

# Dry Creek

P R E S E R V E



Contained below you'll find one possibility for the future of the Dry Creek community. This idea has been presented with favorable response, and we share it with you as a rough idea in its early stages.

## **Dry Creek Preserve** **A Clovis Community Open Space Legacy** A DRAFT CONCEPT

### Introduction:

Many residents of the Dry Creek Preserve (DCP) individually and collectively desire for the lands which they have carefully stewarded to eventually become much broader societal assets which will transcend our own lifetimes and lifestyles and provide very real and long lasting value to the Clovis community. We believe that our lands collectively have huge potential to provide an "Open Space Legacy" – a foundation for future parks, trails and other valuable recreational features that can be appreciated and enjoyed by future generations of Clovis residents. Because, during our own lives, we desire to continue to enjoy the benefits of living in an open space surrounding, we fully appreciate that this open space-focused vision is not altogether altruistic. But we believe the two intents can coexist and, in fact, produce timeless value for all concerned. At least that is our Goal.

The Dry Creek Preserve, is 787-acres of rural-residential area that lies between Nees and Shepherd Avenues and Dry Creek and the Enterprise Canal in Fresno County. In recent years, the area has felt the pressure of urbanization as the City of Clovis has moved northward. Housing developments now mark the perimeter on three sides of the area and some development has begun to occur and be proposed within the Dry Creek Preserve boundaries. As residents of Dry Creek Preserve, we desire to maintain the rural lifestyle that we chose when we moved into this area, and as above, we are seeking a much larger public objective for our lands. We believe that to the extent the Dry Creek Preserve can maintain its open space values, and resist the ongoing urban development pressures, it presents a unique opportunity for the City of Clovis to preserve a legacy of open space, reflecting a rural lifestyle upon which the community was built, and at the same time, provide very significant open space recreational features for the enjoyment of future generations. This paper outlines a process by which we believe the open space legacy can be cast and preserved. It outlines the open space values we believe could accrue within the Dry Creek Preserve; when and how those values might be obtained for the Clovis community; and what features, financing and commitments would be needed to accomplish those goals. While the DCP landowners are generally supportive of this "Open Space Legacy" concept and of the land use protections needed to secure and preserve the open space resources and opportunities, and they are willing to work as partners to Clovis on Legacy land acquisitions and development, the owners have no authority, in and of themselves, to implement this Legacy concept as a public "Program." They lack needed standing to seek grants, bond issues or other kinds of funding, or to utilize scant existing public funds. So in order for this Open Space Legacy to be realized, the City of Clovis will need to take specific actions to establish the Program, structure its administration, and initiate the processes of seeking grants or other funding, which will be needed for implementation. The landowners can bring forward opportunities for willing land sales at fair market prices, and foster a general attitude of support for the undertaking. But to make it actually happen, Clovis will need to protect the open space resources in its land use decisions, and be willing to lead the community partnership Program.

### Providence and Foresight:

Legacies are important. Our remembered leaders have been men and women who demonstrated foresight, creativity and courage. They stepped beyond mundane daily accomplishments and ventured beyond the essential, to establish and preserve legacies. The Dry Creek Preserve represents an opportunity for Fresno County and the City of Clovis to leave such a legacy. Fifty years from now, residents of the expanded, urban area of Clovis will be able to use, appreciate, and enjoy the renewing open space values already in existence today; but that can occur only if we show the foresight to protect, manage, maintain and develop this area sensibly. A truly unique opportunity exists to further define this piece of the Clovis Sphere of Influence as a well-planned and well-designed community, both now and well into the future.

## The Dry Creek Preserve Open Space Legacy – a Proposal:

The DCP has, since 1977, been designated by Fresno County as Rural Residential, with a 2-acre minimum parcel size. That designation was reiterated in the City of Clovis' Herndon-Shepherd Specific Plan, which has been the governing planning document for the area since 1988. In 2010, Clovis began its City General Plan update, which has continued the RR designation well into the future. Accordingly, parcel sizes within the area range from two to thirty acres, and land uses and appearances have generally retained a rural, non-intensive character. The DCP landscape includes agriculture, large and small animal husbandry, rural residential use, and other open space-related uses. This rural, green, and much softer landscape stands in contrast to the surrounding hardened, more structural character of urban Clovis. (see figure 1 below)



*Figure 1 The Dry Creek Preserve -- a stark contrast to its urban surroundings*

The areas to the south, west and east of the DCP feature higher-density residential uses, with businesses located along the major travel routes. Landowners in the area to the north, between Shepherd and Copper Avenues have expressed interest in developing higher density residential and business uses. Companies interested in near-future development already hold many large land parcels under option. Similarly, lands located to the east of the DCP, within the Harlan Ranch Planning Area are zoned for medium and high-density residential and business uses. Business centers already exist at Shepherd and Fowler Avenues, and at major intersections along Fowler Avenue south of Nees Avenue.

