



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: May 4, 2021

AGENDA ITEM: #4

CZ	#2021-001	Amend the County Code, Title 9, Chapter 9.94, Discharge of Weapons and Add Chapter 9.70, Property Along the San Joaquin Riverfront
APN	Countywide	Applicant: Madera County
CEQA		EXEMPT

REQUEST:

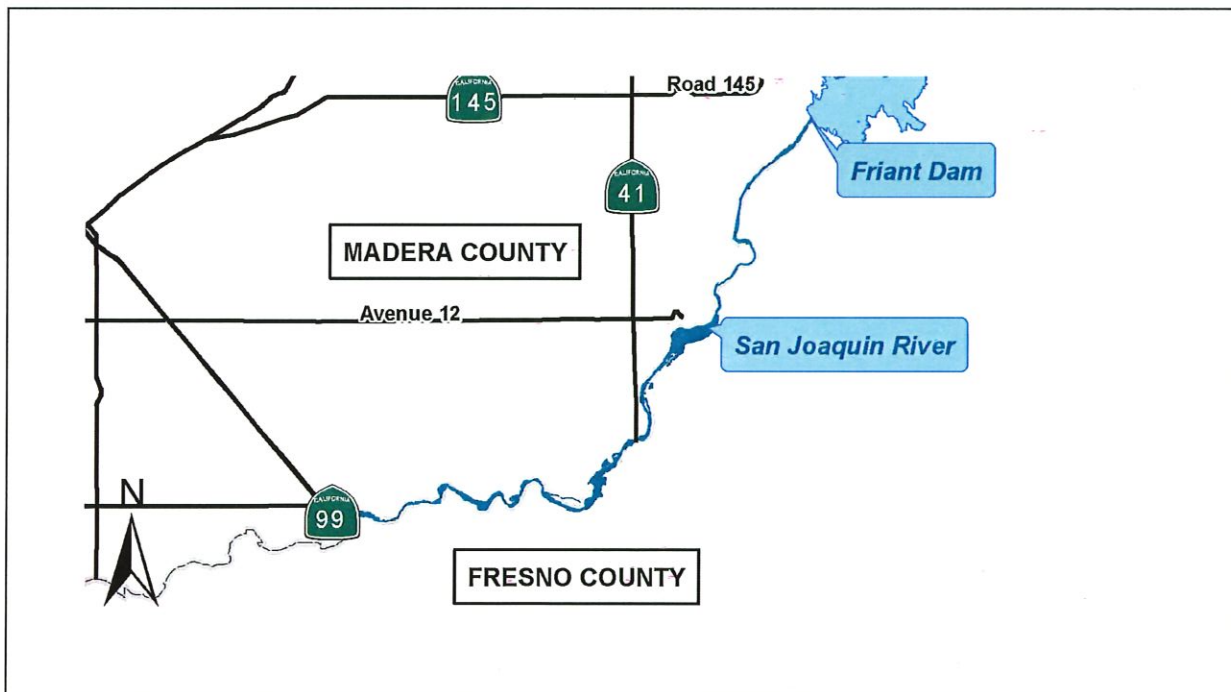
This is a proposal by the County of Madera to amend the Madera County Code, Title 9, Chapter 9.94 to include revisions to restrict the firing of weapons along the San Joaquin River and to add Chapter 9.70 to identify the area along the riverfront.

LOCATION:

The proposed amendments will affect the area along the San Joaquin Riverfront between Highway 99 and Friant Dam.

ENVIRONMENTAL ASSESSMENT:

Under the provisions of the California Environmental Quality Act (CEQA), Section 15061(b)(3), and the Madera County Environmental Guidelines, the County has determined that this amendment will not have a significant effect on the environment and is exempt from CEQA.



RECOMMENDATION: Recommend approval of the proposed amendments to Chapter 9 of the Madera County Code to the Board of Supervisors.

PROJECT DESCRIPTION:

This is a proposal by the County of Madera to amend the Madera County Code, Title 9, to include revisions to restrict the firing of weapons along the San Joaquin River and to add Chapter 9.70 to identify the area along the riverfront.

