



ANDREAS BORGEAS
COUNCILMEMBER

COUNCIL AGENDA ITEM

DATE: April 8, 2010

TO: Fresno City Council

FROM: Councilmember Andreas Borgeas, *UB*
in coordination with *The River Bluff Task Force*

BY: Stephen F. Sotomayor, Chief of Staff, District #2 *SB*
Omar Parra, Council District #2 *OP*

RE: *The San Joaquin River & Bluff Protection Initiative*

AGENDA ITEM: Recommend Fresno City Council:

1. Adopt finding of a CEQA Categorical Exemption, pursuant to CEQA Guidelines, Section 15304 (Minor Alterations in Land), Section 15307 (Actions for Protection of Natural Resources), and Section 15308 (Actions to Protect the Environment);
2. BILL (for introduction)-Adding Article 15 to Chapter 10 of the Fresno Municipal Code relating to regulations for the protection of the San Joaquin River and Bluffs;
3. Direct staff to make recommendations and implement policies and programs of the *San Joaquin River & Bluff Protection Initiative*.

Executive Summary:

The San Joaquin River is a prized natural resource that requires protection and preservation for the enjoyment of all. As evidenced by the fire last summer that originated from the river bottom and damaged many properties near the bluffs, this area faces unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizens. In addition, the multi-jurisdictional character of the area renders law enforcement in the territory complex and at times ambiguous. The *San Joaquin River & Bluff Protection Initiative* is intended to facilitate,

clearly delineate, and streamline the enforcement of laws, as well as apply a clear set of regulations for the City territory in the multi-jurisdictional River Bluff area. In essence, the *SJRBPI* is an awareness promoting cross-jurisdictional public safety initiative.

Applicability: The *SJRBPI* applies to an area between Highway 99 and Highway 41 from the midpoint of the San Joaquin River to the bluff edge within the territory of the City of Fresno. Certain provisions apply to territory located within the Bluff Preservation Overlay District as defined in Fresno Municipal Code Section 12-243.

Effective Date: This ordinance shall become effective one hundred eighty (180) days (six months) after its passage and its existence is conditioned upon the passage of a same or similar ordinance by the County of Fresno with substantially the same protections, obligations, limitations and duties as defined within this ordinance that protects those areas of the San Joaquin River and Bluffs in the jurisdiction of the County within six (6) months of the passage of this ordinance.

Review Period: The *SJRBPI* provides for the Fresno City Council to examine the progress, deficiencies, and effectiveness of the program after one (1) year, or at any time deemed necessary.

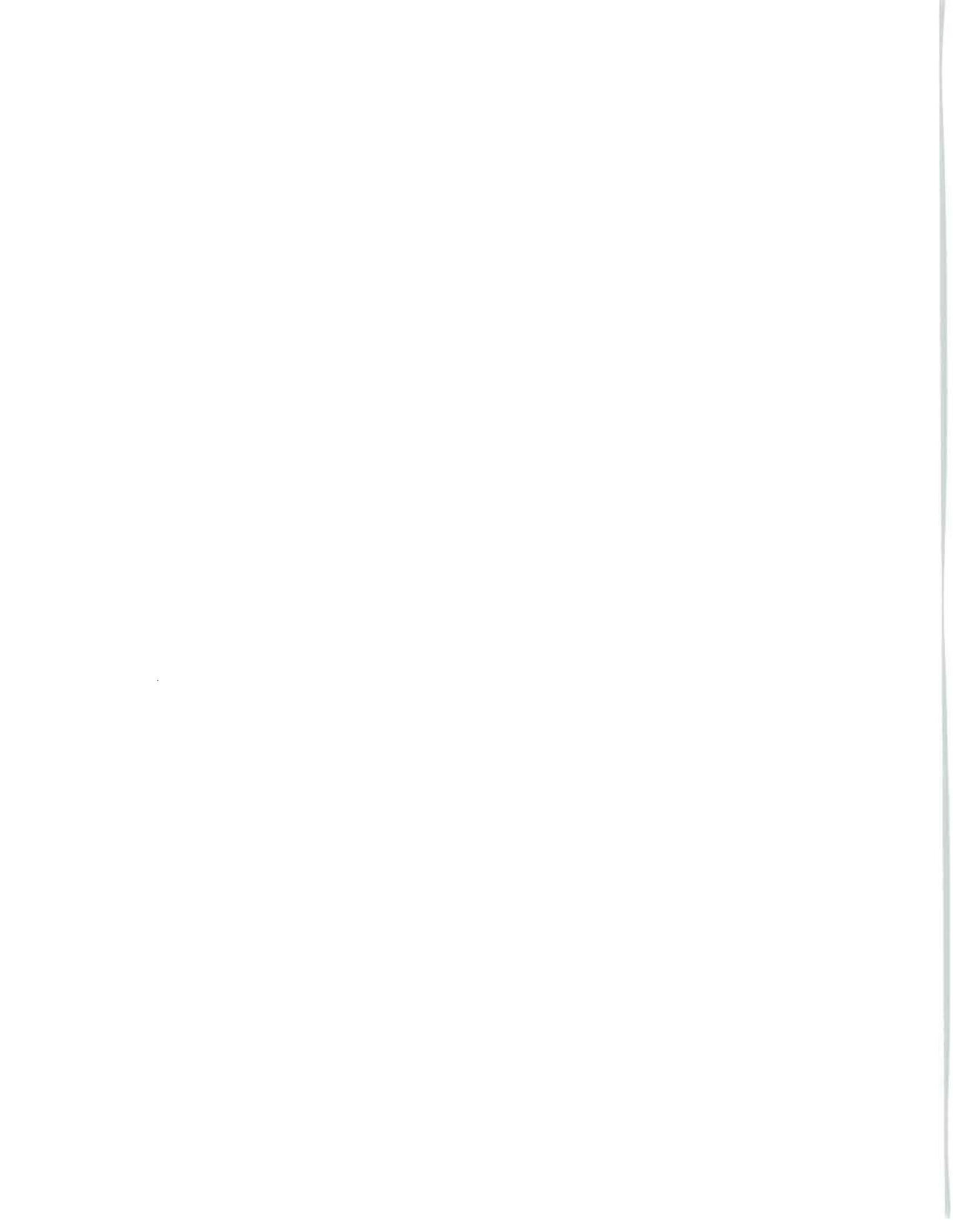
Background:

In response to last summer's fire, Councilmember Borgeas created and convened an *ad hoc* task force in July 2009 known as *The River Bluff Task Force*. The *Task Force* was comprised of representatives from over ten City of Fresno departments, as well as representatives from the Sheriff's Department, the San Joaquin River Conservancy, the San Joaquin River Parkway and Conservation Trust, the State Lands Commission and others. The *Task Force* recognized early on how the San Joaquin River and Bluff area was in need of coordinated efforts to help tackle a variety of civic and public safety issues.

Over the last nine months, Councilmember Borgeas, members of the *Task Force*, and stakeholders have been researching, drafting, negotiating, and vetting the *SJRBPI* through countless meetings and outreach efforts, including a well publicized and attended community meeting involving property owners living along the river bluff area.

The *San Joaquin River & Bluff Protection Initiative* provides the following provisions:

- Hours of use as Sunrise to 10:00 p.m. (March – October)
Sunrise to 6:00 p.m. (November – February)
- Prohibits, with certain limited exceptions, the following:*
 - Vehicular access;
 - Overnight camping;
 - Disposing of any garbage;
 - Fires, open flames, and barbecues;
 - Possession or use of fireworks;



- Entering, remaining or loitering outside designated hours of use;
- Discharging of firearms, bows, or other weapon projectiles;
- Removal or disturbance of flora, fauna, and natural objects; and
- Removing or tampering with any official sign, gate, or garbage can.

**Many of these provisions, such as vehicular access and barbeques, do not apply to private property.*

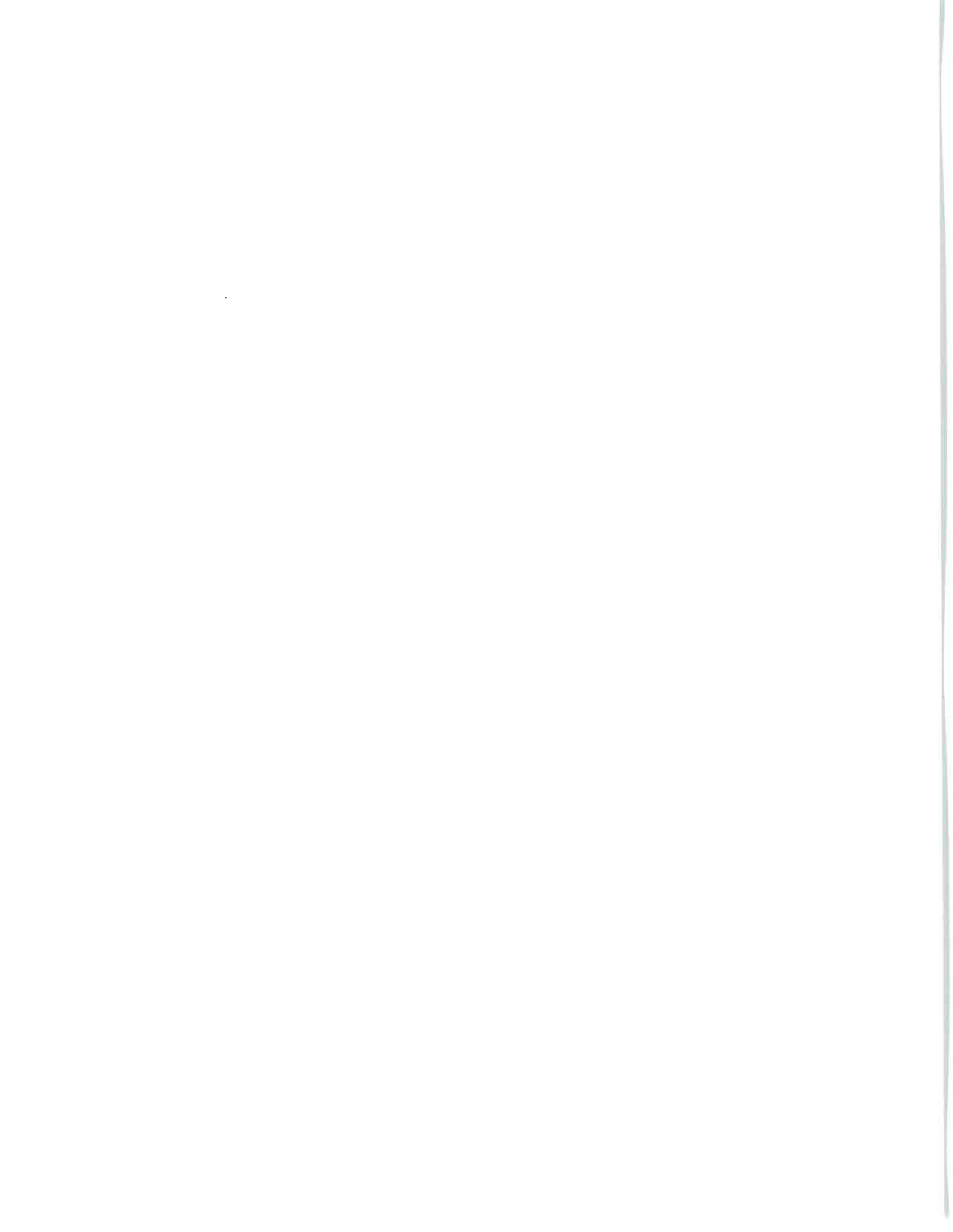
- Establishes penalties for violating any of the above provisions:
 - Misdemeanor; or
 - Administrative Citation

Furthermore, the *SJRBPI* addresses defensible space provisions.

- Establishes “firebreaks” – an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerously flammable vegetation or other combustible growth is to be removed and cleared away.
- Legally classifies the following as a *Public Nuisance*, according to Fresno Municipal Code § 10-605, and therefore prohibits:
 - Dangerous accumulation of dead or dying tree branches adjacent, beneath, or overhanging a structure;
 - Dangerous accumulation of leaves, needles, or dead vegetative growth on the roof of any structure;
 - Dangerous accumulation of flammable vegetation or other combustible growth within thirty (30) feet of an occupied dwelling and structure that prevents the creation of a firebreak;
 - Brush or other flammable material within ten (10) feet of a propane tank.
- The *SJRBPI*, however, does not require any person to maintain any clearing on any land if that person does not have the legal right and obligation to maintain the clearing.

Action Requested:

1. Adopt finding of a CEQA Categorical Exemption, pursuant to CEQA Guidelines, Section 15304 (Minor Alterations in Land), Section 15307 (Actions for Protection of Natural Resources), and Section 15308 (Actions to Protect the Environment)
2. BILL (for Introduction)-Adding Article 15 to Chapter 10 of the Fresno Municipal Code relating to regulations for the protection of the San Joaquin River and Bluffs.
3. Direct staff to:
 - a. Work with stakeholders and create a community watch/volunteer program;
 - b. Work with stakeholders to investigate ways to create equipment partnerships between the Police and Deputy Sheriff’s Departments;



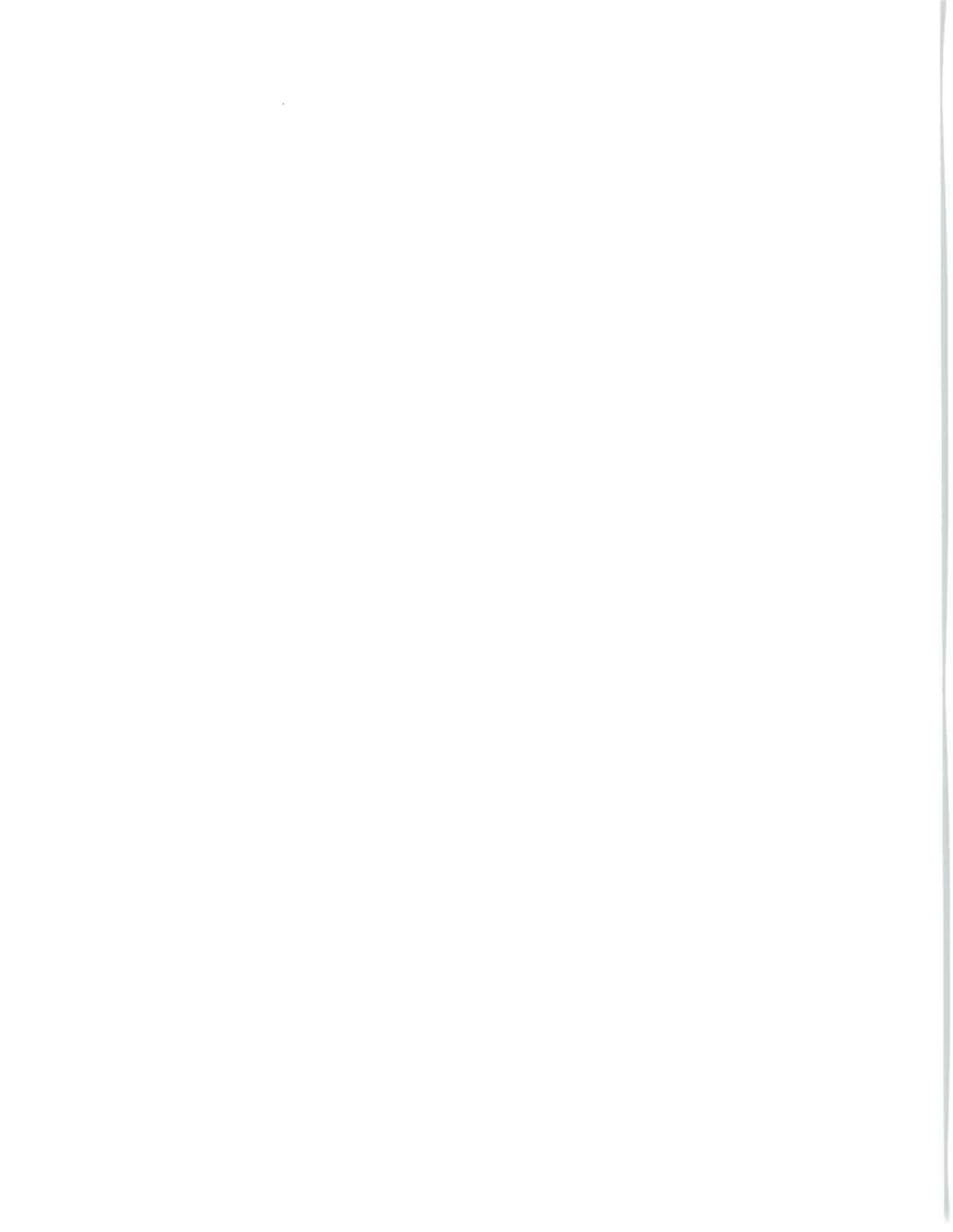
- c. Work with stakeholders and create a plan for the placement of signs, gates, and trash receptacles in and around the River Bluff area;
- d. Work with stakeholders and create plans for the implementation of defensible space as well as ways to mitigate lateral fire risks;
- e. Work with stakeholders and explore opportunities for grant funding and other sources of revenue to maintain defensible spaces;
- f. Work with stakeholders and create a cooperative strategy for the enforcement of the *SJRBPI*, notices for the defensible space, and community outreach tailored to the *SJRBPI*;
- g. Work with stakeholders and create partnerships and agreements regarding jurisdiction and concurrent enforcement of relevant laws; and
- h. Return to City Council within three months to provide recommendations and funding/budget strategies for each program for further review and ultimately City Council approval. (Please refer to page #25 of the *SJRBPI* packet, Phase I Research and Programs.)

Fiscal Impact:

It is anticipated that staff will return to City Council with budget recommendations within three (3) months.

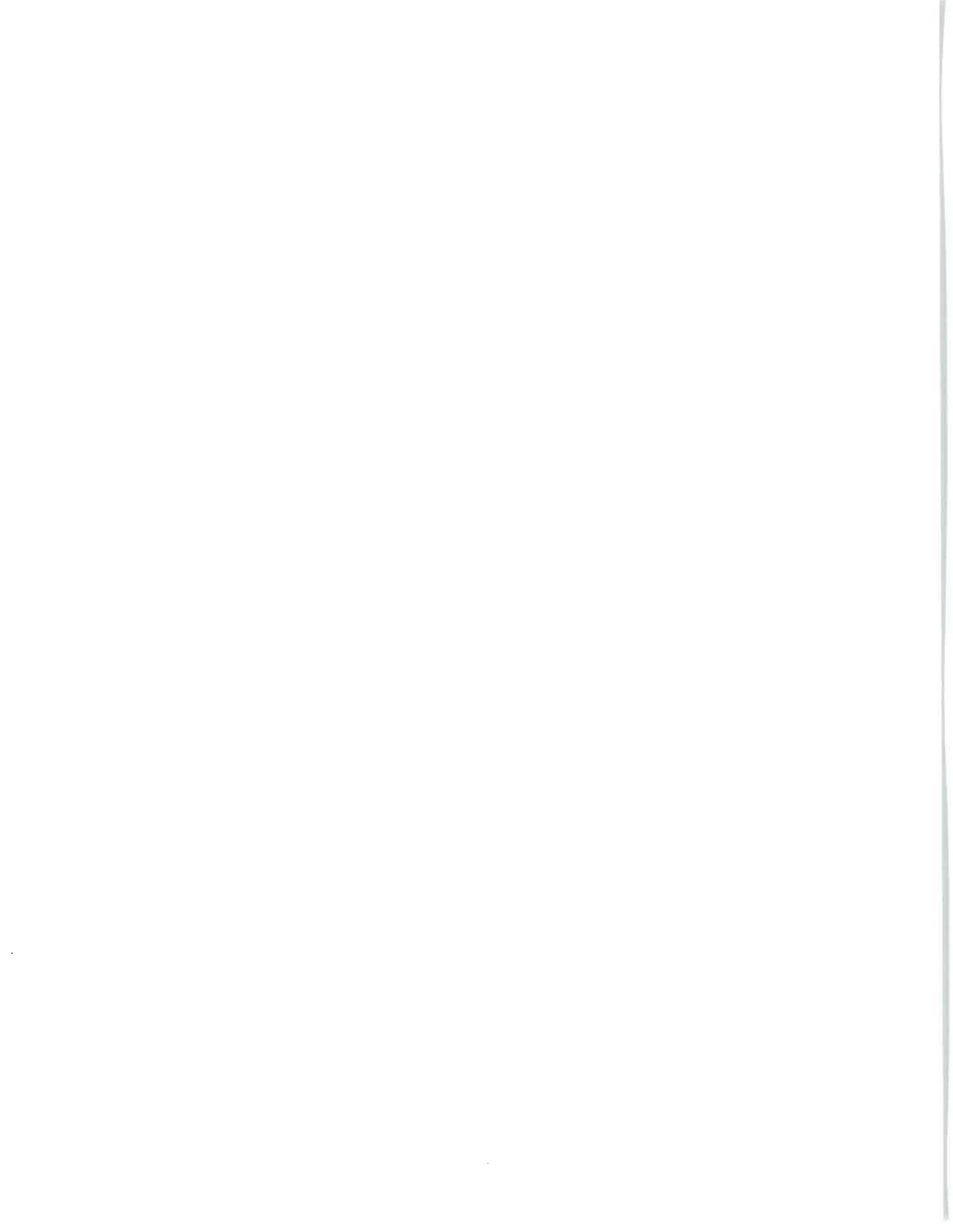
Letters of Support (provided in *SJRBPI* packet):

California State Lands Commission
 California Department of Fish and Game
 Mayor Ashley Swearengin
 Supervisor Susan Anderson
 Sheriff Margaret Mims
 North Central Fire District
 Fire Chief Randy Bruegman
 Police Chief Jerry Dyer
 PARCs Director Randy Cooper
 Greater Fresno Area Chamber of Commerce
 San Joaquin River Conservancy
 San Joaquin River Parkway & Conservation Trust
 Fresno County Deputy Sheriff's Association
 Fresno Firefighters Association
 Fresno Audubon Society
 River Tree Volunteers
 Fresno Flatwater Kayak & Canoe Club
 Spano Enterprises
 Tutelian and Company



Appendices:

- A.** CEQA Categorical Exemption, pursuant to CEQA Guidelines, Section 15304 (Minor Alterations in Land), Section 15307 (Actions for Protection of Natural Resources), and Section 15308 (Actions to Protect the Environment).
- B.** BILL (for Introduction)-Adding Article 15 to Chapter 10 of the Fresno Municipal Code relating to regulations for the protection of the San Joaquin River and Bluffs.
- C.** *The San Joaquin River & Bluff Protection Initiative.*



Appendix A

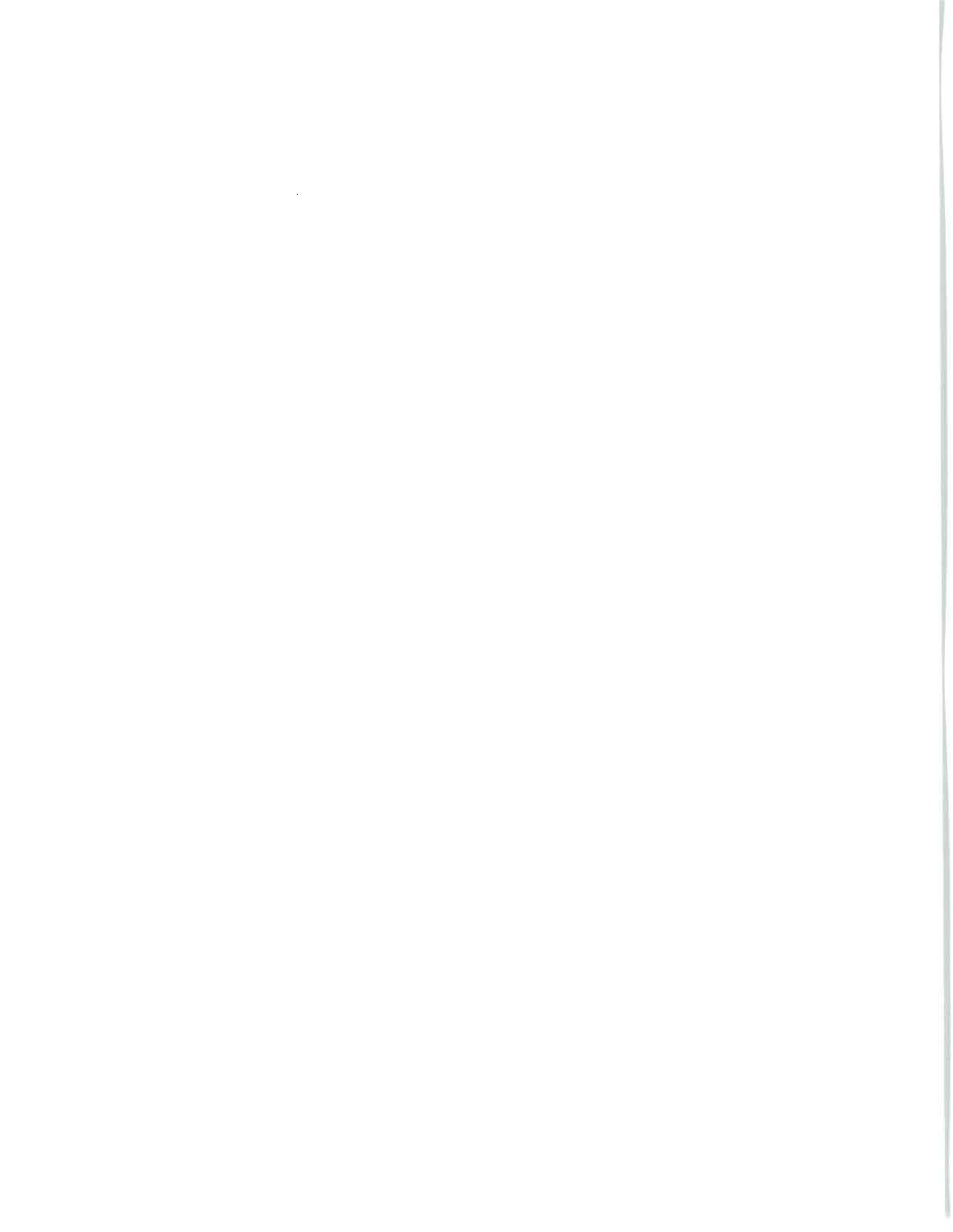
“CEQA FINDING”

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 4 Categorical Exemption set forth in CEQA Guidelines, section 15304(i) relating to Minor Alterations in Land, specifically fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption applies since Section 10-1510 of the ordinance implements defensible space regulations which would require property owners to engage in fuel management activity within 30 feet of structures situated upon the southerly San Joaquin River Bluffs within the city limits of Fresno unless such activities would result in the taking of endangers, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. (See Section 10-1510(c)(1)).

