

DRY CREEK PRESERVE SPECIFIC PLAN

1.0 INTRODUCTION

Clovis is among the most attractive and livable of central California Cities. Its low crime rate, mild climate, central location, housing at all levels, diverse employment opportunity, convenient transportation connectivity, and renowned excellent school system all contribute to its wide reputation as a most livable community. But other attributes also contribute substantially to its attractiveness and set Clovis off as unique and preferable to other cities as a place to live, work or locate a business. These features were recognized in the 1993 Clovis General Plan. More recently, they have been emphasized in the Guiding Principles and Goals adopted by the City Council for Clovis' 2010 General Plan Update. They include Clovis' nostalgic small-town character, evident attention to its heritage, strong social networks, well-connected recreational opportunities, a peaceful surrounding environment of rural open spaces and agricultural lands and a "gateway" position leading to abundant, diverse recreation within the Sierra Nevada Mountains.

Over a half-century, Clovis gradually transitioned from a small rural town to a major urban population. The City planned that process effectively, meeting the needs of expanding human population, while keeping Clovis' heritage, history and community character alive and visible. Clovis has generally kept population and residential housing growth in balance with the City's longer term goals and vision, including: i) sustainable economics, ii) creation of unique community character and "sense of place", iii) high quality public services, safety and education, iv) choices in housing and lifestyle, v) small-town aesthetics and vi) superior living quality.

In pursuit of those values, Clovis undertook some unique programs: among them; a significant system of urban trails and bikeways, restoration of major features within Clovis' historical "Old Town" district, sponsorship of a number of regular historically or culturally based events, and planning for dispersed, thematic but connected neighborhoods.

Clovis' 1993 General Plan included designation of three outlying new development "urban villages" located in the northwest, northeast and southeast (Fig.2). It also called for development of eight Specific Plans for various Clovis neighborhoods. Those plans addressed intended development within the various planning areas, as well as efficient connectivity between them. One of those eight planning areas, the Herndon Shepherd Specific Plan, encompassed the north-south area between Herndon and Shepherd Avenues, from Willow Avenue on the west to Locan Avenue on the East. It included the area known then as the "Dry Creek Crescent," which is known today as the "Dry Creek Preserve" (DCP).

Intentionally left blank for map of Clovis Sphere of Influence Fig. 4

1.1 Clovis Sphere of Influence

In 1989, the Fresno County Local Agency Formation Commission (LAFCO) recognized the need for Clovis to be able to plan for and accommodate its projected growth in a consistent and orderly manner. At that time, LAFCO concurred with northward and eastward expansion of the Clovis Sphere of Influence. It was initially extended northward to Shepherd Avenue, then later further expanded to include an area south of Copper Avenue, bounded on the west by Willow Avenue and on the east by the alignment of Clovis Avenue (Figure 3). A Memorandum of Understanding between Fresno County and the City of Clovis, refers the land use planning and discretionary decisions within the Sphere of Influence to the City. Because the DCP is now located within Clovis' Sphere, the area's land use planning is a City responsibility. While annexation to Clovis would be needed in order for this Specific Plan to be fully implemented, public planning consistency requires that this Plan's Goals, Objectives and Development Standards will also need to be recognized and implemented in any development taking place under County jurisdiction, on those lands within non-annexed parts of the DCP, but still within the Clovis Sphere of Influence.

Under the Herndon-Shepherd Specific Plan, dense residential development of up to six units per acre, and corridors of commercial developments have spread northward to Shepherd Avenue, thus infilling most of the area except for the 788-acre DCP (Figure 1). As such, the DCP remains an area of rural-appearing open space, in close proximity to the City's urban core. But because the DCP has become surrounded on three sides by City annexations and the area will be situated nearly directly between the planned northwest and northeast urban village developments, it also represents an important Clovis infrastructure planning jurisdiction.

The 1988 Herndon-Shepherd Specific Plan's residential goals called for *"Preserving areas for lower density semi-rural character, yet providing for further development of variable lot size subdivisions to meet the continuing demand for housing in Clovis."* Today, with 89 percent of the Herndon-Shepherd Plan area built out into high-density residential subdivisions or commercial corridors, the DCP comprises the remaining 11 percent. It is here that the low-density rural character called for in the 1988 Plan has been preserved and can efficiently be preserved for the future.