ORDINANCES/POLICIES:

Chapter 9.94 of the Madera County Zoning Ordinance.

Madera County General Plan Policy Document, Public Recreation and Parks, Policy 4.A.3.

Madera County General Plan Policy Document, Recreational Trails, Policy 5.C.9.

Madera County General Plan Policy Document, Wetland and Riparian Areas, Policy 5.D.8.

Madera County General Plan Policy Document, Fish and Wildlife Habitat, Policy 5.E.11.

ANALYSIS:

The San Joaquin River, carved a channel into a landscape of a broad floodplain flanked by bluffs varying in steepness and elevation. From the Friant Dam to Highway 99, the river serves as the boundary between the counties of Madera and Fresno, and is the principal natural feature of both the Fresno-Madera metropolitan area as well as the entire San Joaquin Valley.

The boundary between Madera and Fresno Counties varies from different maps, including U.S. Geological Survey, Assessors Maps, and road maps. The official boundary line is represented by the center line of the low water channel of the San Joaquin River. County boundaries are set forth in California Government Code section 23120 and clarified through the 1959 court case, *Bishel v. Faria*, which established the centerline of low water channel rule.

The San Joaquin River Conservancy Act brought the San Joaquin River Conservancy into existence in 1992. The Conservancy is charged with developing the San Joaquin River Parkway and coordinating efforts and mediating differences among the state and local jurisdictions that form its governing board. The Parkway planning area encompasses the river floodplain from Friant Dam to Highway 99. The Conservancy has management jurisdiction for the lands it has acquired for the Parkway.

This area along the San Joaquin River has been use by many for hunting and fishing. However, as the areas of the river corridor are growing and developing in recreation, commercial and housing developments, safety has become a major issue. Continuing to allow the firing of weapons to occur in areas along the San Joaquin Riverfront significantly raises the likelihood of accidental shootings and other injuries, dangerous citizen encounters with injured and frightened animals, trespass onto private properties, and altercations between property owners and members of the public engaged in the subject activities.

GENERAL PLAN CONSISTENCY:

The Madera County General Plan has a number of policies to protect and preserve the parkway area.

Public Recreation and Parks

4.A.3. The County shall support and participate in the development of the San Joaquin River Parkway.

Recreational Trails

5.C.9. The County shall support the policies of the San Joaquin River Parkway Plan to protect the San Joaquin River as an aquatic habitat and a water source.

Wetland and Riparian Areas

5.D.8. The County shall support the goals and policies of the San Joaquin River Parkway Plan to preserve existing habitat and maintain, enhance, or restore native vegetation to provide essentially continuous riparian and upland habitat for wildlife along the river between Friant Dam and the Highway 145 crossing.

Fish and Wildlife Habitat

5.E.11. The County shall provide for a minimum 200 foot wildlife corridor along the San Joaquin River between Friant Dam and the Highway 145 crossing, consistent with the San Joaquin River Parkway Plan. The County shall require a buffer with a minimum width of 150 feet between existing or planned urban or suburban uses. Exceptions may be necessary where the minimum width is infeasible due to topography or other physical constraints. In these instances, an offsetting expansion on the opposite side of the river should be provided.

