



# LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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## MEETING MINUTES

Madera County Government Center  
Board of Supervisors' Chamber  
205 West 4th Street  
Madera, CA 93637

LAFCO Meeting  
Wednesday, September 23, 2020  
11:00 A.M.

### 1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 11:00 a.m. by Commission Chair Andrew Medellin. The meeting roll call was given by Executive Officer Dave Braun.

Commissioners Present: Andrew Medellin, Chair, City Member  
Max Rodriguez, Chair Pro Tem, County Member  
Waseem Ahmed, City Member  
Tom Wheeler, County Member  
Laura Young, Public Alternate Member

Commissioners Absent: None

Others Present: Dave Braun, Executive Officer  
Doug Nelson, Legal Counsel

### 2. PLEDGE OF ALLEGIANCE

Recitation of the Pledge of Allegiance was led by Chair Pro Tem Max Rodriguez.

### 3. PUBLIC COMMENTS

Chair Medellin called for public comment. There were no comments from the public. Chair Medellin closed the Public Comments period.

### 4. CONSENT CALENDAR

There were no matters on the Consent Calendar for consideration.

5. **PUBLIC HEARING**

5-A. **City of Madera – Highway 99/Ellis Street Annexation (2020-001)**

**Annexation of approximately 76.6 acres on the east side of Highway 99, north of the Ellis Street overpass.**

**Recommendation: Approve annexation with findings and conditions**

Staff Presentation

Staff presentation given by Executive Officer Dave Braun. Braun stated the annexation application involved 6 parcels including a portion of State Route Highway 99 right-of-way outside the boundary of Madera City. Braun stated Edward McIntyre submitted the annexation application for a 51-acre site at the north end of the annexation area that was undeveloped and planned for commercial uses by Madera City's General Plan. Braun stated the City of Madera requested 5 additional parcels at the south end of the proposed annexation area be included. Braun stated in 2008 a similar annexation was proposed, and at that time LAFCO requested the subject 5 parcels be added. Braun stated the City of Madera rezoned the 5 parcels encompassing 11.7 acres that were either vacant or developed with residential uses and planned for low density uses by Madera City's General Plan.

Dave Braun stated the north and west areas of the annexation were contiguous to the City of Madera, and existing City water and sewer services were available to the area. Braun stated the Loves Travel Center development was located north of the site and, therefore, Sharon Avenue could be extended to the annexed property and provide access to services from the City of Madera. Braun stated in 2008 the 51-acre site was rezoned to the C-2, Commercial zone district, and the 5 parcels rezoned to U, Unclassified zone district. Braun stated the City of Madera adopted an environmental finding of mitigated negative declaration at that time.

Dave Braun stated the main purpose of the Highway 99/Ellis Street Annexation (2020-001) was to allow the large 51-acre parcel to utilize Madera City services. Braun stated the applicant did not propose development at this time. Braun stated the larger 51-acre site was zoned commercial and the land uses were compatible with Loves Travel Center to the north. Braun stated the 5 parcels would require a conditional use permit to be filed on any development of the property, however, no development was proposed at this time. Braun stated the City of Madera would honor any use that was legally established in the County of Madera upon annexation.

Dave Braun stated one property owner inquired as to whether or not livestock would be permitted, and the City of Madera confirmed that existing livestock would be permitted upon annexation. Braun stated LAFCO supported the annexation. Braun stated the City of Madera was best able to provide city services to this site.

Dave Braun stated LAFCO received comments from the City of Madera and the San Joaquin Valley Air Pollution Control District. Braun stated there was no opposition to the annexation from affected property owners. Braun stated several letters were received from adjacent property owners and their comments related to site development of the property, which was not in the purview of LAFCO and would be addressed by the City of Madera. Braun stated comments would be forwarded to the City of Madera. Braun stated conditions of approval were placed on the annexation and implemented at the time of property development. Braun recommended approval of the annexation subject to the conditions in the staff report.

Commissioner Wheeler asked if City of Madera water and sewer services were available to serve the site. Dave Braun responded yes, upon annexation the site would be utilizing Madera City services. Commissioner Wheeler asked if there was a tax-sharing agreement in place with the City of Madera. Braun stated there was an existing tax-sharing agreement with the City of Madera with an extension for another year (June 6, 2021) that the City and County approved and used for this annexation. Commissioner Wheeler asked if LAFCO could hold off approving the annexation until a new tax-sharing agreement was in place. Dave Braun responded yes, if the Commission were to choose that option.