1.2 The Dry Creek Preserve

The Dry Creek Preserve (DCP) is a 788-acre area located generally north of Nees Avenue, between the converging alignments of Dry Creek and Fresno Irrigation District's Enterprise Canal (Figure 5), within the Clovis Sphere of Influence. The area has been intensively farmed for over a century. For over 40 years, lands within the DCP have had Fresno County's Rural Residential (2-acre minimum) designation. Due to this long-term designation, the area retains a predominantly rural appearance, with very low residential density and a wide variety of applied owner uses. (Figures 6 and 7). The area has about 258 separate parcels (Figure 8.) with sparse and diverse housing, visible agriculture

and rural-appearing streets without hardened edges. These give the landscape a “soft” character; preferred by residents. Land parcels range in size from 1 to 31 acres; most having a single single-family residence. The non-residential balance of most (particularly larger) parcels is managed for small-scale agricultural production, pasturing of livestock, open space, landscaped yards, or small home-based businesses (see Figure 27, page ____).

The Dry Creek area was designated Rural Residential (RR – Single Family Residential, 2-acre minimum) by Fresno County, in 19___. In 1989 it was added to the City of Clovis Sphere of Influence and included within the City’s 1993 General Plan and 1988 Herndon Shepherd Specific Plan. At that time, in response to strong DCP landowner preferences (Morley, 1988), the Herndon-Shepherd Plan proposed continuation of the RR designation in this area, and proposed few land use changes. Accordingly, the DCP was not included in much of the City’s infrastructure planning at that time, including the Sewer Master Plan.



Fig. 6. Iconic barns decorate the DCP landscape

The DCP is a functional and stable rural community, and few problems exist in providing services or infrastructure to the area at today’s development levels. Throughout the DCP area, small-scale agriculture exists on fertile soils, overlying good quality groundwater. Agricultural capability is enhanced by gravity delivery of surface irrigation water, provided by Fresno Irrigation District (FID), through the Enterprise Canal. A network of FID’s and community

water conveyance facilities serve many parcels which have attached historical water rights and associated easements (see Figure 30, p. ____). Applied surface irrigation water is an important component of groundwater recharge, both for residential wells within the DCP, and also for down-aquifer City of Clovis municipal well fields, located near the intersection of Clovis and Alluvial Avenues.

Domestic water within the DCP is provided by individual wells which have had a history of good water quality. Residences are also served by individual septic facilities. Fresno County anticipates that the interface of individual septic systems and individual wells will create water supply and/or groundwater quality problems over time, if individual septic systems and wells proliferate to the projected maximum levels



Fig 7. Quiet, peaceful DCP streets invite recreationists

associated with eventual full 2-acre parcel build-out of the DCP (approximately 350 individual parcels/residences). Consequently, Fresno County has ceased approval of proposed parcel divisions (i.e., division of parcels greater than two acres in size) if they would result in new residences and thus rely on development of new additional individual wells or septic systems.

When queried by the Dry Creek Preserve Neighborhood Committee in 2010 (appendix A), less than 3 percent of property owners (<8% of acreage) expressed interest in developing their property more intensively. Most respondents intend to continue residing on their properties. They stated that they strongly value the rural character and appearance of the area and the diversity and breadth of permissible uses and choices afforded by the County's Rural-Residential designation. Most residents also appreciate and recognize the importance of preserving the area's agricultural heritage and open space features.

(Insert new Questionnaire result for 2014 here)

The DCP, therefore, continues to be a Rural Residential community with a strong "sense of place" and considerable solidarity, but where the majority of residents also appreciate the area's necessary infrastructural relationships to the City of Clovis and its open space value to the community.

The DCP has become an important near-urban open space area, currently looked to and passively used by residents of the broader Clovis community. Passive public recreation within the DCP is generally welcomed by most landowners (Fig. 9). The DCP thus provides important community living quality attributes which are of value in Clovis' ongoing efforts to make Clovis



Fig 9. "Welcome to the Dry Creek Preserve" signs dot the DCP landscape – signs purchased by residents to show their support for public recreation in the area

an attractive place in which to live and/or site new businesses. These open space values and related land uses have intentionally been recognized and preserved in the Land Use Element of this Specific Plan.

