

BY: Kris Schenk
PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: Approval of the proposed amendment to Sections 17.65.010.E.4.d, 17.108.190, and 17.148.010 of the Zoning Ordinance. The Planning Commission recommended approval of this amendment to the zoning ordinance following a public hearing, review of the staff report, and testimony by the public concerning the application. Purpose of project is align county code with state law as it relates to political signs and thereby reduce confusion of candidates and county entities charged with disseminating information to candidates.

The Board action would be to adopt a resolution approving the project and adopting a Notice of Exemption on the environmental determination, waive the first reading, and introduce an ordinance amending the Zoning Ordinance text for Zoning Amendment 2010-025.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On April 9, 2010, the Mariposa County Planning Commission recommended approval of these changes in code and of the environmental determination. The next step in the process is for the Board of Supervisors to hear and decide on the proposed amendment.

The Board of Supervisors will take final action on the amendment by way of an ordinance. If the Board takes action to approve the project at this hearing, there is both a first reading and a second reading of the ordinance. The second reading of the ordinance approving the amendments to the zoning ordinance will occur two weeks following. The ordinance is effective thirty (30) days after the second reading. Once the zoning amendment becomes effective, the process is final.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors can amend the text as proposed by the Planning Commission, add additional text to the amendment, or refer the matter back to the Planning Department or the Planning Commission for further review and recommendations. If the Board denies the amendment, political signs will continue to be regulated under the existing provisions for commercial signage in county code.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Exhibit A - Staff Report to Board of Supervisors
Source:		Exhibit B - Excerpts from Planning Commission meeting minutes
Internal Transfer		Exhibit C - Planning Commission Resolution 2010-0064
Unanticipated Revenue _____ 4/5's vote		Exhibit D - Draft Resolution
Transfer Between Funds _____ 4/5's vote		Exhibit E - Draft Ordinance
Contingency _____ 4/5's vote		Exhibit F - Notice of Exemption
() General () Other		

CLERK'S USE ONLY:
 Res. No.: 10-228 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary
 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

COUNTY ADMINISTRATIVE OFFICER:
 Requested Action Recommended
 No Opinion
 Comments: _____

 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: KRIS SCHENK, Planning Director

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

SUBJECT: PUBLIC HEARING to Consider Zoning Amendment No. 2010-025. Action Includes Adopting a Resolution Approving the Project and Amending Mariposa County Code Relating to Political Signs, and Finding Project is Exempt and Directing Staff to File a Notice of Exemption; Waive the First Reading and Introduce an Ordinance Amending the Zoning Ordinance Text. The Project Proposes to Amend County Code to Add a Definition of a Political Sign and Align the Zoning Ordinance with State Law as it Relates to Political Signs. The Proposed Amendment is to Section 17.65.010.E.4.d, 17.108.190, and 17.148.010 of the Zoning Ordinance. Mariposa County, Project Proponent

RES. 10-228

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 11, 2010

ACTION AND VOTE:

17

Planning

PUBLIC HEARING to Consider Zoning Amendment No. 2010-025. Action Includes Adopting a Resolution Approving the Project and Amending Mariposa County Code Relating to Political Signs, and Finding Project is Exempt and Directing Staff to File a Notice of Exemption; Waive the First Reading and Introduce an Ordinance Amending the Zoning Ordinance Text. The Project Proposes to Amend County Code to Add a Definition of a Political Sign and Align the Zoning Ordinance with State Law as it Relates to Political Signs. The Proposed Amendment is to Section 17.65.010.E.4.d, 17.108.190, and 17.148.010 of the Zoning Ordinance. Mariposa County, Project Proponent

BOARD ACTION: Kris Schenk introduced the item. Karen Peneschi, Assistant Planner, presented the staff report. The public portion of the hearing was opened and there was no input. The public portion was closed. Staff responded to questions from the Board relative to dissemination of the regulations to candidates and whether signed statements of receipt would be required. Supervisor Aborn questioned whether the signs should be allowed along a scenic highway/river; and whether the signs should be allowed for 60 versus 90 days. Seeing no objections, Chair Cann reopened the public portion, and input was provided by the following:

Marvin Wells asked whether this amendment includes advertising signs, such as real estate and business signs. Chair Cann responded that this is for temporary political signs.

The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 10-228 was adopted approving Zoning Amendment No. 2010-025 and adopting a Notice of Exemption on the environmental determination; the first reading was waived and the Ordinance was introduced as recommended, and the title of the Ordinance was read into the record/Ayes: Unanimous. The hearing was closed.

Cc: Steve Dahlem, County Counsel
File

STATE OF CALIFORNIA
COUNTY OF MARIPOSA BOARD OF SUPERVISORS
MARIPOSA COUNTY RESOLUTION NO. 2010-228

A RESOLUTION APPROVING ZONING AMENDMENT APPLICATION NO. 2010-025

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Section 17.108.190 establishes specific standards for the location, installation, construction or modification of signs throughout the County; and

WHEREAS, the purpose of Section 17.108.190 is to reduce the proliferation of signs to maintain the scenic quality of the county's transportation corridors and to generally preserve the rural appearance of the county; and

WHEREAS, Section 17.108.190 states that these standards shall apply in all instances except as modified by specific sign standards contained in this title or other standards adopted pursuant thereto; and

WHEREAS, Section 17.108.190 does not contain standards which apply to political signs which are temporary signs; and

WHEREAS, without specific standards which apply to temporary political signs, there is confusion about the applicability of the standards which are established by this section of County Code for permanent signs as well as the standards which are established by State Law for temporary political signs.

