



COUNTY of MARIPOSA

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

PATTI A. REILLY, CHAIR
BOB PICKARD, VICE-CHAIRMAN
DOUG BALMAIN
ROBERT C. STEWART
GARRY R. PARKER

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: FILE

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

SUBJECT: Mural on the Retaining Wall Along Highway 140; Res. 99-107

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 6, 1999

ACTION AND VOTE:

Abbey Edwards;

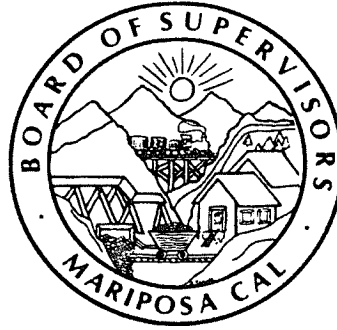
Request for Letter of Support to CalTrans for an Encroachment Permit to Paint a Mural on the Retaining Wall Along Highway 140 Below the Miners Inn

BOARD ACTION: Abbey Edwards presented her proposal for the mural and request for Board support. (M)Balmain, (S)Stewart, Res. 99-107 adopted supporting the project/Ayes: Reilly, Balmain, Stewart, Parker; Excused: Pickard.

cc: File

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
District 4.....GARRY R. PARKER
District 5.....BOB PICKARD



JANET HOGAN
County Administrative Officer

MARGIE WILLIAMS
Clerk of the Board

P.O. Box 784
MARIPOSA, CALIFORNIA 95338
(209) 966-3222
1-800-736-1252

FAX (209) 966-5147

April 7, 1999

Abbey Edwards
4132 Allen Court
Mariposa, California 95338

Dear Miss Edwards,

Thank you very much for the impressive presentation you made to the Mariposa County Board of Supervisors yesterday relative to your proposal for a mural on the Highway 140 retaining wall in the town of Mariposa.

The Board was pleased to be able to support your project. A letter directed to the District 10 Director for CalTrans is enclosed for you to submit with your encroachment permit.

Best of luck with your project, and if we can be of any assistance, please do not hesitate to let us know. We look forward to seeing the mural.

Sincerely,

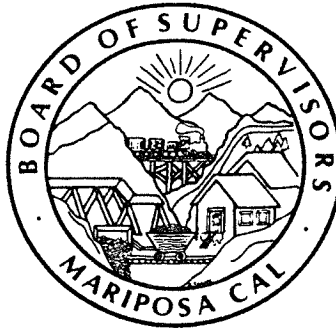
GARRY R. PARKER
Vice-Chairman
Board of Supervisors

GRP:mw

Enclosure

Mariposa County Board of Supervisors

District 1.....PATTI A. REILLY
District 2.....DOUG BALMAIN
District 3.....ROBERT C. STEWART
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April 7, 1999

CalTrans
Attn: District 10 Director
P. O. Box 2048
Stockton, California 95201

Subject: Encroachment Permit for Mural on Highway 140 Retaining Wall

Dear Director,

At its meeting of April 6, 1999, the Mariposa County Board of Supervisors took action to support the proposal by Abbey Edwards for a mural on the Highway 140 retaining wall in the town of Mariposa.

The mural is to consist of a painting of butterflies and wildflowers that are native to our part of the Sierra.

Thank you for your cooperation in processing the encroachment permit for this project.

Sincerely,

GARRY R. PARKER
Vice-Chairman
Board of Supervisors

GRP:mw

Abbey Edwards
4132 Allen Ct.
Mariposa, CA 95338
742-4423

November 23, 1998

Mariposa County Board of Supervisors
5100 Bullion St.
Mariposa, CA 95338

RE: Proposal for Mural on Highway 140 Retaining Wall

Honorable Supervisors:

I am a high school senior working on a community improvement project as part of my school activities. With the assistance of other students, I am proposing to paint a mural on a retaining wall along State Highway 140 in the town of Mariposa. I have obtained financial assistance from the Annenburg Rural Challenge grant administered by the County School District. The retaining wall is located on the west side of the highway near the intersection with Highway 49 North, just below the Miners Inn motel.

Since the wall belongs to the State, I must obtain a special encroachment permit from the Caltrans District 10 Director. A copy of the permit requirements is attached. Before I can submit my application, I must first obtain any applicable local approvals. Also attached is a letter of support and approval from the Chamber of Commerce and the Mariposa County Arts Council. I have also sought to obtain any County design review approval necessary. Attached is a letter from Sarah Williams, County Planning Manager, advising me that no formal design review permit is required, but providing very good design advice. My intent, now that I have talked to most of you personally, is to ask for the Board's formal support and approval of my mural concept at your next regularly scheduled meeting. If I have a resolution or letter of support from the Board, I can finally submit my encroachment permit application to Caltrans.