As above, many DCP residents have particular agricultural and other operational needs which are normally not considered in the development of urban-focused land use plans. At the same time, DCP residents and the City of Clovis recognize that the rural appearance and open space assets of the DCP represent important aesthetic resources which are of value to a Clovis population living beyond the boundaries of the DCP itself. This unique suite of primary needs required a different kind of Specific Plan to be developed; i.e., one that places primary emphasis upon conservation of open space values and protecting the existing rural land uses and surface water supplies, rather than upon advancing the DCP lands to “higher” levels of structural development. Consequently, this Plan places high value and major emphasis upon conserving open space and maintaining/protecting the suite of associated land uses that will maintain the areas open space value for future generations. Accordingly, this Plan advances a non-typical array of goals, objectives, standards and implementation features; all intended to recognize and conserve the DCP’s values/needs and to articulate them with the open space needs and other planning and program needs of Clovis and Fresno County. Because the Plan’s implementation involves no new development or major land use changes, it will incur very little public cost.

1.3 Keeping Clovis’ Heritage, Vision, Values and “Western Way of Life”

Throughout its history, Clovis was a rural town in which a “Western Way of Life” was a prominent theme in community logos, icons, and events. Given the extensive growth in recent years, however, the City’s economic base and emphasis have shifted from local agriculture toward urban retail, services, and construction. Outside the city’s restored “Old Town” core, the expanding population is now more urban-focused, with weaker personal ties to the City’s historical agricultural heritage. Yet much of the population retains strong rural affinities; fostered and reinforced through time by regular commuting through adjacent agriculture and open space lands, an affirmative focus on visually restoring the core “Old Town” area, and community efforts to provide regular event-based attractions like Big Hat Day, the Clovis Rodeo and weekly Farmers’ Markets.



Fig 10. Historic Agriculture equipment is still visible along DCP roads and streets



Fig. 11. Horses and other livestock are common throughout the DCP landscape.

Clovis desires to retain visible, living representations of Clovis' agricultural history as we plan for the City's growth. This Specific Plan provides for the DCP to continue as one of the valuable remaining rural residential and agricultural areas. Because it will eventually be surrounded by dense residential development, its recreational, educational, historical and aesthetic values are recognized and intended to be enhanced by this Plan's

implementation. The area is now visited frequently by Clovis urban residents, families and school functions

who walk, jog or bicycle along the slower-paced DCP roads and avenues for exercise, relaxation, educational functions, or informal family outings. The visiting public indicates they are attracted by the area's reduced intensity, slower traffic, farm animals, wildlife, orchards, pastures, and relaxing open space. This Plan seeks to maintain and enhance those assets, and improve public safety for recreationists along DCP area roadways.

The Dry Creek Preserve is one area where residents and landowners recognize the community-wide aesthetic values associated with their visible agriculture. They have welcomed passive recreational, educational and historical interpretive uses. They encourage land purchases to provide public-usable open space through a voluntary *Open Space Legacy Program* (Appendix C). As such, the long-term DCP vision is to provide a large, near-urban area where Clovis residents can maintain linkage to Clovis' beginnings and "Western Way of Life" and enjoy very substantial outdoor recreation, while also meeting DCP landowners' needs/expectations.

Clovis has emphasized the development of community trails and bike paths to connect the various Clovis landscapes and planned "urban villages." Where these trails take visitors alongside or through the historical agricultural or open space landscapes, they have become extremely popular outdoor recreational features; promoting physical and mental wellness, supporting non-vehicular travel and related air quality protection, and re-engaging the urban public with Clovis' heritage and history, as above. These open space recreational opportunities, along with the housing variety and lifestyle options afforded by Rural Residential areas represent two ways in which DCP land uses can help to implement various provisions of the Clovis General Plan and Area Specific Plans for adjoining neighborhoods and contribute important long-term economic value to the overall Clovis community; i.e., as important public amenities and attractions for new businesses considering locating in Clovis.

