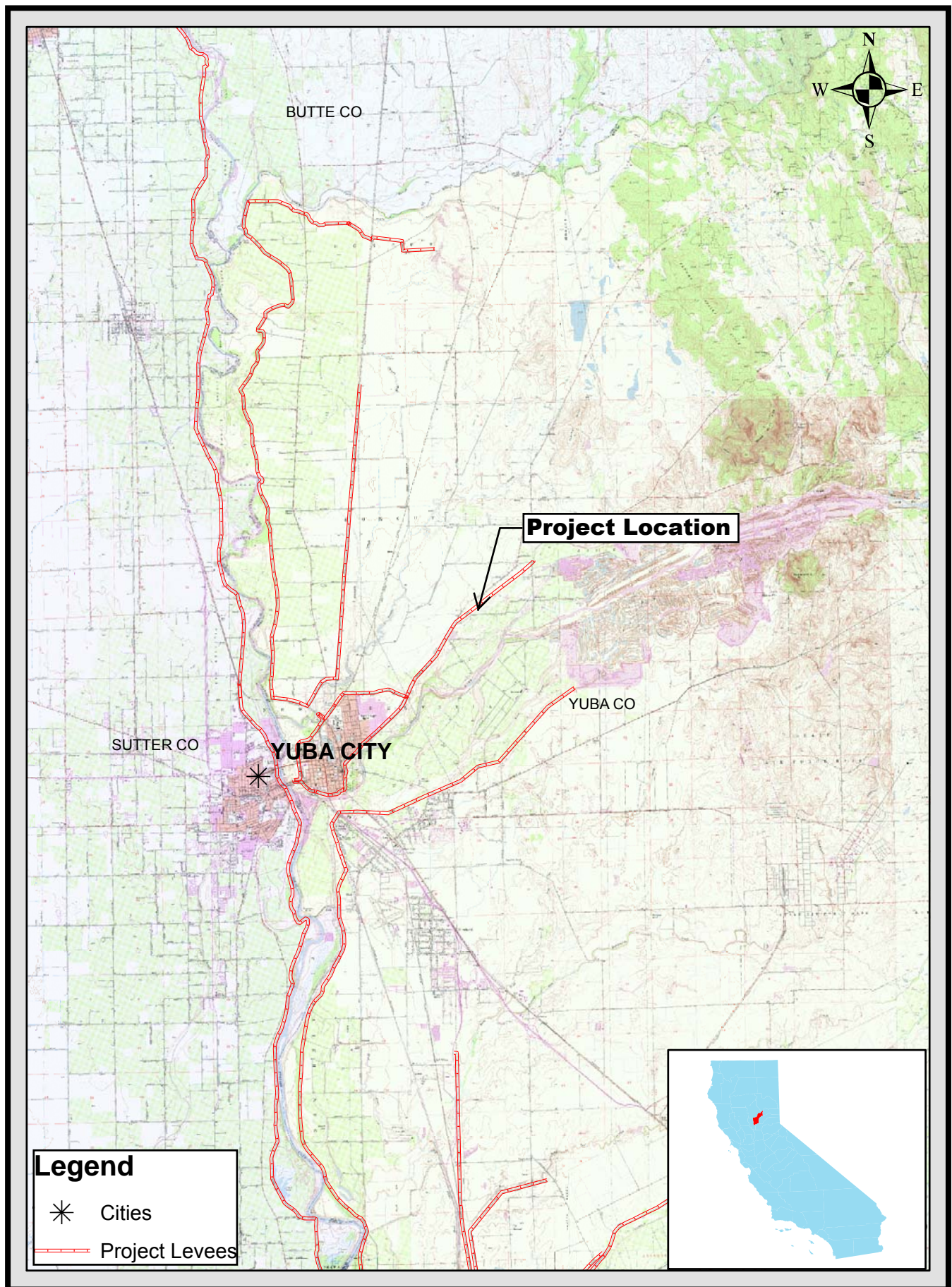
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Exemption (NOE) with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18560
- C. Design Drawings

Design Review:	Gary W. Lemon P.E.
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.





Air Photo of Property





DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18560 BD

This Permit is issued to:

Slavic Missionary Church
9880 Jackson Road
Sacramento, California 95827

To authorize an existing dwelling, a 0.87-acre pond, an in-ground swimming pool, two entry gates, 730-feet of wrought iron fence, 350-feet of chain link fence, two garden sheds, a house pump, an agricultural well, a septic tank, and 319 trees; To remove and replace two garden sheds and a metal storage shed; To construct a metal foot bridge, a gazebo, a small waterfall, a pump house, five light poles, 420-feet of chain link fence, and 975-feet barbed wire fence within Area C of the Yuba River Designated Floodway. The project is located in Marysville at 2291 Walnut Avenue (Section 4, T15N, R4E, MDB&M, Marysville Levee Commission, Yuba River, Yuba County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18560 BD

THIRTEEN: The permittee acknowledges that all proposed and existing encroachments are located within the Yuba River Designated Floodway and are subject to periodic flooding.

FOURTEEN: The permittee will be required to execute an Agreement Establishing a Covenant Running with the Land relative to compliance with the permit conditions within 90 days of date of issue of permit.

FIFTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

SIXTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SEVENTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection

Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

EIGHTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Marysville Levee District shall not be held liable for any damages to the permitted encroachments resulting from flood fight, operation, maintenance, inspection, or emergency repair.

NINETEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

TWENTY: Upon receipt of a signed copy of the issued permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY-ONE: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: All trees shall be trimmed and maintained to provide 5-feet of vertical clearance above the ground surface.

TWENTY-THREE: All proposed and existing encroachments, to include vegetation, shall not be closer than 15-feet from the levee toe.

TWENTY-FOUR: All proposed and existing buildings shall be properly anchored to prevent floatation into the floodway in the event of high water.

TWENTY-FIVE: Only the existing two story dwelling shall be used for human habitation.

TWENTY-SIX: All debris generated by this project shall be disposed of outside the Yuba River Designated Floodway.

TWENTY-SEVEN: Stockpiled materials, temporary buildings, or equipment shall not remain in the Yuba River Designated Floodway during the flood season from November 1st to April 15th.

TWENTY-EIGHT: After each period of high water, any debris that may accumulate on the property shall be completely removed from the Yuba River Designated Floodway.

