

# STANISLAUS COUNTY PLANNING COMMISSION

September 20, 2018

## STAFF REPORT

### GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2018-0061 NEIGHBORHOOD CHURCH

**REQUEST: TO AMEND THE GENERAL PLAN DESIGNATION OF COMMERCIAL AND ZONING DESIGNATION OF SALIDA COMMUNITY PLAN GENERAL COMMERCIAL (SCP C-2), ON AN 8.02 ACRE SITE, TO A GENERAL PLAN DESIGNATION OF PLANNED DEVELOPMENT AND ZONING DESIGNATION OF A-2-40 (GENERAL AGRICULTURE).**

#### APPLICATION INFORMATION

Applicant:	Neighborhood Church
Property owner:	Brinca Investments, Inc.
Agent:	Dave Romano, Newman-Romano, LLC
Location:	Pirrone Road, between Pirrone Road and Old Pirrone Road, east of Highway 99, in the Community of Salida.
Section, Township, Range:	33-2-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	136-037-001
Referrals:	See Exhibit D Environmental Review Referrals
Area of Parcel(s):	8.02 acres
Water Supply:	City of Modesto
Sewage Disposal:	Salida Sanitary
General Plan Designation:	Commercial
Community Plan Designation:	Commercial
Existing Zoning:	Salida Community Plan General Commercial (SCP C-2)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt
Present Land Use:	Vacant, existing storm drain basin.
Surrounding Land Use:	Single-family residences and vacant land to the east; California State Highway 99 to the west and south; vacant land to the north, east, and south; vacant and agricultural land, and light industrial uses to the south.

#### RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to provide a recommendation of approval, Exhibit A provides an overview of all the findings required for project approval.

## **PROJECT DESCRIPTION**

This is a request to amend the General Plan designation of Commercial and zoning designation of Salida Community Plan General Commercial (SCP C-2), on an 8.02 acre site, to a General Plan designation of Planned Development and Zoning designation of A-2-40 (General Agriculture). The project site was part of the prior Salida Community Plan and, as such, the current designations were established in error with the adoption of the 2007 Salida Initiative. This request will return the property back to its original, pre-2007 Salida Initiative, designations. It is anticipated that the property will develop with a church, at a later date, which will require a separate land use entitlement permit. However, no construction is proposed as part of this project.

## **SITE DESCRIPTION**

The site is located within the Community of Salida and is located in the City of Modesto service area for public water and the Salida Sanitary service area for sewer. The site is currently vacant and includes a storm drainage retention basin and easement on the northern end of the site, which serves the Vizcaya Subdivision to the east of the project site.

Single-family residences, and vacant land zoned Salida Community Plan Single-Family Residential surround the site to the east. California State Highway 99 is located to the west and south of the site, and vacant land zoned SCP C-2 is located to the north, east, and south. Vacant agricultural land and light industrial uses exist to the south of the project site.

## **BACKGROUND**

The subject property was designated A-2-10 (General Agriculture) on October 11, 1973, and was then designated to A-2-40 (General Agriculture) on May 11, 1983. Prior to 1973, the property had an A-1 (Unclassified) zoning designation.

The Board of Supervisors approved a rezone (Rezone No. 90-18 & Parcel Map No. 90-78 – Nicolaysen/Theodores) of 39.6 acres, which included the project site, to Planned Development (183) on January 29, 1991, to allow for development of a theme park and destination resort. The project never developed, and the planned development expired.

On August 19, 1997, the zoning designation of 39.6 acres, which included the project site, was amended from expired Planned Development (183) to Planned Development (228), which allowed for residential development of 28.3 acres, located east of the subject site, and Planned Development for Highway Commercial uses on the subject site (Community Plan Amendment No. 97-03 and Rezone No. 97-04 – SCM Corporate Group). This project also amended the Community Plan designation of the 28.3 acres, located east of the subject site, from Commercial to Low Density Residential. However, the portion of this project that included the project site maintained its Community Plan designation of Commercial. The entire 39.6 acres included in the 1997 project had a General Plan designation of Planned Development.

On May 18, 2000, the Planning Commission approved Tentative Subdivision Map No. 99-11 – Salida Gateway Commons (Vizcaya Subdivision No. 1), which created 137 single-family residential lots out of the 28.3 acres located east of the project site, and a temporary off-site storm drainage basin located on the northern part of the project site; which were both part of the original 1997 project. A permanent storm drainage basin was envisioned to handle the storm drainage requirements of the entire 1997 project site, as well as the commercial lands located at the Hammett

Road Interchange, as a part of the master storm drainage system for the north-east Salida Community Plan area covered by the Salida Mello-Roos, but one was never developed. The “temporary” basin still exists on the project site and serves the existing Vizcaya Subdivision to the east.

Neither the 1997 rezone to P-D 228 or the 2000 subdivision map allowed for any land use entitlements associated with the project site. Both the 1997 rezone and the 2000 subdivision identified the subject site as a commercial lot whose future uses would require a use permit in accordance with the PD zoning and adopted Salida Planned Development Guidelines.

Two County Service Areas (CSA), Salida County Service Area 10 and the Salida Lighting District, were formed for the maintenance of the storm drainage system, landscaped areas, wall, and street lighting of the Vizcaya Subdivision. The project site and the Vizcaya Subdivision are located within the boundaries of the two CSAs and the Salida Mello Roos district. The Salida Area Public Facilities Financing Agency (SAPFFA), administers the bonds established by the Salida Mello Roos district. The SAPFFA operates under a joint powers agreement between the Salida Sanitary District, Salida Fire Protection District, and the Salida Union and Modesto City School Districts.

On August 7, 2007, the Stanislaus County Board of Supervisors passed an ordinance to implement the Salida Area Planning “Roadway Improvement, Economic Development and Salida Area Farmland Protection and Planning Initiative,” also known as the Salida Initiative, which amended the Salida Community Plan. The amended Salida Community Plan provides land use planning and guidance for development of approximately 4,600 acres of land in the Salida area. The Community Plan encompasses the existing community of Salida, which was part of the previously approved Salida Community Plan (Existing Plan Area), and an amendment area encompassing approximately 3,383 acres (Amendment Area).

