



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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(559) 675-7821

NEW MATTERS #4A

DATE: December 15, 2021

TO: LAFCO Commissioners

FROM: Dave Braun, Executive Officer ^{DB}

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.”

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.

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 A

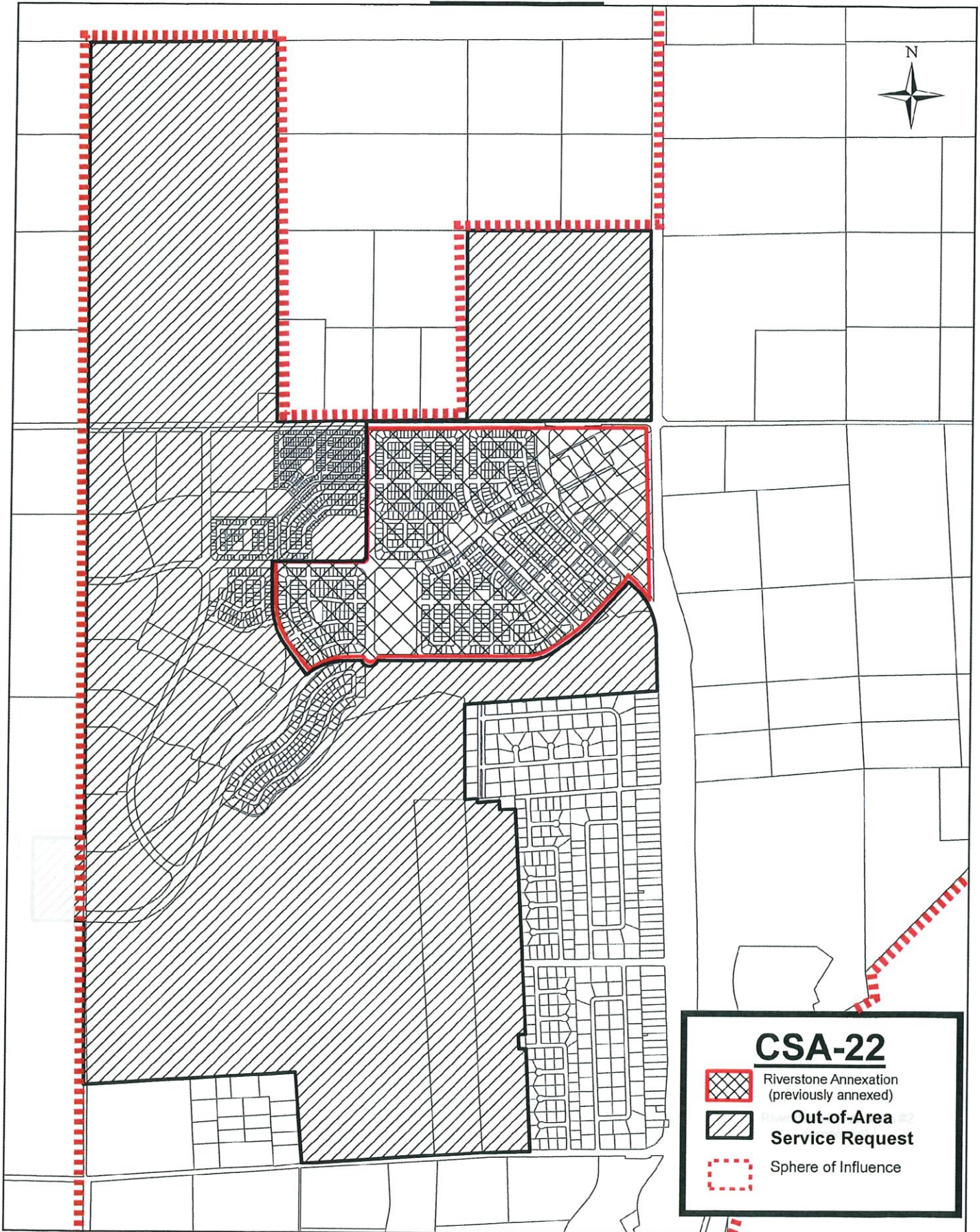
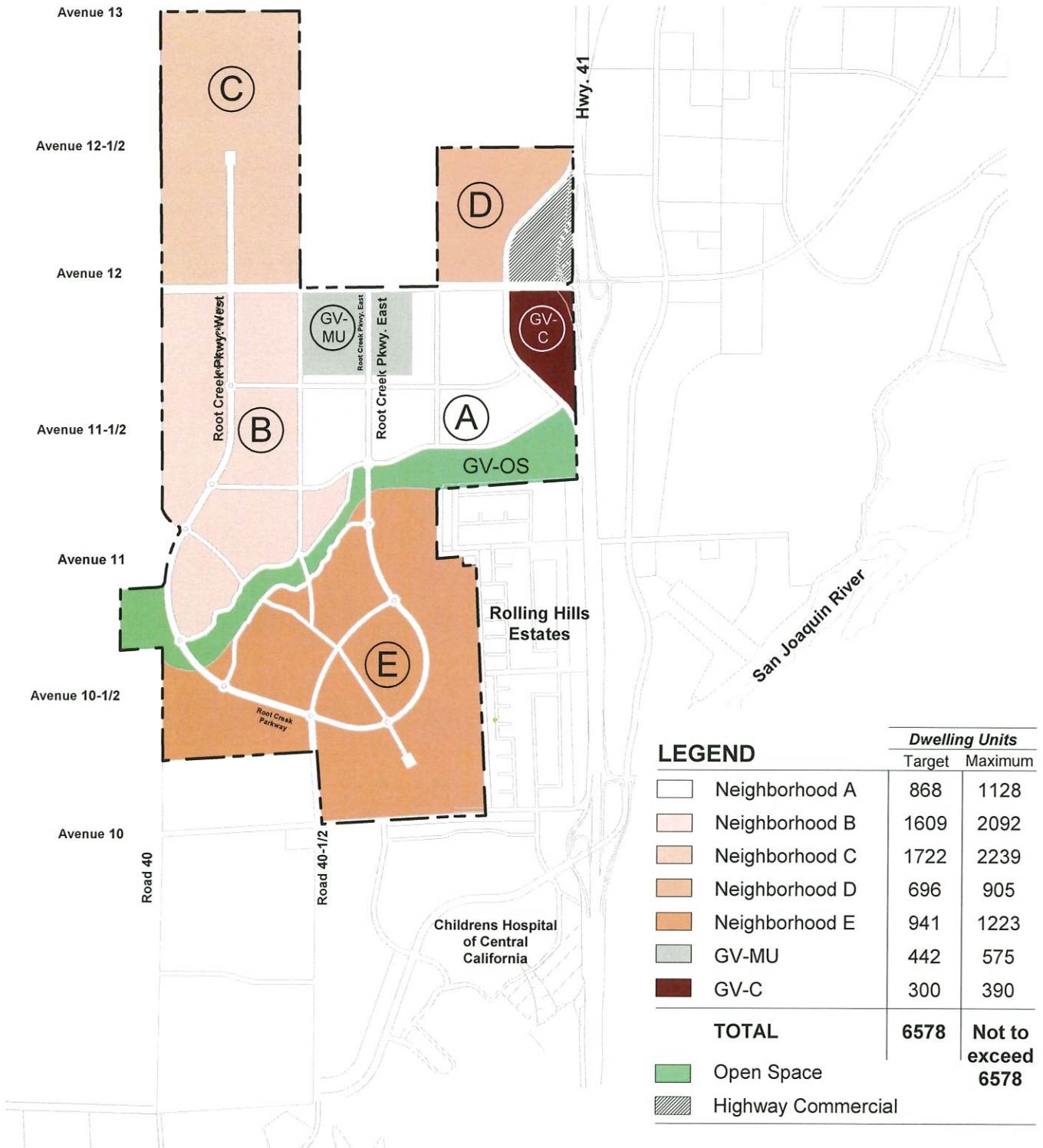


EXHIBIT B



LEGEND

	Dwelling Units	
	Target	Maximum
Neighborhood A	868	1128
Neighborhood B	1609	2092
Neighborhood C	1722	2239
Neighborhood D	696	905
Neighborhood E	941	1223
GV-MU	442	575
GV-C	300	390
TOTAL	6578	Not to exceed 6578
Open Space		
Highway Commercial		



not to scale



EXHIBIT C

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.

Please contact me with any comments or concerns.

Sincerely,

Matthew Treber
Chief of Development Services



**BEFORE THE
MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA**

In the Matter of) **Resolution No. 2021-**
OUT-OF-AREA SERVICE REQUEST) A RESOLUTION APPROVING OUT-OF-AREA
– CSA # 22 (RIVERSTONE)) 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.

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

Approved as to Legal Form:

Laurie Avedisian-Favini, Legal Counsel
Madera County LAFCO