TWENTY-NINE: If damage to the existing dwelling exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the dwelling is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

THIRTY: If the permitted encroachments result in any adverse hydraulic impact or if the flows being conveyed in an overland release result in scouring the permittee shall provide appropriate mitigation acceptable to the Central Valley Flood Protection Board.

THIRTY-ONE: No further tree planting or work, other than that covered by this application, shall be performed in the area without prior approval of the Central Valley Flood Protection Board.

THIRTY-TWO: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

THIRTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-FOUR: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-SIX: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated March XX, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-SEVEN: Upon completion of the project, the permittee shall submit as-constructed drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

[illegible]

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

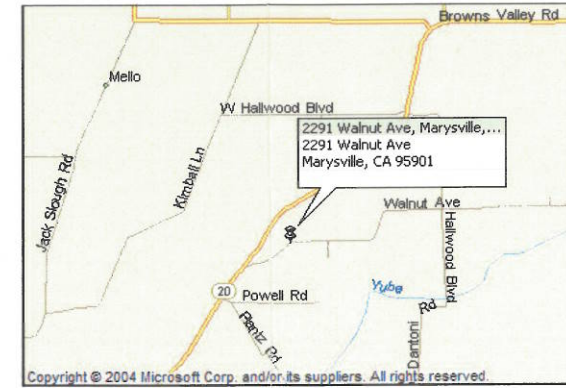
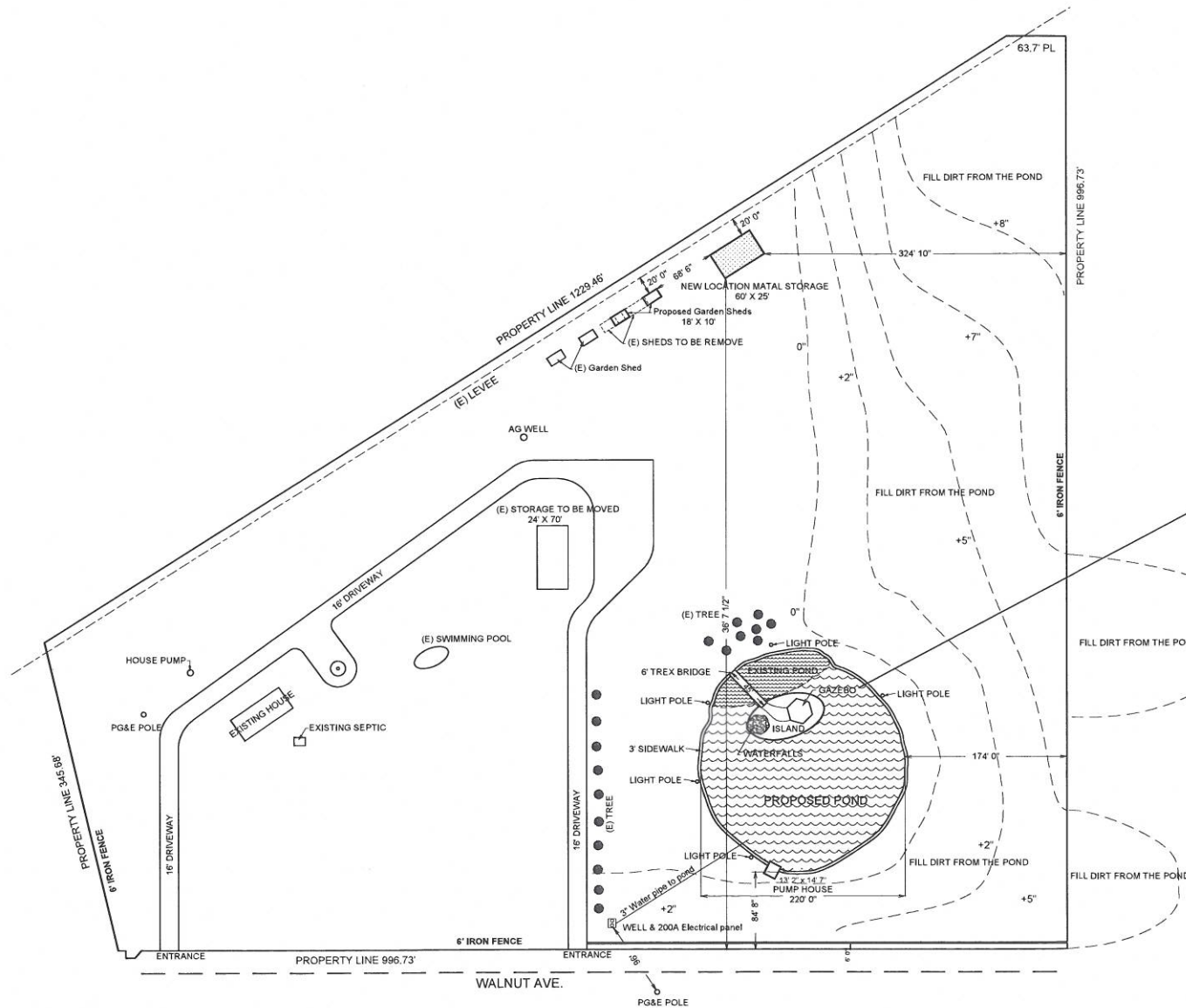
Plot Plan

PLAN #	00096
JOB #	00096
DATE	1/05/2009
SCALE	AS SHOWN
BY	MIKE
SHT #	1

9880 JACKSON RD.
SACRAMENTO CA. 95827
SLAVIC MISSIONARY CHURCH
VIKTOR CHERNYETSKY
TEL: (916) 369-5504
TEL: (916) 730-8617

DESIGNING
TEL.(916)366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

WALNUT AVE.

