

MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

David Braun, Executive Officer 200 W. 4th Street, Suite 3100 Madera, California 93637 Phone: 559-675-7821 David.braun@maderacounty.com Chair Tom Wheeler, County Member
Chair Pro Tem Waseem Ahmed, City Member
Robert Poythress, County Member
Jose Rodriguez, City Member
Laura Young, Public Member
Brett Frazier, Alternate County Member
Ray Barragan, Alternate City Member
Mark Stamas, Alternate Public Member

AGENDA Wednesday, December 15, 2021 11:00 a.m.

Madera County Government Center Board of Supervisors' Chamber 200 West 4th Street, 1st Floor - Madera, California 93637

The public is invited to attend the meeting in person or can join the meeting from a computer, tablet, or smartphone accessible by the link below.

https://global.gotomeeting.com/join/480570805

The public can also dial into the meeting using the phone number listed below.

United States: +1 (571) 317-3122 Access Code: 480-570-805

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance to the Flag

2. PUBLIC COMMENT PERIOD

Any person wishing to address the Commission on any subject matter within the jurisdiction of Madera LAFCO may do so by submitting written comments to Dave Braun, LAFCO Executive Officer, at David.braun@maderacounty.com. Comments will be accepted until the meeting has concluded.

Madera LAFCO Meeting of December 15, 2021 Meeting Agenda Page 2

3. CONSENT CALENDAR

All matters on the consent calendar are routine in nature and enacted by one motion; there will be no individual discussion of these items unless requested (pulled) by a member of the Commission or the public. Any item pulled from the consent calendar for discussion will be set aside until after approval of the consent calendar. Prior to taking any action, the public will have the opportunity to comment on any consent item.

A. Review and Approval of Meeting Minutes of October 27, 2021.

4. **NEW MATTERS**

A. Request for Out-of-Area Service Connection to County Service Area 22 (Madera County)

Recommendation: Authorize the provision of essential services to the remainder of the Riverstone Development not currently within County Service Area 22.

B. City of Madera - Links Ranch Annexation No. 2021-002

Annexation of approximately 41 acres located on the southwest corner of Cleveland Avenue and the Road 24 Alignment.

Recommendation: Approve with Findings and Conditions

C. Madera County LAFCO Conflict of Interest Code

Recommendation: Adopt updated LAFCO Conflict of Interest Code

5. <u>ACTION ITEMS</u>

A. 2022 Commission Meeting Schedule

Recommendation: Adopt the LAFCO Meeting Schedule for 2022

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6. COMMISSIONER REPORTS

7. EXECUTIVE OFFICER REPORT

- A. Status Report on the Oath of Office for LAFCO Commissioners
- B. Bass Lake North Fork Municipal Service Review

8. ADJOURNMENT

(The next meeting of the Commission is scheduled for January 26, 2022, beginning at 11:00 a.m. in the Madera County Board of Supervisors' Chamber.)

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from accepting gifts of more than \$390.00 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Persons with disabilities may receive aid, modifications, or accommodations for participating in the proceeding of the Madera Local Agency Formation Commission by contacting the Madera LAFCO Clerk or the Executive Officer at (559) 675-7821. Please provide advance notification so that specific arrangements can be made.



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637 www.maderacounty.com/government/madera-lafco (559) 675-7821

MEETING MINUTES

Madera County Government Center Board of Supervisors' Chamber 205 West 4th Street Madera, CA 93637 LAFCO Meeting Wednesday, October 27, 2021 11:00 A.M.

1. CALL TO ORDER AND ROLL CALL

Chair Pro Tem Waseem Ahmed called the meeting to order at 11:07 a.m. and roll call was given.

Commissioners Present:

Tom Wheeler, County Member (arrived at 11:15 a.m.)

Waseem Ahmed, City Member (Chowchilla)

Robert Poythress, County Member Laura Young, Public Member At-Large Steve Montes, City Member (Madera)

Mark Stamas, Alternate Public Member At-Large

Commissioners Absent:

None

Others Present:

Dave Braun, LAFCO Executive Officer

Joann Zuniga, LAFCO Clerk

Laurie Averdisian Favini, Attorney at Law, LAFCO Legal Counsel Wally Nishimoto, Business Systems Analyst, Tech Assistance

2. PLEDGE OF ALLEGIANCE

Chair Pro Tem Waseem Ahmed led recitation of the Pledge of Allegiance.

3. PUBLIC COMMENTS

Chair Pro Tem Waseem Ahmed called for public comment. There were no comments from the public. Chair Pro Tem Ahmed closed the Public Comments period.

4. CONSENT CALENDAR

A. Review and Approve Meeting Minutes of July 28, 2021.

Alternate Commissioner Mark Stamas noted that he was present at the July 28, 2021, meeting, however, in the minutes his name was not shown as present. Commissioner Robert Poythress amended the minutes to reflect that Alternate Commissioner Mark Stamas was present at the July 28, 2021, meeting and moved approval of the amended minutes. Motion seconded by Commissioner Laura Young. Motion passed by a vote of 4 to 0, with 1 Commissioner absent.

Vote: Yes - Poythress, Young, Ahmed, Montes

No - None Absent - Wheeler Abstain - None

The Consent Calendar was approved. The July 28, 2021, meeting minutes were approved as amended and filed.

(Chair Wheeler arrived to the meeting at 11:15 a.m.)

5. ITEMS FOR DISCUSION

A. LAFCO Conflict of Interest

Dave Braun stated the subject of LAFCO Conflict of Interest Code was placed on the agenda for discussion at the request of Alternate Commissioner Mark Stamas. Braun stated LAFCO was required by the Political Reform Act to have a Conflict of Interest Code; stated the LAFCO Conflict of Interest Code was part of the *Policies, Guidelines, and Procedures Manual* as Appendix 7.7, which was on file in the Madera LAFCO office.

Dave Braun stated the Conflict of Interest Code was reviewed in-house every two years (odd numbered years) to determine if any changes were needed. Braun stated the LAFCO Code needed to be updated to reflect the names and titles of those required to file the annual Statement of Economic Interests (Form 700) and show the Disclosure Category of each filer.

Alternate Commissioner Mark Stamas stated he had questions about the Conflict of Interest Code compliance and submitted documentation from the State; stated the LAFCO Code was not specific enough; recommended seeking County Counsel opinion and provide more information to the public; recommended amending the LAFCO policy and procedures for more clarity on the LAFCO Conflict of Interest Code.

Dave Braun stated the LAFCO Conflict of Interest Code update would identify the designated employees, position titles, and Category 1 filing; stated all Commissioners and LAFCO Executive Officer would be filing in Disclosure Category No. 1 of the Conflict of Interest Code; stated Form 700 would need to be filed each year by April 1.

Alternate Commissioner Mark Stamas stated in terms of members of the public, rarely do they avail themselves of these transparency procedures, and the public would not have a clue as to who was on the Commission or what potential conflicts there could be. Mark Stamas concurred with Dave Braun that clarifying the positions and disclosure category would be good.

Alternate Commissioner Mark Stamas cited the Santa Clara County Code as an example that had more information the public could understand such as what the disclosure requirements were for compliance with the conflict of interest code. Stamas stated he sent documentation via email regarding this information and code compliance.

Chair Pro Tem Waseem Ahmed asked for clarification: asked was the Form 700 from the State of California, and did the Commission follow the State FPPC regulations. Dave Braun stated yes, the Commission followed the Political Reform Act that was overseen by the Fair Political Practices Commission (FPPC). Braun stated it was a State requirement that agencies file conflict of interest and Madera LAFCO was meeting the State requirement.

Commissioner Laura Young stated she had attended Code of Ethics training classes, which covered the conflict of interest code, and asked Mark Stamas was he just referring to the Form 700 or referring to the conflict of interest within the Code of Ethics. Alternate Commissioner Mark Stamas stated he was referencing the LAFCO *Policies, Guidelines, and Procedures Manual* being compliant with State rules where it described the different positions; stated LAFCO was not out of compliance, but wanted to see the conflict of interest code met.

Dave Braun stated the need for more transparency; stated this year's Code update would have more transparency. Tom Wheeler stated he had filled out many of these over the years.

(Tom Wheeler took over chairing the meeting at 11:20 a.m.)

B. LAFCO Oath of Office Policy

Dave Braun stated the Oath of Office had not been administered to LAFCO Commissioners because it was reasoned that those who served on the Commission took the Oath of Office when they became elected public officials; stated there was a good argument in support to conduct the Oath of Office for appointed public members of the Commission.

Commissioner Robert Poythress stated he did not see the need for elected officials on the Commission to, again, take the Oath of Office since they had already done so when they were sworn into public office. Chair Tom Wheeler recommended the public members of the Commission take the Oath of Office at a future meeting. Dave Braun concurred.

6. **NEW MATTERS**

A. Amendment to the contract agreement with QK, Inc., for the Bass Lake/North Fork Area Municipal Service Review

Recommendation: Approve amendment to increase compensation for consultant services from \$34,991 to \$40.991 to complete the MSR.

Staff Presentation

Dave Braun stated in 2019 QK was awarded a \$34,991 contract to prepare the Municipal Service Review of the North Fork and Bass Lake Areas. Braun stated compensation for QK's consultant services would exceed the agreement amount by \$6,000; stated due to special circumstances involving the COVID-19 pandemic, there was a one-year delay in the completion of the Municipal Service Review.

Dave Braun stated information in the MSR had become outdated and the 2020 Census information had not yet been published and would need to be inserted into the MSR. Braun stated he agreed with QK that updated information was needed in the MSR and recommended the additional compensation be granted.

Public Comments

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

Commission Action

Commissioner Laura Young stated amending the MSR was needed due to the one-year delay and statistical information in the document becoming outdated; stated there was the need to incorporate the latest 2020 Census information into the document, which still had the 2010 information.

Chair Pro Tem Waseem Ahmed agreed with Commissioner Laura Young. Chair Tom Wheeler stated at the July 28, 2021, workshop new information was presented and incorporating this new information into the MSR document would make it a better document. Chair Pro Tem Waseem Ahmed agreed and stated the 2020 Census information in the document would be very helpful.

Chair Pro Tem Waseem Ahmed moved to increase the contract amount with QK from \$34,991 to \$40,991 to complete the Bass Lake-North Fork Municipal Service Review; and further, to authorize Executive Officer Dave Braun to sign all necessary documents pertaining to this matter. Chair Tom Wheeler seconded the motion.