These past and intended developments have nearly surrounded the DCP, which remains as an undeveloped area, situated in what will be near the eventual core of an expanding City of Clovis. Residents desire to preserve the open-space attributes of their area, which presents a truly unique opportunity to explore the long-term creation of a near-urban public open space preserve. Such a preserve would allow the DCP landowners to continue enjoying open space attributes, and Clovis' urban residents could also directly benefit by gradually having available a series of open space parklands, linked trails, developed park sites and other recreational features. Some DCP landowners have already expressed willingness to sell their property at fair market value for such public purposes. To the extent the City of Clovis decides to pursue this program and seek special sources of funding to acquire desired DCP lands, this conceptual program could be implemented without substantial cost to the Clovis City Government.

DCP residents envision a visually consistent mosaic of privately and publicly managed open space, in which owners would continue to practice and enjoy their agricultural and open space-related uses in juxtaposition with a gradually expanding base of publically-

acquired lands. Over decades, more and more lands would be purchased into City ownership, via willing sales, as residents' needs and lifestyles change and they offer their properties for sale.

DCP landowners envision the Open Space Legacy concept being memorialized in a Dry Creek Preserve Area Specific Plan. The plan would set forth open-space-protective land use policies, approved by City Council resolution. It would also contain regulatory features, such as land use designations, zoning, permissible uses, and development regulations and standards. The Plan will also memorialize landowner cooperation with the Legacy concept, including: i) their acceptance of recreational developments within their neighborhoods, ii) their willingness to consider a first right of refusal on behalf of the City, if their lands are sold, iii) willingness to sell lands for this purpose at "fair market value" as defined, and iv) acceptance of land use regulations intended to preserve the open space which is fundamental to the Program.

The DCP neighborhood includes broad demographics, with differing family, financial, health, and lifestyle needs. Landowner viewpoints differ as related to desired land uses, neighborhood interests, and regulatory features. Many residents hope to continue enjoying the existing rural character of the DCP landscape, with its wildlife, farming, domestic animals, trees, quiet roads and peaceful, familiar neighborhoods. A few have financial or other needs, which invite or compel them to consider making substantive lifestyle changes. Because one neighbor's lifestyle changes can materially affect another's, we believe it is important that residents work together with the City of Clovis to define short and long-term landscape-level goals and uses across the DCP. It is hoped that these goals will become embodied in the above DCP Area Specific Plan.

The problem then remains of addressing the administrative needs of: i) prioritizing prospective recreational parcel acquisitions, ii) acquiring those properties, iii) developing facilities upon them, iv) managing and maintaining acquired lands, and v) providing emergency service augmentation to support their use. The major beneficiaries of the Legacy Program will be the broader neighborhoods of Clovis who will utilize the DCP's recreational opportunities. As such, the usual process of financing park developments through developer fees (which are largely non-existent within the DCP) or through area-based fee assessments is inappropriate. WE therefore propose that the administration of the Legacy Program be included within the broader Clovis Recreation District, and managed through that entity, using traditional funding sources spread across the base of beneficiary users. The Legacy governance should include a Citizen Advisory Commission, with DCP resident representatives as well as members from the City of Clovis, at large. The Commission would network with the DCP landowners and work directly with the City Recreation District on matters affecting the DCP area, such as real estate transactions, or public safety.

#### Developing the Open Space Legacy Concept:

The DCP area already supports scenic open space attributes which are routinely visited and enjoyed by many Clovis families. We believe that by working with the City, we can develop a Legacy package that is attractive to the City and its urban population, and be acceptable to the diverse DCP landowners. However, the concept will only be realized if the Clovis City Council will engage this Open Space Legacy vision, and commit to its goals by: i) adopting the Dry Creek Preserve Area Specific Plan with this Legacy Program appended, and ii) follow the Specific Plan's policies in order to resist future development proposals that would irreversibly alter the rural landscape and/or reduce its substantial open space recreational values.

In order to develop the Open Space Legacy concept, DCP residents are committed to working with the City to develop:

1. The desired short- and long-term goals, vision and implementing /actions for the Program, which seeks workable and realistic options for landowners desiring to make changes or sell properties,
2. Processes and administrative structures, to articulate Program-related changes in an orderly way.
3. The planning timetables for reaching Legacy goals. The Legacy development should be viewed as a long-term, incremental process, rather than as a point-in-time project or decision. Accomplishment of an Open Space Legacy will require many different sequential and well-coordinated actions, carried out under a realistic timeline, and using variable long-term funding sources.

The next several years represent a crucial time to realize the Legacy concept. The time to plan for the Open Space Legacy is now, while the majority of owners desire to continue managing their lands with open space attributes. The City has encouraged the DCP residents to develop an Area Specific Plan. At least one area developer has also successfully designed an open space-compatible

development, which supports and assists with achieving the Open Space Legacy goals. They agreed with the residents that broader and creative planning was needed, and that stereotypical development would not be workable within the DCP.