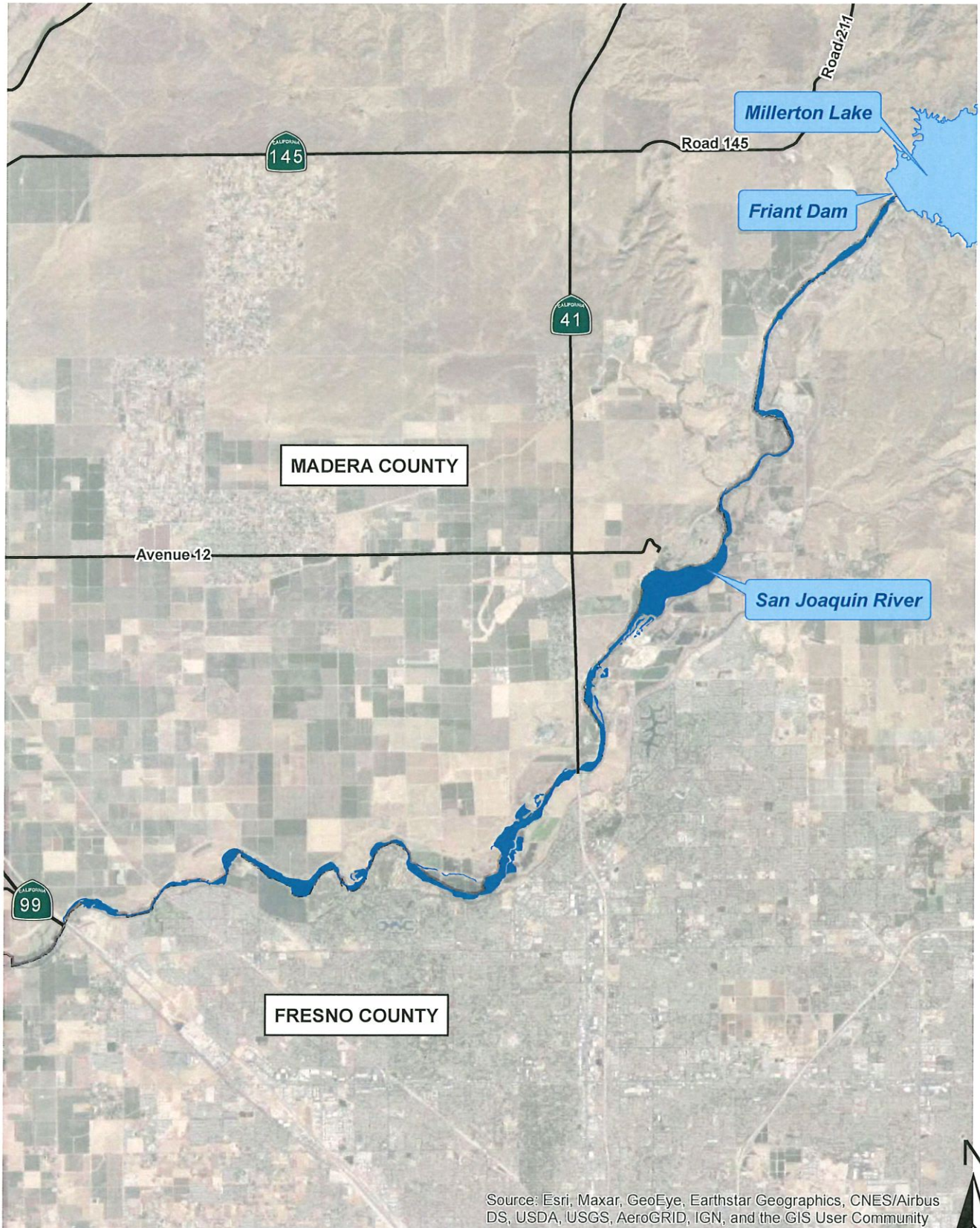
RECOMMENDATION:

Recommend approval of the proposed amendments to Chapters of the Madera County Code, Title 9 to the Board of Supervisors.

ATTACHMENTS:

1. Exhibit A, Location of Subject Area
2. Exhibit B, San Joaquin Parkway Planning Area
3. Exhibit C, Development and Recreation Along the San Joaquin River
4. Exhibit D, Amendments to Chapter 9.94
5. Exhibit E, Chapter 9.70