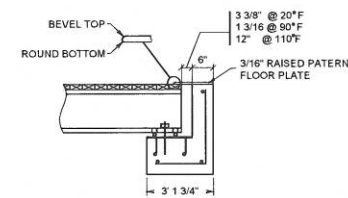
**LOCATION MAP** 

PLOT PLAN

SCALE: 1" = 40'-0"

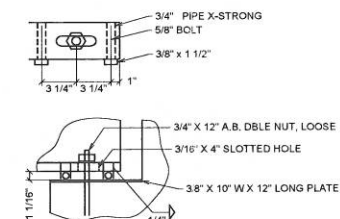


GAZEBO



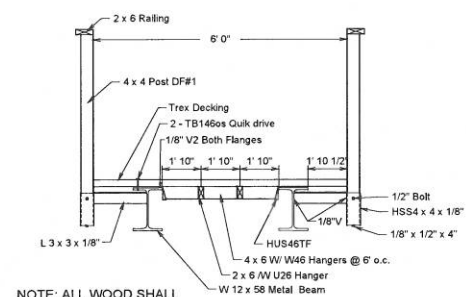
ABUTMENT @ FREE END

SCALE: 1/2" = 1' 0"



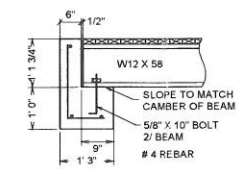
DETAIL B

SCALE: NA



BRIDGE SECTION

SCALE: 1/2" = 1' 0"



ABUTMENT @ FIXED END

SCALE: 1/2" = 1' 0"

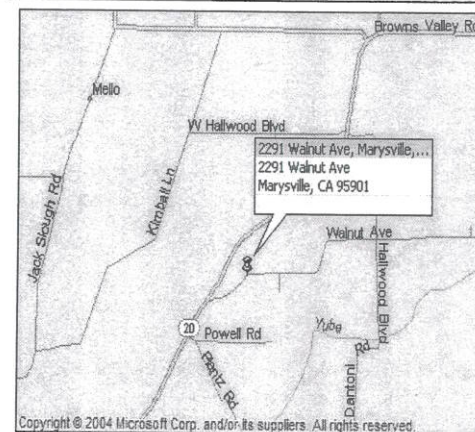
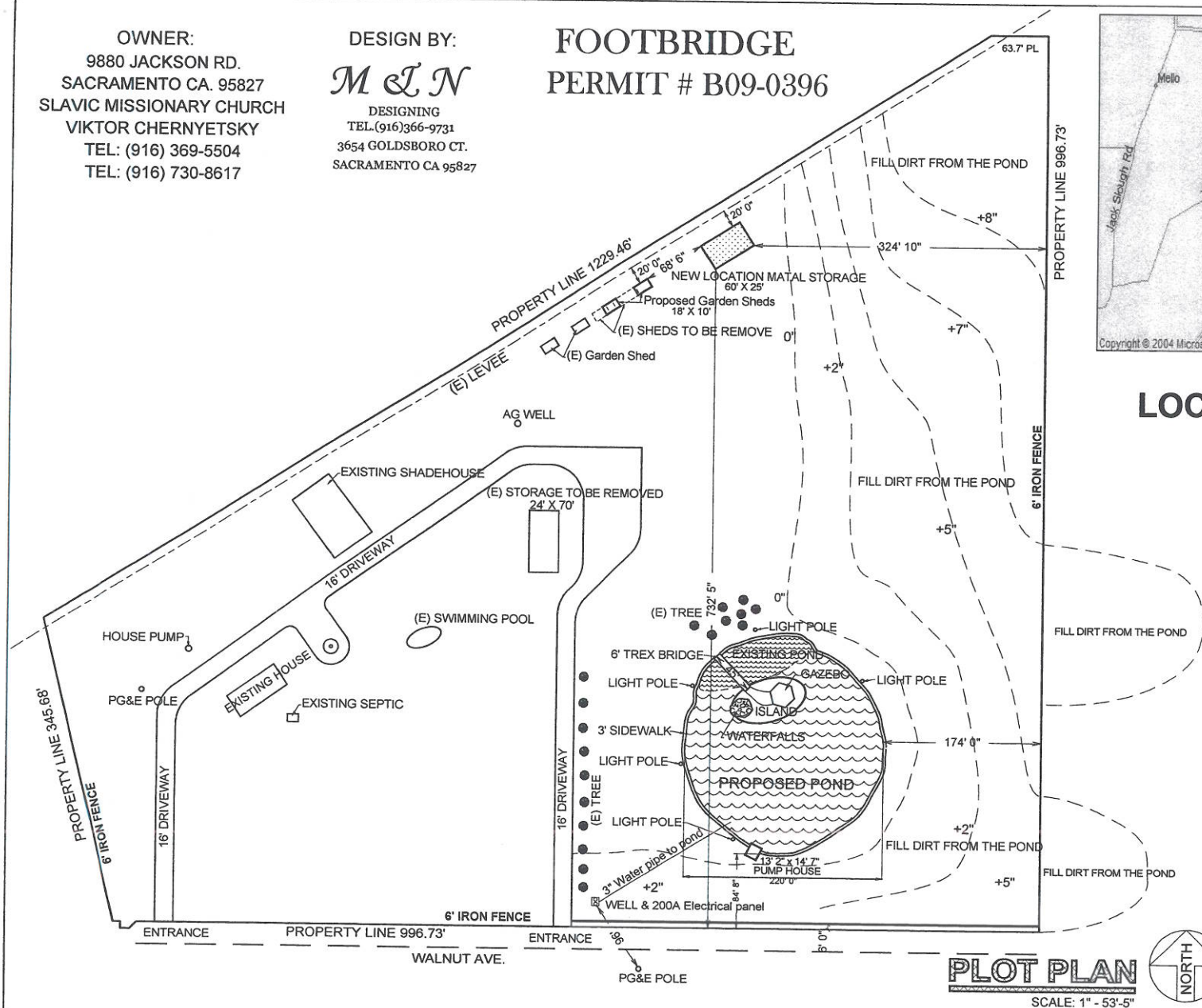
NOTE: ALL WOOD SHALL
BE P.T. D.F. UON.

OWNER:
9880 JACKSON RD.
SACRAMENTO CA. 95827
SLAVIC MISSIONARY CHURCH
VIKTOR CHERNYETSKY
TEL: (916) 369-5504
TEL: (916) 730-8617