1.4 Clovis' General Plan Guiding Principles

In 2009, Clovis began the regular process of updating its General Plan. In the process, it identified and adopted eight major over-arching principles to guide the planning efforts and decisions. They included:

1. **Small Town Character:** preserve the authenticity of Old Town and plan new development that creates a communal sense of place.
2. **Education:** provide Clovis Residents with access to superior life-long educational opportunity.
3. **Lifecycle Community:** create housing, employment and lifestyle opportunities for all ages and income levels of residents.
4. **Long-term Governance:** incorporate long-term thinking into short-term decisions making.
5. **Social Capital:** Strengthen social networks that create pride within the Clovis Community.
6. **Public Parks, Open Space and Trails:** Use and design open space resources for trails, parks, and recreation where people live and work.
7. **Natural Resources:** foster stewardship as the primary means of conserving and enhancing resources and promote Clovis' connections to the Sierra Nevada.
8. **Economic Prosperity:** foster economic growth that provides employment opportunities suited to capabilities of current and future residents and housing opportunities for those who work in Clovis.

Under the guidance of this Specific Plan, The Dry Creek Preserve would contribute to the implementation of several of the above Guiding Principles. It would:

- provide significant accessible open space and recreational opportunity (Principle No. 6.)
- provide housing variety and lifestyle-lifecycle choices/options which will attract new businesses and jobs to the Clovis area (Principles No. 3 and 8)
- help re-engage people with the Clovis agricultural heritage and contribute to the small town character of Clovis (Principle No. 1)
- afford a major reserve of undeveloped lands which can be used to meet Clovis' long-term needs (Principle No. 4)

- preserve the opportunity for Clovis to acquire lands and easements needed for the above *Open Space Legacy Program* which will be a source of significant pride to the Clovis Area (Principle No. 5).

1.5 Public Outreach Efforts and Results

A detailed description of the public outreach process appears in Appendix A. That process included selection of a “Neighborhood Committee”, which took place at a neighborhood meeting on April 7, 2009. The Committee membership consisted of anyone from the neighborhood who desired to participate and/or who could commit time to the planning endeavor. The original Committee consisted of 16 residents who represented three sub-neighborhoods within the DCP. Others joined or left the effort as the work progressed. The Committee met a total of 48 times between 2009 and present. The Committee met initially with their neighborhood area constituents to obtain input and review of proposed measures. In addition, several larger outreach meetings (Fig. 12) were convened to obtain input and comments from DCP area landowners and residents. These public meetings are described in Appendix A. The Neighborhood Committee also developed an interactive website, under the domain name “drycreekpreserve.org”. The interactive site has capability for constituents to leave messages or ask questions. It is updated when new materials are developed for review, when events are planned,



Fig. 12. DCP Neighborhood Committee at one of several neighborhood meetings

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or as needed for periodic updates or newsletters. Many constituents provided their e-mail addresses, which allowed electronic communication to take place via that process, albeit infrequently. Mailings were sent to every DCP landowner to announce public meetings or other events, and to make them aware of the website. In December, 2009, and again in June 2014, questionnaires were sent to all DCP landowners, soliciting input regarding their property use and neighborhood character preferences. Community meetings were also convened at these times. The detailed outcomes of meetings and of the questionnaires are summarized in detail in Appendix A.

The responses received generally indicated that present residents overwhelmingly (>95%) desire to maintain the rural character of the DCP landscape (Table 1). Few owners (< 3 percent by numbers and about 8 percent by acreage in the 2014 survey) have expressed interest in further developing their lands beyond present day uses within the next two decades. Residents are seriously concerned about potential for neighboring property development at densities greater than the

present 2-acre minimum parcel size, which they believe would permanently alter the neighborhood character and eliminate the valuable open space assets/potentials of the DCP. Most also expressed caution about the establishment of commercial uses within the DCP area. Many expressed some willingness to accept slightly denser housing (i.e., one housing unit per acre) and commercial uses, provided the general conditions within this Specific Plan are met by development proposals. In general, area residents identified the following planning principles. While they were not directly incorporated as Specific Plan Goals, they became the basis for the Goals and the implementation measures which appear in this Plan.