With the passage of the Salida Initiative, the subject site and other properties were erroneously included in the Amendment Area of the Salida Community Plan. This inclusion was a draftsman’s error, as the site was actually part of the Existing Plan Area. The Salida Initiative requires that prior to new development in the Salida Community Plan (SCP) Amendment Area, that the County prepare, at the landowner’s expense, a programmatic-level Environmental Impact Report (EIR) evaluating the environmental impacts associated with the development. Accordingly, with the incorrect inclusion of the subject site in the Amendment Area of the Salida Community Plan, the subject site was erroneously subject to the EIR requirement. If approved, this community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area of the Salida Community Plan. Additionally, while the Salida Initiative maintained the subject site’s Community Plan designation of Commercial, the General Plan designation was amended from Planned Development to Commercial, and the Zoning designation was amended from P-D (228) to Salida Community Plan General Commercial (SCP C-2) with the passing of the Salida Initiative. These general plan and zoning changes would not have occurred if the site was correctly reflected as being a part of the Existing Plan Area, rather than the Amendment Area of the Salida Community Plan. This project is a request to correct these errors. (See Exhibit B – *Maps*.) A similar process is applicable to the parcel to the north. When the owner of that property indicates an interest to develop, the County will work with them to correct the error consistent with the outcome of this request.

## **ISSUES**

No issues have been identified as a part of this request. A referral response was received from the Salida Fire District requesting the project site pay Fire Service Mitigation Fees, provide on-site water for fire protection, adequate fire vehicle access with two points of ingress/egress, Knox Box entry for gated or limited access areas, fire sprinklers for buildings 5,000 square feet or greater, hose

connections for buildings 30 feet or three stories in height or greater, signal preemption devices for any traffic signal improvements, and annexation into a community facilities district for operational services with the District. These requirements were not added as conditions of approval, as the project does not propose any development. Further, no conditions of approval have been added to the project, as the request is not proposing any development and is just reverting the general plan and zoning designation of the property back to its pre-2007 Salida Initiative designations.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated Commercial in the Land Use Element and the Salida Community Plan of the General Plan. However, as discussed in the background section of this report, prior to the 2007 Salida Initiative, the property had a General Plan designation of Planned Development. The project is a request to revert the General Plan designation of Commercial back to Planned Development. The project site was part of the Existing Plan Area of the Salida Community Plan and, as such, the current designations were established in error with the adoption of the 2007 Salida Initiative. This request will return the property back to its original, pre-2007 Salida Initiative, designations. In addition, if approved, the community plan boundary line will be amended to correctly show the subject property as part of the Existing Plan Area.

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding discretionary uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

No development is proposed as part of this project. Any future development that requires discretionary approval will be evaluated for consistency with the Agricultural Buffer requirement.

This project request is considered to be consistent with the General Plan as it is a request to correct a previous error included in the Land Use Element and Salida Community Plan of the Stanislaus County General Plan.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned Salida Community Plan General Commercial (SCP C-2). As discussed in the Background section of this report, the project includes a request to return the property back to its pre-2007 Salida Initiative zoning designation. In determining the valid pre-2007 zoning, Staff has considered the noncompliance provisions of Zoning Ordinance Chapter 21.40 – Planned Development District. Specifically, Section 21.40.110 – Noncompliance states that: “If any portion of the approved development plan, development schedule or any exhibits attached thereto are not met or complied with, the planning commission may initiate proceedings under Chapter 21.108 to rezone the property to the zone classification it held prior to being zoned P-D or other appropriate zone classification”. The project site’s pre-2007 Salida Initiative zoning was P-D (228), which is an expired planned development as the site never developed. In accordance with Section 21.40.110 of the zoning ordinance, the site’s zoning will be returned to its pre-planned development zoning of A-2-40 (General Agriculture).

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. The Land Use Element of the General Plan states that land with a Planned Development

General Plan designation should be zoned A-2 (General Agriculture) until land use entitlements are obtained and development occurs. In this case, if the requested change for the General Plan designation is approved, the zoning designation of A-2-40 (General Agriculture) would subsequently be consistent with the General Plan.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant environmental issues were raised. The project is considered Exempt under Section 15260 (General Exemption) as this project will not result in any development. Future development, other than those ministerial uses allowed in the General Agricultural (A-2-40) zoning district, will require additional environmental review. A Notice of Exemption has been prepared as the project meets the criteria for a CEQA Exemption. (See Exhibit C – *Notice of Exemption.*)

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**Note:** Pursuant to California Fish and Game Code Section 711.4, California Department of Fish and Wildlife (formerly the Department of Fish and Game) has determined that this project has no potential effect on Fish and Wildlife and the project as described does not require payment of the CEQA filing fee. See attached.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

Attachments:

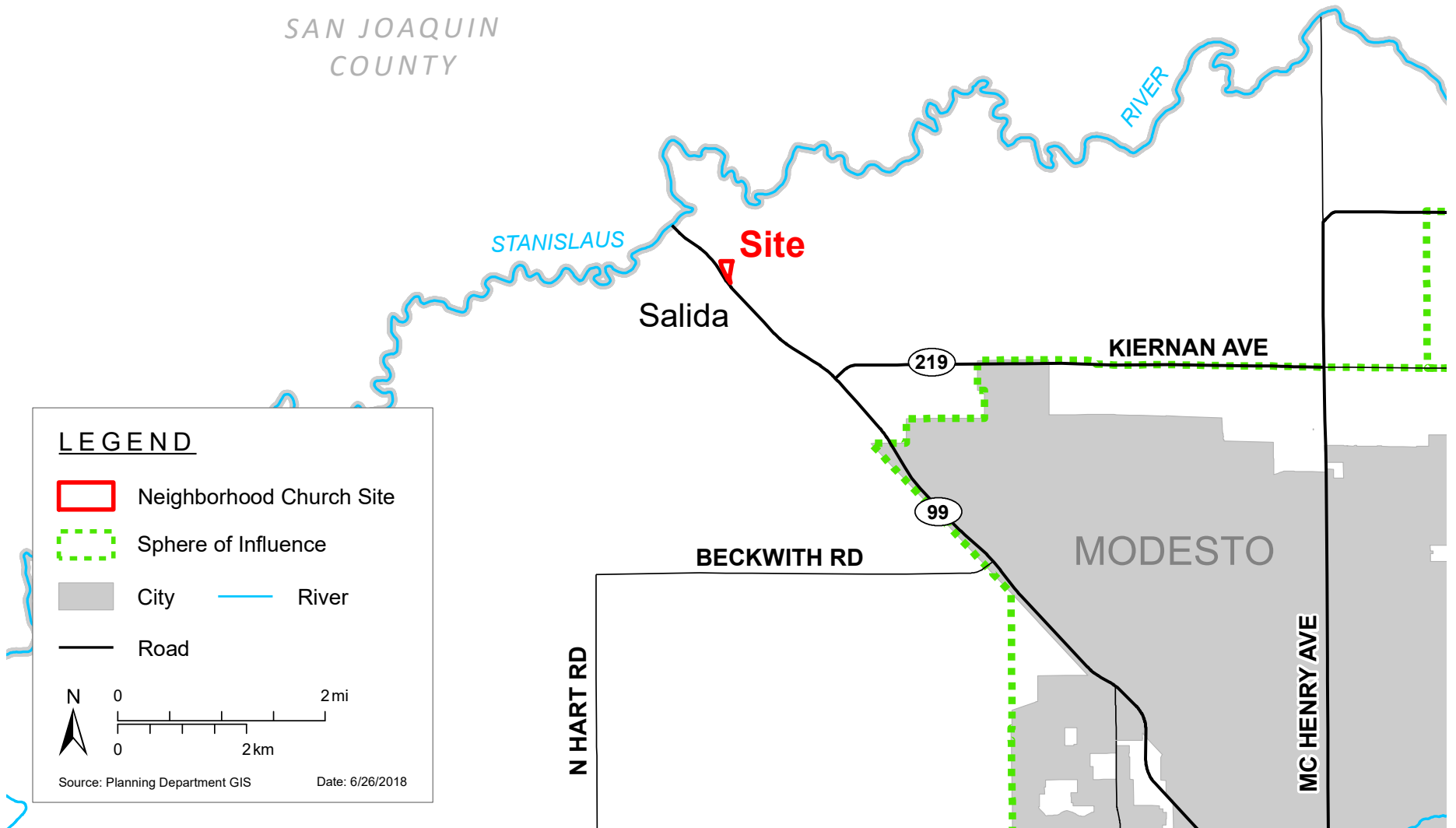
- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Notice of Exemption
- Exhibit D - Environmental Review Referral

**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Find the project to be categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find, based on the discussion in this report, and the whole of the record that:
  - (a) The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - (b) The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - (c) The amendment is consistent with the General Plan goals and policies.
3. Find that the proposed General Agricultural (A-2-40) zoning is consistent with the Planned Development General Plan designation.
4. Approve General Plan Amendment and Rezone Application No. PLN2018-0061 – Neighborhood Church.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2018-0061 – Neighborhood Church.

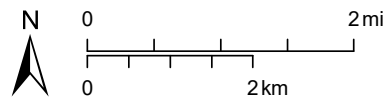
# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 AREA MAP

