



Sonoma County Planning Commission STAFF REPORT

FILE: ZCE17-0014
DATE: 2/1/2017
TIME: 1:05 P.M.
STAFF: (Matt Gilster)

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma

Location: Various properties within Freestone

APNS: Various; See Exhibit A, Attachment A; and Exhibit B, Attachment C

Supervisorial District No.: 5

Subject: Freestone Zoning and Land Use Changes

PROPOSAL: Amend the Official Zoning Database and General Plan to change the General Plan land use designation and zoning of 19 parcels in Freestone order to resolve inconsistencies between General Plan Policy LU-12e and the General Plan land use maps.

Environmental Determination: Exempt under the General Rule stated in CEQA Guidelines Section 15061(b) (3), because it can be seen with certainty that the project will have no significant effect on the environment. No physical development is approved by the amendments, and they would reduce the future potential for commercial development and use in Freestone.

General Plan: General Plan Land Use Policy LU-12e and Policy LU-1a

Land Use: Limited Commercial (LC), Rural Residential (RR), Rural Resources Development (RRD)



Zoning: Commercial Rural (CR), Rural Residential (RR), Agricultural Residential (AR), Rural Resources Development (RRD)

RECOMMENDATION: Adopt the Resolution recommending to the Board of Supervisors approval of the amendments to the Official Zoning Database and General Plan.

EXECUTIVE SUMMARY: Permit Sonoma planning staff is recommending an amendment of the General Plan land use designation and zoning of 19 properties in Freestone. The amendments are proposed to resolve land use mapping and zoning conflicts with General Plan Policy LU-12e. General Plan land use maps approved in 1989 created an expansion of Limited Commercial land use designations and Rural Commercial zoning in Freestone. The expansion of commercial land use in Freestone appears to conflict with General Plan Policy LU-12e.

ANALYSIS

Background:

On March 23, 1989 the Board of Supervisors adopted a County of Sonoma General Plan Update. The update included the adoption of new General Plan land use policies, including Policy LU-12e regulating the extent of Limited Commercial (LC) land use designations in all areas within the Sonoma Coast/Gualala Basin Planning Area, including Freestone. Policy LU-12e states:

“General Plan Policy LU-12e: Use the “Limited Commercial” category for existing and any needed new local commercial uses in Annapolis, Bodega, Bodega Bay, Cazadero, Occidental and Sea Ranch. Outside these communities, apply the “Limited Commercial” designation only to existing uses and limit their expansion.”

Although Freestone is not called out specifically in policy LU-12e, it is included in the area outside of the specified larger towns. The language of Policy LU-12e appears to clearly limit Limited Commercial land use designations in the areas outside of the specified larger towns to property with commercial uses at the time of General Plan adoption and preclude expansion of existing uses outside of the specified communities.

According to file records, at the time of the adoption of Policy LU-12e, there were six properties in Freestone being used for commercial activity. These existing commercial properties either had an approved commercial use permit or had historically been used for commercial use. See table below.

Existing Commercial Uses in Freestone in 1989		
Commercial Use	Current Use	Historic Use or Use Permit
Freestone General Store	Currently operating	Historic commercial use
Wild Flour Bakery and Enduring Comforts	Currently operating	Historic commercial use
Osmosis Day Spa	Currently operating	Approved commercial use permit: UPE 89-140
CS Fund Office	Currently operating	Approved commercial use permit: UPE 10718
Freestone Hotel/Wishing Well Nursery	Currently not operating	Historic commercial use
Phelps Wine Tasting Room	Currently not operating	Approved commercial use permit: UPE 10013

The apparent intent of Policy LU-12e was to limit the Limited Commercial land use designations to these six existing commercial properties. This interpretation is supported by the fact that the six existing commercial properties in 1989 either had approved commercial use permits or historically operated as commercial uses.

The 1989 General Plan update included new General Plan land use maps which applied a parcel-specific land use designation to every parcel within the unincorporated County for the first time. However, 21 parcels in Freestone were designated as a Limited Commercial land use. Only five of the six existing commercial properties were designated as Limited Commercial and the sixth was designated residential, though it clearly had a commercial use (Phelps Wine Tasting Room). Two commercial properties were also assigned split commercial/residential designation when they had previously used the entire parcel for commercial use (Osmosis Day Spa, CS Fund Office).

On January 26, 1993 the County of Sonoma updated its Zoning Code, adding base zoning districts to parcels which reflected the parcel specific General Plan land use designations that had been applied during the 1989 General Plan. At this time the 21 Limited Commercial designated parcels in Freestone were assigned a Commercial Rural (CR) zoning district, which allowed a range of commercial uses subject to discretionary permit approval.

In 2011 the Freestone Artisan Cheese shop received use permit approval, (UPE11-073), to operate a retail business on a residential property. At and before a 2017 hearing on an application by the Artisan Cheese Shop to amend its permit to allow off-site sale of wine and beer, the Board of Zoning Adjustments heard concerns from community members that a conflict existed between the General Plan land use map and the language of General Plan policy LU-12e. Community

members informed the Board that the public was made aware of this conflict after the initial Freestone Artisan Cheese Shop use permit was approved in 2011.