Vote: Yes - Ahmed, Wheeler, Poythress, Young, Montes

No - None Absent - None Abstain - None

The motion passed by a vote of 5 to 0. The Commission directed the Executive Officer to increase the contract amount with QK to \$40,991 to complete the Municipal Service Review, and directed the Executive Officer to sign all necessary documents pertaining to this matter.

7. <u>COMMISSIONER REPORTS</u>

Commissioner Laura Young announced the upcoming tarantula festival in Coarsegold on October 30, 2021.

Commissioner Steve Montes stated Madera City Council recently approved the prezoning for the Links Ranch project.

Chair Tom Wheeler stated the County of Madera was conducting a vaccination clinic in Oakhurst and it would include the booster shot.

Alternate Commissioner Mark Stamas mentioned that the Bass Lake Fall Festival would be held October 29, 30, and 31, 2021.

8. **EXECUTIVE OFFICER REPORTS**

A. Status report on Municipal Service Reviews

Dave Braun reported that the Bass Lake-North Fork MSR is moving forward with the inclusion of the updated population and Census information in the document. Braun mentioned the Cascadal Woods foothills neighborhood development conversion to Community Services District. Braun stated the Madera Cemetery District and Chowchilla Cemetery District MSR would be presented to the Commission at a future LAFCO meeting. Braun stated the Municipal Service Review of the Madera County Mosquito and Vector Control District and the Chowchilla Memorial Health Care District was anticipated to be completed in early 2022.

9. ADJOURNMENT

Submitted by:
LAFCO Executive Officer David E. Braun
Approval Date:

Chair Tom Wheeler adjourned the meeting at 11:35 a.m.



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637 www.maderacounty.com/government/madera-lafco (559) 675-7821

NEW MATTERS #4A

DATE:

December 15, 2021

TO:

LAFCO Commissioners

FROM:

Dave Braun, Executive Officer

SUBJECT:

OUT-OF-AREA SERVICE REQUEST -

COUNTY SERVICE AREA NO. 22 (RIVERSTONE)

MADERA COUNTY BOARD OF SUPERVISORS

On December 7, 2021, the Madera County Board of Supervisors took action to authorize County staff to enter into an out-of-area service agreement between Madera County and County Service Area No. 22 (CSA-22) for the remainder of the Riverstone Development not currently within CSA-22. In addition, the Board authorized County staff to submit an application to LAFCO for annexation of this property into CSA-22.

BACKGROUND

Pursuant to the above action by the Board of Supervisors, Matt Treber, Chief of Development Services, submitted the attached correspondence dated December 7, 2021, to LAFCO. The County is requesting an out-of-area service extension for County Service Area No. 22 in order to provide services, as specified in Government Code Section 25213, within the portion of the Riverstone Development that is not within CSA-22 (see attached Exhibit A).

The Commission has given the Executive Officer the authority to review and approve out-of-area service extensions of a minor nature. These types of service extensions are generally extensions to residential or small non-residential developments where a well or sewer system has failed and could be replaced by municipal services. Staff believes the subject service request by the County of Madera for the Riverstone Development is of a nature that it should be considered by the Commission.

ANALYSIS

Government Code Section 56133 allows "a city or district [to] provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county."

Madera County LAFCO Meeting of December 15, 2021 Out-of-Area Service Request Page 2

The service extension request from the County of Madera is consistent with this provision. It is the responsibility of the Commission to consider whether the property should be annexed, now or in the future, to the jurisdiction from which services are provided. There are many properties in the unincorporated County that have been allowed to receive municipal services without the requirement of annexation.

The issue in question involves properties currently being developed within the Riverstone (formerly Gateway Village) Development. The Riverstone Development is a large, multi-phased mixed-use project in southeasterly Madera County that is currently being developed within designated "villages" (see attached Exhibit B). The Root Creek Water District provides water, sewer, and storm water services to the Riverstone Development. CSA-22 provides other services (i.e., street maintenance, street sweeping, streetlight operation and maintenance, and landscaping maintenance).

Village A, which was the first village to develop, was annexed into County Service Area No. 22 in 2015. As housing demands increased, the development in Riverstone extended beyond the boundaries of Village A into Village B. "Zones of Benefit" were approved to provide services to this property within Village B, however, these "Zones of Benefit" are intended to be within CSA-22, and this property was not annexed into CSA-22.

Since CSA-22 is the only service provider for certain essential services in this area, it is necessary that this property in Village B either be annexed into CSA-22 or be provided services through an out-of-area service extension. It is noted that the entire Riverstone Development is within the Sphere of Influence of CSA-22.

It is LAFCO's preference that this area in Village B, and ultimately the entire Riverstone Development, be annexed into CSA-22. It may be necessary in the short term to grant an out-of-area service extension since this area is currently being developed, and these services are needed immediately.

It is noted that the Madera County Board of Supervisors has authorized County staff to file an annexation application with LAFCO proposing to annex the remainder of the Riverstone Development into CSA-22. Staff would recommend, however, that any approval of an out-of-area service extension be for a limited time and that it be conditioned on the filing of an application to annex this area into CSA-22.

Madera County LAFCO Meeting of December 15, 2021 Out-of-Area Service Request Page 2

RECOMMENDATION

Staff recommends that the Commission APPROVE the out-of-area service extension request from Madera County requesting that County Service Area No. 22 (CSA-22) provide services, as specified in Government Code Section 25213, to the portion of the Riverstone Development outside of CSA-22 (see attached Exhibit A).

The approval is subject to the filing of an annexation application with LAFCO for the annexation of this property into CSA-22. If an annexation application is not filed within a year of the date of the approval of this out-of-area service request, the County of Madera shall submit a request to LAFCO for an extension of the out-of-area service request. Otherwise, the service request shall be terminated.

Attachments:

Exhibit A - Vicinity Map

Exhibit B - Riverstone (Gateway Village) Neighborhood Plan

Exhibit C - Correspondence from Madera County dated December 7, 2021

Exhibit D - Resolution

EXHIBIT-A

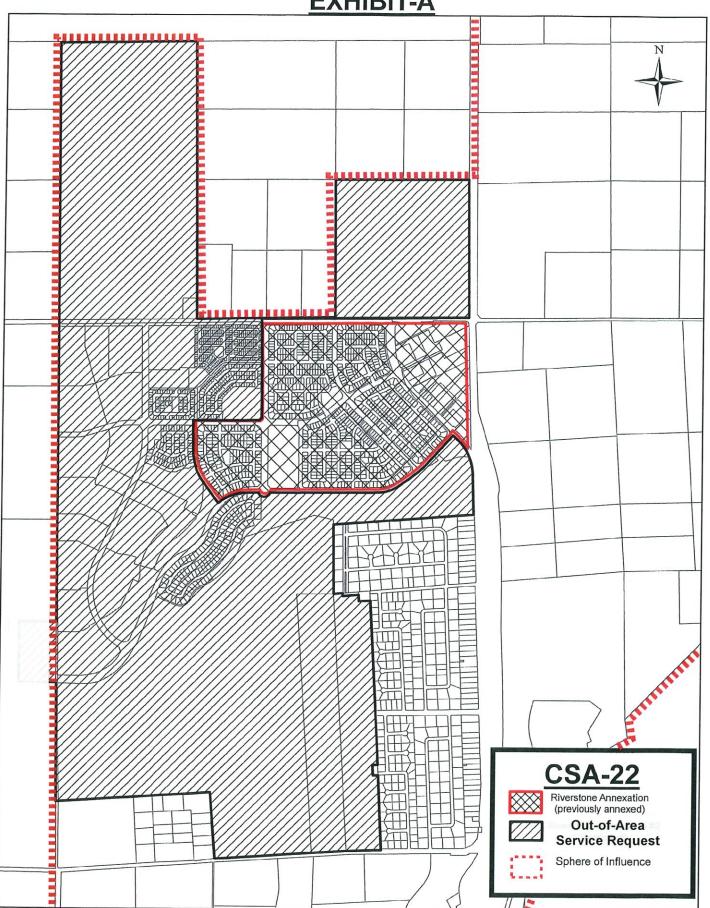
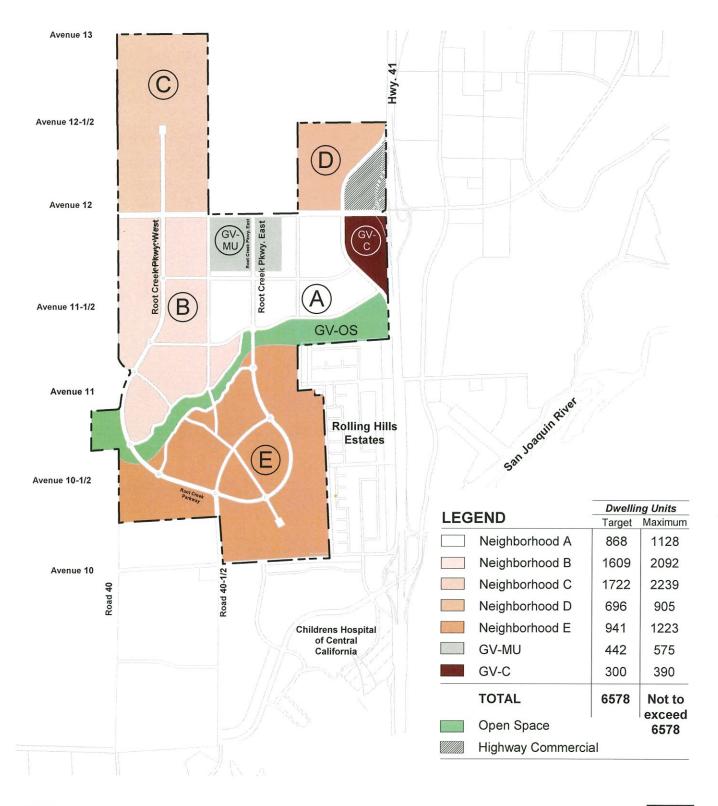


EXHIBIT B





Neighborhood Plan

3.1





December 7, 2021

Dave Braun Madera LAFCo 200 W 4th Street, Third Floor Madera, CA 93637

RE: County Service Area No. 22 (CSA-22)

Dear Mr. Braun,

Pursuant to Board of Supervisors approvals on December 7, 2021, Madera County entered into an Agreement with CSA-22 for provision of services to areas of Riverstone development adjacent to the CSA.

In addition, the County will be submitting an application to the Local Agency Formation Commission (LAFCo) to annex the remainder of the Riverstone development into CSA-22 as authorized by resolution at the December 7, 2021 Board of Supervisors meeting.

Please proceed with any necessary requests to LAFCo to allow for services and annexation to be completed.

Sincerely.

Please contact me with any comments or concerns.

