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Zoning Administrator Record of Action

Action Date: March 12, 2026
Appeal Status: Filing period closed; no appeal

AGENDA ITEM 1
File No.: UPE23-0023
Staff: Katerina Mahdavi
Applicant: Mitchell Fox
Owner: Hogan Land Services
Prior Agenda: N/A, no prior hearing
CEQA Status: Exempt under CEQA Sections 15303 and 15333
Proposal: Use Permit allowing a streamside conservation plan for 510 square-feet of riparian habitat restoration and encroachment of a nine-foot-tall retaining wall spanning 50 feet in length for establishment of a 340-sqft parking space requiring front and side yard setback reductions and a covered parking waiver within the 200-foot Riparian Corridor setback on a 0.24-acre parcel.
Recommend: Find the project exempt from the California Environmental Quality Act (CEQA) and approve the Use Permit subject to conditions of approval.
Location: 11900 Summerhome Park Rd, Forestville
APN: 081-281-038, and -039
District: Fifth
Zoning: RR B6 1.5 (Rural Residential with 1.5-acre per dwelling unit density) with combining districts for RC200/100 (Riparian Corridor with 100-foot and 200-foot setbacks) and X5 (Five Percent Vacation Rental Cap).

ZONING ADMINISTRATOR ACTION

Environmental Determination

- ☒ Exempt from the California Environmental Quality Act per §15303 (New Construction or Conversion of Small Structures) and 15333 (Small Habitat Restoration Projects)

Project Decision

- ☒ Approved: subject to attached Findings and Conditions
☒ with modification (see Comments)
☒ Subject to 10-day appeal period, ending March 23, 2026

ZONING ADMINISTRATOR

Derik Michaelson, Planner III

March 24, 2026

Date

MODIFICATION

☐ N/A ☐ Findings ☒ Conditions ☐ Revisions to return

COMMENTS

Condition #17 – modified to forgo requirement of manual irrigation

Condition #35 – modified to add “if applicable”

Condition #39 – modified to replace "retain one open lane of travel" with "have controlled access for travel"

ZONING ADMINISTRATOR FINDINGS

1. **General Plan Consistency.** The project is consistent with the General Plan land use designation of RR (Rural Residential) and the goals, objectives, policies and programs of the General Plan because:
 - a. Permitted uses within this land use designation include accessory residential structures consistent with the assigned density.
 - b. The proposed retaining wall is accessory to the primary rural residential land use, intended to provide off-street parking for the existing single-family dwelling.
2. **Zoning Consistency.** The proposed improvements are consistent with the Rural Residential base zoning designation. The proposed retaining wall is an accessory structure which is incidental and compatible with the primary single-family residential use of the parcel. The project is consistent with the combining districts for Riparian Corridor and a five percent Vacation Rental Cap.
 - a. The requirements of Sec. 26-86-010(k) have been met as the proposed retaining wall is consistent with the neighborhood character and topographic conditions make the provision of covered parking infeasible.
 - b. The requirements of Sec. 26-88-040(g) to reduce the front and side yard setback areas have been met due to the topography of the site. The proposed retaining wall will meet American Association of State Highway and Transportation Officials (AASHTO) Sight Distance Standards.
3. **Environmental Determination.** The project is categorically exempt from the California Environmental Quality Act under Section 15303 New Construction or Conversion of Small Structures and Section 15333 Small Habitat Restoration Projects of the CEQA Guidelines. Section 15303 allows for the construction of new accessory structures. The proposed retaining wall is accessory to the primary rural residential land use, intended to provide off-street parking for the existing single-family dwelling. Section 15333 allows for revegetation of disturbed areas with native plant species. The proposed project includes restoration and enhancement of approximately 510 square feet within the 200-foot Riparian Corridor setback. No exceptions listed under Section 15300.2 apply.
4. **Public Welfare.** The establishment, maintenance or operation of the uses for which this application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in the case are:
 - a. The proposed retaining wall will improve slope stability at the project site which will also benefit the surrounding parcels.
 - b. The proposed conservation plan will restore and enhance habitat quality and diversity within the surrounding area.

ATTACHMENTS

1. Final Conditions of Approval

SONOMA COUNTY ZONING ADMINISTRATOR

Conditions of Approval

Staff:	Katerina Mahdavi	Date:	March 12, 2026
Applicant:	Hogan Land Services	File No:	UPE23-0023
Owner:	Mitchell William Fox and Ellaine Anne Mariano Fox	APN:	081-281-038, -039
Address:	11900 Summerhome Park Road, Forestville		

Project Description: Use Permit allowing a streamside conservation plan for 510 square-feet of riparian habitat restoration and encroachment of a nine-foot-tall retaining wall spanning 50 feet in length for establishment of a 340-sqft parking space requiring front and side yard setback reductions and a covered parking waiver within the 200-foot Riparian Corridor setback on a 0.24-acre parcel.