The Board of Zoning Adjustments approved the use permit modification (which is now on appeal to the Board of Supervisors), but also directed staff to prepare a letter to the Board of Supervisors conveying the Board of Zoning Adjustments' concerns regarding the extent of Limited Commercial land use designations within Freestone and the potential conflict with Policy LU-12e. On June 13, 2017, the County Board of Supervisors approved the 2017 Comprehensive Planning work plan. The work plan directed Permit Sonoma staff to review the land use designation and zoning of property in Freestone which may have been affected by a potential mapping error.

On November 4, 2017 Permit Sonoma staff held a public meeting in Freestone. The purpose of the meeting was to inform the community and gather public input regarding the conflict with the mapped land use designations and language of the General Plan Policy LU-12e. Approximately 60 persons attended the meeting. Permit Sonoma staff received public comment and input. Public comment received from the meeting is attached (Exhibit C). A Notice of Public Hearing was mailed to the owners of all affected parcels and the surrounding community. Notices were published in the newspaper as well.

DISCUSSION

General Plan Consistency

General Plan Land Use Policy LU-12e and the 1989 General Plan land use map were approved at the same time without resolving the apparent inconsistency between the maps and Policy LU-12e. General Plan Policy LU-12e would limit commercial land use designations and expansion of commercial uses in Freestone. However, the approved land use map expanded commercial land use designations and subsequent commercial zoning in Freestone. In order to ensure the internal consistency of the General Plan text and maps, the language of General Plan Policy LU-12e would need to be amended or the land use designation and zoning of affected properties would need to be changed. Staff recommends the latter.

Government Code section 65300.5 states the Legislature's intent that a general plan be "an integrated and internally consistent and compatible statement of policies...." Other land use and development approvals such as zoning and development regulations must be generally consistent with general plan policies, the primary purpose of the proposed changes is to improve consistency between the policies of the County's General Plan and the land use designations and zoning of property in Freestone.

As a general rule, in most cases where there is a conflict in planning policies, the more restrictive policies apply. General Plan Policy LU-1a specifically states that:

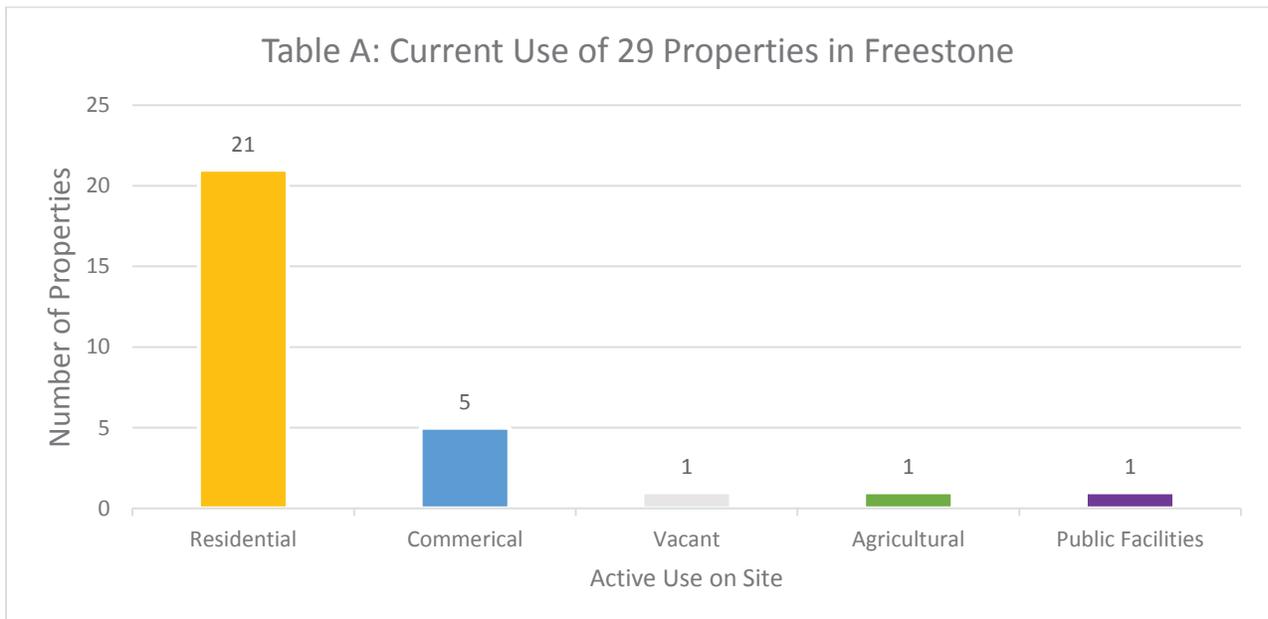
“...In any case where there appears to be a conflict between the General Plan and any Specific or Area Plan, the more restrictive policy or standard shall apply.”