My proposed project consists of painting an attractive mural on the center part of the retaining wall that will be a credit to the community. This center part of the wall is about nine feet tall and about 115 feet long. On either side of this section is a tapered wall which I am not proposing to paint, although it could become a future project for other students. The overall wall is about 250 feet long. The project will help break up the massive feel of the wall and will enhance the sidewalk and landscaping the County is proposing along that part of the highway. The theme for the painting is butterflies (las mariposas) and wildflowers native to our part of the Sierra. This is meant to make a connection with the name of our community and another Annenburg project to develop a natural garden with flowering plants that attract butterflies. The wall will first be primed with a natural color. We will then paint approximately 8 butterflies along with

wildflower species using acrylic paint. A sealer will be applied to the entire completed surface to preserve the painting. My high school art teacher and advisor on this project has agreed to have future art classes maintain the mural. Each butterfly will measure about six to ten feet across in wing span. I do not believe that this theme will distract motorists as to become a traffic safety concern. Rather, it should be an attractive way of slowing tourists down on their way to Yosemite, encouraging them to perhaps stop and spend some time in our wonderful town.

I have completed a small-scale version of the mural. I would be pleased if I could show you the concept during your next available meeting. I will arrange with the Clerk of the Board to be placed on your meeting agenda.

Thank you for your consideration of my project proposal.

Sincerely,

Abbey Edwards

attachments

Specific Encroachment Permits

500

8. Headquarters Encroachment Permits shall approve deviations from these requirements.

- **Future Maintenance of Facilities**

Encroachment permits for routine and emergency maintenance work are issued for facilities located on conventional and access controlled right of way. Authorized work includes: replacing damaged equipment, upgrading or modifying existing equipment, and maintaining access to the sites. The permittee shall not make additions to site equipment, change access locations, or allow attachments or modifications to their equipment that would result in use by other utility providers. Permits are valid for two year periods and may allow contractors that are shown on a district approved list to perform minor work for the permittee. Any deletions or additions to the approved list are made by a rider at the permittee's request. A minimum \$700.00 fee is required for the two-year processing and inspection service covering both conventional and access controlled highways.

Applicants are responsible for all Department costs associated with the proposals. These costs are recoverable by AX Permits for site surveys and work in conventional highways and for site surveys and maintenance in access controlled right of way. Initial installation and construction of a facility within access controlled right of way is recoverable by charging directly to the Airspace Account.

501.3G Landscaping

Planting by a local entity or private developer within Caltrans' right of way is allowed through: (1) the encroachment permit process, (2) a Caltrans-administered contract that is funded partly or totally by others, or (3) by leasing the planting area to the owner of the abutting property (see Project Development Procedures Manual, Landscape Architecture Chapter). The preferred method for handling participation by others is through an encroachment permit and a Cooperative Agreement with the local entity (see Cooperative Agreement Manual, Forms A-1 and A-3). In this case, an airspace lease agreement is not required.

An airspace lease agreement may be required with the encroachment permit if the proposed project is determined to be unwarranted for highway planting, exceeds the allowable maximum cost per hectare (adjusted annually by the Office of State Landscape Architecture), and improvement to the property is to the benefit of the developer. The airspace lease agreement will require the lessee to provide a plant establishment period and plant maintenance, including all water and utility costs, during the term of the lease. The district landscape architect will make the determination when an airspace lease should be used in coordination with the District Airspace Manager.

501.3H Permanent Record

The encroachment permit is a permanent record of the right of the lessee to construct, occupy, and use the constructed improvements. The district permit office shall use standard operating procedures for maintaining and microfilming all records related to the permit.

501.4 Art Program Permit Code AP

Artists may place their artwork on Caltrans' property if the applicant receives approval from the city or county, the responsible local organization(s) representing the community affected by the artwork, and the Caltrans District Director. District Transportation Art Coordinators evaluate proposals and

500**Specific Encroachment Permits**

coordinate these activities. The Office of State Landscape Architecture is responsible for managing the program. The permittee is not charged for Caltrans' administrative costs, staff reviews, inspection, required traffic controls, or normal maintenance work associated with Caltrans' facility or right of way.

The encroachment permit normally is issued to the local agency. Surety bonds may not be required unless the District Transportation Art Coordinator so recommends.

An encroachment permit is processed after initial approvals are secured. As a minimum, the following conditions are incorporated into the permit:

1. Artwork located within State right of way is considered a gift to the people of California.
2. Caltrans reserves the right to reproduce the artwork for publicity purposes.
3. The artwork must not be in conflict with provisions of the Outdoor Advertising Act. No form of commercial advertising on State right of way, including logos, is allowed. Any identification of the donor or sponsor must have prior approval by Caltrans.
4. The permittee must maintain the integrity of the artwork until further notice. The permittee agrees to remove the artwork if ordered to do so by Caltrans.
5. The permittee shall abide by Caltrans' safety rules and regulations, including traffic control.

(See Project Development Procedures Manual for policy and procedures pertaining to transportation art.)

**501.5 Banners and Decorations
Permit Code BR**

BR permits authorize the erection of banners, decorations, and temporary signing for events by nonprofit organizations over and within State conventional highway right of way.

Permanent overhead signs or arches may not be erected or suspended over any State highway. Banners or decorations are not authorized within freeway or expressway right of way. Temporary political signs placed within State highway right of way are prohibited by the Business and Professions Code, Section 5405.3, and shall be removed immediately.

