

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

ORDINANCE NO. 710

**(An Ordinance of the Madera County Board of Supervisors Enacting a
New Chapter 13.50 to Title 13 of the Madera County Code Relating to
Water Regulations Applicable within County Service Area 22C)**

The Board of Supervisors of the County of Madera, State of California ordains as follows:

SECTION 1. Chapter 13.50 is added to Title 13 of the Madera County Code, to read as follows:

"Chapter 13.50 – County Service Area 22C Regulations.

13.50.010 – Purpose.

The Gunner Ranch West Domestic Water System is operated by Madera County Service Area ("CSA") 22, Zone of Benefit C to provide domestic water to all of CSA 22C. The System is subject to the provisions of Title 13 (Waters and Sewers) of the Madera County Code. This Chapter 13.50 is enacted to supplement the provisions of Title 13, Article I relating to Water, and to codify those provisions specific to water service provided by CSA 22C.

13.50.020 – Definitions.

All defined terms not defined below shall have the same meaning as used in Title 13:

- A. "Application for Service" means an application made in accordance with Section 13.89.010.1, by a Property Owner for water utility service to be provided by CSA 22C through an existing or new Connection.

- B. "Application Approval Letter" means a letter sent by the Manager confirming approval of an Application for Service to a new or existing Connection, which may set forth conditions to such approval.
- C. "Board" means the Madera County Board of Supervisors.
- D. "Connection" means the facilities that connect the System to the private water distribution facilities for any permitted development on any Parcel, which shall include a water meter and a backflow prevention device.
- E. "CSA 22C" means the County of Madera Service Area number 22, Zone of Benefit C.
- F. "IMP" means the Infrastructure Master Plan for CSA 22C adopted by Madera County Resolution No. 2014-104 dated July 21, 2014, together with the Madera County CSA 22C Infrastructure Master Plan Update dated November 2022 as maintained by Madera County, as may be updated from time to time.
- G. "Improvement Area #1" has the same definition as in County resolution 2022-201: Intention to Establish a Community Facilities District No. 2022-02.
- H. "Improvement Area #2" has the same definition as in County resolution 2022-201: Intention to Establish a Community Facilities District No. 2022-02.
- I. "MAC" means the Municipal Advisory Council of CSA 22C, which makes recommendations on all matters related to the System, subject to approval of the Board.
- J. "Manager" is the Public Works Director of Madera County, or such other person or organization designated by the Board. The Manager will administer

the System and enact any recommendations from the Board to ensure compliance by Property Owners and each Connection to the System.

- K. "Parcel" means a parcel of land within CSA 22C established as a separate parcel pursuant to the requirements of the California Subdivision Map Act.
- L. "Property Owner" means all persons or entities who own title to a Parcel.
- M. "System" means the Gunner Ranch West Domestic Water System that has been planned and constructed to allow CSA 22C to provide domestic water to all Parcels within County Service Area 22C.
- N. "Required System Capacity for New Connections" means available capacity in the System as determined by the Manager that is sufficient to fully serve:
(i) all then existing CSA 22C development; (ii) plus the capacity of the new Connection; (iii) plus sufficient capacity to serve the lesser of 600,000 building square feet of new development within Improvement Area #2 of CSA 22C; or
(2) the remaining entitled building square footage of development within CSA 22C Improvement Area #2.
- O. "VCH Campus" means the lands within CSA 22C Improvement Area #2 boundaries, which are more particularly described on Sheet 2 of the Proposed Boundaries of County of Madera Community Facilities District No. 2022-2 (Gunner Ranch) as approved in Resolution No. 2022-201 and recorded on December 30, 2022, in the Official Records of the County of Madera as Document No. 2022-32034, which is incorporated herein by reference.

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13.50.030 – Water Rates.

Water Rates will be set by the Board in accordance with the Title 13 requirements and California state law. In setting Water Rates for the System, the Board may consider and fund the following through Water Rates:

- A. Water Rates may be tiered to impose progressively higher rates based on higher volumes used by individual Connections, provided such rates are consistent with the actual cost of providing service at a given level of usage.
- B. Water Rates may include a component that is proportionately imposed on all Connections to fund a reserve to finance the ongoing cost of the System's capital costs and other costs of providing water service.
- C. Water Rates may include a component that is proportionately imposed on all Connections to fund efforts to promote water conservation and groundwater balance, including, without limitation, ongoing well monitoring and an annual analysis of groundwater usage and recharge within CSA 22C.

13.50.040 – Applications for Service.