GENERAL:

1. The Zoning Administrator decisions shall be final on the tenth (10th) day after final Zoning Administrator action unless an appeal is taken.
2. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full.

PERMIT SONOMA BUILDING:

"The conditions below have been satisfied" BY _____ DATE _____

3. A building permit application shall be applied for, issued, and inspected accordingly. Adequate construction documents shall be provided detailing and justifying the proposed construction to meet all applicable codes.

PERMIT SONOMA CODE ENFORCEMENT:

"The conditions below have been satisfied" BY _____ DATE _____

4. This use has commenced prior to approval of this use permit. All conditions identified in this use permit and payment of all required fees shall be completed within 60 days of approval to operate.
5. This use permit shall not become vested until all violations are cleared, and penalty fees are paid. The determination of the amount of penalties will be determined by staff using the methodology approved by the Board of Supervisors and may be appealed to a hearing officer in accordance with Section 1-7.1 (d) of the Sonoma County Code. The penalty appeal hearing shall not be conducted until payment of penalties is made in full. The determination of the hearing officers shall be final and only subject to judicial review.

PERMIT SONOMA GRADING & STORM WATER:

"The conditions below have been satisfied" BY _____ DATE _____

6. Grading and/or building permits require review and approval by the Grading & Storm Water Section of Permit Sonoma prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.

7. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the encroachment permit application and be subject to review and approval by the Grading & Storm Water Section of Permit Sonoma. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all relevant existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items on the *Drainage Report Required Contents* (DRN-006) page.
8. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Management Design Manual. Drainage improvements shall be shown on the encroachment/site plans and be submitted to the Grading & Storm Water Section of Permit Sonoma for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with Permit and Resource Management Department's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.
9. As part of the plans, the applicant shall include an erosion prevention/sediment control plan which clearly shows best management practices to be implemented, limits of disturbed areas/total work, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages or minimize adverse impacts to the surrounding properties and the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items on the *Grading Permit Required Application Contents* (GRD-004) page.

PERMIT SONOMA NATURAL RESOURCES:

"The conditions below have been satisfied" BY _____ DATE _____

10. The permittee will implement the project based on materials submitted in the use permit application submitted on July 20, 2023, and additional materials submitted between July 20, 2023, and April 1, 2024, including the project's restoration plans detailed in the *11892 Summerhome Park Road, Forestville, California Conservation Plan*, dated October 23, 2023, prepared by Sol Ecology.
11. The permittee shall implement the restoration plans as detailed in the project's *11892 Summerhome Park Road, Forestville, California Conservation Plan*, dated October 23, 2023, prepared by Sol Ecology, including the Revegetation Plan, Sheet L-1, dated September 5, 2023, prepared by MWS Consulting. Plans include restoration and enhancement of a minimum of 510 square feet within Riparian Corridor, immediately adjacent to the proposed retaining wall. Conservation Plans include:
 - a) Removal of non-native species before installation of restoration plants
 - b) Planting native riparian plant species, including:
 - i. Trees (tree band container size, minimum)
 1. One (1) Coast Redwood (*Sequoia sempervirens*)
 2. Two (2) Big leaf Maple (*Acer macrophyllum*)
 - ii. Shrubs (1 gallon container, minimum)

1. One (1) Glory Mat (*Ceanothus gloriosus*)
2. One (1) Oceanspray (*Holdiscus discolor*)
3. Nine (9) Sword fern (*Polystichum munitum*)
4. Three (3) Chain fern (*Woodwardia fimbriata*)
5. Two (2) Pink flowering current (*Ribes sanguineum*)

All plants shall be sourced from Sonoma County. Any revisions to the planting plan require review and approval in writing by Permit Sonoma.

12. No trees are proposed for removal. Permittee shall identify all Sonoma County protected trees to be retained on development plans. Tree species and their diameter breast height shall be specified on plans.

Protected trees located near project activities shall have construction fencing installed around the drip lines or Root Protection Zone (1.5 times the dripline radius as measured from the tree trunk) to protect tree roots, or as much of the area as possible. Soil compaction or cutting of roots shall be avoided; construction standards shall be followed in areas where root cutting is required. Tree protection barriers shall remain in place for the duration of all site work. Tree protection barriers shall be maintained in good condition during all site disturbing activities. If any violation to this condition occurs, construction will be halted until tree protection barriers have been reinstalled at the approved location(s).