Matthew Treber

Chief of Development Services



BEFORE THE MADERA LOCAL AGENCY FORMATION COMMISSION STATE OF CALIFORNIA

In the Matter of

) Resolution No. 2021-

– CSA # 22 (RIVERSTONE)

OUT-OF-AREA SERVICE REQUEST) A RESOLUTION APPROVING OUT-OF-AREA SERVICE REQUEST - COUNTY SERVICE AREA # 22

WHEREAS, Madera LAFCO received an out of area service request from the County of Madera requesting that County Service Area No. 22 (CSA#22) provide services to a portion of the Riverstone Development, pursuant to Section 56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended, Government Code Sections 56000 et seq. (the "Act"); and,

WHEREAS, this Commission called for and held a public hearing on this request on December 15, 2021, and at the hearing this Commission heard and received all oral and written protests, objections, and evidence that were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this request and the report of the Executive Officer; and,

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

The out of area service request by the County of Madera requesting that CSA #22 provide services, as listed in Government Code 25213, to the portion of the Riverstone Development outside of County Service Area No. 22, as shown on attached Exhibit A, is approved.

Madera County LAFCO Resolution No. 2021-Page 2

The approval is subject to the filing of an annexation application with LAFCO for the annexation of this property into CSA No. 22. If an annexation application is not filed within a year of the date of the approval of this out of area service request, the County of Madera shall submit a request to LAFCO for an extension of the out of area service request. Otherwise the service request shall be terminated.

The foregoing Resolution was adopted this 15th day of December 2021, by the following vote:

Chair Wheeler Voted:

Commissioner Poythress Voted:

Commissioner Ahmed Voted:

Commissioner Rodriguez Voted:

Commissioner Young Voted:

Chair, Local Agency Formation Commission

ATTEST:

David E. Braun, Executive Officer

Madera County LAFCO

Laurie Avedisian-Favini, Legal Counsel Madera County LAFCO

Approved as to Legal Form:



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637 www.maderacounty.com/government/madera-lafco

DATE:

December 15, 2021

NEW MATTERS #4B

TO:

LAFCO Commissioners

DR

FROM:

Dave Braun, Executive Officer

SUBJECT:

CITY OF MADERA - LINKS RANCH ANNEXATION (2021-002)

PROPOSAL

Links Ranch LLC submitted an application for the annexation of one parcel consisting of approximately 38 acres into the City of Madera. The annexation will also include approximately 3 acres of Cleveland Avenue right-of-way. The property is located on the southwest corner of Cleveland Avenue and the Road 24 Alignment. The annexation to the City of Madera is proposed in order to allow for development of the property with a 214-lot single-family residential subdivision.

BACKGROUND

Parcel Information

Additional road right-of-way for Cleveland Avenue will need to be included in the annexation. Subject annexation is a portion of the parcel described below.

			Assessed	Registered
APN	Owner	Acreage	Value	Voters
033-180-003	Links Ranch LLC	307.55	\$6,587,505	1
(portion)			W W	

Land Uses

APN	County GP	County Zoning	City GP	City Zoning	Land Use
033-180-003 (portion)	Α	ARE-20	LD & HD	P-D 4500	AG

A = Agriculture ARE-20 = Ag Rural Exclusive-20 Acre

P-D 4500 = Planned Development LD = Low Density Residential HD= High Density Residential Madera LAFCO Meeting of December 15, 2021 Links Ranch Annexation 2021-002 Page 2

Contiguity

The area proposed for annexation is within the Sphere of Influence of the City of Madera and is contiguous to the City of Madera to the east.

Infrastructure

The area would receive water and sewer services from the City of Madera, which currently has existing infrastructure to the east of the property.

Environmental Review

The City of Madera issued a Negative Declaration for the project dated August 2021, which is considered adequate for the proposed annexation.

ANALYSIS

The purpose of the proposed annexation is to allow for development of the subject property with a 214-lot single-family residential subdivision utilizing City of Madera services. The project represents the first phase of a large-scale, multi-use development planned to the south and west of the subject property.

It is noted that Madera County has approved Parcel Map No. 2021-4284 that would create the subject 38-acre parcel. The Parcel Map will be required to be recorded prior to the recordation of this annexation proposal.

It is appropriate to centralize the governance of all the urban services and land use control for this area under the City of Madera, as the City is the most efficient provider of these services.

Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange.

Government Code Section 65580, et al., requires that the redistribution of Regional Housing Needs Allocation (RHNA) must be discussed and agreed upon as part of the City of Madera General Plan Housing Element process or by agreement. The RHNA numbers listed below for this project are based on the formula agreed to by the City of Madera and the County of Madera in collaboration with Housing and Community Development (HCD).

RHNA Classifications	Annexation
Very Low Income	24
Low Income	12
Moderate Income	37
Above Moderate Income	49
Total RHNA allocations	122

Madera LAFCO Meeting of December 15, 2021 Links Ranch Annexation 2021-002 Page 3

The City of Madera approved the prezoning of the property on November 3, 2021, as required by Section 56375 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Pursuant to Government Code Section 56668, staff has reviewed the specific factors and has prepared an analysis of those points (See Exhibit F). Other than issues previously addressed in this report, no issues of significance were identified for the annexation of this area.

RECOMMENDATION

Staff recommends that the Commission approve the proposed annexation, subject to the following conditions and findings.

CONDITIONS AND FINDINGS

- 1. The annexation shall consist of one parcel and Cleveland Avenue right of way on approximately 41 acres as shown on Exhibit A.
- 2. Parcel Map No. 2021-4284 shall be recorded by Madera County prior to the recordation of the annexation.
- 3. The applicant shall cause to be prepared, to the satisfaction of the Madera LAFCO Executive Officer, such documents and legal descriptions as are deemed necessary for filing a Statement of Boundary Change with the State Board of Equalization. Any necessary fees or costs for processing and documentation shall be paid by the applicant.
- 4. Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange and redistribution of Regional Housing Needs Allocation (RHNA). The RHNA numbers listed below are in agreement with the formula agreed to by the City and the County.

RHNA Classifications	Annexation
Very Low Income	24
Low Income	12
Moderate Income	37
Above Moderate Income	49
Total RHNA allocations	122

Madera LAFCO Meeting of December 15, 2021 Links Ranch Annexation 2021-002 Page 4

- 5. The short-term designation shall be "City of Madera Links Ranch Annexation (2021-002)."
- 6. The annexation is uninhabited as defined by Government Code Section 56046, and all property owners within the annexation area have consented to the annexation.
- 7. The City of Madera's Mitigated Negative Declaration has been reviewed, found to be in compliance with CEQA, and considered adequate for the annexation; the adoption of this document is, therefore, justified.
- 8. It is the intent of the Madera Local Agency Formation Commission to waive subsequent protest hearings and election proceedings pursuant to Section 56663 of the Government Code.
- 9. Direct the Madera LAFCO Executive Officer to prepare and execute a Certificate of Completion upon receipt of required processing fees required by Government Code Section 57200 (made payable to the State Board of Equalization).

Attachments:

Exhibit A - Location Map

Exhibit B - Annexation Map/Legal Description

Exhibit C - Subdivision Map

Exhibit D - Parcel Map No. 2021-4284

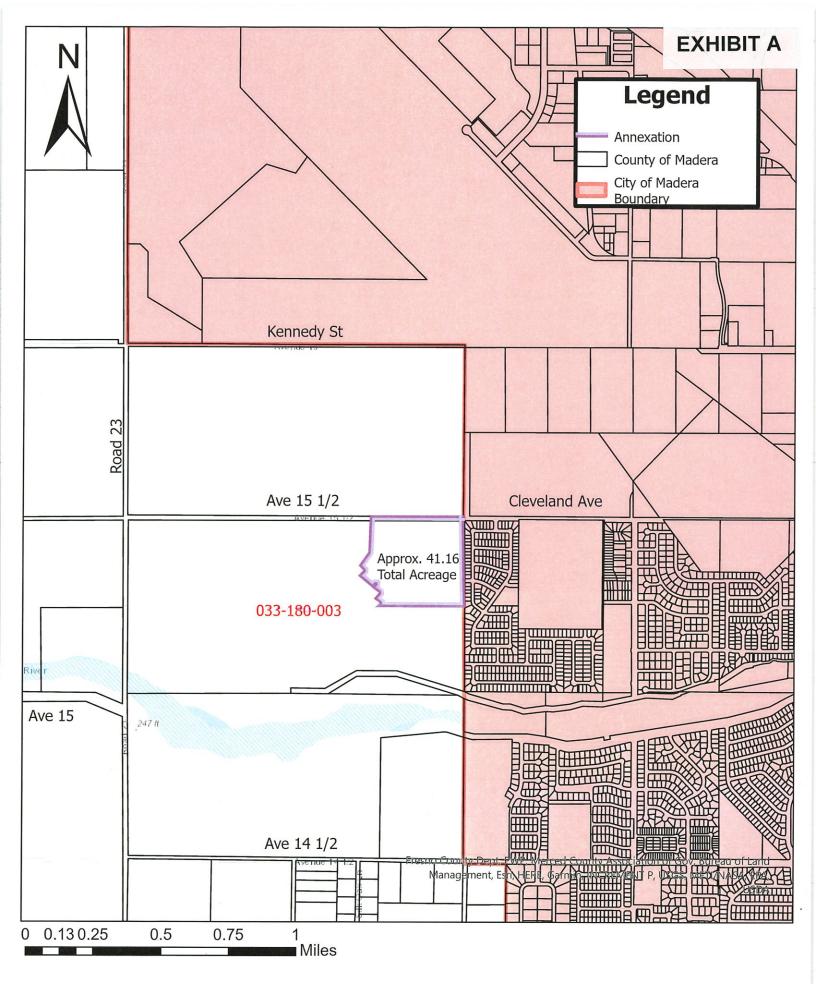
Exhibit E - Madera City Council Ordinance Bill No. 981