SAN JOAQUIN  
COUNTY



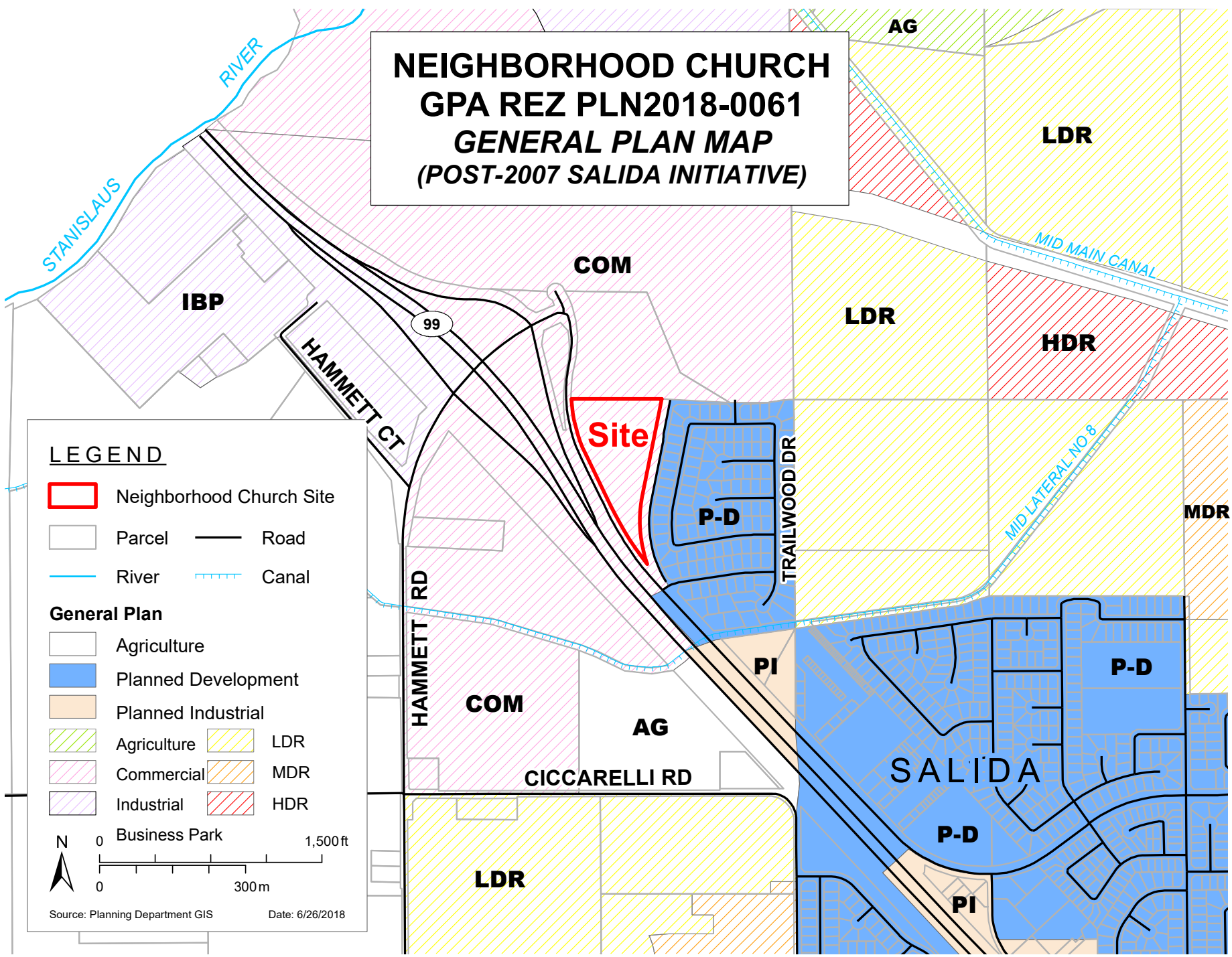
**LEGEND**

- Neighborhood Church Site
- Sphere of Influence
- City
- River
- Road



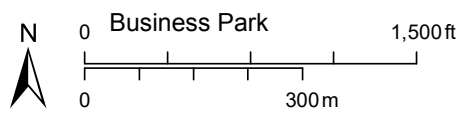
Source: Planning Department GIS      Date: 6/26/2018

# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 GENERAL PLAN MAP (POST-2007 SALIDA INITIATIVE)



## LEGEND

- Neighborhood Church Site
  - Parcel
  - Road
  - River
  - Canal
- General Plan**
- Agriculture
  - Planned Development
  - Planned Industrial
  - Agriculture
  - Commercial
  - Industrial
  - LDR
  - MDR
  - HDR

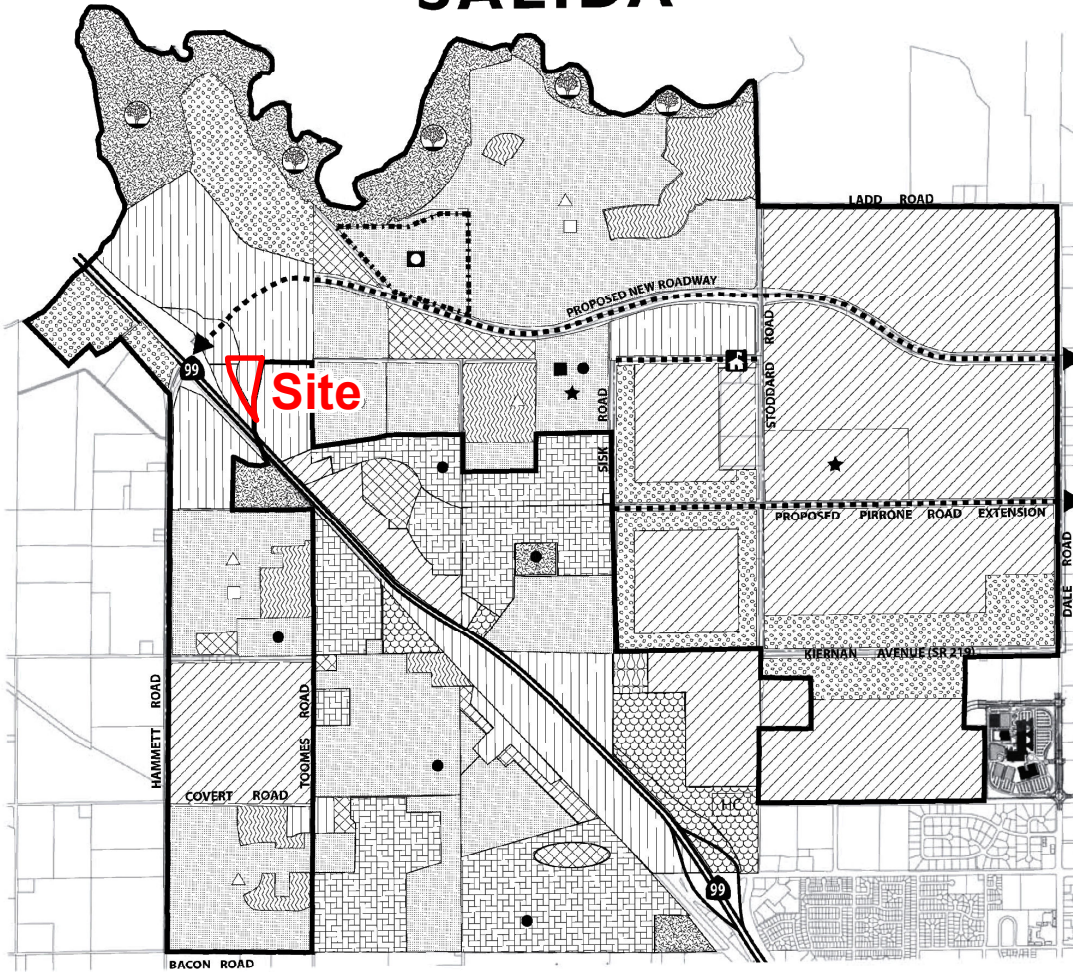


Source: Planning Department GIS      Date: 6/26/2018



# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 COMMUNITY PLAN MAP (POST-2007 SALIDA INITIATIVE)

## SALIDA



### LAND USES

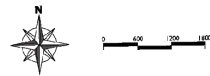
- Low Density Residential
- Low Density Residential (Within Project Boundary)
- Medium Density Residential
- Medium High Density Residential
- Business Park
- Commercial
- Industrial
- Planned Industrial
- Planned Development
- HC Highway Commercial
- Agricultural