If any protected tree is damaged during construction, Permit Sonoma shall be notified and additional tree planting may be required to compensate for any damaged or removed tree.

The following Construction Standards shall be implemented and included on development plans:

Development permit applications proposing a project or activity involving disturbance on or within the protected perimeter of retained protected trees shall be subject to the following construction standards, unless the Director waives one or more standards and makes findings consistent with section 26-88-010(M), subsection A, subdivision 6:

- a) Protected trees, their protected perimeter and whether they are to be retained or removed are to be clearly shown on all improvement plans. A note shall be placed on the improvement plans that "Construction is subject to requirements established by Sonoma County to protect certain trees."
- b) Before the start of any clearing, excavation, construction or other work on the site, every tree designated for protection on the approved site plan shall be clearly delineated with a substantial barrier (steel posts and barbed wire, chain link fencing, orange construction fencing, or other exclusionary barrier) at the protected perimeter or limits established during the permit process. The delineation markers shall remain in place for the duration of all work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any protected tree.
- c) Where proposed development or other site work must encroach upon the protected perimeter of a protected tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients. Tree wells or other techniques may be used where advisable. No changes in existing ground level shall occur within the protected perimeter unless a drainage and aeration scheme approved by a certified arborist is utilized. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).

- d) No storage or dumping of oil, gasoline, chemicals or other substances that may be harmful to trees shall occur within the protected perimeter of any tree, or any other location on the site from which such substances might enter the protected perimeter.
 - e) If any damage to a protected tree should occur during or as a result of work on the site, the county shall be promptly notified of such damage. If a protected tree is damaged so that it cannot be preserved in a healthy state, the planning director shall require replacement in accordance with the arboreal value chart. If on-site replacement is not feasible, the applicant shall pay the in-lieu fee to the tree replacement fund.
13. A Certified Arborist or Registered Professional Forester (RPF) shall monitor construction activities in the vicinity of redwood trees within the project work area, including those activities within the tree's protected perimeter (1.5 times the trees dripline) and tree root zone, as determined by the Certified Arborist or RPF. Any impacts to or unplanned removals of Sonoma County Protected Trees shall be reported to Permit Sonoma promptly. Replacement trees shall be required for any impacted or removed trees.
14. Any construction work within the 200-foot Riparian Corridor of the Russian River shall begin on or after April 15 and all work shall be completed by October 15. Revegetation work is not limited to this work window but must be completed within the same season as project activities. **If more time is needed to complete Project activities, the work period may be modified in writing on a week-by-week basis by a County of Sonoma representative.** Requests for a work period extension shall be submitted to the project planner. The request for a work extension shall: 1) describe the extent of work already completed or a justification why the work needs to be conducted outside the work period; 2) detail the activities that remain to be completed or must be completed; 3) detail the time required to complete each of the activities; 4) provide photographs of both the current work completed and the proposed site for work; and 5) include an assessment of additional biological impacts as a result of the work extension.
15. Project work within the 200-foot Streamside Conservation Area of the Russian River shall be restricted to dry weather as allowed during the work period specified in Condition #13 above. Construction shall be timed with awareness of precipitation forecasts. Construction activities shall cease when the National Weather Service (NWS) 72-hour weather forecast indicates a 30 percent chance or higher of precipitation. All necessary erosion control measures shall be implemented prior to the onset of precipitation. Construction equipment and materials shall be removed if inundation is likely. Construction activities halted due to precipitation may resume when precipitation ceases and the NWS 72-hour weather forecast indicates less than a 30 percent chance of precipitation. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be documented upon request by County of Sonoma representatives.
16. No later than 30 days after completing project construction activities, and installation of restoration plantings, the Permittee shall submit an As-Built Report showing restoration activities including the date of completion, pre-and post-project construction photographs, and as-built construction and planting plans. The As-Built Report shall be submitted to the project planner.
17. Maintenance and monitoring shall occur for a period of seven (7) years. Plant protection shall be installed and when no longer needed, removed. No water from the Russian River or other waterway shall be used for irrigation. Weeding and maintenance of plant protection shall occur as needed.

A yearly plant survival count shall occur annually, starting the summer after construction (such

that if construction occurs in the fall of 2026, the first monitoring shall occur in summer of 2027). Monitoring reports shall include the plant species, photographs from established photo points that show all of the restoration area, and an assessment of vigor, height and spread. Reports shall also include notes on the overall condition of the site, number of replacement plants (if any were planted), and maintenance/watering activities conducted and proposed. Annual monitoring reports shall be submitted to the project planner by December 31 each year of the seven-year maintenance period, or until success criteria are met.