DESIGN BY:
M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

FOOTBRIDGE

PERMIT # B09-0396



LOCATION MAP



M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

REV	DATE	NAME
Δ		
Δ		
Δ		
Δ		
Δ		

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

PLOT PLAN
FOOTBRIDGE
PERMIT # B09-0396

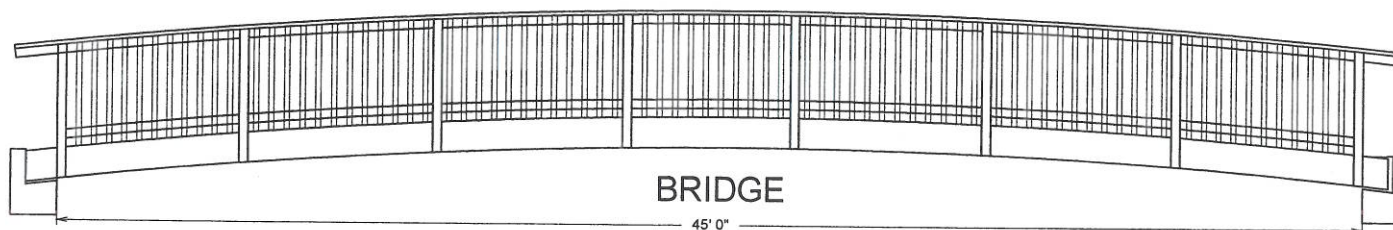
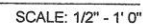
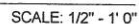
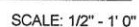
JOB # 0096 A
DATE: 5 / 18 / 2009
SCALE: N/A
DRAWN: MIKE
SHEET: 1

[illegible]

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

FLOOR PLAN
ELEVATIONS PLAN
DETAILS

JOB #	0096
DATE:	8 / 27 / 2007
SCALE:	3/16 = 1'
DRAWN:	MIKE
SHEET:	2



BRIDGE

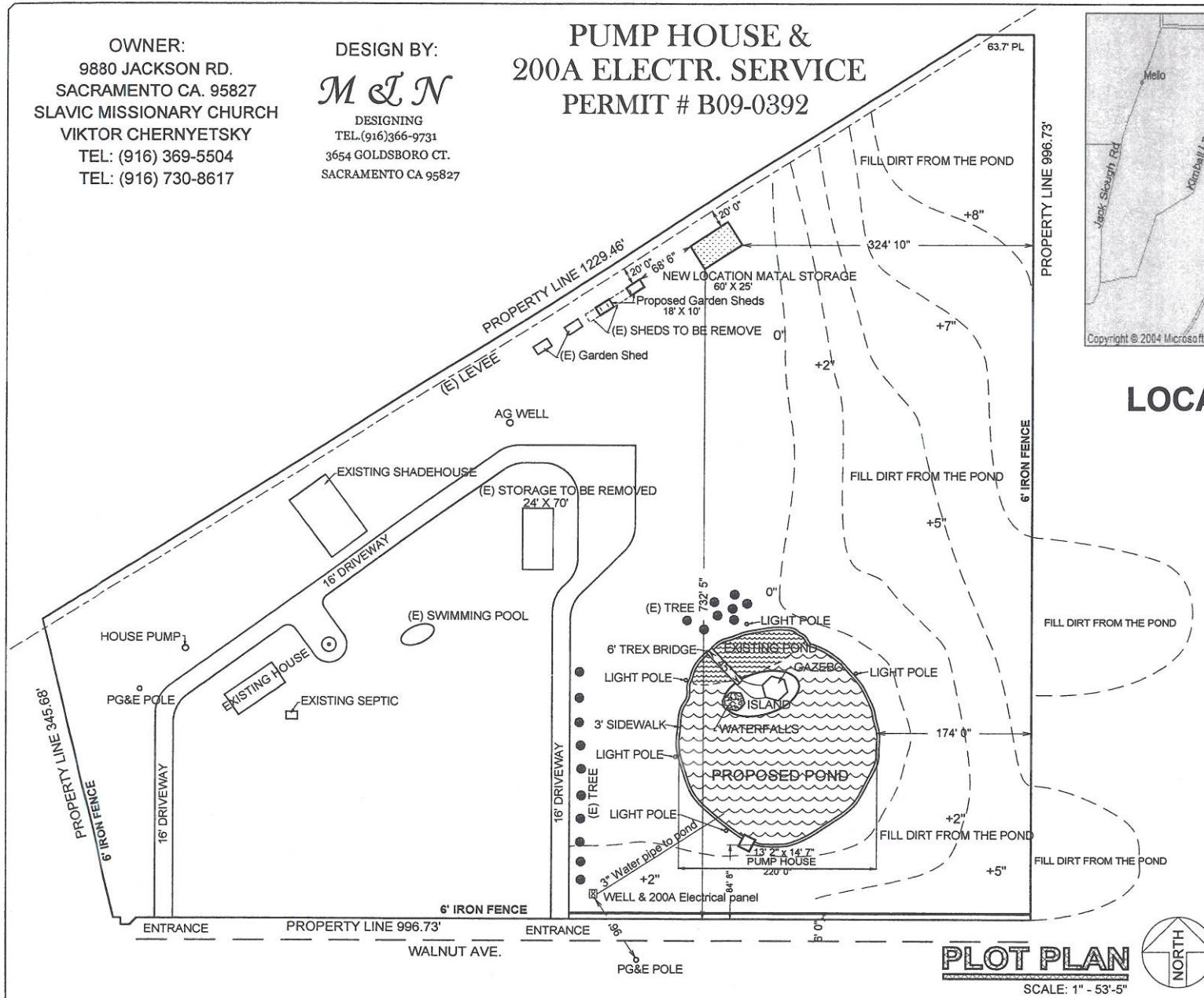
PERMIT # B09-0396

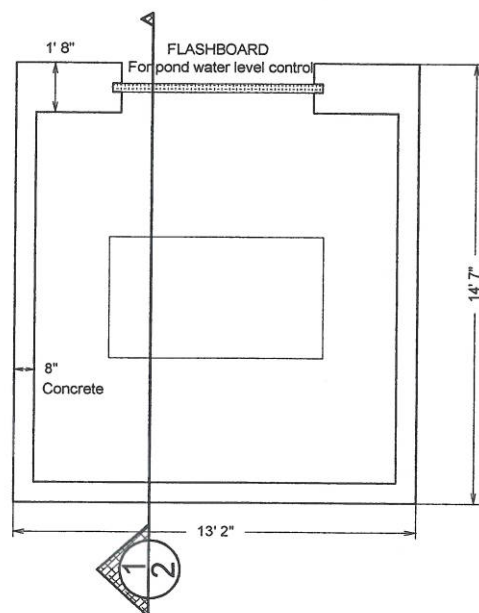
2291 Walnut Ave, Marysville,...
2291 Walnut Ave
Marysville, CA 95901

Copyright © 2004 Microsoft Corp. and/or its suppliers. All rights reserved.

