



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: June 22, 2022 **ITEM #4**

TO: LAFCO Commissioners
DB

FROM: Dave Braun, Executive Officer

SUBJECT: CITY OF MADERA – VILLAGES AT ALMOND GROVE
ANNEXATION (2022-001)

PROPOSAL

This application proposes the annexation of twelve parcels and public street right-of-way consisting of approximately 1,851 acres to the City of Madera. The annexation is in the northwest portion of the City of Madera's Sphere of Influence and is generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River to the south, and Road 23 and the Road 24 Alignment to the east. All property owners have submitted written consent to the annexation.

The annexation was filed by the City of Madera pursuant to attached City Council Resolution No. 22-60. The property is currently in agricultural uses and is proposed to be developed with a mixed-use development consisting of approximately 10,800 residential units as well as commercial, office, and open space uses.

The City of Madera approved an Environmental Impact Report and adopted the Villages at Almond Grove Specific Plan for the proposed mixed-use development. The City of Madera has also rezoned the subject property pursuant to attached Ordinance Bill No. 991.

BACKGROUND

Parcel Information

APN	OWNER	ACREAGE	ASSESSED VALUE	REGISTERED VOTERS
033-070-005	Ralph and Vicki Fagundes; Fred and Deborah Fagundes; Lloyd Fagundes	287.64	\$5,563,542	0
033-070-004	Fagundes, Fagundes, Fagundes A California General Partnership	33.27	\$784,910	2

033-070-002	Fagundes, Fagundes, Fagundes A California General Partnership	60.14	\$1,176,712	0
033-070-003	Fagundes, Fagundes, Fagundes A California General Partnership	267.8	\$4,979,814	0
033-170-001	Lorene J. Rau	163.87	\$2,004,160	0
033-170-002	Gurbir Samran and Puvandeep Kaur Samran	30.04	\$526,437	2
033-170-009	Frances M. Ricchiuti and Patrick V. Ricchiuti	131.13	\$828,453	2
033-170-005	Frances M. Ricchiuti and Patrick V. Ricchiuti (portion)	119.52	\$1,560,787	0
003-170-010	Ray Seibert Ranch LLC (portion)	121.89	\$1,232,128	0
003-170-011	Ray G. Seibert (portion)	40.4	\$1,461,197	3
033-180-002	Links Ranch LLC	307.36	\$7,109,046	0
033-180-003	Links Ranch LLC (portion)	307.55	\$6,924,642	0

Land Uses

APN	COUNTY GP	COUNTY ZONING	CITY GP	CITY ZONING	LAND USE
033-070-005	AE	ARE-40	MU	SP	AG
033-070-004	AE	ARE-20	MU	SP	AG
033-070-002	AE	ARE-40	MU	SP	AG
033-070-003	AE	ARE-40	MU	SP	AG
033-170-001	AE	ARE-40	MU	SP	AG
038-170-002	AE	ARE-20	MU	SP	AG
033-170-009	AE	ARE-40	MU	SP	AG
033-170-005	AE	ARE-40	MU	SP	AG
033-170-010	AE	ARE-20	MU	SP	AG
033-170-011	AE	ARE-20	MU	SP	AG
033-180-002	AE	ARE-20	MU	SP	AG
033-180-003	A	ARE-20	MU	SP	AG

A = Agriculture
 ARE-20 = Ag Rural Exclusive-20 Acre
 ARE-40 = Ag Rural Exclusive-40-acre
 SP= Specific Plan

AE = Agriculture Exclusive
 MU = Mixed Use
 AG = Agriculture

Contiguity

The area proposed for annexation 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 in Cleveland Avenue to the east of the area proposed for annexation. Sewer service would be provided by a future sewer main in Road 23. The Specific Plan Infrastructure Master Plan outlines the service plan for the mixed-use development proposed for this area.

Environmental Review

The City of Madera certified an Environmental Impact Report for the project on April 20, 2022, which is considered adequate for the proposed annexation.

ANALYSIS

The main purpose of the proposed annexation is to allow for the development of the subject property with a large-scale mixed-use development. The mixed-use development would consist of approximately 10,800 residential units, 2.1 million square feet of office and commercial space, 164 acres of parks and recreational uses, and 55 acres of schools and other public facilities.

The City of Madera has certified an Environmental Impact Report, approved a General Plan Amendment, adopted a Specific Plan, rezoned the subject property, and approved two Tentative Subdivision maps to facilitate the development of this mixed-use project.

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.

Tax Sharing Agreement

Pursuant to Section 99 of the California Revenue and Taxation Code, the Executive Officer shall not issue a Certificate of Filing for a proposed annexation until the local agencies have entered into an agreement for property tax exchange.

The City and County of Madera had a tax sharing agreement that was in effect when this annexation application was filed on May 9, 2022. On May 18, 2022, the Executive Officer

issued a Certificate of Filing pursuant to this existing tax sharing agreement. However, on June 6, 2022, the City/County tax sharing agreement expired.

It is LAFCO's understanding that the City and County have reached an agreement for property tax exchange as specifically related to this proposed annexation. The County Board of Supervisors will consider the agreement at its meeting of June 21, 2022, and the Madera City Council will consider the agreement on June 16, 2022. Both Agencies must adopt resolutions approving the tax sharing agreement prior to the Commission's consideration of this annexation.

Regional Housing Needs Allocation

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 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 the State of California Department of Housing and Community Development (HCD).

RHNA CLASSIFICATIONS	ANNEXATION
Very Low Income	810
Low Income	405
Moderate Income	1215
Above Moderate Income	1620
Total RHNA allocations	4050

The City of Madera approved the rezoning of the property on May 4, 2020, 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 O). Other than issues previously addressed in this report, no issues of significance were identified for the annexation of this area.

Staff received the attached comments from the California Department of Transportation. These comments address issues relating to the development of the property, rather than the annexation. As such, they have been placed as conditions of approval to be addressed at the time of development of the subject properties.

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 twelve parcels and street right-of-way as shown on Exhibit A.
2. 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.
3. 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 agree with the formula agreed to by the City and the County.

RHNA CLASSIFICATIONS	ANNEXATION
Very Low Income	810
Low Income	405
Moderate Income	1215
Above Moderate Income	1620
Total RHNA allocations	4050

4. The short-term designation shall be "City of Madera – Villages at Almond Grove Annexation (2022-001)".
5. Comply with the attached memorandum from the California Department of Transportation dated May 27, 2022, upon development of the subject property.
6. The annexation is uninhabited as defined by Government Code Section 56046.
7. The City of Madera's Environmental Impact Report 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 and election proceedings unless written opposition to such waiver of subsequent protest and election proceedings is received prior to the conclusion of the Commission meeting. Written opposition to the Commission's intent to waive subsequent protest and election proceedings may be filed with the Madera LAFCO Executive Officer. If a protest hearing is required, the Commission authorizes the Executive Officer to schedule and conduct such a hearing.
9. Direct the Executive Officer to prepare and execute a Certificate of Completion upon receipt of required processing fees required by Section 57200 (made payable to the Board of Equalization).

Attachments:

- Exhibit A - Legal Description/Map
- Exhibit B - Vicinity Map
- Exhibit C - Aerial Photo
- Exhibit D - Specific Plan
- Exhibit E - Tentative Tract Map No. 2020-02
- Exhibit F - Tentative Tract Map No. 2020-03
- Exhibit G - Madera City Council Resolution No. 22-60 (Annexation)
- Exhibit H - Madera City Council Ordinance Bill No. 991 (Rezoning)
- Exhibit I - Madera City Council Ordinance Bill No. 993 (Specific Plan)
- Exhibit J - Madera City Council Resolution No. 22-53 (EIR)
- Exhibit K - Notice of Determination
- Exhibit L - Environmental Impact Report
- Exhibit M - Specific Plan Infrastructure Master Plan
- Exhibit N - Correspondence from California Dept of Transportation dated May 27, 2022
- Exhibit O - Analysis of Section 56668 Factors
- Exhibit P - Resolution

Copy: County Administrative Officer
City Manager of Madera City
Planning Director of Madera City

EXHIBIT "A"

VILLAGES AT ALMOND GROVE REORGANIZATION CONTAINS 1,851 ACRES June 13, 2022

ANNEXATION TO THE CITY OF MADERA

LEGAL DESCRIPTION

That portion of the South half of Section 5, all of Section 8, a portion of the South half of Section 9, a portion of Section 16 and all of Section 17, all in Township 11 South, Range 17 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Northeast corner of said Section 8; thence

- 1) South 00° 15' 13" East, along the East line of said Section 8, a distance of 30.00 feet to a point on the existing City of Madera limits; thence
- 2) South 00° 15' 13" East, continuing along said East line and along the existing City of Madera limits, a distance of 5224.96 feet to a point 30.00 feet north of the Southwest corner of said Section 9; thence
- 3) South 89° 49' 07" East, along a line that is parallel with and 30.00 feet north of the South line of said Section 9, and along the existing City of Madera limits, a distance of 5292.47 feet to a point on the northerly prolongation of the East line of the Northeast quarter of said Section 16; thence
- 4) South 00° 24' 59" East, along said East line and its northerly prolongation, and along the existing City of Madera limits, a distance of 2629.67 feet to a point 50.00 feet north of the East quarter corner of said Section 16; thence
- 5) North 89° 51' 05" West, along a line that is parallel with and 50.00 feet north of the North line of the Southeast quarter of said Section 16, and along the existing City of Madera limits, a distance of 1368.28 feet; thence
- 6) South 00° 14' 32" West, along the existing City of Madera limits, a distance of 470.68 feet to the beginning of a tangent curve concave to the northwest, having a radius of 580.00 feet; thence
- 7) Southwesterly along the existing City of Madera limits and along said curve, through a central angle of 44° 01' 38", an arc distance of 445.68 feet; thence
- 8) South 45° 43' 50" East, along the existing City of Madera limits, a distance of 90.00 feet; thence
- 9) South 56° 44' 39" East, along the existing City of Madera limits, a distance of 34.20 feet to a point on a non-tangent curve concave to the northeast, having a radius of 378.00 feet, a radial to said point bears South 33° 15' 21" West; thence
- 10) Southeasterly along the existing City of Madera limits and along said non-tangent curve, through a central angle of 15° 06' 15", an arc distance of 99.65 feet; thence