Authorized banners and decorations over the roadway must have a clearance of at least 5.48 m (18') and be suspended securely from permanent structures or poles. No temporary supports are allowed and use of State facilities is prohibited.

501.5A Non-Decorative Banners

Permits for Non-Decorative banners are issued to a local agency or a nonprofit organization sponsoring an event approved by the local agency. Banners displaying private advertisements are not allowed except when it is used as part of the event's official title (e.g. Kellogg's Napa Valley Marathon). Banners are not authorized on controlled access rights of way and shall not be attached to State facilities.

Districts may issue biennial permits to local agencies for installation of Non-Decorative banners at specific locations for recurring events. The local agency then authorizes each banner installation, notifies the State's representative, and provides traffic control.

The restrictions for Non-Decorative banners are listed in Table 5.2 and apply to both individual banner permits and annual/biennial permits to local agencies.

MARIPOSA
COUNTY
ARTS
COUNCIL
INC.

December 17, 1998

Abbey Edwards
4132 Allen Court
Mariposa, CA 95338

Dear Ms. Edwards:

Thank you for your presentation of December 15, 1998, for painting a mural on the retaining wall beneath the Miner's Inn on Highway 140 in Mariposa. This letter is to express the Mariposa County Arts Council's unqualified support of the project.

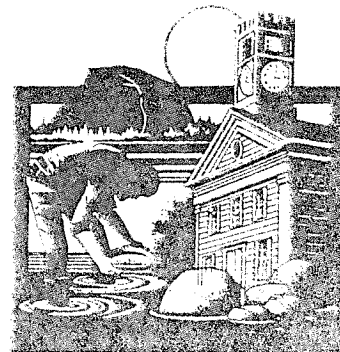
The mural of butterflies and flowers native to this area will be a welcome gift to the community and its visitors. It will enhance the view on that section of the road without creating a distraction for motorists. Your time and efforts in this project are greatly appreciated and the Arts Council wishes you the best in your endeavor.

Sincerely,



Catherine Collier,
Executive Director

Mariposa County Chamber of Commerce
and Mariposa County Visitor Center



November 17, 1998

Ms. Abbey Edwards
4132 Allen Court
Mariposa, CA 95338

Dear Ms. Edwards:

On behalf of the Mariposa County Chamber of Commerce, I would like to thank you for the information you presented at our November 3, 1998 Board of Directors meeting.

Your idea to involve the students of Mariposa County in painting a mural on the wall along Highway 140 (beneath the Miner's Inn restaurant) was outstanding. The scale model of the butterflies and wildflowers you displayed were beautiful and true to our surroundings. The Chamber of Commerce supports your idea and believes that it would make a beautiful scenic view for our community.

We hope you receive all the support you need.

Sincerely,

Handwritten signature of Neil Stonum

Neil Stonum
President

NS:dk

PLANNING AND BUILDING DEPARTMENT

EDWARD J. JOHNSON, AICP
Director

SARAH WILLIAMS, ASLA
Planning Manager

JOHN DAVIS
Chief Building Inspector



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e-Mail: planning@co.mariposa.ca.us
Web Site: www.co.mariposa.ca.us

March 10, 1999

**Abbey Edwards
4132 Allen Court
Mariposa, Ca 95338**

RE: Proposal for Mural on Highway 140 Retaining Wall

Dear Abbey,

Thank you for meeting with staff on February 4, to present your proposal for painting a mural on the 250 foot long retaining wall along Highway 140 near Highway 49 North. The purpose of this letter is to respond to your proposal relative to applicable zoning code requirements and other planning issues.

As you are aware, new development within the community of Mariposa is subject to design review standards. We have reviewed applicable sections of County Code. Although an application for design review is not necessarily required for your project to paint a mural, projects like this should comply with the design theme established for the community, and should reflect the historic nature of town. We believe your design of native Sierra butterflies and wildflowers is consistent with the purpose and intent of the design review overlay district.

We have identified a few areas of concern which we would like you to consider. These are as follows:

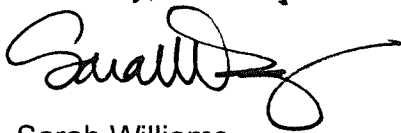
- The project is at a major intersection of two state highways. Although the mural may likely slow traffic down as you suggest, the mural should not create a traffic hazard for automobiles or for pedestrians.
- A mural which is this large may have a tendency to dominate the design theme of this corner of the community. Your presentation of this project to the Board of Supervisors would be an appropriate forum to discuss this issue.

Letter to Abbey Edwards; 3/10/99

- Relative to both the safety and scale issues, you might give thought to who your primary viewers are intended to be...automobile traffic, pedestrians at the Chamber of Commerce/Visitor Center, or pedestrians on the future sidewalk in front of the mural.
- It will be important that long term maintenance of the mural is included in your plan.

Again, thank you for sharing your project with us. Should you have any questions regarding this information, please contact us.

Sincerely,



Sarah Williams
Planning Manager



Ed Johnson
Director