

ORDINANCE NO. 2025-05

**AN ORDINANCE OF THE CITY OF WATERFORD CITY COUNCIL
APPROVING AND ADOPTING THE PREZONING OF 43.27-ACRES AS TO
ASSESSOR PARCEL NUMBERS 080-003-050, 012, 015, 034, 040, AND 049**

WHEREAS, the City of Waterford is authorized by Title 17 Chapter 17.77, to initiate a prezone whenever public necessity and convenience and the general welfare require such amendment; and

WHEREAS, the City of Waterford Planning Commission conducted a Public Hearing on October 21, 2025 to consider the proposed prezone.

WHEREAS, the City Council for the City of Waterford has made the following findings for adoption.

1. An application has been received from California Land Development (331 Santa Rosa Drive, Los Gatos, CA 95032) with a proposal to annex and prezone approximately 43.27± acres on property assigned the following assessor parcel number: 080-003-012, 015, 034, 040, 049, and 050; and,
2. The project site is currently under the zoning regulation of Stanislaus County and has a General Plan Land Use Designation of Low Density Residential (LD); and
3. The applicant is proposing to rezone the Subject Properties to RS and Planned Community 2022-01 (PC #2022-01); and
4. The Planning Commission held a noticed public hearing on October 21, 2025, and by a vote of 3-0, recommended to the City Council approval of the Prezone; and,
5. Notice of the public hearing on the proposed Prezone was published in the *Waterford News*, a newspaper of general circulation, on November 4, 2025; and
6. Notices of the public hearing on the proposed Prezone were mailed to all property owners within 300-feet of the property, according to the most recent assessor's roll, on November 4, 2025; and
7. The City finds that pursuant to the California Environmental Quality Act (CEQA), the Lead Agency (Waterford) has prepared an Initial Study and concludes that the proposed project is within the scope of the previously certified City of Waterford Vision 2025 General Plan Environmental Impact Report, and in accordance with Section 15074 of the CEQA Guidelines, a Mitigated Negative Declaration has been prepared and considered.

WHEREAS, a public hearing was held on November 20, 2025 and all comments were heard and considered by the City Council.

THE CITY COUNCIL OF THE CITY OF WATERFORD, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. ZONING MAP. The Zoning Map of the City of Waterford is hereby amended in the area described in Exhibit A attached hereto and by reference incorporated herein.

SECTION 2. FINDINGS. The approval of this ordinance is based on the following findings and determinations:

- A. The Planning Commission, on October 21, 2025 held a noticed public hearing and made its written recommendation to the City Council to approve the rezoning to RS and Planned Community 2022-01 (PC #2022-01), as illustrated in Exhibit A of this Ordinance.
- B. The proposed rezoning is consistent with the goals, policies, and implementation measures and Low Density Residential (LD) land use of the City of Waterford Vision 2025 General Plan.
- C. A noticed Public Hearing before the City Council was given in the form and manner required by State statute and the Waterford Municipal Code.

SECTION 3. CONDITIONS. The development is subject to the conditions and standards adopted in the City's Vision 2025 General Plan for development which includes the following terms and conditions:

SECTION 4. The Zoning Map of the City of Waterford, which is attached as part of Title 17 of the City Code, is hereby amended and changed, and from and after the effective date of the Ordinance, the property illustrated in Exhibit A hereof shall be referred to and described on said zoning map of the City of Waterford as RS and Planned Community 2022-01 (PC #2022-01).

- A. Approval of this Prezone authorizes the Zoning Map of the City of Waterford to be amended to include APN 080-003-034, 012, 015, and 040 to be zoned RS, Residential Single. APN 080-003-049 and 050 are to be zoned PC, Planned Community (PC 2022-01).
- B. Approval of Prezone to Planned Community 2022-01 authorizes a 98-lot single-family residential development shall expire within two years from the date of the annexation approval by the Stanislaus Location Agency Formation Commission unless acted upon or the applicant or property owner obtains a time extension for the subdivision map.

SECTION 5. DEVELOPMENT STANDARDS. The following development standards are hereby associated with Planned Community 2022-01 (PC #2022-01):

Development Standard	Planned Community 2022-01
<i>Lot Dimensions</i>	
Lot Size (Minimum)	5,000 square feet
Lot Width (Minimum)	Interior – 55-feet
	Corner – 65-feet
Lot Coverage (Maximum)	60%
<i>Setbacks (Minimum)</i>	
Front	15-feet
Rear	10-feet
Side	Interior – 5-feet
	Corner – 10-feet

For properties rezoned RS, development standards shall adhere to the City of Waterford Zoning Ordinance.