Exhibit F - Analysis of Section 56668 Factors

Exhibit G - Negative Declaration/Initial Study dated August 2021

Exhibit H - Resolution

c: Links Ranch LLC
 County Administrative Officer
 City of Madera, City Manager



Link's Ranch Annexation

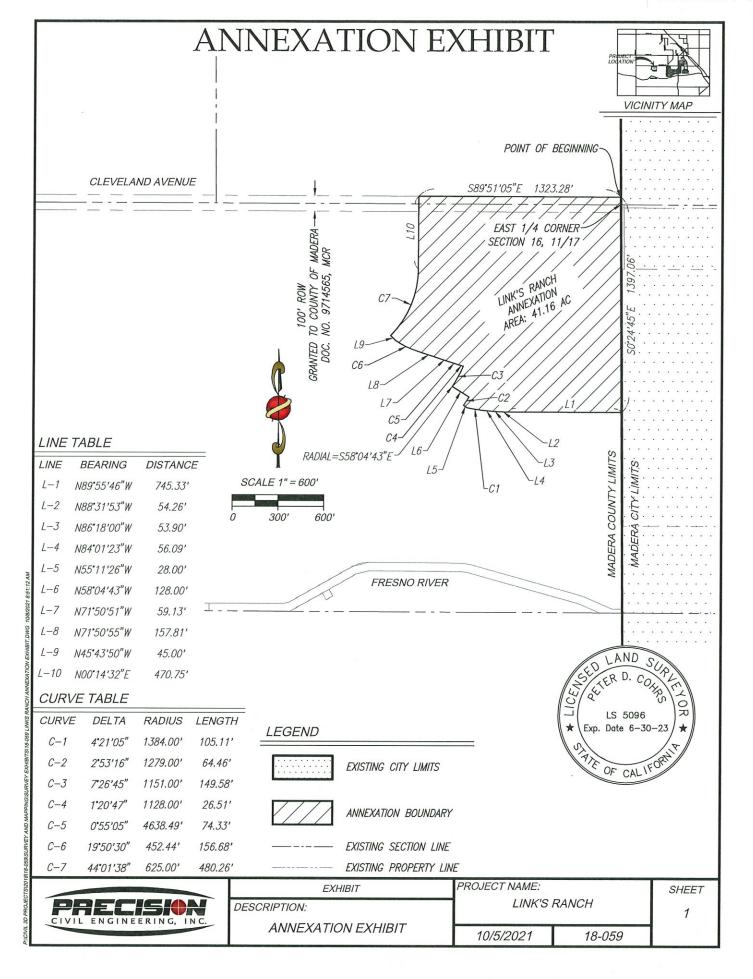


EXHIBIT "A"

LINKS RANCH REORGANIZATION CONTAINS 41.16 ACRES OCTOBER 7, 2021

ANNEXATION TO THE CITY OF MADERA

LEGAL DESCRIPTION

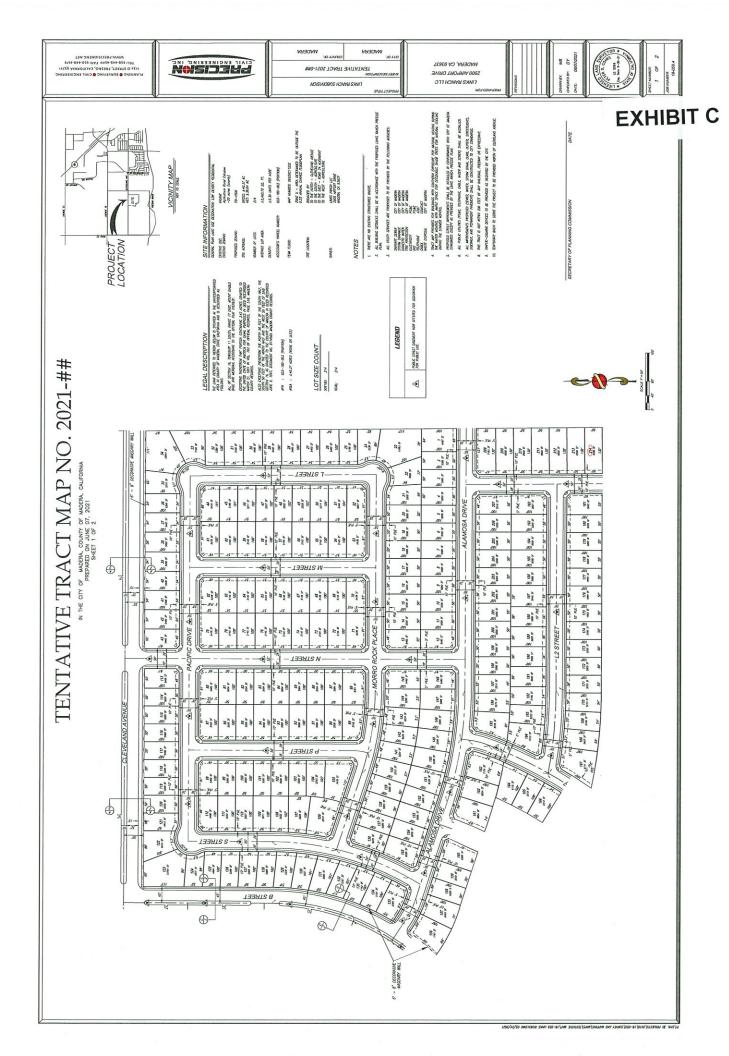
That portion of the Northeast quarter and the Southeast quarter of Section 16, Township 11 South, Range 17 East, Mount Diablo Base and Meridian, described as follows:

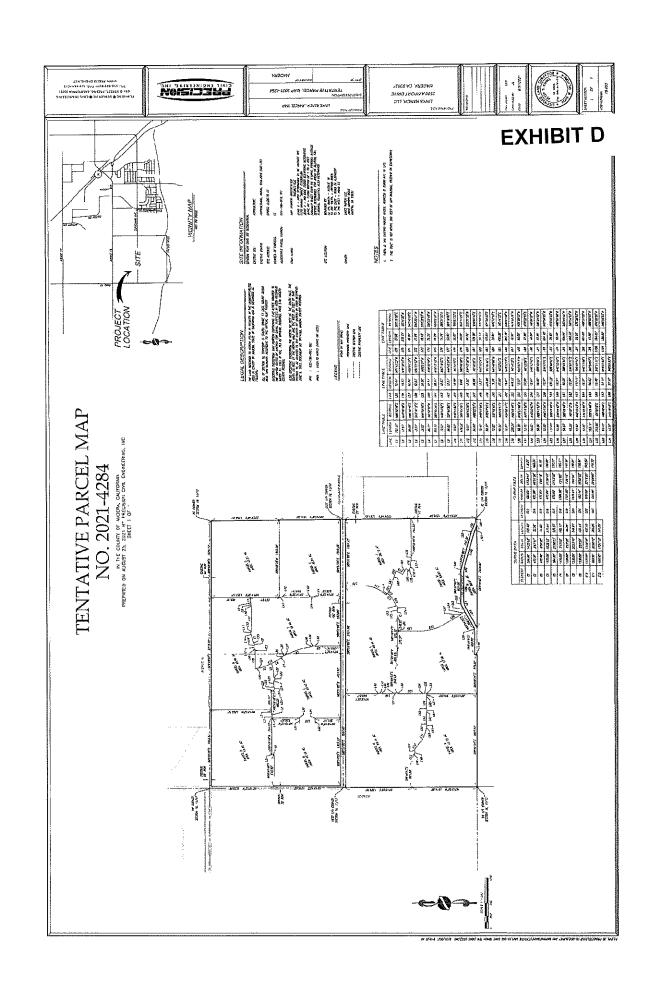
BEGINNING at a point on the East line of said Section 16 lying 50.00 feet north of the East quarter corner of said Section 16, said point of beginning being on the existing City of Madera limits line; thence

- 1) South 00° 24' 45" East, along the East line of said Southeast quarter and along the existing City Madera limits line, a distance of 1397.06 feet; thence
- 2) North 89° 55' 46" West, leaving the existing City of Madera limits line, a distance of 745.33 feet; thence
- 3) North 88° 31' 53" West, a distance of 54.26 feet; thence
- 4) North 86° 18' 00" West, a distance of 53.90 feet; thence
- 5) North 84° 01' 23" West, a distance of 56.09 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 1384.00 feet, a radial to said point bears South 7° 08' 17" West; thence
- 6) Westerly along said non-tangent curve, through a central angle of 4° 21' 05", an arc distance of 105.11 feet; thence
- 7) North 55° 11' 26" West, a distance of 28.00 feet to a point on a non-tangent curve concave to the northwest, having a radius of 1279.00 feet, a radial to said point bears South 55° 11' 26" East; thence
- 8) Northeasterly along said non-tangent curve, through a central angle of 2° 53' 16", an arc distance of 64.46 feet; thence
- 9) North 58° 04' 43" West, a distance of 128.00 feet to a point on a non-tangent curve concave to the northwest, having a radius of 1151.00 feet, a radial to said point bears South 58° 04' 43" East; thence
- 10) Northeasterly along last said non-tangent curve, through a central angle of 7° 26' 45", an arc distance of 149.58 feet to a point on a non-tangent curve concave to the northeast, having a radius of 1128.00 feet, a radial to said point bears South 15° 29' 19" West; thence
- 11) Northwesterly along last said non-tangent curve, through a central angle of 1° 20' 47", an arc distance of 26.51 feet to a point on a non-tangent curve concave to the Northeast, having a radius of 4638.49 feet, a radial to said point bears South 17° 27' 47" West; thence

- 12) Northwesterly along last said non-tangent curve, through a central angle of 00° 55' 05", an arc distance of 74.33 feet; thence
- 13) North 71° 50' 51" West, a distance of 59.13 feet; thence
- 14) North 71° 50' 55" West, a distance of 157.81 feet to the beginning of a non-tangent curve concave to the northeast, having a radius of 452.44.00 feet, a radial to said point bears South 16° 19' 54" West; thence
- 15) Northwesterly along last said non-tangent curve, through a central angle of 19° 50' 30", an arc distance of 156.68 feet; thence
- 16) North 45° 43' 50" West, a distance of 45.00 feet to a point on a non-tangent curve concave to the northwest, having a radius of 625.00 feet, a radial to said point bears South 45° 43' 50" East; thence
- 17) Northeasterly along last said non-tangent curve, through a central angle of 44° 01' 38", an arc distance of 480.26 feet; thence
- 18) North 00° 14' 32" East, a distance of 470.75 feet to a point on the north line of the certain parcel granted to County of Madera in Grant Deed recorded as Document No. 9714565, Madera County Records; thence
- 19) South 89° 51' 05" East, along said North line, being parallel with and 50.00 feet north of the South line of the North half of said Section 16, a distance of 1323.58 feet to the Point of Beginning.

Contains an area of: 41.16 Acres, more or less.