Dry Creek Preserve Specific Plan Guiding Principles

- i) Siting of denser residential or commercial uses must avoid seriously partitioning or otherwise adversely affecting the general open space character, appearance, peaceful mood and/or open space values associated with the DCP and limit traffic to levels which are safely compatible with numerous individual private driveway entries and with public recreational uses of the open space area.
- ii) Residential development must not be allowed below one (1) unit per acre
- iii) All new developments must be visually buffered (by setbacks, larger perimeter lots, vegetation and or other measures) to protect the open space appearances of the area
- iv) Building standards must be adopted to prevent the construction of solid walls, 3+ story or other monolithic appearing structures, curbs, sidewalks, gutters, non-shrouded street lighting, or other urban-associated features, which would alter the area's rural appearance, interfere with wildlife or their habitat value or reduce the long-term public value of the Open Space Legacy Program (see Section 4.7.3).
- v) All uses must be designed, constructed and managed to assure compatibility with, and long-term preservation of the DCP's rural open space attributes, including the ability of the public to enjoy the area for open space recreation in the form of near-term trails and bikeways, and longer-term developed recreation sites, if Clovis and the community choose to seek grant, bond or other funds to purchase lands from willing sellers under the Open Space Legacy Program.
- vi) Preserve and legally protect all existing and pre-existing permissible uses of landowners.

1.6 DCP Specific Plan Purposes

Interest in preparing a Specific Plan for the Dry Creek Preserve grew out of recognition by planners and DCP residents that the Herndon-Shepherd Plan is now largely implemented and built out; thus leaving the DCP area as a large near-island of remaining undeveloped lands within Fresno County

jurisdiction that will be centrally located within the City of Clovis' planned developed area. The decision was made to prepare this Specific Plan, to provide a policy and regulatory framework: 1) to legally protect owner's present and desired land uses during and after annexation to Clovis, 2) facilitate development of circulation and other City or County infrastructure across the area, including trails and bikeways, and 3) preserve the DCP's desirable rural and public open space attributes.

This Specific Plan is therefore intended to provide a detailed blueprint to guide decisions regarding land use, circulation, open space, recreation and utility infrastructure within the Plan area. It is a policy document intended to guide public and private sector development decisions, rezoning, Tentative Subdivision Maps, and public works projects over the next twenty years, and thereafter, to accommodate the diverse needs of DCP area landowners along with needs of the broader Clovis community. The Plan provides a set of land use designations, development standards and programs which are unique to the DCP area. They are intended to enable careful and limited area land use transitions and infrastructure development, consistent with preserving and enhancing the area's substantial open space characteristics and long-term recreational opportunities.

Plan Purposes:

1. Provide a workable and predictable future vision for the area, including policies and regulatory structures to guide land use changes and assure their consistency with the short- and long-term goals and objectives of this Plan and applicable General Plans for the area.
2. Provide a ***Master Landowner Protection Annexation Agreement*** which can be utilized by the City and by landowners to protect landowners' existing property values and uses when DCP lands are considered for annexation to the City of Clovis.
3. Formulate policies which recognize and preserve the DCP's valuable rural attributes, water and air quality, and open space recreational opportunities for the next twenty to thirty years, and beyond, as appropriate.
4. Implement the Clovis 2010 General Plan Guiding Principles, Goals and Objectives to the extent they can be applied to the land base, values and needs of the DCP area.
5. Provide development standards and clarify permissible uses to enable lands to be well utilized; while protecting the area's aesthetic attributes, rural character, existing suite of uses, water supply, water quality, and future *Open Space Legacy* opportunities.
6. Minimize the need for future Specific Plan or General Plan Amendments, by assuring consistency between the DCP Specific Plan and the City of Clovis General Plan, and by including reasonable and foreseeable owner needs over the next twenty years, to the extent these needs

can be accomplished consistently with the preservation of the DCP overall long-term values and neighborhood character.

