

From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: ORD19-0011 (17448 River Ln., Guerneville) - Question about Permit / Fish + Game response
Date: Tuesday, November 22, 2022 1:04:29 PM
Attachments: [image001.png](#)
[Video.mov](#)

From: Christopher Bennett <cbennett415@gmail.com>
Sent: Tuesday, November 22, 2022 11:50 AM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Subject: ORD19-0011 (17448 River Ln., Guerneville) - Question about Permit / Fish + Game response

Hello Marina, I hope your day is going well.

I wanted to share this about the upcoming meeting, ORD19-0011 (17448 River Ln., Guerneville) and the party that has submitted the appeal.

My wife and I have messaged PRMD-Enforcement@sonoma-county.org and Nathan Junge at Parks + Rec in the past about Mark and Rita O'Flynn's attempts to claim the beach area for their private use. We have submitted evidence of this including past news articles that have covered this since 2015.

Below is the same message I would like to share with you. Please take a moment to read the collection of notes, articles with images and one video. Thank you.

Thank you for taking the time to speak to the Vacation Beach community regarding the acquisition of 17448 River Lane. Our family is in full support of keeping the beach access available to the neighborhood. We would like this matter to be settled and the beach protected.

I do want to comment further on the importance of protecting access to the beach as well as some of the obstacles being put in place by one particular property owner. Apologies for the lengthy email but this is years worth of important information and data:

The [owner of this vacation rental property is using the public beach for profit off public lands](#) and has attempted several times to block access to this

beach. Mark and Rita O'Flynn (listed on the sign attached in this email) have had legal issues with fences to block public access in the beach area before:

This Article has been taken down but I saved it:

https://soconews.org/sonoma_west_times_and_news/news/river-beach-brouhaha/article_0ad82546-412a-11e5-b2aa-c308904f1567.html

Highlights from this article are:

Neighbors point to public land trust records that they claim prove the public has a right to cross three properties on Graystone Place to access a public area that sits below the Ordinary High Water Mark (OHWM) of the river. A path across the higher portion of the beach is where the fence was put in to block access to the water's edge. A "No Trespassing" sign is duct taped to a post in the middle of a sandy path that leads to the beach in question.

Sonoma County's Permit and Resource Management Department (PRMD) was called by neighbors complaining that the wire fence stretching across the beach is not legal. PRMD investigated and agreed, sending Mr. O'Flynn a notice of violation, which meant that the fence needed to be removed.

"Initially, I was told by PRMD that I did not need a permit for the fence," O'Flynn said. He is appealing the findings, which means that a 30-day period, from the July 17 notice date to comply with the notice, is on hold pending the outcome of a PRMD hearing.

The notice of violation states that the fence "has been erected in the Riparian Corridor and the floodway" in violation of Sonoma County Zoning Codes. Sonoma County PRMD defines a Riparian Corridor as the area that encompasses a river or stream and the land adjacent to it.

Supervisor James Gore's office recently investigated a similar case on the Russian River near Healdsburg, finding that the public did have a right to access the beach.

In an email sent to public officials, Hunt provided a section of California state law on public access to beaches along rivers which stated:

"No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof."

[\[https://soconews.org/sonoma_west_times_and_news/news/river-beach-brouhaha/article_0ad82546-412a-11e5-b2aa-c308904f1567.html\]](https://soconews.org/sonoma_west_times_and_news/news/river-beach-brouhaha/article_0ad82546-412a-11e5-b2aa-c308904f1567.html)

To this date, the owners have a permit to restore the biological habitat directly within the beach access area and a permit has been issued (also attached here from PRMD). There has been no attempt to restore the habitat except to prohibit foot traffic. The vacation renters enjoy access to the beach while the sign and ropes are setup.

****Photo of the sign in the sand shows his renters using access to the beach is attached.**

Attached is a photo of the "seasonal" fence across the beach cutting off all access to the beach for public use. It seems suspicious and aligned with the goal that Mark, a lawyer who lives full time in San Francisco, who has [set up in 2015 illegal fencing before in the same exact area for his renters](#) (VPL15-0122 ERECTING A STRUCTURE (FENCE) IN THE RIPARIAN CORRIDOR AND THE FLOODWAY IN VIOLATION OF SCC SEC 26-65-040 AND SCC

SEC 7B-12.1), **had a zoning violation in 2017 for putting a permanent bench** on the state's jurisdiction of the beach (VPL16-0207, Received letter from California State lands Commission. The state has jurisdiction of the bench. Close zoning violation) now suddenly (and legally) cares about the removing non-native species in front of his property and beach access.

The "seasonal fence" happens to be during his summer rental season when the rest of us would be using the public land in front of his house. Mark and Rita's intentions are less convincing when we see people staying at the house going back and forth between the property to the beach without picking up any non-native plants. Their rental listing does happen to mention the access to the beach, it just looks like it hasn't been updated to mention the non-native plants he's protecting.

