

## **Chapter 2. Land Use Designations**

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### **A. OVERVIEW**

The City's General Plan land use designations for Empire North Unit I are Village Residential and Open Space. The northerly portion of the Plan area will remain Village Residential; however, the Dry Creek corridor is designated as Open Space by a General Plan amendment adopted in 1996 for extending the Dry Creek CPD. This Specific Plan implements both the Village Residential and Open Space land use designations. This chapter presents the City's General Plan community development policies that will guide the general distribution and extent of uses within the residentially designated portion of the Plan area.

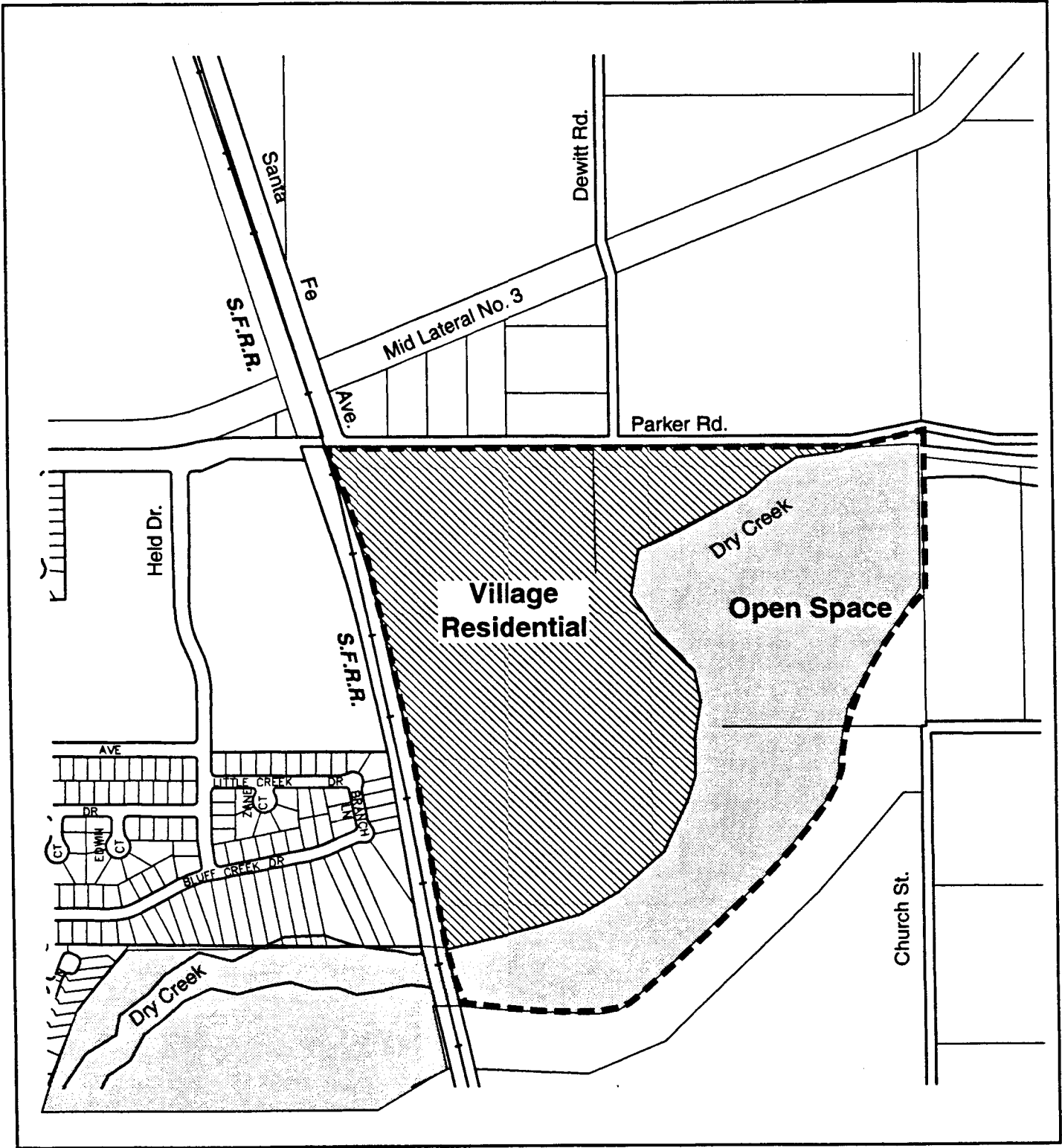
#### **1. Specific Plan Goals**

The City's General Plan contains a hierarchy of policies to guide development of residential and open space uses within the Plan area. City community development policies identify the use of CPDs to implement development in planned urbanizing areas. CPD policies provide the next level of guidance, by using CPDs as planning units for unified direction and encouraging cooperation among affected property owners. The policies for the Empire North CPD offer more focused guidance on issues specific to the Plan area. The City's General Plan also contains applicable policies concerning community services and facilities, public safety, and environmental resources and open space, which are presented in subsequent chapters.

The goals of the Specific Plan are to facilitate development of Village Residential uses in Empire North Unit 1 (Figure 2-1), consistent with policies and standards of the City.

#### **2. Relevant General Plan Policies**

Empire North Unit 1 will be developed in compliance with applicable City General Plan community development, CPD, and related policies. City General Plan policies regarding land uses implemented through the Specific Plan are identified in Table 2-1. For each of the general plan policies listed in Table 2-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.



--- Specific Plan Boundary



Dry Creek Comprehensive Planning District



1"=600'



Jones & Stokes Associates Inc.

**Figure 2-1**  
**Specific Land Use Designations**

Table 2-1 Relevant General Plan Land Use Policies and Specific Plan Compliance

General Plan Land Use Policy	Specific Plan Compliance
<p>Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement <u>any</u> of the Land Use Designations presented on the Land Use Diagram, and they may be used within any Growth Strategy Designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section B, p. V-7)</p>	<p>This Specific Plan provides policy guidance for future development within the Empire North Unit 1 planning area. The adopted Specific Plan implements Village Residential uses for the Empire North CPD and designates Open Space uses for the Dry Creek CPD extension, within Modesto's Planned Urbanizing Area. (Specific Plan, Chapter 2)</p>