ORDINANCE NO. 981 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO PREZONE
AN APPROXIMATELY 40 ACRE PROPERTY (APN: 033-18-003 (portion)),
LOCATED ON THE SOUTH SIDE OF CLEVELAND AVENUE BETWEEN
AVENUE 16 AND ROAD 23, FROM AGRICULTURAL RURAL EXCLUSIVE
(ARE, MADERA COUNTY) TO THE PLANNED DEVELOPMENT (P-D 4500)
ZONE DISTRICT OF THE CITY OF MADERA, PENDING ANNEXATION

WHEREAS, Links Ranch, LLC ("Owner") owns APN 033-180-003 in Madera, California ("Site"); and

WHEREAS, Owner has submitted application ANX 2021-01 to City to prezone property consisting of approximately 40 acres (a portion of Madera County Assessor Parcel Number 033-180-003) south of West Cleveland Avenue between Avenue 16 and Road 23 to PD 4500 (Planned Development); and

WHEREAS, the proposed prezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

WHEREAS, the City Council independently reviewed and considered the information contained in the IS/MND; and

WHEREAS, the proposed prezone will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission received and reviewed application ANX 2021-01 at a duly noticed hearing on September 14, 2021, wherein the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after its hearing the Planning Commission adopted Resolution No. 1893 recommending to the City Council of the City of Madera the approval of ANX 2021-01 as conditioned; and

WHEREAS, concurrently with the consideration of ANX 2021-01, the Planning Commission approved TSM 202-02, 01, and PPL 2021-04 and submitted said approvals to the City Council.

NOW THEREEFORE, THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

- **SECTION 1.** Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
- SECTION 2. <u>Public Hearing</u>. The City Council received the submittals from the Planning Commission and held a duly noticed public hearing on October 20, 2021 on the prezoning of the Site as shown in Exhibit "A."
- SECTION 3. Findings. Based upon the record before it at the public hearing, the City Council determines the adoption of the proposed prezoning ordinance as recommended by the Planning Commission is in the best interest of the City of Madera. The changes are also consistent with the purpose of the City's zoning ordinance to promote the growth of the City in an orderly and sustainable manner and to ensure consistency with the City General Plan. The Council hereby makes the following findings:
 - 1. THE PROPOSED PREZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
 - 2. THE PREZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
 - 3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.
- **SECTION 3.** Approval of Prezoning. The City Council approves the proposed prezoning and hereby amends the City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code as illustrated in the attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended.
- **SECTION 4.** <u>Effective Date of Prezoning</u>. The Zoning Map Amendments shall be at the same time that the annexation for the subject site becomes effective. The Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.
- **SECTION 5.** <u>Effective Date of Ordinance</u>. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its adoption.
- **SECTION 6.** Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

The foregoing Ordinance No. 981 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 20th day of October 2021 and adopted after a second reading at a regular meeting of the City Council held on 3rd day of November 2021 by the following vote:

AYES:

Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans and

Villegas.

NOES:

None.

ABSTENTIONS:

None.

ABSENT:

District 5 is currently vacant.

APPROVED:

SANTOS GARCIA, Mayor

ATTEST:

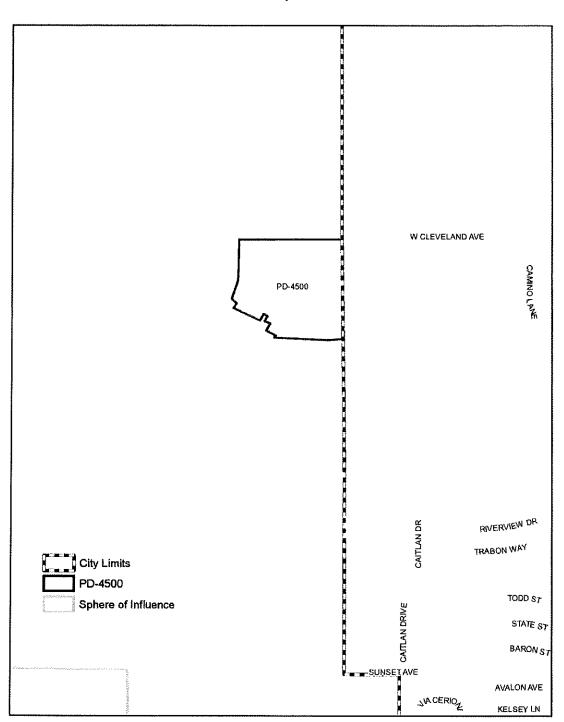
ALICÍA GONZALES, Cíty Clerk

March 27, 1907 *

EXHIBIT A

Approximately 41 acres (a portion of Madera County Assessor Parcel Number 033-180-003) south of West Cleveland Avenue between Avenue 16 and Road 23

Links Ranch Proposed Pre-Zone



Reorganization Required Analysis

EXHIBIT F

Listed below is an outline analysis of the minimum factors that are required to be considered by LAFCO in a reorganization. The analysis of these factors below pertains to the City of Madera — Links Ranch Annexation (2021-002). Factors that indicate "Some Concern" or "Significant Issue" are discussed at this end of this analysis or are referenced to sections of the corresponding Executive Officer's Report.

56668. Factors to be considered in the review of a proposal shall include, but not be limited all of the following:

(a) Population and population density;

land area and land use:

per capita assessed valuation;

topography, natural boundaries, and drainage basins:

proximity to other populated areas;

the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services;

the present cost and adequacy of governmental services and controls in the area;

probable future needs for those services and controls;

probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (I) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Comments or Concerns and Significant Issues:

Links Ranch Subdivision

Tentative Subdivision Map No. 2021-02, Annexation Application No. 2021-01, and Precise Plan Application No. 2021-04

Initial Study / Mitigated Negative Declaration

August 2021

Prepared for:



Planning Department 205 W. 4th Street Madera, CA 93637

Chapter 1 Introduction

Precision Civil Engineering, Inc. has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of City of Madera (City) to address the environmental effects of the proposed Links Ranch Subdivision (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq. The City of Madera is the CEQA Lead Agency for this proposed Project. The site and the proposed Project are described in detail in **Chapter 2 Project Description**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, et seq.)— also known as the CEQA Guidelines— Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is <u>no</u> substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

- a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or
- b. The IS identified potentially significant effects, but:
 - 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 - 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.

1.2 Document Format

This IS/MND contains five chapters plus appendices. **Chapter 1 Introduction** provides an overview of the proposed Project and the CEQA process. **Chapter 2 Project Description** provides a detailed description of proposed Project components. **Chapter 3 Determination** identifies the environmental factors potentially affected based on the analyses contained in this IS and includes with the Lead Agency's determination based upon those analyses. **Chapter 4 Impact Analysis** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant or why no impacts are expected is included. **Chapter 5 Mitigation Monitoring and Report Program** presents the mitigation measures recommended in the IS/MND for the

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Project. The CalEEMod Output Files and Cultural Resources Information are provided as **Appendix A** and **Appendix B**, respectively, at the end of this document.

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Chapter 2 Project Description

2.1 Project Background

2.1.1 Project Title

Links Ranch, LLC: Links Ranch Subdivision (ANX 2021-01, 2021-02, PPL 2021-04)

2.1.2 Lead Agency Name and Address

City of Madera 205 W. 4th Street Madera, CA 93637

2.1.3 Contact Person and Phone Number

Lead Agency Contact

John Thomason, Senior Planner (559) 661-5400 jthomason@madera.gov

Applicant Information

Links Ranch, LLC 2900 Airport Drive Madera, CA 93637

2.1.4 Study Prepared By

Precision Civil Engineering, Inc. 1234 O Street Fresno, CA 93721

2.1.5 Project Location

The proposed Project is located in the western area of the city of Madera, California, approximately two (2) miles west of State Route 99 (SR 99) and approximately four (4) miles west of SR 145 (**Figure 2-1**). The Project site is composed of approximately 41 acres of property on the south side of Cleveland Avenue between Avenue 16 and Road 23 (**Figure 2-2**). The 41-acre Project site occupies a portion of Section 16 of Township 11 South, Range 17 East, Mount Diablo Base and Meridian. The Project site is identified as a portion of Madera County Assessor's Parcel Number (APN) 033-180-003 (**Figure 2-3**).

2.1.6 Latitude and Longitude

The centroid of the Project area is 36.973154, -120.112807.

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¹ United States, Department of Interior, Geological Survey, and State of California, Department of Water Resources. *Madera Quadrangle, California, 7.5 Minute Series (Topographic), Photo revised 1981.*

2.1.7 General Plan Designation

The Project site has a Madera General Plan land use designation of LD- Low Density Residential (**Figure 2-5**) with a small portion on the west side of the site designated for High Density (HD) Residential (approximately 1.36 acres, or 4.3% of the total Project site).

Although the HD Residential land use designation has a target density of 22.4 units to the acre, according to Policy LU-8 of the Madera General Plan, "density averaging may be permitted as part of a comprehensively planned development [in this case, a Planned Development] in order to enhance a project's ability to provide a variety of housing types or to incorporate additional public amenities. The total number of dwelling units approved as part of the density averaging program must meet the target density, and must not exceed the maximum density requirements for the applicable land use designations." The LD — Low Density Residential land use designation allows for residential development at a density of 2.1 to 7 dwelling units per acre, with a Target Density of 5.25 dwelling units per acre. The HD — High Density Residential land use designation allows for residential development at a density of 15.1 to 50 dwelling units per acre, with a Target Density of 22.5 dwelling units per acre. Taking the acreage of land planned for LD and for HD results in an allowed density range of 83-277 units per acre. The 214 units proposed as part of the project is within the density range permitted by the Madera General Plan.

The LD — Low Density Residential land use designation represents the traditional single-family neighborhood with a majority of single-family detached homes. The Project proposes a 214-lot single-family neighborhood with a residential density of 5.3 dwelling units per acre, which is within the density range allowed by the land use designations, as noted above. Therefore, the Project is consistent with the existing planned land use designations.

2.1.8 Zoning

The Project site is within the ARE – Agricultural Rural Exclusive – 20 Acres Zone District (County of Madera) (Figure 2-4). Because the Project is outside of the city limits, it is subject to annexation into the city of Madera. City annexation requires a pre-zone to change the zone district to P-D (4500) which is consistent with the planned land use designation of LD – Low Density Residential. The P-D (4500) Zone District permits one unit for each 4,500 square feet (sf.) of site area. The Project proposes a 214-lot subdivision with a minimum lot size of 50-feet by 100-feet, or 5,000 sf. Therefore, the Project is consistent with the P-D (4500) Zone District. The proposed development standards for the P-D (4500) Zone District are provided in **Table 2-1 Proposed Development Standards for P-D (4500)**.