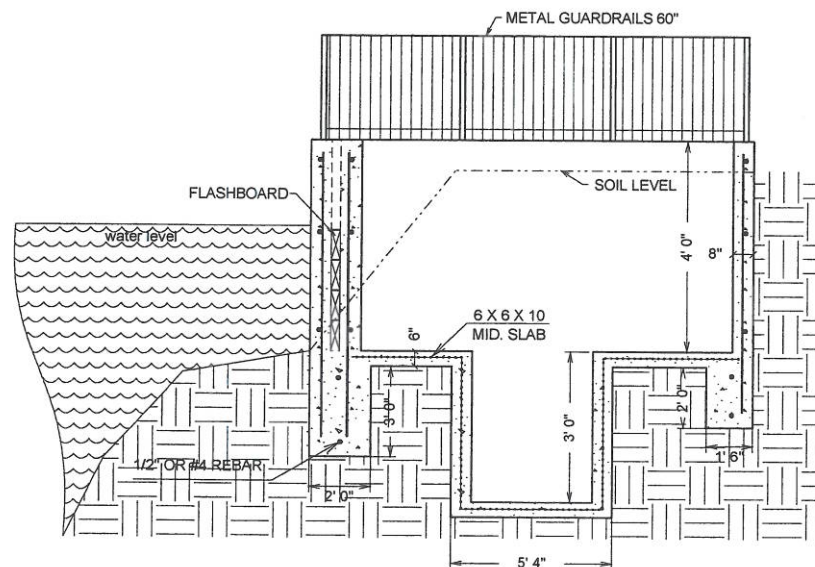
PLOT PLAN
PUMP HOUSE &
200A ELECTR. SERVICE
PERMIT # B09-0392

JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	1

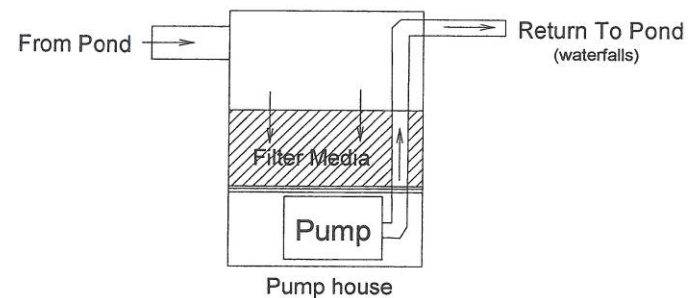




WATER CLEANING PUMP HOUSE



CROSS - SECTION 1
SCALE: N/A



POND CLEANING DIAGRAM

M & N
DESIGNING
TEL. (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

REV	DATE	NAME

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

DETAILS
PUMP HOUSE

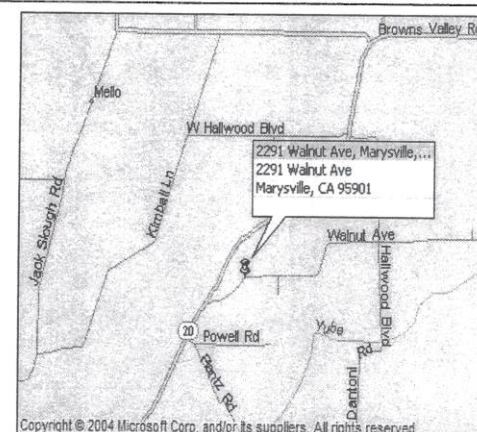
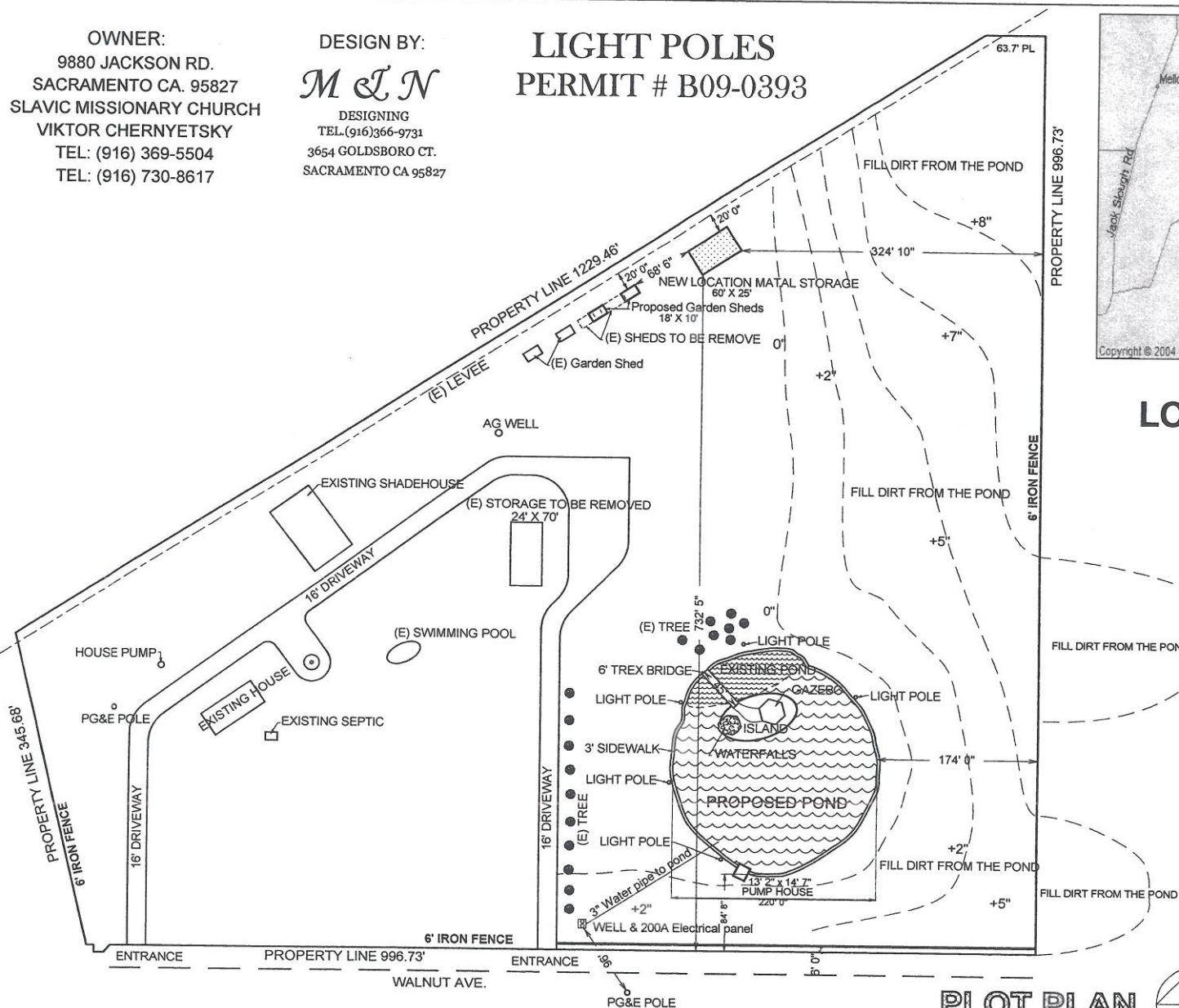
JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	2