Staff has determined that this project also falls within the Class 7 Categorical Exemption set forth in CEQA Guidelines, section 15307 relating to Actions by Regulatory Agencies for Protection of Natural Resources. This exemption applies because the provisions of Sections 10-1506 and 10-1507 prohibit vehicular traffic and activities that threaten the integrity of the natural landscape with pollution and damage and are not consistent with conservation of the natural resources of the San Joaquin River and Southerly San Joaquin River Bluffs.

Staff has determined that this project also falls within the Class 8 Categorical Exemption set forth in CEQA Guidelines, section 15308 relating to Actions by Regulatory Agencies for Protection of the Environment. This exemption applies for the following reasons: the provisions of Sections 10-1506 and 10-1507 prohibit vehicular traffic and activities that threaten the integrity of the natural landscape with pollution and damage and are not consistent with conservation and protection of the surrounding environment. Additionally, the purpose of the defensible space regulations of Section 10-1510 is to prevent uncontrolled spread of wildland fires which threaten property and the natural environment of the bluffs.

Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project for the following reasons: (1) It is not taking place on an identified hazardous waste site; (2) It will not have an impact on an environmental of hazardous or critical concern which has been designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies; (3) It will not have any significant impacts due to unusual circumstances; (4) It will not effect any scenic highways; and, (5) it will not have any impacts on Historic Resources as defined by CEQA.



BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 15 TO CHAPTER 10 OF THE FRESNO
MUNICIPAL CODE RELATING TO REGULATIONS FOR THE
PROTECTION OF THE SAN JOAQUIN RIVER AND BLUFFS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 15 is added to Chapter 10 of the Fresno Municipal Code to read:

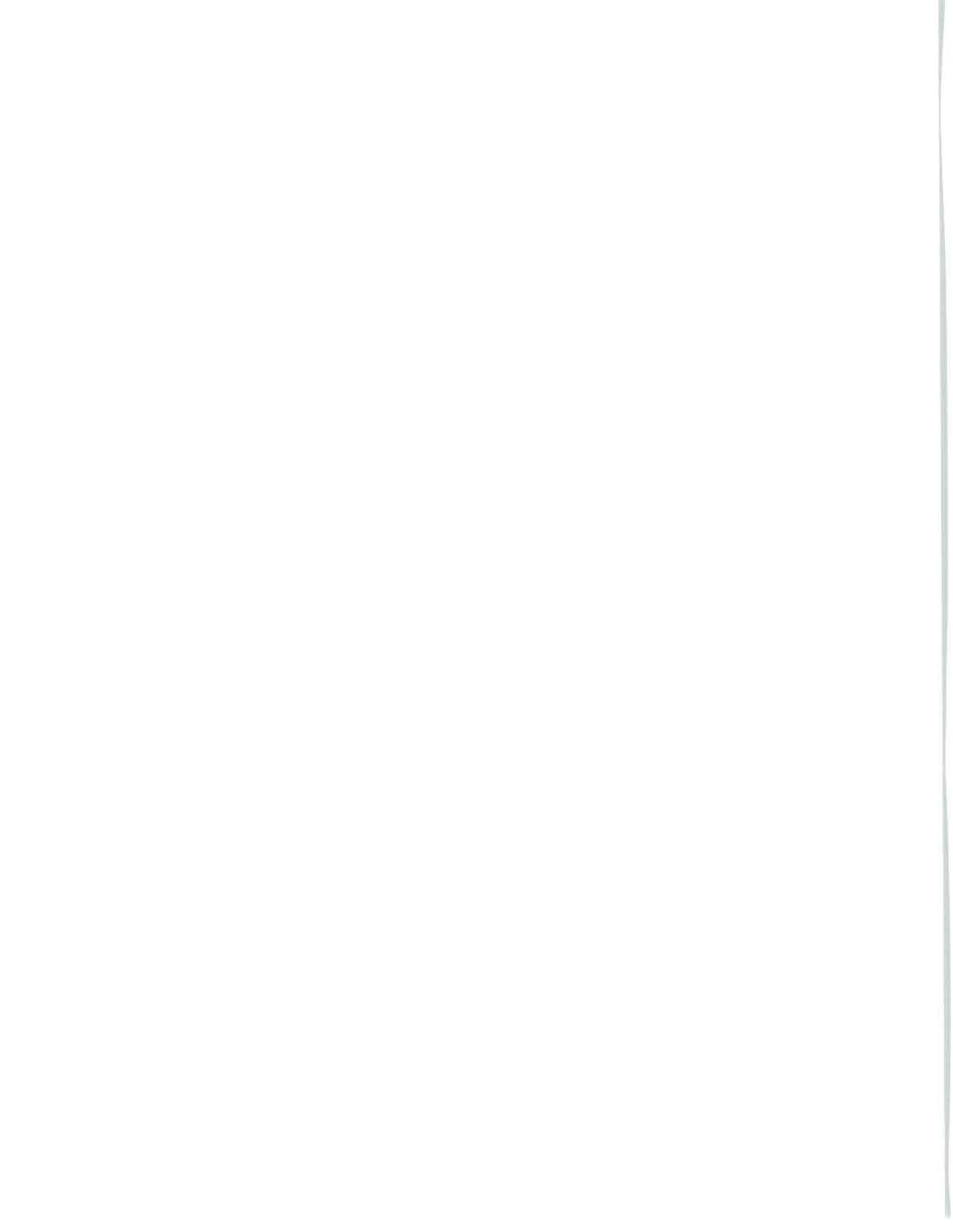
ARTICLE 15

SAN JOAQUIN RIVER AND BLUFF PROTECTION INITIATIVE

- Section 10-1501. Title
- 10-1502 Purpose
- 10-1503. Construction with Other Laws
- 10-1504. Application
- 10-1505 Definitions
- 10-1506 Vehicular Access
- 10-1507. Prohibited Acts
- 10-1508. Penalties and Enforcement
- 10-1509. Posting
- 10-1510. Defensible Space Requirements
- 10-1511. Progress Review

SECTION 10-1501. TITLE. This ordinance shall be known as the "San Joaquin River and Bluff Protection Initiative."

SECTION 10-502. PURPOSE. The Council finds and declares that the San Joaquin River and southerly San Joaquin River Bluffs are a unique natural resource that must be protected and preserved for the enjoyment of, and appreciation by, present and future generations in the City of Fresno. The Council further finds and declares that the integrity of the natural landscape is threatened by pollution and damage caused by



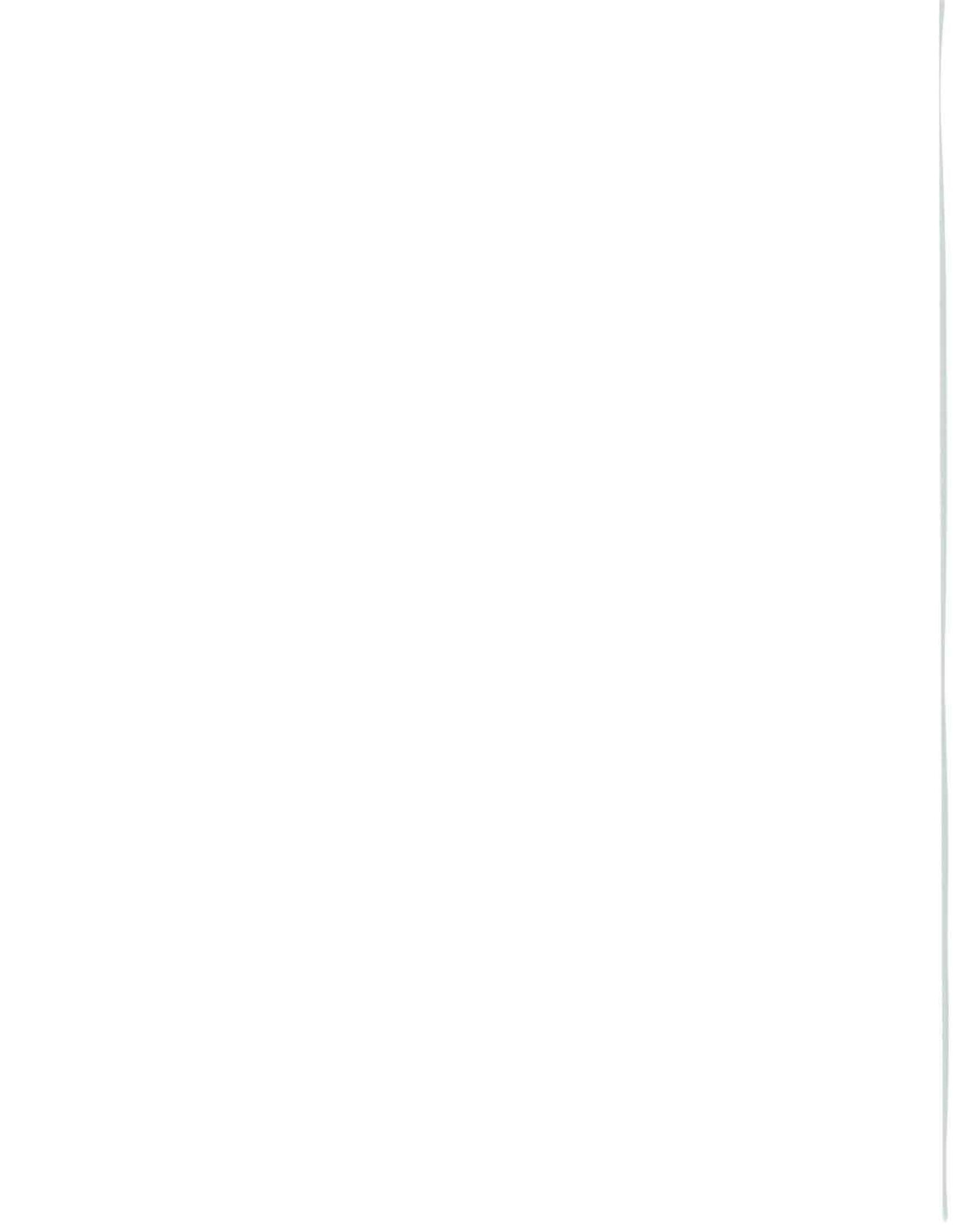
vehicular and pedestrian traffic and activities that are not consistent with conservation of these precious natural resources.

The Council further finds and declares that vegetation fires along the San Joaquin River and to the southerly San Joaquin River Bluffs are particularly difficult to contain due to the ample flammable vegetation and difficult terrain and pose a threat to occupied structures in the area.

The ordinance enacted below is deemed necessary for the protection of the general health, safety, and welfare of people and property on the southerly San Joaquin River Bluffs.

SECTION 10-1503. CONSTRUCTION WITH OTHER LAWS. No provision of this article is intended to supersede or be in conflict with any federal regulation or any statute, rule or regulation of the state relating to the San Joaquin River or southerly San Joaquin River Bluffs, and in the event of any conflict between the provisions of this article and any such federal or state regulation, the provisions of this article so conflicting shall be deemed superseded by such statute, rule or regulation, and of no force or effect. Provided further, that other provisions of this article not so in conflict shall not be affected thereby and shall remain in full force and effect.

SECTION 10-1504 APPLICATION. The prohibitions of Sections 10-506 and 10-507 shall apply to the territory of the City of Fresno located between the midpoint of the San Joaquin River and the southerly bluff edge as defined below and between Highway 99 and Highway 41.



SECTION 10-1505. DEFINITIONS

(a) "Bluff" means the soil surface, substratum and area between the "Bluff Toe" and the "Bluff Edge" as defined in Section 12-105.B.9 of this Code.

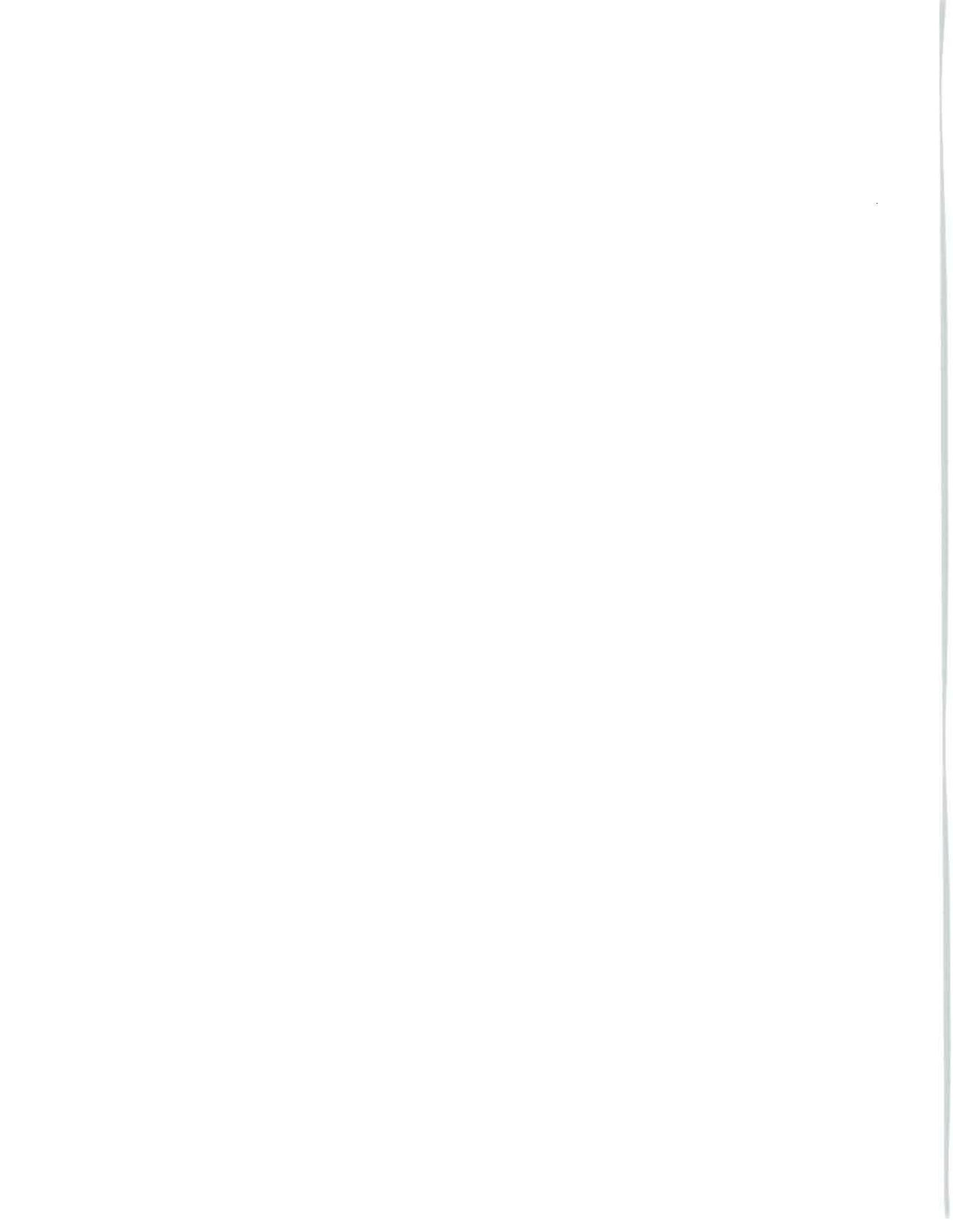
(b) "Bluff Edge" means the first or southernmost point of tangency, within three hundred feet of the "Bluff Toe," or a ten per cent (10:1) slope line and the convex soil surface (or the break between slopes less than ten per cent and those greater than ten per cent) as defined in Section 12-105.B.10 of this Code.

(c) "Bluff Face" means that area between the "Bluff Edge" and "Bluff Toe" as defined in Section 12-105.B.11 of this Code.

(d) "Bluff Preservation Overlay District" is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area as defined in Section 12-243 of this Code.

(f) "Bluff Toe" means the point of tangency of a twenty per cent (5:1) slope line and the concave soil surface (or the break between slopes less than twenty per cent and those greater than twenty per cent) as defined in Section 12-105.B.13 of this Code.

(g) "Fireworks" shall have the same meaning as defined in Section 10-53302.3(d) of this Code.



SECTION 10-1506. VEHICULAR ACCESS.

(a) No person on public lands shall operate any motor vehicle, motorcycle, motor-driven cycle, minibike, or other vehicle by which any person or property may be propelled, moved, or drawn, excepting a vehicle or device moved by human power, below the bluff edge except upon roads designated for vehicular use.

(b) Exceptions.

(1) This section shall not apply to employees of a public agency engaged in the discharge of their duties;

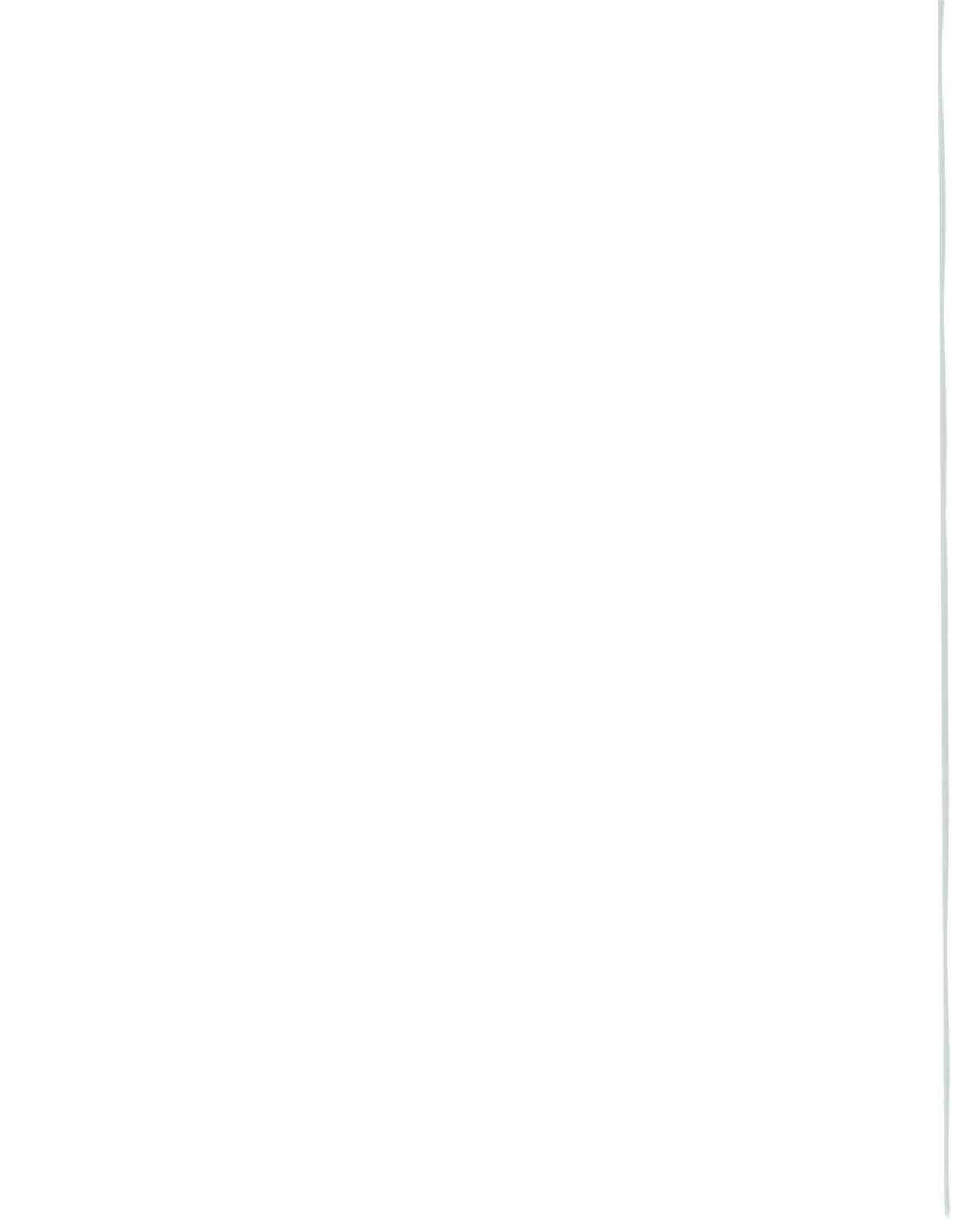
(2) This section shall not apply to employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties;

(3) This section shall not apply to a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

SECTION 10-1507. PROHIBITED ACTS. The following acts are prohibited below the bluff edge:

(a) Overnight camping except with appropriate permits and approvals and in designated areas;

(b) Depositing, placing, throwing or in any manner disposing of any rubbish, trash, garbage, can, bottle, glass, wood, paper or any decaying or putrid matter of any kind whatsoever except in containers provided for such purpose;



(c) Lighting of any fires or open flames, including but not limited to cooking fires and barbecues, except in designated areas. This prohibition shall not apply to cooking fires, barbecues, or outdoor fireplaces upon any private property which is subject to the provisions of this Article;

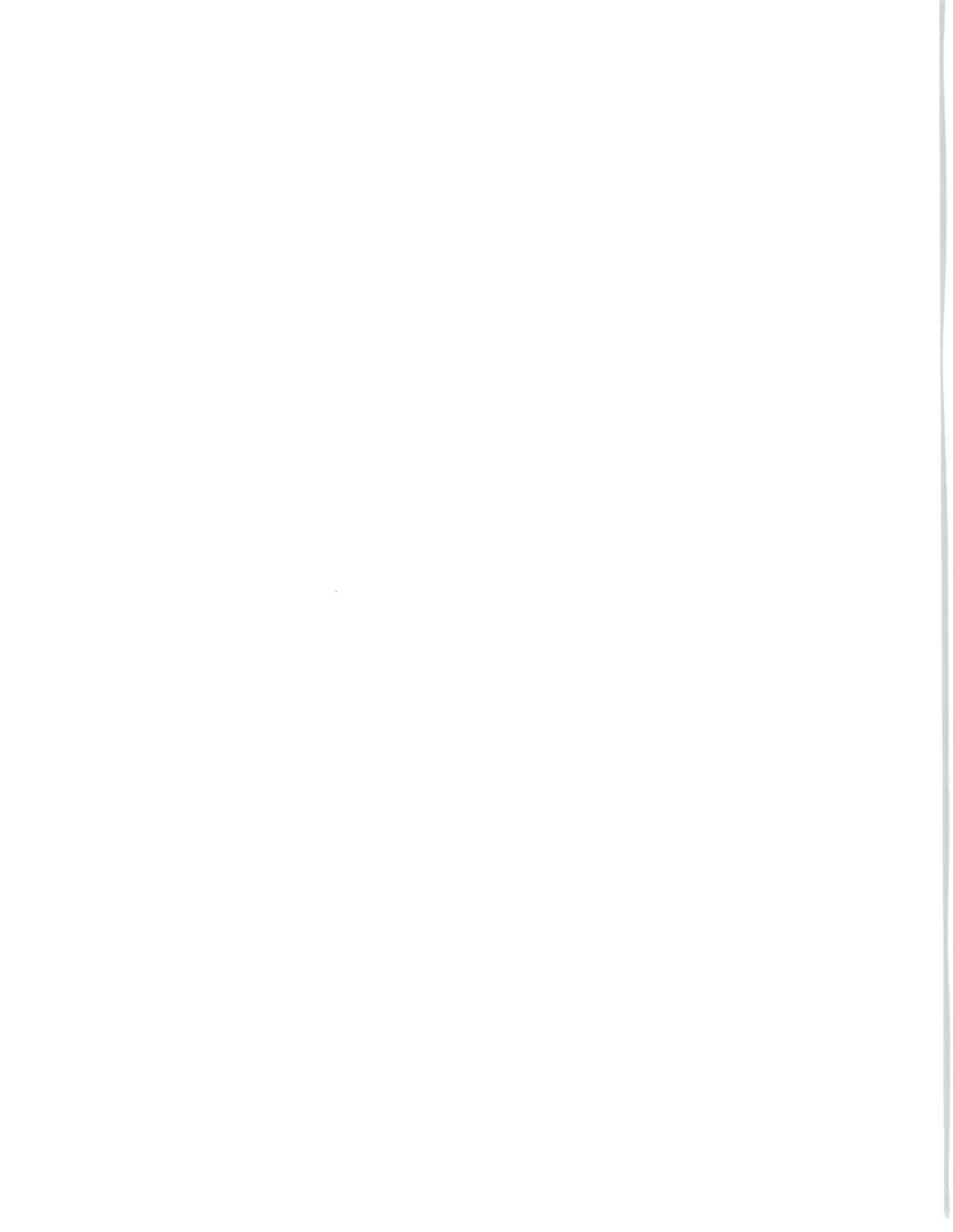
(d) Possession or use of fireworks, notwithstanding the provisions of Section 10-53302.5(b);

(e) Entering, remaining or loitering between the following hours: 10:00 p.m to sunrise from March through October; 6:00 p.m. to sunrise from November through February. This shall not apply to individuals whose private property is located below the bluff edge; individuals with appropriate permission or authorization to be on, or be in route to or from, private property located below the bluff edge; campers with appropriate permits and authorization; employees of a public agency in the discharge of their duties; or employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties.

(f) Discharging of firearms, bows, pellet guns, or paintball guns except in areas or facilities specifically designated for such activities.

(g) Removal of vegetation or excavation of any rock or stone except when part of an authorized management program, such as creation of defensible space pursuant to Section 10-1510, or with appropriate permits and approvals;

(h) Removal or disturbance of archaeological or cultural artifacts unless with appropriate permits and approvals;



(i) Removing, defacing, damaging or destroying any sign, gate, garbage can, or structure or facility which has been posted in accordance with the provisions of Section 10-1509.

SECTION 10-1508. PENALTIES AND ENFORCEMENT. Failure to comply with the provisions of sections 10-1506 or 10-1507 shall be punishable as a misdemeanor.

