



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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MEETING MINUTES

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

LAFCO Meeting
Wednesday, September 28, 2022
11:00 A.M.

1. CALL TO ORDER

Chair Waseem Ahmed called the meeting to order at 11:00 a.m.

Roll Call: Roll call given by LAFCO Clerk Joann Zuniga.

Commissioners Present: Waseem Ahmed, City Member (Chowchilla)
Robert Poythress, County Member
Jose Rodriguez, City Member (Madera)
Laura Young, Public Member At-Large
Mark Stamas, Alternate Public Member At-Large

Commissioners Absent: Tom Wheeler, County Member

Others Present: Dave Braun, Executive Officer
Joann Zuniga, LAFCO Clerk
Laurie Avedisian-Favini, Attorney at Law, LAFCO Legal Counsel
Wally Nishimoto, Business Systems Analyst, Tech Assistance

Pledge of Allegiance: Chair Waseem Ahmed led recitation of the Pledge of Allegiance.

The Chair made one change to the agenda, which was to move and consider Item 3-A first on the agenda to allow Commissioners to continue to remotely meet by teleconference pursuant to California Government Code Section 54953(e) of the Brown Act.

Adoption of a Resolution of the Madera Local Agency Formation Commission proclaiming the continuing need to meet by teleconference pursuant to Government Code Section 54953(e).

Dave Braun stated Governor Newsome's temporary suspension of the Brown Act meeting requirements, which had allowed meeting participation by teleconference, had expired. Braun stated with passage of Assembly Bill 361, the modified teleconferencing would be allowed to continue subject to certain requirements of Government Code Section 54953(e); stated the State of Emergency still existed and Madera County Public Health Officer Dr. Simon Paul recommended measures to promote social distancing, which included public meeting teleconferencing.

Dave Braun recommended the Commission adopt a resolution to continue to allow remote meeting participation by teleconferencing within the requirements of Assembly Bill 361. Braun stated the resolution would only be valid for a 30-day period and that the resolution would need to be renewed monthly.

Commissioner Poythress moved to approve the resolution, seconded by Commissioner Rodriguez; motion passed by a vote of 4 to 0, with 1 member absent.

Vote: Yes - Poythress, Rodriguez, Young, Ahmed
 No - None
 Absent - Wheeler
 Abstain - None

The Commission passed Resolution No. 2022-008 approving remote meeting participation by teleconferencing during a declared State of Emergency in accordance with Government Code Section 54953(e) (Assembly Bill 361).

2. PUBLIC COMMENT PERIOD

Chair Waseem Ahmed called for public comment. There was none. The Chair closed the public comment period.

3. CONSENT CALENDAR

Review and Approval of Meeting Minutes of June 22, 2022.

Commissioner Rodriguez moved to approve the June 22, 2022, meeting minutes, seconded by Commissioner Young; motion passed by a vote of 4 to 0, with 1 member absent.

Vote: Yes - Rodriguez, Young, Poythress, Ahmed
 No - None
 Absent - Wheeler
 Abstain - None

The Consent Agenda was approved. The June 22, 2022, meeting minutes were approved and filed as presented.

4. NEW MATTERS

Riverstone Annexation No. 2 (2022-002) – CSA-22

Riverstone Annexation No. 2 (2022-002) was filed by Madera County and proposes annexation of approximately 1,636 acres within the Riverstone (formerly Gateway Village) Planned Development to County Service Area No. 22. The property is located west of State Route 41 between the Avenue 10 and Avenue 13 alignments.

Recommendation: Approve with Findings and Conditions

Staff Presentation

Executive Officer Dave Braun stated Madera County filed for annexation of approximately 1,636 acres of property in the Riverstone Development (formerly Gateway Village) to County Service Area No. 22 (CSA-22); stated the annexation would allow development within the Riverstone Planned Development consistent with the approved Gateway Village Specific Plan; stated the annexation area covered the entire Riverstone Development except for Village A, which previously had been annexed into CSA-22 in 2015 under Riverstone Annexation No. 1. Braun stated the area proposed for annexation was contiguous to County Service Area No. 22 and within its Sphere of Influence boundary and was located west of State Route 41 between the Avenue 10 and Avenue 13 alignments.

Dave Braun stated in 2013 Riverstone Development submitted a Plan for Services outlining the future needs for services in the area and the need for annexation to County Service Area No. 22 to provide for a range of services such as fire protection, parks, street landscaping, road maintenance; stated Zones of Benefit would be created to authorize and provide those services within the boundary of CSA-22; stated Madera Mosquito and Vector Control District provided services to the subject area through a tax increment collected in property taxes; stated Root Creek Water District provides water service, wastewater collection, and stormwater services through the adoption of a Development Agreement between the applicant and the County of Madera.

Dave Braun stated in 2015 the County approved a tentative map for the area proposing 3,683 single-family residential lots along with commercial, mixed use, and open space land uses. Braun stated as housing demands increased, the development in Riverstone extended beyond the boundaries of Village A into Village B. Zones of Benefit were approved by the County to provide services to this property within Village B but the Zones of Benefit were intended to be within CSA-22 and the area had not yet been annexed into CSA-22.

Dave Braun stated Madera County filed an out-of-area service request with LAFCO for County Service Area 22 to temporarily provide services within the portion of the Riverstone Development that was not within CSA-22 until annexation to CSA-22 was approved. The out-of-area service request was approved by LAFCO on December 15, 2021.

Dave Braun stated the County of Madera adopted and certified a Final Environmental Impact Report for the Riverstone project; stated LAFCO reviewed the documents and found that no further environmental documentation was needed for proposed Riverstone Annexation No. 2; recommended adoption of the environmental analysis.

Dave Braun recommended approval of the annexation subject to conditions as outlined in the staff report; stated it was the intent of the Commission to waive subsequent protest and election proceedings as required by Government Code Section 56663 unless written opposition was received prior to the conclusion of the September 28, 2022, Commission meeting.

Public Comments

The Chair opened the hearing for public comment. There were no comments from the public. The public hearing was closed.

Commission Action

Commissioner Poythress moved to approve the Madera County Riverstone Annexation No. 2 (2022-002), County Service Area No. 22 (CSA-22) and the findings and conditions as outlined in the staff report, seconded by Commissioner Rodriguez.

Vote: Yes - Poythress, Rodriguez, Young, Ahmed
 No - None
 Absent - Wheeler
 Abstain - None

Riverstone Annexation No. 2 (County Service Area 22) was approved by LAFCO Resolution 2022-009.

5. COMMISSIONER REPORTS

There were no reports.

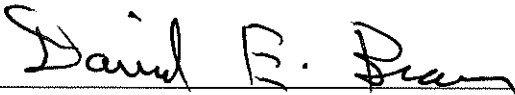
6. EXECUTIVE OFFICER REPORTS

Executive Officer Braun commented that he would be attending the CALAFCO 2022 Annual Conference in Newport Beach, California, on October 19, 20, 21, 2022.

7. ADJOURNMENT

Chair Ahmed adjourned the meeting at 11:20 a.m.

Submitted by:



LAFCO Executive Officer David E. Braun

Approval Date: December 14, 2022