### PARKS AND SCHOOLS

- | Existing | Proposed |                        |
|----------|----------|------------------------|
|          |          | Neighborhood Park*     |
|          |          | Elementary School*     |
|          |          | Middle School*         |
|          |          | High School*           |
|          |          | Stanislaus River Park* |

### PUBLIC FACILITIES

- New Road
- Special Treatment Area
- Amendment Area Boundary
- Existing Waste Water Treatment Plant\*
- Proposed Fire Station\*

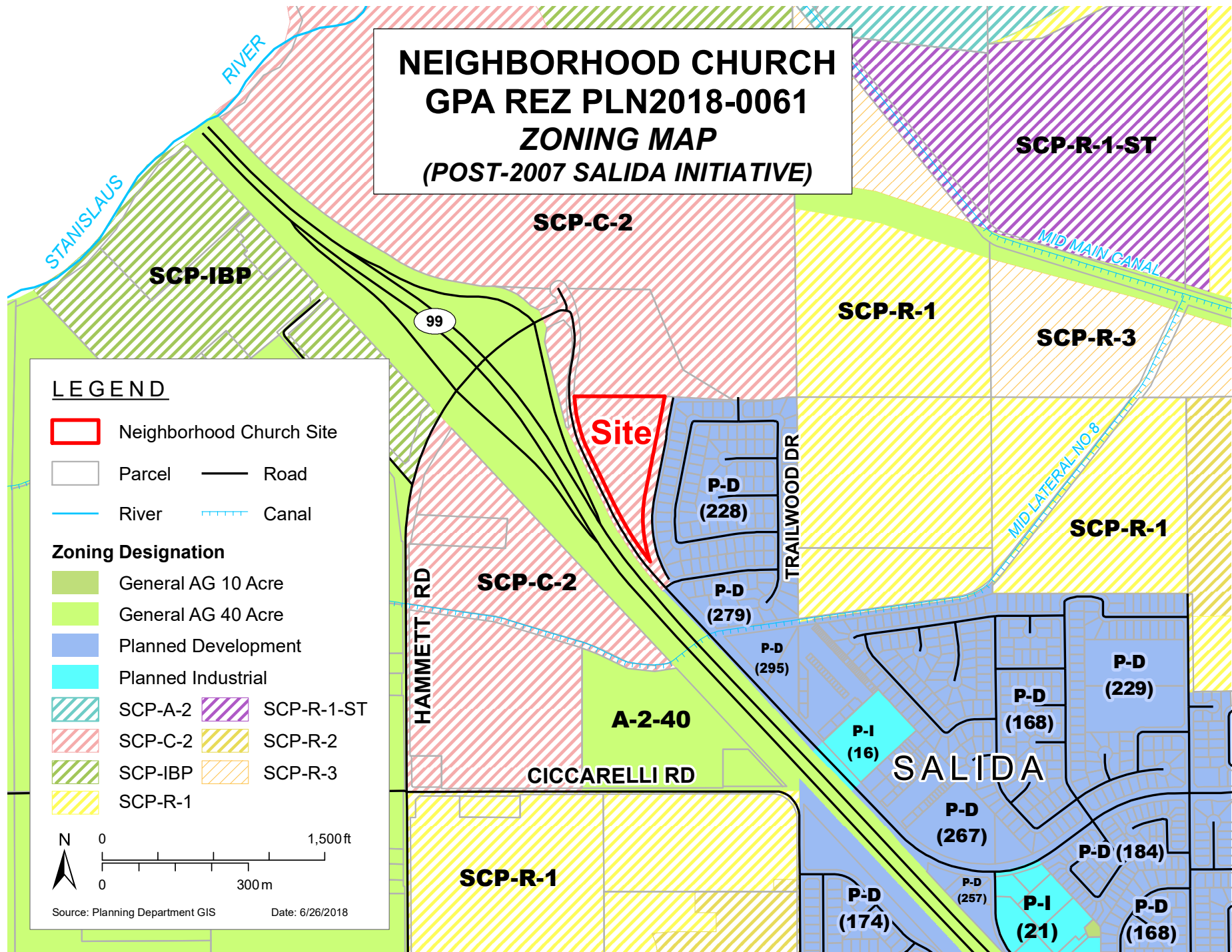


## COMMUNITY PLAN

I-138

\* Symbol denotes general location

# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 ZONING MAP (POST-2007 SALIDA INITIATIVE)



**LEGEND**

- Neighborhood Church Site
- Parcel
- Road
- River
- Canal

**Zoning Designation**

<span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> General AG 10 Acre	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> SCP-R-1-ST
<span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> General AG 40 Acre	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> SCP-R-2
<span style="display: inline-block; width: 20px; height: 10px; background-color: #66B3FF; border: 1px solid black; margin-right: 5px;"></span> Planned Development	<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> SCP-R-3
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<span style="display: inline-block; width: 20px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> SCP-A-2	
<span style="display: inline-block; width: 20px; height: 10px; background-color: #FFB6C1; border: 1px solid black; margin-right: 5px;"></span> SCP-C-2	
<span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> SCP-IBP	

**Scale:** 0 to 1,500 ft / 0 to 300m

Source: Planning Department GIS      Date: 6/26/2018

# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 GENERAL PLAN MAP (PRE-2007 SALIDA INITIATIVE)