EXHIBIT A



San Joaquin River

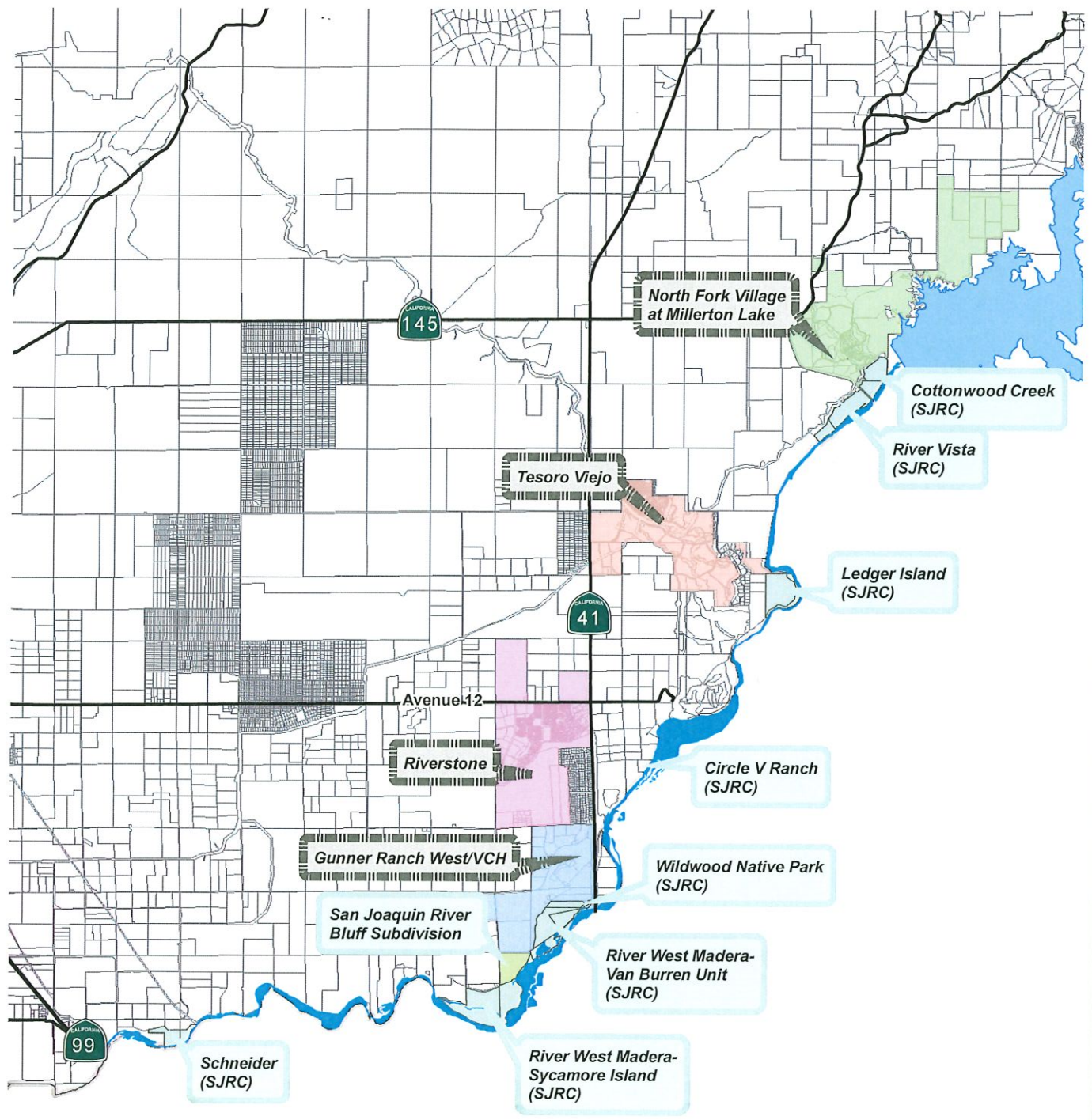
EXHIBIT B



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

San Joaquin Parkway Planning Area

EXHIBIT C



**Development and Recreation
Along the San Joaquin River**

Chapter 9.94
DISCHARGE OF FIREARMS-WEAPONS

9.94.010 - Purpose

The purpose of this chapter is to prohibit the discharge of firearms-weapons in certain areas within the unincorporated portion of the county. The discharge of firearms-weapons in such areas is a danger to the lives of humans and animals, and to personal and real property.

9.94.020 - Definitions

The following definitions apply within this chapter:

A. "Firearm" means and includes pistols, rifles, shotguns, pellet guns, BB guns and all other instruments used in the propulsion of shot, shell, or bullets by the action of gunpowder exploded within it.