Table 2-1 Proposed Development Standards for P-D (4500)

Development Standards	Existing Use	
Density Range	2.1 - 7.0 du/ac	
Minimum Lot Area	5,000 sf.	
Minimum Corner Lot Area	5,500 sf.	
Maximum Lot Coverage	55%	
Minimum Landscape Area (Front Yard)	25%	
Minimum Interior Lot Width	45 ft.	
Minimum Exterior Lot Width	50 ft.	
Minimum Lot Depth	80 ft.	
Maximum Building Height	2 stories, 38 ft.	
Minimum Curved Frontage	35 ft.	

Minimum Yard Setbacks	
Front Setback — Porch, Balcony, Deck	10 ft.
Front Setback — Living Space	13 ft.
Front Setback – Front Entry Gate	20 ft.
Street Side Setback	10 ft. (or 15 ft. for Reverse Corner)
Interior Side Setback	5 ft.
Rear Setback — Patio Cover, Balcony Deck	5 ft.
Rear Setback — Living Space not adjacent to an	15 ft.
arterial, collector, or local street	
Rear Setback — Living Space adjacent to an	20 ft.
arterial, collector, or local street	

2.1.9 Description of Project

Project Description

The proposed Project includes a pre-zone/annexation (Annexation Application No. 2021-01), tentative tract map (Tentative Subdivision Map No. 2021-02), and planned development/precise plan (Precise Plan Application No. 2021-04) applications to facilitate a residential development in the City of Madera. The Project would allow for the construction of a residential subdivision that consists of 214 single-family lots (5.30 dwelling units per acre) to occupy approximately 40-acres of the total 307-acre parcel located on the south side of Cleveland Avenue between Avenue 16 and Road 23 in Madera, CA (portion of APN: 033-18-003) (Figure 2-7). The Project would require annexation of the site into the City of Madera.

The pre-zone application requests to change the zoning of the subject site from the Agricultural Rural Exclusive- 20-acres Zone District (County), to the P-D (4500) Zone District. The planned development application has been filed as required to establish this P-D Zone District. The precise plan proposes specific development standards, landscaping, and architectural character proposed as part of this planned development application. The proposed tract map would allow for the subdivision of the subject site into 214 single-family lots at 5.30 dwelling units per acre. The minimum proposed lot size is 50-feet by 100-feet or 5,000 sf. and the average lot area is approximately 5,460 sf.

The site is bounded to the north by Cleveland Avenue (Arterial) and to the east by Road 24 Alignment. The primary access points to the subdivision are proposed on Cleveland Avenue at N Street (future Local) and B Street (future Collector) at Alamosa Drive (future Local). This portion of Cleveland Avenue will be improved with curb and gutter, sidewalk, bicycle lanes/sharrows, landscaping, storm drains, and streetlights. Similar improvements are proposed for B Street. Landscape corridors are provided along Cleveland Avenue and B Street. These corridors will contain plant materials selected for their appropriateness to the project theme, climatic conditions, soil conditions, water requirements, and ongoing maintenance. Materials include but are not limited to Red Maple, Gingko, Crape Myrtle, Saratoga Laurel, Chinese Pistache, and Chinese Elm (Figure 2-8).

The Project is subject to provision of utilities and service systems. The Project will include installation of a 12-inch water main from the Road 24 Alignment east of the Project site. The 12-inch water main will be installed along Cleveland Avenue and B Street. A water well will be constructed off-site. Wastewater services will be provided for the Project site. Wastewater from the site will be conveyed to the existing City of Madera Wastewater Treatment Plant through the existing Westberry Trunkline. Further, it has been confirmed that the Melanie Meadows sewer lift station has the capacity to serve the Project. Future

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residences will be served by the City's contracted waste hauler. Lastly, the Applicant proposes the construction of a temporary stormwater drainage basin to the north of the Project site, north of Cleveland Avenue, for stormwater drainage.

Required Actions

The City of Madera City Council would be requested to act on the adoption of the Mitigated Negative Declaration with appropriate findings, adoption of a Mitigation Monitoring and Reporting Program, and approval of the Tentative Subdivision Map, the Pre-Zone/Annexation Application, and Planned Development/Precise Plan Application. The City of Madera would also issue the following permits if and once the above actions are approved: grading permit, encroachment permit, sign permits, and building permits.

2.1.10 Site and Surrounding Land Uses and Setting

Project Setting

Historically, the Project site has been designated and operated as agricultural land. The existing site contains a single-family residential dwelling (1,395 sf.) and metal barn for agricultural equipment and related storage. These structures are located on the northeast corner of the site. There are no other improvements or structures on-site. Cleveland Avenue, a two-lane, east-west Arterial forms the northerly Project site boundary and Road 24 Alignment forms the easterly Project site boundary. No street frontage improvements are present (i.e., no curb, gutter, sidewalk, storm drains, or streetlights). The existing biotic conditions and resources of the Project site can be defined primarily as agricultural with a majority of the site containing almond orchards. Trees, shrubs, and ruderal and herbaceous vegetation surround the single-family residential dwelling. There are approximately 15 trees surrounding the residence; the trees surrounding the residence are not protected. As referenced in **Table 2-2**, the Project site is surrounded by agricultural land to the north, south, and west, the Fresno River to the south, and vacant land to the east. The properties to the north, south, east, and west are planned for residential uses.

Table 2-2 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from Project site	Existing Use	General Plan Designation	Zone District
North	Agriculture	VR – Village Reserve	ARE — Agricultural Rural Exclusive — 20 Acres (County of Madera)
East	Vacant, developing residential	LD – Low Density Residential	P-D (8000)
South	Agriculture	VR – Village Reserve	ARE — Agricultural Rural Exclusive — 40 Acres (County of Madera)
West	Agriculture	VR – Village Reserve	ARE — Agricultural Rural Exclusive — 20 Acres (County of Madera)

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2.1.11 Other Public Agencies Whose Approval May Be Required

Other agencies may have the authority to issue permits prior to implementation of the project including, but not limited to, the San Joaquin Valley Air Pollution Control District (SJVAPCD), California Regional Water Quality Control Board, and the Madera County LAFCO. The Project is subject to the SJVAPCD District Rule 9510 (Indirect Source Review) because it will receive a project-level discretionary approval from a public agency and will exceed 50 single family dwelling units. The Project will also be subject to a SJVAPCD Authority to Construct Permit, and District Regulation VIII (Fugitive PM10 Prohibitions) which requires the approval of a Dust Control Plan prior to construction. The Project may also be subject to District Rule 2010 (Permits Required and Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), Rule 4601 (Architectural Coatings) or to Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), as well as a Permit to Operate. The Regional Water Quality Control Board will review the Project for compliance and issue a Notice of Intent (NOI) to Comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit, and Storm Water Pollution Prevention Plan (SWPPP). Lastly, the Madera County LAFCO must review and approve the annexation.

2.1.12 Consultation with California Native American Tribes

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14)) requires that a lead agency, within 14 days of determining that it will undertake a project, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The City of Madera has not received written correspondence from any California Native American Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of proposed Projects in the City of Madera.

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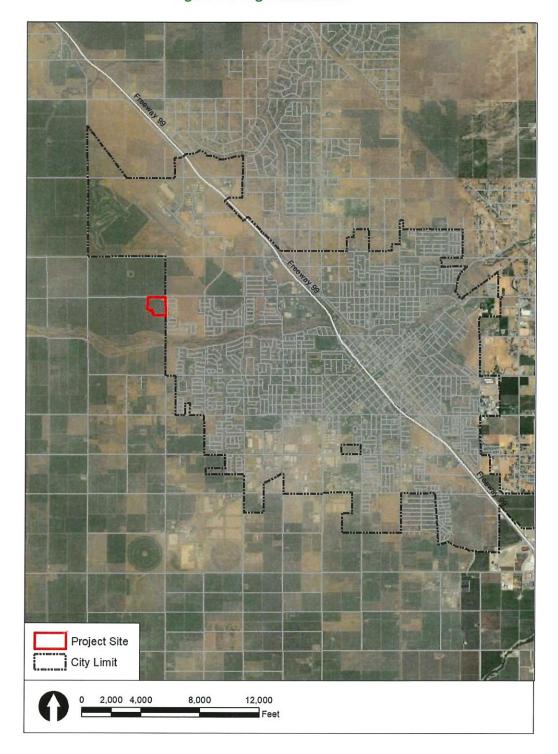


Figure 2-1 Regional Location

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AVIATION DR. CONDOR RD KENNEDY ST CLEVELAND AVE **AVENUE 15 1/2** WESTBERRY BLV LARRETE AVE PENNY WAY RUNNING BROOK ST HAWKS PEAK DR ROCKY BOTTOM ST NILE ST FRESHET DR DE ORO VA WESTBERRY BVD SUBURBAN AVE **AVENUE 14 1/2** SUNSETAVE AK WAY TAN YOUNG SILK OAK LN ROAD 23 1/2 (IA CERION ROAD 24 Project Site ZAK WAY KENT DR City Limit 3,000 500 1,000 2,000 Feet