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 9th day of April, 2010; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2010-006, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 11th day of May, 2010; and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Zoning Amendment No. 2010-025.

BE IT FURTHER RESOLVED THAT the approved amendment to Section 17.108.190 of Mariposa County Code establishes specific standards for political signs throughout Mariposa County.

BE IT FURTHER RESOLVED THAT the amendment to Section 17.148.010 of Mariposa County Code establishes a definition for political signs.

BE IT FURTHER RESOLVED THAT the proposed amendments to Section 17.108.190 and Section 17.65.010 of County Code for political signs is proposed to be generally consistent with the regulations established by the State of California for political signs to be posted along state highways. It is important that state law and county code regarding political signs are generally consistent so that there is no confusion about regulations for political signs within Mariposa County; and

BE IT FURTHER RESOLVED THAT the proposed amendment to Title 17 is proposed to apply to all political signs throughout the county, including in planning areas, unless there are specific standards established in the adopted area plan for a planning area.

BE IT FURTHER RESOLVED THAT the amendment to Section 17.108.190 of the Mariposa County Code will read as follows:

17.108.190 Signs.

The intent of these regulations is to reduce the proliferation of signs to maintain the scenic quality of the

County's transportation corridors and to generally preserve the rural appearance of the county.

The purpose of this section is to establish specific standards for the location, installation, construction or modification of signs. These standards shall apply in all instances except as modified by specific sign standards contained in this title or other standards adopted pursuant thereto.

...

G. Political signs, as defined by this title, shall comply with all of the following conditions:

1. No political sign shall be placed within the right-of-way of any state highway.

2. No political sign shall be placed within the easement or right-of-way or on or over any portion of a county maintained road.

3. No political sign shall impair traffic safety, sight distance, or traffic flow on any county maintained road, privately maintained county easement, or state highway.

4. No political sign shall be placed on county property.

5. No political sign shall be placed sooner than ninety (90) days prior to the scheduled election.

6. All political signs shall be removed within ten (10) days after the election.

7. No individual political sign shall be larger than thirty-two (32) square feet.

8. Political signs shall contain no outline tubing, flashing lights, or moving parts.

9. These standards shall apply to all political signs throughout Mariposa County, including in planning areas, unless there are specific standards established for political sign in the adopted area plan for a planning area.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of the Mariposa County Code will include the following new definition:

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

Sign, political:

A sign which is intended to encourage a particular vote in a scheduled election. Also known as a "temporary political sign" pursuant to Section 5405.3 of the State Outdoor Advertising Act (Business & Professions Code).

BE IT FURTHER RESOLVED THAT Section 17.65.010.E.4.d of the Mariposa County Code will be amended to read as follows:

...

d. Temporary political, election, or campaign signs are discussed in Section 17.108.190.G.

BE IT FURTHER RESOLVED THAT all other text in Sections 17.65.010, 17.108.190, and 17.148.010 of County Code remain unchanged.

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

Evidence: The public will benefit by having County Code in alignment with the state law governing temporary political signs due to decreased confusion over what is permitted within the county. In addition, there is a benefit to having an identified limit to the time during which political signs may be displayed, including a requirement for their removal following an election. This amendment will not have a significant adverse affect on the general public health, safety, peace, and welfare.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

Evidence: This amendment will improve the Mariposa County General Plan by ensuring that county policy and state law are not in conflict with one another.

3. **Finding:** That such an amendment conforms to the requirements of state law and county policy.

Evidence: This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance with state law in regards to temporary political signs. In addition, this amendment has been processed in accordance with all code requirements.

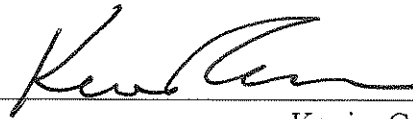
4. **Finding:** That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Evidence: This amendment will make the General Plan, County Code, and state law in regards to temporary political signs consistent with one another.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

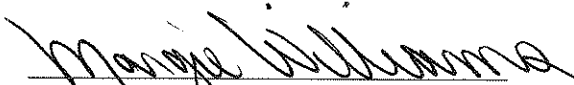
ON MOTION BY Supervisor Bibby, seconded by Supervisor Allen, this resolution duly passed and adopted this 11th day of May, 2010 by the following vote:

AYES:	ABORN, ALLEN, CANN, TURPIN, BIBBY
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE



Kevin Cann, Chair
Board of Supervisors

Attest:


Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:


Steven W. Dahlem
County Counsel

FILED

Exhibit F

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

MAY 25 2010
KEITH M. WILLIAMS
MARIPOSA COUNTY CLERK

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM:

Mariposa County Board of Supervisors
P.O. Box 784
Mariposa, CA 95338
Karen M. Herman
KAREN M. HERMAN
Deputy County Clerk

Project Title: Zoning Amendment No. 2010-025

Project Location: County-wide

**Description
of Project:**

This zoning amendment will create an ordinance for political signs in Mariposa County that is based on the temporary political sign laws governed by the state of California.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency Carrying Out Project: County of Mariposa

Exempt Status: General Rule Exemption; Section 15061, CEQA Guidelines.

Reason Why

Project Is Exempt: Zoning Amendment No. 2010-025 is exempt from environmental review pursuant to the General Rule Exemption, Section 15061, of CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The project will amend County Code to align it with state law with regards to the definition of temporary political signs and the implementation of county code related to temporary political signs. The amendments are to add regulations to address political signs which are displayed for a temporary time period.

Lead Agency Contact Person: Karen Peneschi, Assistant Planner

Phone Number: (209) 966-5151

Kris Schenk
Kris Schenk
Planning Director

5-25-10
Date