- 11) South 71° 50' 54" East, along the existing City of Madera limits, a distance of 288.18 feet to the beginning of a tangent curve concave to the northeast, having a radius of 1128.00 feet; thence
- 12) Southwesterly along the existing City of Madera limits and along said curve, through a central angle of 2° 39' 47", an arc distance of 52.43 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 65° 31' 38" East; thence
- 13) Southwesterly along the existing City of Madera limits and along said non-tangent curve, through a central angle of 7° 26' 45", an arc distance of 149.58 feet; thence
- 14) South 58° 04' 43" East, along the existing City of Madera limits, a distance of 100.00 feet to a point on a non-tangent curve concave to the northwest, having a radius of 1251.00 feet, a radial to said point bears South 58° 04' 43" East; thence
- 15) Southwesterly along the existing City of Madera limits and along said non-tangent curve, through a central angle of 2° 53' 17", an arc distance of 63.06 feet; thence
- 16) South 55° 11' 26" East, along the existing City of Madera limits, a distance of 56.00 feet to a point on a non-tangent curve concave to the north, having a radius of 1384.00 feet, a radial to said point bears South 11° 29' 22" West; thence
- 17) Easterly along the existing City of Madera limits and along said non-tangent curve, through a central angle of 11° 20' 27", an arc distance of 273.95 feet; thence
- 18) South 89° 51' 05" East, along the existing City of Madera limits, a distance of 554.77 feet; thence
- 19) South 89° 35' 15" East, along the existing City of Madera limits, a distance of 56.01 feet; thence
- 20) North 89° 35' 16" East, along the existing City of Madera limits, a distance of 130.00 feet to a point on the East line of the Southeast quarter of said Section 16; thence
- 21) South 00° 24' 45" East, along said East line and along the existing City of Madera limits, a distance of 1302.08 feet to the Southeast corner of said Section 16; thence
- 22) Leaving the existing City of Madera limits North 89° 48' 54" West, along the South line of said Section 16, a distance of 148.22 feet to the intersection with the southerly line of that certain parcel granted to the United States of America in a document recorded March 21, 1961 in Volume 793 of Official Records, Page 518, Madera County Records; thence along said southerly line and the northerly bank of the Fresno River the following seven (7) courses
- 23) North 66° 56' 05" West, a distance of 138.48 feet; thence
- 24) North 70° 42' 05" West, a distance of 22.40 feet; thence
- 25) North 74° 29' 05" West, a distance of 742.30 feet; thence
- 26) North 82° 03' 05" West, a distance of 44.80 feet; thence
- 27) North 89° 37' 05" West, a distance of 601.00 feet; thence
- 28) South 75° 38' 55" West, a distance of 86.50 feet; thence
- 29) South 60° 54' 55" West, a distance of 498.72 feet to a point on the South line of said Section 16; thence
- 30) North 89° 48' 54" West, along the South line of said Section 16 and along the South line of said parcel granted to the United States of America, a distance of 525.87 feet to the Southwest corner of said parcel; thence

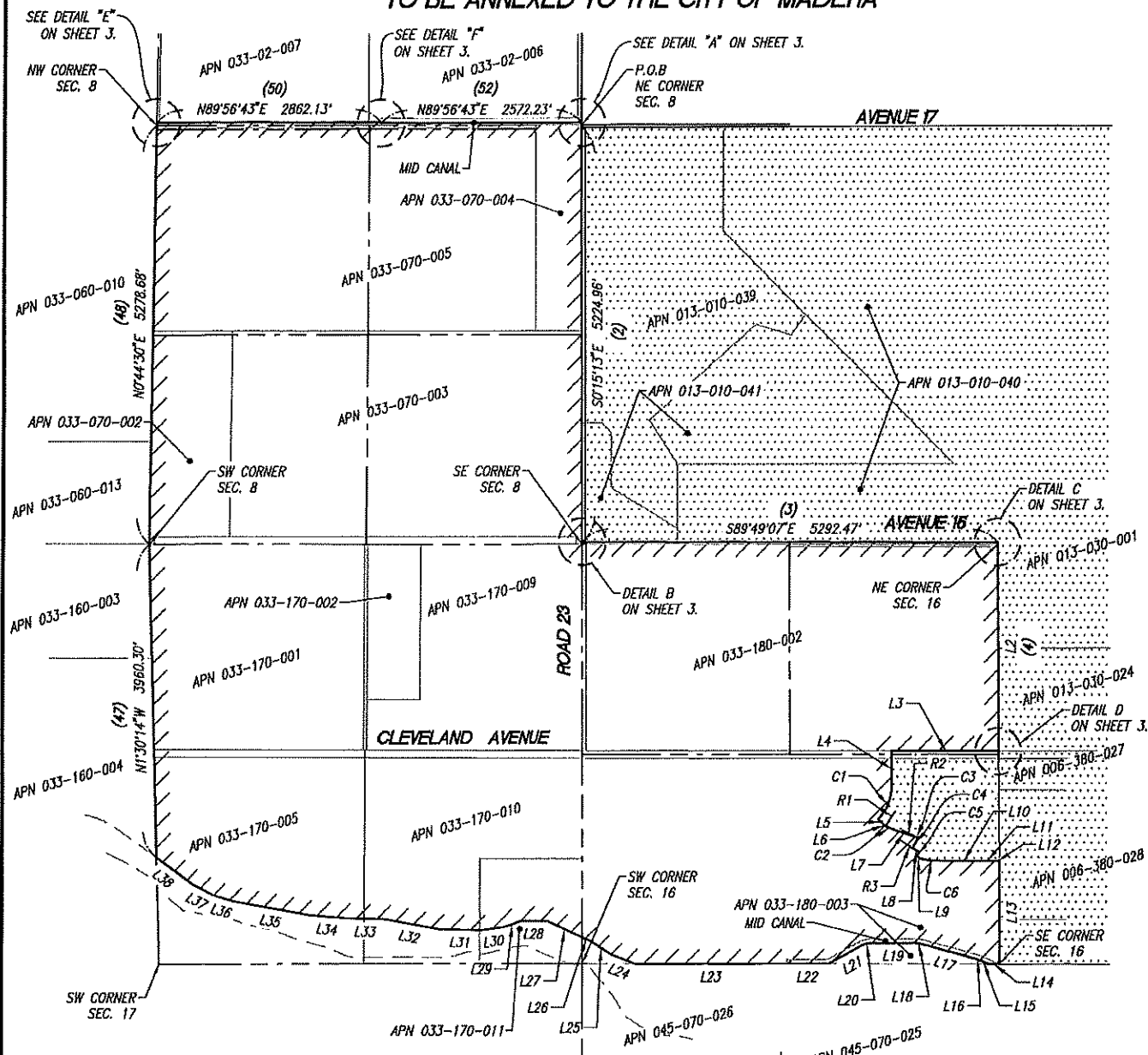
- 31) North 89° 48' 54" West, continuing along said South line of said Section 16, a distance of 1941.92 feet to a point on the northerly bank of said Fresno River; thence along the said northerly bank the following seventeen (17) courses
- 32) North 69° 04' 15" West, a distance of 311.45 feet; thence
- 33) North 57° 03' 13" West, a distance of 335.00 feet; thence
- 34) North 65° 28' 56" West, a distance of 107.01 feet to a point on the West line of the Southwest quarter of said Section 16; thence
- 35) North 65° 28' 56" West, a distance of 495.46 feet; thence
- 36) North 89° 59' 11" West, a distance of 349.14 feet; thence
- 37) South 70° 37' 41" West, a distance of 236.96 feet; thence
- 38) South 82° 37' 10" West, a distance of 285.82 feet; thence
- 39) North 88° 36' 04" West, a distance of 541.36 feet; thence
- 40) North 79° 43' 59" West, a distance of 692.98 feet; thence
- 41) North 88° 24' 45" West, a distance of 477.74 feet; thence
- 42) North 84° 55' 33" West, a distance of 480.17 feet; thence
- 43) North 80° 00' 04" West, a distance of 956.04 feet; thence
- 44) North 74° 41' 00" West, a distance of 307.81 feet; thence
- 45) North 62° 21' 29" West, a distance of 289.54 feet; thence
- 46) North 53° 23' 39" West, a distance of 571.28 feet to a point on the West line of said Section 17; thence
- 47) North 1° 30' 14" West, leaving the northerly bank of the Fresno River and along the West line of said Section 17, a distance of 3960.30 feet to the Southwest corner of said Section 8; thence
- 48) North 00° 44' 31" East, along the West line of said Section 8, a distance of 5278.38 feet to the Northwest corner thereof; thence
- 49) North 00° 45' 44" East, along the West line of said Section 5, a distance of 40.00 feet; thence
- 50) North 89° 56' 43" East, along a line that is parallel with and 40.00 feet north of the South line of said Section 5, being the north right of way of Avenue 17, a distance of 2862.13 feet; thence
- 51) South 00° 45' 44" East, a distance of 10.00 feet; thence
- 52) North 89° 56' 43" East, along a line that is parallel with and 30.00 feet north of the South line of said Section 5, being the north right of way of said Avenue 17, a distance of 2572.23 feet to a point on the East line of said Section 5; thence
- 53) South 00° 15' 13" East, along the East line of said Section 5, a distance of 30.00 feet to the Point of Beginning.

Contains an area of: 1,851 Acres, more or less.



Peter D. Coombs

VILLAGES AT ALMOND GROVE REORGANIZATION TO BE ANNEXED TO THE CITY OF MADERA



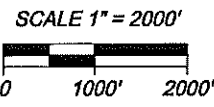
LEGEND:

- PROPERTY LINE
- RIGHT-OF-WAY
- SECTION LINE
- EXISTING CITY LIMITS
- AREA TO BE ANNEXED TO THE CITY OF MADERA
1,851 ACRES MORE OR LESS.

NOTES:

ANNEXATION TO THE CITY OF MADERA

PORTIONS CONTAINED HEREIN ARE SECTION 8, 16 & 17, TOWNSHIP 11 SOUTH, RANGE 17 EAST, M.D.B.M.