Figure 2-2 Project Vicinity

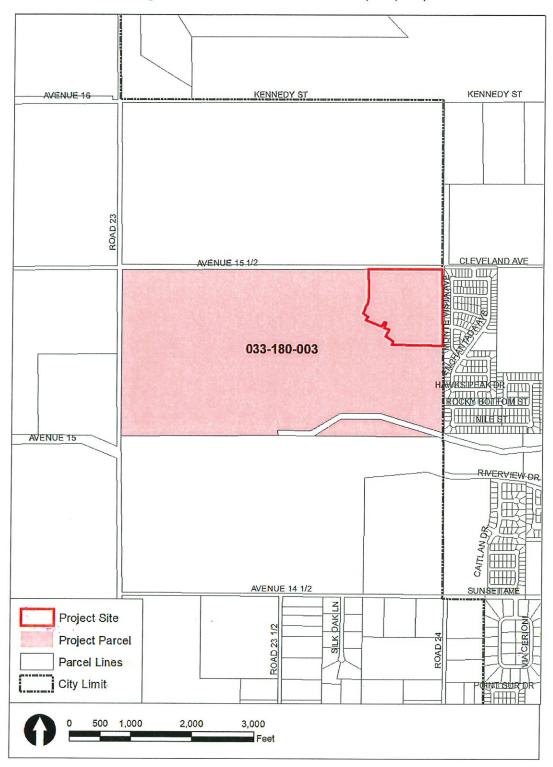


Figure 2-3 Accessor's Parcel Number (APN) Map

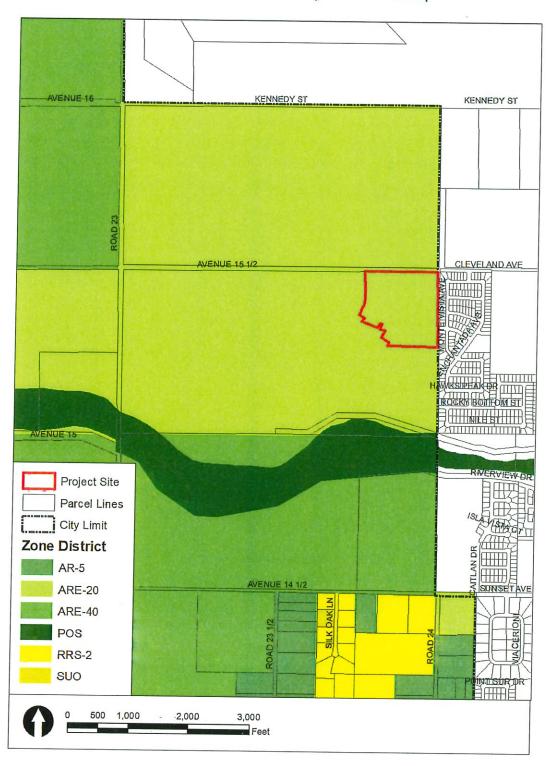


Figure 2-4 Madera County Zone District Map

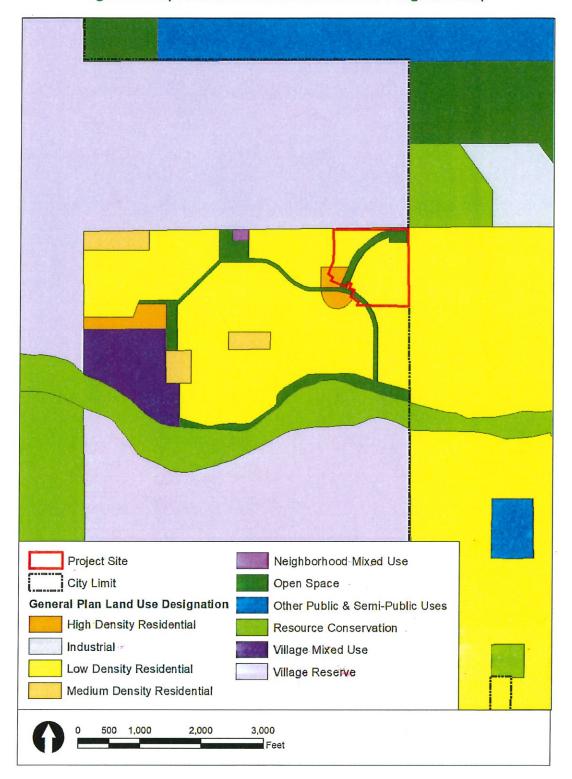


Figure 2-5 City of Madera General Plan Land Use Designation Map

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PD (6000) PD (8000) PD (6000) PD (12000) Project Site City Limit PD (6000) Zoning_202101 PD (6000) PD (6000) ZONE_CODE Industrial Planned Development (12000) Planned Development (4500) Planned Development (6000) Planned Development (8000) Public Facilities Low Density Residential Resource Conservation and Open Space Unclassified 500 1,000 2,000 3,000

Figure 2-6 City of Madera Current Zone Districts

Figure 2-8 Conceptual Landscaping Exhibit

Landscaping Plan

andscape corridors are provided along major streets including Eleveland Avenue and B Street (Figure 4). These corridors will contain andscaping, sidewalks, lighting, and public utilities. The plant materials shown in Figure 4 have been selected for their appropriateness to the vroject theme, climatic conditions, soil conditions, water requirements, and ongoing maintenance. Plant material selections shall be reviewed und approved by the Gity during project review. Plant installation shall be provided per Gity standards. Final plant species and location will be letermined as part of the improvement plan process with the final lesign utilizing this palette to create aesthetic, cohesive and complementary designs throughout the Project area.

Plant Materials

Botanical Name Acer rubrum var 'Autumn Blaze' Gingko biloba 'Autumn Gold' Lagerstroemia indica 'Pink' Laurus nobilis 'Saratoga' Pistacia Chinensis 'Keith Davey' Ulmus parvifolia 'Allee'

Common Name Red Maple Gingko (male variety) Crape Myrde Saratoga Laurel Chinese Pistache (seedless) Chinese Elm

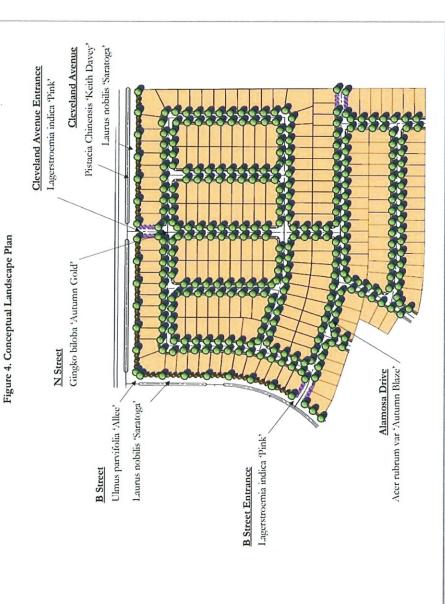


Figure 2-9 Project Design Guidelines

Architecture

The general design guidelines for the residential subdivision are as follows.

Building Siting and Orientation

1. Orient the front of the buildings toward the streets and open space, wherever feasible.

Buildings on corner lots should respond to adjacent streets and intersections appropriately, addressing the increased public visibility by wrapping architectural detailing and elements around the corner.

Building Form, Scale, and Massing

- 1. Form and massing should be established by the characteristics of the building's architectural style.
- 2. Building forms should be of simple geometry.
- 3. Long, uninterrupted expanses of building walls are discouraged.
- 4. Variation in scale, massing and details should be incorporated among nearby buildings.

Building Façades, Features and Details

- 1. All design features and details should complement the architectural style of the building.
- All design elements should appear as an integrated part of an overall site design concept. Details should be integrated into the buildings and not simply applied as an afterthought.
- Elements such as porches, balconies, bay windows, etc., should be used to break up the façade of multi-story buildings.
- 4. Front entries should be clearly visible and directly accessible from the street, where appropriate.
- Architectural massing and articulation, landscaping and/or lighting should be used to highlight the location of the front entrances.
- Porches and stoops may be used to highlight the front entries and provide a transition from the
 public street to the private dwelling. Porches should be a minimum of 4' deep to provide a usable
 and furnishable space.
- Windows and doors should be detailed, sized and positioned appropriately in the context of the architectural style.
- Windows on side elevations should be staggered, where possible, so as not to be positioned directly
 opposite the windows on the adjacent buildings.
- Homes on corner lots should be designed for two-sided corner exposure with enhanced architectural elements.

Building Materials and Colors

- To achieve the variety of architectural expressions, no single building material or color should predominate. Rather, a variety of harmonious materials and color should be used to create a rich tapestry of design elements.
- Building materials should be compatible with the architectural style of the home. Permitted building 2. materials include, but are not limited to, stucco, brick, stone, and wood-like siding/shingle.
- Building materials should be high quality, durable and low maintenance. 3.
- Building color palettes should be authentic to the selected architectural styles of the homes. 4.
- Primary building colors should be neutral and muted in hue. Brighter and more saturated colors 5. should be used as accent colors only or as part of a balanced, carefully executed color scheme.
- Architectural details and trims, such as cornices and window/door trims, should be painted a subtly 6. contrasting color to be distinguished from the wall surface.

Roofs

- 1. Roof forms and materials should reflect the selected architectural style of the building.
- 2. Roots should be designed to appear harmoniously with one another in terms of form and color.
- 3. On larger roof surfaces, features such as parapets, overhanging caves and variation in the slope of roof planes should be incorporated to add variety.





Source: Precise Plan prepared for the Project

August 2021

MADERA LOCAL AGENCY FORMATION COMMISSION STATE OF CALIFORNIA

In the Matter of)	Resolution No. 2021-
CITY OF MADERA))))	A RESOLUTION MAKING DETERMINATIONS AND APPROVING THE APPLICATION OF THE CITY OF MADERA – LINKS RANCH ANNEXATION (2021-002)

WHEREAS, Links Ranch LLC, applicant, has filed a proposal for annexation (the "Proposal") with the Executive Officer, pursuant to the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000, as amended, Government Code Section 56000 et seq., (the "Act"); and,

WHEREAS, the Proposal includes the annexation of one parcel and Cleveland Avenue right-of-way consisting of approximately 41 acres into the City of Madera; and,

WHEREAS, proceedings with regard to the Proposal have been conducted in accordance with the Cortese-Knox-Hertzberg Act of 2000; and,

WHEREAS, the City of Madera prezoned the subject properties on November 3, 2021; and,

WHEREAS, the Commission called for and held a public hearing on the proposal on December 15, 2021; and,

WHEREAS, at the hearing the Commission heard and received all oral and written protests, objections, and evidence that were made, presented or filed, and all

Persons present were given an opportunity to hear and be heard with respect to this Proposal and the report of the Executive Officer; and,

WHEREAS, the Commission certifies that the Executive Officer recommended that the Negative Declaration prepared by the lead agency (City of Madera) be found to be in compliance with the California Environmental Quality Act (CEQA) and its implementing regulations and is adequate concerning this annexation.

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

- 1. The annexation shall consist of one parcel and Cleveland Avenue right-of-way on approximately 41 acres as shown on Exhibit A.
- 2. Parcel Map No. 2021-4284 shall be recorded by Madera County prior to the recording of the annexation.
- 3. The applicant shall cause to be prepared, to the satisfaction of the Madera LAFCO Executive Officer, such documents and legal descriptions as are deemed necessary for filing a Statement of Boundary Change with the State Board of Equalization. Any necessary fees or costs for processing and documentation shall be paid by the applicant.
- 4. Pursuant to Section 99 of the California Revenue and Taxation Code, the City and County have entered into an agreement for property tax exchange and redistribution of Regional Housing Needs Allocation (RHNA). The RHNA numbers listed below are in agreement with the formula agreed to by the City and the County.

RHNA Classifications	Annexation
Very Low Income	24
Low Income	12
Moderate Income	37
Above Moderate	49
Income	
Total RHNA allocations	122

- 5. The short-term designation shall be "City of Madera Links Ranch Annexation" (2021-002).
- 6. The annexation is uninhabited as defined by Government Code
 Section 56046, and all property owners within the annexation area have consented to the annexation.
- 7. The City of Madera's Mitigated Negative Declaration has been reviewed, found to be in compliance with CEQA, and considered adequate for the annexation; the adoption of this document is, therefore, justified.
- 8. It is the intent of the Commission to waive subsequent protest hearings and election proceedings pursuant to Government Code Section 56663.
- Direct the Executive Officer to prepare and execute a Certificate of
 Completion upon receipt of required processing fees required by Government
 Code Section 57200 (made payable to the State Board of Equalization).