## LAND USE

**Planned Development**

- Planned Industrial
- Specific Plan
- Urban Transition

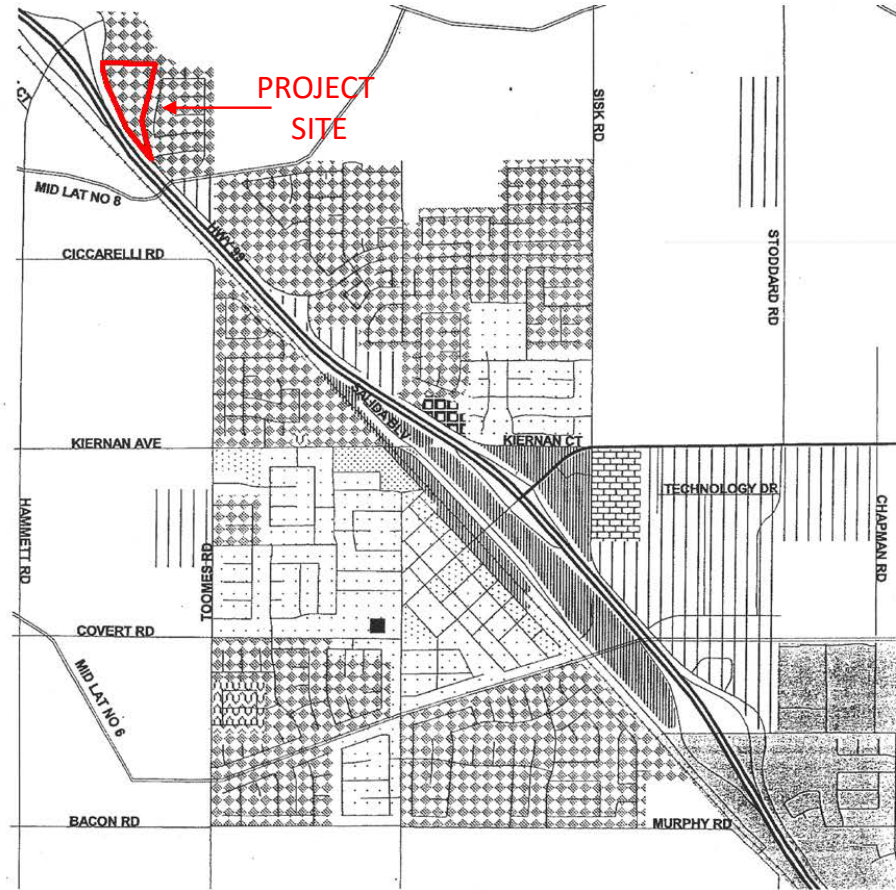
## RESIDENTIAL

- Estate  
ONE D.U./3 ACRES
- Low-Density  
0-2 D.U./NET ACRE OR  
0-7 D.U./NET ACRE
- Medium-Density  
0-14 D.U./NET ACRE
- Medium High-Density  
0-25 D.U./NET ACRE

- ★ Airport
- ▲ Park
- Solid/Liquid Waste Disposal Site
- School

- Agriculture
- Commercial
- Highway Commercial / Planned Development
- Historical
- Industrial
- Industrial Transition
- City