Peter D. Cohrs

LICENSED LAND SURVEYOR

PETER D. COHRS

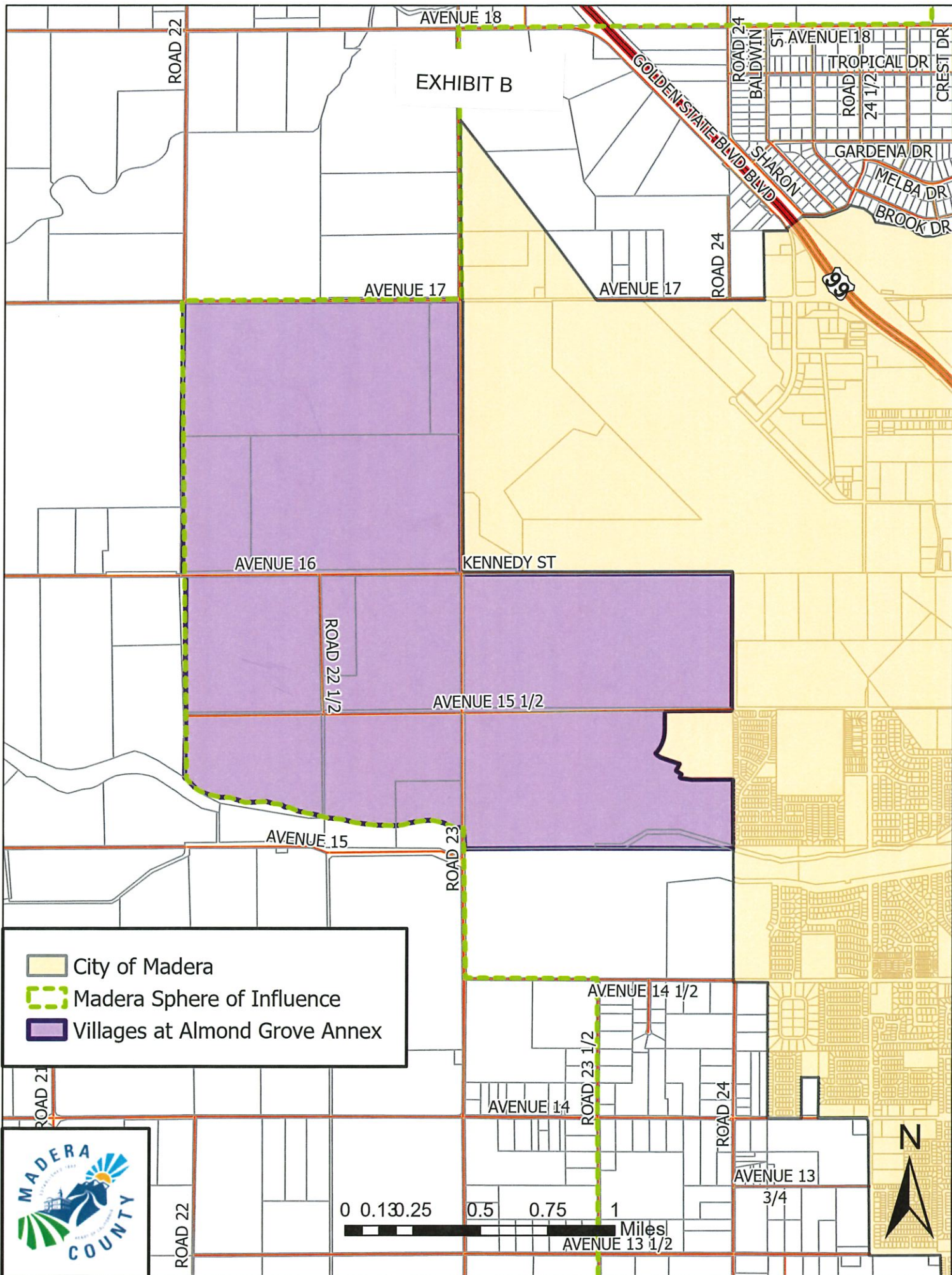
LS 5096

Exp. Date 6-30-23

STATE OF CALIFORNIA

PROJECT: 20171615-081 SURVEY AND MAPPING SURVEY EXHIBITS 16-059 ANNEXATION 6-10-2022.DWG 8/16/2022 11:16:18 PM

	EXHIBIT	PROJECT NAME:		SHEET
	DESCRIPTION: ANNEXATION TO THE CITY OF MADERA	THE VILLAGES AT ALMOND GROVE		1
		6/13/2022	18-059	



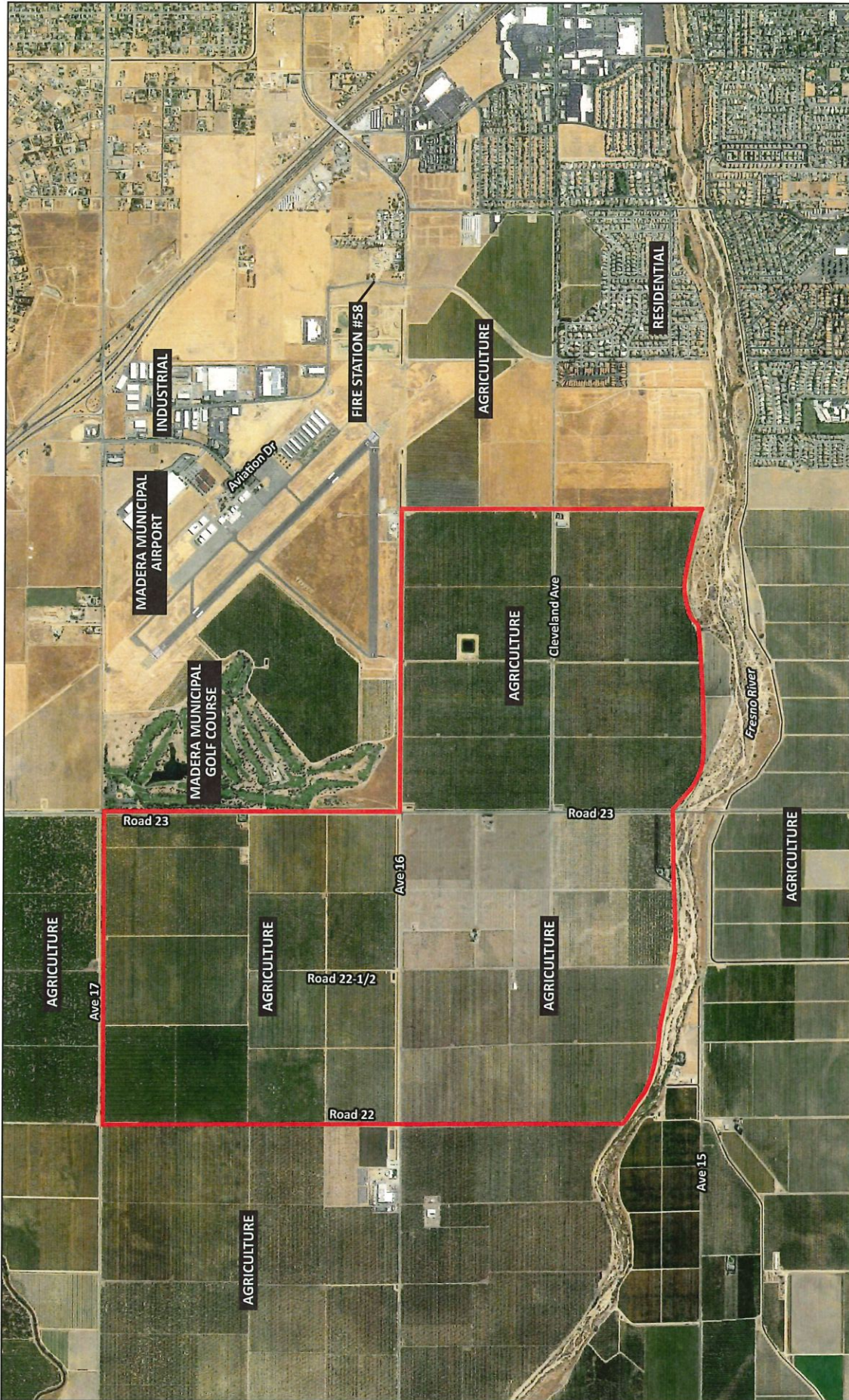
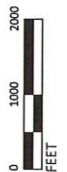


FIGURE 3-2

The Villages at Almond Grove Specific Plan EIR
Existing Land Uses

LSA



 Project Boundary

SOURCES: Google Earth, 8/23/2018; LSA, 2021

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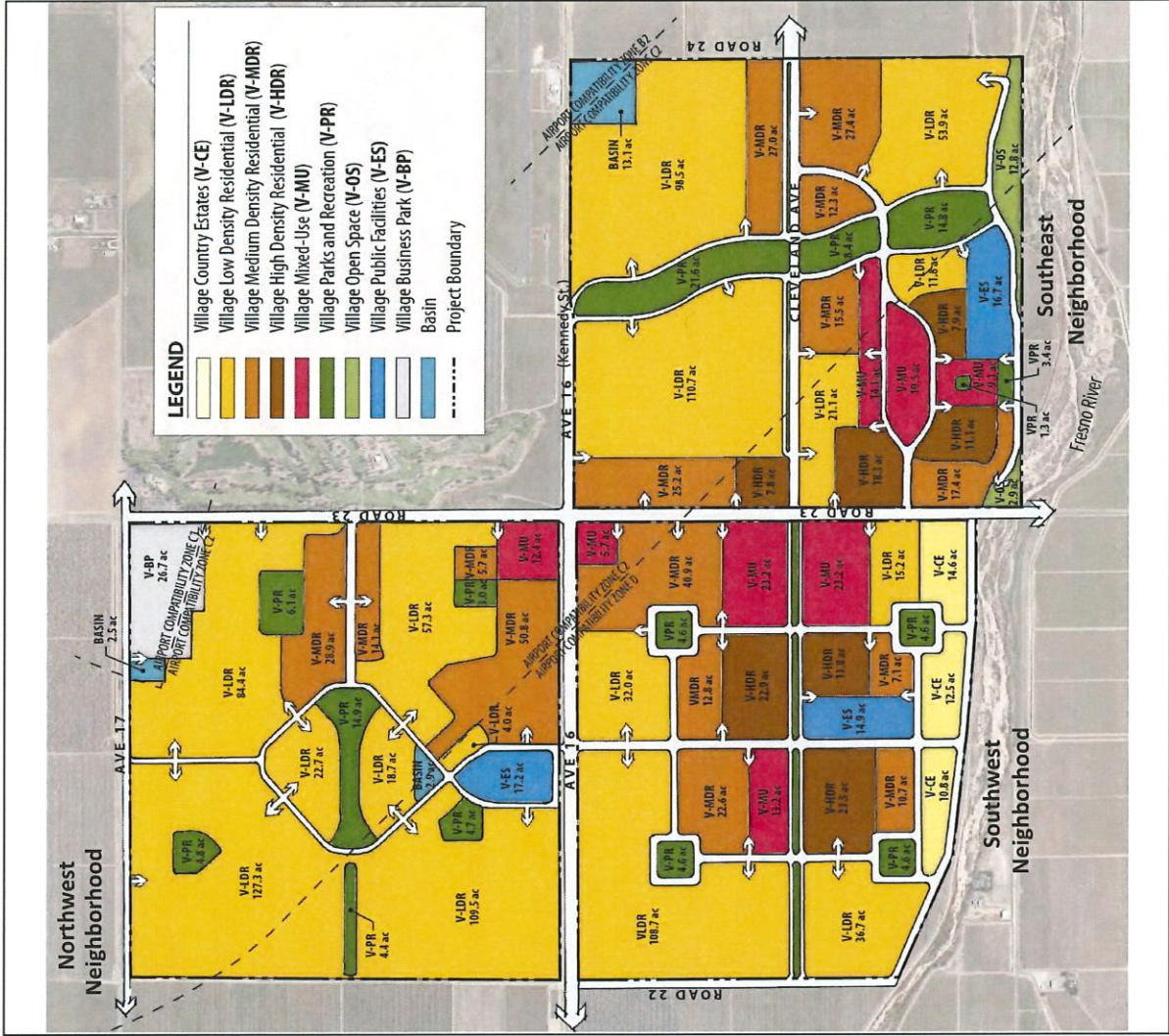