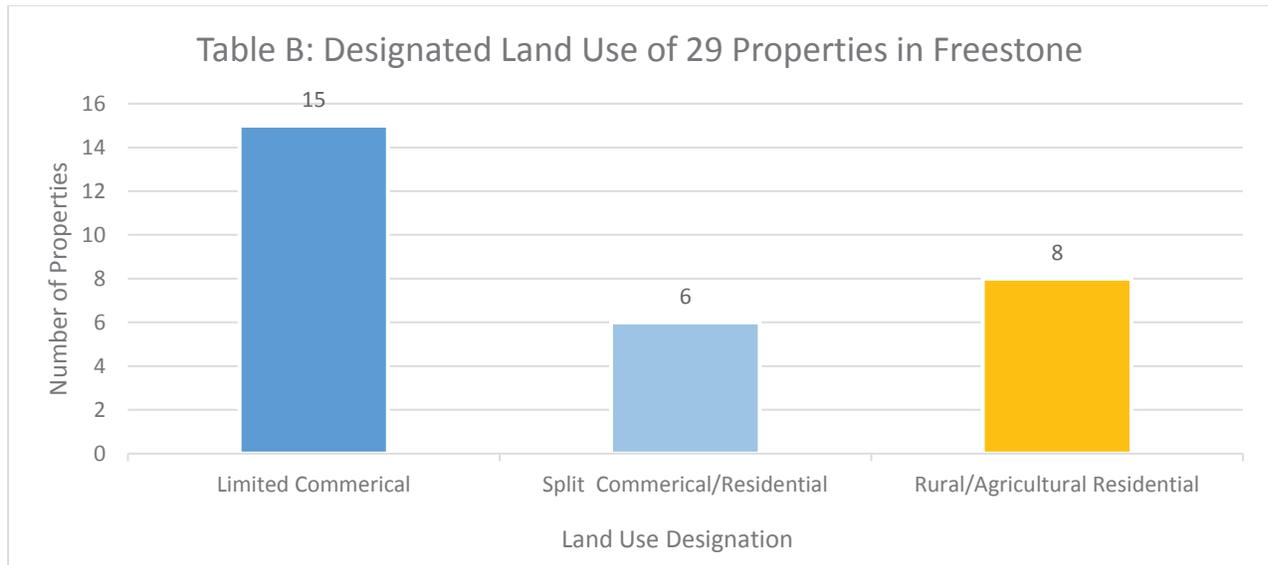
Policy LU-12e restricts limited commercial land use designations in Freestone, while the conflicting land use map allowed an expansion of commercial land use designations. In this case the more restrictive policy would be Land Use Policy LU-12e.

Parcel Analysis

Permit Sonoma staff reviewed the land use and zoning designations of 29 individual parcels in Freestone and determined that 16 parcels designated as Limited Commercial had no existing or history of commercial uses. These mapped land use designations are in apparent conflict with General Plan Policy LU-12e and also have resulted in the creation of multiple parcels with split land use designations.

Of the 21 parcels designated Limited Commercial, 16 have no evidence of commercial use in 1989 and are currently used for residential and agricultural uses. Since commercial land use in Freestone has not expanded since 1989, with the exception of Freestone Artesian Cheese, a conflict in land use designations can be further evidenced by the extent of current uses in Freestone today. See tables A and B below:





Given the extent of current commercial land use (5 properties), compared to the extent of Limited Commercial land use designations in Freestone (21 properties), there is an inconsistency between the General Plan land use map and General Plan Policy LU-12e.

After discovering the inconsistency Staff reviewed the entire Sonoma Coast/Gualala Basin Planning Area for additional conflicts in the Land Use Mapping and General Plan Policy LU-12e. The conflicts identified by staff are limited to the Freestone area, and no additional General Plan Policy and land use map conflicts were identified in the planning area.

Based on the language of General Plan Policy LU-12e and supporting discussion above, it is staff's recommendation that in order to maintain consistency with the County General Plan, only properties that had commercial activities at the time of the General Plan Policy adoption in 1989 should have a Limited Commercial land use designation and Rural Commercial zoning. Property not used for commercial activity at the time of the General Plan adoption in 1989 should have a land use designation and zoning which reflect the use of the property at the time of the 1989 General Plan adoption.

The existing zoning of the 16 non-commercial properties that were mapped and subsequently zoned for commercial use appears inconsistent with the County General Plan Policy LU-12e. Correcting the land use designations and zoning of affected properties will resolve the inconsistency issue and comply with applicable state law.

SB 18 Required Tribal Consultation

Government Code § 65352.3 requires the County to engage in tribal consultation for General Plan amendments 90 Days before the adoption of proposed amendments. Staff has begun the consultation process and has sent out invitations to local tribes requesting consultation. The consultation requirements will be satisfied before the project is presented to the Board of Supervisors, and the results of the consultation incorporated into recommendations to the Board before any final action is taken on the amendments.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the Board of Supervisors approve the General Plan land use map amendments and zone changes. Staff is recommending a General Plan amendment and zoning change for 19 parcels to conform to General Plan Policy LU-12e, and eliminate any land use designation and zoning splits.

Result of Recommended Changes

If the land use and zoning changes are approved as recommended, commercial activity in Freestone would be limited to seven properties. Six properties will have a land use designation of Limited Commercial and Commercial Rural zoning. One property (Freestone Artisan Cheese) will be designated and zoned Rural Residential, but could continue to operate indefinitely as a legal non-conforming commercial use pursuant to its existing use permit, with any modification subject to a decision by the Board of Supervisors on the current appeal. All split zoning in Freestone would be eliminated. The total number of properties designated Limited Commercial and zoned Rural Commercial would be reduced from 21 properties to 6 properties. The total land area in Freestone designated Limited Commercial and zoned Rural Commercial would be reduced from a total of 21.65 acres to 15.13 acres.