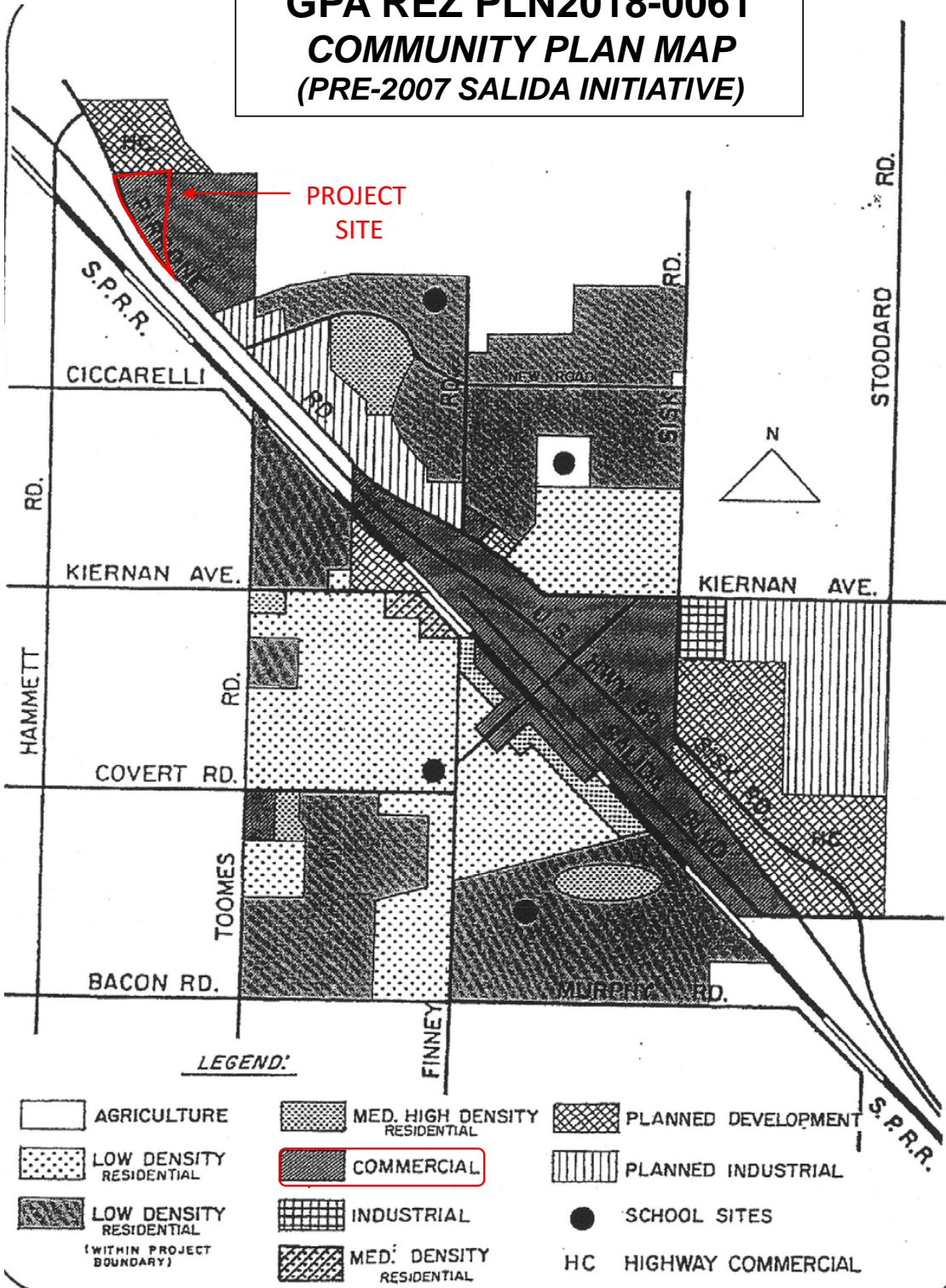
- Roads
- Railroads
- Rivers
- Canals



N  
1:18500  
SALIDA

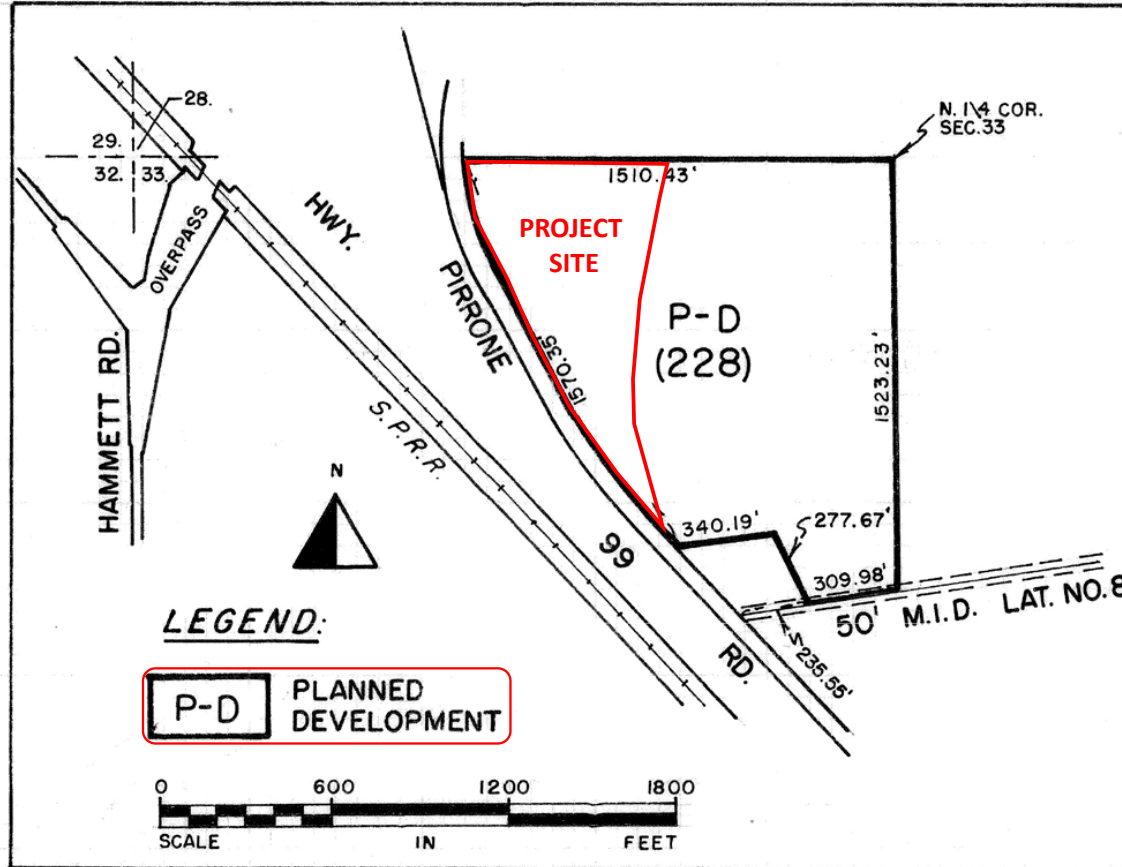
0 800 Feet

**NEIGHBORHOOD CHURCH  
GPA REZ PLN2018-0061  
COMMUNITY PLAN MAP  
(PRE-2007 SALIDA INITIATIVE)**



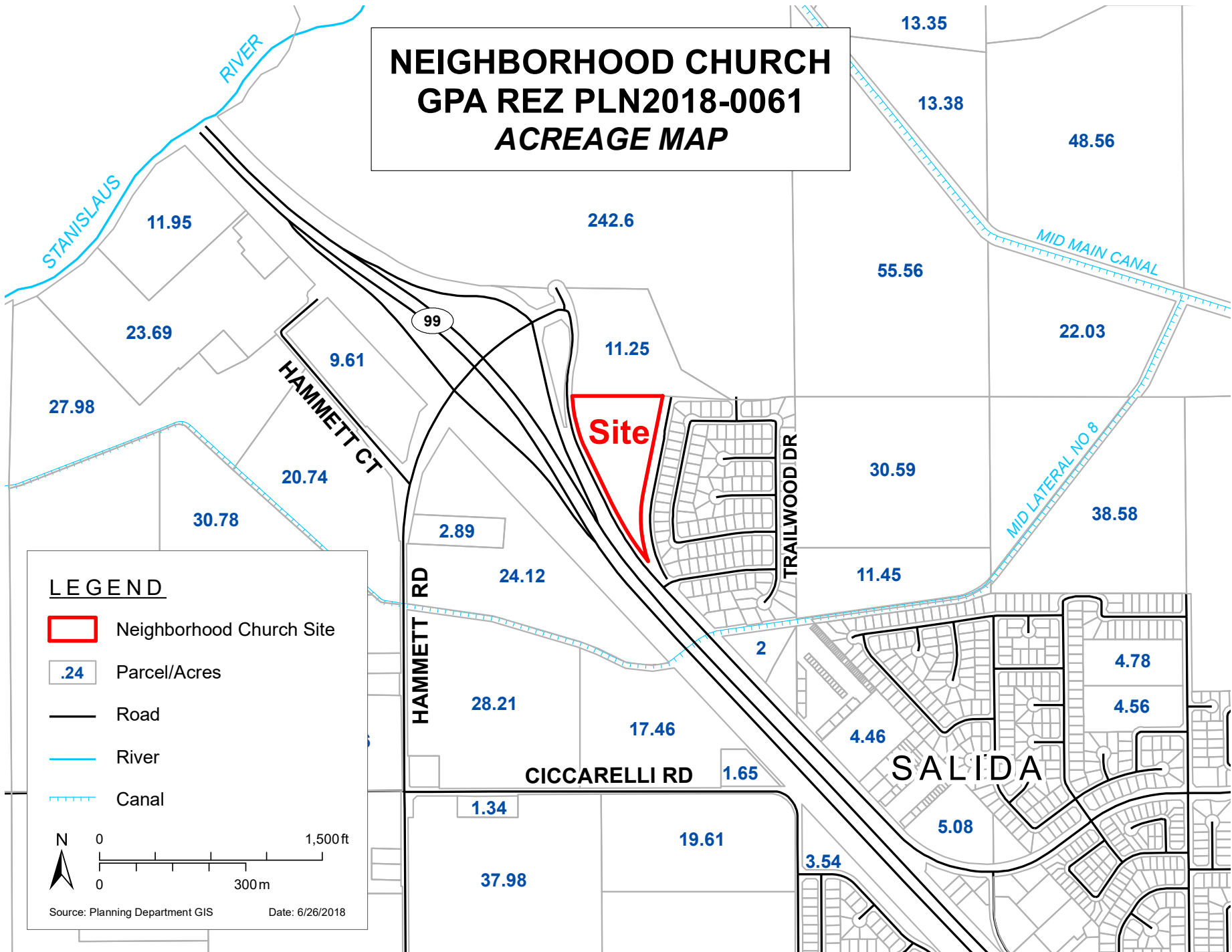
**NEIGHBORHOOD CHURCH**  
**GPA REZ PLN2018-0061**  
**ZONING MAP**  
*(PRE-2007 SALIDA INITIATIVE)*