FIGURE 3-3

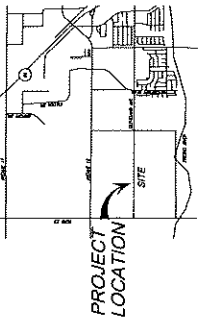
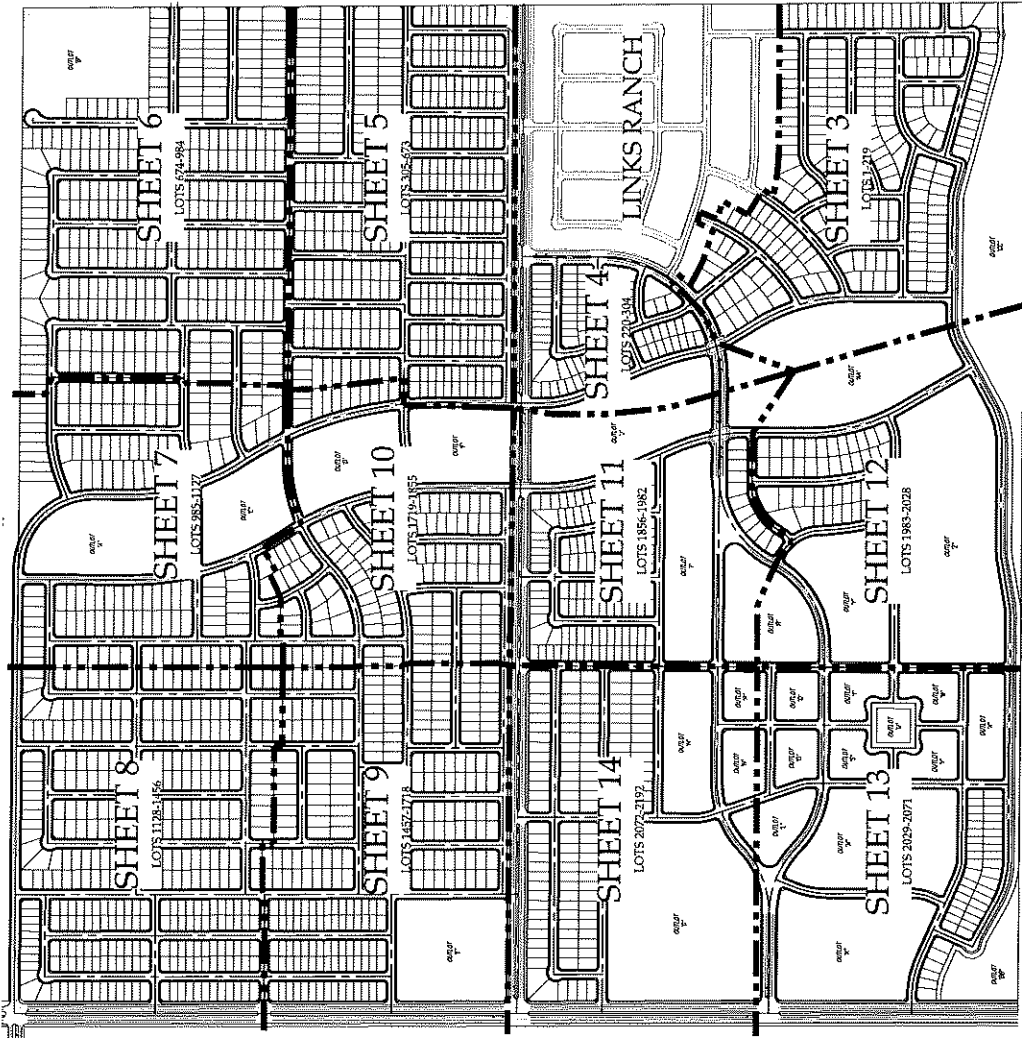
The Villages at Almond Grove Specific Plan EIR
Land Use Plan

SOURCE: The Villages at Almond Grove Specific Plan, February 2021

\\CORPORATE\FREProjects\CMD1801_Madera Village D\PRODUCTS\Graphics\Figure 3-3_a (12/20/2021)

TENTATIVE TRACT MAP NO. 2020-02

IN THE CITY OF MADERA, COUNTY OF MADERA, CALIFORNIA
PREPARED ON JANUARY 2, 2020
SHEET 1 OF 14



VICINITY MAP
BY [Street Name]

SITE INFORMATION
ADDRESS: [Address]
CITY: [City]
COUNTY: [County]
STATE: [State]
ZIP: [Zip]

LEGAL DESCRIPTION
[Detailed legal description text]

LOT SIZE COUNT
[Table of lot sizes and counts]

NOTES
[List of notes regarding the map and site]

OUTLOT NOTES
[List of outlot notes regarding adjacent properties]

ADDITIONAL NOTES
[List of additional notes regarding the map and site]



EXHIBIT E

DATE _____

SECRETARY OF PLANNING COMMISSION

PLANNING & SURVEYING & CIVIL ENGINEERING
1104 D STREET, FRESNO, CALIFORNIA 93711
TEL: 539-659-0999 FAX: 539-644-4375
WWW.PRECISIONINC.COM



CITY OF MADERA
SHEET NO. 02
TENTATIVE TRACT MAP NO. 02
THE VILLAGES AT ALMOND GROVE

R. F. A. F.
MADERA, CA 93544
RD BOX 2717

APPROVED BY: [Signature]
DATE: [Date]
CHECKED BY: [Signature]
DATE: [Date]

PLANNING & SURVEYING & CIVIL ENGINEERING, INC.
1104 D STREET, FRESNO, CALIFORNIA 93711
TEL: 539-659-0999 FAX: 539-644-4375
WWW.PRECISIONINC.COM

RESOLUTION NO. 22-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA INITIATING ANNEXATION OF THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN AREA (ANNEXATION NO. 22-01)

WHEREAS, the City of Madera desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that “[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]” and

WHEREAS, the specific changes of organization requested consists of annexation to the City of Madera and detachment from the County of Madera of the area known as the Villages at Almond Grove Specific Plan (“Specific Plan”); and

WHEREAS, the Specific Plan area includes three (3) active Williamson Act contracts (Parcels 033-170-001, 033-170-009, and 003-170-005) in the southwest portion of the area (all of which are not currently proposed for development);

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit “A” attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is within the Sphere of Influence (SOI) and the Urban Growth Boundary of the City of Madera; and

WHEREAS, the City has an agreement with the County of Madera to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which MOU includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Madera 2025 General Plan adopted October 7, 2009, which was a comprehensive update to the City’s then-existing General Plan, as further implemented by the Specific Plan; and

WHEREAS, the Specific Plan area contains approximately 12 existing parcels containing approximately 1,883 acres within the City’s existing Urban Growth Boundary, and is bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east (see Exhibit “A”); and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment No. 2017-02, Specific Plan No. 2017-01 (adopting the Specific Plan), Pre-Zoning/Rezoning No. 2017-05, Zoning Ordinance/ Madera Municipal Code Text Amendment No. 22-01, and Annexation No. 22-01; and

WHEREAS, the City prepared an Environmental Impact Report (EIR) (SCH #2018081051) for the Specific Plan, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on April 5, 2022, to consider a recommendation to the City Council regarding annexation of the Specific Plan area; and

WHEREAS, in conjunction with the public hearing on April 5, 2022, the Planning Commission considered a recommendation of rezoning and annexation for the Specific Plan area, consistent with the Specific Plan and the General Plan, as amended; and

WHEREAS, on April 20, 2022, the City Council (1) adopted the findings required by CEQA Guidelines, section 15091; (2) certified the Specific Plan Environmental Impact Report (EIR) (SCH #2018081051); (3) adopted the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopted a statement of overriding considerations, pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission recommended the City Council initiate the annexation of the Specific Plan area; and

WHEREAS, the City Council now desires to initiate annexation by approving Annexation No. 22-01.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an environmental impact report ("EIR") (SCH #2018081051) to evaluate the environmental effects of the Project, including the proposed annexation. As such, the City Council find that the annexation and related Specific Plan and project entitlements are specifically anticipated and assessed in the EIR, are consistent with the purpose and intent of the EIR, and identified annexation as being subject to streamlining under CEQA based on consistency with those documents. The impacts associated with the annexation was previously analyzed in the EIR. Further, the City Council find that there is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR. Additionally, there is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR, and no potentially significant adverse effects peculiar to the Project. The

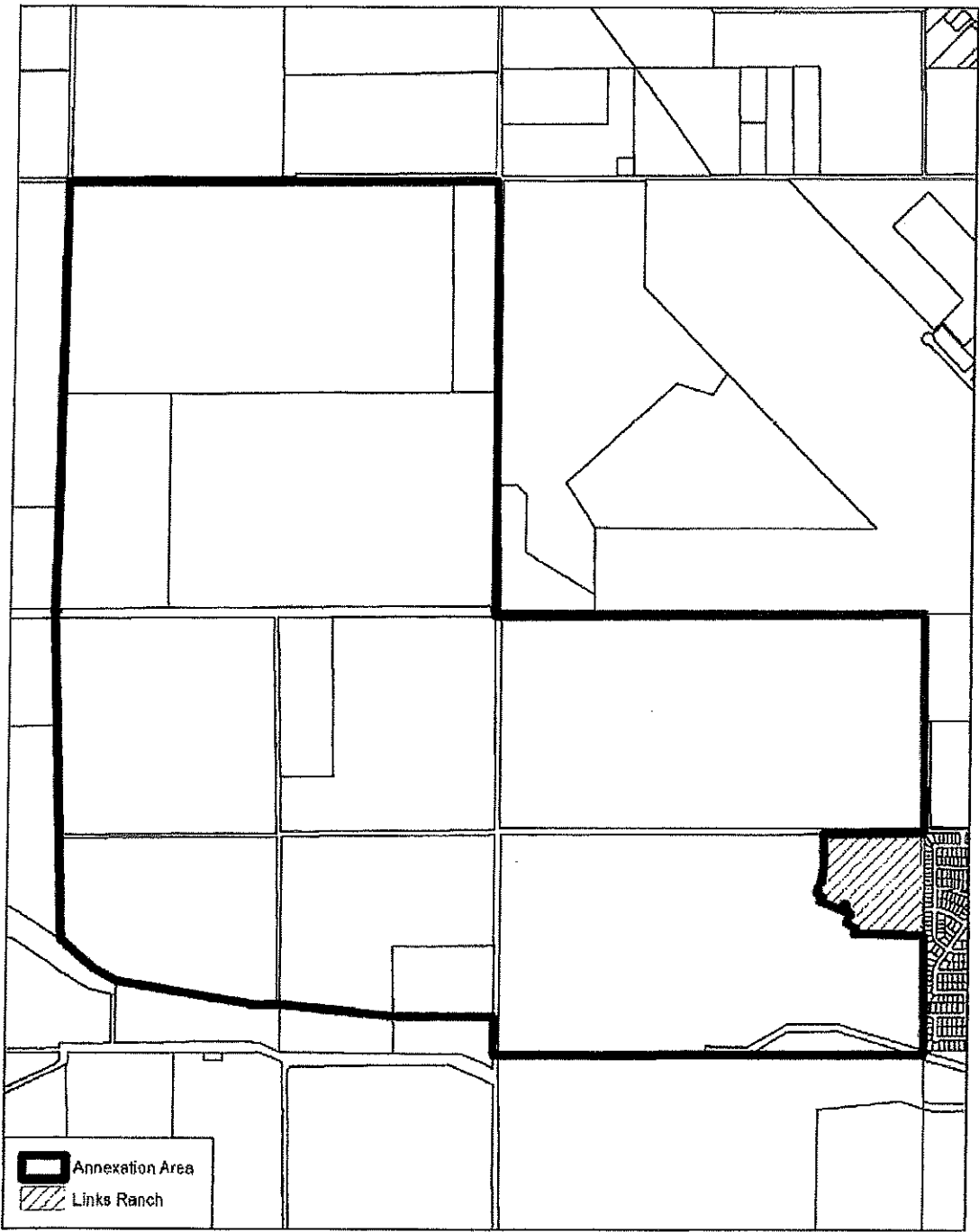
City Council find that there are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, that have a more severe adverse impact than assessed in the EIR. Furthermore, none of the mitigation measures and alternatives previously determined to be infeasible are now feasible. Finally, no new mitigation measures or alternatives that would substantially reduce one or more significant effect on the environment have been identified. Based upon these findings, the City Council determine that no further environmental documentation is required for this project.

3. General Plan Consistency. The City Council finds that the annexation is consistent with the goals, objectives, and policies of the Madera General Plan, as amended by GPA No. 2017-02.
4. Recommendation for Approval. Based on the information provided above, the City Council of the City of Madera approves to initiate annexation for the entire Villages at Almond Grove Specific Plan area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Madera County to initiate proceedings for the change of organization of territory as described in Exhibit "A", in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
5. Effective Date of Resolution. This Resolution shall become effective immediately.

* * * * *

Exhibit A: The Villages of Almond Grove Specific Plan – Proposed Area of Annexation.