Achieving the Specific Plan goals will require adherence to the Specific Plan policies and regulatory standards. In keeping with the unique character of the DCP's current soft landscape, high-density, wall-to-wall residence blocks which differ only in architectural variation must be avoided. Allowing islands of intensive development to occur will irreparably fragment and alter the DCP's aesthetic attributes: its view-shed, appearance/character, connectivity and quiet character; thus materially reducing or even eliminating its present and future public Open Space Legacy value.

We have an exciting opportunity to develop an important legacy for all who follow. How we choose to regard and approach that stewardship responsibility will determine not only what values we leave behind for future generations, but also what financial opportunities might present themselves, as landowners make decisions to either stay and enjoy, or sell their property and leave the area. In the end, we believe the Specific Plan and its accompanying Open Space Legacy Program will preserve land values and an acceptable range of financial transaction options. The Dry Creek Preserve Open Space Legacy will benefit the City and community with social and economic values far exceeding what can be derived from one-time, permanent conversion of the land into yet another redundant housing-focused landscape.

#### Defining Open Space:

"Open Space" is a common term that evokes different images to different people. To some, Open Space is a required element of a local land use plan, which contains provisions, regulations and an array of defined "permissible" or "non-permissible" uses. These elements are typically intended to provide some level of natural appearance within parts of the landscape, and provide for general human relaxation and enjoyment. To others, Open Space is less of a legal designation and more of a visual appearance lacking major and visible human alterations, interruptions or perturbations. To still others, Open Space may include some fairly intensive human uses—particularly recreational uses—as long as they do not negate, impair or alter the overall "natural" appearance and characteristics at the broad landscape level.

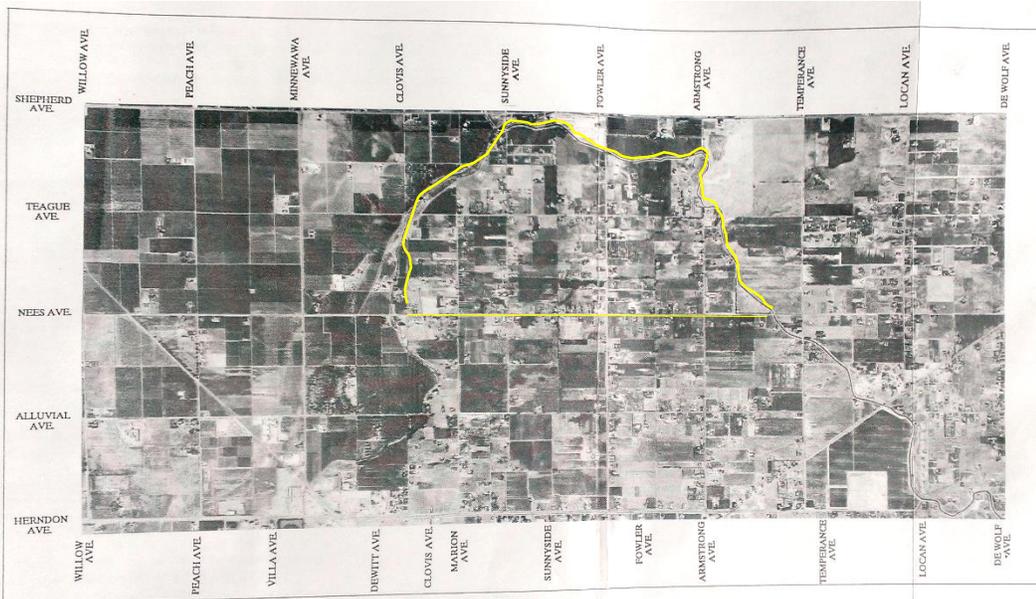
Open space standards vary considerably between communities and locales. Generally open space criteria become tighter and less tolerant of human structures and intrusions within more rural settings, and are much more forgiving of human changes within urban settings. For example, the open space characteristics of San Francisco's Golden Gate Park appear very softening in context of the City's other highly intense landscape. But those same features and attributes would appear as rude, out-of-place intrusions to a less-altered landscape, such as along the Sierra foothills, or within a less intensively developed city, such as Clovis. So the process of defining open space characteristics must include developing a proper "fit" to the area of concern. A general theme that seems to be consistent across most open space definitions is an overall softer land appearance, which supplies some level of contrast to developed lands within any particular vicinity. Typically, open space lands are softer to the eye, more relaxing to the mind and body, and they serve to reconnect people to the land, to nature, and to a nostalgic past when their lives were less intense.

Appendix A provides some statutory and regulatory characterizations of "Open Space", as contained within the California Government Code.

#### What Makes the Dry Creek Preserve A Desirable Open Space Resource?

The following 1988 aerial photo depicts the general rural character of the DCP area. During the development of the Herndon-Shepherd Specific Plan in 1988, this area was referred to as the "Dry Creek Crescent" reflecting its shape. During that planning effort by the City of Clovis, there was little development interest in the area, coupled with much vocal opposition to development, which resulted in the area retaining its former zoning (Rural Residential, 2-acre minimum parcel size). The large parcels have enabled retention of the attractive natural appearance of the area and a less intense neighborhood character. But when one compares the 1988 photo with the more recent 2011 photo below, it is readily apparent how much peripheral development has occurred and how distinctly different and more proximal to the urban Clovis population (and recreationally valuable) the DCP lands have become. The retained open space in the DCP is quite contrasting in the second photo.