PERMIT # B09-0392

OWNER:
9880 JACKSON RD.
SACRAMENTO CA. 95827
SLAVIC MISSIONARY CHURCH
VIKTOR CHERNYETSKY
TEL: (916) 369-5504
TEL: (916) 730-8617

DESIGN BY:
M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

LIGHT POLES PERMIT # B09-0393



LOCATION MAP

M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

REV	DATE	NAME
Δ		
Δ		
Δ		
Δ		
Δ		

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

PLOT PLAN
LIGHT POLES
PERMIT # B09-0393

JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	1

PLOT PLAN

SCALE: 1" = 53'-5"

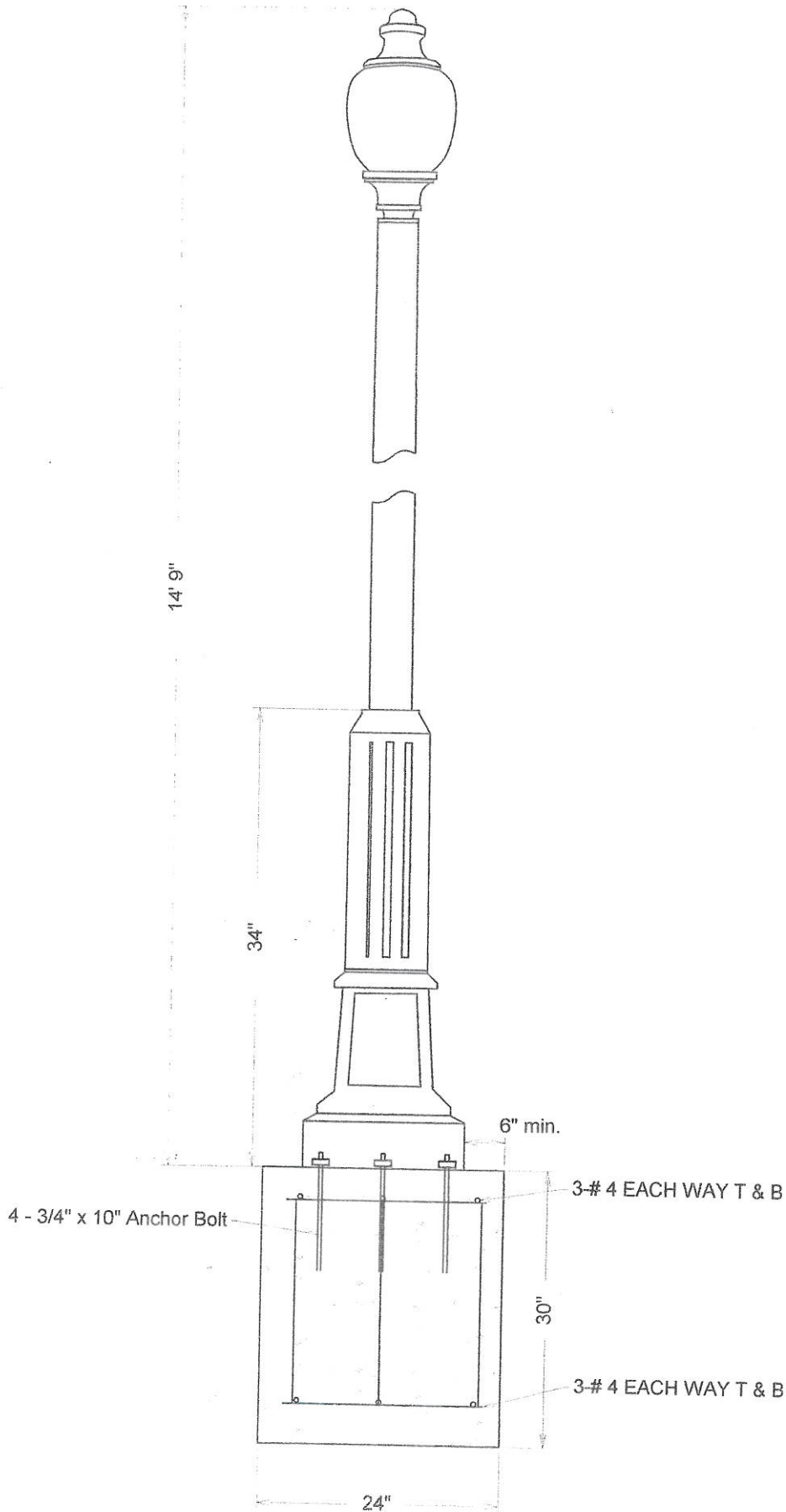


TEL. (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 958:

REV	DATE	NAM
1.		
2.		
3.		
4.		
5.		
6.		

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

LGHT POLES FOOTING

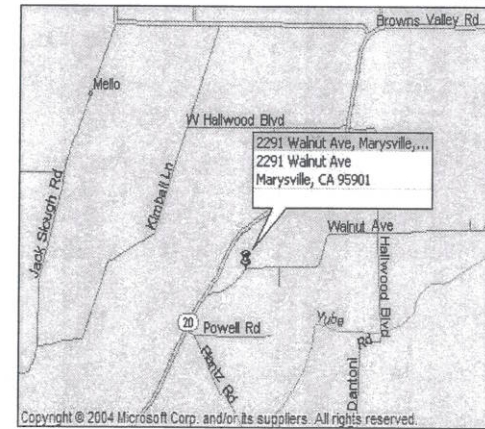


JOB #	0096 A
DATE:	8 / 27 / 2007
SCALE:	N/A
DRAWN:	MIKE
SHEET:	2

OWNER:
9880 JACKSON RD.
SACRAMENTO CA. 95827
SLAVIC MISSIONARY CHURCH
VIKTOR CHERNYETSKY
TEL: (916) 369-5504
TEL: (916) 730-8617