It sounds like PRMD hasn't gone down to see the area after issuing the permit, which is surprising coming from someone with multiple violations on the same parcel. I would prefer the permit issuer to go to the site and verify that everything is legal.

Looking at

ARTICLE X WATER [SECTION 1 - SEC. 7]

(*Article 10 added June 8, 1976, by Prop. 14. Res.Ch. 5, 1976.*) this seems illegal to have a fence at all blocking off the water for the public.

SEC. 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof. https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SEC.%204.&article=X

As a resident, I received no notification that this is now a critical habitat zone and have lost half of our public beach. I figured Fish + Game would have

sent an announcement within a reasonable radius.

I see ZPE20-0169 permit states:

Request for a Zoning Permit for habitat restoration of 4000 sq. ft. along the Russian River within the Riparian Corridor, Floodplain, and Floodway, including removal of non-native plant species, replanting of native shrubs, vines, and trees with associated irrigation, and installation of a temporary, seasonal fence to protect new plantings on a 0.35-acre parcel. All work is to be completed by hand.

This allows the owner private use of the land at his rental, When is the work due by or will it be erected **every** summer during rental season. These are the issues the rental property owner has created.

Looking forward to your response and updates on the acquisition of this parcel to maintain access to the public beach area for our neighborhood. Thank you for all your support.

****Photo of the sign in sand shows his renters using access to the beach****

--

- Christopher Bennett

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BIOTIC/CRITICAL HABITAT ZONE
RIPARIAN RECOVERY AREA
Restoration Plan by the Center for
SOCIAL AND ENVIRONMENTAL STEWARDSHIP
A Nonprofit 501(c)(3) Organization
Sponsored by Mark and Amy O'Flynn
In partnership with:
North Coast Air Quality Management District
California State Water Resources Control Board
North County Water District
NOI: 2010-001-001
PLEASE DO NOT ENTER THIS ZONE

Russian River

1744



17448

17434

17438

17464

17456

17421

17425

17470

17460

River Ln

17429

17480

17484

Russian River





BIOTIC/CRITICAL HABITAT ZONE
RIPARIAN RECOVERY AREA
Restoration Plan by the Center for
SOCIAL AND ENVIRONMENTAL STEWARDSHIP
A Nonprofit 501(c)(3) Organization

Sponsored by Mark and Rita O'Flynn

In partnership with:
The Army Corps of Engineers
North Coast Regional Water Quality Board
California Fish and Wildlife
Sonoma County PRMD

NO TRESPASSING
CA PENAL CODE 602

**PLEASE DO YOUR PART TO PROTECT
THIS VITAL RESOURCE**



From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: Appeal hearing for Vacation Beach Access
Date: Tuesday, November 29, 2022 11:48:36 AM

-----Original Message-----

From: Nancy Zaharin <nzaharin415@gmail.com>
Sent: Thursday, November 24, 2022 6:26 AM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Subject: Appeal hearing for Vacation Beach Access

EXTERNAL

Dear Marina

I'm sending this email in support of finalizing the purchase of the beach access from Sweetwater Springs. Unfortunately I can't attend zoom meeting 12/1/22 @1:05pm, my daughter out of town and I have struggles getting around on the computer.

Thank you for assisting us secure our gem I've been using for over 70 years.

Nancy Zaharin

Sent from my iPad

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From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: Appeal hearing Vacation Beach
Date: Tuesday, November 29, 2022 11:48:41 AM

-----Original Message-----

From: Greg Stiles <stilesgreg@ymail.com>
Sent: Friday, November 25, 2022 2:46 PM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Subject: Appeal hearing Vacation Beach

EXTERNAL

Greetings Marina

I'm traveling and won't have internet at 1:05pm on 12/1/22. I support purchase of the beach access. I own a home nearby and we have been using the property for years. Thanks

Greg Stiles
707.953.9625

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From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: 17448 River Lane Appeal Update
Date: Tuesday, November 29, 2022 11:49:43 AM

From: Nick <nharrahill@gmail.com>
Sent: Monday, November 28, 2022 4:05 PM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Subject: 17448 River Lane Appeal Update

Hi Marina -

I'm sending this comment ahead of the 11/30 meeting in the event my work runs late. I have the invite and will be on if I can make it.

My comment in the event I cannot attend:

I'm a resident of Guerneville (17456 Orchard Ave) since 2019. As a new member of the community, I was able to meet many of my neighbors via the public beach access that is currently at risk. The people I've met have been longtime residents and the area provides a great sense of community, memories and a shared sense of what it means to be a resident of Guerneville. To have this access cut off in favor of a few people would be devastating and disruptful to the neighborhood community. The access we have is away from the larger crowds and family friendly. To all of a sudden have this restricted is something I cannot even imagine. This has been part of people's lives for decades and a meeting spot for neighbors.