Parcels ranging in size between 2 and 30 acres characterize the area's ownership. Present uses include rural residential, farming, pasturage, religious, a large-animal veterinary clinic, and various specially permitted uses. Owners reflect a social cross section that includes many different ages, ethnicities, family structures, occupations and economic situations. Permanent owner dwellings or rentals occupy many properties. Due to the large parcel zoning, most parcels support open space characteristics, either in the form of formal residential landscaping, farmed area, pastures, or other non-intense uses.



1988 Aerial Photograph of the DCP – marked in yellow



2011 Aerial Photo of the DCP and surroundings

Proximity to Clovis:

As the designated northwest and northeast areas are developed in accordance with the 2010 General Plan Update, the DCP will become even more centric to Clovis. A short drive or bicycle ride connects the area to Old Town and most of the City's population. It is immediately adjacent on three sides to the City's developed trail system and public facilities could easily be developed in these locales. The DCP can become a vital part of Clovis' future quality of life, if we consciously seek these long-term values and goals in planning to develop the Specific Plan, Services District, and eventual public Legacy products.

State Government Code section 65661 (b) (see page 5, above) deals with prevention of "leap-frog" urban sprawl into open space areas. The section emphasizes open space preservation as a basis and reason for containing sprawl. In the present case, this proposed open space preservation could be misconstrued as a generator of sprawl, by holding near-urban lands back from intensive development. But this Open Space Legacy proposal is not intended to prevent all development. Rather, it will encourage those forms

of residential, commercial and recreational development which are supportive of, and compatible with the Open Space Legacy and Specific Plan Goals, and discourage only those proposals which would contradict or detract from those purposes. It would operate through the accompanying Specific Plan, to define acceptable development types and architectural/operational standards. The DCP embodies a large in-holding of open space, with some prime agricultural land (as defined in Ca. Gov. Code §§ 56064), which is now nearly surrounded by sprawl that has already occurred, in pursuit of the Herndon-Shepherd Plan's "Urban Village" prescriptions. The DCP thus represents an extremely valuable "urban open space resource" at this point. Its articulation with other open space is therefore subordinate to its articulation with the now-urban population as a recreational and relaxation site. If properly developed, it will eventually have value and community importance similar to Golden Gate Park in San Francisco, Central Park in New York, Griffin Park in Los Angeles, and other similar urban respite locations.

#### Wildlife:

Due to its undeveloped character, the area supports substantial wildlife. Populations of waterfowl (typically Mallard Ducks, Wood Ducks, resident and migratory Canadian Geese, geese and other occasional visitors) are present and highly visible throughout the area. Songbirds are abundant and diverse. With its location along Dry Creek and adjacent to the City of Clovis Recharge Basins, the area represents a winter subsistence habitat for many altitudinal migrant bird species temporarily driven from Montane and Foothill habitats by transient weather. An abundant variety of hawks and owls inhabit the area, including Red-tailed Hawk, Red-shouldered Hawk, Kestrel, Merlin, Cooper and Sharp-shinned Hawk, which are all common and nest frequently in the DCP area. Resident owls include Great Horned Owl, Short-Eared Owl, Screech Owl, Barn Owl, Saw Whet Owl and occasional Long-Eared Owl. Shorebirds seasonally find a home in our pastures and along ditches and roadsides. Resident breeding populations of Raccoon, Opossum, Red Fox, Grey Fox, Coyote, Striped Skunk, California Ground Squirrel, Eastern Fox Squirrel, Cottontail Rabbits and various rodents exist in the area. Observations of Bobcat, Ring-tailed Cat, and Mountain Lion (assumed transient along Dry Creek) have occurred within the area, during the past decade.

A variety of reptiles and amphibians are present, and on warm spring evenings, we see many people walking our neighborhood, listening to the loud frog chorus coming from rain and irrigation ponds. This wildlife preserve represents a treasure to the City of Clovis and its residents, who would have to travel miles in the foothills to experience such a compressed diversity of fauna.

#### Agriculture:

As above, many of the DCP lands are "Prime Agricultural Lands" as defined. The area has excellent, Visalia and Ramona sandy loam soil types, which support a diverse set of small-acreage family farming enterprises. Commercially grown crops include pecans, walnuts, almonds, and grapes. Domesticated animals are abundant, and include horses, sheep, goats, cows, burros, donkeys, mules, llamas, alpacas, guanacos, rabbits, chickens, pheasants, peafowl, emu, ostriches, and others. Farm animal sounds characterize the evening and morning hours, and many Clovis residents now routinely visit the area to hear, see, and interact with these rural-dwelling animals. It is a unique opportunity to see such an array of farm animals in proximity to the urban population