DESIGN BY:
M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

GARDEN SHED PERMIT # B09-0394



LOCATION MAP

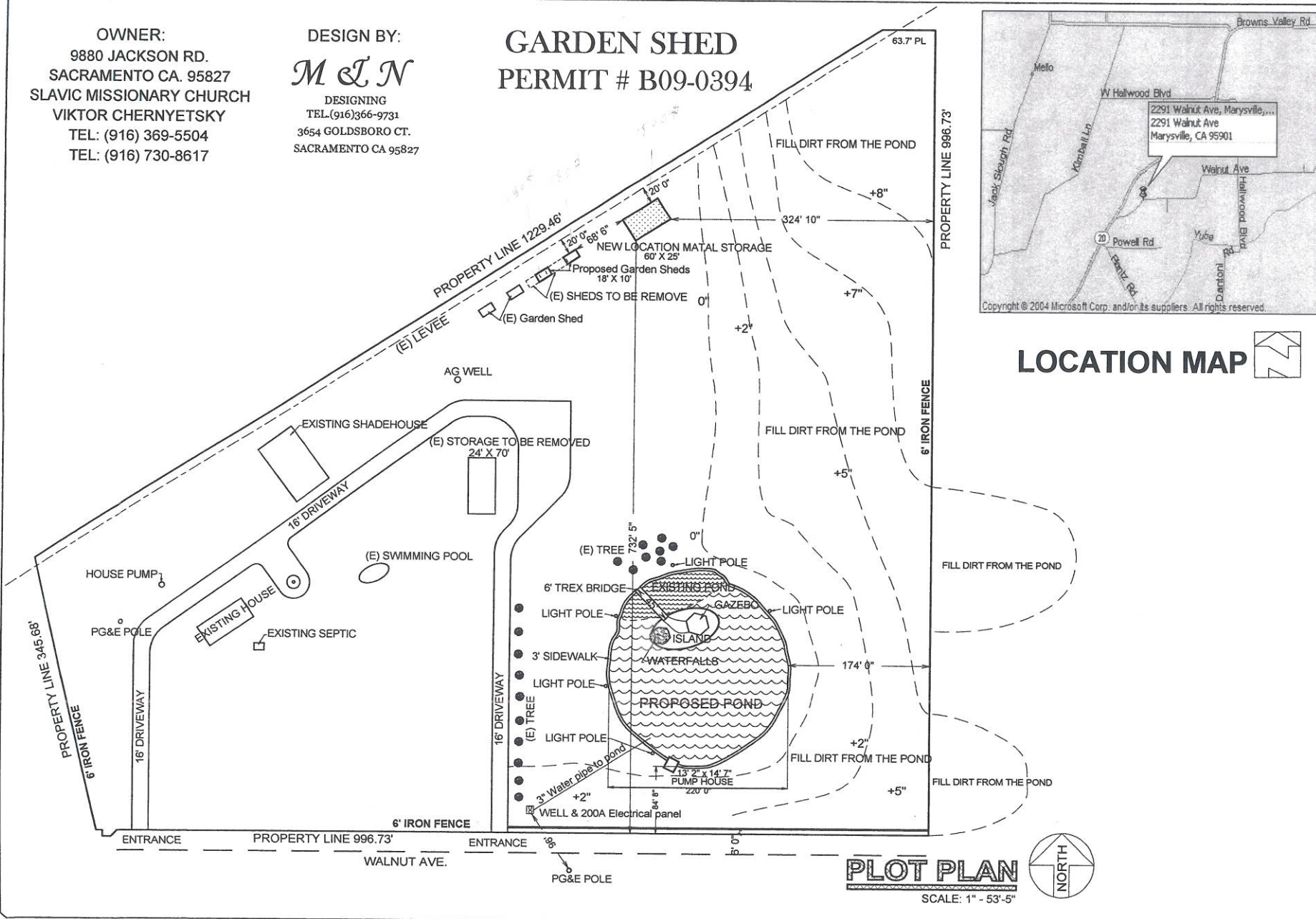
M & N
DESIGNING
TEL: (916) 366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

REV	DATE	NAME
Δ		
Δ		
Δ		
Δ		
Δ		

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

PLOT PLAN
GARDEN SHED
PERMIT # B09-0394

JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	1



PLOT PLAN
SCALE: 1" = 53'-5"



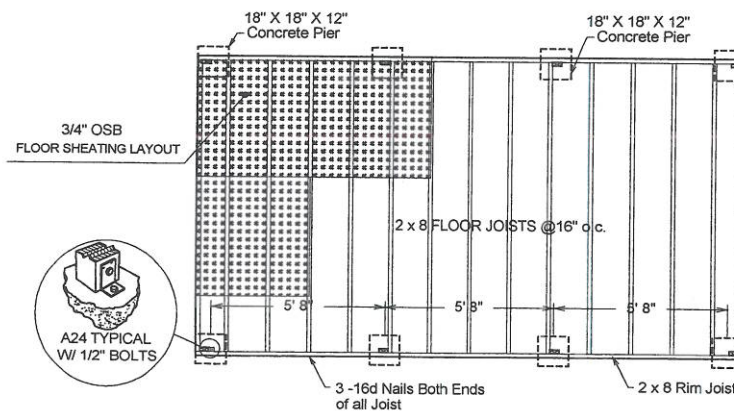
2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