7. Provide policies and development standards that make existing and alternative uses possible, while assuring that structural features and/or operations are consistent with the DCP's intended character, goals, objectives and values, and maintain the long-term *Open Space Legacy Program* opportunities.
8. Provide policies and design standards to enable circulation or other public works infrastructure or services to traverse or articulate with DCP lands, while assuring that such features remain visually and operationally consistent with pre-existing DCP land uses and open space values.
9. Advance new programs to develop trails and other facilities to encourage public enjoyment, appreciation, and use of the open space attributes within the DCP and make the DCP a source of pride to Clovis residents.
10. Provide design and mitigation standards, policies, and regulations to be consistently utilized by both the City of Clovis and Fresno County in approving or carrying out land use or public works projects, in order to protect the DCP's open space, rural neighborhood character, water quality, air quality and wildlife.
11. Provide infrastructure and circulation ("parkway") appearance and design standards/details and policies which reflect the rural character of the area, respect and enhance its recreational attractiveness, and help establish the DCP as a source of community pride.

The Dry Creek Preserve residents have realized the community benefits of open space and have welcomed passive recreational, educational and historical-interpretive uses by the Clovis community (Fig 6). Accordingly, this Specific Plan includes provisions to enable and encourage public enjoyment of DCP rural streets and trail systems. It also advances a new, long-term, voluntary program, the "*Open Space Legacy Program*," (Appendix C), which preserves the long-term opportunity for Clovis to assemble public land acquisitions within the DCP for the purpose of meeting future recreation needs of the community. This program could be funded by grants, bond issues or by philanthropy; gradually producing a network of public-owned and managed open space recreation sites and connecting trails, linking out to other parks, trails, Old Town Clovis and other planned regional public recreational features.

1.7 Relationship to the Clovis General Plan

The Clovis General Plan is being updated simultaneously with development of this Specific Plan. The General Plan supports preparation of Specific Plans to formulate and implement specific land

use and other policies for respective neighborhoods within the Clovis City Limits and Sphere of Influence. Because the Dry Creek Preserve has some very unique land uses and future opportunities, it will be necessary for this Specific Plan to provide specially designed and adopted rules, unique (to the City) area-specific development standards, protective land use designations and innovative land use transition programs; all intended to accomplish the area's unique suite of goals and objectives. Those general goals are consistent with land use designations and objectives of the 2010 Clovis General Plan Update (see Section 1.4) and the Fresno County General Plan.

This Specific Plan will generally implement the Clovis Land Use Goals and Policies, approved by the Clovis City Council in the current General Plan Update process (Table 2).

Specific Plans are the appropriate means for deliberately adopting and administering unique policies and regulations, as needed to provide an intended, unique setting in one area of a city or county (CGC 65450). This Specific Plan provides for such area-specific differences, as needed to protect, support and enable the Dry Creek Preserve's rural lifestyle and open space values. It provides special regulations, standards, or assurances, as needed to enable existing owners to continue their existing permissible land uses, such as keeping and fencing large animals, surface irrigating, managing agricultural crops, maintaining wells and septic systems, and visible storage and use of farming, recreational or other equipment. This Plan provides for continuation of very large individual residential parcels, resulting in very low residential densities. The Plan provides the methods and design standards for providing connecting infrastructure within and through the Dry Creek Preserve, as necessary and feasible, in a manner which adds, or at least does not materially detract from the rural character and open space appearance, or its future open space recreational values. Land use guidelines are provided, which are intended to be more permissive than the regulations governing adjacent Clovis neighborhoods, where more formal urban characteristics and lifestyles and closer neighbors are established. The preservation of existing land uses is legally established through use of a Master Annexation Agreement (MAA) provided in Appendix B. These more permissive standards are appropriate to enable landowners to continue to enjoy existing land uses and attendant features which they have formerly enjoyed under County jurisdiction. Accordingly, the Plan also seeks to set some neighborhood expectations (e.g., tolerance of rural animal sounds, farming-associated disturbances, etc.) which could otherwise become sources of conflict as lands change ownership or as public recreational is increased within the area.