SECTION 6. AUTHORITY. This ordinance is adopted pursuant to the authority granted by the California Constitution and State law.

SECTION 7. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. To the extent the provisions of the Waterford Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 10. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Waterford this 20th day of November 2025, by the following vote:

AYES: Goeken, Gutierrez, Harris, Hilton, Talbott

NOES: None

ABSTAIN: None

ABSENT: None

CITY OF WATERFORD

Signed by:

Charlie Goeken

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CHARLIE GOEKEN, Mayor

ATTEST:

DocuSigned by:

Patricia Krause

0E40B251B23D4F2...

PATRICIA KRAUSE
City Clerk

APPROVED AS TO FORM:

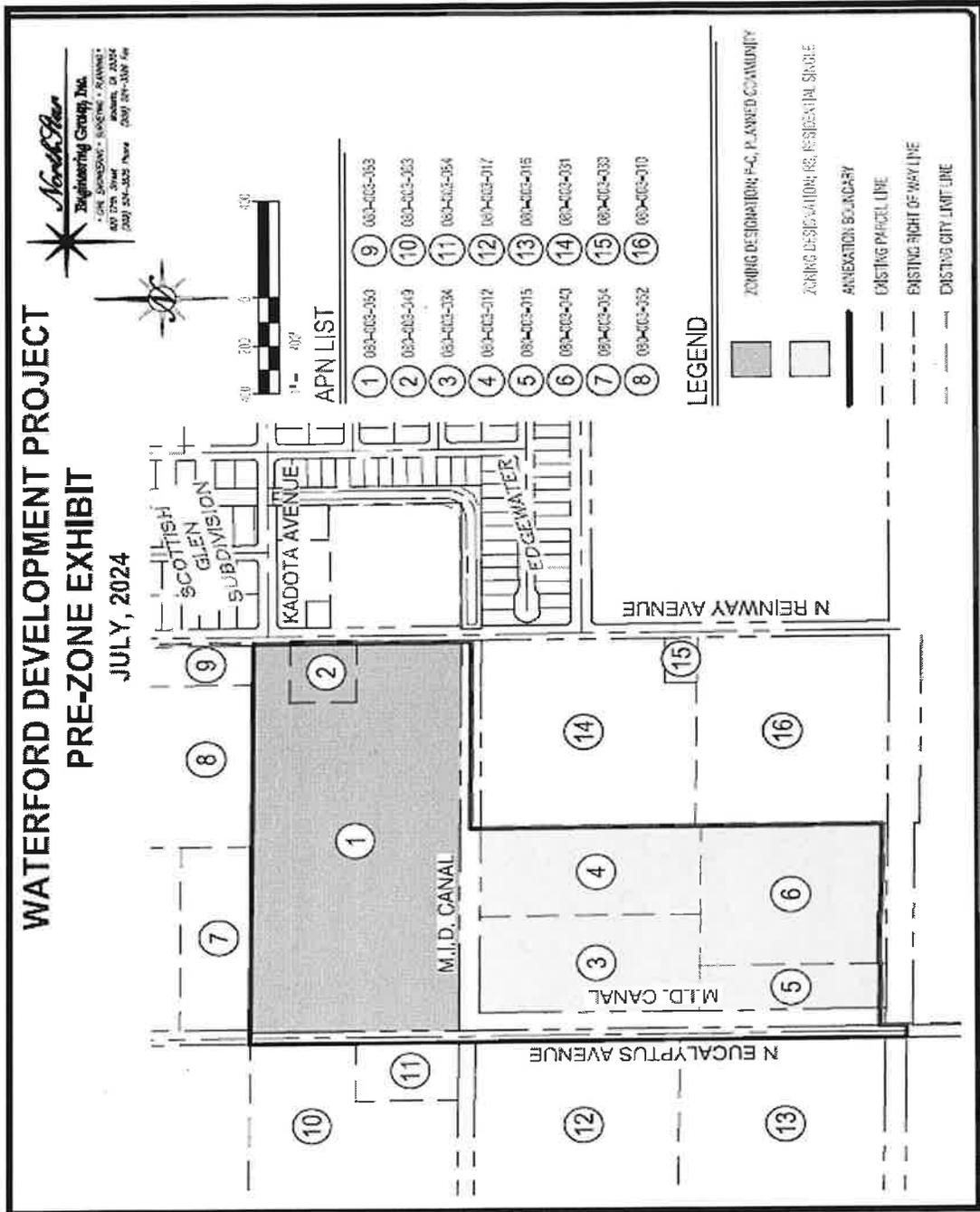
Signed by:

Corbett Browning

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CORBETT J. BROWNING
City Attorney

EXHIBIT A



**WATERFORD CITY COUNCIL
RESOLUTION NO. 2025-61**

**A RESOLUTION OF THE CITY OF WATERFORD CITY
COUNCIL APPROVAL OF A MITIGATED NEGATIVE
DECLARATION FOR ANNEXATION, PREZONE, AND VESTING
TENTATIVE SUBDIVISION MAP NO. 2022-0001 (FAHMY
ANNEXATION) FOR ASSESSOR PARCEL NUMBERS 080-003,
050, 012, 015, 034, 040, AND 049**

WHEREAS, the City of Waterford has received a request from the Applicant (California Land Development, 331 Santa Rosa Drive, Los Gatos, CA 95032), on behalf of the Property Owner of Record (Fahmy Living Trust) to annex and prezone 43.27-acres into the City of Waterford, Assessor Parcel Numbers 080-003, 012, 015, 034, 040, 049, and 050. The Project also consists of a Vesting Tentative Subdivision Map (VTSM) to allow for the subdivision of 19.20-acres into ninety-eight (98) single family residential lots. The project will connect to the City of Waterford sewer, water and storm drain services. The project site is designated by the City's Vision 2025 General Plan as Low Density Residential (LDR) and is currently zoned Residential Single (RS); and

WHEREAS, the Proposed Project Site is located in the Low Density Residential (LD) land use designation of the City's General Plan Land Use Map; and

WHEREAS, the Proposed Project is considered a "project" as defined by the California Environmental Quality Act (CEQA) and may involve potentially significant effects on the environment; and,

WHEREAS, the City of Waterford, acting as Lead Agency, has prepared and circulated for public and agency review an Initial Study/Mitigated Negative Declaration (IS/MND) addressing the potential environmental effects of the proposed project in accordance with the requirements of CEQA; and,

WHEREAS, the Lead Agency distributed the Public Review Draft IS/MND for public review on September 3, 2024, and the comment period concluded on October 4, 2024; and,

WHEREAS, a Notice of Intent to adopt the IS/MND also identifying the date of this meeting was published in the Waterford News on September 4, 2024, filed with the Stanislaus County Clerk-Recorder Office, and mailed to properties within a 300-foot radius of the Project site; and,

WHEREAS, the Planning Commission has reviewed and independently considered the analysis and conclusions of the IS/MND during a noticed public hearing on October 21, 2025, and recommended certification to the City Council; and,

WHEREAS, a copy of the IS/MND is attached hereto as Exhibit A; and,

WHEREAS, the Planning Commission has prepared a Mitigation Monitoring/Reporting Plan reflecting the analysis and mitigation recommendations contained in the IS/MND, a copy of which is attached hereto as Exhibit B; and,

WHEREAS, the notice of the special public hearing on the proposed Annexation, Prezone, and VTSM was published in the *Waterford News*, a newspaper of general circulation, on November 4, 2025; and

WHEREAS, notices of the special public hearing on the proposed Annexation, Prezone, and VTSM were mailed to all property owners within 300-feet of the property, according to the most recent assessor's roll, on November 4, 2025; 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 makes the following findings and determinations:

1. The Proposed Project is consistent with the City of Waterford Vision 2025 General Plan, and specifically, the Low Density Residential (LD) land use designation assigned by the Vision 2025 General Plan.
2. The site is physically suitable for the density and/or intensity of the Proposed Project.
3. The Proposed Project is not likely to cause substantial environmental damage, or substantially and unavoidably injure fish or wildlife or their habitat.
 - a. As per Sections 15182 and 15162 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Vision 2025 General Plan Final EIR.
4. A Notice of Determination pertaining to this matter shall be filed with the County Clerk within five (5) business days of this resolution, in accordance with the requirements of CEQA. Documents and materials related to the IS/MND shall be maintained at Waterford City Hall.
5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, 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 Planning Commission 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), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

NOW, THEREFORE BE IT FURTHER RESOLVED BY THE WATERFORD CITY COUNCIL that it approves the Mitigated Negative Declaration for Annexation, Prezone, and Vesting Tentative Subdivision Map No. 2022-0001.

