

Local Agency Formation Commission Resolution No. 2012-02

A RESOLUTION ADOPTING A NOTICE OF EXEMPTION AND APPROVING
LAFCO DETACHMENT NO. 2011-215 FOR THE DETACHMENT OF TERRITORY
FROM THE YOSEMITE ALPINE COMMUNITY SERVICES DISTRICT, WITH
FINDINGS, AND DETERMINATIONS

WHEREAS, pursuant to the provisions of the Local Government Reorganization Act of 2000, commencing with Section 56000 (et seq.), Title 6, of the Government Code, an application for detachment of property from the Yosemite Alpine Community Services District was received by the LAFCo Executive Officer; and

WHEREAS, Yosemite Alpine Community Service District Resolution No. 2011-006 supporting the LAFCo Application for Detachment No. 2011-215 was passed and adopted by the District on November 26, 2011; and

WHEREAS, the LAFCo Executive Officer has reviewed the available information and prepared a report, including recommendations, and the report and related information has been presented to and considered by the Commission; and,

WHEREAS, the Executive Officer conducted an analysis of the detachment and concluded that the proposal would have no environmental concerns and is exempt from the California Environmental Quality Act (CEQA), and has recommended that a Notice of Exemption be adopted, pursuant to General Rule Exemption, Section 15061, of the CEQA Guidelines; and

WHEREAS, in accordance with the provisions of Government Code Sections 56662. (a) 56663. (a), notices and hearing are not required by the Commission for LAFCo Detachment Application 2011-215 as it consists solely of a detachment wherein 100% of the property owners of the affected territory have signed the Property Owners Petition for the detachment; and

WHEREAS, in accordance with the provisions of Government Code Section 57002 notices and hearing for the Conducting Authority can be waived by the Commission for LAFCo Detachment Application 2011-215 as it consists solely of an detachment wherein 100% of the property owners of the affected territory have provided consent to the detachment; and

WHEREAS, the Local Agency Formation Commission held a public meeting on January 24, 2012 to evaluate the detachment; and

WHEREAS, at the January 24, 2012 meeting, the Commission heard and received all oral and written comments, all plans and proposed changes in reorganization, objections and evidence which were made, presented, or filed, received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved, and all persons present were given an opportunity to hear and be heard.

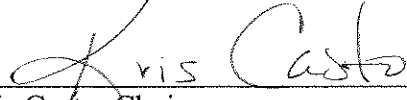
NOW THEREFORE BE IT RESOLVED, that the Mariposa County Local Agency Formation Commission does hereby approve LAFCo Detachment Application No. 2011-215, and does hereby find, determine, resolve and order as follows:

Findings:

1. The territory proposed for detachment, as described in Exhibit A, is uninhabited.
2. All property owners in said territory have been given notice regarding Detachment No. 2011-215 pursuant to LAFCo policies and Government Code Section 57025, Chapter 2, of the Local Government Reorganization Act.
3. In reviewing this application, this Commission has considered each of the factors required by LAFCo's adopted policies.
4. The LAFCO Executive Officer's staff report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and adopted.
5. Approval of this detachment is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Mariposa County Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this detachment. The Local Agency Formation Commission of the County of Mariposa shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
6. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
7. The Commission has reviewed and considered the information contained in the Notice of Exemption prepared for LAFCo Detachment 2011-215, and adopts a determination that the project is exempt from the California Environmental Quality Act.
8. The Commission directs the Executive Officer to file a Notice of Exemption as provided under Section 15062 of the CEQA Guidelines upon completion of the LAFCO proceedings.

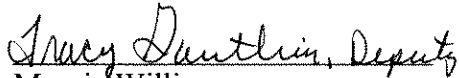
ON MOTION BY Commissioner Turpin, seconded by Commissioner Allen, this Resolution is duly passed and adopted this 24th day of January, 2012 by the following vote:

AYES: CASTO, MEE, BIBBY, ALLEN, TURPIN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



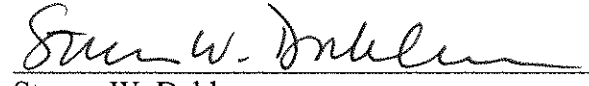
Kris Casto, Chairperson
Mariposa County Local Agency Formation
Commission

ATTEST:



Margie Williams
Clerk of the Local Agency
Formation Commission

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel