

# Notice of Exemption

Appendix E

**To:** Office of Planning and Research  
 P.O. Box 3044, Room 113  
 Sacramento, CA 95812-3044  
 County Clerk  
 County of: Stanislaus County  
 1021 I Street  
 Modesto, CA 95354

**From:** (Public Agency): City of Waterford  
101 "E" Street  
Waterford, CA 95386

(Address)

Project Title: General Plan Amendment No. 2018-02 - Final 2014-2023 Housing Element

Project Applicant: City of Waterford

Project Location - Specific:

City of Waterford - City-wide

Project Location - City: Waterford Project Location - County: Stanislaus

Description of Nature, Purpose and Beneficiaries of Project:

The City completed the City of Waterford 2014-2023 Housing Element. The Housing Element is one (1) of the seven (7) State mandated Elements of the City's General Plan. The Element is designed to coordinate residential development. The Housing Element must show that the City can accommodate the RHNA.

Name of Public Agency Approving Project: City of Waterford

Name of Person or Agency Carrying Out Project: City of Waterford

Exempt Status: (check one):

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

Reasons why project is exempt:

The General Plan Amendment No. 2018-02 to adopt the 2014-2023 Housing Element is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the activity is covered under the general rule that CEQA applies to only projects, which have the potential for causing a significant effect on the environment. Future projects would need to be consistent with CEQA Guidelines.

Lead Agency  
Contact Person: Mark Niskanen Area Code/Telephone/Extension: 209/599-8377

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: [Signature] Date: 11/19/18 Title: Planning Manager

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

Date removed from posting 12/31/18

2018 NOV 19 PM 12: 22  
 STANISLAUS CO. CLERK-RECORDS  
 Alejandro Morroquin

FILED

**WATERFORD CITY COUNCIL  
RESOLUTION # 2018-70**

**APPROVING GENERAL PLAN AMENDMENT NO. 2018-02 TO ADOPT THE FINAL 2014-2023 HOUSING ELEMENT AND AUTHORIZE SUBMITTAL TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION**

**WHEREAS**, the City of Waterford desires to maintain a General Plan that complies with the mandatory requirements of the California Government Code (Section 65300 et. seq.); and

**WHEREAS**, State law requires cities in Stanislaus County to adopt or revise their Housing Element within 120 days after December 31, 2015, to be responsive to changing conditions, new laws, State law requirements and updated regional "fair share" housing determinations; and

**WHEREAS**, the purpose of the proposed Housing Element is to assure compliance with State law by addressing the City's fair share of regional housing need through the year 2023 and to comply with other State law requirements; and

**WHEREAS**, on March 19, 2015, staff held a duly noticed public workshop to discuss the Housing Element; and

**WHEREAS**, the Planning Commission held a public meeting on June 23, 2015, and recommended that the City Council authorize staff to submit the draft Housing Element to the State Department of Housing and Community Development ("HCD") for their mandated 60-day review; and

**WHEREAS**, on September 17, 2015, the City Council considered the draft Housing Element at a Public Meeting and authorized staff to submit the document to HCD; and

**WHEREAS**, the Housing Element was submitted to HCD in September 2015 for their mandated review and comment on the proposed Housing Element's consistency with State law; and

**WHEREAS**, comments were received from HCD on November 19, 2015, stating certain changes were needed for the proposed Housing Element to be considered consistent with State Law; and

**WHEREAS**, Per SB375 (2008, Chapter 728) (Government Code Section 65588(e)(4), jurisdictions on an 8-year planning period (City of Waterford) that do not adopt their Housing Element within 120 days from the start of the planning period (December 31, 2015) must revise and adopt the Housing Element every four (4) years until timely adopting at least two (2) consecutive revisions by the applicable due date; and

**WHEREAS**, the Draft 2014-2023 Housing Element was recommended for adoption by the Planning Commission at a duly noticed Planning Commission Public Hearing on February 23, 2016; and

**WHEREAS**, the Draft 2014-2023 Housing Element was adopted by the City of Waterford City Council on April 7, 2016; and

**WHEREAS**, the purpose of adopting the Housing Element prior to submitting the Element for State certification is to remain in the 8-year planning period; and

**WHEREAS**, Staff has addressed all comments given by HCD, and is compliant with the State of California Housing Laws; and

**WHEREAS**, the Planning Commission has reviewed the Final 2014-2023 Housing Element and conducted a public hearing on October 23, 2018; and

**WHEREAS**, notice of the proposed General Plan Amendment was delivered by first class mail to the California Native American tribes on September 7, 2018 for a ninety (90) day review and consultation and contact was made with the listed Native American tribes to reduce the 90-day consultation period pursuant to Senate Bill 18; and

**WHEREAS**, notice of the public hearing on the proposed Resolution was published in the *Waterford News*, a newspaper of general circulation, on October 31, 2018; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Waterford hereby:

1. Approve the Amendments to the General Plan Public Services & Facilities Element, attached hereto as Exhibit A and incorporated herein by this reference, based on the following findings:
  1. The proposed Housing Element is considered to be in the public interest because it provides policies and programs to promote housing for all economic segments of the City;
  2. The proposed Housing Element is consistent with the goals and policies of the General Plan and will conform to the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the California Government Code (Gov. Code § 65580 *et seq.*) following State certification;
  3. That, based on the findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby recommends approval for the General Plan Amendment as included in Exhibit A to this Resolution;

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Waterford hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid;
  
5. The City has completed the environmental review on the General Plan Amendment to adopt the Final 2014-2023 Housing Element and has determined with certainty that the Final 2014-2023 Housing Element is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the activity is covered under the general rule that CEQA applies to only projects, which have the potential for causing a significant effect on the environment.

The foregoing Resolution was passed and adopted by the City Council of the City of Waterford, Stanislaus County, at a meeting held on November 15, 2018, moved for adoption by the following vote:

**AYES: (4) ALDACO, KRAUSE, POWELL, VAN WINKLE**  
**NOES: (0) NONE**  
**ABSTAIN: (0) NONE**  
**ABSENT: (1) WHITFIELD**

**CITY OF WATERFORD:**

DocuSigned by:

*Michael Van Winkle*

126D70EBEE2547E...

MICHAEL VAN WINKLE, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

DocuSigned by:

*Miranda Lutzow*

7061E47DB1364DD...

Miranda Lutzow  
City Clerk

DocuSigned by:

*Corbett Browning*

F2D1FA69CB4B4A7...

CORBETT J. BROWNING  
City Attorney