18. The site must achieve a minimum survival of 85% for each species where greater than two (2) container plants are planted (e.g., swordfern and chain fern) and 100% where two (2) or fewer container plants are planted (coast redwood, big leaf maple, glory mat, ocean spray, and pink flowering currant). Any replacement plantings will be monitored with the same survival and growth requirements specified for initial plantings. The planting area shall be free of invasive plant species including those identified in the California Invasive Plant Council database, which is accessible at www.cal-ipc.org.
19. Best Management Practices ("BMP's") shall be incorporated into the project, including silt and erosion control measures, including jute fabric, to prevent off-site movement of sediment and dust during and post construction. No erosion control materials containing plastic monofilament netting shall be used due to potential entanglement by amphibians or reptiles.
20. All exposed areas and access points within the riparian zone left barren of vegetation as a result of construction activities shall be restored by seeding with a blend of native erosion control grass seed. Seeded areas shall be mulched. Revegetation shall be completed as soon as possible after construction. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.
21. Permittee shall not plant, seed, or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Councils database which is accessible at www.cal-ipc.org.
22. The applicant or any person acting on behalf of the applicant, including contractors and subcontractors, shall obtain any other permits or authorizations that may be required under other federal, state, or local laws and regulations before beginning the project or any activity related to the project. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation. It is the applicant's responsibility to determine whether and to what extent the project will require permits or authorizations from other agencies, including, but not limited to, the following agencies: U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, State and Regional Water Quality Control Boards, California Coastal Commission, and San Francisco Bay Conservation & Development Commission.
23. The permittee shall implement, as part of the project, all requirements contained in permits, approvals and authorizations issued by local, state and federal agencies. A violation of any applicable local, state or federal statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
24. The applicant shall notify Permit Sonoma if there is or might be a conflict with this Use Permit and with a provision imposed on the project by another local, state or federal agency.

PERMIT SONOMA PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

25. This application is approved based on the application materials, project description, and site plan submitted to this Department in October 2023 and March 2026, and is subject to compliance with the following Conditions of Approval.
26. Prior to issuance of development permits, a Right-of-Way Vacation (RWV24-0001) must be approved.
27. Prior to issuance of development permits, a Voluntary Merger must be recorded for APNs 081-281-038 and 081-281-039.
28. All grading and building permits plans involving ground disturbing activities shall include the following notes:

"If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify Permit Sonoma – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code."
29. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
30. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit if warranted.
31. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the condition is infeasible due to specific constraints (e.g. lack

of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma and shall not affect the original permit approval date or the term for expiration of the permit.

32. This permit may be subject to revocation or modification by the Planning Commission if: (a) the Commission finds that there has been noncompliance with any of the conditions or (b) the Commission finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

SONOMA PUBLIC INFRASTRUCTURE:

"The conditions below have been satisfied" BY _____ DATE _____

This application is subject to the outcome of a Right-of-Way Vacation Application (RWV24-0001). Should RWV24-0001 not be approved by The County of Sonoma, the conditions below will still apply to this application and the requirements to protect and leave all public right-of-way unobstructed, will include the historic right-of-way running roughly perpendicular to Summerhome Park Road (running North West from the edge of pavement).

Intersections of Roads and Driveways:

33. The applicant shall construct a turn-out style, off-street parking bay on Summerhome Park Road such that it conforms to County of Sonoma Off-Street Parking Design Standards as follows:
- a) Parking area shall have a minimum length of 24 feet
 - b) Parking area shall have a minimum depth of 9 feet
 - c) The parking area shall be surfaced with asphalt concrete
34. The applicant shall maintain all existing and proposed vegetation fronting the site as well as within the public right-of-way to preserve the sight distance triangles necessary to achieve the minimum County required sight distance at any project driveway where it intersects a public roadway.
35. If applicable, driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18 inch culvert under the driveway.

Retaining Wall Standards:

36. Retaining wall including all footings, tiebacks, backfill, vertical members, and lagging, shall be located wholly on private property.
37. Retaining wall shall be setback such that construction activities including excavation for footings is located wholly on private property.
38. Any construction activities which require use of the public right-of-way must apply for an encroachment permit with traffic control plan prior to commencing work.

39. Summerhome Park Road must have controlled access for travel at all times during construction.

Improvement Standards:

40. The applicant shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 20 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

Processing:

41. The applicant shall obtain an Encroachment Permit issued by Permit Sonoma prior to constructing any improvements within County road right-of-way.