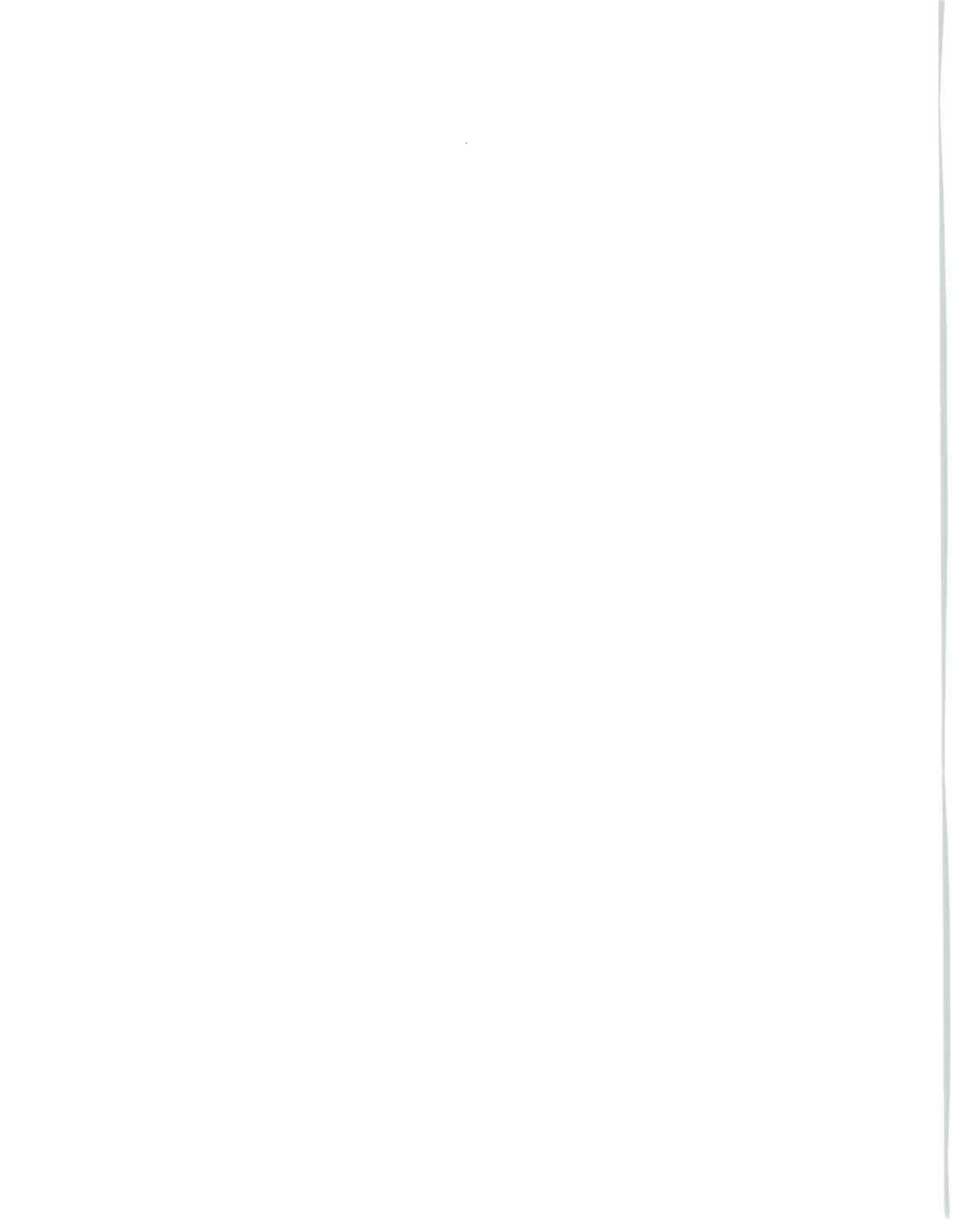
SECTION 10-1509. POSTING. The Chief Administrative Officer or his or her designee, as well as those having jurisdictional authority, shall have the authority to post and maintain appropriate signs at such locations as in the opinion of the Chief Administrative Officer or designee will give reasonable notice to the public of the provisions of this article.

SECTION 10-1510. DEFENSIBLE SPACE REQUIREMENTS.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "Aerial Fuel" means all live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs, cones, snags, moss and high brush. Examples of aerial fuel include trees and large bushes.

(2) "Defensible space" is the area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. Defensible space can be created by removing dead vegetation, separating fuels, and pruning lower limbs.



(3) "Firebreak" means an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerous accumulation of flammable vegetation or other combustible growth has been removed and cleared away. The creation of a firebreak shall not require the removal of single specimens of trees or other vegetation that is well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

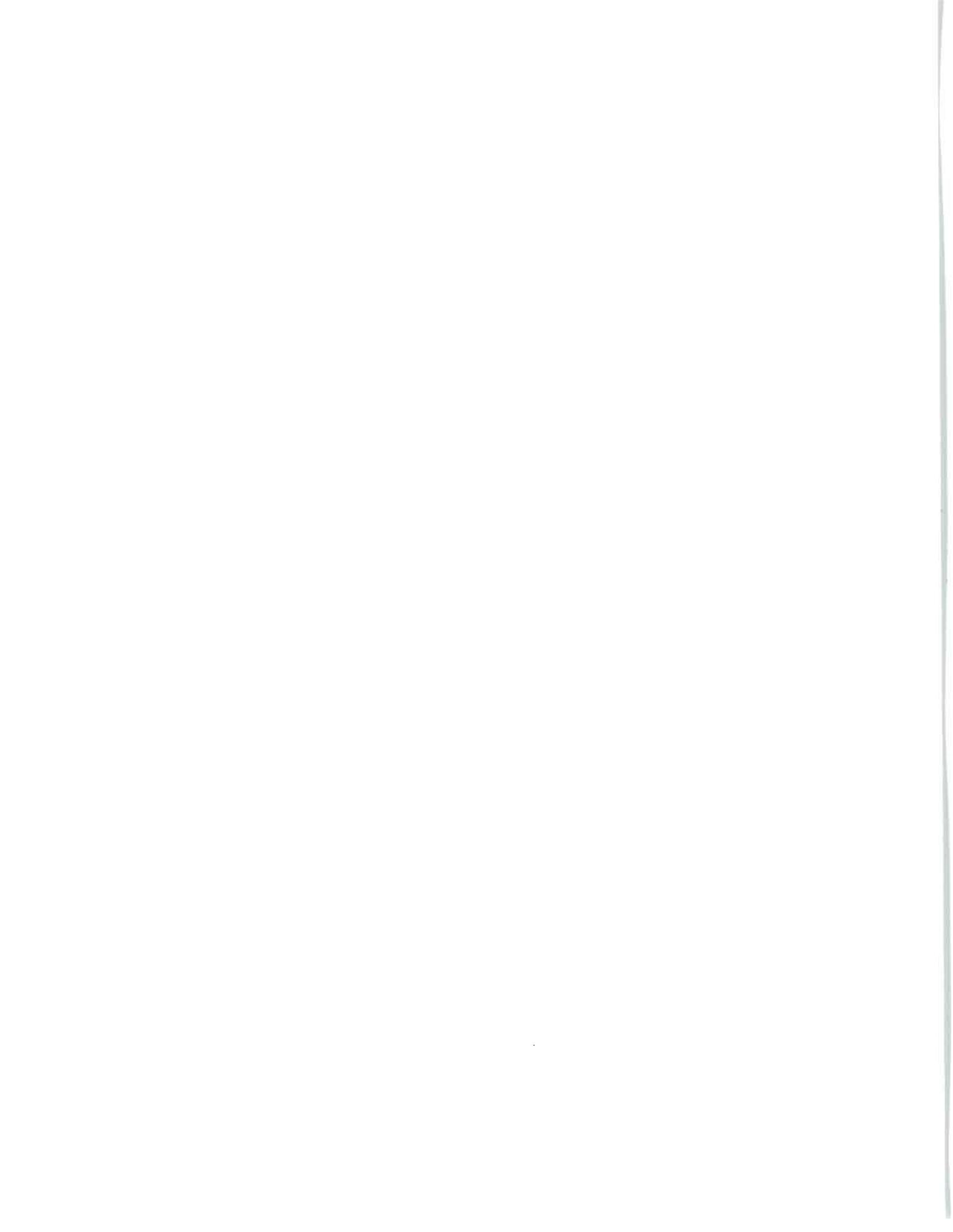
(4) "Flammable and combustible vegetation" means any fuel.

(5) "Fuel" means live or dead vegetative material which is combustible during normal summer weather. This does not include fences, decks, woodpiles, or trash.

(6) "Horizontal Clearance" means the distance between aerial fuels, such as the outside edge of tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.

(7) "Surface Fuel" means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones and small branches that have not yet decayed enough to lost their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

(9) "Vertical Clearance" means the distance between lower limbs of aerial fuels and the nearest surface fuels and grass or weeds.



Vertical clearance helps prevent fire from moving from shorter fuels to taller fuels.

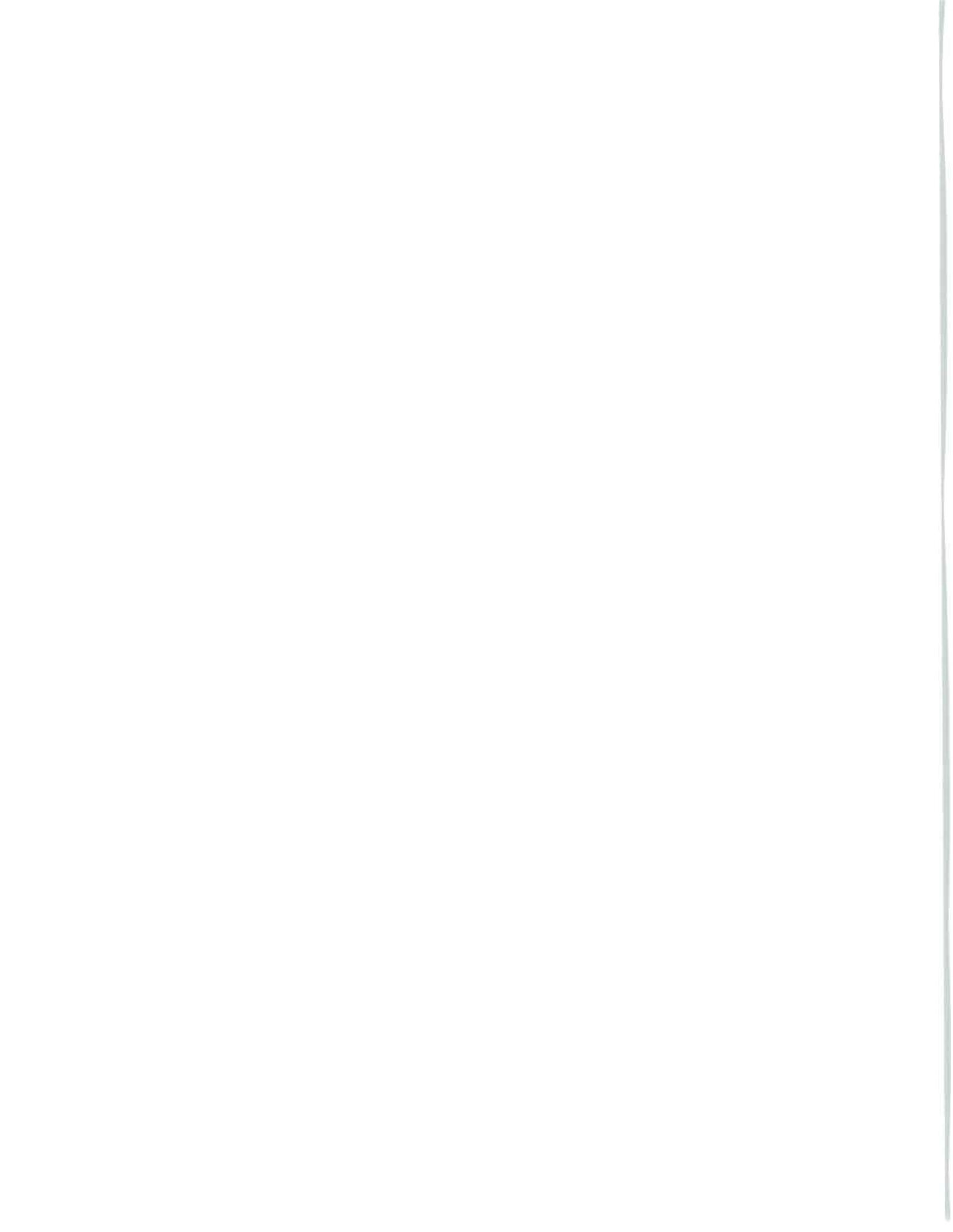
(b) Application. The requirements of this section shall apply to the following parcels:

(1) Parcels located in the territory of the City of Fresno between the midpoint of the San Joaquin River and the southerly bluff edge between Highway 99 and Highway 41;

(2) Parcels located within the Bluff Preservation Overlay District which abut the bluff edge.

(c) Defensible Space Requirement. Any person, corporation or other entity owning, leasing, occupying or directly controlling or having charge of any property subject to this article shall comply with the following standards for maintaining defensible space with respect to the area surrounding any inhabited dwellings and structures from April 15 through September 30 of each year as follows:

(1) Maintain a firebreak by removing and clearing away dangerous accumulation of flammable vegetation and other combustible growth within thirty (30) feet of each inhabited dwelling and structure. This requirement does not apply to endangered, rare, or threatened plant species that are found within thirty (30) feet of an inhabited dwelling and structure. Single specimens of trees or other vegetation may be retained provided they are well spaced, well pruned, maintained in a live condition and create a condition that avoids the spread of fire to other vegetation or to a building or structure. Grass four (4)



inches or shorter in height may be retained where necessary to prevent erosion or when isolated from other fuels.

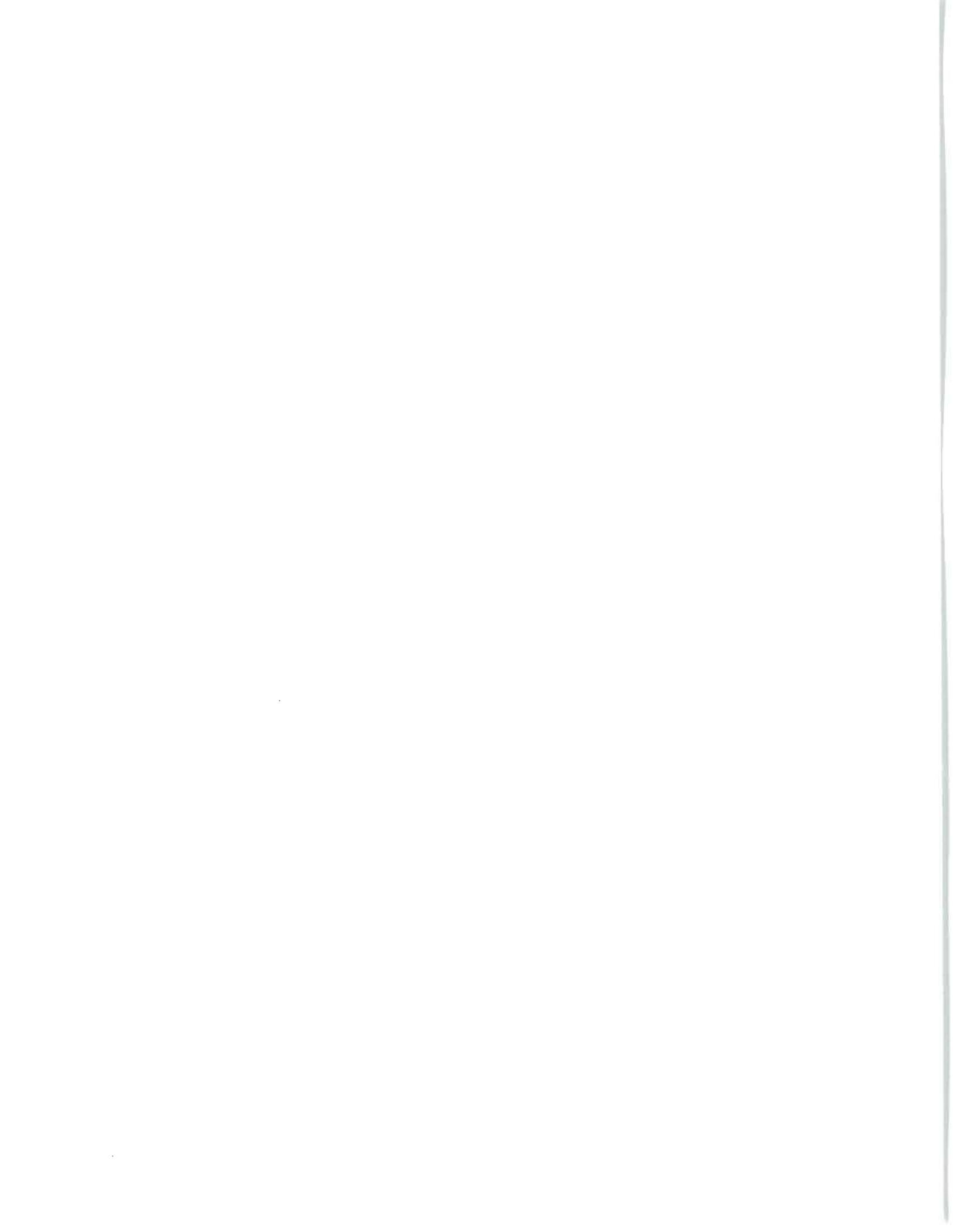
(d) Failure to Maintain Defensible Space. It is unlawful and a public nuisance for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property subject to this article to maintain the following conditions on said property which endanger the public safety by creating a fire hazard:

(1) A dangerous accumulation of flammable vegetation or combustible growth located within thirty (30) feet of an occupied dwelling and structure which prevents the creation of a firebreak and endangers public safety by creating a fire hazard; or

(2) Brush or other flammable material within ten feet of a propane tank.

(3) A dangerous accumulation of dry grass, dead or decayed trees, weeds, brush or leaves, needles, or other dead vegetative growth located adjacent to any occupied dwelling or structure such that it endangers public safety by creating a fire hazard.

(e) No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon, remove vegetation or damage property that is owned by another person without the consent of that person.



(f) The provisions of Section 10-1510(c) and (d) shall not apply to land or water area that are acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government;

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities;

(3) Open space lands that are environmentally sensitive parklands;

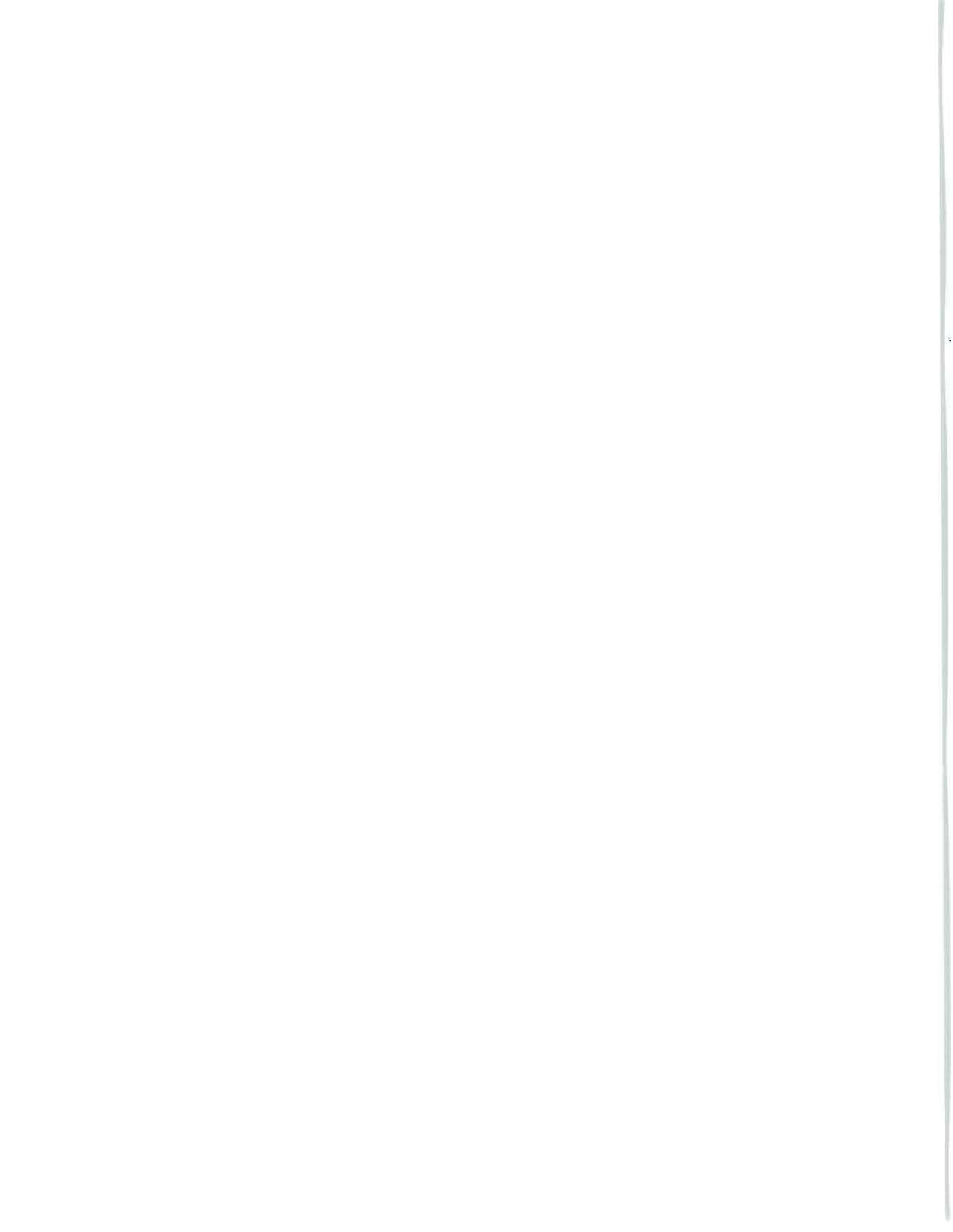
(4) Other lands having scenic values, as declared by the local agency or by state or federal law;

(5) Cultivated agricultural land or land used for animal grazing.

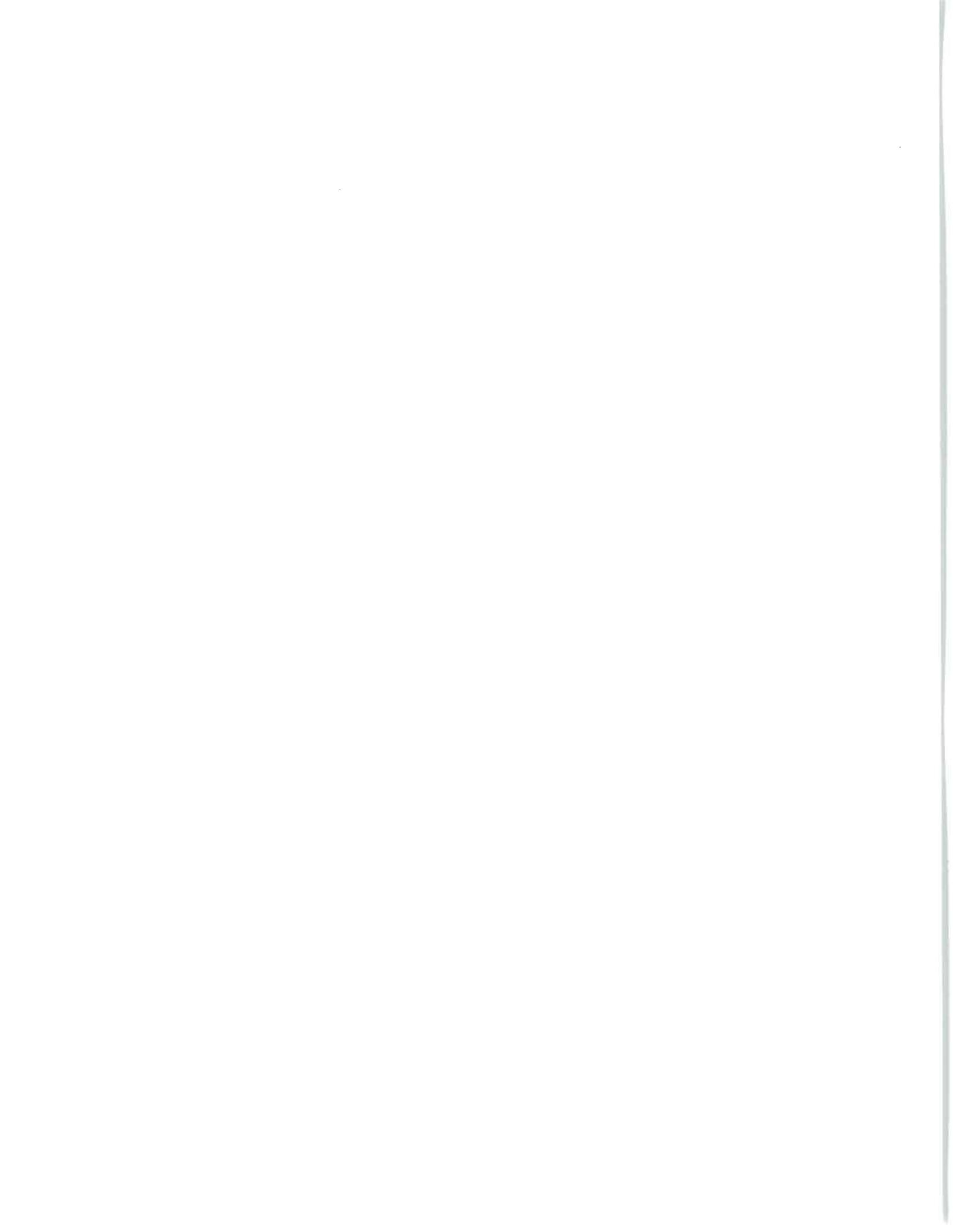
(g) Enforcement. This section shall be enforced pursuant to the provisions of Chapter 10, Article 6 relating to abatement of public nuisances.

SECTION 10-1511. PROGRESS REVIEW. A review of the effectiveness of this ordinance shall be conducted after one (1) year, or at any time deemed necessary by the City Council. The City Council may direct staff to provide any information necessary for evaluating the effectiveness of this ordinance.

SECTION 2. SEVERABILITY. The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.



SECTION 3. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect six (6) months after its passage and upon the passage of a similar ordinance by the County of Fresno with substantially the same protections, obligations, limitations and duties defined within this ordinance that protects those areas of the San Joaquin River and Bluffs within the jurisdiction of the County within six (6) months of the passage of this ordinance. The Council approval of this ordinance shall terminate and become of no further force and effect unless the City Manager makes a written determination the County of Fresno has passed an ordinance with substantially the same protections, obligations, limitations and duties within six (6) months of the final passage of this ordinance.



* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the ____ day of _____, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2010

Mayor Approval/No Return: _____, 2010

Mayor Veto: _____, 2010

Council Override Vote: _____, 2010

REBECCA E. KLISCH
City Clerk

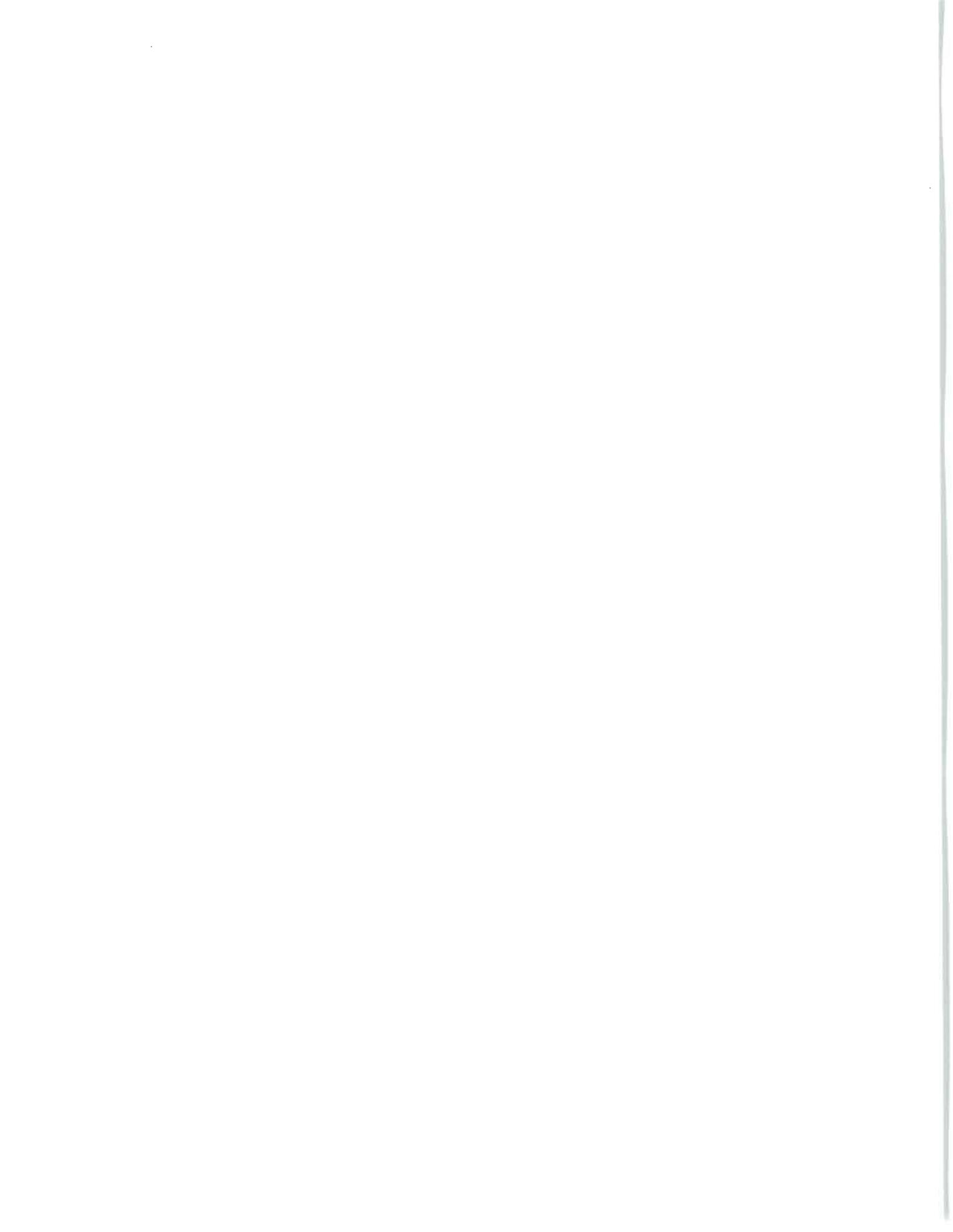
BY: _____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

BY: 
Michael G. Vigilia, Deputy

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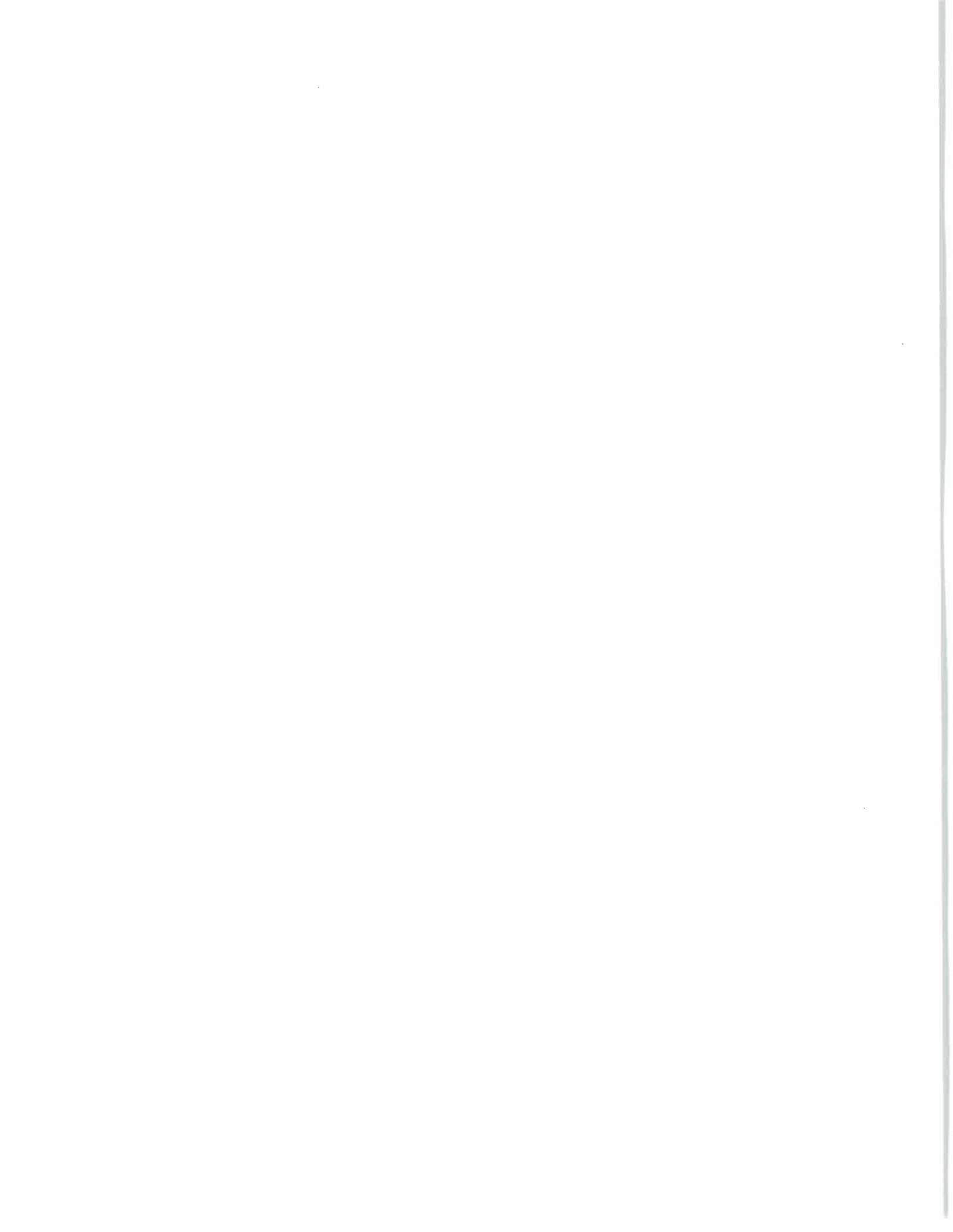


SAN JOAQUIN RIVER & BLUFF PROTECTION INITIATIVE

By
Councilman Andreas Borgeas
in coordination with
The River Bluff Task Force

TABLE OF CONTENTS

THE RIVER BLUFF TASK FORCE	2
SUMMARY.....	3
FREQUENTLY ASKED QUESTIONS	5
ORDINANCE.....	II
MATRIX OF LAWS & REGULATIONS RELEVANT TO THE SAN JOAQUIN RIVER AND RIVER BLUFF	23
PHASE I RESEARCH AND PROGRAMS	25
PHASE II OPPORTUNITIES	27
APPENDICES.....	29
APPENDIX A: STATE BOARD OF FORESTRY AND FIRE PROTECTION <i>GENERAL GUIDELINES FOR CREATING DEFENSIBLE SPACE</i>	30
APPENDIX B: MUNICIPAL CODE AND OTHER SUPPORTING DOCUMENTS	39
APPENDIX C: MAPS.....	51
APPENDIX D: PICTURES	62
APPENDIX E: FRESNO FIRE REPORT	66
APPENDIX F: LETTERS OF SUPPORT	80
CALIFORNIA STATE LANDS COMMISSION	81
CALIFORNIA FISH & GAME.....	82
MAYOR ASHLEY SWEARENGIN.....	83
FRESNO COUNTY SUPERVISOR, SUSAN ANDERSON	84
FRESNO COUNTY ADMINISTRATIVE OFFICER, JOHN NAVERRETTE *	85
FRESNO COUNTY SHERIFF, MARGARET MIMS	86
NORTH CENTRAL FIRE PROTECTION DISTRICT	87
FRESNO FIRE DEPARTMENT, CHIEF RANDY BRUEGMAN	88
FRESNO POLICE DEPARTMENT, CHIEF JERRY DYER.....	89
PARCS, DIRECTOR RANDY COOPER	90
GREATER FRESNO AREA CHAMBER OF COMMERCE.....	91
SAN JOAQUIN RIVER PARKWAY AND CONSERVATION TRUST	92
SAN JOAQUIN RIVER CONSERVANCY.....	93
FRESNO CITY FIREFIGHTERS ASSOCIATION.	94
FRESNO DEPUTY SHERIFF'S ASSOCIATION.....	95
FRESNO AUDUBON SOCIETY	96
RIVER TREE VOLUNTEERS	97
SPANNO ENTERPRISES.	98
FRESNO FLATWATER KAYAK AND CANOE CLUB	99
TUTELIAN AND COMPANY	100
FRESNO BEE EDITORIAL, APRIL 6, 2010.....	102
* LETTER OF SUPPORT CONDITIONED UPON FURTHER DISCUSSIONS WITH VARIOUS COUNTY DEPARTMENTS	



THE RIVER BLUFF TASK FORCE

In response to the fire on July 2-4, 2009, Councilmember Borgeas created and convened an *ad hoc* task force to address the unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizenry. *The River Bluff Task Force* is comprised of representatives from the following departments and organizations:

- City Attorney's Office
- City of Fresno Code Enforcement
- City of Fresno Information Services Department
- City of Fresno Manager's Office
- City of Fresno Mayor's Office
- City of Fresno PARCS
- City of Fresno Planning and Development
- City of Fresno Public Works
- Fresno County Sheriff's Department
- Fresno Fire Department
- Fresno Police Department
- San Joaquin River Conservancy
- San Joaquin River Parkway and Conservation Trust
- California State Lands Commission

Consultations initiated by members of *The River Bluff Task Force* will continue with representatives from the County of Fresno, County of Madera, California Fish & Game Commission, North Central Fire Protection District, Madera Fire Department, California Fire Department and others.

SUMMARY

The San Joaquin River is a prized natural resource that requires protection and preservation for the enjoyment of all. As evidenced by the fire last summer that originated from the river bottom and damaged many properties near the bluffs, this area faces unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizenry. In addition, the multi-jurisdictional character of the area renders law enforcement in the territory complex and at times ambiguous. Ultimately, the River Bluff area needs comprehensive and cross-jurisdictional legislation that addresses the specific challenges of policing a multi-jurisdictional area to ensure public safety and the protection of natural resources.

To begin addressing these challenges, a uniform City ordinance has been created to regulate activity and facilitate the enforcement of laws within the City of Fresno's territory in the River Bluff area. The *San Joaquin River & Bluff Protection Initiative* ordinance is intended to facilitate, clearly delineate, and streamline the enforcement of laws, as well as apply a clear set of regulations for the City territory in the River Bluff area, all of which are oriented toward making our natural resources safe and enjoyable for all. In essence, the *SJRBPI* is an awareness promoting cross-jurisdictional public safety initiative.

The *San Joaquin River & Bluff Protection Initiative (SJRBPI)* provides the following provisions:

- Hours of use:
 - Establishes the hours of use as Sunrise to 10:00 p.m. (March - October)
Sunrise to 6:00 p.m. (November - February)
- Prohibits, with certain limited exceptions, the following:
 - Vehicular access;
 - Overnight camping;
 - Disposing of any garbage;
 - Fires, open flames, and barbeques;
 - Possession or use of fireworks;
 - Entering, remaining, or loitering outside designated hours of use;
 - Discharging of firearms, bows, or other weapon projectiles;
 - Removal or disturbance of flora, fauna, and natural objects; and
 - Removing or tampering with any official sign, gate, or garbage can.

**Many of these provisions, such as vehicular access and barbeques, do not apply to private property.*
- Establishes penalties for violating any of the above provisions:
 - Misdemeanor; or
 - Administrative Citation.

Furthermore, the *SJRBPI* addresses defensible space provisions.

- Establishes “firebreaks”- an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerously flammable vegetation or other combustible growth is to be removed and cleared away (*See Appendix A*).
- *It is anticipated that Phase II implementation will establish “reduced fuel zones” that will consist of an area between thirty (30) feet and one hundred (100) feet of an occupied dwelling and structure, or up to the owner’s property line, whichever is less, in which dangerous brush, flammable vegetation or combustible growth is to be removed (See Appendix A).*
- Legally classifies the following as a *Public Nuisance*, according to Fresno Municipal Code § 10-605, and therefore prohibits:
 - Dangerous accumulation of dead or dying tree branches adjacent, beneath, or overhanging a structure;
 - Dangerous accumulation of leaves, needles, or dead vegetative growth on the roof of any structure;
 - Dangerous accumulation of flammable vegetation or other combustible growth within thirty (30) feet of an occupied dwelling and structure that prevents the creation of a firebreak;
 - Brush or other flammable material within ten (10) feet of a propane tank.
- The *SJRBPI*, however, does not require any person to maintain any clearing on any land if that person does not have the legal right and obligation to maintain the clearing.
- Exempts areas of land or water that are acquired or managed for any of the following purposes or uses: habitat for endangered species, habitat for wildlife, plant, or animal communities, lands that are considered environmentally sensitive parklands, or lands having scenic values, as declared by the local agency or by state or federal law.

The *SJRBPI* also directs the City of Fresno staff to work in coordination with all relevant stakeholders and entities to develop formal and sustainable policies for the following:

- Public Safety Partnerships and Agreements
 - jurisdiction, equipment, community outreach, budget;
- Signs, Gates and Garbage Cans
 - installation, location, maintenance and budget;
- Defensible Space Requirements
 - installation, location, maintenance and budget; and
- Community Watch Program (*see Phase I Research and Programs*).

Finally, the *SJRBPI* provides for the Fresno City Council to examine the progress, deficiencies, and effectiveness of the program after One (1) Year, or at any time deemed necessary.

FREQUENTLY ASKED QUESTIONS

1. Why is this initiative important for the San Joaquin River and Bluff area?

The San Joaquin River and Bluff area faces unique safety and environmental challenges that threaten the integrity of the natural landscape and the safety of Fresno's citizens. The *San Joaquin River & Bluff Protection Initiative (SJRBP)* is intended to facilitate, clearly delineate, and streamline the enforcement of laws, as well as apply a clear set of regulations for the City territory in the multi-jurisdictional River Bluff area.

2. What area of the San Joaquin River and Bluffs are affected by this initiative?

The *SJRBP* applies to an area between Highway 99 and Highway 41 from the midpoint of the San Joaquin River to the bluff edge within the limits of the city of Fresno (*see* Appendix C).

3. Why is the *SJRBP* referred to as an "initiative"?

This project is entitled an "initiative," as opposed to an "act," for example, because the enormity of the project necessitates a multi-phased effort to establish uniformity of regulation and enforcement in the River Bluff area. There is need, therefore, for additional measures to be researched and implemented by various City and County departments, stakeholders, and organizations. Finally, the *SJRBP* provides for the Fresno City Council to examine the progress, deficiencies, and effectiveness of the program after one year, or at any time deemed necessary (*see* FAQ #32).

4. When will the *SJRBP* take effect?

The initiative will take effect six (6) months after it is approved by the Fresno City Council and is conditioned upon passage of the same or similar legislation by the County of Fresno.

5. What is different than before?

This initiative prohibits several new activities and establishes some new regulations. Some of the activities this initiative prohibits in the River Bluff area include: use of fireworks; vehicle access; and overnight camping. This initiative also establishes: hours of use; firebreaks requirements; and defensible space requirements.

6. What are the jurisdictions within the relevant areas of the San Joaquin River and Bluff?

The California State Lands Commission, California Fish and Game Commission, City of Fresno, County of Fresno, County of Madera, and the San Joaquin River Conservancy.

7. What are the public safety organizations that have jurisdiction in the relevant areas of the San Joaquin River and Bluff?

The Fresno Police Department, Fresno County Sheriff's Department, Madera County Sheriff's Department, California Fish & Game, Fresno Fire Department, North Central Fire Protection District, Madera Fire Department, and California Fire Department.

8. How do you know what jurisdiction you're in at different sections?

Due to the numerous jurisdictions, it may not be easy to determine by sight what jurisdiction in the river territory you are in without a map or global positioning unit (*see* Appendix C).

9. Do Fresno Police and County Sheriffs have jurisdiction to issue tickets for violations that occur on the other's territory?

Generally, no, as Fresno PD is granted jurisdiction within the City of Fresno and the Deputy Sheriffs within the County. Absent a statutory grant or mutual agreement, one of which exists now under cases where emergency aid is needed, or state specified exceptions (*see* CA Penal Code §§ 830.1 (1-3)), law enforcement authority extends generally to the jurisdictional boundaries.

10. Do Fresno Police and County Sheriffs routinely patrol the other's territory?

No, generally, each conducts patrols in their respective territory.

11. Who from the City patrols the City territory of the San Joaquin River and Bluff area?

Two Fresno Police officers are assigned to patrol the City territory of the San Joaquin River and Bluff area. Also, in response to the July fire, at the request of the *River Bluff Task Force* a security camera was installed to monitor activity.

12. Are City and County tickets treated differently?

Yes. If a violation occurs within city limits, it is considered a City arrest and therefore under the jurisdiction of the FPD. If the violation occurs within county territory, it is considered a County arrest and therefore under the jurisdiction of the Sheriff's Department. All fines are processed through the County Treasurer and revenue is distributed according to formula (*see* CA Penal Code § 1463.002).

13. Do the laws and regulations of the initiative extend to all parts of the City?

No, the laws and regulations included in the initiative cover only the City territory in the San Joaquin River and Bluff area as defined in the ordinance (*see* proposed Sections 10-1504).

14. Some of the laws and regulations in the initiative already exist in similar form at the County and State level, why is there duplication?

While there is some duplication of law, it is important to provide an ordinance of a comprehensive nature that clearly provides for the safety of the environment, its visitors, and residents. As the attached matrix indicates (*see* Page 23), there are noticeable gaps in the law and a uniform ordinance eliminates much of the ambiguity, and also creates opportunities for future public safety partnerships.

15. Where does the City of Fresno derive its authority to make its own laws?

The city of Fresno derives its power to make its own laws from the California Constitution, the City Charter, and the Fresno Municipal Code. Article 11 Section 7 of the California Constitution grants to any city or county the power to make and enforce within its territorial limits all local, police, sanitary or other ordinances or regulations not in conflict with general (state) law.

16. What type of fines would be issued for violation of City codes?

Both misdemeanors and citations will be issued according to fines established in the Fresno Municipal Code.

17. Are City codes applicable in the County and County codes in the City?

City codes are not applicable in the County. However, County codes are generally applicable in the City, to the extent the City has not enacted differing legislation.

18. Are City fire regulations applicable to the County?

No. Fire regulations imposed by this initiative apply only to properties located on City lands.

19. Will this require County landowners to abide by the newly created City laws?

No. Currently, there is no reciprocity of laws bearing on this initiative between the City of Fresno and the County of Fresno.

20. What existing building codes apply to the River Bluff?

The Fresno 2025 General Plan as adopted in 2005 specifics under Policy 1-4-b that “the minimum set-back from the San Joaquin River bluff edge (as the bluff edge is defined in the Fresno Municipal Code) for all future structures (including swimming pools, spas, and accessory structures) shall be thirty (30) feet (*see* Appendix B).

21. What is considered to be a structure?

A structure is anything that requires a building permit because it exceeds 10 X 12 feet.

22. Does this initiative create new responsibilities for those who live/own property in City territory of the San Joaquin River and Bluff area?

There may be some new responsibilities for home/landowners in the area. These responsibilities may include creating and maintaining a firebreak to the extent the clearings are on the homeowner’s property line, as well as keeping the property free from dangerous accumulation of flammable vegetation or other combustible growth.

23. Who is responsible for fire protection maintenance?

The homeowners are responsible for the fire protection maintenance on their property. The homeowner will be required to maintain the defensible spaces regulated by this initiative to the extent they are on the owner’s private property.

24. What entities are responsible for fire protection in the River Bluff area?

Both the City of Fresno Fire Department and North Central Fire are the responsible agencies.

25. Where is the specific equipment used in fighting brush fires located?

Fresno Fire Stations 14 and 17 each have specialized wild land four wheel drive fire fighting apparatuses designed to combat fires located in undeveloped areas. The apparatuses are designated as "Patrol" or "Brush," as differentiated by water carrying capacity. Starting in Spring 2010, an initial "first alarm" response to the bluff area for a non-structure fire will include two patrol or brush rigs, two conventional fire engines, and two water tenders (2000 and 3000 gallon capacity). The two closest fire engine stations to the incident will respond (typically Fire Station 2, 13, 14, 18 or 17) and the water tenders will respond from Fire Station 2 and Fire Station 3. Two additional brush or patrol rigs are available as well as additional fire engines and another water tender should the incident go beyond a first alarm.

26. Does the County of Fresno have firebreak requirements?

Fresno County does not have 30 foot firebreak requirements consistent with the *SJRBPI*. Fresno County Ordinance Code section 8.32.030 prohibits accumulation of flammable material, including dry grass and weeds, within close proximity of real property *after having been requested to remove the material by a peace officer or fire official*.

27. Will this change the way I keep my home on the Bluffs?

Maybe, as this initiative establishes requirements for defensible space. It is the homeowner's responsibility to meet these standards to the extent the operative space is on their property.

28. Is the entire San Joaquin River area classified as an ecological reserve?

No. The San Joaquin River area is not listed under the California Code of Regulation §630 as an ecological reserve. However, for purposes of this initiative's jurisdiction, there is a segment of the river area referred to as the Milburn Unit of the San Joaquin River Ecological Reserve.

29. How would someone report a suspected violation?

If someone needs to report a violation, they may call (559) 621-2489. This is the City's information line and they would be able to direct you to the appropriate department. For a code violation, (559) 621-8400 may be called during normal working hours.

30. Who will enforce the provisions of the *SJRBPI*?

Depending on the type of violation, there are several agencies, including the Fresno Police Department, Fresno Fire Department, and the City of Fresno's Code Enforcement Division. Generally, the Police are responsible for enforcement of the provisions of sections 10-1506 and 10-1507 of the *SJRBPI* and any other public offenses (offenses punishable by fines or imprisonment) under the Municipal Code and state law. The Fire Department is primarily responsible for responding to brush/wild fires and structural fires in the area as well as enforcement of defensible space provisions in section 10-1510(b). Code Enforcement is responsible for abatement of nuisance conditions and substandard housing conditions including public nuisance provisions pursuant to section 10-1510(c). However, given the interrelatedness of the services and jurisdiction, the relevant agencies will be working in coordination with one another.

31. Who created the Defensible Space Requirements under Section 10-1510?

The Defensible Space Requirements, which include provisions for *firebreaks* and the *reduced fuel zones*, are modeled after the State Board of Forestry and Fire Protection *General Guidelines for Creating Defensible Space* (see Appendix A) .

32. Are there any anticipated additional provisions that will be added to the *SJRBPI* in the future?

It is anticipated that the *SJRBPI* will be a multi-phase initiative. After successfully implementing this initiative, the *River Bluff Task Force* anticipates working on Phase II of the *SJRBPI* to increase fire protection along the river bluff and bottom (see Page 27). Phase II of the *SJRBPI* depends upon the County of Fresno’s participation and additional funding.

33. Does the *SJRBPI* impact the Sierra Skypark Airport such that a review would be necessary by the Airport Lands Use Commission?

The Sierra Sky Park Plan does not require the *SJRBPI* to be referred to the Airport Land Use Commission.

34. Does the *SJRBPI* require an analysis under the California Environmental Quality Act (CEQA)?

Yes. Due to the types of environmentally protected lands and certain protected species along the river bluff and bottom, consideration must be given to CEQA. After review, it is found that the *SJRBPI* is categorically exempt from further CEQA analysis because the regulations contained in the *SJRBPI* do not pose significant impact to the surrounding environment since they provide protection for endangered, threatened or rare plant species.

35. Does the *SJRBPI* stop a person from accessing the river bottom altogether?

No. It is not the intent of the *SJRBPI* to stop people from accessing the river bottom. In fact, it is the opposite. The *SJRBPI* encourages people to enjoy the San Joaquin River safely and in a manner that respects the natural environment and the surrounding communities. Currently, Camp Pashayan, Riverside Trailhead, Fort Washington Beach, and the Woodward Park/Jensen River Ranch are the available public access points located within the City of Fresno.

36. What is the Citizen’s Advisory Committee and when will it be assembled?

Because the *SJRBPI* is comprehensive in nature, community input on an ongoing basis is vital for its feasibility and sustainability. Therefore, it is anticipated that a Citizen’s Advisory Committee will be formed to help facilitate communication between residents and relevant stakeholders in implementing *SJRBPI* policies. It is envisioned that any such Committee will consist of both City and County residents.