B. "Weapon" means and includes any firearms, any bow or arrow from a bow having a pull of thirty pounds or more, crossbow or any pellet gun projecting a metallic object by means of air, gas or a spring.

BC. "Discharge" means to shoot, propel, fling, throw, launch, sling, or otherwise project any object from a firearm or weapon.

CD. "Prohibited area" means and includes all of the following:

1. The Bass Lake Area. This area includes that area designated as Bass Lake and within one thousand feet of the land perimeter measured from the high water mark thereof;
2. Sierra Lakes Tracts I and II. This area includes all that territory lying within the boundaries of Sierra Lakes Tracts I and II as shown on those subdivision maps recorded at Volume 6 of Maps on page 140 and Volume 8 of Maps on pages 90 and 91;
3. Goldside Estates Units 1, 2, and 3. This area includes all that territory lying within the boundaries of Goldside Estates Units 1, 2 and 3 as shown on those subdivision maps recorded at Volume 18 of Maps on pages 33 and 34, Volume 22 of Maps on pages 118 and 119, and Volume 25 of Maps on pages 14 and 15;
4. Griffin Park. This area includes all that territory lying within the boundaries of Griffin Park as shown on the subdivision map recorded at Volume 29 of Maps on pages 175 and 176;
5. Hidden Lakes Estates No. 1 and 2. This area includes all territory lying within the boundaries of Hidden Lakes Estates Nos. 1 and 2 as shown on those subdivision maps recorded at Volume 7 of Maps on page 72, and Volume 9 of Maps on page 121;
6. The Thornberry Area. This area includes all that territory bounded by Highway 41 on the west, Road 420 on the north, Mudge Ranch Road on the east and the National Forest Boundary on the south;
7. The Madera Ranchos Area. This area includes all that territory lying within the boundaries of Madera Ranchos Nos. 1, 2, 3, 4, 5 and 6 as shown on those subdivision maps recorded at Volume 7 of Maps on pages 89—93 and 145—148, Volume 8 of Maps on pages 58—63, 64—65 and 97—105, and Volume 9 of Maps on pages 64—71;
8. The Bonadelle Ranchos Areas. These areas include all that territory lying within the boundaries of Bonadelle Ranchos, and Bonadelle Ranchos Nos. 1, 2, 3, 4, 6, 7, 8, 9 and 10 as shown on those subdivision maps recorded at Volume 7 of Maps on pages 102—116 and 139—143, Volume 9 of Maps on pages 1—9 and 126, Volume 8 of Maps on pages 140—144, Volume 10 of Maps on pages 46—61, 112 and 129—135, Volume 11 of Maps on pages 120—135 and 96—119;
9. The Rolling Hills Area. This area includes all that territory lying within the boundaries of Rolling Hills Nos. 1, 2, 3 and 4 as shown on those subdivision maps recorded at Volume 8 of Maps on pages 6—7, 53—54, and 70—71, and Volume 9 of Maps on pages 27—28;
10. Redwood Creek. This area includes all that territory lying within the boundaries of Redwood Creek as shown on the subdivision map recorded at Volume 6 of Maps on pages 88 and 89;

11. Ponderosa Acres. This area includes all territory lying within the boundaries of Ponderosa Acres as shown on the subdivision map recorded at Volume 7 of Maps on pages 32—35;

12. Yosemite Lakes Park. This area includes all that territory lying within the boundaries of Yosemite Lakes Park as shown on those subdivision maps recorded at Volume 16 of Maps on pages 37—70, a portion of which was amended and rerecorded at Volume 23 of Maps on pages 1 and 2;

13. Valley Lake Ranchos. This area includes all that territory lying within the boundaries of Valley Lake Ranchos as shown on the subdivision map recorded at Volume 11 of Maps on pages 30—63 inclusive, and in addition includes the bed and banks of Dry Creek between Roads 28½ and 30;

14. Lake Madera Country Estates. This area includes all that territory lying within the boundaries of Lake Madera Country Estates as shown on the subdivision map recorded at Volume 10 of Maps on pages 84—104 inclusive;

15. Indian Lakes Estates. This area includes all that territory lying within the boundaries of Indian Lakes Estates as shown on the subdivision map recorded at Volume 13 of Maps on pages 1-19, inclusive.