The Plan provides mechanisms and standards to enable these uses to be accomplished within the DCP without substantially obstructing or interfering with more dense surrounding urban growth and development, as will take place as Clovis' 2010 Plan Update is implemented. Compatibility of through-streets and other needed infrastructure with the rural setting of the DCP community will be accomplished using rural-parkway style street designs and carefully designed multi-purpose infrastructure corridors. These will feature rural-appearing greenbelt landscapes, passive open space views, and informal trails, paseos and/or other features to connect eventual DCP recreational features with the balance of the Clovis community.

This Specific Plan, and its included: i) design and construction standards, ii) policies, iii) larger rural lot sizes, iv) agricultural land uses, v) different (slower and less hardened) street designs, vi) bike and pedestrian enablement, vii) different styles of street signage, viii) unique DCP area branding and interpretive signage, ix) community outreach efforts, and other features, will set a clear community understanding that the area is intended to provide a restful contrast – a unique open space and heritage preserve. While the area will have goals and objectives that are different from those of more-urban neighborhoods, due to location and setting, those goals will articulate effectively with the Clovis General Plan policies and objectives.

1.8 Relationship to Other Regulations

This Plan is intended to provide detailed policies, standards, and regulations affecting the use of land and the conservation of resources within the Dry Creek Preserve. Procedural direction is included for proposed land use changes and/or land development projects. It provides policy goals and objectives, and DCP-specific land use designations, permissible uses, design/construction standards, mitigation measures, and other regulations as needed to achieve the stated goals for the Dry Creek Preserve area, which principally emphasize continuation and protection of the area's important open space and existing rural suite of uses; in particular its continuing farming operations.

The Master Annexation Agreement provides a legal basis for needed landowner and prior land use protections, during and after lands become annexed to Clovis. This Plan provides the policy, regulation, and enforcement modifications needed to successfully implement and articulate MAAs covering specific properties.

The General Plan policies provide that the regulations within this plan and other specific Plans shall take precedence over more broadly drawn goals, regulations or policies, to the extent the guided actions remain consistent with the Specific Plan goals and objectives, as adopted. Because some differences exist, consideration and approvals of this Plan and the MAA are likely to require legislative actions, to modify or update the City of Clovis Ordinance Codes or other policies or regulations.

One key purpose of this Specific Plan is to reduce the need and difficulty of future permitting and environmental compliance for development proposals within the DCP area. The Specific Plan and its accompanying environmental compliance documentation are intended to provide basic policies, regulations and environmental compliance for the scope of development or preservation which is prescribed under the Specific Plan. As such, it is intended that future project proposals which conform to the General Plan and to this Specific Plan may proceed through discretionary permits without requirement for a General Plan Amendment, and in some cases, without requirement to prepare and Environmental Impact Report or other major environmental compliance documentation. Proposed local zoning changes which are consistent with the Specific Plan will also

be exempt from further environmental documentation, as specified by California Government Code section 65457.

This Specific Plan is also consistent with Regional Transportation Plans, Law enforcement and fire strategic plans, State and local air and water quality regulations, County and City environmental health standards and regulations, and other regional, County and City plans and/or regulations. Because the existence of this Specific Plan and its accompanying MAA will help facilitate annexation of much of the DCP to the City of Clovis, it will assist in the elimination of an administrative “island or peninsula,” consistent with California Statutes of 2013.

Authority

California law (CGC Section 65450) provides that incorporated cities and counties may use Specific Plans to develop and adopt policies, programs, and regulations to implement the respective jurisdictions’ adopted General Plans. Because Specific Plans, such as this one, become an

Table 1 Relationship of City of Clovis GP Land use ...

incorporated part of jurisdictional General Plans, the Specific Plan serves to coordinate and regulate individual land uses and proposals within its defined area.

Specific Plans:

The law requires that a Specific Plan include text, diagrams and other media, as needed to specify all of the following, in substantive detail:

- 1) The distribution, location and extent of land use, including open space, within the plan area
- 2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

- 3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- 4) A program of implementation measures including regulations, programs, public works projects, and financing measures.

The Specific Plan may address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the General Plan.

If any section, subsection, clause, phrase or portion of the Dry Creek Preserve Specific Plan is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Plan.

Unless otherwise provided, any ambiguities concerning the content of application or the Dry Creek Preserve Specific Plan shall be resolved by the Planning Commission and the City Council, as provided by the Clovis Municipal Code, or by the Board of Supervisors of the County of Fresno, as applicable.