The recommended changes will ensure that any further expansion of commercial uses in Freestone will be limited unless Land Use Policy LU-12e is amended or superseded by a new General Plan. Any uses rendered legal non-conforming by the proposed changes will be allowed to continue to operate, subject to Section 26-94-010 of the County Code.

Policy Alternatives:

1. Adopt the attached Resolution recommending that the Board of Supervisors approve the General Plan land use map amendments and zone changes as recommended by staff.
2. Recommend altering the language of Policy LU-12e with the intent of not changing the existing zoning and land use designations in Freestone.

3. Recommend altering the language of Policy LU-12e to allow Limited Commercial Land Use Designations and Rural Commercial Zoning in Freestone in a custom configuration other than as presently designated.

Results of Alternatives

If the land use and zoning changes are not made as recommended by staff, Freestone could potentially see an increase in commercial activity not anticipated by the General Plan. The Commercial Rural zoning district allows for various commercial uses including restaurants, retail, and assembly uses, subject to use permit approval. An increase in commercial uses could affect the rural and historic character of the Town.

SUMMARY OF PARCEL AMENDMENTS TO LAND USE AND ZONING

1. **12740 Bodega Highway (Webley Property)**
APN: 073-100-089

Existing Zoning: CR, RRD

Proposed Zoning: RRD

Existing General Plan Land Use Designation: LC, RRD 40

Proposed General Plan Land Use Designation: RRD 40

This 17.1 acre parcel consists of agricultural fields, a barn, and accessory agricultural structures. The barn is a contributing structure to the Freestone Historic District. No current commercial uses operate on site. There is an active planning permit application for an outdoor events venue on a spilt zoned portion of the site, permit number: PLP17-001. The permit application is currently incomplete.

According to County records, a 384 square foot real estate office was constructed on site in 1966. The real estate office ceased operation sometime before 1989. The original real estate office building still stands on site. The building is heavily decayed and located outside of the portion of property designated Limited Commercial (LC) and zoned Commercial Rural (CR). The office use did not obtain a County use permit and the office building is not a contributing structure to the Freestone Historic District. Staff does not consider the real estate office to be an existing commercial use at the time of the 1989 General Plan update due to its cessation of operation prior to 1989 and lack of an approved commercial use permit.

Error: A 1.54 acre portion of the 17.1 acre parcel, which fronts on Bodega Highway, was zoned CR and designated for LC land use. The property has not been previously used for commercial activity in conformance with General Plan Policy LU-12e.

Correction: Amend the 17.1 acre parcel to resolve the split zoning. The resulting parcel will consist of only RRD zoning and a RRD 40 land use designation.

**2. 209 Bohemian Highway (Osmosis Day Spa)
APN: 073-130-041**

Existing Zoning: AR, CR

Proposed Zoning: CR

Existing General Plan Land Use Designation: LC, RR 5

Proposed General Plan Land Use Designation: LC

The 5.8 acre property consists of the Osmosis Day Spa which has been in operation since 1985. Commercial use permit UPE 89-140 approved the use of the property as a commercial day spa. A use permit expanding the spa operation was approved in 2004, use permit number: UPE04-0133. The property has an existing commercial activity in conformance with General Plan Policy LU-12e.

The property currently has a split zoning of Commercial Rural on the front 1.8 acres of the property and Agricultural Residential on the rear 4.13 acres of property. The entire property is used for the commercial day spa operation.

Error: The rear 4.13 acre portion of this commercial parcel is zoned as AR and designated as a RR 5 acre lot minimum land use. This section of property is used for the commercial operation of the day spa.

Correction: Resolve the split zoning and land use designations and amend the parcel to consist of only a CR zoning and a LC land use designation.

**3. 469 and 489 Bohemian Highway (CS Fund)
APN: 073-130-035**

Existing Zoning: CR, RR

Proposed Zoning: CR

Existing General Plan Land Use Designation: LC, RR 5

Proposed General Plan Land Use Designation: LC

The 5.12 acre property consists of the CS fund office facility and a single family residence. The office has been in operation since 1984. A use permit approving the office use on site was approved in 1983, permit number UP10718.

The property currently has a split zoning of Commercial Rural on the front 1.8 acres of the property and Agricultural Residential on the rear 3.26 acres of property. The property has been used for commercial use before and up to 1989. The front portion is developed with an office of 2,316 square feet which includes a reception area, six private offices, conference room, and staff facilities, 800 square foot detached garage used for office storage, and parking for up to 12 cars. The rear portion of the lot was used as a rare livestock conservancy operated by the CS fund at the time of the 1989 General Plan Update. The property has an existing commercial activity in conformance with General Plan Policy LU-12e.

Error: The rear 3.26 acre portion of this parcel is zoned as RR and has a general plan land use designation of RR5. This rear section of the parcel has been used for appurtenant uses of the CS fund including a rare livestock conservancy which is a permitted use in the CR zoning district submit to use permit approval.

Correction: Resolve the split zoning and amend the parcel to consist of only a CR zoning and a LC land use designation.

