

DEPARTMENT: Board of Supervisors

BY: Kevin Cann
PHONE: 966-3222

10-114

RECOMMENDED ACTION AND JUSTIFICATION: Adopt a Resolution of Intention to initiate an amendment to Title 17, Zoning, to add provisions and standards for Political Signs.

There are no standards in the Zoning Ordinance for political signs, which are temporary signs. The standards which apply to permanent signs, which are technically the only standards which could be used to apply to political signs, are not consistent with the standards allowed by the State for political signs along State Highways. There is a benefit to having consistent and uniform standards for temporary political signs for Mariposa's local, state and federal political candidates.

The recommended standards for political signs, to be defined as signs which are intended to encourage a particular vote in a scheduled election, include the following:

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 be placed on county property.
4. No political sign shall be placed sooner than ninety (90) days prior to the scheduled election.

(This time frame could be reduced to sixty (60) days prior to the scheduled election, and the District IV Supervisor would like to discuss this option.)

5. All political signs shall be removed within ten (10) days after the election.
6. No individual political sign shall be larger than thirty-two (32) square feet.
7. Political signs shall contain no outline tubing, flashing lights, electronic messages or moving parts.
8. These standards shall apply to all political signs throughout Mariposa County, including in planning areas, unless there are specific standards established for political signs in the adopted area plan for a planning area.

If the recommended action is taken, Planning Staff will forward the amendment to the Planning Commission for formal consideration at a noticed public hearing. Following the Planning Commission's recommendation, Planning Staff will schedule the amendment for final action at the Board of Supervisors at a noticed public hearing. An environmental determination will need to accompany the amendment.

BACKGROUND OF BOARD ACTIONS:

None related to this amendment (the Board of Supervisors adopted the section of County Code regulating signs in 1991).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

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: \$ _____		1. Draft Resolution of Intention
Source:		2. Current text of Section 17.108.190, Zoning Ordinance
Internal Transfer		3. Current text of Section 5405.3, Business & Professions Code (Outdoor Advertising Act)
Unanticipated Revenue _____	4/5's vote	
Transfer Between Funds _____	4/5's vote	

Contingency
() General () Other

_____ 4/5's vote

CLERK'S USE ONLY:

Res. No.: 10-114 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: *RJB*



COUNTY OF MARIPOSA

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

BRAD ABORN
LYLE TURPIN
JANET BIBBY
KEVIN CANN
JIM ALLEN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SUPERVISOR CANN

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

SUBJECT: Adopt Resolution of Intention to Initiate an Amendment to Title 17, Zoning, to Add Provisions and Standards for Political Signs

RES. 10-114

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 9, 2010

ACTION AND VOTE:

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Supervisor Cann

Adopt Resolution of Intention to Initiate an Amendment to Title 17, Zoning, to Add Provisions and Standards for Political Signs

BOARD ACTION: Supervisor Cann initiated discussion relative to the request, and suggested that consideration be given to changing the 90 days to 60 days for allowing signs to be up. Sarah Williams, Deputy Planning Director, provided input on the process and timeframes for this amendment; and she advised that the action requested today includes what text to process. Keith Williams, County Clerk/Elections, advised that the ninety days proposed in the amendment for displaying signs begins on Wednesday, and he would like to be able to post information on the web.

Input from the public was provided by the following:

Lee Stetson advised that he has invested in 4 x 8-foot signs and feels that other candidates have done likewise; and he asked whether the proposed amendment will apply during this election cycle.

Discussion was held relative to the proposal and it was clarified that the standards for permanent signs do not apply to temporary signs. (M)Allen, (S)Turpin, Res. 10-114 was adopted initiating the amendment as recommended/Ayes: Unanimous.

Cc: Kris Schenk, Planning Director
Keith Williams, County Clerk
File

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2010-114

A resolution of intention to initiate an amendment to Title 17, Zoning,
to add provisions and standards for Political Signs

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 Title 17, 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, Title 17, 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, Title 17, 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.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby initiate an amendment to Section 17.108.190 of Mariposa County Code to establish specific standards for political signs throughout Mariposa County.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors does hereby initiate an amendment to Section 17.148.010 of Mariposa County Code to establish a definition for political signs.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendment to Section 17.108.190 of Mariposa County Code for political signs is proposed to be generally consistent with the regulations established for political signs by the State of California for signs to be posted along State Highways. It is important that the State Law and County Code regulations for political signs are

generally consistent so that there is no confusion about regulations for political signs within Mariposa County.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendment to Section 17.108.190 of Mariposa County Code 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 THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190 of the Mariposa County Code will read as follows (new text shown in *italicized underlined type*):

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 be placed on county property.