EXHIBIT "A"
PROPOSED AREA OF ANNEXATION



Source: County of Madera



The proposed area of annexation consists of approximately 1,843 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

Current Assessor Parcel Numbers:

- » 0331-700-01
- » 0330-700-02
- » 0330-700-03
- » 0330-700-04
- » 0330-700-05
- » 0331-700-02
- » 0331-700-05
- » 0331-700-09
- » 0331-700-10
- » 0331-700-11
- » 0331-800-02
- » 0331-800-03

PASSED AND ADOPTED by the City Council of the City of Madera this 4th day of May 2022 by the following vote:

AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None

ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ORDINANCE NO. 991 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 1,883 ACRES WITHIN THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN, WHOSE LOCATION IS BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST, FROM AGRICULTURAL RURAL EXCLUSIVE - 40 ACRES (ARE-40) AND AGRICULTURAL RURAL EXCLUSIVE - 20 ACRES (ARE-20), AS WELL AS PD 4500 (PLANNED DEVELOPMENT, ONE UNIT PER 4,500 SQUARE FEET OF SITE AREA), TO THE SPECIFIC PLAN (SP) ZONE DISTRICT.

THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. At its meeting on April 20, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also approved Specific Plan No. 2017-01 known as the "The Villages at Almond Grove Specific Plan" (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing on April 5, 2022 and recommended approval of, among others, the General Plan Amendment and Specific Plan. Additionally, the Planning Commission recommended approval of Pre-Zoning/Rezoning 2017-05 (Prezone/Rezone) to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20) and rezone the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council desires to approve the Prezone/Rezone.

SECTION 2. Based on the testimony and information presented at its public hearing, the City Council finds that Pre-Zone/Rezone No. 2017-05 i) is consistent with the Specific Plan and General Plan goals, objectives, and policies, and will provide the required consistency between the General Plan, as amended, and zoning; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; iii) is necessary to promote public necessity, convenience, general welfare, and good zoning practices; iv) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements; v) City services are either available or can be extended to serve the area; and vi) adoption is in the best interests of the City. The Plan area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the

City of Madera consistent with City zoning as identified in the Specific Plan. Such determinations are based on the administrative record including the following:

- a. General Plan and Specific Plan Consistency. The Prezone/Rezone is consistent with the goals, policies, and objectives, including the General Plan Housing Element and EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning. The Prezone/Rezone will allow for implementation of the Specific Plan, as is consistent with the General Plan land use designation of "Specific Plan Area," which allows the Plan to develop land use standards and regulations tailored to the Plan Area. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

The Prezone/Rezone is a necessary step to ensuring viable development that would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing. For example, the project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component and would provide a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

Further, the mixed-use nature of the Specific Plan as implemented by the Prezone/Rezone encourages diversification and development of the City's economic base. The Specific Plan provides substantial diversification in terms of residential verses commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely to be spent locally, resulting in additional tax revenues and economic development. This is consistent with General Plan Goal SUS-1 (establish and maintain a diverse and sustainable local economy), as well as Policy SUS-11 (abundant commercial opportunities and development of a strong local workforce), Policy SUS-13: (support operation of local businesses that supply goods and services needed in City); and

Policy SUS-15 (promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.) The employment opportunities are designed to also encourage the use of ridesharing (consistent with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15).

The implementation of the Specific Plan through this rezone also complies with General Plan Policy LU-14, in that the project has prepared a Public Facilities Financing Plan (PFFP) that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. General Plan Policy CD-20 calls for the comprehensive planning of Villages that is consistent with overall City standards, which has been met here. Finally, the Prezone/Rezone is consistent with the Specific Plan specific policies including those related to conformity with Building Blocks principles; agricultural buffers; the provision of a Village core area providing for an integrated mix of uses, including park and open space uses, along the Fresno river; development designed to take advantage of river frontage, alignment of arterials, and compliance with the Airports Land Use Master Plan.

- b. The Prezone/Rezone will promote and protect the public's health, safety, peace, comfort, convenience and general welfare. As discussed above, the Prezone/Rezone implements the Specific Plan, which is consistent with the General Plan. All aspects of these documents, including the Specific Plan's Public Facilities Financing Plan (PFFP), work together to promote the public welfare including housing, jobs, convenience of access, aesthetic values, protection of environmental values, protection of public and private improvements, etc.
- c. City Services. As extensively discussed in the EIR, City services are available or can be extended to serve the area. Additionally, the City has approved the PFFP, which i) articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan.

SECTION 3. Given that all of the findings can be made, the City Council approves Pre-Zone/Rezone No. 2017-05, to prezone the property within the County of Madera that is currently zoned Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20) and rezones the smaller area within City limits that is currently zoned PD 4500 (Planned Development, one unit per 4,500 square feet of site area), to the Specific Plan (SP) Zone District. The City Council hereby amends the City of Madera Zoning Map as illustrated in Attachment "A," which is attached and incorporated by reference and which indicates the segment of the City of Madera Zoning Map to be amended. To the extent not already annexed, territory annexed to the City subject to Pre-Zone/Rezone No. 2017-05 shall be automatically added to the City of Madera's official zone map. Pre-zoning shall be recorded on the official zone map in the same

manner as change of zoning district amendments, but shall be identified by the use of parentheses enclosing the district symbols. Such pre-zoning classification shall become the effective zoning of the property at the same time that the annexation becomes effective.

SECTION 4. Based on the testimony and information presented at its public hearing, the City Council finds that the City previously prepared and certified the EIR for The Villages at Almond Grove Specific Plan. The EIR identified that implementation of the proposed project would require certain approvals, including approval of pre-annexation zoning and rezoning. This pre-annexation zoning and rezoning was included within the scope of the project, and was environmentally assessed in the EIR. The pre-annexation zoning and rezoning does not change the environmental assessment of the EIR. Further, the EIR was certified on April 12, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Pre-Zoning/ Rezoning 2017-05 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

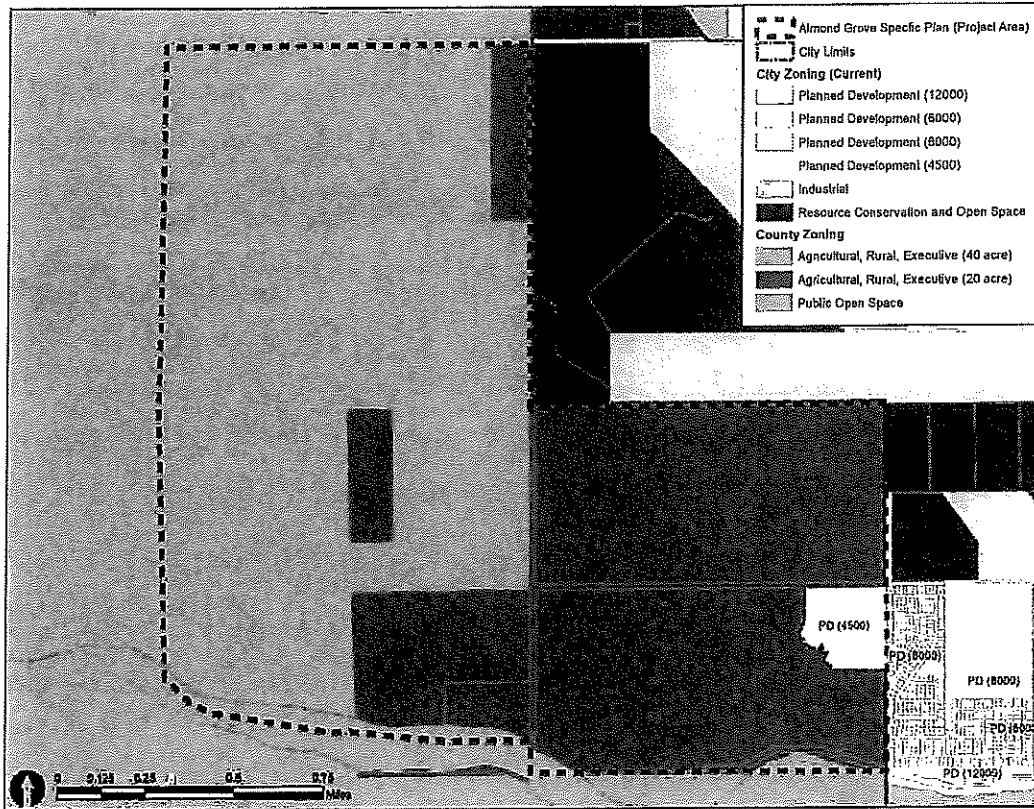
SECTION 6. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

SECTION 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

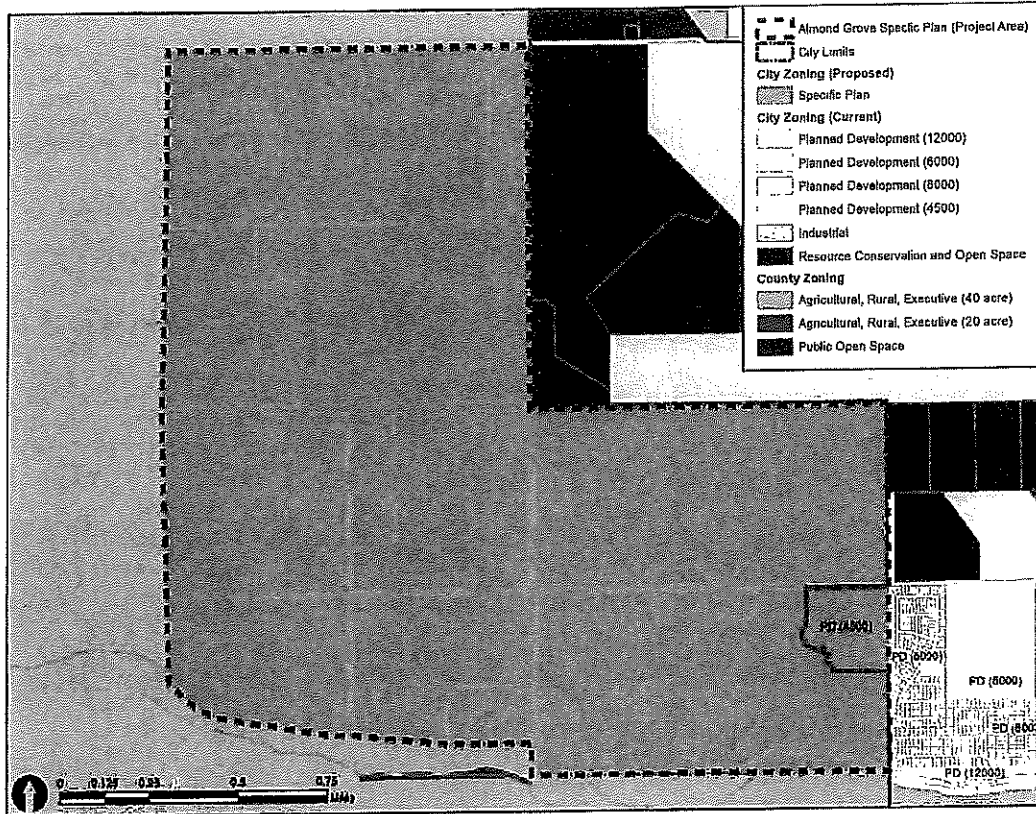
* * * * *

ATTACHMENT "A"

Prior Zoning



New Zoning



The foregoing Ordinance No. 991 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 April 2022 and adopted after a second reading at a regular meeting of the City Council held on 4th day of May 2022 by the following vote:


AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

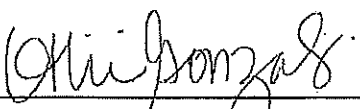
ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ORDINANCE NO. 993 C.S.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA ADOPTING
THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN
(SPECIFIC PLAN NO. 2017-01)****THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:**

SECTION 1. At its meeting on April 20, 2022, the City Council approved General Plan Amendment 2017-02 (General Plan Amendment), and also introduced this ordinance regarding Specific Plan No. 2017-01 known as the “The Villages at Almond Grove Specific Plan” (Specific Plan) located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. As part of that meeting, the City Council also certified an Environmental Impact Report (SCH #2018081051) (EIR) and adopted a mitigation monitoring and reporting program (MMRP) for the project. The Planning Commission of the City of Madera previously held a hearing on April 5, 2022 and recommended approval of, among others, the Specific Plan (Specific Plan No. 2017-01). The City Council desires to approve the Specific Plan No. 2017-01.