**4. 12747 El Camino Bodega (Vacant Phelps Wine Tasting Room)
APN: 073-080-071**

Existing Zoning: RR

Proposed Zoning: CR

Existing General Plan Land Use Designation: RR 2

Proposed General Plan Land Use Designation: LC

The 2.53 acre property is currently vacant but developed with a commercial tasting room facility. File research indicates that the property has been in operation intermittently as a commercial use since 1981. The property has two previously approved use permits for commercial use, permit numbers UP10013 which approved a retail store in 1981 and UPE01-0063 which approved a commercial tasting room in 2001. The property has been used for commercial activity in conformance with General Plan Policy LU-12e.

Error: The 2.53 acre parcel is zoned as RR and has a general plan land use designation of RR2. The land use designation and zoning would allow for only residential uses and zoning which is inconsistent with approved commercial use permits and General Plan Policy LU-12e.

Correction: Amend the parcel to consist of only a CR zoning and a LC land use designation.

5. 456 Bohemian Highway (Freestone Fire Station)

APN: 073-130-036

Existing Zoning: CR

Proposed Zoning: PF

Existing General Plan Land Use Designation: LC

Proposed General Plan Land Use Designation: PQP

This .88 acre parcel consists of public facilities including a park and the Freestone Fire Station. The property has not been used for commercial activity in conformance with General Plan Policy LU-12e.

Error: The .88 acre parcel was zoned and designated as commercial. The property was not previously used for commercial activity in conformance with General Plan Policy LU-12e. The property has historically been used for public facility purposes.

Correction: Amend the .88 acre parcel to consist of only a Public Facilities (PF) zoning and a Public/Quasi Public (PQP) land use designation.

6. 378 Bohemian Highway (Freestone Artisan Cheese)

APN: 073-120-032

Existing Zoning: CR

Proposed Zoning: RR

Existing General Plan Land Use Designation: LC

Proposed General Plan Land Use Designation: RR2

The .28 acre property consists of a single family residence and the Freestone Artisan Cheese shop which has been in operation since 2011. Retail use was approved by use permit in 2011, permit number UPE11-0073.

The Freestone Artisan Cheese Shop is the only commercial use in Freestone which would be rendered legal-non-conforming as a result of the proposed land use and zoning changes. The property consists of a single family residence and the Freestone Artisan Cheese shop which has been in operation since 2011.

Retail use was approved by Use Permit UPE11-0073 in 2011. This use permit was approved without a specific finding of consistency with General Plan Policy LU-12e. Although the property was not in commercial use prior to 1989, and could be considered an expansion of commercial use inconsistent with General Plan Policy LU-12e, the existing use permit was not challenged on that basis and remains valid.

While the commercial retail shop would be rendered legal non-conforming by a zoning change, it will be allowed to continue to operate under approved use permit UPE11-0073, subject to Section 26-94-010 of the County Code. A legal non-conforming determination would limit future expansion of the business, but would not apply until a zoning change took effect after action by the Board of Supervisors.

Use permit number UPE15-0115 was previously approved by the Board of Zoning Adjustments on April 27, 2017. The BZA approval would allow the sale of off-site alcohol as part of the Cheese Shop operation as a use allowed with a use permit in the Commercial Rural zoning district. An appeal of the BZA decision to the Board of Supervisors has been filed.

Error: This parcel was zoned CR and designated as LC land use. The property was not previously used for commercial activity in conformance with General Plan Policy LU-12e. Up until 2011 the property had only been used for residential use.

Correction: Amend the .28 acre parcel to consist of only a RR zoning and a RR2 land use designation.

7. (RR2 Single Family Homes)

281 Bohemian Highway, APN: 073-120-015

12790 Bohemian Highway, APN: 073-110-020

201 Bohemian Highway APN: 073-110-032

215 Bohemian Highway, APN: 073-120-021

301 Bohemian Highway, APN: 073-120-029

425 Bohemian Highway, APN: 073-120-030

374 Bohemian Highway, APN: 073-120-033

463 Bohemian Highway, APN: 073-120-003

460 Freestone Street, APN: 073-120-002

Existing Zoning: CR

Proposed Zoning: RR

Existing General Plan Land Use Designation: LC

Proposed General Plan Land Use Designation: RR2

Error: All listed parcels above are under 2 acres in size and have been zoned CR and designated as LC land use. The parcels listed have not been previously used for commercial activity in conformance with General Plan Policy LU-12e. All of the parcels listed above are developed with single family homes used for residential and appurtenant residential uses.

Correction: Amend the parcels listed above to consist of a RR zoning and a RR2 land use designation.

8. (RR5 Single Family Homes)

521 and 525 Bohemian Highway, APN: 073-130-034

611 Bohemian Highway, APN: 073-100-066

516 and 520 Bohemian Highway, APN: 073-130-074

493 Bohemian Highway, APN: 073-130-037

Existing Zoning: CR, RR

Proposed Zoning: RR

Existing General Plan Land Use Designation: LC, RR 5

Proposed General Plan Land Use Designation: RR5

Error: All listed parcels above are between 2 and 6 acres in size and have a split zoning and land use designation. The parcels listed have not been previously used for commercial activity in conformance with General Plan Policy LU-12e. All of the parcels listed above are developed with single family homes used for residential and appurtenant residential uses.

