
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
LOCAL AGENCY FORMATION COMMISSION

Resolution
No. 2005-1

A Resolution Approving Request for Out of Boundary Service Application
No. 2005-72; Mariposa Public Utility District / First Baptist Church of
Mariposa. Assessor Parcel Numbers: 012-142-025/023

WHEREAS a request for out of boundary service application was submitted to the Local Agency Formation Commission of Mariposa County (LAFCO) on the 9th day of November 2004 by the Mariposa Public Utility District (MPUD) / First Baptist Church of Mariposa; and

WHEREAS this application is known as Application No. 2005-72; and

WHEREAS the request for out of boundary services is made to fulfill conditions of approval of Conditional Use Permit No. 259 for the construction of a church and church facilities on APNs 012-142-025 and 012-142-023 (project site); and

WHERE the request has been reviewed and approved by the MPUD Board of Directors, an independent special district providing community sewer, water and fire protection services within the Mariposa Town Planning Area; and

WHEREAS MPUD established conditions for the out of boundary service, and memorialized them in an "Agreement for Water and Sewer Service Outside District Limits". Said agreement has been executed by both MPUD and the First Baptist Church of Mariposa, and will be recorded following LAFCO action; and

WHEREAS the allowance for processing an out of boundary service agreement is specified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 pursuant to Section 56133; and

WHEREAS Application No. 2005-72 has been processed in accordance with all requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Mariposa County LAFCO Policies and Procedures. The processing of an out of boundary service agreement by LAFCO does not required a noticed public hearing; and

WHEREAS a LAFCO meeting was scheduled for the 26th day of April 2005 and Application No. 2005-72 is shown on the agenda for the meeting. The agenda was duly posted pursuant to the Brown Act; and

WHEREAS a Staff Report for the Request for Out of Boundary Service Application No. 2005-72 was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS LAFCO did hold a public meeting on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant;

BE IT THEREFORE RESOLVED THAT the Local Agency Formation Commission of the County of Mariposa does hereby approve the Request for Out of Boundary Service Agreement Application No. 2005-72 pursuant to the conditions as shown on Exhibit 1 of this resolution.

BE IT THEREFORE FURTHER RESOLVED THAT the Local Agency Formation Commission of the County of Mariposa does hereby adopt findings for project approval as shown on Exhibit 2 of this resolution.

ON MOTION BY Commissioner Fritz, seconded by Commissioner Earle; this resolution is duly passed and adopted this 26th day of April, 2005 by the following vote:

AYES: PICKARD, FRITZ, TURPIN, EARLE, MEE

NOES: NONE

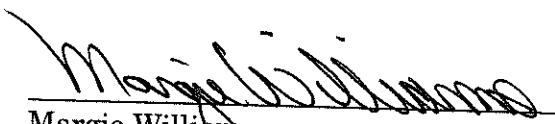
ABSENT: NONE

ABSTAIN: NONE

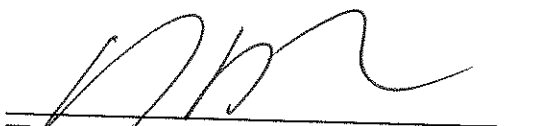


Bob Pickard, Chairman
Local Agency Formation Commission

Attest:



Margie Williams
Clerk of the Board of Supervisors & LAFCO



Thomas P. Guarino
Local Agency Formation Commission Counsel

Exhibit 1 · Conditions of Approval · Application No. 2005-72

1. All conditions established by the Mariposa Public Utility District in their “Agreement for Water and Sewer Service Outside District Limits” shall be met. Any amendments to the agreement made following approval of Request for Out of Boundary Service Agreement No. 2005-72 shall be submitted to the LAFCO Executive Director, who shall determine whether or not the amendment(s) constitute a significant change and warrant LAFCO review.
2. The Project Proponent (Owner) shall indemnify, protect, defend, and hold harmless the Local Agency Formation Commission of Mariposa County (LAFCO), and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against LAFCO, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of LAFCO, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the Request for Out of Boundary Service Application No. 2005-72 (Application No. 2005-72) and the approvals granted herein. Actions concerning Application No. 2005-72 and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless LAFCO or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner’s project is subject to that other governmental entity’s approval and a condition of such approval is that LAFCO indemnify and defend such governmental entity. LAFCO shall promptly notify the Owner of any claim, action, or proceeding. LAFCO will further cooperate in the defense of the action.