PASSED, APPROVED, AND ADOPTED by the Waterford City Council of the City of Waterford at a regular meeting this 20th day of November 2025, by the following vote:

AYES: Goeken, Gutierrez, Harris, Hilton, Talbott

NOES: None

ABSTAIN: None

ABSENT: None

CITY OF WATERFORD

Signed by:

Charlie Goeken

6D7A8A7DC0154CF...

Charlie Goeken, Mayor

ATTEST:

DocuSigned by:

Patricia Krause

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PATRICIA KRAUSE, CMC
City Clerk

APPROVED AS TO FORM:

Signed by:

Corbett Browning

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CORBETT J. BROWNING
City Attorney

EXHIBIT A – INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Refer to Attachment 4g of this Staff Report

EXHIBIT B – MITIGATION MONIORING AND REPORTING PROGRAM

**MITIGATION MONITORING/
REPORTING PROGRAM**

FOR THE

**FAHMY ANNEXATION
(File No. Annexation, Prezone, and VTSM 2022-0001)**

Waterford, CA

Prepared for:

City of Waterford
101 E Street
Waterford, CA 95386

Prepared by:

J.B. Anderson Land Use Planning
139 S. Stockton Avenue
Ripon, CA 9536

Environmental Impact	Mitigation Measure		Monitoring Responsibility	Timing	Verification (Date/Initials)
<p>Agricultural Resources</p> <p>Development of the Proposed Project will result in the loss of Prime Farmland.</p>	<p>Ag- 1: Prior to the filing of an annexation request to the Stanislaus LAFCo, the Developer and/or Project Proponent shall provide to the City of Waterford Planning Department a Plan for Agricultural Preservation which shall include written evidence of compliance with Stanislaus LAFCo Policy 22.</p>	<p>Planning Manager</p>	<p>Prior to the filing of an annexation application with Stanislaus LAFCo.</p>		
<p>Air Quality</p> <p>Construction activities related to the Proposed Project will create dust.</p>	<p>Air-1: Prior to the commencement of construction activities for each phase of construction, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3.</p>	<p>Planning Manager and City Engineer</p>	<p>Prior to any construction activities.</p>		
<p>Biological Resources</p> <p>The Proposed Project could result in potentially significant impacts to Swainson's Hawk habitat.</p>	<p>Bio-1: Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the Project site are conservatively recommended if construction commences between March 1 and September 15.</p>	<p>Planning Manager</p>	<p>Prior to any construction activities.</p>		

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	<p>If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction using criteria set forth by CDFW (CDFG, 1994) and the Swainson's Hawk Technical Advisory Committee (SWHTAC, 2000).</p>			
<p>The Proposed Project could result in potentially significant impacts to migratory birds.</p>	<p>Bio-2: Trees in the site could be used by birds protected by the Migratory Bird Treaty Act of 1918 or Fish and Game Coder of California. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nests should be delayed until the young fledge.</p>	<p>Planning Manager</p>	<p>Prior to any construction activities.</p>	
<p>The Proposed Project could result in potentially significant impacts to biological resources.</p>	<p>Bio-3: Prior to the approval of any development project within the Project site that does not include the proposed Tentative Subdivision Map, the Developer and/or Project Proponent shall prepare a Biological Assessment. This Biological</p>	<p>Planning Manager</p>	<p>Prior to the approval of any Tentative Subdivision Map.</p>	

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	Assessment shall be submitted to the City's Planning Department for their review and evaluation of said development project.			

**WATERFORD CITY COUNCIL
RESOLUTION NO. 2025-62**

**A RESOLUTION OF THE CITY OF WATERFORD CITY
COUNCIL APPROVING TO INITIATE PROCEEDINGS FOR THE
REORGANIZATION OF 43.27 ACRES KNOWN AS THE FAHMY
ANNXATION**

WHEREAS, the City has processed a request to annex 43.27 acres into the City of Waterford, known as the "Fahmy Annexation" ("Project"); and,

WHEREAS, the City of Waterford ("City") seeks to file an application with the Stanislaus Local Agency Formation Commission ("Stanislaus LAFCO") to initiate proceedings for adjustment to the boundaries specified herein, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with California Government Code § 56000; and

WHEREAS, the City, as the lead agency pursuant to the California Environmental Quality Act ("CEQA"), has prepared a Mitigated Negative Declaration (SCH No. 2024090068) ("MND"), evaluating and mitigating the environmental impacts of the Proposed Project; and