#### Water Resources:

The area residences rely on pumped groundwater for residential supply. Water-intensive agricultural uses rely upon surface water supplied by the Fresno Irrigation District, and transported via the Enterprise Canal and its distributaries. A few orchards are now drip irrigated, using pumped groundwater; however most orchards and pastures are flood or furrow irrigated from FID supplies during the available season—typically March through September. Flood irrigated acreage within the area thus supplies a major groundwater recharge asset. In total, about 450-500 acres is flood irrigated at a rate of about .4 acre-feet per acre, per month. Over the usual seven-month irrigation supply season, this amounts to 2.7AF/A, or a total of about 1,350 AF/yr for the area. Estimates of percolation of applied water past the root zone for flood irrigated acreage range from 0.5 to 1 AF/A, or about 250 to 500 AF/y recharged into the groundwater aquifer. In consideration of the approximate 2,500 AF/Y groundwater overdraft which the City has experienced (Provost and Pritchard, 2003), this supplemental recharge mechanism represents a substantial annual benefit for aquifer beneath the City of Clovis.

Additionally, a number of ponds dot the landscape along former drainage courses, fed by FID recharge water deliveries or crop runoff. The ponds have no significant contamination, therefore they represent added recharge capability.

#### Recreational and Historical Values:

The DCP area currently provides an important open space resource for persons residing within north Clovis. Families commonly drive, walk or bicycle through the area on weekends or evenings, stopping to observe or photograph the scenery, interact with the domestic animals or view the abundant wildlife. This use spontaneously occurs without any form of promotion. People naturally seek

open space attributes. We believe an orchestrated program of education and interpretation—including some signage to enable recognition of public features—would invite even greater recreational use for the residents of the City.

Substantial historical value is also present and visible throughout the area. The historic wheat farm of Clovis Cole (City namesake) stretched across much of the Dry Creek Preserve area. Today heritage-size Valley Oak trees, a scattering of historical farm equipment and water structures, stands of cottonwoods, and other features dot the landscape. Overall there exists substantial restoration opportunity for valuable historical interpretation and education.

The above represent only a few of the many reasons why we believe the DCP represents a valuable open space resource. The land and use characteristics are certainly consistent with urban-level open space preservation, and many of the features remain in fully natural condition and beauty.

Implementing the Open Space Legacy Concept:

The DCP area is a gem worthy of deliberate acknowledgment and careful development of compatible uses in planning process. Within this area, the Open Space Element which we propose for the Specific Plan should therefore receive equal and/or greater priority than the other growth-related elements, including Housing, Circulation, and others.

As a part of the planning process, we need to explore and utilize methods that have worked in other places, and to set our expectations to patiently allow the goals to be met over timetables of several decades. This will allow us to:

1. See trends unfold and respond to them incrementally,
2. Develop needed financial resources,
3. Explore and make new kinds of public open space conservation purchases in fee title or easement, from willing sellers,
4. Transcend current ownerships and utilize the ownership transfers as opportunities to purchase/incorporate open space reservations,
5. Work closely with landowners to plan and define the mosaic of public and private open space attributes, so as to minimize public-landowner conflicts, and
6. Understand and plan for development of the area as a dynamically and gradually growing open space preserve.

In our earliest discussions with the City and County, including with the Clovis City Council, the idea of an “Open Space Preserve” was discussed. All parties recognized that differences between individual landowners’ philosophies and intended uses could become problematic, unless: 1.) the City’s General Plan and Specific Plan for the area continue to set land use designations to protect open space values; i.e., exclude intensive uses which are non-compatible and/or could degrade the open space landscape character, and 2.) the above Plans and associated ordinances establish effective development standards and mitigation strategies to support and protect open space values. We believe that the “Preserve” concept can be articulated as a compatible mix of private and public land uses and its integrity can be maintained as long as the above features are established and adhered to. Without these measures, the process would erode into a program of phased, redundant, intensive residential development, with nothing more than token open space retention, thus destroying the rural character and public attractiveness of the neighborhood.

We believe any issues which may exist between residents and recreationists or other allowed land uses can be effectively addressed by such standards or mitigation measures as the following:

1. Strategically located purchases of public open space parcels and/or easements,
2. Well-defined development and density standards within the “Preserve” area,
3. Establishment of a policy to provide quality open space in perpetuity,
4. Enforceable policies and agreements assuring continuation of present individual landowner uses (including the right to farm, fence, keep livestock, keep and maintain wells, keep current effluent disposal, keep surface irrigation),
5. Better traffic regulation and enforcement, emphasizing slow speeds consistent with open space appreciation, including roadside activities.
6. An administrative structure to make open space acquisition and management decisions and to manage public-acquired lands,
7. Identification of land uses and businesses that are compatible with open space character. These might include such uses as: well-designed golf courses, country clubs, nursing home facilities, low-intensity recreation, leased community vegetable garden plots, tourism retail, or wildlife care centers. Eventually, they could include visitor centers, bicycle rentals, and other more park-like facilities, as more public lands are purchased and as park uses gradually replace residential uses across broader DCP areas.