FLOOR PLAN
ELEVATIONS PLAN
DETAILS

JOB #	0096 C
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	2



TYPICAL WALL FRAMING

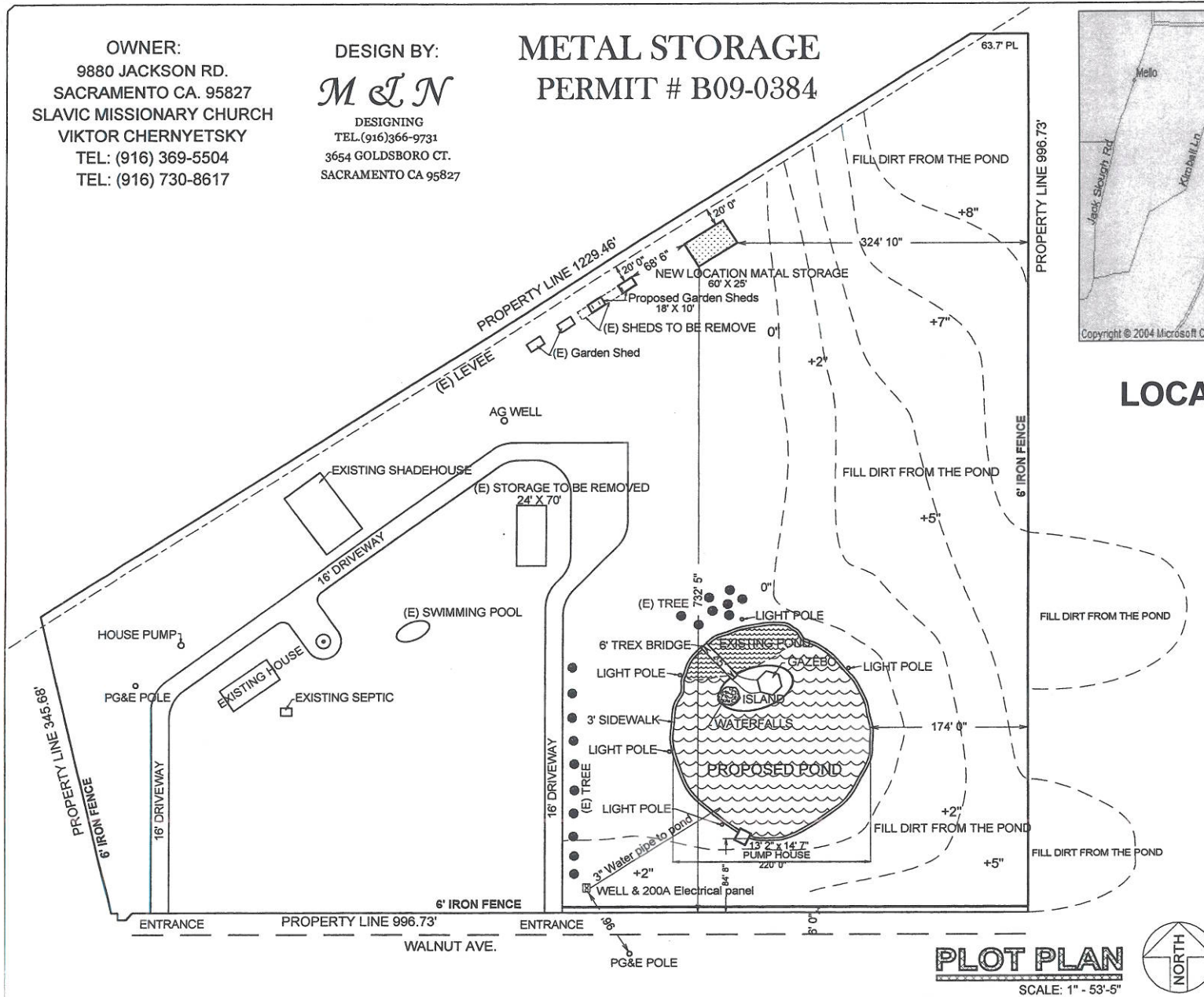


PERMIT # B09-0394.

Copyright © 2004 Microsoft Corp. and/or its suppliers. All rights reserved.

**PLOT PLAN
METAL STORAGE
PERMIT # B09-0384**

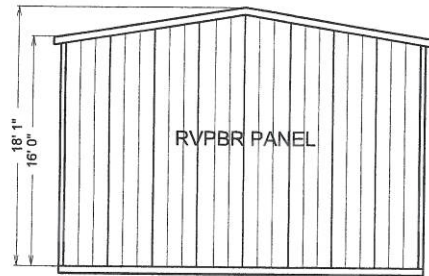
JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	N/A
DRAWN:	MIKE
SHEET:	1



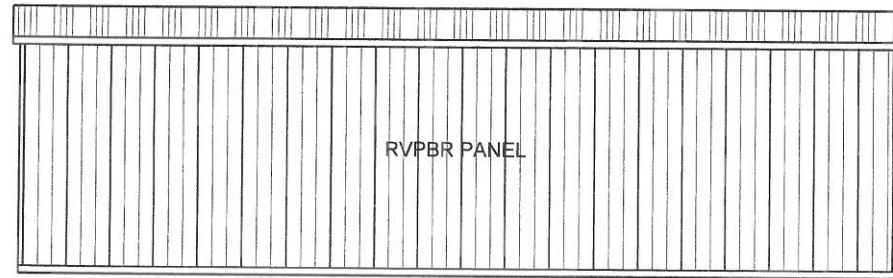
METAL STORAGE
PERMIT # B09-0384

M & N
DESIGNING
TEL.(916)366-9731
3654 GOLDSBORO CT.
SACRAMENTO CA 95827

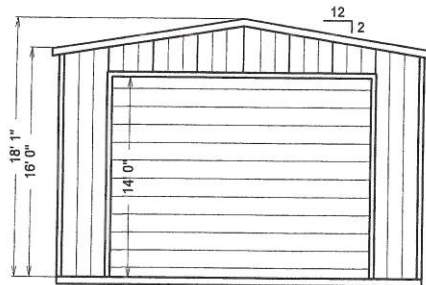
REV	DATE	NAME
Δ		
Δ		
Δ		
Δ		
Δ		
Δ		



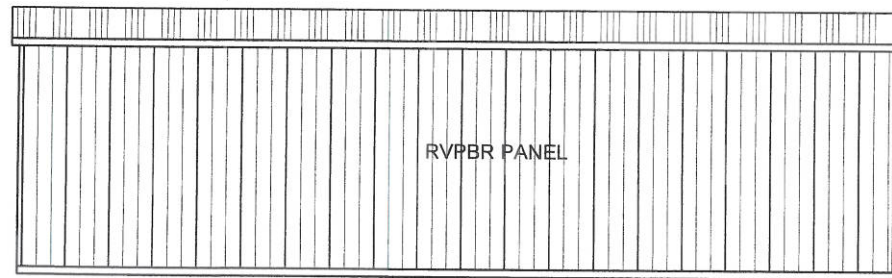
REAR ELEVATION



LEFT SIDE ELEVATION



FRONT ELEVATION



RIGHT SIDE ELEVATION

2291 WALNUT AVE.
MARYSVILLE CA. 95901
APN # 018 100 014 000

ELEVATION PLAN
METAL STORAGE
PERMIT # B09-0384

JOB #	0096 A
DATE:	5 / 18 / 2009
SCALE:	1/8" = 10"
DRAWN:	MIKE
SHEET:	3