37. Will the *SJRBPI* be expanded to encompass additional City territory along the pathway of the San Joaquin River?

If the *SJRBPI* is deemed successful after its initial review, it is anticipated that the jurisdiction of the *SJRBPI* may be extended. It is worth noting, however, that City and County budgets will ultimately decide if and when the jurisdiction of the *SJRBPI* can be expanded.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 15 TO CHAPTER 10 OF THE FRESNO
MUNICIPAL CODE RELATING TO REGULATIONS FOR THE
PROTECTION OF THE SAN JOAQUIN RIVER AND BLUFFS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 15 is added to Chapter 10 of the Fresno Municipal Code to read:

ARTICLE 15

SAN JOAQUIN RIVER AND BLUFF PROTECTION INITIATIVE

- Section 10-1501. Title
- 10-1502 Purpose
- 10-1503. Construction with Other Laws
- 10-1504. Application
- 10-1505 Definitions
- 10-1506 Vehicular Access
- 10-1507. Prohibited Acts
- 10-1508. Penalties and Enforcement
- 10-1509. Posting
- 10-1510. Defensible Space Requirements
- 10-1511. Progress Review

SECTION 10-1501. TITLE. This ordinance shall be known as the “San Joaquin River and Bluff Protection Initiative.”

SECTION 10-502. PURPOSE. The Council finds and declares that the San Joaquin River and southerly San Joaquin River Bluffs are a unique natural resource that must be protected and preserved for the enjoyment of, and appreciation by, present and future generations in the City of Fresno. The Council further finds and declares that the integrity of the natural landscape is threatened by pollution and damage caused by

vehicular and pedestrian traffic and activities that are not consistent with conservation of these precious natural resources.

The Council further finds and declares that vegetation fires along the San Joaquin River and to the southerly San Joaquin River Bluffs are particularly difficult to contain due to the ample flammable vegetation and difficult terrain and pose a threat to occupied structures in the area.

The ordinance enacted below is deemed necessary for the protection of the general health, safety, and welfare of people and property on the southerly San Joaquin River Bluffs.

SECTION 10-1503. CONSTRUCTION WITH OTHER LAWS. No provision of this article is intended to supersede or be in conflict with any federal regulation or any statute, rule or regulation of the state relating to the San Joaquin River or southerly San Joaquin River Bluffs, and in the event of any conflict between the provisions of this article and any such federal or state regulation, the provisions of this article so conflicting shall be deemed superseded by such statute, rule or regulation, and of no force or effect. Provided further, that other provisions of this article not so in conflict shall not be affected thereby and shall remain in full force and effect.

SECTION 10-1504 APPLICATION. The prohibitions of Sections 10-506 and 10-507 shall apply to the territory of the City of Fresno located between the midpoint of the San Joaquin River and the southerly bluff edge as defined below and between Highway 99 and Highway 41.

SECTION 10-1505. DEFINITIONS

(a) “Bluff” means the soil surface, substratum and area between the "Bluff Toe" and the "Bluff Edge" as defined in Section 12-105.B.9 of this Code.

(b) “Bluff Edge” means the first or southernmost point of tangency, within three hundred feet of the "Bluff Toe," or a ten per cent (10:1) slope line and the convex soil surface (or the break between slopes less than ten per cent and those greater than ten per cent) as defined in Section 12-105.B.10 of this Code.

(c) “Bluff Face” means that area between the "Bluff Edge" and "Bluff Toe” as defined in Section 12-105.B.11 of this Code.

(d) “Bluff Preservation Overlay District” is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area as defined in Section 12-243 of this Code.

(f) “Bluff Toe” means the point of tangency of a twenty per cent (5:1) slope line and the concave soil surface (or the break between slopes less than twenty per cent and those greater than twenty per cent) as defined in Section 12-105.B.13 of this Code.

(g) “Fireworks” shall have the same meaning as defined in Section 10-53302.3(d) of this Code.

SECTION 10-1506. VEHICULAR ACCESS.

(a) No person on public lands shall operate any motor vehicle, motorcycle, motor-driven cycle, minibike, or other vehicle by which any person or property may be propelled, moved, or drawn, excepting a vehicle or device moved by human power, below the bluff edge except upon roads designated for vehicular use.

(b) Exceptions.

(1) This section shall not apply to employees of a public agency engaged in the discharge of their duties;

(2) This section shall not apply to employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties;

(3) This section shall not apply to a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

SECTION 10-1507. PROHIBITED ACTS. The following acts are prohibited below the bluff edge:

(a) Overnight camping except with appropriate permits and approvals and in designated areas;

(b) Depositing, placing, throwing or in any manner disposing of any rubbish, trash, garbage, can, bottle, glass, wood, paper or any decaying or putrid matter of any kind whatsoever except in containers provided for such purpose;

(c) Lighting of any fires or open flames, including but not limited to cooking fires and barbecues, except in designated areas. This prohibition shall not apply to cooking fires, barbecues, or outdoor fireplaces upon any private property which is subject to the provisions of this Article;

(d) Possession or use of fireworks, notwithstanding the provisions of Section 10-53302.5(b);

(e) Entering, remaining or loitering between the following hours: 10:00 p.m to sunrise from March through October; 6:00 p.m. to sunrise from November through February. This shall not apply to individuals whose private property is located below the bluff edge; individuals with appropriate permission or authorization to be on, or be in route to or from, private property located below the bluff edge; campers with appropriate permits and authorization; employees of a public agency in the discharge of their duties; or employees or agents of organizations engaged in land or resource management or conservation engaged in the discharge of their duties.

(f) Discharging of firearms, bows, pellet guns, or paintball guns except in areas or facilities specifically designated for such activities.

(g) Removal of vegetation or excavation of any rock or stone except when part of an authorized management program, such as creation of defensible space pursuant to Section 10-1510, or with appropriate permits and approvals;

(h) Removal or disturbance of archaeological or cultural artifacts unless with appropriate permits and approvals;

(i) Removing, defacing, damaging or destroying any sign, gate, garbage can, or structure or facility which has been posted in accordance with the provisions of Section 10-1509.

SECTION 10-1508. PENALTIES AND ENFORCEMENT. Failure to comply with the provisions of sections 10-1506 or 10-1507 shall be punishable as a misdemeanor.

SECTION 10-1509. POSTING. The Chief Administrative Officer or his or her designee, as well as those having jurisdictional authority, shall have the authority to post and maintain appropriate signs at such locations as in the opinion of the Chief Administrative Officer or designee will give reasonable notice to the public of the provisions of this article.

SECTION 10-1510. DEFENSIBLE SPACE REQUIREMENTS.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "Aerial Fuel" means all live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs, cones, snags, moss and high brush. Examples of aerial fuel include trees and large bushes.

(2) "Defensible space" is the area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. Defensible space can be created by removing dead vegetation, separating fuels, and pruning lower limbs.

(3) “Firebreak” means an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerous accumulation of flammable vegetation or other combustible growth has been removed and cleared away. The creation of a firebreak shall not require the removal of single specimens of trees or other vegetation that is well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

(4) “Flammable and combustible vegetation” means any fuel.

(5) “Fuel” means live or dead vegetative material which is combustible during normal summer weather. This does not include fences, decks, woodpiles, or trash.

(6) “Horizontal Clearance” means the distance between aerial fuels, such as the outside edge of tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.

(7) “Surface Fuel” means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones and small branches that have not yet decayed enough to lost their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

(9) “Vertical Clearance” means the distance between lower limbs of aerial fuels and the nearest surface fuels and grass or weeds.

Vertical clearance helps prevent fire from moving from shorter fuels to taller fuels.

(b) Application. The requirements of this section shall apply to the following parcels:

(1) Parcels located in the territory of the City of Fresno between the midpoint of the San Joaquin River and the southerly bluff edge between Highway 99 and Highway 41;

(2) Parcels located within the Bluff Preservation Overlay District which abut the bluff edge.

(c) Defensible Space Requirement. Any person, corporation or other entity owning, leasing, occupying or directly controlling or having charge of any property subject to this article shall comply with the following standards for maintaining defensible space with respect to the area surrounding any inhabited dwellings and structures from April 15 through September 30 of each year as follows:

(1) Maintain a firebreak by removing and clearing away dangerous accumulation of flammable vegetation and other combustible growth within thirty (30) feet of each inhabited dwelling and structure. This requirement does not apply to endangered, rare, or threatened plant species that are found within thirty (30) feet of an inhabited dwelling and structure. Single specimens of trees or other vegetation may be retained provided they are well spaced, well pruned, maintained in a live condition and create a condition that avoids the spread of fire to other vegetation or to a building or structure. Grass four (4)

inches or shorter in height may be retained where necessary to prevent erosion or when isolated from other fuels.

(d) Failure to Maintain Defensible Space. It is unlawful and a public nuisance for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property subject to this article to maintain the following conditions on said property which endanger the public safety by creating a fire hazard:

(1) A dangerous accumulation of flammable vegetation or combustible growth located within thirty (30) feet of an occupied dwelling and structure which prevents the creation of a firebreak and endangers public safety by creating a fire hazard; or

(2) Brush or other flammable material within ten feet of a propane tank.

(3) A dangerous accumulation of dry grass, dead or decayed trees, weeds, brush or leaves, needles, or other dead vegetative growth located adjacent to any occupied dwelling or structure such that it endangers public safety by creating a fire hazard.

(e) No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon, remove vegetation or damage property that is owned by another person without the consent of that person.

(f) The provisions of Section 10-1510(c) and (d) shall not apply to land or water area that are acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government;

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities;

(3) Open space lands that are environmentally sensitive parklands;

(4) Other lands having scenic values, as declared by the local agency or by state or federal law;

(5) Cultivated agricultural land or land used for animal grazing.

(g) Enforcement. This section shall be enforced pursuant to the provisions of Chapter 10, Article 6 relating to abatement of public nuisances.

SECTION 10-1511. PROGRESS REVIEW. A review of the effectiveness of this ordinance shall be conducted after one (1) year, or at any time deemed necessary by the City Council. The City Council may direct staff to provide any information necessary for evaluating the effectiveness of this ordinance.

SECTION 2. SEVERABILITY. The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. one hundred eighty (180) days (six months) after its passage and upon the passage of a similar ordinance by the County of Fresno with substantially the same protections, obligations, limitations and duties defined within this ordinance that protects those areas of the San Joaquin River and Bluffs within the jurisdiction of the County within six (6) months of the passage of this ordinance. The Council approval of this ordinance shall terminate and become of no further force and effect unless the City Manager makes a written determination the County of Fresno has passed an ordinance with substantially the same protections, obligations, limitations and duties within six (6) months of the final passage of this ordinance.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the ____ day of _____, 2010.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2010

Mayor Approval/No Return: _____, 2010

Mayor Veto: _____, 2010

Council Override Vote: _____, 2010

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

BY: _____
Michael G. Vigilia, Deputy

MGV:ns [50244ns/ord]-3/30/10

MATRIX OF LAWS & REGULATIONS RELEVANT TO THE SAN JOAQUIN RIVER AND RIVER BLUFFS*

-Blue shading denotes very similar statutory language.

-Yellow shading denotes similar regulation of the field/subject matter but may not be directly applicable to proposed ordinance.

Regulated Activity	Fresno Municipal Code	Proposed Ordinance Code	Fresno County Ordinance Code	Madera County Ordinance Code	Cal. Penal Code	Cal. Fish & Game Code	Cal. Code of Regulations Title 14	Cal. Vehicle Code
<i>Discharging Firearms/weapons/Hunting</i>	9-2601(a), 9-2601(b)	10-1507(f)* (prohibits discharge w/ limited exceptions)	10.44.020, 10.44.030, 10.44.040, 13.16.030.E, 13.40.020	9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.050, 9.94.060, 9.74.085.F- (Hunting prohibited in county parks)	246.3 (re: negligent discharge)	3002 (prohibits shooting from a boat) 3004 (prohibits shooting w/in 150 yds. of occupied buildings) 3007 (requires hunting license) 2017 (prohibits shooting in areas with "no hunting" signs)	630(a)(8) (re: ecological reserve)	
<i>Littering/Dumping</i>		10-1507(b)* (prohibits littering/dumping)	13.40.010 (limited to water) 13.16.030.A, 13.16.030.B	9.74.085.1 (applies to county parks only)		5652 (limited to water)	630(a)(14) (re: ecological reserve)	
<i>Fire</i>		10-1507(c)* (prohibits fire w/ limited exceptions)	13.16.030.C	9.32.010 (No smoking near vegetation)	602(j) (re: trespass by fire where no fire sign posted)		630(a)(19) (re: ecological reserve)	
<i>Arson/Activity likely to cause fire</i>			8.32.060 (no smoking near grain, grass, brush, or timber covered land)	9.32.010, 9.32.080, 9.32.090	451 (re: arson w/ mens rea) 452 (re: arson w/out mens rea)			
<i>Fireworks</i>	10-53302.4 (general prohibition), 10-53302.5 (4 th of July exception)	10-1507(d)* (prohibits fireworks, even on July 4 th)	8.36.040, 13.16.030.D	9.36.020			630(a)(19) (re: ecological reserve)	
<i>Trespassing, Curfew, Public Access</i>	9-2508 (limited to unsupervised persons under 18 years of age, prohibits access 10:00 p.m. to 5:00 a.m.)	10-1507(e)* (prohibits entry between 10:00 pm and sunrise from May through October, and 6:00 pm to sunrise from November through April, except residents, guests, authorized campers)	13.32.055 (no loitering on bridges that cross lakes, rivers, etc.) 13.32.070 (no entry without consent to reservoir, pond, canal)	9.85.010 (curfew of minors) 9.85.015 (curfew of minors) 9.74.080 (applies to county parks)	602(l), 602(o), 602(p) (all three limited to trespassing)	1583 (applies to ecological reserves only) 2016, 2017, 2018 (limited to trespassing)	630(a)(9), 630(a)(10) (hours: sunrise to sunset for ecological reserve) 630(a)(108)(A) (hours: sunrise to sunset for SJRER, unless otherwise stated by regional manager)	

Regulated Activity	Fresno Municipal Code	Proposed Ordinance Code	Fresno County Ordinance Code	Madera County Ordinance Code	Cal. Penal Code	Cal. Fish & Game Code	Cal. Code of Regulations Title 14	Cal. Vehicle Code
<i>Vehicles</i>	14-802 14-804 14-807 14-811 14-1603	10-1506* (prohibits vehicles w/ limited exceptions)	11.40.010 (no vehicles on canal banks) 11.40.040 11.40.050 11.40.060 13.16.080 (vehicle entrances fees at parks) 13.16.030.1 (Speed limits in parks) 13.16.030.S (specific areas designated for off road vehicles use)	9.74.085.E (applies to county parks only) 10.28.030 (no off-road vehicles in residential zoned areas) 10.28.040 (no off-road vehicles on county property) 10.28.050 (no vehicles on specified river banks or river beds, San Joaquin River not included)			630(a)(4) (re: ecological reserve)	23127 (re: sign designated no driving areas) 38319 (re: off-highway vehicle access)
<i>Protection of Vegetation/Natural Habitat</i>		10-1507(g)* 10-1507(h)* (prohibits removal of vegetation, rock, artifacts)	13.16.020	9.74.085.G (applies to county parks only)		1583 1602 (unlawful to substantially divert flow, or take material from river banks or beds)	630(a)(1) 650 699.5	
<i>Camping</i>		10-1507(a)* (prohibits overnight camping w/ limited exceptions)	13.16.040 (reservations. permits required)	9.74.080 (applies to county parks only)			630(a)(20) (re: ecological reserve) 630(a)(108)(E) (may be allowed within SJRER)	
<i>Maintaining Public Nuisance Conditions, Firebreaks and Neutral Fuel Zones</i>	10-605(d) 10-605(e)	10-1510* (prohibits public nuisance, creates firebreaks/zones)	8.32.020 (prohibits accumulation of flammable material on property) 8.32.030	7.26.010 (weed abatement) 7.26.030 9.32.003 (weeds as nuisance during fire season) 9.32.020 (firebreak requirements) 9.32.030 9.32.070				

*While this matrix was done to the best knowledge of the authors, it is not represented as entirely complete.

PHASE I RESEARCH AND PROGRAMS

The *San Joaquin River & Bluff Protection Initiative* is being created to help address issues specific to the Bluff and River area. However, the enormity of the task necessitates the *SJRBPI* to be the beginning of a multi-phased effort to establish uniformity of regulation and enforcement in the River Bluff Area. There is a need, therefore, for additional measures to be researched and implemented by various City departments. We anticipate requesting City staff to conduct research and make recommendations regarding the following:

Fresno Police Department: We are requesting that PD create a community watch/volunteer program to provide additional coverage of the River Bluff area; investigate equipment partnership opportunities with Fresno County;

Fresno Fire Department: We are requesting that Fresno Fire research and work with stakeholders/land owners on the implementation of defensible space requirements; investigate the best practices of other cities, research lateral fire risks between property lines, and to seek grant funding or other sources of revenue to maintain defensible space along the River Bluff;

PARCS/Public Works: We are requesting that PARCS and Public Works create a plan for the placement of signs, gates and trash receptacles in and around the River Bluff area;

Code/Police/Fire/Public Works: We are requesting a cooperative strategy be created for enforcement of the *SJRBPI*, notices of the defensible space requirements be sent out under the auspices of the weed abatement program, and community outreach tailored to the requirements brought about by the dry season;

City Attorney: Even though the City of Fresno is taking proactive steps to create a safe and enjoyable environment for resident's to enjoy the River Bluff area, we are limited to enforcing the *SJRBPI* only on City land. As part of the ongoing process of protecting this valuable natural resource, we are asking the City Attorney's Office to work with relevant agencies and stakeholders to form partnerships and agreements regarding jurisdiction and concurrent enforcement of relevant laws. Ultimately, by establishing concurrent jurisdiction through partnerships and agreements, we are seeking to eliminate jurisdictional uncertainty and institutional distinctions in the various territories of the San Joaquin River and Bluffs. To effectively enforce laws across the entirety of the San Joaquin River area, relevant law enforcement agencies require the authority to enforce laws and regulations, and to issue citations for violations across jurisdictional boundaries;

Other Areas of Research: It is anticipated City staff will:

- Further research parking enforcement in residential areas along the River Bluff area;
- Work with relevant stakeholders to explore access issues to the San Joaquin River bottom at the Palm and Nees entrance and to work collaboratively with the City of Fresno to either build a new gate, or reinforce the current gate, in order to allow access to the San Joaquin River during allowed hours.

It is expected that each department will be asked to provide the City Council with recommendations and funding/budget strategies for each program for further review and ultimately City Council approval within three (3) months.

PHASE II OPPORTUNITIES

While the ultimate goal of the *San Joaquin River Bluff and Protection Initiative* is to fully implement and enforce all its provisions, certain provisions, such as reduced fuel zones, will require additional research and collaboration in order to be effectively implemented. Due to the City's reduced revenue, some of the provisions will likely have to be implemented in two phases and will be conditioned on cooperative agreements.

It is anticipated that Phase II of the *SJRBPI* will include additional provisions to expand reduced fuel zones to extend from 30 feet to 100 feet. As before, no individual will be responsible for maintaining defensible space on property they do not own. The *Task Force* will work in collaboration with the Fresno Fire Department, North Central Fire, City staff, the Counties of Fresno and Madera and other property owners to find strategies to maintain this additional defensible space.

- The anticipated provisions in Phase II would encompass the following: “reduced fuel zone” will be defined as an area between thirty (30) and one hundred (100) feet of an occupied dwelling in which dangerous accumulation of brush, flammable vegetation or combustible growth is to be removed.

Within this “reduced fuel zone” the following would apply:

- Grass and vegetation located more than thirty (30) feet from the dwelling or structure and no more than four (4) inches in height above the ground may be maintained where necessary to stabilize the soil.
- Downed logs and dead trees within one hundred (100) feet from a structure and embedded in the soil will be removed unless they are isolated from other vegetation. Standing dead trees that are placed approximately one (1) per acre and are well spaced from other vegetation and which will not fall on buildings or across roadways may be retained.
- Maintain minimum vertical and horizontal clearance of four (4) to forty (40) feet in all directions between fuels.
- In large stands of trees with a continuous tree canopy may be retained if all surface fuels greater than four (4) inches in height are removed and lower limbs of trees are pruned to between six (6) feet and fifteen (15) feet in height.

The *Task Force* will work to seek funding for the maintenance of the proposed reduced fuel zone through various grants and other funding sources.

In addition to the defensible space changes, it is anticipated that Phase II will create and implement the following:

- A community advisory council, consisting of both City and County River Bluff area residents. The advisory council's main purpose will be to help facilitate communication between residents and relevant stakeholders in drafting and implementing the policies of the *San Joaquin River & Bluff Protection Initiative*.
- An extension of the *San Joaquin River & Bluff Protection Initiative's* jurisdiction, provided the initiative is proven successful after the initial review, and with consideration of City and County budgets.
- Access point policies that will control and promote access to the San Joaquin River consistent with the established hours, and will help eliminate unlawful access to the San Joaquin River.

Finally, it is anticipated that during Phase II, the City Attorney's Office will seek concurrent jurisdiction opportunities with the County of Madera.

APPENDICES

General Guidelines for Creating Defensible Space

State Board of Forestry and Fire Protection (BOF)
California Department of Forestry and Fire Protection

Adopted by BOF on February 8, 2006
Approved by Office of Administrative Law on May 8th, 2006



Contents

A. Purpose of Guidelines 2

B. Definitions 3

C. Fuel Treatment Guidelines 4

 1. Firebreak within 30 feet of building 4

 2. Dead and dying woody fuels removal 4

 3. Down logs or stumps 4

 4a. Fuel Separation 4

 4b. Defensible Space With Continuous Tree Canopy 8

A. Purpose of Guidelines

Recent changes to Public Resources Code (PRC) 4291 expand the defensible space clearance requirement maintained around buildings and structures from 30 feet to a distance of 100 feet. These guidelines are intended to provide property owners with examples of fuel modification measures that can be used to create an area around buildings or structures to create defensible space. A defensible space perimeter around buildings and structures provide firefighters a working environment that allows them to protect buildings and structures from encroaching wildfires as well as minimizing the chance that a structure fire will escape to the surrounding wildland. These guidelines apply to any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.



Effective defensible space

The vegetation surrounding a building or structure is fuel for a fire. Even the building or structure itself is considered fuel. Research and experience have shown that fuel reduction around a building or structure increases the probability of it surviving a wildfire. Good defensible space allows firefighters to protect and save buildings or structures safely without facing unacceptable risk to their lives. Fuel reduction through vegetation management is the key to creating good defensible space.

Terrain, climate conditions and vegetation interact to affect fire behavior and fuel reduction standards. The diversity of California's geography also influences fire behavior and fuel reduction standards as well. While fuel reduction standards will vary throughout the State, there are some common practices that guide fuel modification treatments to ensure creation of adequate defensible space:

- Properties with greater fire hazards will require more clearing. Clearing requirements will be greater for those lands with steeper terrain, larger and denser fuels, fuels that are highly volatile, and in locations subject to frequent fires.
- Creation of defensible space through vegetation management usually means reducing the amount of fuel around the building or structure, providing separation between fuels, and or reshaping retained fuels by trimming. Defensible space can be created removing dead vegetation, separating fuels, and pruning lower limbs.
- In all cases, fuel reduction means arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs, or creating a bare ring of earth across the property.
- A homeowner's clearing responsibility is limited to 100 feet away from his or her building or structure or to the property line, whichever is less, and limited to their land. While individual property owners are not required to clear beyond 100 feet, groups of property owners are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces.
- Homeowners who do fuel reduction activities that remove or dispose of vegetation are required to comply with all federal, state or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources. For example, trees removed for fuel reduction that are used for commercial purposes require permits from the

California Department of Forestry and Fire Protection. Also, many counties and towns require tree removal permits when cutting trees over a specified size. Contact your local resource or planning agency officials to ensure compliance.

The methods used to manage fuel can be important in the safe creation of defensible space. Care should be taken with the use of equipment when creating your defensible space zone. Internal combustion engines must have an approved spark arresters and metal cutting blades (lawn mowers or weed trimmers) should be used with caution to prevent starting fires during periods of high fire danger. A metal blade striking a rock can create a spark and start a fire, a common cause of fires during summertime.

Vegetation removal can also cause soil disturbance, soil erosion, regrowth of new vegetation, and introduce non-native invasive plants. Always keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques such as minimizing use of heavy equipment, avoiding stream or gully crossings, using mobile equipment during dry conditions, and covering exposed disturbed soil areas will help reduce soil erosion and plant regrowth.

Areas near water (riparian areas), such as streams or ponds, are a particular concern for protection of water quality. To help protect water quality in riparian areas, avoid removing vegetation associated with water, avoid using heavy equipment, and do not clear vegetation to bare mineral soil.

B. Definitions

Defensible space: The area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

Aerial fuels: All live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush. Examples include trees and large bushes.

Building or structure: Any structure used for support or shelter of any use or occupancy.

Flammable and combustible vegetation: Fuel as defined in these guidelines.

Fuel Vegetative material, live or dead, which is combustible during normal summer weather. For the purposes of these guidelines, it does not include fences, decks, woodpiles, trash, etc.

Homeowner: Any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.

Ladder Fuels: Fuels that can carry a fire vertically between or within a fuel type.

Reduced Fuel Zone: The area that extends out from 30 to 100 feet away from the building or structure (or to the property line, whichever is nearer to the building or structure).

Surface fuels: Loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

C. Fuel Treatment Guidelines

The following fuel treatment guidelines comply with the requirements of 14 CCR 1299 and PRC 4291. **All persons using these guidelines to comply with CCR 1299 and PRC 4291 shall implement General Guidelines 1., 2., 3., and either 4a or 4b., as described below.**

General Guidelines:

1. Maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure, with certain exceptions pursuant to PRC §4291(a). Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
2. Dead and dying woody surface fuels and aerial fuels within the Reduced Fuel Zone shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches. This guideline is primarily intended to eliminate trees, bushes, shrubs and surface debris that are completely dead or with substantial amounts of dead branches or leaves/needles that would readily burn.
3. Down logs or stumps anywhere within 100 feet from the building or structure, when embedded in the soil, may be retained when isolated from other vegetation. Occasional (approximately one per acre) standing dead trees (snags) that are well-space from other vegetation and which will not fall on buildings or structures or on roadways/driveways may be retained.
4. Within the Reduced Fuel Zone, one of the following fuel treatments (4a. or 4b.) shall be implemented. Properties with greater fire hazards will require greater clearing treatments. Combinations of the methods may be acceptable under §1299(c) as long as the intent of these guidelines is met.

4a. Reduced Fuel Zone: Fuel Separation

In conjunction with General Guidelines 1., 2., and 3., above, minimum clearance between fuels surrounding each building or structure will range from 4 feet to 40 feet in all directions, both horizontally and vertically.