8. A process for marketing the above scope of uses in place of the less compatible uses, such as higher density residential development or more urban commercial features.
9. Some of these uses may require larger parcels to enable necessary buffering and setbacks. Economics will be an important consideration in developing a set of acceptable land uses. If the alternative uses are not economic, the entire open space protection effort could become ineffective.

#### Financing the DCP Open Space Legacy:

The acquisition and administration of public land-holdings within the DCP by the County or City will have associated cost. Fortunately, the longer time-frames associated with sporadic willing-seller transactions will generally afford a longer time-window in which to accomplish needed financial planning and arrangements, in advance of receiving offers for desired purchases. We envision several financial options being employed to meet these goals and timetables, as follows:

#### Land Acquisition Grants:

Grant financing has been used by other communities for similar public parkland acquisitions. We anticipate that grant funding will become available from various sources over the several decades in which Open Space Legacy funding is needed. Every effort should be made to access those grant opportunities as they arise. For grants to become a dependable financial tool, it will be necessary for an appropriate entity to routinely survey the availability of government and other grants and to submit timely applications. It will also be important for the City to work closely with State Assembly and Senate representatives from the Clovis area to assure that the City's Open Space Legacy needs become line items in the text of developing new State bond legislation. Grant applications are normally more competitive if the requesting party is able to provide matching funds at some level. It is therefore very desirable for other financing options, as below, to be explored for grant matching and direct Legacy financing.

#### Rolling Land Purchases:

A process of "rolling land purchases" could be employed, in which the accumulated revenues could be used to make willing-sale property purchases. The City would then have the option to re-convey purchased parcels to new owners, but with included recorded conservation and other easements as needed to assure open space preservation, public passage and/or use, or other Open Space Legacy features. Re-conveyance sales enable portions of the fund to be restored for use on other needed time-sensitive conservation purchases. While re-conveyed lands may not afford full public ownership rights, this process is used by many land trusts and conservancies to take advantage of too-fast-approaching purchase opportunities in context with limited land acquisition budgets. It can at least preserve overall landscape character and gain needed public access across specific parcels in cases where outside sale would otherwise be imminent. The rolling fund also enhances landowners' sale options, by extending the dollars available for making public acquisitions.

#### Extended Purchases:

Some sellers may desire to receive purchase payment in time increments, rather than as a lump-sum. Such delayed disbursements would enable longer times for the purchase funds to be accrued, and they also could enable "rolling purchases" to be simultaneously transacted.

#### Gifts and Bequeathals:

Most land trusts are able to receive gifts or bequeathals of lands and they actively promote those considerations among landowners within their areas of concern. Given the great lasting value of the DCP Legacy, strong interest could develop among some area landowners to create public legacies of their own. To make this attractive, the means should be developed to provide proper long-term recognition and attribution. This could be accomplished in the same way it has been developed elsewhere, e.g., public benches, paths or other features with permanent contributor plaques.

#### Corporate Sponsorships:

Many corporations are likely to take an interest in the development of an open space feature which will be of direct value to them in developing adjoining lands, or in attracting client business to the Clovis Area. As such, a concerted effort should be made to promote the Open Space Legacy concept and to make area business aware of the eventual huge associated value. In other venues, such corporate sponsorships have been substantial and have made a very significant positive impact on funding availability.

## No Use of Eminent Domain

Because all open space land purchases would be based on willing sale offers made by owners, and no eminent domain acquisition actions are contemplated, there should be no legal costs associated with such transactions. It is anticipated that willing sale offers will come forward as the resident population of the DCP ages and as their lands are either sold to new residents (with a first refusal opportunity first given to the Legacy Program of the City), or passed on to their heirs, who may then be absentee owners.

### Needed Administrative Structures and Decisions:

To implement such a broad and varied Open Space program, an administrative structure will be needed to define decision processes, make land acquisition and management decisions, and promote public education and interpretation. We anticipate substantial public revenues to be accrued through grants, corporate sponsors, or philanthropy. All will require legally competent accountability and careful administration. A range of alternatives exists for handling these administrative responsibilities. We earlier recommended they be managed by separate Open Space Legacy Management District, but other administrative entities and structures may be equally acceptable. One logical option would be for the DCP public lands to be managed along with other Clovis Parklands by the City of Clovis. This would require those administrators to separate management of the DCP accrued funds and acquired properties, and to understand and implement the particular standards for public lands management provided within the DCP Specific Plan. The City of Clovis should carefully evaluate the available options for managing and administering the DCP Open Space Legacy. Because public and grant moneys would be involved and dispersed, an appropriate public accountability process and regular auditing process will be necessary..

An Advisory Committee should be established to assist any administrative entity with particular tasks, including: i) networking with landowners to solicit willing sale parcels, ii) prioritization of offered lands for acquisition, ii) planning and design of parklands, connecting trails and other public recreational features, and iv) assurance that Specific Plan and Legacy Program goals are satisfied by the Program.