WHEREAS, the City's existing Sphere of Influence ("SOI") encompasses the entire Proposed Project area; and

WHEREAS, the City proposes to annex and reorganize the boundaries of the Project into City limits ("Reorganization Proposal"); and

WHEREAS, the Project area is contiguous to City limits, is within the City's SOI, and implements the goals, policies, and programs of the City's Vision 2025 General Plan; and

WHEREAS, the City has determined that it will be able to provide the public facilities and services to support the buildout of the Project area; and

WHEREAS, the purpose of this Resolution is to authorize City staff to file an application with Stanislaus LAFCO to annex the Project area into City limits and allow for future development of the area consistent with the Project.

NOW, THEREFORE, BE IT RESOLVED by the City of Waterford City Council as follows:

1. The City Council hereby authorizes City staff to file an application with Stanislaus LAFCO to annex the Project area into City limits, as described and depicted in **Exhibit A** attached and incorporated hereto, and to take all actions necessary and incidental to accomplish the reorganization of the Specific Plan area.
2. The City Council hereby requests that the Reorganization Proposal be subject to the following terms and conditions:
 - a. That the effective date of the Reorganization Proposal be the date on which Stanislaus LAFCO records the certificate of completion for the annexation of the Project area.

PASSED, APPROVED, AND ADOPTED by the Waterford City Council of the City of Waterford at a regular meeting this 20th day of November 2025, by the following vote:

AYES: Goeken, Gutierrez, Harris, Hilton, Talbott

NOES: None

ABSTAIN: None

ABSENT: None

CITY OF WATERFORD

Signed by:
Charlie Goeken
6D7A8A7DC0154CF...

Charlie Goeken, Mayor

ATTEST:

DocuSigned by:
Patricia Krause
0E40B251B23D4F2...

PATRICIA KRAUSE, CMC
City Clerk

APPROVED AS TO FORM:

Signed by:
Corbett Browning
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CORBETT J. BROWNING
City Attorney

Exhibit A – Fahmy Annexation

EXHIBIT "A"

LEGAL DESCRIPTION

FAHMY ANNEXATION TO THE CITY OF WATERFORD, STANISLAUS COUNTY, CALIFORNIA

ALL that certain real property, being a portion of the Southeast quarter of Section 29 and the Northeast quarter of Section 32, Township 3 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

BEGINNING at the point of intersection of the East line of said Section 29 and the centerline of the W.I.D. Lateral No. 11(60-foot wide), said point being a point on the West line of the original City of Waterford boundary, being also the Northeast corner of the Moon School Reorganization to the City of Waterford;

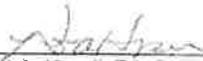
- 1) thence along said centerline and the North line of said Moon School Reorganization North 89°34'23" West 646.25 feet to the Northwest corner of said Moon School Reorganization;
- 2) thence along said West line of said Moon School Reorganization South 00°25'26" East 1273.44 feet to a point on the North line of the Waterford High School Change of Organization to the City of Waterford

thence along said North line the following five (5) courses:

- 3) North 89°20'18" West 305.99 feet;
- 4) North 00°22'28" West 5.00 feet;
- 5) North 89°20'18" West 177.61 feet;
- 6) South 00°24'36" East 5.00 feet;
- 7) North 89°20'18" West 215.01 feet to the Northwest corner of said Waterford High School Change of Organization;
- 8) thence along the West line of said Waterford High School Change of Organization South 00°23'18" East 83.01 feet to a point 33.00 feet distant at right angles from North line of said Section 32;
- 9) thence parallel with said North line of Section 32 North 89°20'18" West 40.01 feet to the West right-of-way line of Eucalyptus Avenue (40-foot wide);
- 10) thence along said West right-of-way line North 00°24'36" West 2036.36 feet to the Westerly extension of the North line of Lot 74 of "Waterford Colony Subdivision No. 1" filed for record in Volume 9 of Maps, at Page 3, Stanislaus County Records;
- 11) thence leaving said West right-of-way along last said North line and Westerly extension South 89°26'32" East 1365.26 feet to a point on said East line of Section 29;
- 12) thence along said East line South 00°21'05" East 679.76 feet to the POINT OF BEGINNING.