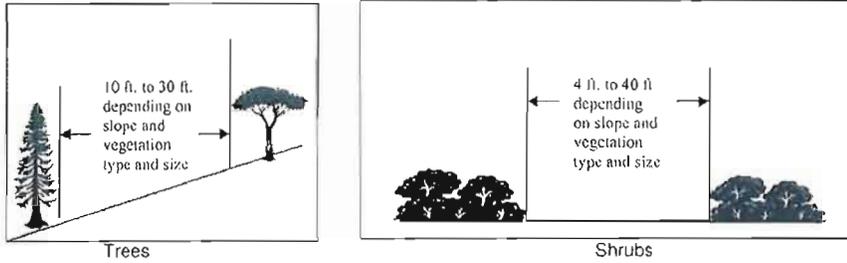
Clearance distances between vegetation will depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content etc.). Properties with greater fire hazards will require greater separation between fuels. For example, properties on steep slopes having large sized vegetation will require greater spacing between individual trees and bushes (see Plant Spacing Guidelines and Case Examples below). Groups of vegetation (numerous plants growing together less than 10 feet in total foliage width) may be treated as a single plant. For example, three individual manzanita plants growing together with a total foliage width of eight feet can be "grouped" and considered as one plant and spaced according to the Plant Spacing Guidelines in this document.



Grass generally should not exceed 4 inches in height. However, homeowners may keep grass and other forbs less than 18 inches in height above the ground when these grasses are isolated from other fuels or where necessary to stabilize the soil and prevent erosion.

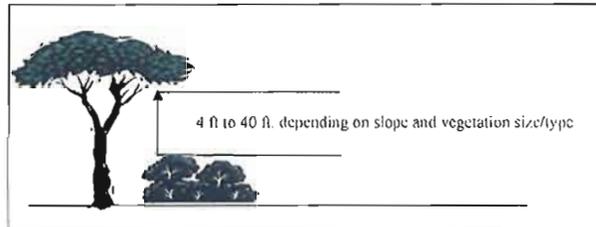
Clearance requirements include:

- Horizontal clearance between aerial fuels, such as the outside edge of the tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.



Horizontal clearance between aerial fuels

- Vertical clearance between lower limbs of aerial fuels and the nearest surface fuels and grass/weeds. Vertical clearance removes *ladder fuels* and helps prevent a fire from moving from the shorter fuels to the taller fuels.



Vertical clearance between aerial fuels



*Effective vertical and horizontal fuel separation
Photo Courtesy
Plumas Fire Safe Council.*

Plant Spacing Guidelines		
Guidelines are designed to break the continuity of fuels and be used as a "rule of thumb" for achieving compliance with Regulation 14 CCR 1299.		
Trees	Minimum horizontal space from edge of one tree canopy to the edge of the next	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 40%	20 feet
	Greater than 40%	30 feet
Shrubs	Minimum horizontal space between edges of shrub	
	Slope	Spacing
	0% to 20 %	2 times the height of the shrub
	20% to 40%	4 times the height of the shrub
	Greater than 40%	6 times the height of the shrub
Vertical Space	Minimum vertical space between top of shrub and bottom of lower tree branches: 3 times the height of the shrub	

Adapted from: Gilmer, M. 1994. California Wildfire Landscaping

Case Example of Fuel Separation: Sierra Nevada conifer forests

Conifer forests intermixed with rural housing present a hazardous fire situation. Dense vegetation, long fire seasons, and ample ignition sources related to human access and lightning, makes this home vulnerable to wildfires. This home is located on gentle slopes (less than 20%), and is surrounded by large mature tree overstory and intermixed small to medium size brush (three to four feet in height).



Application of the guideline under 4a. would result in horizontal spacing between large tree branches of 10 feet; removal of many of the smaller trees to create vertical space between large trees and smaller trees and horizontal spacing between brush of six to eight feet (calculated by using 2 times the height of brush).

Case Example of Fuel Separation: Southern California chaparral

Mature, dense and continuous chaparral brush fields on steep slopes found in Southern California represents one of the most hazardous fuel situations in the United States. Chaparral grows in an unbroken sea of dense vegetation creating a fuel-rich path which spreads fire rapidly. Chaparral shrubs burn hot and produce tall flames. From the flames come burning embers which can ignite homes and plants. (Gilmer, 1994). All these factors results in a setting where aggressive defensible space clearing requirements are necessary.



Steep slopes (greater than 40%) and tall, old brush (greater than 7 feet tall), need significant modification. These settings require aggressive clearing to create defensible space, and would require maximum spacing. Application of the guidelines would result in 42 feet horizontal spacing (calculated as 6 times the height of the brush) between retained groups of chaparral.

Case Example of Fuel Separation: Oak Woodlands

Oak woodlands, the combination of oak trees and other hardwood tree species with a continuous grass ground cover, are found on more than 10 million acres in California. Wildfire in this setting is very common, with fire behavior dominated by rapid spread through burning grass.



Given a setting of moderate slopes (between 20% and 40%), wide spacing between trees, and continuous dense grass, treatment of the grass is the primary fuel reduction concern. Property owners using these guidelines would cut grass to a maximum 4 inches in height, remove the clippings, and consider creating 20 feet spacing between trees.

4b. Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy

To achieve defensible space while retaining a stand of larger trees with a continuous tree canopy apply the following treatments:

- Generally, remove all surface fuels greater than 4 inches in height. Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
- Remove lower limbs of trees ("prune") to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees). Properties with greater fire hazards, such as steeper slopes or more severe fire danger, will require pruning heights in the upper end of this range.

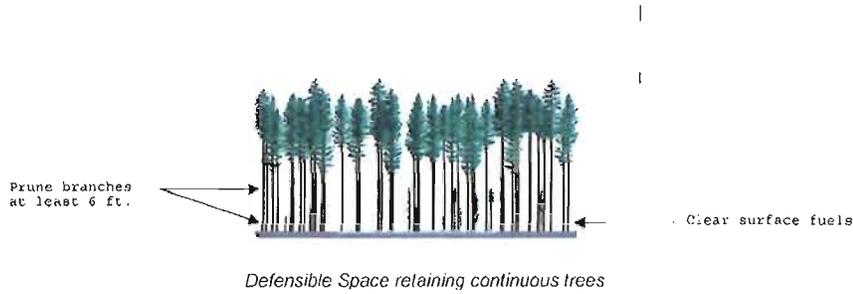


Photo Courtesy: Phoenix Fire Safe Council



Defensible space with continuous tree canopy by clearing understory and pruning

Authority cited: Section 4102, 4291, 4125-4128.5, Public Resource Code. Reference: 4291, Public Resource Code; 14 CCR 1299 (d).

APPENDIX B: MUNICIPAL CODE AND OTHER SUPPORTING DOCUMENTS

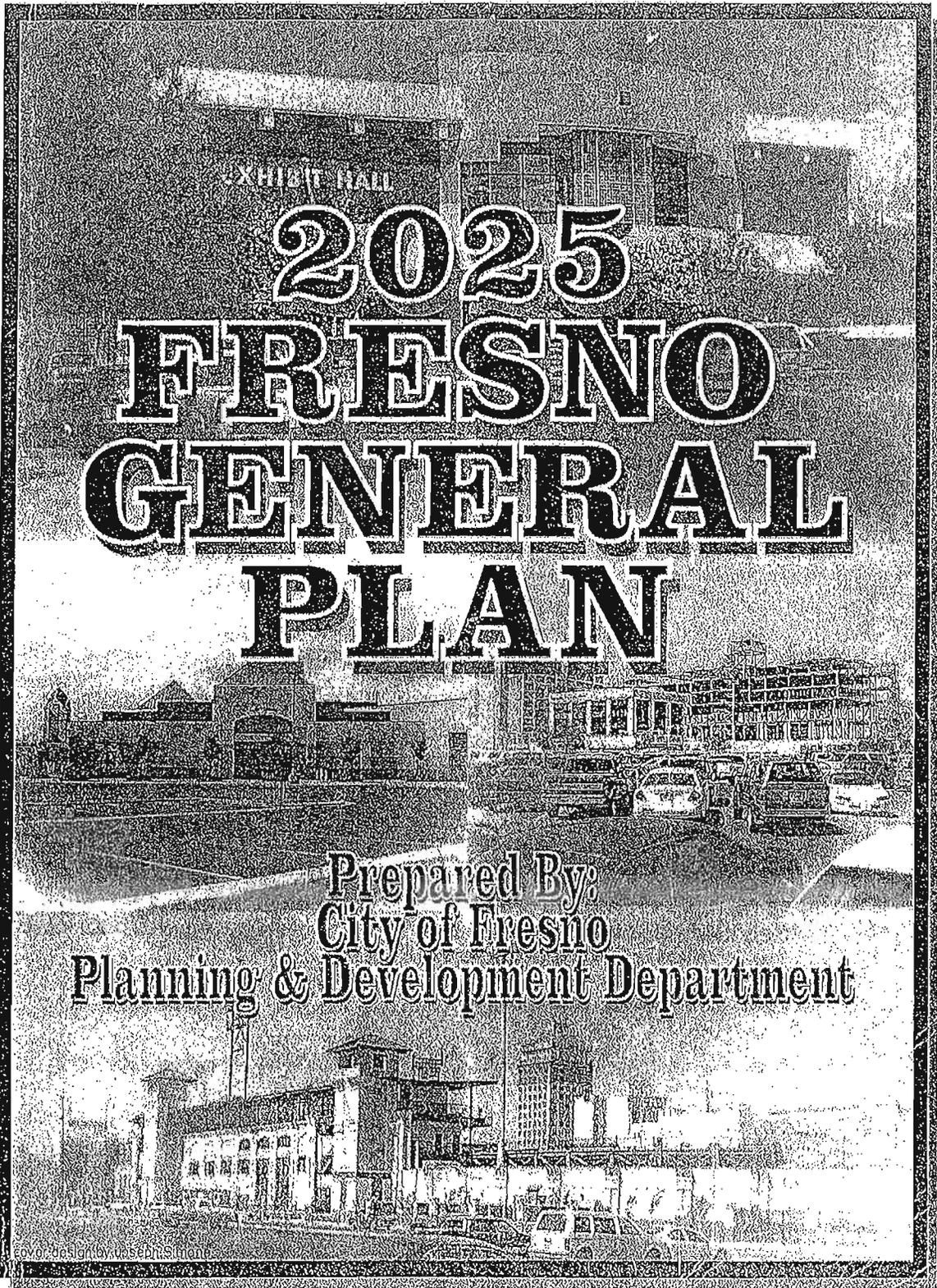


EXHIBIT HALL

2025 FRESNO GENERAL PLAN

Prepared By:
City of Fresno
Planning & Development Department

Cover design by vaseptu@stunet.com

I-4-a. Policy: Maintain and enforce the requirements of the city's Bluff Preservation (BP) Overlay Zone District. Development within 300 feet of the toe of the San Joaquin River bluffs shall require an engineering soils investigation and evaluation report that demonstrates that the site is, or methods by which the site could be made, sufficiently stable to support the proposed development.

I-4-b. Policy: The minimum setback from the San Joaquin River bluff edge (as the bluff edge is defined in the Fresno Municipal Code) for all future structures (including swimming pools, spas, and accessory structures) shall be thirty (30) feet. However, a building setback of less than thirty (30) feet may be permitted if it can be demonstrated to the satisfaction of the City's Building Official and Planning and Development Department Director that a proposed structure will meet the objective of the Bluff Preservation Overlay Zone District, as stated in the Fresno Municipal Code; but in no case shall the minimum building setback from the bluff edge be less than twenty (20) feet for any structure, and no rear yard encroachments shall be allowed within that twenty (20) feet.

Flooding Hazards

I-5. OBJECTIVE: Protect the lives and property of current and future residents of the Fresno Clovis Metropolitan Area (FCMA) from the hazards of periodic floods. Recognize and institute adequate safeguards for the particular flooding hazards of areas on the San Joaquin riverbottom and bluffs.

I-5-a. Policy: Support the full implementation of the Fresno Metropolitan Flood Control District (FMFCD) Storm Drainage and Flood Control Master Plan, the completion of planned flood control and drainage system facilities, and the continued maintenance of stormwater and flood water retention and conveyance facilities and capacities.

I-5-b. Policy: The San Joaquin River will not be channelized, and levees will not be used in the river corridor for flood control, excepting those alterations in river flow that are approved with surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side channel diversions to control water flow through ponds).

I-5-c. Policy: Ensure implementation of the Fresno Metropolitan Flood Control District control programs for the Fresno County Stream Group, including completion of the Redbank-Fancher Creek Flood Control Project, and the FMFCD rural streams program to provide protection to the urban community from waters originating outside the urban area.

I-5-d. Policy: Ensure implementation of the Fresno Metropolitan Flood Control District urban drainage program, including completion of the urban storm drainage systems to provide protection to the urban community from waters originating within the urban area.

BULLARD COMMUNITY PLAN
DECEMBER 1988

5.0 SPECIAL ISSUES, POLICIES AND STANDARDS

5.1 SAN JOAQUIN RIVERBOTTOM AND BLUFFS

5.1.1 Background

The Bullard Community Plan Area contains a significant portion of the San Joaquin Riverbottom and Bluffs. Almost all of the riverbottom and bluff areas that are within the City's Sphere of Influence are within the boundaries of the Bullard Community Plan. The Bullard Community Plan, therefore, provides an appropriate opportunity to set the policy framework for the riverbottom and bluff areas.

The San Joaquin Riverbottom and Bluffs are recognized as a unique area of scenic beauty and topographic variation in the characteristically flat San Joaquin Valley. The area is a sensitive environment hosting a diversity of wildlife, fish, and plant species and contains the last remnants of a true riparian environment. The riverbottom contains significant sand and gravel resources, prime agricultural lands and is a source of groundwater recharge. The riverbottom and bluffs present a substantial safety hazard to urban level development in terms of potential for flooding in the riverbottom, increased fire danger and the potential for erosion and landslides on the bluffs. For a comprehensive background on this subject, please refer to the San Joaquin River Area Reconnaissance Study, authored jointly by the Counties of Madera and Fresno and the City of Fresno in June of 1986.

5.1.2 Goals

It shall be the goal of the City of Fresno to:

1. Minimize the loss of life and property in the riverbottom and bluffs due to flooding and geologic hazards.
2. Provide for substantial public access to the riverbottom and bluff area while minimizing intrusion on existing residences and other activities on private property.
3. Provide for substantial public recreational opportunities in the riverbottom.
4. Preserve the river bluffs as a unique geological feature in the San Joaquin Valley.
5. Allow for the continuance of open space uses in the riverbottom such as mineral extraction, agriculture and golf courses.

6. Preserve the remaining riparian lands in the riverbottom as a unique environmental feature in California.

5.1.3 Policies/Implementation Measures

It shall be the policy of the City of Fresno to:

1. Maintain the multi-use/recreational open space plan designations in the riverbottom.
2. Urge the State Lands Commission to determine the extent of public ownership and public trust interest in the riverbottom.
3. Support the concept of a river parkway system for the riverbottom, in coordination with Fresno County, Madera County, public interest groups, property owners and the State of California.

~~4. Establish a regional parksite in the riverbottom on approximately 400 acres adjacent to the extension of Cornelia Avenue.~~

5. Work towards the establishment of a precise alignment for the San Joaquin Bluffs/River Trail as part of the river parkway concept.
6. Ensure that the bluff vista points designated in this plan, excluding the two vista points already committed through the subdivision process, are developed in accordance with the specific standards set forth in this plan.
7. Maintain and enforce the requirements of the "BP" Bluffs Preservation Overlay District.
8. Allow for the extraction of the sand and gravel resources in the riverbottom, in conformance with the Surface Mining and Reclamation Act and existing conditional use permits.

9. The minimum building setback from the bluff edge for all future residential development located adjacent to the San Joaquin River Bluffs and within the BP-Bluff Preservation Overlay Zone District, shall be thirty (30) feet; provided that a building setback of less than thirty (30) feet may be permitted, if it can be demonstrated to the satisfaction of the Development Department Director that the proposed appearance and placement of the residential unit will meet the objectives of the BP-Bluff Preservation Overlay Zone District, as stated in Section 12-243 of the Fresno Municipal Code. In no case, however, shall the minimum building setback from the bluff edge be less than twenty (20) feet.

RESOLUTION NO. 87-475

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING A POLICY FOR MINIMUM BUILDING SETBACK FOR RESIDENTIAL DEVELOPMENT ADJACENT TO THE SAN JOAQUIN RIVER BLUFFS AND LOCATED WITHIN THE SAN JOAQUIN BLUFFS ENVIRONS AREA SPECIFIC PLAN AND THE BP-BLUFF PRESERVATION OVERLAY ZONE DISTRICT.

WHEREAS, the stated objectives of the San Joaquin Bluffs Environs Area Specific Plan are to promote the scenic amenities of the San Joaquin Bluffs Environs and to insure the development of an urban environment that is complementary to the area's natural environment; and

WHEREAS, the Standards of the BP-Bluff Preservation Overlay Zone District of Section 12-243 of the Fresno Municipal Code require that within the River Bluff Influence Area, an area 300 feet wide measured southerly from the toe of the bluff and including the bluff face, there shall be special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs; and

WHEREAS, on September 22, 1987, the Council of the City of Fresno instructed staff to prepare a policy report proposing a minimum building setback requirement from the bluff edge for future residential development adjacent to the San Joaquin River Bluffs for those areas within the BP-Bluff Preservation Zone District and the San Joaquin Bluffs Environs Area Specific Plan; and

WHEREAS, on October 27, 1987, a policy report including information on existing development adjacent to the bluffs and a recommendation for a building setback for future development was presented to the Council of the City of Fresno; and

PASSED _____
EFFECTIVE 10/21/87

MICROFILMED
Reel # 294 Date 11/10/88

87-475

WHEREAS, the Council of the City of Fresno received testimony from proponents and opponents of the proposed bluff edge building setback policy.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Fresno hereby adopts the following policy:

1. The minimum building setback from the bluff edge for all future residential development located adjacent to the San Joaquin River Bluffs and within the San Joaquin Bluffs Environs Area Specific Plan and the BP-Bluff Preservation Overlay Zone District shall be thirty feet; provided that a building setback of less than thirty feet may be permitted if it can be demonstrated to the satisfaction of the Development Director that the proposed appearance and placement of the residential unit will meet the objectives of the BP-Bluff Preservation Overlay Zone District as stated in Section 12-243 of the Fresno Municipal Code. In no case, however, shall the minimum building setback from the bluff edge be less than twenty feet.
2. The decision of the Development Director to permit a building setback of less than thirty feet as provided in paragraph 1 shall be noticed pursuant to subsection 12-401-C-2 (mailing) of the Fresno Municipal Code. Any interested person may appeal the Development Director's decision to the Council as provided in Section 12-401-H of the Fresno Municipal Code.

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 27th day of October, 1987.

JACQUELINE L. RYLE
City Clerk

BY

[Handwritten Signature]
Deputy

GJH:DB:sn
2356d/312

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY

[Handwritten Signature]
DEPUTY

-2-

MICROFILMED

Rec'd 11/20/84 Date _____

FFR 715 HAN

D. BUILDING HEIGHT. Building heights shall be as required by the underlying district.

E. YARDS.

1. General yard requirements shall be as required by the underlying district.

2. All required yards abutting a street shall be landscaped and maintained by the property owner.

3. All required yards shall comply with the minimum standards of the underlying district.

4. (Reserved).

5. Where the underlying district permits farm animals, the front or side yard abutting a street may be designed with a pasture as permitted by the underlying district.

6. The depth and width of all side and rear yards shall be as required by the underlying district.

7. Exceptions shall be as provided for by the underlying district.

F. SPACE BETWEEN BUILDINGS. Space between buildings shall be as required by the underlying district.

G. LOT COVERAGE. Lot coverage shall be as required by the underlying district.

H. FENCES, HEDGES AND WALLS. Fences, hedges and walls shall be provided as required by the underlying district.

I. OFF-STREET PARKING. Off-street parking shall be as required by the underlying district.

J. ACCESS. Access shall be as required by the underlying district.

K. OUTDOOR ADVERTISING. Outdoor advertising shall be as permitted by the underlying district. (Added Ord. 78-30, § 11, eff. 4-7-78; Am. Ord. 78-190, §§ 3-8, 1-19-79; Am. Ord. 2000-39, § 48, eff. 7-6-00).

SECTION 12-243. "BP" BLUFF PRESERVATION OVERLAY DISTRICT. The "BP" Bluff Preservation District is an overlying zoning district intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area. The regulations of this district are deemed to be necessary for the preservation of the special qualities of the southerly San Joaquin River Bluffs, and for the protection of the health, safety and general welfare of owners and users of property within the River Bluff Influence Area. The "BP" District shall apply to the River Bluff Influence Area, an area 300 feet wide measured southerly from the toe of the bluff. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.1. USES PERMITTED. The following uses shall be permitted in the "BP" District: Those uses permitted by the provisions of the underlying district. (Added Ord. 80-3, § 5, eff. 2-15-80).

B2

SECTION 12-243.2. USES PROHIBITED. The following uses are expressly prohibited in the "BP" District:

- A. Those uses expressly prohibited by the underlying district.
- B. Residential recreational uses within one hundred lineal feet of the Plan Line for a scenic or recreational trail on the riverbottom.
- C. Residential and accessory structures between the Bluff Toe and the Bluff Edge, except that accessory structures in conjunction with recreational uses subject to the provisions of Section 12-243.5-A(2) shall be permitted. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.3. PROPERTY DEVELOPMENT STANDARDS. The following additional property development standards shall apply to all land and structures in the "BP" District:

- A. LOT AREA. Each lot shall have the minimum area required by the underlying district.
- B. LOT DIMENSIONS. Each lot shall have the minimum dimensions required by the underlying district.
- C. POPULATION DENSITY. Population density shall be as required by the underlying district.
- D. BUILDING HEIGHT. Building height shall be as established by the underlying district.
- E. YARDS. Yards shall be as required by the underlying district, except that setbacks shall be determined pursuant to subsection M below, in addition to the requirements of the underlying district.
- F. SPACE BETWEEN BUILDINGS. Space between buildings shall be as required by the underlying district.
- G. LOT COVERAGE. Lot coverage shall be as required by the underlying district.
- H. FENCES, HEDGES AND WALLS. Fences, hedges and walls shall be provided as required by the underlying district.
- I. OFF-STREET PARKING. Off-street parking shall be provided as required by the underlying district.
- J. ACCESS. Access shall be provided as required by the underlying district.
- K. OUTDOOR ADVERTISING. Outdoor advertising shall be as permitted by the underlying district, except that it shall be subject to site plan review under Section 12-406. There shall be no blinking, flashing, animated, rotating, or similar outdoor advertising. There shall be no advertising structures within the district.
- L. LOADING SPACES. Loading spaces shall be provided as required by the underlying district.

M. GEOLOGIC IMPACT STANDARDS. The following standards shall apply to all property within the "BP" District except the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff:

1. Before any building or structure, including stairways and pathways, is erected or established upon any property within, or abutting the southerly boundary of, the "BP" District, a Soil Investigation and Evaluation Report to determine geologic impact standards necessary to mitigate geological and soils hazards shall be made and certified by the engineer preparing the report and grading plan, pursuant to the provisions of Section 12-1022(e).

2. The minimum setback from the bluff edge required for the preservation of the existing state of the bluffs shall be established by the engineer in the report. (Added Ord. 80-3, § 5, eff. 2-15-80; Am. Ord. 2000-39, § 49, eff. 7-6-00).

SECTION 12-243.4. SITE PLAN REVIEW.

A. Before any building or structure is erected or any grading is commenced on any property in the "BP" District, a site plan shall have been submitted to and approved by the Director, pursuant to the provisions of Section 12-406, the provisions of the "BP" District, and of this section.

B. SITE PLAN PROVISIONS AND CONDITIONS. All of the provisions of and conditions established under Section 12-406 shall apply to this district, except that any such provision or conditions shall be subject to all requirements of and any conflicting or limiting provisions established under the "BP" zone district. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.5. GRADING STANDARDS. No alteration or modification of the existing landscape, including grading or alteration of existing topography, or construction of any structures, shall be permitted on the bluff face or air space above it, except as follows:

A. The following shall be permitted as a matter of right:

1. Automatic irrigation systems, stairways and private pathways, trails for which official plan lines have been adopted, and public utilities;

2. Recreational uses in conjunction with a residence located elsewhere on the same lot;

3. Plantings of drought-resistant plants indigenous to the bluff and other landscaping materials from a list prepared by the Director of Parks and Recreation.

B. Grading of the Bluff Face shall be permitted subject to the following conditions:

1. Grading shall be allowed only in accordance with an approved Site Plan Review.

2. No grading shall have more than a minimal adverse impact, as determined by the Director, upon the aesthetics of the Bluff line as viewed from the river bottom or points of public access.

- C. The requirements of this section shall not apply to property within the "BP" District between Blythe Avenue and the extension of the existing East Nees Avenue alignment, as of August 1, 1979, to the edge of the Bluff. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.6. DRAINAGE AND RUNOFF. All lots within the "BP" District shall be subject to the following requirements regarding drainage and water runoff:

- A. All storm water runoff and other surface drainage shall be discharged in accordance with a storm drainage and grading plan approved by the Director of Public Works and the Director of Planning and Inspection.
- B. No storm water runoff or any other drainage or runoff resulting from development shall be permitted to drain over the Bluff Face.
- C. No swimming pool or decorative pool shall be constructed without approval by the Director of a drainage system for the pool which causes drainage away from the Bluff Face and prevents any drainage over the Bluff.
- D. The requirements of this section shall be inapplicable to irrigation practices for agricultural purposes existing as of August 1, 1979. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.7. BLUFF IMPACT REDUCTION. The following requirements shall apply to all properties located in the "BP" District to minimize the effect of the intrusion of buildings or structures foreign to the character of the river and natural areas adjacent to it:

- A. Streetlights and all exterior lighting shall be directed away from the riverbottom as much as possible.
- B. The design and orientation of structures, walls and fences shall be in keeping with the natural character of the Bluffs.
- C. Construction shall be permitted only on parcels subject to recorded deed restrictions or covenants restricting exterior colors and construction materials to those which are compatible with the natural bluff environment and with surrounding development. (Added Ord. 80-3, § 5, eff. 2-15-80).