Correction: Amend the parcels listed above to consist of a RR zoning and a RR 5 land use designation.

FINDINGS FOR RECOMMENDED ACTION

1. The proposed amendments are necessary changes to the General Plan Land Use Maps and Official Zoning Database because they will ensure the internal consistency of the General Plan and the accuracy, consistency, and reliability of General Plan Policies, land use mapping, and zoning information on which the public relies.
2. The proposed land use amendments are consistent and compatible with policies of the Sonoma County General Plan in that they will amend the parcel specific land use designations of 19 parcels to ensure consistency with the General Plan policies LU-12e and LU-1a. LU-12e restricts Limited Commercial land use designations in the Sonoma Coast/Gualala Basin Planning Area to parcels which had existing commercial uses at the time of the 1989 General

Plan Update. Policy LU-1a states that when existing planning polices conflict the most restrictive shall apply, in this case, General Plan Policy LU-12e restricts commercial land use designations while the existing General Plan land use map does not, therefore Policy LU-12e should be applied.

3. The proposed zone changes are consistent with the Sonoma County General Plan as amended because the prescribed parcel specific zoning designations will be allowed within the prescribed parcel specific land use designation of each parcel to be amended. Existing commercial legal non-conforming use of parcel APN: 073-120-032 (Freestone Artisan Cheese) would be allowed to continue.
4. The proposed amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15061(b)(3), because it can be seen with certainty that the amendments will not have a significant effect on the environment. The amendments will change the General Plan Land Use Map and official Zoning Data Base to further restrict commercial development and do not propose any physical development. The amendments would reduce the future potential for commercial development and use in Freestone by reducing the number of properties designated Limited Commercial and zoned Commercial from 21 properties to 6 properties. The total land area in Freestone designated Limited Commercial and zoned Commercial Rural would be reduced from a total of 21.65 acres to 15.13 acres. All properties proposed to be designated for commercial use are developed with existing commercial development.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Planning Commission Resolution with Attachments A & B
- ATTACHMENT A: Proposed General Plan Land Use Amendments
- ATTACHMENT B: Sectional Land Use Map
- EXHIBIT B: Draft Ordinance with Attachments C & D
- ATTACHMENT C: Proposed Zoning Changes
- ATTACHMENT D: Sectional Zoning District Map
- EXHIBIT C: Public Comment

Resolution Number

County of Sonoma
Santa Rosa, California

DATE February 1, 2018
ZCE17-0014 Matthew S Gilster

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS FIND THE PROJECT TO BE EXEMPT FROM CEQA AND APPROVE THE GENERAL PLAN AMENDMENT AND ZONE CHANGES AS REQUESTED TO RESOLVE A GENERAL PLAN INCONSISTENCY BETWEEN GENERAL PLAN POLICY LU-12E AND THE GENERAL PLAN LAND USE MAP OF FREESTONE.

WHEREAS, on Mach 23, 1989 the Board of Supervisors adopted the 1989 General Plan which included Policy LU-12e and new Land Use Maps which created parcel specific land use designations for all property in Freestone; and

WHEREAS, The Permit and Resource Management Department has identified inconsistencies between General Plan Policy LU-12e and the land use designation and zoning of multiple parcels in Freestone; and

WHEREAS, Permit Sonoma proposes to change the land use designation and zoning of the multiple parcels to reconcile inconsistencies between these parcels and Policy LU-12e of the General Plan; and

WHEREAS, the Permit Resource and Management Department determined that the proposed changes to land use designations and zoning were exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the state CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 1, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed changes to zoning and land use designations ("the Amendments") are necessary changes to the General Plan Land Use Maps and Official Zoning Database because they will ensure the internal consistency of the General Plan and the accuracy, consistency, and reliability of General Plan Polices, land use mapping, and zoning.
2. The proposed Amendments are consistent and compatible with polices of the Sonoma County General Plan in that they will amend the parcel specific land use designations of

19 parcels to ensure consistency with the General Plan policies LU-12e and LU-1a. LU-12e restricts Limited Commercial land use designations in the Sonoma Coast/Gualala Basin Planning Area to parcels which had existing commercial uses at the time of the 1989 General Plan Update. Policy LU-1a states that when existing planning policies conflict the most restrictive shall apply, in this case, General Plan Policy LU-12e restricts commercial land use designations while the existing General Plan land use map does not, therefore Policy LU-12e should be applied.

3. The Amendments are consistent with the Sonoma County General Plan as amended because the prescribed parcel specific zoning designations will be allowed within the prescribed parcel specific land use designation of each parcel to be amended. Existing commercial legal non-conforming use of parcel APN: 073-120-032 (Freestone Artisan Cheese) will be allowed to continue.
4. The Amendments are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15061(b)(3), because it can be seen with certainty that the Amendments will not have a significant effect on the environment. The Amendments will change the General Plan Land Use Map and official Zoning Data Base to further restrict commercial development and do not propose any physical development. The Amendments would reduce the future potential for commercial development and use in Freestone by reducing the number of properties designated Limited Commercial and zoned Commercial from 21 properties to 6 properties. The total land area in Freestone designated Limited Commercial and zoned Commercial Rural would be reduced from a total of 21.65 acres to 15.13 acres. All properties proposed to be designated for commercial use are developed with existing commercial development.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the project to be exempt from CEQA and approve the proposed changes to the Official Zoning Database as shown in Exhibit A (attachment A); General Plan land use amendments as shown in Exhibit B (attachment C); and