The foregoing Resolution was adopted on the 15th day of December 2021, by the following vote: Chairman Wheeler Voted: Vice Chair Ahmed Voted: Commissioner Poythress Voted: _____ Commissioner Rodriguez Voted: ____ Commissioner Young Voted: Chair, Tom Wheeler Madera Local Agency Formation Commission ATTEST: Executive Officer, LAFCO Approved as to Legal Form: LAFCO Counsel



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637 www.maderacounty.com/government/madera-lafco (559) 675-7821

DATE:

December 15, 2021

NEW MATTERS #4C

TO:

LAFCO Commissioners

FROM:

Dave Braun, Executive Officer

SUBJECT:

UPDATE OF CONFLICT OF INTEREST CODE

BACKGROUND

The Political Reform Act, pursuant to California Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted Title 2, Section 18730 of the California Code of Regulations, which contains the terms of a standard conflict of interest code. Section 18730(a) provides that the terms together with the designation of employees and formulation of disclosure categories constitute a local agency's conflict of interest code ("Code").

Madera County LAFCO adopted a Conflict of Interest Code in 2002 to meet the requirements of state law and incorporated the Code into LAFCO's *Policies, Guidelines, and Procedures Manual*.

On October 27, 2021, the Commission conducted the biennial review of LAFCO's Conflict of Interest Code. Based on that discussion, LAFCO legal counsel recommended staff update the Code to reflect administrative changes necessary to be consistent with State law. This update will ensure the Code is current and accurately reflects any modifications within Madera County LAFCO.

After approval by the Commission, the updated LAFCO Conflict of Interest Code will be sent to the Madera County Board of Supervisors, which is the code reviewing body for local agencies in Madera County, for approval.

RECOMMENDATION

Staff recommends the Commission adopt a Resolution amending the Conflict of Interest Code of Madera County LAFCO.

Attachments:

Exhibit A - Updated Conflict of Interest Code

Exhibit B - Statement of Economic Interests

Exhibit C - Current Conflict of Interest Code

Exhibit D - Resolution



MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE 2021-2022

The Political Reform Act, pursuant to California Government Code Section 81000 et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted Title 2, Section 18730 of the California Code of Regulations ("Section 18730"), which contains the terms of a standard conflict of interest code. The full text of Section 18730, together with any amendment thereto, can be found at

https://www.fppc.ca.gov/legal/regs/current/18730.pdf.

After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. This incorporation page, Section 18730, and the attached Appendices, designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code (the "Code") of the Local Agency Formation Commission of Madera County ("LAFCO").

All LAFCO officials and designated employees (see Appendix B) must file their statements of economic interests (see Appendix A) using the conflict of interest form 700 ("Form 700"). The filing shall be filed with the Madera County Board of Supervisors utilizing the Netfile filing system (https://www.netfile.com/filer) and will be received by the Clerk to the County Board of Supervisors. Pursuant to California Government Code Section 81008, statements of economic interest are public records and will be available for public inspection and reproduction during regular business hours.

The Code shall be amended biennially during odd-number years to ensure that it remains current and that it accurately reflects any modifications within LAFCO.



MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE 2021-2022

APPENDIX "A"

When filing a Form 700, all designated LAFCO officials and designated employees shall provide disclosure under Category 1.

LAFCO officials and designated employees in Category 1 must report all investments, interests in real property, sources of income, including receipt of gifts, loans and travel payments; and every business entity in which the designated member is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within Madera County (the "County") or subject to jurisdiction of the employee's department or if the business entity is doing business or planning to do business within the County.

Form 700 must be filed with the Madera County Board of Supervisors by April 1 of each year. In 2022 the Clerk to the Board of Supervisors will start imposing fines on filers who miss the deadline. Form 700 must be filed prior to assuming a designated position and upon departure from office.



MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE 2021-2022

APPENDIX "B"

The following LAFCO officials and designated employees must file Form 700:

Positions	Category
Commissioners	1
Alternative Commissioners	1
Executive Officer	1
Legal Counsel	1

The following list is comprised of the designated LAFCO names and positions for filing the annual conflict of interest Form 700. Madera County LAFCO Executive Officer certifies that the information provided is true and correct. All designated LAFCO officials and designated employees must file their statements of economic interest using the conflict of interest Form 700 and shall provide disclosure under Category 1.

STATEMENTS OF ECONOMIC INTERESTS 2021-2022 ANNUAL LIST OF DESIGNEES

Disclosure Category Name of Designee	Position	Email address
1 - TOM WHEELER	LAFCO Commissioner Chair County of Madera	Tom.Wheeler@maderacounty.com
1 - WASEEM AHMED	LAFCO Commissioner Chair Pro Tem City of Chowchilla	wahmed@cityofchowchilla.org
1 - ROBERT POYTHRESS	LAFCO Commissioner County of Madera	Robert.Poythress@maderacounty.com
1 - JOSE RODRIGUEZ	LAFCO Commissioner City of Madera	JRodriguez@madera.gov
1 - LAURA YOUNG	LAFCO Commissioner Public Member At-Large	laurayoungrealtor@gmail.com
1 - BRETT FRAZIER	LAFCO Alternate Commissioner County of Madera	Brett.Frazier@maderacounty.com
1 - RAY BARRAGAN	LAFCO Alternate Commissioner City of Chowchilla	rbarragan@cityofchowchilla.org
1 - MARK STAMAS	LAFCO Alternate Commissioner Public Member At-Large	markstamas@seothatgrows.com
1 – DAVE BRAUN	LAFCO Executive Officer Madera County	david.braun@maderacounty.com
1 - LAURA AVERDISIAN FAVINI	Attorney at Law (Outside Counsel) Lozano Smith, Attorneys At Law	Ifavini@lozanosmith.com

APPENDIX 7.7

Conflict of Interest Code

Dislosure Categories

An investment, business position, interest in real property, or source of income is reportable if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Disclosure Category No. 1

Designated employees in Disclosure Category No. 1 must report all investements, interest in real property, sources of income, and every business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interest are reportable only if located within Madera County or subject to jurisdiction of the employee's department or if the business entity is doing business or planning to do business in Madera County.

Disclosure Category No. 2

Designated employees in Disclosure Category No. 2 must report all investments in and income from every business entity located in Madera County in which the person is a director, officer, partner, trustee, employee or hold any position of management, and which is subject to the laws and regulations enforced by the employee's department.

BEFORE THE MADERA LOCAL AGENCY FORMATION COMMISSION STATE OF CALIFORNIA

In the Matter of)	Resolution No. 2021-
)	
MADERA LAFCO CONFLICT OF)	
INTEREST CODE UPDATE)	

WHEREAS, the Political Reform Act, California Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted Title 2, California Code of Regulation Section 18730, which contains the terms of a standard conflict of interest code, which may be incorporated by reference by a state or local government agency, and which may be amended by the Fair Political Practices Commission from time to time to conform to amendments to the Political Reform Act. And, further, a state or local agency may resolve that such amendments shall automatically be amendments to the State or local conflict of interest code; and,

WHEREAS, the Commission has adopted a Conflict of Interest Code to meet the requirements of State law; and,

WHEREAS, there is need to update LAFCO's Conflict of Interest Code to reflect LAFCO administrative changes and make technical corrections to the Code to be consistent with State law and regulations; and,

WHEREAS, the Commission considered and approved the Updated LAFCO Conflict of Interest Code on December 15, 2021.

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION COMMISSION DOES HEREBY ORDER AND RESOLVE that:

- 1. The Conflict of Interest Code, as set forth in Exhibit A, as amended, is hereby adopted as the Conflict of Interest Code of Madera County LAFCO.
- The Conflict of Interest Code shall include any future amendments duly adopted by the Fair Political Practices Commission, Section 18730 of Title 2 of the California Code of Regulations.

The foregoing Resolution was adopted on the 15th day of December 2021, in Madera County, California, and is effective when signed by the Chair, by the following vote:

	Chair Tom Wheeler Voted:
	Chair Pro Tem Waseem Ahmed Voted:
	Commissioner Robert Poythress Voted:
	Commissioner Jose Rodriguez Voted:
	Commissioner Laura Young Voted:
	Tom Wheeler, Chair Madera Local Agency Formation Commission
ATTEST:	
Executive Officer, LAFCO	
Approved as to Legal Form:	
LAFCO Counsel	



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637 www:maderacounty.com/government/madera-lafco (559) 675-7821

DATE:

December 15, 2021

ACTION ITEMS #5A

TO:

LAFCO Commissioners

FROM:

Dave Braun, Executive Officer

SUBJECT:

PROPOSED 2022 MEETING SCHEDULE

RECOMMENDATION

Staff recommends the Commission approve the 2022 meeting schedule.

DISCUSSION

As in the past, staff proposes to schedule LAFCo's meetings on the fourth Wednesday of the month. The meetings will be in the Madera County Board of Supervisors' Chamber on the first floor. There is one exception, staff proposes not to schedule a meeting in November and hold the December meeting on December 14 (second Wednesday of the month). These adjustments are proposed because the fourth Wednesday in November is the day before Thanksgiving and the fourth Wednesday in December is three days after Christmas. The Commission meeting time is 11:00 a.m.

Wednesday, January 26, 2022

Wednesday, February 23, 2022

Wednesday, March 23, 2022

Wednesday April 27, 2022

Wednesday, May 25, 2022

Wednesday, June 22, 2022

Wednesday, July 27, 2022

Wednesday, August 24, 2022

Wednesday, September 28, 2022

Wednesday, October 26, 2022

Wednesday, December 14, 2022 (2nd Wednesday in December)

Attachment:

2022 Meeting Calendar

Madera County Local Agency Formation Commission 2022 Meeting Schedule

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Meetings are held on the fourth Wednesday of the month (except November and December) at 11 a.m. in the Board of Supervisors' Chamber on the first floor of the Madera County Government Center, 200 West 4th Street, Madera, CA.

HOLIDAYS 2022

January 1 New Year's Day (Saturday) January 17 Martin Luther King Day February 21 Presidents' Day May 30 Memorial Day June 19 Juneteenth Day (new) (Sunday) July 4 Independence Day September 5 Labor Day October 10 Columbus Day (Work Day)

November 11 Veterans' Day November 24 Thanksgiving Day December 25 Christmas Day (Sunday)

CALAFCO Annual Conference: October 19, 20, 21, 2022 - Newport Beach, California