SECTION 12-243.8. DEVIATION FROM REQUIREMENTS. The Council may deviate from the requirements of the "BP" District in the event special circumstances justify such deviation. A request for a deviation from this policy shall be processed in accordance with the special permit procedures of Sections 12-405 and 12-406 except that, notice of the Director's decision shall be made to any person requesting such notice, and appeal of the Director's decision by any such person shall be made directly to the Council. A request for a deviation shall be granted only if it can be demonstrated that such deviation will have no more than a minimal adverse effect upon the safety of the structure, the scenic quality of the bluffs, and adjacent development. In no event will a deviation be allowed beyond that necessary to permit development which is otherwise consistent with the objectives of this plan or with the provision of municipal services to such development. (Added Ord. 80-3, § 5, eff. 2-15-80).
Supp. No. 2-80(4-4-80)

440.147-21

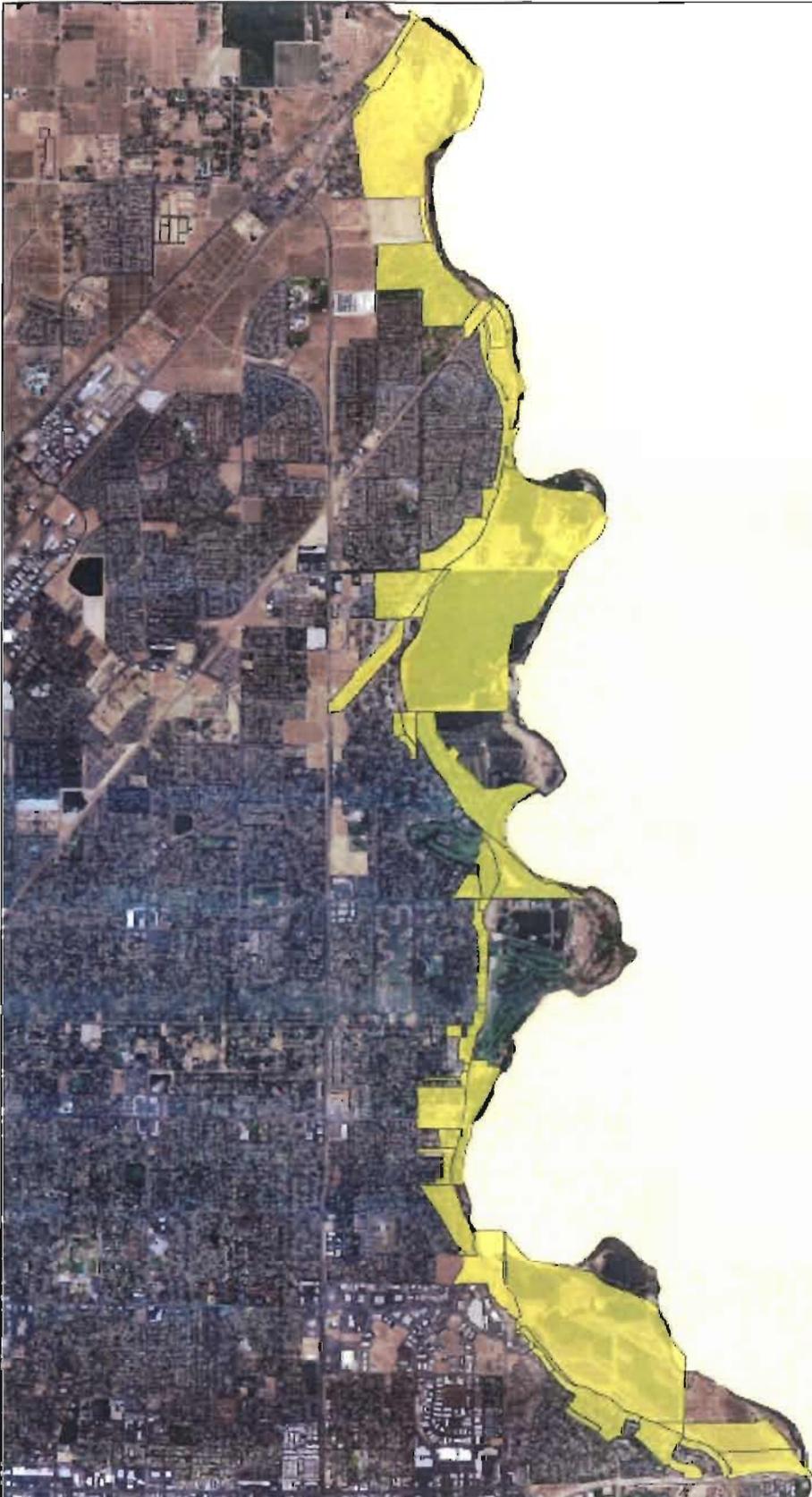
3. No grading shall be permitted within one hundred lineal feet of the plan line for a scenic or recreation trail on the riverbottom.
4. No grading shall be permitted without prior approval of the Director of a Zone III Soil Study pursuant to the provisions of subsection 12-1022(e).

APPENDIX C: MAPS



Bluff Preservation Area

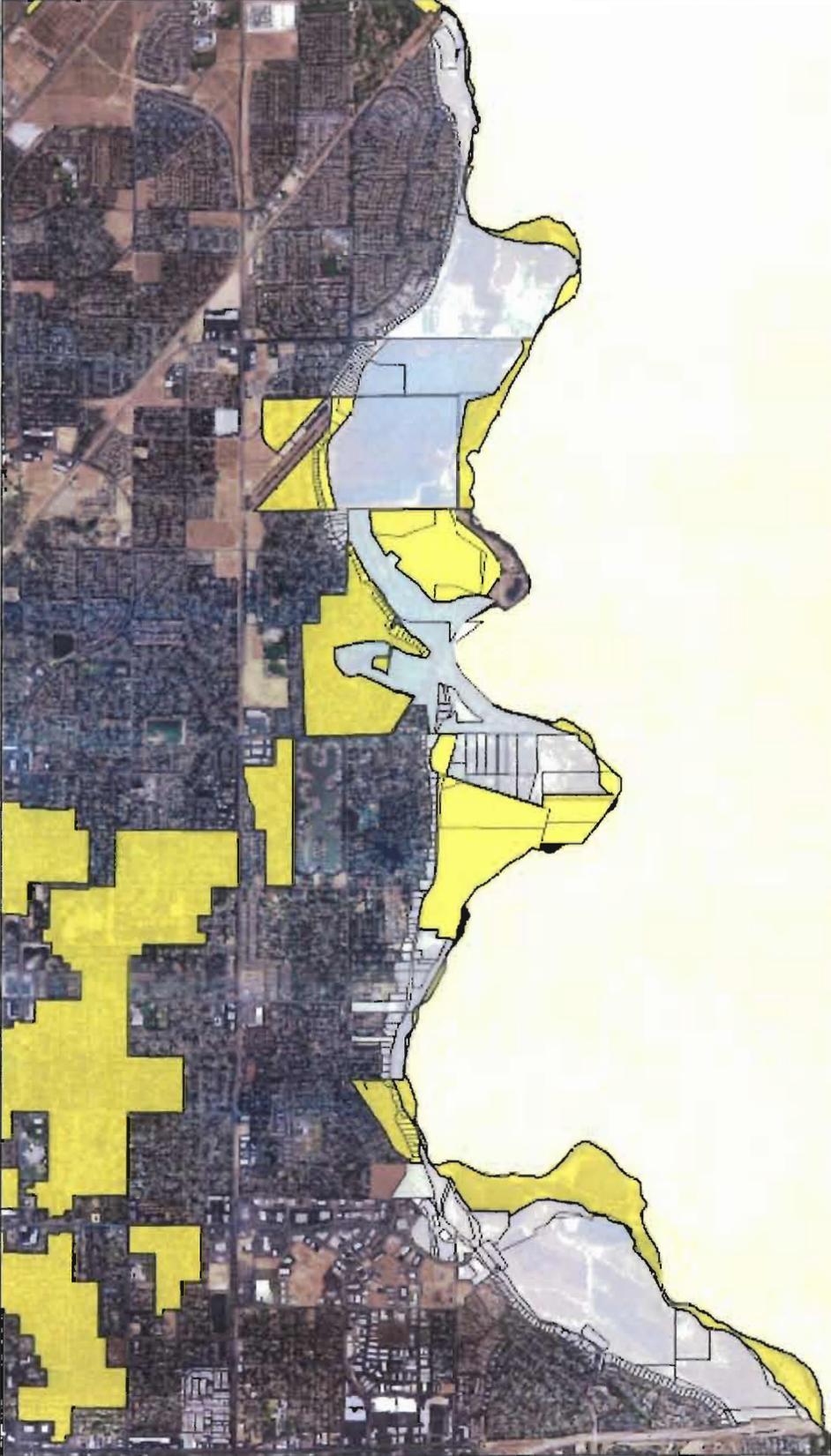
-  Bluff Preservation Area
-  Madera County



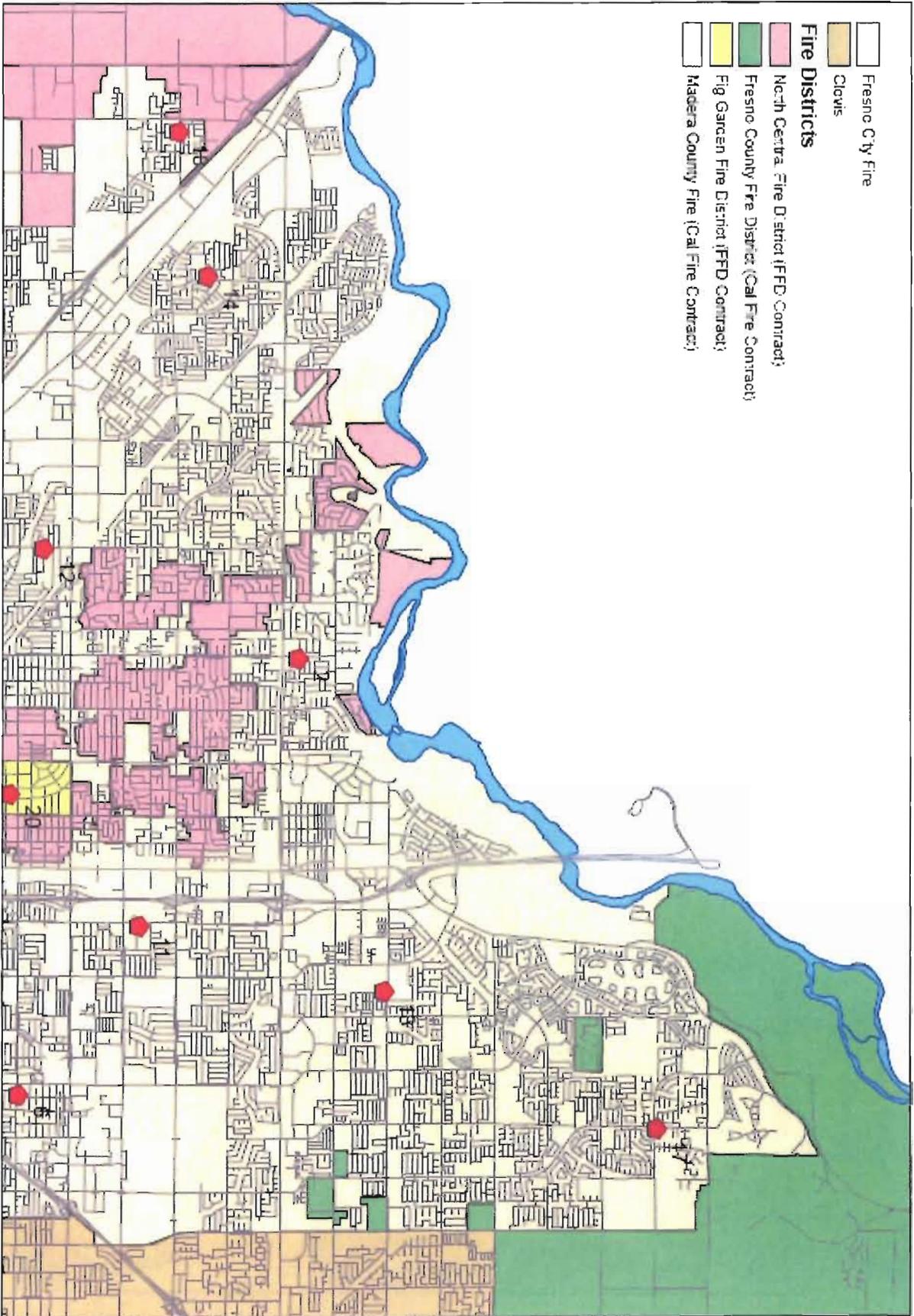


Bluff Parcels With County Islands

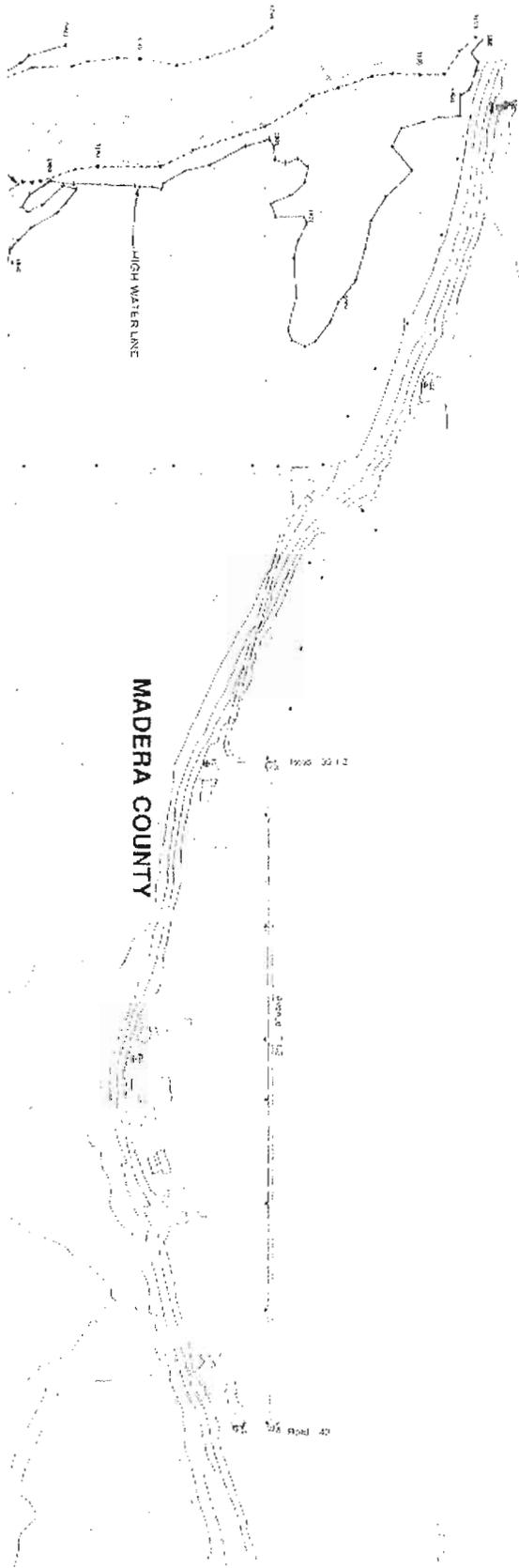
- Bluff Parcels
- Fresno County
- Madera County



- Fresno City Fire
 - Clovis
- Fire Districts**
- North Central Fire District (FFD Contract)
 - Fresno County Fire District (Cal Fire Contract)
 - Fig Garden Fire District (FFD Contract)
 - Madera County Fire (Cal Fire Contract)



2/17/2013



MONUMENT TABULATION

Station	Description	Bearing	Distance	Remarks
101	Start of the line at the corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
102	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
103	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
104	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
105	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
106	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
107	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
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119	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
120	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot

MONUMENT TABULATION
OUTSIDE GEOGRAPHIC LIMITS OF MAPPING

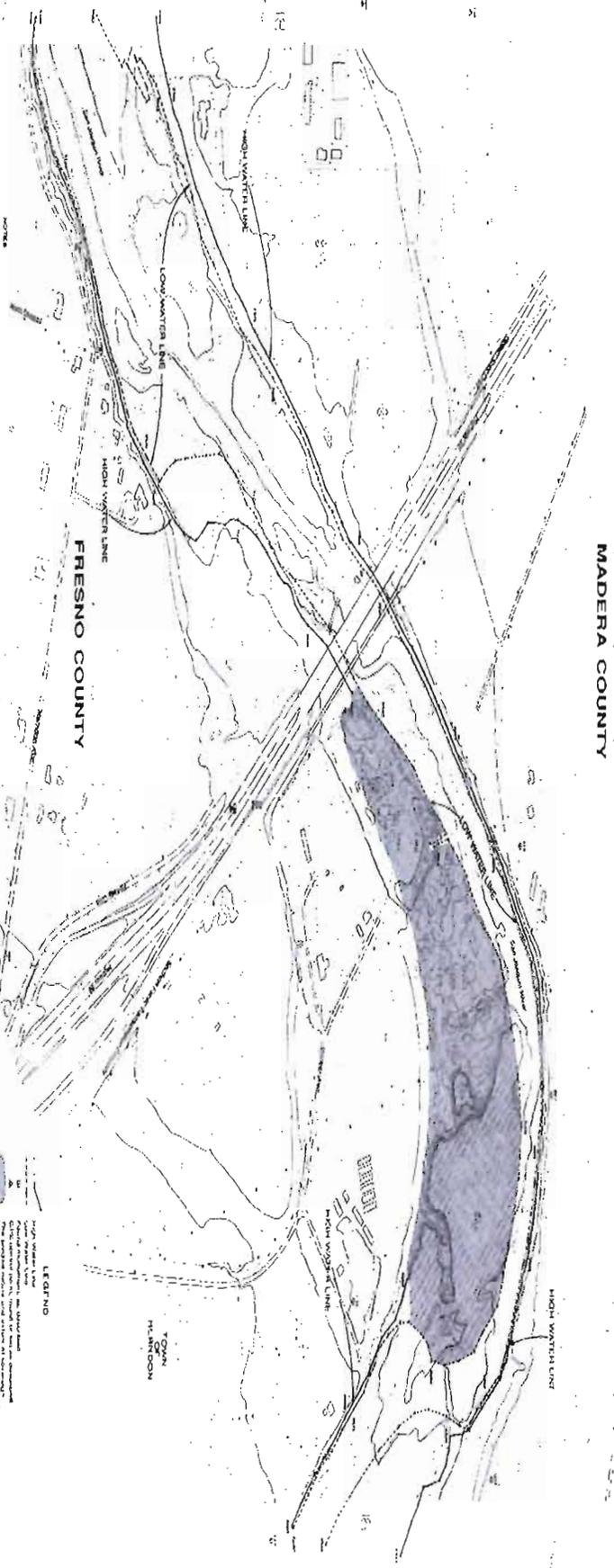
Station	Description	Bearing	Distance	Remarks
121	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
122	Corner of the lot	S 11° 11' 22" E	100.00	Corner of the lot
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**ADMINISTRATIVE MAP
SAN JOAQUIN RIVER
APRIL, 1932**

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LEGEND

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SAN JOAQUIN RIVER
 PRIVATE PROPERTY OF THE STATE OF CALIFORNIA
 DIVISION OF WATER RESOURCES
 SACRAMENTO, CALIFORNIA

APPENDIX D: PICTURES









APPENDIX E: FRESNO FIRE DEPARTMENT REPORT



**Post Incident Analysis
Executive Summary**

**River Bottom Incident
CA-FRN #0953767**

July 2 to 4, 2009



Prepared by: Micheal Despain, Deputy Chief

**Post Incident Analysis Summary
River Bottom Incident
CA-FRN #0953767
July 2 to 4, 2009**

EXECUTIVE SUMMARY

On the afternoon of July 2, 2009, a wildland fire of unknown cause developed in the river bottom of the San Joaquin River, near Toletachi Road, within the City of Fresno. Weather conditions at the onset were 90 degrees F, RH 30 percent, winds 0 to 1 miles per hour northwest at the point of origin and 100 degrees F, RH 14 percent, winds 7 miles per hour northwest on the upper slopes. The fire was being driven by a moderate up slope, up canyon wind predominantly from the northwest towards a subdivision of homes along Big Sandy Road, which all fall within a county island protected by the North Central Fire Protection District (contracting with Fresno Fire Department for service).

Due to the size, scope, and potential duration of the incident, county-wide mutual aid resources were requested from Clovis Fire Department, Fresno County Fire Protection District, CAL FIRE – Fresno-Kings Unit, California Highway Patrol (Helicopter), and the US Forest Service.

The fire was first reported at 1556 hours on July 2, 2009. The fire burned 11.9 acres, destroyed one residential structure, and damaged two other residential structures. Property damage estimated at \$1,500,000. Incident suppression costs estimated at \$9,140. Property saved estimated at \$30,000,000 (20 to 25 homes).

The fire was contained at 2000 hours and controlled at 2200 hours on July 2, 2009. After extensive mop up and patrol, the incident was terminated on July 4, 2009, at 1318 hours.

FIRE ENVIRONMENT

Location

The River Bottom Fire was located along the river bottom and south bank bluffs of the San Joaquin River, near Toletachi Road. The fire started along the river bottom, which is within the City of Fresno. The fire then extended up the bluff and into the houses within a Fresno County island protected by the North Central Fire Protection District and onto a small portion of Madera County, which extends along the south bank of the river. The acreage breakdown was 57 percent (6.8 acres) City of Fresno/Fresno Fire Department, 13 percent (1.6 acres) Fresno County/North Central Fire Protection District, and 30 percent (3.6 acres) Madera County/Madera County Fire Department.

One hundred (100) percent of the fire was within the Fresno Fire Department Direct Protection Area (DPA).

Weather

Weather conditions at the time of the fire were 90 degrees with a relative humidity of 30 percent on the river bottom with winds less than 1 mph; however, the conditions transitioned to 100 degrees and 14 percent humidity on the upper slopes. The fire was being driven by a moderate up slope, up canyon wind predominantly from the northwest at 7 miles per hour at the ridge top. Later in the evening the winds changed to a stronger up canyon wind blowing from the west southwest, which caused some torching of partially burned fuels that threatened control lines.

Topography

The topography of the fire area included dry grass and brush (fuel model 1) in a flat area of river bed overflow alluvial. The fire then quickly transitioned to a 120 percent slope covered with the same fuels plus small stands of sycamore, oak and willow trees, some of which showed scars of previous fires. The top of the slope transitioned into the decks and backyard of residential structures, many less than ten feet from the top edge of the slope.

Fuels

Fuels in and around the fire area are mainly one- and ten-hour fuels and all were dead and/or dormant. The area is generally dominated by brush species with small stands of sycamore, oak, and willow trees, some of which showed scars of previous fires. Fuel beds are at least 20 years old and are well developed along the base of the bluffs.

Area Fire History

Numerous fires have been recorded in the area; however, most have been very small (less than .25 acre). The last major fire in the area occurred around 1983.

Fire Investigation

Fire investigation is still pending at the time of this report.

RECOMMENDATIONS

- The Fire Department should form a Type III Incident Management Team consisting of members able to fill multiple positions within the Command and General Staff functions for activation during medium- to large-scale events. The IMT should develop detailed descriptions of trigger points for initiating the team and who would fill these positions. Additionally, identify

and place a chief officer or communications team member at the Fire Department's communication center to help with resource allocation and communication needs.

- Develop "wildland zones" within the CAD. All addresses within the hazard/interface areas would be programmed with a higher dispatch level during fire season to include additional engines, patrol/brush rigs, and a battalion chief.
- Consider exchanging Water Tender 2 with Water Tender 3. Water Tender 3 is turbo charged and possesses the additional horsepower needed to climb in and out of the steep roads in and around the river bottom.
- Consider dispatch patrol/brush engines into interface areas as a single unit, leaving the engine behind for backfill personnel to staff in recall situations.
- Command officers need to have emergency purchase order numbers pre-arranged for use to order aircraft or other specialized equipment for incidents, which fall outside of normal master mutual-aid requests.
- Brush engines and patrols need to have NPS fittings on wildland hose. This will facilitate easier joint operations and speed up the replacement process for Fire Department hose, which may be lost or damaged on mutual-aid event in other jurisdictions.
- A logistical cache of water and Gatorade should be maintained in a centralized location available for immediate deployment to incidents (fires, HazMat events, rescue operations, Regional Task Force deployments, etc.). The cache should then be rotated after one year to the field for general use by the fire crews for day-to-day operations.
- Expand the use of CERT to include 24/7 available to respond as support functions. Consider the use of CERT to deploy, staff, clean, and maintain Support One and other light vehicles used to support emergency operations.
- Provide updated training to all operational personnel on the Fire Department's communications network. For example, Yellow Net or Gold Net would have improved communications and freed up the Green Net for normal city operations.
- Improve the Fire Department's relationship with other agencies and private contractors to plan for future emergency needs. Special consideration should be made for air resources.

- Update the Fire Department's recall process to meet the needs of the 2/4 work schedule. Command officers should consider whether they need additional apparatus staffed or have recalled personnel report directly to the incident with their gear.
- Expand role of GIS team to include ability to provide faster mapping for command officers on scene. (Maps in less than 1 hour).

ATTACHMENT B - Photos



South side of 1398 Big Sandy Road – January 31, 2008



South side of 1398 Big Sandy Road – July 3, 2009.