Where actions under this Plan require annexation to the City of Clovis, such annexation shall require approval by the Fresno County Local Agency Formation Commission (LAFCO), as appropriate, and LAFCO shall retain jurisdiction, as necessary to assure that the included policies and regulations are followed.

1.10 Plan Organization

The Dry Creek Preserve Specific Plan is divided into four major sections, as follows:

- **Section 1 – Introduction** provides a general introduction and characterizes the Dry Creek Preserve, its current and intended land uses, and the planning scenario which it presents.
- **Section 2 – Existing Dry Creek Preserve Setting** describes the physical and administrative setting of the DCP and its population demographics.
- **Section 3 – Planning Goals for the Dry Creek Preserve** discusses the goals and Major Planning Concepts used in formulating the Land Use Plan and Implementation measures that form the general context for developing this Specific Plan.

- **Section 4 – Dry Creek Preserve Land Use Plan** contains the: 1) planning concepts, 2) objectives, 3) plan features, and 4) implementation measures, including financing strategies for each of eight major Plan Elements, listed below. This Section describes the what is planned and how it will be accomplished, including: i) City annexation needs or other administrative alternatives and a Master Annexation Agreement for existing use protection, ii) permit procedures, iii) design and development standards for the various land uses and infrastructure developments to assure that the Plan’s goals and objectives are properly realized, iv) a discussion of appropriate and permissible uses and activities that are consistent with the Plan goals and objectives, v) discussion of the types of open space that will be provided: i.e., their ownership, uses, access, and a plan for open space acquisition, vi) recreational features and design standards, vii) other public facility needs and design standards, and viii) financing the implementation of the Plan, including infrastructure and services.

Land Use Plan Elements:

- Housing and Residential Element
- Commercial Element
- Industrial Element
- Agricultural Element
- Circulation Element
- Open Space and Recreation Element
- Public Facilities and Services Element
- Environmental Quality Element
- Financing Plan

Five important Appendices are included:

Appendix A Describes the DCP landowner outreach efforts and input opportunities that were utilized in Plan preparation, and a summary of the results obtained.

Appendix B Consists of a Master Annexation Agreement (MAA) to afford protection of landowners and pre-existing land uses during and after annexation to the City of Clovis.

Appendix C Lists the known DCP Wildlife species

Appendix D Describes the DCP Open Space Legacy Program and its implementation methods.

Appendix E Compares the differences in private property taxes, special taxes, assessments and fees which would occur with this Plan; both with and without City Annexation of the DCP area.

Appendix F. Summary of Proposed New Regulatory Measures requiring Clovis City Council approvals.

1.11 Fiscal Impact on the County of Fresno, City of Clovis, and Special Districts

Section 4.10 of the Land Use Plan (Financing Plan) identifies several financing mechanisms or options which could be used to avoid adverse fiscal impacts upon either the City of Clovis or Fresno County. In general, the short-term features of this Plan do not impose significant changes in land use; therefore, public costs associated with its implementation will be minimal. The only significant costs will be for the development of through infrastructure across the DCP area, such as water delivery systems or sewer lines. Because the DCP will generally not utilize these assets, their need will be primarily be driven by development needs beyond the DCP boundaries. As such, development fees generated by those developing areas would need to include the City/County costs associated with traversing the DCP landscape. That may require adjustment of developer fee schedules.

In later stages of this Plan’s implementation, the Dry Creek Preserve Open Space Legacy Program could become operational. That program includes City public land acquisitions, recreational development of trails and facilities, land management costs and costs of providing services. Those land acquisitions and physical developments are not a part of this Specific Plan, however the Plan deliberately seeks to preserve the opportunity for those assets to be developed by encouraging landowners to provide a first right of refusal to the City when lands are sold for other reasons or purposes. If the City elects to pursue the Open Space Legacy Program, it could be financed through outside grants, philanthropy, or voter-approved measures. As such, the grant and other proposals will include the costs of site acquisition, development, management and maintenance, to assure that the features remain City revenue neutral or nearly so.