<p>Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (Section D, p. III-11)</p>	<p>There are four property owners within the Empire North Unit 1 planning area. Each property owner will be able to follow the unified direction provided in the Specific Plan for development of their respective properties. (Specific Plan, Chapter 2)</p>
<p>Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development. (Section D, p. III-12)</p>	<p>This Specific Plan serves as a Comprehensive Plan, for implementing the policies and provisions of the Empire North Comprehensive Planning District as defined in Chapter III of the Modesto General Plan. (Specific Plan, Chapter 1)</p>
<p>More than one Comprehensive Plan may be processed within a given Comprehensive Planning District, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District. (Section D, p. III-12)</p>	<p>There will be more than One Specific Plan for the Empire North Comprehensive Planning District. This Specific Plan implements residential development for the area north of Dry Creek and the easterly extension of the Dry Creek CPD, which was done as a separate GPA. (Specific Plan, Chapter 1)</p>
<p>Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following finding: No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available. (Section 21157.6(a) of Public Resources Code.) (Section D, p. III-12)</p>	<p>The EIR for the Empire North Unit 1 Specific Plan is a focused EIR and is intended to streamline CEQA review. The City, as lead agency, will make all required findings in accordance with the Public Resources Code at the time of EIR certification. (Specific Plan, Chapter 1)</p>

<p>All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)</p>	<p>The policy requirements presented in the Empire North Comprehensive Planning District narrative (Exhibit III-6) have been applied in this specific plan. (Specific Plan, Chapter 1)</p>
<p>The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII. (Section D, p. III-13)</p>	<p>The Empire North CPD is within the City's Planned Urbanizing Area. The City's Planned Urbanizing Area policies have been addressed in this Specific Plan. (Specific Plan, Chapters 1, 2, 3, 4)</p>

## B. GENERAL PLAN LAND USE POLICIES

Empire North Unit 1 will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. The recommended overall density for the Village Residential designation is 5.1 dwelling units per gross acre. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Unit 1 Plan area is not expected to accommodate all these uses; however, development of Unit 1 is not expected to preclude development of any of these uses in the Empire North CPD.