Bottom line - we should be thinking of the public good and not the needs of a few that will disrupt this.

Lastly - thank you for soliciting comments, inviting the neighbors to join, and for making us a part of the process. Besides voting, I'm not regularly involved in local government affairs and have been impressed with the organization and inclusive efforts.

Thanks,
Nick

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From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: Comment for 12/1/22 - File No. ORD 19-0011
Date: Tuesday, November 29, 2022 11:50:04 AM

From: Kari Isaeff <ksiworlwide@gmail.com>
Sent: Monday, November 28, 2022 10:13 PM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Subject: Comment for 12/1/22 - File No. ORD 19-0011

To Marina Herrera, Project Planner & The Sonoma County Planning Commission,

As owners of 17485 Orchard Avenue, we ask that you keep the path to the River open and assessable for all. We are happy that the Russian River Recreation & Park District has stepped up to allow the public to continue to have river access. We trust you will consider the historical use of this public trail.

My mother, Helen Isaeff, has been going to the river, via the pathway for 90 years, yes 90 years. She turned 92 this year and I am happy to attach a few photos this past August (see below).

I hope the Planning Commission realizes how absolutely necessary a public pathway to the river is, and that you will preserve it for future generations.

Sincerely yours,
Kari Isaeff
Helen Isaeff





--
Kari Isaeff
(805) 451-1066

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From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: PUBLIC COMMENT: ORD19-0011 (17448 River Ln, Guerneville, CA) - Appeal Hearing Dec. 1st
Date: Tuesday, November 29, 2022 11:48:52 AM

From: Laura G <laurag.red01@gmail.com>
Sent: Monday, November 28, 2022 9:35 AM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Cc: frankandsharon@sbcglobal.net; chevyyii360@yahoo.com; Laura Gilfether <laurag.red01@gmail.com>
Subject: PUBLIC COMMENT: ORD19-0011 (17448 River Ln, Guerneville, CA) - Appeal Hearing Dec. 1st

Dear Ms. Herrera & Sonoma County Planning Division Board,

We are submitting our public comments in writing prior to the appeal meeting planned for this week (Thurs. Dec. 1st) to ensure our support for this ownership transfer is documented. Unfortunately, we have an important personal appointment scheduled at the same time as the hearing and we will dial in to listen, however, we will not be able to speak during the public comment portion of the meeting.

The attempts to delay and block this ownership transfer only serve the interests of one homeowner in the neighborhood. The parcel being discussed is not adjacent to their property and the reasons for blocking this transaction is another in a long line of personal attempts to restrict access to public river front land. All of the reasons submitted to block public access - from evacuation routes, public bathrooms, parking, vegetation management are non-issues. This space & walkway is known by the neighborhood and not advertised or identified. The majority of people who access the beach walk & carry in/out their floaties, towels, wagons and trash. And "high-traffic" times are weekends during the Summer months. And while this activity can be seen by some as annoying at times, enjoying and accessing the Russian River is why we have homes and stay in our Vacation Beach neighborhood.

I've attached our family's statement to the Russian River Recreation & Parks department from June 2022, which includes family photos taken on this beach and this parcel's pathway. (It is a large PDF file due to pictures, so it may come across as a Google Drive link). My apologies if Nathan already sent this and it is a repeat, however, we want to ensure you have all of our information and know that you have our families support of this parcel purchase.

Thank you for your time, attention and willingness to listen to our neighborhood's challenges with the owners who submitted this appeal. You have our full and complete support to complete this transaction and preserve our historical, generational access to the Russian River in the Vacation Beach neighborhood.

Best Regards,

The Gilfether Family
Sharon, Laura & Matt Gilfether & family
17554 Orchard Avenue + River Lane, Guerneville, CA

[RRPR_BeachStatement_6.2022.pdf](#)

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From: [Marina Herrera](#)
To: [Tasha Levitt](#)
Subject: FW: 11/30/22 & 12/1/22
Date: Tuesday, November 29, 2022 11:49:54 AM

-----Original Message-----

From: Mara Zaharin <ugotpigz@gmail.com>
Sent: Monday, November 28, 2022 5:30 PM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Cc: RR Rec & Park NATHAN Junge <rec.park@gmail.com>
Subject: 11/30/22 & 12/1/22

EXTERNAL

Hello,

I'm hunting Elk in New Mexico and sadly won't be able to attend the meetings. This is very unfortunate for my family, my mom and husband need my assistance to get online, however I trust the process and appreciate your time and efforts in supporting the purchase of the Vacation Beaches (both parcels).

Sincerely,

Mara

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