

DEPARTMENT: Public Works

BY: Allen Toschi  
PHONE: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:**

Approve the request by Public Works to allow the Mariposa County Landfill to accept defrocked Christmas trees for free from December 26, 2010 until January 31, 2011.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

In years past Mariposa County Public Works has accepted defrocked Christmas trees for free at the Mariposa County Landfill. The Christmas trees are then chipped and used in the compost operations. By encouraging people to recycle their Christmas trees it also helps air quality by providing an alternative to burning. Collection of the Christmas trees could also be used as a fund raiser by non-profit organizations willing to collect and defrock the trees for a donation and then participate in the free Christmas tree recycling program at the Landfill.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

If the free Christmas tree recycling program at the Landfill is not approved, residents can still bring their trees to the Landfill for a nominal fee of \$10.

Financial Impact? ( ) Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Press release
Source:		
Internal Transfer		
Unanticipated Revenue	4/5's vote	
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: D-567 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 Minute Order Attached  No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

CAO: [Signature]

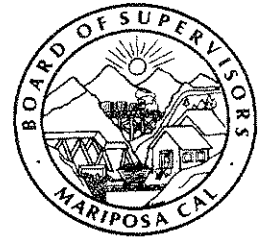


# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR  
JIM ALLEN, VICE-CHAIR  
BRAD ABORN  
LYLE TURPIN  
JANET BIBBY

DISTRICT IV  
DISTRICT V  
DISTRICT I  
DISTRICT II  
DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

TO: ALLEN TOSCHI, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PUBLIC HEARING for the Formation of the Royal Oaks Estates Major Subdivision Zone of Benefit, and Possible Adoption of a Resolution

RES. 10-569

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 14, 2010

#### ACTION AND VOTE:

6

#### **Public Works**

PUBLIC HEARING for the Formation of the Royal Oaks Estates Major Subdivision Zone of Benefit, and Possible Adoption of a Resolution

**BOARD ACTION:** Chair Cann reviewed the hearing and ballot process. Allen Toschi, Public Works Director, presented the staff report. Allen Toschi responded to a question from the Board and advised that he and Roger Stephens/Stephens Engineering, reviewed the questions received from the public concerning the assessments and balancing the assessments with the benefit. Mark Dvorak/Public Works, responded to a question from the Board as to the number of zones of benefit that currently exist, and he advised there are 16.

The public portion of the hearing was opened and input was provided by the following:

#### Speaking in Support:

Ken Jorgensen advised that he and his wife own lot number 11 on Royal Oaks Court. They support the creation of the zone of benefit because Public Works has the knowledge, experience, and the equipment to maintain the roads. His objection is to the assessments, and he respectfully disagrees with the Public Works Director; and he referred to his letter expressing concern with the fairness of the assessments. He disagrees with the assumptions that the assessments are based on – that they all benefit from Burl equally, and that Royal Oaks Court provides no special benefit to the rest of the subdivision. He feels that Royal Oaks Court would be the first line of defense for any fire originating west of the subdivision – the statute says the benefit is to the parcel and not the owner. He offered the following alternatives: should allocate 51-cents per foot to the frontage of each parcel – he feels the roads benefit everyone.

Kathleen Bratt, with her husband, supports the zone of benefit, but they are not in favor of the assessments – the lots on Royal Oaks Court are being assessed

two and one-half times the amount of the lots on Burl Drive. They feel this is unfair and should be reviewed.

Roger Stephens stated he supports the zone of benefit, and he explained how the assessments were arrived at, including review of the formation of the subdivision. He noted that Royal Oaks Court required dual access because it was too long to meet CalFire road standards. So his thinking was that everyone should participate in the cost for Burl Drive as it is a secondary access that was mandated by CalFire. He doesn't feel that the residents on Burl Drive have a reason to drive on Royal Oaks Court and Little Buck Road, so their assessments are less.

Speaking in Opposition:

Dave Tiner, owns lot number 20, stated he has been there about 20-years – before the subdivision was formed. He spent \$30,000 putting in his own road and it was obliterated with the new road for the subdivision. Now they want him to pay for this. He used to have access from Tokoyon Road and they were required to close that road and use the subdivision road. He questioned the different assessments when everyone can use the roads involved. He asked why this couldn't be a gated community. He noted they live at the end of Burl Drive and people access that road at all times and they have had problems with vandalism. They want control of the subdivision roads if the zone of benefit is approved, and he asked whether they can close the gates and use the locked gates in the back.