SECTION 2. The City Council finds that the City has policies encouraging preparation of specific plans or master plans in certain areas prior to the properties being developed. The City Council finds that Specific Plan No. 2017-01 is in the best interest of the City, and is not detrimental to public health, safety, or welfare. The City Council approves Specific Plan No. 2017-01 as set forth below.

SECTION 3. Based on the testimony and information presented at its public hearing, the City Council finds that Specific Plan No. 2017-01 is consistent with State and local requirements, including the following findings:

- i) *State Law Consistency:* The Specific Plan is consistent with the requirements of Government Code section 65450 *et seq.*, including the following:
 - The Specific Plan includes the distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.
 - The Specific Plan includes proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Plan.
 - The Specific Plan includes standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

- The Specific Plan includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the items listed above.
 - The Specific Plan includes a statement of the relationship of the specific plan to the general plan.
- ii) *General Plan Consistency:* The City Council finds that the Specific Plan has been prepared in conformance with the goals, policies, and objectives of the General Plan as amended. The Specific Plan is consistent with the General Plan land use designation of “Specific Plan Area,” which allows the Plan to develop land use standards and regulations tailored to the Plan Area. The Specific Plan Area land use designation will be applied to areas where a Specific Plan is adopted by the City. This change will assist the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth.

Ensuring viable development would also assist in the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing, including goals to provide adequate sites to meet the 2013-2023 RHNA (Objective H-1), assist in the development of housing to meet need of lower-income households (Objective H-2), and adequately remove governmental constraints to housing development (Objective H-3). For example, the project addresses the City’s current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs. As such, the project would address the City’s current and projected housing needs for all segments of the community by providing a range of single and multi-family homes.

As further described in Table 4.11.A of the EIR prepared for this project: General Plan Policies Related to Land Use and Planning, the Specific Plan is consistent with the General Plan as amended. For example, the Specific Plan’s Public Facilities Financing Plan (PFFP) complies with General Plan Policy LU-14 as i) it articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden; and ii) it analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. The Specific Plan is also consistent with other General Plan goals, policies, and objectives including Goal SUS-1, Policies SUS-11, SUS-13, and SUS 15. The

Specific Plan also incorporates Village D Specific Policies that guides development in the Plan Area. These Village D policies include mixed of uses in the core area, river frontage design along the Fresno River, conformance with the Building Blocks principles, etc. These guidelines are addressed in the circulation, land use, development standards, and design guidelines of the Specific Plan. As such, the Specific Plan is consistent with the City of Madera General Plan

- iii) *Madera Countywide Airport Land Use Compatibility Plan*: The airport land use compatibility plan (ALUCP) contains individual compatibility plans for the Chowchilla Municipal Airport and the Madera Municipal Airport, the two public-use airports in Madera County. Under California Government Code Section 65302.3(a), general plans must be consistent with any airport land use plan adopted pursuant to Public Utilities Code Section 21675. The Specific Plan includes appropriate land use types and densities located within the airport zones to ensure consistency with the ALUC plan, and future development within the airport zones would be required to comply with the restrictions of the ALUC plan prior to approval both by law and per the General Plan.
- iv) *Climate Action Plan*: As further described in EIR Table 4.8.F: Project Consistency with the City of Madera Climate Action Plan, the implementation of Mitigation Measure GHG-1.1 would ensure the proposed Specific Plan incorporates design features consistent with the applicable measures as included in the City's Climate Action Plan (CAP). With implementation of these measures, the Specific Plan is in compliance with the City's CAP.

SECTION 4. Given that all of the findings can be made, the City Council approves Specific Plan 2017-01 (including the associated public facilities financing plan [PFFP]), as set forth in Attachment A.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 6. Based on the testimony and information presented at its public hearing on April 20, 2022, the City Council finds that the City previously prepared and certified an Environmental Impact Report (SCH #2018081051) (EIR) for The Villages at Almond Grove Specific Plan (Specific Plan). Further, the EIR was certified on April 20, 2022. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 since that time as no substantial changes have been proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which

the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the EIR that the project will have significant effect not discussed in the EIR. As such, the City Council finds Specific Plan No. 2017-01 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines Section 15162, and no further action or review is required under CEQA.

SECTION 7. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 993 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 April 2022 and adopted after a second reading at a regular meeting of the City Council held on 4th day of May 2022 by the following vote:

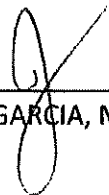
AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

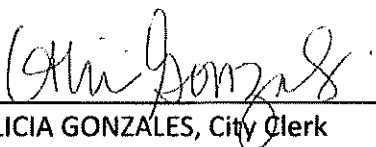
ABSENT: None.

APPROVED:

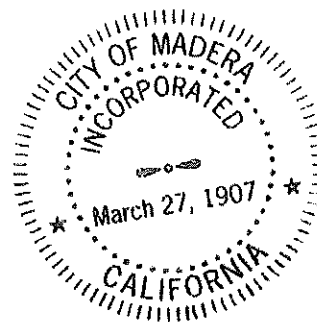


SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



RESOLUTION NO. 22-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA TO (1) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (2) CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH #2018081051) FOR THE PROPOSED THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (A 1,883-ACRE AREA BOUNDED BY AVENUE 17 ON THE NORTH, ROAD 22 ON THE WEST, THE FRESNO RIVER ON THE SOUTH, AND ROAD 23 AND ROAD 24 ON THE EAST), INCLUDING GENERAL PLAN AMENDMENT (GPA 2017-02), PRE-ZONING/ REZONING (REZ 2017-05), ANNEXATION (2022-01), ZONING ORDINANCE TEXT AMENDMENT (OTA 2022-01) AS WELL AS THE TWO RELATED SUBDIVISIONS (TSMs 2020-02 and 2020-03); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM, AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the project known as the "The Villages at Almond Grove Specific Plan" (Specific Plan), a specific plan, is located on approximately 1,883 acres in the west of the City of Madera bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east. The project also includes, within the boundaries of the Specific Plan, Vesting Tentative Subdivision Map 2020-02 on approximately 645 acres and Vesting Tentative Subdivision Map 2020-03 on approximately 661 acres; and

WHEREAS, the Specific Plan proposes a mix of uses consisting of low-, medium- and high-density residential uses, commercial uses, office uses, and public spaces for schools, parks and recreational areas. The project would include approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, and approximately 55 acres of schools and other public facilities; and

WHEREAS, approval of the Specific Plan would require approval of General Plan Amendment 2017-02, Specific Plan No. 2017-01 (adopting the Specific Plan), Pre-Zoning/ Rezoning 2017-05, Annexation No. 2022-01, and Zoning Ordinance Text Amendment No. OTA 2022-01; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Tentative Subdivision Map 2020-02 on behalf of the property owners, Fagundes, Fagundes, Fagundes, for private development within the Southeast Neighborhood portion of the Specific Plan area that will create a 2,390-lot residential subdivision and 29 outlets, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site is broken up into 27 blocks and will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses; and

WHEREAS, Precision Civil Engineering, Inc., has submitted the related Tentative Subdivision Map 2020-03, also on behalf of the property owners, Fagundes, Fagundes, Fagundes, for private development within the Northwest Neighborhood portion of the Specific Plan area that will create a 2,815-lot residential subdivision and 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed- use developments, and 1 for a future school site. The site is broken up into 36 blocks and will be primarily a mix of Low-Density and Medium-Density residential uses; and

WHEREAS, as a result the following entitlements are being considered for approval by the City Council:

- Specific Plan No. 2017-01 (Adopting the Villages at Almond Grove Specific Plan)
- Environmental Impact Report (SCH #2018081051)
- General Plan Amendment (GPA) No. 2017-02
- Pre-Zone/Rezone (REZ) No. 2017-05
- Annexation (ANX) No. 2022-01; and
- Zoning Ordinance/ Madera Municipal Code Text Amendment (OTA) No. 2022-01 (Southeast Neighborhood)

And the following have been contingently approved by the Planning Commission:

- Tentative Subdivision Map (TSM) No. 2020-02 (Southeast Neighborhood)
- Tentative Subdivision Map (TSM) No. 2020-03 (Northwest Neighborhood)

(collectively "Project"); and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Environmental Impact Report (SCH #2018081051) (as further defined below, the "EIR") in order to evaluate the proposed Project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City and distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on August 17, 2018 (re-issued on December 3, 2019), after which a public scoping meeting was held during the NOP review period on September 12, 2018, and December 18, 2018; and,

WHEREAS, the draft EIR ("DEIR") was circulated for a 45-day public review and comment period commencing on December 23, 2021, a copy of the Draft EIR (DEIR) was circulated through the State Clearinghouse (SCH #2018081051), posted on the City's website, and was available at the Madera City Hall; and

WHEREAS, the public review period for the DEIR ended on February 7, 2022; and

WHEREAS, a Final EIR (FEIR) was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the DEIR; and

WHEREAS, the City of Madera on March 16, 2022, published a legal notice in compliance with State law concerning Planning Commission consideration of the EIR in the Madera Tribune, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the EIR. In addition, on or prior to March 18, 2022, a public hearing notice was mailed to each property owner within at least 300 feet of the Project site, as well as to all property owners within the Specific Plan area, indicating the date and

time of the public hearing regarding the proposed Project (including the EIR) in accordance with State law; and

WHEREAS, on April 5, 2022, the Planning Commission recommended approval of the EIR and related project after it conducted a duly noticed public hearing on the EIR as defined below; and

WHEREAS, on April 20, 2022, the City Council conducted a duly noticed public hearing on the EIR as defined below, at which time it received input from City Staff, the City Attorney's office, and the developers; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the City Council of the City of Madera, after which public testimony was closed; and

WHEREAS, the City Council has reviewed the EIR and all associated documents prepared for the project, the staff reports pertaining to the EIR, and all of the evidence received by the City Council; and

WHEREAS, Section 21000 of the Public Resources Code and Section 15000 *et. seq.* of Title 14 of the California Code of Regulations ("CEQA Guidelines") which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment caused by the Specific Plan and the associated tentative Subdivision maps; and

WHEREAS, the City Council declares that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, technical, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve a project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (CEQA Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (CEQA Guidelines Section 15093).

WHEREAS, after deliberation and consideration of all relevant items, the City Council desires to (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the EIR; (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

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

NOW, THEREFORE, the City Council of the City of Madera resolves as follows:

1. Recitals. The City Council hereby specifically finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. EIR Contents. The EIR consists of the following:

- a. The FEIR including any attached appendices;
- b. The DEIR including attached appendices;
- c. The Notice of Preparation and comments received in response to the Notice of Preparation;
- d. The Mitigation Monitoring and Reporting Plan ("MMRP");
- e. Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
- f. Comments received on the DEIR with responses to each of the comments made;
- g. The Notice of Completion and Availability of the DEIR for public review; and
- h. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "EIR").

