

FRESNO MUNICIPAL CODE FINDINGS

VESTING TENTATIVE TRACT MAP FINDINGS

Section 15-3309 of the Fresno Municipal Code provides that the Review Authority (Planning Commission) for a tentative tract map may approve or conditionally approve a tentative tract map if it makes all of the following findings:

Findings per Fresno Municipal Code Section 15-3309	
<i>A. Consistency. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code; and,</i>	
Finding A:	For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section of the Staff Report to the Planning Commission dated August 15, 2018, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with the conditions of approval and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.
<i>B. Passive and Natural Heating and Cooling. The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,</i>	
Finding B:	The proposed subdivision has been designed with lot sizes and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes.
<i>C. Availability of Water. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Subdivision Map Act (Section 66473.7); and,</i>	

Finding C:	<p>The project consists of a proposed 210-lot conventional single family residential subdivision/development. Therefore, a water supply assessment is not required.</p> <p>However, in accordance with the provisions of the Fresno General Plan and Master EIR No. 2012111015 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project.</p> <p>Furthermore, in order for the City to develop a Sustainable Groundwater Management Act (SGMA) compliance plan for this proposed development project, a Water Demand Analysis was calculated and SGMA compliance requirements are incorporated into the water supply conditions of approval for the project.</p> <p>The Department of Public Utilities, Water Division has reviewed the proposed project and has determined that Implementation of the Fresno General Plan policies and the mitigation measures of the associated Master Environmental Impact Report, along with the implementation of the Water Resources Management Plan and the identified project related conditions of approval, which include water main extensions within the proposed tract, installation of services with meters, and payment of applicable water fees and connection charges will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.</p>
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D. Infrastructure Capacity. *There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,*

Finding D:	<p>Pursuant to the findings and representations made within the Public Services section included within the Staff Report to the Planning Commission dated August 15, 2018, and subject to compliance with the attached conditions of approval and mitigation measures identified within the initial study prepared for the associated environmental assessment, it may be determined that sufficient infrastructure capacity for water, runoff, storm water, waste water, and solid waste systems exist or will be available to serve the proposed project.</p>
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E. Compliance with Floodplain Regulations. *The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal laws.*

Finding E:	<p>According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is located within a flood prone or hazard area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. As a result: All development shall be properly flood-proofed below the calculated water surface elevation of the 100-year flood event; All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water could carry such obstruction downstream to the damage or detriment of either life or property, will not be permitted; and, Development proposed to be constructed in a manner which would cause displacement of any and all floodwaters from that portion of the flood plain to be developed will not be permitted.</p>
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FINDINGS CRITERIA FOR REZONES AND PLAN AMENDMENTS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Rezone or Plan Amendment meets the following criteria:

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5812

- A. *The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,*

Finding
A:

For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated August 15, 2018, the proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.

- B. *The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and,*

Finding
B:

The subject property is located within the unincorporated area of the County of Fresno which lies within the City of Fresno's General Plan Boundary and Sphere of Influence. Furthermore, the project site is located within an area which is located on the fringe of urban development and which meets the General Plan goals and strategies for sequencing of development and growth. Furthermore, the vicinity of the subject property is currently undergoing growth in development in a manner which is rapidly encompassing the subject property with urban development. Therefore, for the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated August 15, 2018, the project site is a logical expansion for purposes of orderly development within Growth Area 1 as depicted on Figure IM-2: Sequencing of Development of the General Plan; and, will promote orderly land use development in pace with public facilities and services needed to serve development.

- C. *The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.*

**Finding
C:**

For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section of the Staff Report to the Planning Commission dated August 15, 2018, the proposed project achieves the balance of land uses desired by the City of Fresno through planning and implementation of the Complete Neighborhoods concept and strategy for development by affording connectivity, financial incentives for investing, design compatibility, providing missing uses such as recreation, neighborhood serving public service and employment opportunities, enhanced landscaping and maintenance of public right-of-way areas, and providing community-based services.

Findings Criteria per Fresno Municipal Code Section 15-6104

A. Concept Plan. *If land proposed for annexation is required to create a Concept Plan per Section 15-6102, the Concept Plan must be created and adopted prior to annexation; and,*

Finding A: Annexation Application No. ANX-18-003 includes a proposed Concept Plan Connectivity Map pursuant to the requirements of Section 15-6102 of the Fresno Municipal Code (FMC). An affirmative action by the Fresno City Council regarding Annexation Application No. ANX-18-003 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Fowler No. 2 Reorganization; and, approval of the related Concept Plan Connectivity Map prepared for the annexation application.

B. Plan Consistency. *The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and,*

Finding B: For the reasons contained within the attached initial study for the associated environmental assessment as well as within the Background and Analysis section contained within the Staff Report to the Planning Commission dated August 15, 2018, the proposed annexation is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and McLane Community Plan. Subject to compliance with future conditions of approval for development and implementation of identified project specific mitigation, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.

C. Revenue Neutrality. (1) Public Services, Facilities, and Utilities. *Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation or will be provided within a specific period of time, with financial guarantees and performance requirements, to ensure this will occur; and, (2) Projects requiring annexation will not negatively impact City Finances; and, (2) Fair and Proportional Payments.* *Projects requiring annexation will not negatively impact City finances in any manner set forth in Section 15-6104-C-2 of the FMC; and,*

Finding C:	The proposed project will be required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms as included within the project conditions of approval and applicable mitigation measures. These conditions and mitigation measures which are applied to the proposed project will assure the project remains revenue neutral and will cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. Therefore, (1) No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project; (2) The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development; (3) The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) The development will fully fund ongoing public facility and infrastructure maintenance and public service cost.
<i>D. Disadvantaged Unincorporated Communities. The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process; and,</i>	
Finding D:	No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.
<i>E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>	
Finding E:	The proposed Plan Amendment and Pre-zone Applications have been filed to facilitate annexation of the ±78 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. ANX-18-003. The combination of these actions comprises the proposed Clinton-Fowler No. 2 Reorganization and ultimately fall under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO). An affirmative action by the Fresno City Council regarding Annexation Application No. ANX-18-003 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Clinton-Fowler No. 2 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for Vesting Tentative Tract Map No. 6214/UGM.

Based upon the plans and information submitted by the applicant and the recommended conditions of project approval and project specific mitigation, staff has determined that all of the findings above can be made.