Incident No. FRN 0953767

6



Back of 1398 Big Sandy Road



North slope of 1386 Big Sandy Road

Incident No. FRN 0953767

7



River Bottom view from 1386 Big Sandy Road



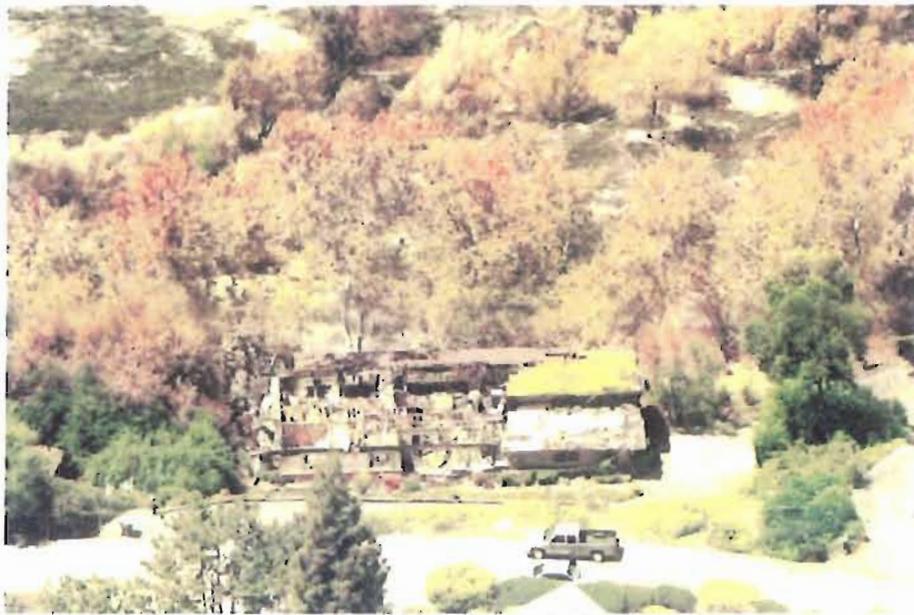
Aerial view of 1398 Big Sandy Road

Incident No. FRN 0953767

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Aerial view of 1398 Big Sandy Road No. 2



Aerial view of 1398 Big Sandy Road No. 3

Incident No. FRN 0953767



View from East No. 1



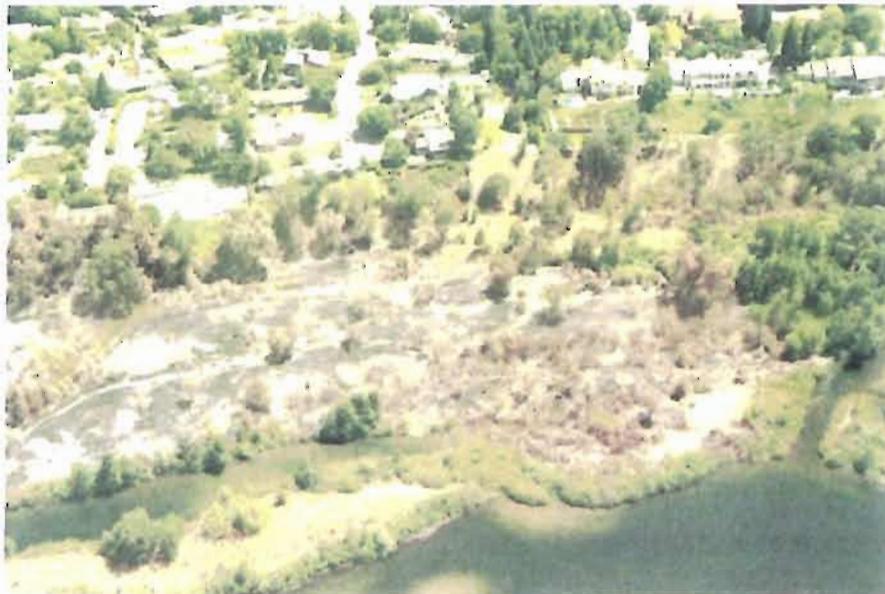
View from East No. 2

Incident No. FRN 0953767

10



View from Southwest



View from North

Incident No. FRN 0953767

11



View from West



**January 2008 view from river bottom of homes
along Big Sandy and Toletachi Road**

Incident No. FRN 0953767

12



January 2008 view from river bottom of 1398 Big Sandy Road



January 2008 view from river bottom of 1386 Big Sandy Road

APPENDIX F: LETTERS OF SUPPORT

**CALIFORNIA STATE
LANDS COMMISSION**



MONA PASQUIL, *Acting Lieutenant Governor*
JOHN CHIANG, *Controller*
ANA J. MATOSANTOS, *Director of Finance*

EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
Voice Phone 1-800-735-2922

March 16, 2010

The Honorable Andreas Borgeas
Member, Fresno City Council
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

Dear Councilmember Borgeas,

The staff of the California State Lands Commission is pleased to issue this letter in support of the San Joaquin River and Bluff Protection Initiative. This initiative implements a much-needed public safety ordinance in a sensitive area of regional and statewide concern. We commend you and the River Bluff Task Force, a collaborative effort involving numerous agencies and interests, in creating this comprehensive program. When adopted, it will empower local law enforcement to promote public safety through appropriate time, place and manner restrictions, while safeguarding public trust values and proper public uses in the river bluff and river bottom area.

Thank you for your leadership in the development of this initiative, and we look forward to working with you in the future.

Sincerely,

PAUL D. THAYER
Executive Officer

cc: Curtis Fossum
Colin Connor
Susan Young
Jane Smith
John Dye



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
Law Enforcement Division
Central Enforcement District
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



March 3, 2010

Andreas Borgeas, Councilmember
City of Fresno
2600 Fresno Street
Fresno, California 93721-3600

Dear Councilmember Borgeas:

The California Department of Fish and Game is pleased to support the San Joaquin River and Bluff Protection Initiative. It is the mission of the Department of Fish and Game, Law Enforcement Division to protect California's natural resources and provide public safety through effective and responsive law enforcement. This initiative is a perfect example of the mission our officers perform everyday.

It is imperative that all allied agencies uniformly enforce and educate the public regarding your ordinance to enhance the river and bluff areas of the San Joaquin River. All enforcement agencies should do this, while allowing legal resource and recreational users the opportunity to partake in activities along the river. The Department of Fish and Game is privileged and looking forward to assisting and educating other law enforcement agencies in protecting the natural resources of this area.

Thank you for the leadership in developing such a comprehensive ordinance and undertaking the challenge to bring agencies together to ensure consistent education and enforcement actions are taking place. I am confident that together we can ensure the natural resources of this area will be protected for the recreational use of future generations.

Respectfully,

John C. Baker
Assistant Chief
Central Enforcement District

Conserving California's Wildlife Since 1870

Guardians of our Wildlife Heritage... A Proud Tradition of Wildlife Law Enforcement



MAYOR ASHLEY SWEARENGIN

March 8, 2010

The Honorable Andreas Borgeas
Councilmember, District 2
City of Fresno
2600 Fresno Street
Fresno, California 93721

Dear Councilmember Borgeas:

I am pleased to announce my support for the San Joaquin River & Bluff Protection Initiative (SJRBP). This much needed legislation is vital to ensuring and maintaining the public safety of the citizens of Fresno. As you have already mentioned, the San Joaquin River is a prized natural resource that requires a multi-jurisdictional effort in order to make it enjoyable and safe for all. While the SJRBP is currently an initiative, it lays a solid foundation for future policy that will further our efforts in protecting our natural resources and our citizens.

I commend you for your work on this initiative and urge the Fresno City Council to support this much needed legislation.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Swearengin".

Ashley Swearengin
Mayor

CITY OF FRESNO
CITY HALL • 2600 FRESNO STREET • FRESNO, CALIFORNIA 93721-3600
(559) 621-8000 • FAX (559) 621-7990 • www.fresno.gov



County of Fresno

BOARD OF SUPERVISORS
SUPERVISOR SUSAN B. ANDERSON – DISTRICT TWO

March 9, 2010

Councilmember Andrcas Borgeas
District 2
2600 Fresno St.
2nd Floor
Fresno CA 93721

Dear Councilmember Borgeas,

Thank you for taking the time to meet with me on multiple occasions regarding the San Joaquin River & Bluff Protection Initiative (SJRBP). I am pleased to offer my support of this much needed public safety ordinance and commend you and the *River Bluff Task Force* for creating a comprehensive initiative that will begin to address the complexities of law enforcement in the river bluff and bottom.

The San Joaquin River is a prized natural resource for all the citizens to enjoy and your initiative further enhances the public's ability to do so in a safe environment.

Please do not hesitate to contact my office if we can be of any further assistance.

Sincerely,

Susan B. Anderson,
Supervisor, District 2



County of Fresno
COUNTY ADMINISTRATIVE OFFICE
JOHN NAVARRETTE
COUNTY ADMINISTRATIVE OFFICER

March 4, 2010

Councilmember Andreas Borgeas
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3600

RE: San Joaquin River and Bluff Protection Initiative (SJRBP)

Dear Councilmember Borgeas:

Further to my letter of February 11, 2010, I have been discussing the proposed initiative with County departments. As a result of their input, the County would like to pursue further discussions with the City on this topic.

We believe the proposal has merit and can provide mutual benefit for both the City and County. We look forward to the opportunity to work together to further develop the initiative's concepts.

Sincerely,

John Navarrette
County Administrative Officer

Cc: Art Wille, County Counsel



Margaret Mims
Sheriff
Fresno County Sheriff's Office

March 22, 2010

Councilman Andreas Borgeas
Fresno City Council, District 2
2600 Fresno Street
Fresno, CA 93721

Dear Councilman Borgeas:

I am pleased to offer my support in concept for the San Joaquin River & Bluff Protection Initiative (SJRBI). Public safety is a shared priority for both the City and County of Fresno and your initiative begins to address the multi-jurisdictional challenges we face in the San Joaquin River bluff area.

I commend you and the *River Bluff Task Force* for your work on this initiative. The San Joaquin River is a prized natural resource for all Fresno's citizens to enjoy and your initiative further enhances the public's ability to do so in a safe environment. Please do not hesitate to contact my office if we can be of any further assistance.

Sincerely,

Margaret Mims, Sheriff

Dedicated to Protect & Serve

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 488-3121
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NORTH CENTRAL FIRE PROTECTION DISTRICT

Board of Directors: Ken Abrahamian • Cheryl Belluomini
Rusty Nonini • Rusty Souza • Dennis Yates

Fire Chief: Randy R. Bruegman

15850 W. Kearney Boulevard
Kerman, California 93630-9335
(559) 621-4199 • FAX (559) 498-1070
www.fresno.gov

March 1, 2010

Andreas Borgeas, Councilmember
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Borgeas:

On February 25, 2010, the Board of Directors for the North Central Fire Protection District reviewed the San Joaquin River and Bluff Protection Initiative—a result of a fire, which occurred on July 2-4, 2009.

The Board commends you for the creation and the convening of an ad hoc task force to address the unique safety and environmental challenges inherent to the river bluff area. The fire started within the city of Fresno and went into a housing development, which is a county island protected by the North Central Fire Protection District via a contract with the City of Fresno. The fire caused approximately \$2 million in damage and required a significant number of resources from both the City of Fresno Fire Department and the North Central Fire Protection District. This is not the first fire of this magnitude in this area, and the initiatives outlined in the San Joaquin River and Bluff Protection Initiative, once implemented, should reduce the threat of another major incident.

The Board of Directors voted unanimously to support this effort and looks forward to the continued work of making our natural resources safe and enjoyable for all.

Sincerely,

Dennis Yates, Chair
North Central Fire Protection District

"To protect and put service above all else."



Randy R. Bruegman
Fire Chief

911 H Street
Fresno, California 93721
(559) 621-4199 FAX (559) 498-4261
www.fresno.gov

February 26, 2010

Andreas Borgeas, Councilmember
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Borgeas:

On July 2-4, 2009, the Fresno Fire Department experienced a significant wildland urban interface fire along the San Joaquin River, which extended to a housing development and caused approximately \$2 million in damage. The fire was of such magnitude and required most of the on-duty resources to be dispatched and deployed to the incident, as well as the utilization of resources from the North Central Fire Protection District and other surrounding fire protection providers. This forced the City to recall off-duty firefighters and the event lasted through July 4 when the final unit was released from the incident.

This was not the first time the City had experienced a major fire in this area. I commend you for the creation of an ad hoc task force to address the safety and environmental challenges, which are inherent to this particular area.

The department is in full support of this effort and looks forward to the continued work of the task force to resolve many of the issues, which lead to fires in this area, and will assist the fire department, if a fire occurs, to minimize the risk to the surrounding area.

Sincerely,

Randy R. Bruegman, Fire Chief

"To protect and put service above all else."



March 9, 2010

Andreas Borgeas, Councilmember
Fresno Council District #2
City Council Office
2600 Fresno Street
Fresno, CA 93721

Dear Councilmember Borgeas:

Please accept this letter as my support for the San Joaquin & River Bluff Protection Initiative (SJRBP). The San Joaquin River area poses a unique challenge in uniformity of law enforcement, and its current lack of regulations deters recreational enjoyment and encourages illegal activity.

By establishing a uniform ordinance that will address the many public safety issues found in the river area, relevant law enforcement agencies can ensure the river bluff and bottom can be enjoyed safely by all. Though this initiative only begins to address the multi-jurisdictional approach to regulating the San Joaquin river area, it does give law enforcement a better platform for enforcing regulations.

Thank you for leading the effort to create the San Joaquin River & Bluff Protection Initiative. I look forward to working with your office in the future to continue to provide for the safety of our citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry P. Dyer", is written over a light blue circular stamp.

Jerry P. Dyer
Chief of Police

JPD/pl/dbnw

Professional, Effective, Timely



City Hall Annex
2326 Fresno Street, Room 101
Fresno, California 93721-1824
(559) 621-2900 FAX (559) 498-1588
www.fresno.gov

Randall L. Cooper, PARCS Director

March 5, 2010

Councilmember Andreas Borgeas
City of Fresno, District #2
2600 Fresno Street
Fresno, CA 93721

RE: Letter of Support – San Joaquin River & Bluff Protection Initiative

Dear Mr. Borgeas:

On behalf of the Parks, After School, Recreation and Community Services (PARCS) Department, I would like to express my support for the San Joaquin River & Bluff Protection Initiative.

As you know, the development and preservation of green space is an essential component of fostering healthy communities. The PARCS Department recognizes the San Joaquin River as a valuable natural resource for the citizens of Fresno to enjoy. Therefore, we applaud your efforts to create a uniform ordinance that will improve public stewardship and facilitate the enforcement of laws within the City's jurisdiction in the River Bluff area.

Our PARCS Department participated in the *River Bluff Task Force*, and I look forward to continue working with you and your staff as the initiative develops. Please let us know if we can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall L. Cooper".

Randall L. Cooper
PARCS Director



Greater Fresno Area Chamber of Commerce

2331 Fresno Street Fresno, CA 93721 • (559) 495-4800 • Fax (559) 495-4811

February 24, 2010

Council Member Andreas Borgeas
2600 Fresno Street
City Council Chambers, 2nd Floor
Fresno, CA 93721

Dear Council Member Borgeas:

The Greater Fresno Area Chamber of Commerce's Government Affairs Council is pleased to support the San Joaquin River & Bluff Protection Initiative. We feel this is a comprehensive initiative that will provide the oversight that's needed to protect the San Joaquin River Bluffs.

We appreciate the City putting together a uniform ordinance that will help to regulate activity and facilitate the enforcement of laws within the city's territory in the River Bluff area. We encourage other local agencies with oversight in this area to adopt similar ordinances so the entire area can be protected and enjoyed by all.

The Government Affairs Council appreciates the time you put into developing such a comprehensive and thorough ordinance. Please let us know if there is anything more we can do to help in this endeavor.

Sincerely,

Kerri Ginis
Government Affairs Manager for the Fresno Chamber of Commerce



San Joaquin River
Parkway and
Conservation Trust, Inc.

February 4, 2010

Andreas Borgeas, Councilmember
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3600

Dear Councilmember Borgeas:

The San Joaquin River Parkway and Conservation Trust endorses the San Joaquin River and Bluff Protection Initiative. Last week, Our Board of Directors reviewed the January 21, 2010 Draft Initiative and approved a resolution in support.

Along with the Trust's endorsement, we write to pass along our observation that it is critical for the County of Fresno to participate fully in the Initiative's implementation. The Trust will be sending a letter of request to the County in this regard.

Thank you for providing the leadership necessary to undertake this effort and bring the many jurisdictions and stakeholders involved together to find solutions to safety issues in the river corridor.

Sincerely,


Dave Koehler
Executive Director

BOARD OF
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Anna Wattenbarger
Vice President

Jim Ganulis
Treasurer

Margaret Thorburn
Secretary

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General Counsel

Dave Koehler
Executive Director

CREATING AND PROTECTING THE SAN JOAQUIN RIVER PARKWAY

11605 Old Friant Road • Fresno, California 93730-9701 • 559-248-8480 • Fax 559-248-8474 • www.riverparkway.org

**SAN JOAQUIN RIVER CONSERVANCY
RESOLUTION 10-01**

**RESOLUTION IN SUPPORT OF THE CITY OF FRESNO'S
RIVER AND BLUFF PROTECTION INITIATIVE**

WHEREAS, the San Joaquin River and its environs are treasured natural resources that require protection and preservation for the enjoyment of the public and quality of life in Fresno and Madera communities; and

WHEREAS, the river, its floodplain and bluffs face special challenges for safeguarding the public, water resources, and wildlife habitat; and

WHEREAS, the City of Fresno has convened a River and Bluff Protection Task Force, composed of city departments, state and local agencies, and other stakeholders, for the purpose of determining measures that can be taken to reduce fire hazards, public nuisances, and habitat damage, protect bluff stability, and improve the effectiveness of policing, while allowing lawful public access and safe recreation on the river, within the City of Fresno's jurisdiction and across multiple jurisdictions; and

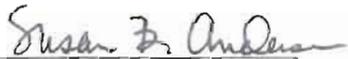
WHEREAS, the City's River and Bluff Protection Initiative proposes City regulations for proper public use along the river and improved fire prevention, and includes a workplan to develop public safety partnerships, identify and manage public river access points, and expand neighborhood and community stewardship; and

WHEREAS, the San Joaquin River Conservancy is a regionally governed state agency formed to implement and manage the San Joaquin River Parkway, a planned natural and recreation area in the river-bottom extending from Friant Dam to Highway 99; and

WHEREAS, the Conservancy's mission includes managing Parkway lands it acquires for public enjoyment, and protecting, enhancing, and restoring riparian and floodplain habitat.

NOW, THEREFORE, BE IT RESOLVED, the San Joaquin River Conservancy supports and endorses the River and Bluff Protection Initiative, and commits to working with the City of Fresno as the City and the Conservancy develop public safety and natural resources protection regulations within their respective jurisdictions, and as they continue coordinating and collaborating with the many other state and local agencies with jurisdiction in the area.

Passed and adopted this day of February 10, 2010, by the governing board of the San Joaquin River Conservancy.



Susan B. Anderson
Chairperson

ATTEST:



Melinda S. Marks
Executive Officer





FRESNO CITY FIREFIGHTERS ASSOCIATION

710 R Street - Fresno, CA 93721 - (559) 233-0558 Phone - (559) 442-8142 Fax

March 15, 2010

Andreas Borgeas, Councilmember
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Borgeas:

The Fresno City Fire Fighters Local 753 is in full support of the San Joaquin River & Bluff Protection Initiative task force. The continued work of the task force will help to resolve many of the issues leading to fires in this area and will assist the firefighters to minimize the risk to the surrounding area.

Sincerely,


Gerald Smith, President



Andreas Borgeas
Fresno City Council Member District 2
2600 Fresno St
Fresno, CA 93721

March 30, 2010

Dear Councilman Borgeas,

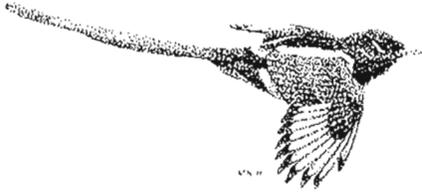
The Fresno Deputy Sheriff's Association is pleased to offer our support for the San Joaquin & River Bluff Protection Initiative (SJRBP). The San Joaquin River area faces unique safety challenges and requires a uniform ordinance to help regulate activity and facilitate the enforcement of law. We understand there are a variety of jurisdictions that fall under the San Joaquin River Bluff area. However, but addressing this issues as "one body," would create the efficiency the residents who live in the area deserve.

The Fresno Deputy Sheriff's Association commends you and the *River Bluff Task Force* for your work on this initiative. The San Joaquin River is a prized natural resource for all Fresno's citizens to enjoy and your initiative further enhances the public's ability to do so in a safe environment. Please do not hesitate to contact my office if we can be of any further assistance.

The Fresno Deputy Sheriff's Association takes pride in protecting the citizens who live in Fresno County. We will do what is necessary to continue making the citizens who live in this area feel safe and protected in their homes.

Thank You

Eric Schmidt
President, Fresno Deputy Sheriff's Association



Fresno Audubon Society

Dear Councilman Borgeas:

02/10/10

Thank you for including us in the review of the San Joaquin River Bluff Protection Initiative. As an organization of approximately 600 people in Fresno and Madera Counties who share a love for birds, other wildlife and the habitats that support them, we are keenly aware of the importance of the San Joaquin River. Considering that the River is critical for wildlife as well as the quality of life for the entire region, we welcome efforts to protect it and value this opportunity to provide input on this issue.

Our board cast a critical eye on the Initiative and could not find one reason to oppose it; we did, however, find many reasons to support it. The Initiative addresses a broad range of threats the River faces in a manner which is not burdensome to property owners residing along the River or those who recreate along the San Joaquin. We welcome the new rules with respect to littering, camping, vehicular use, and other activities. These justified rules will help ensure a safe and pleasant experience for those using the river while ensuring valuable habitat remains intact.

We hope the County of Fresno, Madera County, and relevant municipalities will take similar action and that you might encourage them to do so. Again, thank you for the opportunity to provide comments on this piece of legislation.

Sincerely, 
Brandon Hill
President
Fresno Audubon Society

P.O. Box 9324 Fresno, CA 93791: 559.978.2369: fresnoaudubon@gmail.com: fresnoaudubon.org

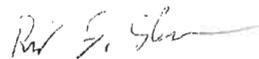
RiverTree Volunteers, Inc.
1509 E. Fallbrook Avenue
Fresno, CA 93720-2744
(559) 696-2971

February 16, 2010

To Whom It Concerns,

RiverTree Volunteers supports the San Joaquin River & Bluff Protection Initiative. Our organization averages removing nine 40 cubic yard waste bins of trash and debris from the San Joaquin River bottom and bluffs each year. We have replaced several hundred vandalized signs, repaired fences, bridges and gates on public lands and helped to paint out or remove graffiti.

Since the forming of our organization March 10, 2003 we are finding that the types of vandalism occurring on the river bottom is becoming more destructive. The recreational use by the public has also dramatically increased. The need for the San Joaquin River and Bluff Protection Initiative grows greater by the day.



Richard F. Sloan
President

Lee Jensen
Operations



Mark Somma
Finance Officer

Chuck Kroeger
Operations





February 9, 2010

Andreas Borgeas
City Hall
2600 Fresno Street
Fresno, CA 93721

Dear Council Member Borgeas,

As a property owner on the San Joaquin River Bottom I understand the importance for an initiative that will improve public safety and protect the San Joaquin's Natural Resources. I would like to support your draft of the San Joaquin River and Bluff Protection Initiative. I believe this is a positive step for the future of the San Joaquin River Bottom.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven O. Spano", with a long horizontal flourish extending to the right.

Steven O. Spano

February 16, 2010

Andreas Borgeas
Council Member District 2
2600 Fresno St, 2nd Floor
Fresno, California 93721

Dear Councilman Borgeas:

The Fresno Flatwater Kayak and Canoe Club commends you on the development of The San Joaquin River and Bluff Protection Initiative.

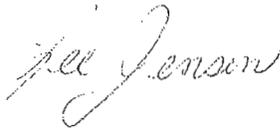
We are a group of approximately 250 people, many members of which kayak the river frequently, viewing first-hand the vandalism and damages, and therefore understand the need for coordinated code enforcement. Though our focus is primarily recreational, we strive to be good stewards and work in conjunction with RiverTree Volunteers on their cleanups and river maintenance projects.

We thank you for your efforts in developing and promoting this proposal and wish to go on record as strongly supporting the initiative.

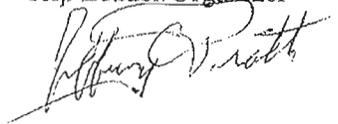
Looking forward to further developments and a better San Joaquin River.

Sincerely,

Lee Jensen
Assistant Organizer



Jeff Pratt
Trip Leader/Organizer





March 31, 2010

VIA U.S. MAIL

Andreas Borgeas
Councilmember, District 2
CITY OF FRESNO
2600 Fresno Street
Fresno, California 93721

RE: San Joaquin River Access – Bluff Protection Initiative

Dear Councilmember Borgeas;

I appreciate your efforts to protect the river bottom in a manner which both preserves this beautiful natural resource and also protects the rights of property ownership along the river bluff.

Following the establishment of the easement, funds have not been available to implement facilities and operations contained within the easement agreement. Your efforts will serve well in protecting all ownership and related interests and also protect the City until funds are available to appropriately develop the plan for public access.

I would like to express my support for the San Joaquin River & Bluff Protection Initiative. The San Joaquin River area is a valuable natural resource and I commend your efforts to increase the safety of those that recreate and live along the river bluff and bottom. As a land owner along the San Joaquin River bluff, I understand the multi-jurisdictional challenges in law enforcement and land management that exist along the river bluff area. By establishing a uniform ordinance that will address the many public safety issues found in the river area, you are taking the necessary action to make the river a safe place for the resident's of Fresno to enjoy.

1401 FULTON STREET, SUITE 210 • FRESNO, CALIFORNIA 93721
TELEPHONE (559) 266-8000 • FACSIMILE (559) 266-6005

Councilman Andreas Borgeas
March 31, 2010
Page 2 of 2

Once again, thank you for your efforts. I look forward to the Fresno City Council passing this much needed piece of legislation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Clifford H. Tutelian", written over a light blue rectangular background.

Clifford H. Tutelian

CHT/jkm

OPINION

Write to us

Please include an address and a daytime phone number for verification, and limit your letter to 200 words. Send letters to: Letters to the editor, The Fresno Bee, P.O. Box 12504, Fresno, CA 93778-2504, or via e-mail at letters@fresnobee.com (no attachments). All submissions may be edited and republished in any format, and become the property of the Bee.

The Fresno Bee

Tuesday, April 8, 2016 85

OUR VIEW

Council should approve river bluffs initiative

Fresno City Council Member Andreas Borgeas will introduce an initiative Thursday aimed at protecting the city's portion of the San Joaquin River and bluffs area.

The measure is in response to a fire last July in the river area that quickly spread because it was fed by dry brush. One home was destroyed, but the blaze would have caused more damage if firefighters had not acted so quickly.

The initiative would require more effective firebreaks around homes, which is a crucial line of defense in fighting fires Borgeas wants to prevent: a brush fire from leaping house to house in the summer dry season.

The measure also would regulate hours when the river can be used, vehicular access in the bluff and prohibit overnight camping. The provisions would not apply to private property in

the area.

We believe this is a thoughtful approach to protecting homes, as well as this sensitive natural resource area.

One of the problems in safeguarding the river area is the overlapping jurisdictions, which include state, local and regional agencies.

Borgeas said his measure is a first step, and it could take months to get all the agencies along the river on board. The

initiative would become effective in six months. Fresno County would have to adopt a similar ordinance to cover the county portions of the area.

Fresno County Supervisor Susan Anderson, whose district includes part of the river bottom, said she supports the effort. The county and the other agencies understand the need to coordinate river-area rules.

"I think everybody is on the same page," she told The Bee

last month. "The question is how we knit it all together."

After the fire, Borgeas pulled together a river bluff task force to work on the issue, and the initiative the council member drafted is the result of that work. The initiative should be approved by the City Council.

► Tell us what you think. Comment on this editorial by going to fresnobee.com/opinion, then click on the editorial.

