

## Exhibit H FRESNO MUNICIPAL CODE FINDINGS

### EXTENSIONS OF TIME FINDINGS

Section 15-3316 of the Fresno Municipal Code provides that the granting of an extension of time to the initial time limit of a tentative map may occur only after the Review Authority finds that:

<b>Findings per Fresno Municipal Code Section 15-3316-C-2</b>	
<i>A. There have been no changes to the provisions of the General Plan or any operative plan, or development plan that would cause the map to no longer be in conformity with the General Plan, operative plan, or development plan;</i>	
Finding A:	The tentative map was approved subject to the provisions of the 2025 Fresno General Plan. A new General Plan has been adopted since the tentative map was originally approved. The current Fresno General Plan (adopted on December 18, 2014) was the first comprehensive update to the Fresno General Plan that occurred since 2002. Since, the last update, the city has undergone a significant demographic and urban transformation. The legal environment governing land use, environmental preservation, housing, and other planning issues had also changed. A major, comprehensive revision of the General Plan was therefore necessary to eliminate any obsolete elements and policies, to ensure legal conformity, and address new challenges, such as the need to prudently manage growth and enhance the City's economy. This new General Plan recommends strategies to address prevalent existing conditions and trends that impede achieving and maintain greater human, community, environmental, and economic health and prosperity; including but not limited to, shared public facilities and services financing. Therefore, for the reasons contained within the attached Staff Report to the Planning Commission dated November 07, 2018, the requested extension of time for the tentative map will not support nor will it be consistent with the goals, objective and policies of the Fresno General Plan as referenced therein unless subjected to and required to pay all current and contemporary impact fees and capacity charges, which have been adopted for purposes of providing essential public services and facilities to meet quality-of-life goals, and required infrastructure to support growth, economic competitiveness and business development.
<i>B. There have been no changes to the provisions of this Development Code that would cause the map to no longer be in conformity with this Development Code;</i>	
Finding B:	The tentative map was approved subject to the provisions of the City of Fresno Zoning Ordinance, which was previously contained in Chapter 12 of the Fresno Municipal Code (FMC). A new Citywide Development Code was adopted December 03, 2015 as Chapter 15 of the FMC; and, the elements of the previous Zoning Ordinance were rescinded. The tentative map was therefore not conditioned with consideration to, and is therefore no longer in full compliance with, all elements and provisions of the contemporary Citywide Development Code.

*C. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and*

Finding C:

As stated herein above, a new Fresno General Plan has been adopted since the original approval of the tentative map. While, the new General Plan did not change the planned land use designation for the subject property from Medium-Low Density Residential. The new General Plan did adjust the density range for Medium-Low Density residential upward from 2.19-4.98 dwelling units per acre under the 2025 Fresno General Plan to 3.5-6.0 dwelling units per acre under the current General Plan. The approved density for the 116-lot single family residential subdivision of 38.80 acres of land results in a density yield of approximately 2.99 dwelling units per acre. Therefore, the project is no longer consistent with the current Fresno General Plan or Citywide Development Code requirements for density.

The area surrounding the subject property is undergoing growth in development. Immediate properties to the east, south and west remain predominantly agricultural with rural residential development. Substantial acreage from properties in the nearby vicinity to the north and east, as well as properties further to the south, which are located east of North Fowler Avenue have been annexed since the tentative map was approved; and, many of those lands have been developed or in the process of being built-out.

These properties located within the City of Fresno incorporated boundary have been approved for, or are currently in the process of being developed with single family residential uses, a recently developed Clovis Unified Elementary School at the southeast corner of the intersection of East Clinton and North Temperance Avenues, and an industrial park further to the south. In addition Official Plan Lines securing future ultimate right-of-way widths and alignments have been adopted for North Temperance and East McKinley Avenues (a planned Super Arterial and Collector street, respectively.) Therefore, the project site is being rapidly encompassed with urban development

Therefore, for the reasons contained within the attached Staff Report to the Planning Commission dated November 07, 2018, and due to the fact that most recent development in the area has also been vested against the contemporary development impact and capacity fee structure, the requested extension of time for the tentative map will not contribute to fiscal sustainability or requirements to achieve revenue neutrality and to cover costs for public infrastructure, public facilities, and public services expansions and connections resultant from substantial new growth in the area over the life of the project.

*D. There have been no changes to the capacities of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is no longer sufficient remaining capacity to serve the project.*

Finding D:	<p>The current Fresno General Plan acknowledges that essential City services are at a minimum level, and further reductions could have an adverse impact on the overall health and safety of residents. Less-essential City programs have been eliminated or severely curtailed, including parks maintenance and operations that come out of the City's General Fund. Many of these changes are likely for the foreseeable future. Similarly, Fresno's aging utility infrastructure has suffered from deferred maintenance. Utility rates had not been kept current to help cover costs.</p> <p>Additionally, the City of Fresno has adopted its contemporary development impact fee and capacity charges in recognition that a fiscal sustainability balance cannot be achieved or maintained due to the infrastructure and service expansion obligations that accompany substantial growth; especially, given the pace the City of Fresno has experienced prior to and over the life of the tentative map and future development. The City of Fresno's past development impact fees and capacity charges have been previously found to (a) only recover costs for some infrastructure benefitting new development; (b) not recover cost for future infrastructure and water supply projects that the City has identified as necessary to meet the demands of growth; (c) fail to recover any cost from non-UGM areas; and, (d) be administratively burdensome.</p> <p>The City's current development impact fee and capacity charges have been adopted and are designed to ensure that the City ongoing tax and/or rate payers are not required to subsidize the costs of facilities benefitting new development and that all parties pay a proportionate share of costs for public systems, infrastructure and assets.</p> <p>Therefore, while sufficient capacity may still exist to serve the proposed project, for the reasons stated herein above and for those reasons cited within the Staff Report to the Planning Commission dated November 07, 2018, the extension of vested rights and the resultant exemption to payment of contemporary development impact fee and capacity charge obligations will not contribute to the achieving the City of Fresno's goals for fiscal sustainability and revenue neutrality and to cover costs for public infrastructure, public facilities, and public services expansions and connections resultant from substantial new growth in the area over the life of the project and future projects.</p>
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Based these analyses, City staff has determined that not all of the required findings above, which are necessary in order to grant an extension of time to the tentative map expiration date can be made.