16. The San Joaquin Riverfront. This area includes all that territory lying below the historical high water mark of the San Joaquin River toward the interior of Madera County, including the following: beginning at the point on the center line of the San Joaquin River, which is the boundary of Fresno and Madera Counties, and having California Highway 99 as its western boundary, and continuing generally eastward and/or northward along the center line of the San Joaquin River until reaching the Friant Dam.

9.94.030 - Discharge of firearms prohibited

No person shall discharge any firearms within a prohibited area or from, on, or into any roadway or highway open to the public, whether within or without a prohibited area, except as otherwise provided in this chapter.

9.94.040 - Peace officer exemption

Section 9.94.030 shall not apply to any peace officer, or any person who is a member of a posse under the direct control of the sheriff, when the peace officer or posse member is acting in such capacity.

9.94.045 - Wildlife damage management specialist exemption

Section 9.92.030 shall not apply to any person contracted by the county to provide wildlife animal damage management. Discharge of firearms shall be in accordance with applicable federal, state and local laws, regulations, and licensing requirements. Discharge of firearms in accordance with this section shall occur after any such wildlife is legally trapped, restrained or contained. Any person with whom the County of Madera contracts as a wildlife damage management specialist, and is subject to this exemption, shall indemnify and hold harmless the county, its special districts, elected and appointed officers, employees and agents from any and against any and all claims and liabilities arising out of the exercise of this exemption. Such person shall provide evidence of such indemnification in writing at the request of the county's risk manager. The entity shall also maintain for the duration of the contract, a level of liability insurance in the type and amount determined to be adequate by the county's risk manager.

9.94.050 - Warning signs

A. Each prohibited area shall be posted with signs displayed at intervals of not less than three to the mile along the perimeter of the prohibited area. The sign shall read as follows:

WARNING

DISCHARGE OF ~~FIREARMS-WEAPONS~~ IS PROHIBITED WITHIN (name of area from section 9.94.020(CD)). VIOLATION MAY BE PUNISHED BY A FINE, JAIL TERM, AND/OR CONFISCATION OF THE ~~FIREARM WEAPONS~~.

B. At the discretion of the road commissioner, signs may be posted to advise the public of the restriction on the discharge of ~~firearms-weapons~~ from, on, or into any roadway or highway open to the

EXHIBIT D

public. If posted, such signs placed within the road right-of-way shall be parallel to the direction of vehicle travel.

9.94.060 - Penalty for violation

The penalty for any violation of this chapter shall be as prescribed by Chapter 1.12 and the confiscation of the firearm impounded by the county, as ordered by the court.

Chapter 9.70
Property along the San Joaquin Riverfront

9.070.010 – Application of this Chapter

The provisions of Chapter 9.70 pertaining to prohibited activities apply to the area identified as the "The San Joaquin Riverfront" in section 9.94.020(D)(16), comprised of all that territory lying below the historical high water mark within one-half (1/2) mile of the San Joaquin River toward the interior of Madera County, including the following: beginning at the point on the center line of the San Joaquin River, which is the boundary of Fresno and Madera Counties, and having California Highway 99 as its western boundary, and continuing generally eastward and/or northward along the center line of the San Joaquin River until reaching the Friant Dam.

9.70.020 – Activities prohibited along the San Joaquin Riverfront

The following activities are forbidden along the area defined as "the San Joaquin Riverfront," defined in section 9.70.010 of this Chapter:

- A. Hunting or otherwise intentionally injuring, killing, or capturing any bird or mammal.
- B. Depositing any animal remains, carcasses, or body parts.
- C. Slaughtering, dismembering, cleaning, or otherwise preparing any animal or part of any animal for human use or consumption.
- D. Camping or staying overnight, except in designated camping areas.
- E. Depositing any garbage or refuse, unless placed in cans or bins designated for garbage or refuse disposal.