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

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

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

7. Political signs shall contain no outline tubing, flashing lights, electronic messages or moving parts.

8. 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 to read as follows (new text shown in *italicized underlined type*):

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

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 THEREFORE FURTHER RESOLVED THAT all other text in Section 17.108.190 and 17.148.010 of County Code shall remain unchanged.

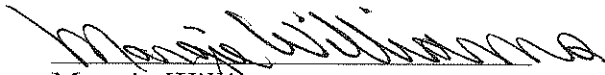
NOW BE IT THEREFORE FINALLY RESOLVED THAT the Board of Supervisors requests Planning Department staff to process this amendment as quickly as possible.

ON MOTION BY Supervisor Allen, seconded by Supervisor Turpin, this resolution duly passed and adopted this 9th day of March 2010 by the following vote:

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

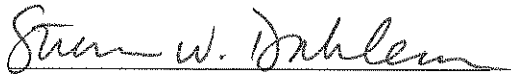

Kevin Cann, Chair
Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

Approved as to form:



Steven W. Dahlem
County Counsel

(FROM COUNTY CODE)

17.108.190

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.

A. A temporary or permanent on-site sign or signs with maximum aggregate area of 16 sq. ft. and containing no outline tubing, flashing lights or moving parts shall be a permitted use on all parcels. Such signs shall have a maximum height of 20 feet. Off-site signs are prohibited unless specifically permitted by the principal zone.

B. A sign or signs, which convey specific information as described herein, shall be a permitted use on all parcels within the county, including parcels within town planning areas with or without adopted specific plans, notwithstanding anything to the contrary contained in any regulatory language in any specific plan, existing or adopted in the future. Such signs shall include, but not be limited to, outline tubing signs, however such signs shall contain no flashing lights or moving parts. Such signs shall be limited to a maximum aggregate area of 3 sq. ft. per business, which shall be in addition to the sign area permitted by this title or by other specific sign standards adopted pursuant thereto. An additional 3 sq. ft. of informational signage, in accordance with the standards contained herein, may be approved for businesses which have a second public entrance, provided that no more than 3 sq. ft. of informational signage is visible from any location on any public right-of-way. Such signs shall be installed inside a building, and shall be limited to the following information:

1. OPEN, or CLOSED
2. VACANCY, or NO VACANCY
3. HOURS OF OPERATION

Such signs shall not advertise the business or contain the business logo or trademark, and shall not advertise or identify products sold within or services provided by the business.

C. All signs which do not conform with the standards of this title shall be considered non-conforming and shall be permitted to remain on a parcel for a period of 15 years from May 1, 1991 or until such sign becomes an illegal sign or is subject to any of the following conditions:

1. The sign is remodeled beyond a change in facial copy or relocated.
2. The property owner requests permission to expand, remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

D. Unless otherwise prohibited by this chapter, signs may be illuminated provided such illumination does not shine light upon a public street or on to an adjacent parcel or in any way create a public safety hazard. No sign shall be illuminated after 11:00 p.m. or close of business, whichever occurs last, or prior to 6:00 a.m.

E. The following exterior signs shall be prohibited:

Moving or rotating signs; sign with flashing, moving, or animated illumination except signs which display time and temperature information; advertising signs that include the words "Stop, Look, Listen" or any word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public; portable signs except for temporary real estate signs which advertise the particular property; signs on inflatable advertising devices when the device is attached or secured to the ground or building and signs extending above the peak of the roof.

F. Illegal signs, as defined by this title, shall be considered a zoning violation and a public nuisance and subject to the abatement procedures established in section 17.144 of this title. (Ord. 889 Sec.I, 1995; Ord. 878 Sec.I, 1994; Ord. 800 Sec. I, 1991).

of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city, county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

5405.3. Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

5405.5. In addition to those displays permitted pursuant to Section 5405, displays erected and maintained pursuant to regulations of the director, which will not be in violation of Section 131 of Title 23 of the United States Code, and which identify the location of a farm produce outlet where farmers sell directly to the public only those

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