Containing 43.27 Acres, more or less

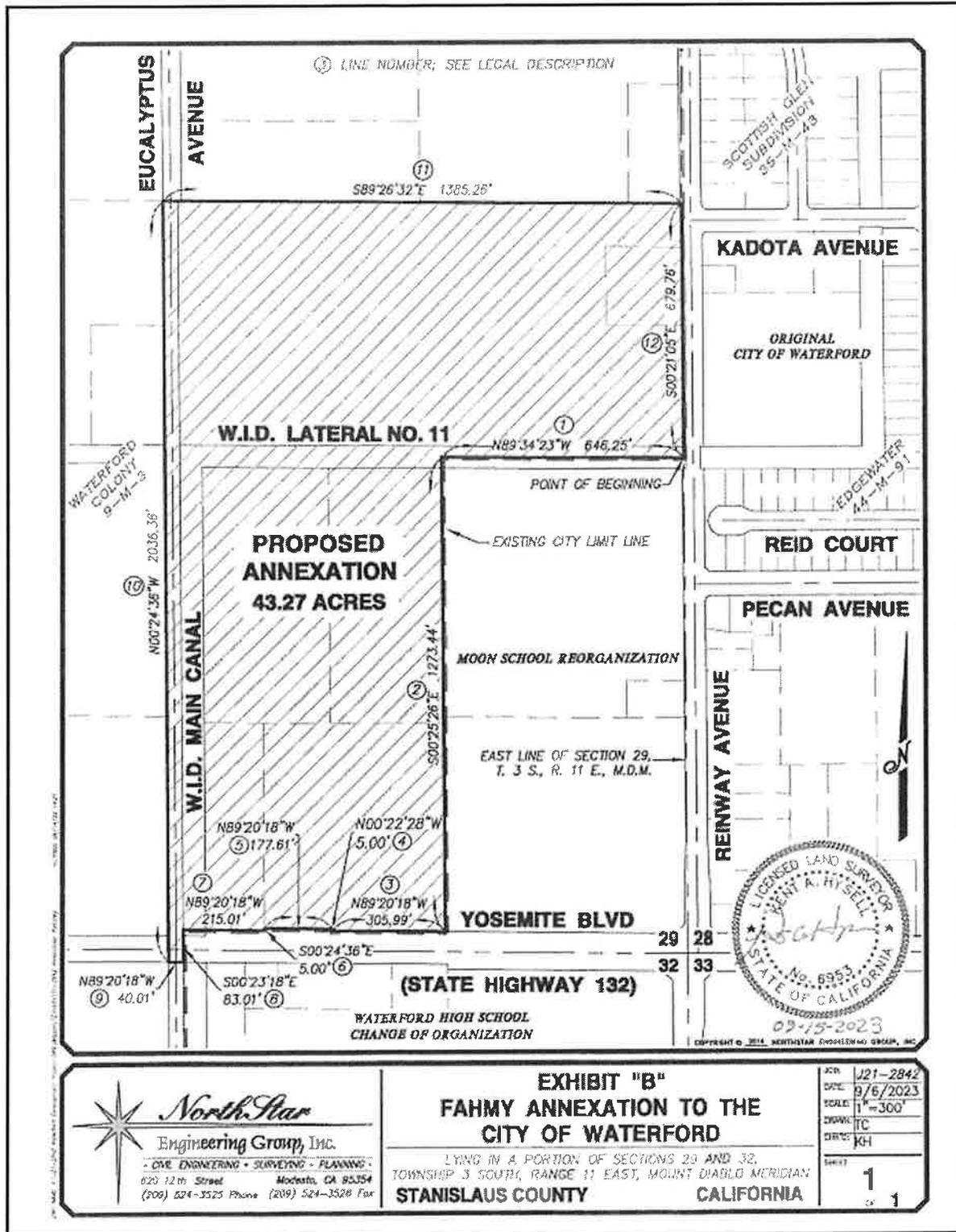
All as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.



Kent A. Hysell, P.L.S. 6953



09/15/2023



North Star
Engineering Group, Inc.
- CIVIL ENGINEERING - SURVEYING - PLANNING -
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3528 Fax

EXHIBIT "B"
FAHMY ANNEXATION TO THE CITY OF WATERFORD
LYING IN A PORTION OF SECTIONS 29 AND 32,
TOWNSHIP 3 SOUTH, RANGE 11 EAST, MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY CALIFORNIA

JOB	J21-2842
DATE	9/6/2023
SCALE	1" = 300'
DRAWN	TC
CHECKED	KH
SHEET	1
	of 1