3. Accompanying Documents To EIR. Documents that shall accompany and be part of the EIR are:

- a. Mitigation Monitoring and Reporting Program; and
- b. Findings of Fact and Statement of Overriding Considerations.

4. Certification Of Compliance With California Environmental Quality Act. The City Council does hereby find that the EIR (Exhibit "A" to this Resolution, a copy which is on file with the City's Planning Department), the Findings of Fact and the Statement of Overriding Considerations (Exhibit "B" to this Resolution), and the Mitigation Monitoring and Reporting Program (Exhibit "C" to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.

5. CEQA Findings of Fact, Mitigation Monitoring And Reporting Program and Statement of Overriding Considerations.

- a. *Adopt Findings of Fact*. The City Council approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit "B" of this Resolution.
- b. *Certify Environmental Impact Report*. The City Council certify that (1) the EIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the EIR prior to approving the project; and (3) that the EIR reflects the City Council's independent judgment and analysis.
- c. *Feasible and Binding Effect of Mitigation Monitoring and Reporting Program*. As more fully identified and set forth in EIR and in the Findings of Fact for this Project, which is Exhibit "B" to this Resolution, the City Council finds that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.
- d. *Adopt Statement of Overriding Considerations*. Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the proposed modified Project directly, or cumulatively, will remain. The

proposed Project has been carefully reviewed and the policies included in the proposed Project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the proposed Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the City Council issues and approves a Statement of Overriding Considerations in the form set forth in Exhibit "B," which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable.

- e. *Adopt Mitigation Monitoring and Reporting Program.* As required by applicable State law, the City Council adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit "C" of this Resolution. The City Council finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.
6. Custodian of Records. The City Clerk is the custodian of records for documents comprising the record of the proceedings upon which its decision is based. These documents are maintained at City Hall, located at 205 West 4th Street, Madera, CA 93637.
7. Effective Date of Resolution. This Resolution shall become effective immediately.

* * * * *

- Exhibit A: Environmental Impact Report (provided as a separate document).
- Exhibit B: Findings of Fact and the Statement of Overriding Considerations.
- Exhibit C: Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED by the City Council of the City of Madera this 20th day of April 2022 by the following vote:

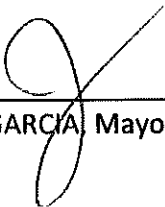
AYES: Mayor Garcia, Councilmembers Gallegos, Montes, Evans and Villegas.

NOES: None.

ABSTENTIONS: None

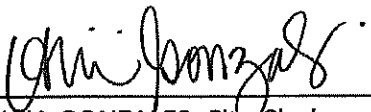
ABSENT: Councilmembers Rodriguez and Mejia.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



NOTICE OF DETERMINATION

2022035

TO: County Clerk
County of Madera
200 West 4th Street
Madera, CA 93637

FROM: City of Madera
205 West 4th Street
Madera, CA 93637
Contact: Gary Conte, Planning Manager
Phone: (559) 661-5430

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number: 2018081051

Project Title: The Villages at Almond Grove Specific Plan
(Previously known as Village D Specific Plan)

Project Applicant: Fagundes, Fagundes, Fagundes
P.O. Box 2717
Merced, CA 95344
(209) 534-6254

Project Location: The Project is bound by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east, in Madera, California.

Project Description: The Specific Plan envisions the development of a new compact mixed-use community that creates walkable and bikeable streets, and integrates open space throughout the area west of the City limits. The Specific Plan proposes to implement a village concept that would create opportunities for commercial development to be integrated with park and open space amenities. At buildout, the Specific Plan would provide approximately 10,783 residential units, approximately 1,830,000 square feet of commercial and office space, approximately 258,000 square feet of industrial space, approximately 164 acres of parks and recreational area, and approximately 54 acres of public facilities, including schools. In addition, the proposed Specific Plan would include infrastructure improvements including roadways and utilities. Project components include Specific Plan Amendment No. 2017-01 (adopting the Specific Plan); General Plan Amendment No. 2017-02 (land use diagram and text amendments), Pre-Zone/Rezone No. 2017-05 (rezoning to "Specific Plan" zoned district), Zoning Ordinance/Madera Municipal Code Amendment No. OTA 2022-01 (adding a specific plan zone district (SP Zone); development standards), Annexation No. 22-01 (initiating annexation), and Tentative Tract Maps 2020-02 and 2020-03 (subdividing land).

FILED
MADERA COUNTY
2022 APR 21 P 2:14
REBECCA MARTINEZ
COUNTY CLERK

This is to advise that the City of Madera as Lead Agency has approved the above described project on April 20, 2022 and has made the following determinations regarding the above described project:

- 1. The Project will have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures were made a condition of the approval of the project.
- 4. A Mitigation Monitoring and Reporting Program was adopted for this project.
- 5. A Statement of Overriding Considerations was adopted for this project.
- 6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at 205 West 4th Street, Madera, CA 93637.

Signature: 

Name & Title: Gary Conte, Planning Manager

Date: April 21, 2022

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT

53.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
 20-04212022-035
 STATE CLEARINGHOUSE NUMBER (if applicable)
 2018081051

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MADERA	LEAD AGENCY EMAIL gconte@madera.gov	DATE 04/21/2022
COUNTY/STATE AGENCY OF FILING MADERA		DOCUMENT NUMBER 2022035
PROJECT TITLE THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN (PREVIOUSLY KNOWN AS VILLAGE D SPECIFIC PLAN)		

PROJECT APPLICANT NAME FAGUNDES, FAGUNDES, FAGUNDES	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 534-6254
PROJECT APPLICANT ADDRESS PO BOX 2717	CITY MERCED	STATE CA
		ZIP CODE 95344

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|-------------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ | <u>\$3,539.25</u> |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,548.00 | \$ | _____ |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | _____ |
|
 | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
|
 | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | _____ |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | <u>\$50.00</u> |
| <input type="checkbox"/> Other | | \$ | _____ |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ \$3,589.25

SIGNATURE X <i>A. Marks</i>	AGENCY OF FILING PRINTED NAME AND TITLE Anne Marks, Deputy County Clerk-Recorder
---------------------------------------	---

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



May 27, 2022

MAD-99

The Villages at Almond Grove Specific Plan
<https://ld-igr-gts.dot.ca.gov/district/6/report/25127#36987>

SENT VIA EMAIL

Dave Braun, LAFCO Executive Officer
MADERA COUNTY LAFCO
200 West 4th Street, Suite 3100, Madera, CA
David.Braun@maderacounty.com

Dear Mr. Bruan,

Thank you for the opportunity to review the proposed annexation to the City of Madera. The Villages at Almond Grove Specific Plan and Annexation (2022-001) consists of 12 existing parcels totaling approximately 1,883 acres. The site is located in the northwest area of the City of Madera's existing Urban Growth Boundary and is generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River (Avenue 15 Alignment) on the south, and Road 23 and Road 24 on the east.

The project proposes a mixed-use development consisting of 10,783 single- and multiple-family residential dwellings, as well as commercial uses, office uses, and open space areas.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans recommends the County of Madera establish a Development Impact Fee Program and/or Vehicle Miles Traveled (VMT) mitigation bank to offset project related impacts to the State Highway System and local road network.
2. For future residential development, Caltrans recommends project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.
3. The City should consider establishing policies for the installation of Level 2 Electric Vehicle (EV) charging for single- and multi-family residential units as well as DC Fast Charging EV charging stations for retail, commercial, park and public facilities.

Dave Braun, LAFCO Executive Officer: The Villages at Almond Grove Specific Plan
May 27, 2022
Page 2

4. The project proponent(s) should also consider coordinating with nearby planned bike networks for a larger active transportation network.
5. Caltrans commends the Project for implementing multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce future projects' traffic related impacts.
6. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Padilla', with a long horizontal flourish extending to the right.

David Padilla, Branch Chief
Transportation Planning – North

Reorganization Required Analysis

EXHIBIT O

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 – Villages at Almond Grove Annexation (2022-001). 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.
- (l) 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:

Item F- Properties along the Fresno River include the River channel within their property. Since the River channel is outside the City of Madera Sphere of influence, the portion of these properties within the River Channel have been excluded from the annexation.

BEFORE
THE MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA

In the Matter of)	Resolution No. 2022-007
)	
CITY OF MADERA)	A RESOLUTION MAKING
)	DETERMINATIONS AND APPROVING
)	THE APPLICATION OF THE CITY OF
)	MADERA – VILLAGES AT ALMOND
)	GROVE ANNEXATION (2022-001)
)	

WHEREAS, the City of Madera, 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 twelve parcels and public street right-of-way consisting of approximately 1,851 acres into the City of Madera; and

WHEREAS, proceedings regarding the Proposal have been conducted in accordance with the CKH Act of 2000; and

WHEREAS, the City of Madera rezoned the subject properties on May 4, 2022; and

WHEREAS, the Commission called for and held a public hearing on the Proposal on June 22, 2022; and

WHEREAS, at the hearing this Commission heard and received all oral and written protests, objections and evidence which 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 Environmental Impact Report 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 twelve parcels and public street right-of-way on approximately 1,851 acres as shown on Exhibit A.
2. 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.
3. 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	810
Low Income	405
Moderate Income	1215
Above Moderate Income	1620
Total RHNA allocations	4050

4. The short-term designation shall be "City of Madera – Villages at Almond Grove Annexation" (2022-001).
5. Comply with the memorandum from the California Department of Transportation dated May 27, 2022, upon development of the subject site.
6. The annexation is uninhabited as defined by Government Code Section 56046.
7. The City of Madera's Environmental Impact Report 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 and election proceedings unless written opposition to such waiver of subsequent protest and election proceedings is received prior to the conclusion of the Commission meeting. Written opposition to the Commission's intent to waive subsequent protest and election proceedings may be filed with the Madera LAFCO Executive Officer. If a protest hearing is required, the Commission authorizes the Executive Officer to schedule and conduct such a hearing.
9. Direct the Executive Officer to prepare and execute a Certificate of Completion upon receipt of required processing fees required by Section 57200 (made payable to the State Board of Equalization).