General Comments:

David James, owns lot number 14, stated people on Royal Oaks Court are immune from through traffic. Burl Drive will have the through traffic.

Lester Bridges stated he was the original owner of the Royal Oaks Estates, and he questioned why the property owners are being assessed different values. He advised that the assessments in the Pine Crest Estates subdivision are the same for everyone. He also noted that it is expensive to maintain roads.

Allen Toschi responded to questions from the Board relative to being able to have a gate closure as requested. He clarified that these are not County roads – the County is providing a service and he provided input on the Proposition 218 requirements for establishing assessments. Rick Benson, County Administrative Officer, explained the ballot tabulation process, and advised that the ballots are weighted – so those that are being assessed more have a higher ballot count. Chair Cann advised that this is the last opportunity to submit a ballot or to change a vote on a ballot – no new ballots or changed ballots were submitted. The public portion of the hearing was closed, and the Clerk of the Board was excused to tabulate the ballots. The hearing was continued until after the following item for the ballot tabulation to be reported.

**11:07 a.m.** Recess

**11:45 a.m.** The Board continued with the public hearing for the formation of the Royal Oaks Estates Major Subdivision Zone of Benefit. The Clerk of the Board announced the result of the tabulation of the ballots: 17 “yes” votes for 69.30 percent; and 6 “no” votes for 30.70 percent. The 23 ballots were signed and valid.

Chair Cann called for public comment:

Ken Jorgensen stated he strongly supports the zone of benefit and asked the Board to approve the formation, but he stated he does not agree with the assessments. He feels that having to pay more than they should is bad, but having the roads fall apart is worse.

George Heiss thanked staff for moving this forward.

David James thanked the Board for clarifying that there could be gates – that was their concern.

The public portion was closed. Allen Toschi advised that repairs are needed to the existing roads to bring them into good condition and cash deposits need to be

posted before the zone of benefit takes effect; and the gate has to be acceptable to emergency services.

(M)Bibby, (S)Allen, Res. 10-569 was adopted forming the Royal Oaks Estates Major Subdivision Zone of Benefit as recommended/Ayes: Unanimous. The hearing was closed.

Cc: File

Karen Dusek  
Mariposa County Recycling Coordinator  
209-966-5165  
karenhdusek@gmail.com

Nov. 8, 2010

**DRAFT**

**FOR IMMEDIATE RELEASE**

## Public Works Offers Fundraising Opportunity

Is your youth organization in need of some extra cash? Mariposa County Public Works is offering an opportunity for local non-profit youth groups to earn some income this holiday season and help their community at the same time.

Participating organizations will pick up Christmas trees (tinsel and lights removed) from County residents for a fee and bring them to the Landfill for free drop-off as part of the Christmas tree recycling program. They will be chipped and used as feedstock in the Compost Facility. The groups will set their own prices and are responsible for publicizing the service. Public Works will also advertise the program on the County website. The deadline to sign up is December 17.

Call 209-966-4159 or contact the County Recycling Coordinator at [karenhdusek@gmail.com](mailto:karenhdusek@gmail.com) for more information.

Tracy Gauthier

**From:** Mark Dvorak  
**Sent:** Wednesday, November 03, 2010 2:45 PM  
**To:** Tracy Gauthier  
**Subject:** RE: Zone of Benefit Board item

Hi Tracy:

The postings were laminated and posted at the following locations:

- On Burl Drive at the entrance into Royal Oaks Estates.
- On the mail box. (One main lockbox for all property owners)
- One entering the cul-de-sac onto Royal Oaks Court
- One entering the cul-de-sac onto Little Buck Court.

If lots are necessary I can get the lot numbers for you.

I hope this will assist.

Sincerely,

Mark

---

**From:** Tracy Gauthier  
**Sent:** Tuesday, November 02, 2010 12:42 PM  
**To:** Mark Dvorak  
**Subject:** Zone of Benefit Board item

Hi Mark,

Margie requested that I follow up with you regarding a list/note of addresses where the notice was posted in the zone. If you would like to send the list/note in a reply to my email that would work for us. If you have any questions please let me know.

Thank you

Tracy Gauthier  
Deputy Clerk of the Board  
Mariposa County Board of Supervisors  
[tgauthier@mariposacounty.org](mailto:tgauthier@mariposacounty.org)  
(209) 966-3222

11/4/2010