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

**Proposed Land Use Changes
Resolution Attachment A
Freestone Land Use Corrections**

	Address	APN	Existing General Plan Land Use	Proposed General Plan Land Use	Reference
1	12740 Bodega Highway, Sebastopol	073-100-089	LC, RRD 40	RRD 40	Webley Property, PLP17-0001
2	209 Bohemian Highway, Sebastopol	073-130-041	LC, RR 5	LC	Osmosis Day Spa, UPE04-0133
3	469 & 489 Bohemian Highway, Sebastopol	073-130-035	LC, RR 5	LC	CS Fund, UP10718
4	12747 El Camino Bodega, Sebastopol	073-080-071	RR 2	LC	Phelps Tasting Room, UPE01-0063
5	456 Bohemian Highway, Sebastopol	073-130-036	LC	PQP	Freestone Fire Station
6	378 Bohemian Highway, 380 Freestone Street, Sebastopol	073-120-032	LC	RR2	Freestone Artisan Cheese, UPE11-0073
7	281 Bohemian Highway, Sebastopol	073-120-015	LC	RR2	Residence
8	12790 Bodega Highway, Sebastopol	073-110-020	LC	RR2	Residence
9	201 Bohemian Highway, Sebastopol	073-110-032	LC	RR2	Residence
10	215 Bohemian Highway, Sebastopol	073-120-021	LC	RR2	Residence
11	301 Bohemian Highway, Sebastopol	073-120-029	LC	RR2	Residence
12	425 Bohemian Highway, Sebastopol	073-120-030	LC	RR2	Residence
13	374 Freestone Street, Sebastopol	073-120-033	LC	RR2	Residence
14	463 Freestone Street, Sebastopol	073-120-003	LC	RR2	Residence
15	460 Freestone Street, Sebastopol	073-120-002	LC	RR2	Residence
16	521 & 525 Bohemian Highway, Sebastopol	073-130-034	LC, RR 5	RR5	Residence
17	611 Bohemian Highway, Sebastopol	073-100-066	LC	RR5	Residence
18	516 & 520 Bohemian Highway, Sebastopol	073-130-074	LC, RR 5	RR5	Residence
19	493 Bohemian Highway, Sebastopol	073-130-037	LC, RR 5	RR5	Residence

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO CHANGE THE ZONING OF VARIOUS PROPERTY IN FREESTONE IN ORDER TO CONFORM WITH THE POLICIES OF THE GENERAL PLAN.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the from the existing land use designations and zoning to the land use designations and zoning set forth in Exhibit "A" attached hereto and incorporated herein by this reference (collectively, "the Amendments"). The Board hereby finds the Amendments to be consistent with the Sonoma County General Plan. The Director of the Permit and Resource Management Department is directed to incorporate the Amendments shown in Exhibit "A" into the OZD. (ZCE17-0014).

Section II. This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15061(b)(3), because it can be seen with certainty that the Amendments will not have a significant effect on the environment. The Amendments will change the General Plan Land Use Map and official Zoning Data Base to further restrict commercial development and do not propose any physical development. The Amendments would reduce the future potential for commercial development and use in Freestone by reducing the number of properties designated Limited Commercial and zoned Commercial from 21 properties to 6 properties. The total land area in Freestone designated Limited Commercial and zoned Commercial Rural would be reduced from a total of 21.65 acres to 15.13 acres. All properties proposed to be designated for commercial use are developed with existing commercial development. The adopted changes will not increase development potential and have been made to ensure consistency with Sonoma County General Plan Policy LU-12e.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the

names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the X day of X, 2018, and finally passed and adopted this X day of X, 2018, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: ___ Rabbitt: ___ Gore: ___ Hopkins: ___ Zane: ___

Ayes: ___ Noes: ___ Absent: ___ Abstain: ___

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

**Zone Changes
Ordinance Attachment C
Freestone Zoning Corrections**

	Address	APN	Existing Base Zoning	Proposed Base Zoning	Reference
1	12740 Bodega Highway, Sebastopol	073-100-089	CR, RRD	RRD	Webley Property, PLP17-0001
2	209 Bohemian Highway, Sebastopol	073-130-041	CR, AR	CR	Osmosis Day Spa, UPE04-0133
3	469 & 489 Bohemian Highway, Sebastopol	073-130-035	CR, RR	CR	CS Fund, UP10718
4	12747 El Camino Bodega, Sebastopol	073-080-071	RR	CR	Phelps Tasting Room, UPE01-0063
5	456 Bohemian Highway, Sebastopol	073-130-036	CR	PF	Freestone Fire Station
6	378 Bohemian Highway, 380 Freestone Street, Sebastopol	073-120-032	CR	RR	Freestone Artisan Cheese, UPE11-0073
7	281 Bohemian Highway, Sebastopol	073-120-015	CR	RR	Residence
8	12790 Bodega Highway, Sebastopol	073-110-020	CR	RR	Residence
9	201 Bohemian Highway, Sebastopol	073-110-032	CR	RR	Residence
10	215 Bohemian Highway, Sebastopol	073-120-021	CR	RR	Residence
11	301 Bohemian Highway, Sebastopol	073-120-029	CR	RR	Residence
12	425 Bohemian Highway, Sebastopol	073-120-030	CR	RR	Residence
13	374 Freestone Street, Sebastopol	073-120-033	CR	RR	Residence
14	463 Freestone Street, Sebastopol	073-120-003	CR	RR	Residence
15	460 Freestone Street, Sebastopol	073-120-002	CR	RR	Residence
16	521 & 525 Bohemian Highway, Sebastopol	073-130-034	CR, RR	RR	Residence
17	611 Bohemian Highway, Sebastopol	073-100-066	CR	RR	Residence
18	516 & 520 Bohemian Highway, Sebastopol	073-130-074	CR, RR	RR	Residence
19	493 Bohemian Highway, Sebastopol	073-130-037	CR, RR	RR	Residence