The policy requirements presented in the Empire North CPD (General Plan Exhibit III-6) are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area. The City General Plan includes the following language relating to consistency of comprehensive plan policy with General Plan policy:

Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with general plan policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

## C. LAND USE PLAN SUMMARY

As shown in Table 2-2, the Empire North Unit 1 Specific Plan designates a total of 47.3 acres for Village Residential uses and 48.5 acres as open space in the Dry Creek CPD. The residential uses will be located in Sub-areas A and B and the Dry Creek CPD in Sub-area C.

Table 2-2. Land Use Summary for the Empire North  
Unit 1 Specific Plan

Area	Acres	Residential Units
Sub-area A - Village Residential	33.5	171
Sub-area B - Village Residential	13.8	70
Sub-area C - Open Space: Dry Creek CPD		
Sub-area C-1 - Floodplain - Aldrin	8.0	
Sub-area C2 - Floodplain - Machado	8.8	
Sub-area C3 - Floodplain - Swatman	13.3	
Sub-area C4 - Floodplain - Powell	18.4	0*
Total residential (Sub-areas A and B)	47.3	241
Total open space (Sub-area C)	48.5	0*
Total Specific Plan area	95.8	241

\* Note exception provided by Policy LU-4.

#### D. LAND USE PLAN DESIGNATIONS

**LU-1. Development shall be required to be consistent with Figure 2-1, Specific Plan Land Use Designations and Table 2-1, which are hereby adopted into this Specific Plan. All subsequent development shall conform with these designated land uses.**

The following sections describe the policies for Village Residential and Open Space uses that will guide development in the Unit 1 Plan area.

##### 1. Village Residential

**LU-2. The Village Residential general plan designation, which is incorporated into this Specific Plan, allows for a maximum of 241 units in subareas A and B, as shown in Table 2-2. Residential unit calculations are based on gross acreage.**

**LU-3. The Village Residential designation typically includes neo-traditional planning principles in project design. These principles are not considered applicable by the General Plan to Empire North Unit 1 because of the small developable area and configuration and location of the site, which make application of these principles impractical. Certain pedestrian-oriented features, such as walkways and access to Dry Creek open space, are incorporated into the Specific Plan. The majority of residential units in the Plan area will be**

**single-family dwellings conforming with Article 5, Low Density Residential Zone (R-1), of the City's Planning and Zoning Code.**

## **2. Open Space**

The City's General Plan addresses the need for a variety of open space as part of physical urban development. Policies in the City's General Plan concerning open space are intended to preserve natural resources, promote public health and safety, and provide for a River Greenway Program. These policies are applicable to the Stanislaus and Tuolumne Rivers and Dry Creek, a tributary of the Tuolumne River. The Empire North Unit 1 Specific Plan addresses application of open space policies for Dry Creek.

**LU-4. The Open Space general plan designation, which is incorporated into this Specific Plan, recommends low-impact recreational facilities, public ownership, and agriculture. In addition, low-density residential uses not exceeding one dwelling unit per 10 acres is a recommended residential density.**

A supplemental City General Plan policy for the Empire North CPD states:

The Comprehensive Plan for the Comprehensive Planning District should incorporate open space and recreation opportunities along Dry Creek, as an extension of the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

This policy is being implemented by the General Plan amendment for the Dry Creek CPD extension. River Greenway Program policies include protecting and enhancing visual corridors, incorporating public access points and pedestrian and bicycle paths into residential development, and protecting environmentally sensitive habitat areas from significant disruption of habitat values.

**LU-5. The extension of the Dry Creek CPD through the Plan area provides the opportunity to add 48.5 acres to the existing 460-acre park that extends from the downtown area, south of Yosemite Boulevard to the SFR bridge over Dry Creek. Additional information about the extension of the Dry Creek CPD is included in Chapter 4, Section H.2., of this Specific Plan.**

## **3. Specific Plan Overlay Zone**

**LU-6. The City General Plan contains policies that generally guide development of residential and open space uses and more specific standards and criteria that address the unique aspects of the Specific Plan area. To incorporate these specific criteria into the project design, the Specific Plan applies a Specific Plan-Overlay (SP-O) Zone to the Plan area.**