#### Applicant Presentation

Applicant Edward McIntyre stated the 51-acre site had been rezoned years ago (2008) and two shopping centers had been proposed: the Zellman Shopping Center north of Avenue 17 and the Galleria Shopping Center south of the Loves Travel Center. Mr. McIntyre stated at that time he had no interest in moving forward until the infrastructure was constructed and city services available to serve the site.

Chair Medellin asked the Commission to not hold hostage the annexation application because of the tax-sharing agreement. Commissioner Wheeler commented that it was unfortunate a new tax-sharing agreement had not been done yet. Commissioner Ahmed stated the current tax-sharing agreement was still valid, so there was no requirement that a new tax-sharing agreement had to be assigned at this time. Chair Medellin stated the City and County agreed on the extension to June 2021.

Matt Treber, Chief of Development Services, County of Madera, stated there was an existing tax-sharing agreement in place to June 2021; stated the City and County adopted the tax-sharing agreement in 2016, and written into the tax-sharing agreement was two one-year annual extensions.

Mr. Treber stated the County was not opposed to the subject annexation application and that the County was looking forward to future discussions with the City of Madera on the revised tax-sharing agreement. Chair Medellin thanked him and the County team for diligently working on the tax-sharing agreement.

#### Public Comments

Lezlie Gittings, 16810 Walden Drive, adjacent property owner, stated she and her neighbors were residential and agricultural property owners, not commercial, and were uncertain of any proposed development of the annexation site. Ms. Gittings was concerned about traffic and whether or not her rural street would be opened for commercial traffic access; stated she and her neighbors wanted to stay in the County. Ms. Gittings stated water was a big issue, they were on water wells, which could end up dry because of future development. Ms. Gittings stated she would be interested in being annexed to a water district so that they could have access to water. Ms. Gittings stated she submitted a letter outlining her concerns; restated her concern of not knowing what would be developed on the property until the subject annexation was approved.

Chair Medellin thanked Ms. Gittings for attending the meeting. Chair Medellin stated this was a multi-year, multi-phase project and that the Highway 99/Ellis Street annexation was the first step; stated at such time as the City of Madera Planning Department and Planning Commission consider development of the site, the concerns of the adjacent property owners would be addressed.

Chair Medellin asked Dave Braun if Ms. Gittings' area could be annexed. Dave Braun stated the area was large and could be annexed; stated annexation of the area would be discussed as part of the tax -sharing agreement.

Ms. Gittings stated she would like to be on the county water system. Chair Medellin stated it would be the City of Madera water service; stated the neighbors would have an opportunity to vote on any decisions regarding annexation and water service provided by the City of Madera.

Commissioner Wheeler asked if the neighbors could have input as to how much area would be annexed; stated if neighbors were to decide to annex, it was better, much cheaper to be on city water and sewer services.

Victor Rubio, 25117 Berkeley Drive, stated he was a neighbor whose property was across the street from the proposed annexation; stated he did not receive a notice of the hearing and neither did his neighbor; stated development would impact their properties. Mr. Rubio stated he recently drilled a deeper well on his property; asked who put in the water well at the Loves Travel Center.

Chair Medellin stated when development on the Loves Travel Center began, the City of Madera drilled the water well, and it included future development.

Dave Braun stated a public hearing notice was sent to all property owners within a 350-foot radius of the area to be annexed. Chair Medellin asked if the 350-foot noticing radius could be increased to include the residential neighborhood. Braun stated Cortese-Knox-Hertzberg addressed distance for noticing properties. Commissioner Wheeler recommended the public notice mailing include both sides of the street. Braun stated that was a viable option.

Marissa Salcedo, 25122 Berkeley Drive, stated her property backed up to the proposed shopping center. Ms. Salcedo asked if they decided to go with City of Madera water service, would the residents be financially responsible for hooking up to city water and sewer; stated she just drilled a deeper well and would have to redrill in a year; stated there were 10 other residents who had done the same in the past 8 months. Ms. Salcedo was concerned that the proposed shopping center would attract transient people into her neighborhood.