Existing Zoning

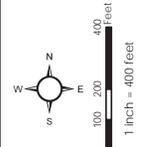


Zoning Combining Districts

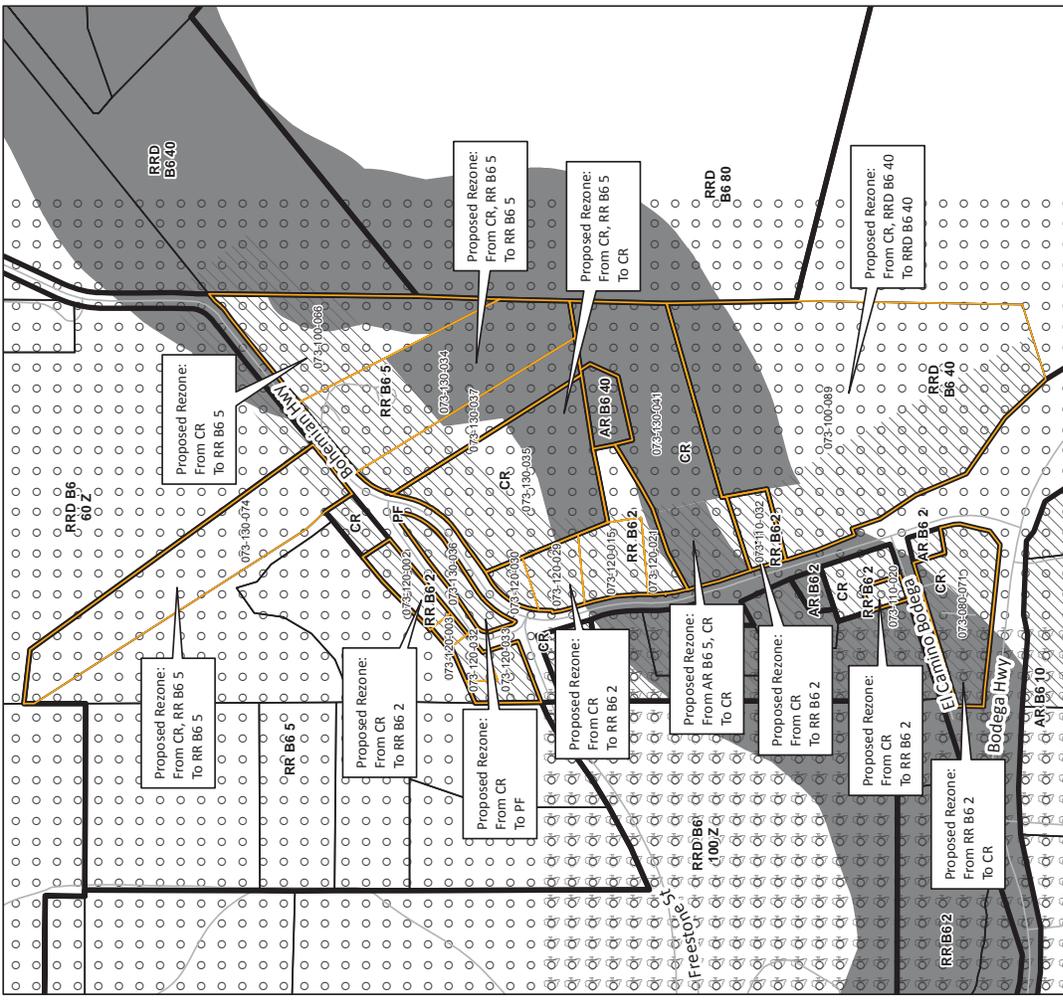
- HD Historic District
- RC Riparian Corridor
- SR Scenic Resource
- VOH Valley Oak Habitat

Base Map Data

- Subject Parcels
- Basezoning by Area
- Parcel
- Street



Proposed Zoning



FILE: ZCE

APN: 073-080-021, -071, 073-100-066, -089, 073-110-002, -005, -006, -020, -021, -032, -033, 073-120-001, -002, -003, -015, -021, -022, -029, -030, -032, -033, 073-130-034, -035, -036, -037, -041, -074, -075, 076

Ordinance No. TBD

Sectional District Map No. TBD

Permit and Resource Management Department
 Project Review Section
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