The foregoing Resolution was adopted this 22nd day of June 2022, by the following vote:

Chair Ahmed Voted: Yes

Chair Pro Tem Poythress Voted: Yes

Commissioner Rodriguez Voted: Yes

Commissioner Wheeler Voted: Abstain

Commissioner Young Voted: Abstain



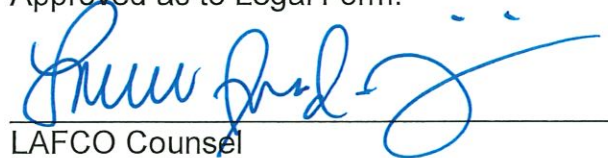
Waseem Ahmed, Chair
Madera Local Agency Formation Commission

ATTEST:



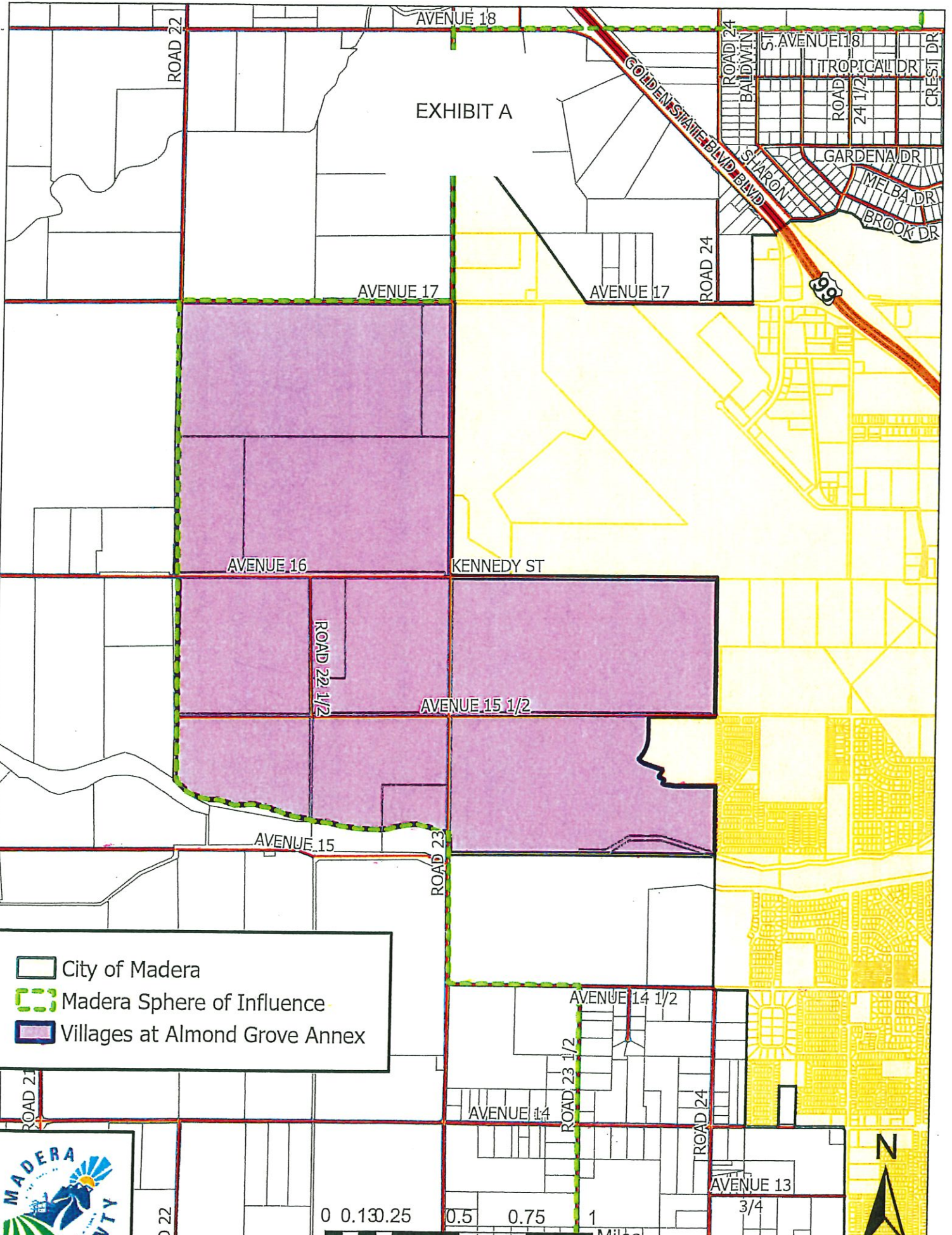
Executive Officer, LAFCO

Approved as to Legal Form:

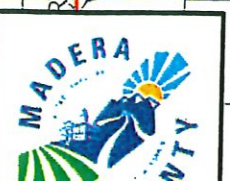


LAFCO Counsel

EXHIBIT A



- City of Madera
- Madera Sphere of Influence
- Villages at Almond Grove Annex



0 0.130.25 0.5 0.75 1 Miles



MADERA COUNTY CONTRACT NO. 12236-22
(Tax Sharing Agreement Under Revenue and Taxation
Code Section 99: Villages at Almond Grove Annexation)

THIS TAX SHARING AGREEMENT is made and entered into this 21 day of June, 2022 by and between the CITY OF MADERA ("CITY") and the COUNTY OF MADERA ("COUNTY"), and is subject to the following terms:

RECITALS

A. The parties previously executed a Tax Sharing Agreement ("the Previous Tax Sharing Agreement") on June 6, 2017, and that Agreement was extended several times and finally expired on June 6, 2022 (also known as Madera County Contract No. 10896-C-2017). The Previous Tax Sharing Agreement addressed tax sharing (both property tax and sales tax), land use planning, police protection, public library and related matters in which the parties had a mutual interest.

B. The property owners of property identified on Exhibit "A" and depicted on Exhibit "B" seek to have approximately 1843 acres annexed into the City of Madera and an application for such annexation has been filed with the Madera County Local Agency Formation Commission ("LAFCO"). LAFCO has named the proposed annexation as the "Villages at Almond Grove-Annexation 2022-001" (hereafter the "Villages at Almond Grove Annexation").

C. On May 4, 2022, the City Council of the CITY adopted its Resolution 22-60, supporting the Villages at Almond Grove Annexation.

D. The COUNTY is prepared to assert no opposition to the proposed Villages at Almond Grove Annexation, subject to the terms of this Agreement.

//

E. COUNTY recognizes the need for orderly growth within and adjacent to CITY and for supporting appropriate annexations and promoting the concentration of development within the CITY.

F. The parties agree that this Agreement is intended as a property tax exchange Agreement applicable only to the property and tax rate areas encompassed within the Villages at Almond Grove Annexation, as shown on Exhibits "A," and "B" for purposes of Revenue and Taxation Code Section 99.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The Recitals are true and correct.
2. DEFINITIONS. Unless the particular provision or context otherwise requires, the definitions contained in this section and in the Revenue and Taxation Code shall govern the construction, meaning, and application of words used in this Agreement.
 - a. "Base property tax revenues" means Property tax revenues allocated by tax rate equivalents to all taxing jurisdictions as to the geographic area comprising a given tax rate area annexed in the fiscal year immediately preceding the tax year in which Property tax revenues are apportioned pursuant to this Agreement, including the amount of State reimbursement for the homeowners' and business inventory exemptions.
 - b. "Property tax increment" means that portion of the levied taxes in excess of the amount specified in Section 2.a., above, attributable to the Villages at Almond Grove Annexation tax rate areas, described in Section 3.b.

//

- c. "Property tax revenue" means base Property tax revenue, plus the Property tax increment for a given tax rate area.
- d. "Tax rate equivalent" means the factor derived for an agency by dividing the property tax levy for the prior fiscal year computed pursuant to § 97 of the Revenue and Taxation Code by the gross assessed value of the agency for the prior fiscal year.

3. EXCHANGE OF PROPERTY TAX REVENUES TO BE MADE UNDER § 99 OF THE REVENUE AND TAXATION CODE.

- a. The Property tax revenues collected in relation to the Villages at Almond Grove Annexations shall be apportioned between CITY and COUNTY as set forth in § 3(b) below. The parties acknowledge that, pursuant to §§ 54902, 54902.1 and 54903 of the Government Code and §§ 97 and 99 of the Revenue and Taxation Code, the distribution of such Property tax revenues will not be effective until the revenues are collected in the tax year following the calendar year in which the statement of boundary change for the Villages at Almond Grove Annexation is filed with the County Assessor and the State Board of Equalization.
- b. In regards to the tax rate areas within the Villages at Almond Grove Annexation, COUNTY will retain all of its Base property tax revenues upon annexation. In addition, CITY shall receive one-half (1/2) of COUNTY's share of the Property tax increment and COUNTY shall receive one-half (1/2) of the COUNTY's share of the Property tax increment within said tax rate areas.

4. GENERAL PROVISIONS.

- a. Term. This Agreement shall take effect upon being fully executed by both parties and shall remain in effect through December 31, 2022.
- b. Termination Due to Changes in Law. The purpose of this Agreement is to alleviate in part the revenue shortfall experienced by COUNTY, which may result from CITY's annexation of revenue-producing or potentially revenue-producing properties located within the unincorporated area of COUNTY. The purpose of this Agreement is also to enable CITY to proceed with territorial expansion and economic growth consistent with the terms of existing law as mutually understood by the parties as well as to maximize each party's ability to deliver essential governmental services. In entering into this Agreement, the parties mutually assume the continuation of the existing statutory scheme for the distribution of available tax revenues to local government and that assumption is a basic tenet of this Agreement. Accordingly, it is mutually understood and agreed that this Agreement may, by mutual agreement be terminated should changes occur in statutory law, court decisions or State administrative interpretations which negate the basic tenets of this Agreement.
- c. Modification. This Agreement and all of the covenants and conditions set forth herein may be modified or amended only by a writing duly authorized and executed by the parties.

- d. Enforcement. COUNTY and CITY each acknowledge that this instrument cannot bind or limit themselves or each other or their future governing bodies in the exercise of their discretionary legislative power. However, each binds itself that it will insofar as is legally possible fully carry out the intent and purposes hereof, if necessary by administrative action independent of ordinances, and that this Agreement may be enforced by injunction to the extent allowed by law.
- e. Entire Agreement; Supersession. With respect to the subject matter hereof, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understandings of any nature whatsoever between COUNTY and CITY except as otherwise provided herein.
- f. Notice. All notices, requests, certifications or other correspondence required to be provided by the parties to this Agreement shall be in writing and shall be delivered by first-class mail or an equal or better form of delivery to the respective parties at the following addresses:

COUNTY

County Administrative Officer
Madera County
200 West 4th Street
Madera, CA 93637

APPLICANT

City Administrator
City of Madera City Hall
205 West 4th Street
Madera, CA 93637

With Copy to

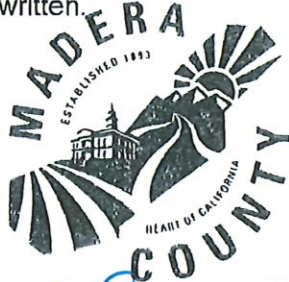
Clerk of the Board
Madera County Board of Supervisors
200 West 4th Street
Madera, CA 93637

g. Notice of Breach. Except as otherwise provided in this Agreement for a breach of its terms and conditions, the parties may enforce this Agreement in any manner authorized by law, following thirty (30) days written notice of a breach.

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IN WITNESS WHEREOF the foregoing Agreement is executed on the date and year first above-written.



ATTEST:

Helen Scrivner
Clerk, Board of Supervisors

COUNTY OF MADERA

Brett Perry
Chairman, Board of Supervisors

CITY OF MADERA

By: Arnoldo Rodriguez
(Signature)
Arnoldo Rodriguez

(Print Name)

Title: City Manager

Approved as to Legal Form:
COUNTY COUNSEL

By: Scott C.

ACCOUNT NUMBER(S)

EXHIBIT A

The proposed area of annexation consists of approximately 1,843 acres in the west of the City of Madera generally bounded by Avenue 17 on the north, Road 22 on the west, the Fresno River on the south, and Road 23 and Road 24 on the east.

Current Assessor Parcel Numbers:

- » 0331-700-01
- » 0330-700-02
- » 0330-700-03
- » 0330-700-04
- » 0330-700-05
- » 0331-700-02
- » 0331-700-05
- » 0331-700-09
- » 0331-700-10
- » 0331-700-11
- » 0331-800-02
- » 0331-800-03

EXHIBIT B