SECTIONAL DISTRICT MAP NO.9-110.867



EFFECTIVE DATE: 18 SEP 1997  
 PREVIOUS MAP: 802

# NEIGHBORHOOD CHURCH GPA REZ PLN2018-0061 ACREAGE MAP



**LEGEND**

- Neighborhood Church Site
- .24 Parcel/Acres
- Road
- River
- Canal

N

0 1,500 ft

0 300m

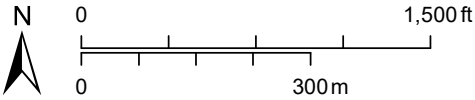
Source: Planning Department GIS      Date: 6/26/2018

**NEIGHBORHOOD CHURCH  
GPA REZ PLN2018-0061  
2017 AERIAL AREA MAP**

**Site**

**LEGEND**

-  Neighborhood Church Site
-  Road
-  River
-  Canal



Source: Planning Department GIS Date: 6/26/2018

15

EXHIBIT B-8



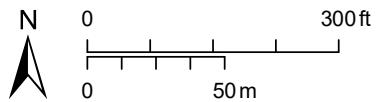
**NEIGHBORHOOD CHURCH  
GPA REZ PLN2018-0061  
2017 AERIAL SITE MAP**



**LEGEND**

 Neighborhood Church Site

 Road



Source: Planning Department GIS

Date: 6/26/2018



**NEIGHBORHOOD CHURCH  
GPA REZ PLN2018-0061  
VIZCAYA SUBDIVISION & STORM DRAIN BASIN**



**STANISLAUS COUNTY**  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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**NOTICE OF EXEMPTION**

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**Project Title:** General Plan Amendment and Rezone Application No. PLN2018-0061 – Neighborhood Church

**Applicant Information:** Neighborhood Church

**Project Location:** Pirrone Road, between Pirrone Road and Old Pirrone Road, east of Highway 99, in the Community of Salida. APN: 136-037-001.

**Description of Project:** Request to amend the General Plan designation of Commercial and Zoning designation of Salida Community Plan General Commercial (SCP C-2), on an 8.02 acre site, to a General Plan designation of Planned Development and Zoning designation of A-2-40 (General Agriculture).

**Name of Agency Approving Project:** Stanislaus County Planning Commission

**Lead Agency Contact Person:** Kristin Doud, Senior Planner

**Telephone:** (209) 525-6330

**Exempt Status:** (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_
- General Exemption.

**Reasons why project is exempt:** The project is considered Exempt under Section 15260 (General Exemption) as this project will not result in any development. The project site was part of the prior Salida Community Plan and, as such, the current designations were established in error with the adoption of the 2007 Salida Initiative. This request will return the property back to its original, pre-2007 Salida Initiative, designations. Future development, other than those ministerial uses allowed in the General Agricultural (A-2-40) zoning district, will require additional environmental review.

September 11, 2018  
Dated \_\_\_\_\_

Signature on file. \_\_\_\_\_  
Kristin Doud  
Senior Planner

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: GENERAL PLAN AND REZONE APPLICATION NO. PLN2018-0061 - NEIGHBORHOOD CHURCH**

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X		X							
CALTRANS DISTRICT 10	X	X	X				X		X		X
CENTRAL VALLEY RWQCB	X	X	X				X		X		X
SANITARY DISTRICT: SALIDA	X	X		X							
COOPERATIVE EXTENSION	X	X		X							
FIRE PROTECTION DIST: SALIDA FIRE	X	X	X				X		X	X	
IRRIGATION DISTRICT: MODESTO	X	X	X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X		X							
PACIFIC GAS & ELECTRIC	X	X		X							
RAILROAD: UNITED PACIFIC RAILROAD	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X		X							
SCHOOL DISTRICT 1: SALIDA UNION	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X		X							
STAN CO AG COMMISSIONER	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X							
STAN CO CEO	X	X		X							
STAN CO DER	X	X		X							
STAN CO ERC	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X		X							
STAN CO PUBLIC WORKS	X	X	X				X		X		X
STAN CO SHERIFF	X	X		X							
STAN CO SUPERVISOR DIST #3: WITHROW	X	X		X							
STAN COUNTY COUNSEL	X	X		X							
STANCOG	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X		X							
STANISLAUS LAFCO	X	X		X							
SURROUNDING LAND OWNERS		X		X							
US MILITARY	X	X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
TRIBAL CONTACTS	X	X		X							