- A. All Applications for Service will be prepared and submitted in accordance with section 13.89.010.1 requirements subject to the following: The Application for Service will require the Property Owner to provide information and make legal commitments, as prescribed by the Board. These commitments will be required to begin water service and to continually receive water service from the System. The required information and legal commitments set forth in the Application for Service may be modified from time to time by the Board and may include, among other things:

1. Evidence of the Applicant's ownership of the Parcel to be served.
2. Demonstration that the Applicant's proposed Connection will comply with the Title 13 requirements, the IMP, and other Madera County and California laws and regulations.
3. For new Connections, engineered plans for the proposed Connection that meet the requirements of the Title 13 requirements and the IMP, and also include other details that may be requested by the Manager. Notwithstanding the foregoing, an Applicant may incorporate existing backflow prevention devices into any Connection at locations which may not be in compliance with the Title 13 requirements if both of these conditions are met: (a) the backflow prevention device has been installed with County approval to serve the previous VCH Campus water system; and (b) the Manager determines that such backflow prevention device may be used safely and effectively at its then current location as part of the proposed Connection to the System.
4. For new Connections within CSA 22C Improvement Area #1, the Manager may require submission of a capacity study to demonstrate whether or not the System (after the hookup of the new Connection) will have either: (i) the Required System Capacity for New Connections with existing capacity; or, (ii) upon completion of specific improvements described in the Application for Service, will have the Required System Capacity for New Connections.

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5. An acknowledgement and reaffirmation by the Property Owner of previous legal commitments made by the Property Owner or its predecessors in interest to allow CSA 22C to exercise the Property Owner's water rights arising from ownership of the Parcel to be served to provide service to such Parcel.
 6. An acknowledgement by the Property Owner that it has received a copy of this Chapter 13.50.
 7. A legal commitment from the Property Owner that upon the sale or transfer of ownership of any Parcel being served by the System, the Property Owner shall submit a certification and a legal guarantee that all new Property Owners have joined in the Application on file or, if required by the Manager, have joined in a new Application for service.
 8. The additional application requirements of this Section 13.50.040 will not be applicable to applications for individual Connections for residential parcels created by a subdivision map with recorded covenants, conditions, and restrictions.
- B. Upon approval of an Application for Service, the Manager will issue an Application Approval Letter to be signed and accepted by the Property Owner that will set forth or attach any legal commitments as set forth in this Section and other conditions of approval relating to construction of the Connection or improvements to the System.

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13.50.050 – Construction of Connections and Expansions.

Upon written acceptance of the Application Approval Letter, the Property Owner may take all steps necessary to install the approved Connection in accordance with the Application Approval Letter. All work related to the installation will be in accordance with Title 13 requirements, including this Chapter 13.50, and the IMP. In the event of any conflict between the IMP and the Title 13 requirements, the Title 13 requirements will govern. The following provisions shall be applicable to the construction of Connections or other System improvements:

- A. The Manager may require the Property Owner to submit a construction schedule and allow the Manager to inspect the work as it progresses.
- B. Connection fees and other hookup charges may be established by Board approval from time to time, following review and recommendation by the MAC, to: (i) cover the System's cost to process the Application; (ii) cover the System's cost to monitor the Connection work or improvements to the System; and, (iii) to fund the cost of the water meter which will be installed as part of the Connection. All fees and charges will be set forth in the Application Approval Letter and must be paid prior to commencement of any construction. Such fees and charges will be in addition to the Applicant's plan check and permit fees required in section 13.09.060.
- C. The Applicant must fully secure or pay the estimated cost of construction of any needed expansion to the System to facilitate the Connection or the cost of improvements to secure Required System Capacity for New Connections

prior to commencement of construction of any System expansion, subject to reimbursement as described in subsection D.

- D. An Acquisition and Reimbursement Agreement in a form prescribed by County must be executed and signed by the Property Owner prior to commencing construction for any System expansion so that Applicant's costs may be reimbursed from future infrastructure special taxes collected by the County via a community facilities district to fund construction of the System.
- E. If the Connection has not been completed within twelve (12) months of approval of the Application, the Manager may require the Applicant to submit a new Application for approval. This time deadline may be extended by the Manager for good cause.

13.50.060 – Effect.

This Chapter shall supersede any conflicting provisions in the other chapters of Title 13. In the absence of such a conflict, the provisions of Title 13 shall apply to the System and its operation."

SECTION 2. This Ordinance shall take effect thirty (30) days from the date of publication.

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The foregoing Ordinance was adopted this 6TH day of MAY,
2025, by the following vote.



Supervisor Wamhoff voted: yes
Supervisor Rogers voted: yes
Supervisor Poythress voted: absent
Supervisor Gonzalez voted: absent
Supervisor Macaulay voted: yes

PROTEM 
Chair, Board of Supervisors

ATTEST:


Clerk, Board of Supervisors

Approved as to Legal form:
COUNTY COUNSEL

Laurie
Avedisian-
By: Favini

Digitally signed by: Laurie
Avedisian-Favini
DN: CN = Laurie Avedisian-Favini
email = lfavini@lozanosmith.com
C = US O = Lozano Smith
Date: 2025.03.11 09:16:15 -07'00'

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