## A Futuristic Vision of the DCP Open Space Legacy:

We envision a Dry Creek Preserve with land uses being successfully administered in accord with the Dry Creek Preserve Specific Plan. That Plan enables landowners to enjoy all of the past uses of their lands and some new uses, including ability to sell or transfer lands if and when they so desire. The Plan incorporates this Legacy Program which provides for much broader public purposes, and could incidentally provide a ready market for many of those wishing to sell properties, provided funding is available at the time. The Plan (with help from the Clovis City Council) will carefully guard open space values across the DCP landscape by requiring proposed land use changes to conform to specific policies, regulations and standards; all intended to reduce adverse effects of changes to neighbor's lifestyles today and to protect the Legacy values inherent in our land.

**Envisioning the future will challenge our collective imagination. So please sit back and allow your imagination to join ours in moving you through another much later time – a time when our vision might actually have become a tangible reality.**

**By 2020**, we envision the same soft DCP landscape as we enjoy today: open views, quiet, non-intimidating streets, a dark night sky with night animal sounds, pastures, orchards, livestock and familiar neighbors who wave as they pass. Lands have a mosaic of different uses with an array of interesting outbuildings, fields and visible equipment. Yards are large enough for kids to play outdoors and get dirty – and be healthy. They can holler all day long and their dad can run his chain saw. Nobody cares. Houses vary greatly in age, size, color, value and architecture. Landscaping is by individuals, and shows characteristic individuality – in fact, individuality characterizes almost everything about the DCP. The collective view is decidedly rural and invitingly informal.

Streets lack hardened edges. There are no curbs, no gutters, no sidewalks, no noise walls (no need, there is no traffic noise!), no street lights, and no redundant urban looking street trees or manicured landscaping. When one walks alongside the quiet roads, they have the option to physically touch the earth – soil, that is -- not just spotless concrete or swept asphalt. The DCP quietly, softly announces, "This is not an urban place."

**By 2025** the general landscape has seen few changes. But within this first decade of the Specific Plan, paved bicycle and equestrian paths have begun to unveil along the area streets and roads. As these are discovered by urban residents in areas surrounding the DCP, they become busy at times with whirring bicycles – individuals, groups and families passing quietly in irregular pulses. On weekday mornings and evenings, they are commuters bicycling through the DCP en route to work and home again. At mid-day many are DCP residents bicycling to and from Clovis for errands or shopping. On summer evenings and weekends, they are families from outlying areas who come to rest and recreate. Yard signs along the roadways welcome all of them to the Dry

Creek Preserve. At intersections, the street-name signs have a unique DCP identity, and where major roads enter the area, there are monuments to make people aware they are entering a unique open space area. Intersections have no stop lights, no accumulating exhaust, no acceleration sounds. Instead, there are traffic roundabouts. They smooth out the flow, slow traffic down and relax mind-sets so that drivers can enjoy their ride through “*The Preserve*.” Community awareness and support for the “Preserve” is, by 2025, fast growing.

After its first decade, the Clovis population now strongly embraces the Legacy Concept and has encouraged the City Council to fully implement the program. A special Commission was appointed by the City Council to seek grants and explore other special funding and to prioritize and implement land purchases. The City Recreation Department is charged with maintaining the purchased lands, with the significant help of a large volunteer association. By then, funding is beginning to accrue. Grants have been won, and it has become a popular marketing tool among Clovis businesses and corporations to sponsor the acquisition of DCP Legacy park-sites and trails. By then, some DCP residents have also arranged to bequeath lands to the Legacy Program. Individual sponsors’ names and those of supporting businesses appear on park benches, plaques and commemorative bricks throughout the trails and facilities, making these community participants a part of the Legacy. By then, a few owners have offered their lands for sale, and parkland purchases are beginning. A few large parcels are already acquired and they are being developed with park furniture and tied together by connecting off-street trails. Trails link Old Town (across the DCP) to the Regional Park at Dry Creek Reservoir. From there, bicyclists and equestrians connect with other regional trails.

**2030:** After fifteen years, the recreational attractions have encouraged some new DCP-related businesses to pop up across the landscape. One offers parking, and they rent bicycles, including cheap one-way rentals for people wanting to ride into Old Town. They also have an Old Town facility where bicycles are available for the return trip. Another business has restored an old barn which now contains small retail store fronts – ones like you might find at the coast or in other touristy areas. There are old tractors on display out front, and friendly horses just behind the barn. The horses and ponies are tame – they get regular visits (and treats) from young urban friends. They also give rides along parkway trails. Yet another business is a winery. It has become popular for people to ride or walk the trails on weekends or summer evenings and stop to imbibe and visit. Out-of-town tourists often pause at the winery on weekends, en route to and from events in Old Town. Still another business is a hand-made furniture outlet, where quality solid wood furniture is visibly made the old-fashioned way and then retailed from a store that resembles an old farmhouse. There is also an authentic old fashioned ice cream concession stand at a major trail-street juncture. It offers real home-made ice cream and old fashioned fresh fruit freezes. It enjoys a regular weekday bicycle clientele. On weekends it is besieged by families from nearby neighborhoods to the north, west and east. Finally, there is an equestrian center. Urban and rural area residents can board horses there. Access is easy to miles of riding trails, without need of a trailer. The Specific Plan successfully prevented the development of urban-focused businesses, which has encouraged a very successful recreation and tourism array and allowed them to blend and thrive in the rural DCP environs.