An agreement on a form approved by LAFCO Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by LAFCO.

Exhibit 2 · Findings for Approval · Application No. 2005-72

1. Pursuant to Division 3: Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56133, the Mariposa Public Utility District (MPUD) may provide new or extended services by agreement to the First Baptist Church of Mariposa, APNs 012-142-025 and 012-142-023 (project site). The project site is outside of MPUD's service area boundary, but within the MPUD sphere of influence.
2. The approval of Out of Boundary Service Application No. 2005-72 is in anticipation of a later change of organization. MPUD has established conditions for annexation of the project site and an adjacent parcel, and an annexation application will be processed by LAFCO, following completion of a development site plan for the adjacent parcel.
3. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, no subsequent environmental review is required for Application for Out of Boundary Service No. 2005-72. This finding is supported by the following:
 - a) The Application for Out of Boundary Service No. 2005-72 is to provide community sewer, water and fire protection services to support the First Baptist Church of Mariposa's development of the project site, approved under Conditional Use Permit No. 259.
 - b) A Mitigated Negative Declaration was adopted by the Mariposa County Planning Commission on July 20, 2001 for Conditional Use Permit No. 259. Environmental determinations were made for two applications for Amended Conditions for Conditional Use Permit No. 259. The environmental review of the Conditional Use Permit addressed all potential impacts of the project, and required provision of community sewer, water and fire protection services to the project site. There is a mitigation monitoring program in place, and all mitigation measures and project conditions will be met as required by the Planning Commission prior to or as a part of the project construction.
 - c) Substantial changes have not occurred with respect to the Conditional Use Permit and circumstances under which the Mitigated Negative Declaration was adopted.
 - d) There is no new information which demonstrates the project will result in significant or adverse environmental impacts not discussed in the Initial Study/Mitigated Negative Declaration or significant impacts which are substantially more severe than discussed in the Initial Study/Mitigated Negative Declaration.
4. The Mariposa Public Utility District Board of Directors has reviewed the Application for Out of Boundary Service No. 2005-72, and has determined that they have adequate capacity in the existing water, wastewater and fire protection facilities to

serve the project and not impact existing parcels served within the MPUD Service Area.

5. LAFCO Application No. 2005-72, a proposed Out of Boundary Service Agreement, has been reviewed and processed in accordance with all applicable standards of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Mariposa County's LAFCO Policies, Procedures, and Standards Manual
6. An "Agreement for Water and Sewer Service Outside District Limits" between the First Baptist Church of Mariposa and the Mariposa Public Utility District has been prepared and executed. This agreement will be recorded in Mariposa County Records, and made appurtenant to the project site parcels. The Covenants and Conditions specified on pages 2 through 6 of the agreement, and the Improvements specified within Exhibit B of the agreement will ensure that all costs associated with provision of MPUD services to the project site will be paid by the First Baptist Church of Mariposa and that all procedural requirements and physical improvements necessary for services will be in accordance with MPUD requirements.
7. The approval of Out of Boundary Service Application No. 2005-72 is logical to provide for expanded community services within the Mariposa Town Planning Area. The project site is within the MPUD Sphere of Influence and is bounded on two sides by parcels which are within the MPUD Service Area. The provision of services to the project site will not create urban sprawl, and will not affect identified open-space lands or prime agricultural lands. MPUD is the only governmental agency which provides community services within the town of Mariposa.