Chair Medellin stated the proposed annexation did not include the adjacent residential properties. Dave Braun stated if the residential properties were proposed for annexation to the City of Madera, there would be a large-scale discussion on city water and sewer services and consideration of how that would be paid. Commissioner Ahmed asked for clarification on the zoning of the property. Braun responded the 51-acre parcel would retain its C-2, Commercial zone district designation, and the 11.7 acres that was rezoned U, Unclassified, would remain residential and allowed to develop with a conditional use permit. Commissioner Wheeler reiterated that area residents would be notified and have complete input when annexation to the City of Madera was proposed for their area.

Gary Conte, City of Madera Planning Director, stated there was no land use request submitted with the annexation; confirmed the 51-acre portion was designated Commercial land use and the 11.7-acre portion was designated Unclassified land use; stated any subsequent use of the property in the Unclassified zone district would be subject to a conditional use permit and site plan review to address neighborhood concerns such as sound, traffic, noise, water quality, water availability; stated adjacent property owners wanting to be annexed would initiate the annexation request; stated property owners would be precluded from creating islands of unincorporated property surrounded by the City of Madera; stated the City of Madera would take any future proposed annexation of this area into consideration.

Jerry Jones, 16215 Sharon Boulevard, asked about the roadway adjacent to the 51-acre site. Dave Braun responded the 14+/- acre roadway was part of Freeway 99 right-of-way that had remained in the County of Madera and, therefore, was included in this annexation.

Jerry Jones stated Sharon Avenue marked the boundary of the city limits, and it seemed the proposed annexation would be creating an island of county property surrounded by city property.

Mr. Jones stated when the Ellis Overpass freeway project was constructed and a new sewer line installed in the Sharon Boulevard roadway a year later, these two projects completely destroyed the county road in front of his and his neighbors' residential properties bordering the roadway; stated no money was budgeted to fix the roadway; stated the two projects should have been done at the same time and the roadway repaired when the projects were completed.

Chair Medellin thanked Mr. Jones for attending the meeting; stated usually with future proposed development, roadways would be the first to be improved, followed by curbs, gutters, sidewalks when development occurred; stated properties such as Mr. Jones' that were contiguous to proposed development were impacted when improvements to roadways occurred; stated Sharon Boulevard would be improved when the 51-acre commercial-zoned property was developed.

Chair Medellin stated it was important for the residents of the neighborhood to be heard and encouraged the residents to telephone Dave Braun of LAFCO if, in the future, they needed clarification or had questions about the annexation.

Nick Salinas, Madera County Chief of Staff to Supervisor Robert Poythress (District 3), stated Self-Help Enterprises offered assistance to those County residents on private wells, and that assistance was income driven, and included water well assessment, repairs, and sometimes water well replacement.

Chair Medellin closed the public comment period.

#### Commission Action

Commissioner Rodriguez moved for approval of the Highway 99/Ellis Street Annexation (2020-001) with the findings and conditions in the staff report, motion seconded by Commissioner Wheeler.

Vote:    Yes    -   Rodriguez, Wheeler, Medellin, Ahmed, Young (Public Alternate)  
          No     -   None  
          Absent -   None  
          Abstain - None

Motion passed by a vote of 5 to 0. Highway 99/Ellis Street Annexation (2020-001) was approved with findings and conditions.

**5-B. Madera Irrigation District/Gravelly Ford Water District Reorganization (2020-002) and Sphere of Influence (SOI) Amendment**

- 5-B-1. Consider the Final Municipal Service Review (MSR) for the Madera Irrigation District.**
- 5-B-2. Consider Revision to the Madera Irrigation District's Sphere of Influence (SOI) to add approximately 412 acres generally located on the south side of Avenue 9, west of Road 19, and to remove this property from within the Sphere of Influence of the Gravelly Ford Water District.**
- 5-B-3. Consider annexation of 412 acres as described above to the Madera Irrigation District and Detachment of this property from the Gravelly Ford Water District.**

**Recommendation: Approve Reorganization and Sphere of Influence Amendments with Findings and Conditions**

Staff Presentation

Staff presentation given by Executive Officer Dave Braun. Braun stated the request was to reorganize a 412-acre parcel of land located on the south side of Avenue 9 west of Road 19 in the southwest corner of Madera County; stated the annexation would add the property to the Madera Irrigation District (MID) and the MID Sphere of Influence and remove and detach the property from the Gravelly Ford Water District.

Dave Braun stated Madera Irrigation District owned the property and preferred that it be in the Madera Irrigation District for operational and financial reasons; stated the site was currently graze land, and MID indicated there were no plans to utilize it for something else. Braun stated in the past MID had been approved for water banking activities on the property, but those permits expired, and there was no current activity on the site.

Dave Braun stated after approval of the annexation, the property would be moved from the Gravelly Ford Groundwater Sustainability Agency (GSA) to the Madera Irrigation District GSA. Braun stated pursuant to a letter from the Gravelly Ford Water District, it was stated they did not have a problem with the annexation provided MID grant a pipeline easement to the Gravelly Ford Water District along the northern boundary of the property; stated that condition had been added as a condition of approval of the annexation.

Dave Braun stated he received letters from the Department of Fish and Wildlife and the U.S. Army Corp of Engineers; stated the letters expressed concerns related to activity that could occur on the site or alterations of the site; stated these letters were added to the record and must be complied with when any site activity, development, or alterations occurred. Braun recommended approval of the annexation subject to the conditions of approval.

Dave Braun commented that under normal circumstances, the boundary being created by this annexation would not be ideal; stated because the property was owned by Madera Irrigation District and abutted Gravelly Ford Water District, it made sense to include the property in the Madera Irrigation District; stated the Madera Irrigation District would not be using any of the Gravelly Ford Water District infrastructure at this time and with the easement that would be established for the Gravelly Ford Water District, there would not be any negative impact to the annexation.

Commissioner Wheeler asked if the Gravelly Ford Water District approved the annexation. Dave Braun responded yes, provided they be granted the pipeline easement along the northern boundary of the property to serve the one parcel to the east of the annexation area.

#### Public Comment

Dina Nolan, Madera Irrigation District, stated her appreciation to Dave Braun and to LAFCO on this process and to the Gravelly Ford Water District on supporting the annexation.

With no further public comments, Chair Medellin closed the public comment period.

#### Commission Action

Commissioner Wheeler moved for approval of the Madera Irrigation District/Gravelly Ford Water District Reorganization (2020-002) and Sphere of Influence (SOI) Amendment, with the findings and conditions as recommended by staff, motion seconded by Commissioner Rodriguez.

Vote:     Yes    -   Wheeler, Rodriguez, Medellin, Ahmed, Young (Public Alternate)  
          No     -   None  
          Absent -   None  
          Abstain - None

Motion passed by a vote of 5 to 0. Madera Irrigation District/Gravelly Ford Water District Reorganization (2020-002) and Sphere of Influence (SOI) Amendment was approved with the findings and conditions as recommended by staff.



**6. COMMISSIONER REPORTS**

Commissioner Wheeler commented on the poor air quality; stated he was thankful that his cabin at Johnson Meadows did not incur fire damage. Commissioner Rodriguez concurred and stated the air quality had been the worst ever experienced due to the effects of fire in the mountains.

Public Alternate Commissioner Laura Young stated she had spoken to Commissioner J. Carol Graham and that Ms. Graham had expressed a desire to step down from the Commission. Chair Medellin thanked Ms. Young for serving as the Public Alternate Commissioner and for filling in for Commissioner Graham.

Commissioner Wheeler recommended discussion on Commissioner J. Carol Graham's replacement be placed on the next meeting agenda. Dave Braun stated he would need to receive a letter from J. Carol Graham before initiating the replacement process. Commissioner Wheeler recommended a plaque be presented to Commissioner Graham commending her for her years of service to LAFCO.

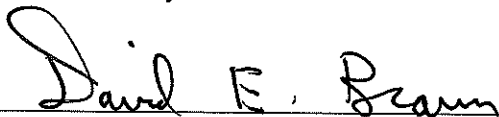
**7. EXECUTIVE OFFICER REPORTS**

Executive Officer Braun stated there were several Municipal Services Request (MSR) proposals for next year; stated he was waiting on Bass Lake/North Fork MSR.

**8. ADJOURNMENT**

Chair Medellin adjourned the meeting to the next regularly scheduled meeting of October 28, 2020. The meeting adjourned at 11:59 a.m.

Submitted by:



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LAFCO Executive Officer David E. Braun

Approval Date: \_\_\_\_\_

12/9/20