**2040:** After more than two decades, the DCP Legacy has matured. Almost one-third of the DCP lands have now been offered by owners and publically acquired. As many of the original DCP landowners aged and moved, they sold land parcels to the Program. Many took advantage of “extended purchase” options offered by the Commission, in which sellers receive payments spread out over a number of years. The acquisition fund fluctuates, but has remained in operative condition. Maintenance requires an increasing segment of the Commission’s annual budget, but At the same time, with so much of the Preserve already acquired, new recreation purchases have become less frequent, so the funding remains solvent. The volunteer corps is now huge. They work tirelessly to manage the acquired lands and help seek new grants and sponsorships. A bond issue will be put before the Clovis voters within the next year, and it is anticipated to pass easily. It contains earmark funds for a new DCP Visitor Center and historical museum, with indoor-outdoor classrooms and an environmental education lab.

By 2040, it will be time for the Clovis General Plan and the DCP Specific Plan to be updated. With the stability and broad popularity of the DCP area, it is unlikely this landscape will see major changes.

**Now advance your imagination to 2050:** Clovis’ population now exceeds 140,000. About half of the DCP land parcels are still occupied by individual residents. Their lifestyles have changed only slightly, because the recreational facilities, trails and businesses have been carefully planned to buffer their effects on neighbors. Many residents or their heirs still live in the same homes, and still enjoy the familiar open views and friendly neighbors. Many still farm orchards or livestock. Quite a few now ride bicycles. Others ride their horses much more than they used to. Residents care for their gardens and yard landscaping carefully and they spend a bit more time maintaining their property; now that people are driving and cycling past slowly enough to notice. Their ownership pride is at its height, considering that outsiders view the “*Preserve*” as a premium place to visit or live. Down the street a recent 12-home subdivision has just sold its last remaining homes. They’re custom homes on one-acre lots. In the “urban villages” to the northeast and northwest, homes sell almost as fast as they can be constructed; especially in subdivisions which had foresight to include trails linking to the DCP and to Old Town. Clovis is becoming a walking, bicycling and -- once again-- an equestrian community.

The DCP area has remained secure. Clovis Police patrol the area in vehicles to enforce the reduced speed limits. Officers also ride bicycles on residential and recreation area beats. On weekends, for nostalgia sake, they sometimes ride horses and wear old

western marshals' apparel; to everyone's enjoyment. Because the trails, parks and businesses are daytime only features, the crowds must leave at night. The area then returns to a quiet, dark, peaceful, rural place with large, individualized yards and well-spaced houses of varying age, size, color, value and architecture, and with peaceful, soft-appearing streets without hardened edges, sidewalks or lights -- and with a collective view that is decidedly rural and invitingly informal -- Some things don't ever change!

Returning to reality does not necessarily require us to abandon the vision. If we "carry the torch" as a Clovis community, the vision can become reality for future generations to enjoy and appreciate.



**ADDENDUM:** Government Code definitions and requirements affecting establishment and protection of Open Space

STATE GOVERNMENT CODE

SECTION 65560:

- (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.
- (b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:
- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lake shores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lake shores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

Government Code Section 65561: The Legislature finds and declares as follows:

- (a) That the preservation of open-space land, as defined in this article, is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.
- (b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.
- (c) That the anticipated increase in the population of the state demands that cities, counties, and the state at the earliest possible date make definite plans for the preservation of valuable open-space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter or by other appropriate methods.
- (d) That in order to assure that the interest of all its people are met in the orderly growth and development of the state and the preservation and conservation of its resources, it is necessary to provide for the development by the state, regional agencies, counties and cities, including charter cities, of statewide coordinated plans for the conservation and preservation of open-space lands.
- (e) That for these reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open-space land.

Government Code Section 65562: It is the intent of the Legislature in enacting this article:

- (a) To assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible.
- (b) To assure that every city and county will prepare and carry out open-space plans which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program.

STATE GOVERNMENT CODE

SECTION 65910-65912

65910. Every city and county by December 31, 1973, shall prepare and adopt an open-space zoning ordinance consistent with the local open-space plan adopted pursuant to Article 10.5 (commencing with Section 65560) of Chapter 3 of this title.

65911. Variances from the terms of an open-space zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. This section shall be literally and strictly interpreted and

enforced so as to protect the interest of the public in the orderly growth and development of cities and counties and in the preservation and conservation of open-space lands.

65912. The Legislature hereby finds and declares that this article is not intended, and shall not be construed, as authorizing the city or the county to exercise its power to adopt, amend or repeal an open-space zoning ordinance in a manner which will take or damage private property for public use without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States.

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