

Exhibit H

EXHIBIT H
FRESNO MUNICIPAL CODE 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	
<i>A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; and,</i>	
Finding A:	For the reasons contained within the Staff Report to the Planning Commission dated May 20, 2020, such as the promotion of orderly land use development in pace with public facilities and services needed to serve development and the planning for a diverse housing stock that will support balanced urban growth, and make efficient use of resources and public facilities, the proposed project is found to be consistent with the applicable goals, objectives and policies of the Fresno General Plan and West Area 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.
<i>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,</i>	
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 attracting substantial development interest and which meets the General Plan goals and strategies for sequencing of development and growth. 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, 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.

<p><i>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.</i></p>	
<p>Finding C:</p>	<p>The project proposes to amend the Fresno General Plan and West Area Community Plan to achieve the balance of land uses desired by the City of Fresno. This includes but is not limited to emphasizing land conservation and maximizing the efficient use of available underutilized property within a planned residential growth area through the proposed Annexation and Tentative Tract Map applications which will increase the inventory of land available for development of single family residential homes while providing for a variety of market-based options (including affordable housing) to suit a large range of income levels on lands situated within proximity to public facilities, schools and employment opportunities.</p>

ANNEXATION CRITERIA

Section 15-6104 of the Fresno Municipal Code provides that annexation shall not be approved unless the proposed annexation meets all of the following criteria:

Findings Criteria per Fresno Municipal Code Section 15-6104	
<p>A. <i>Concept Plan.</i> <i>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,</i></p>	
<p>Finding A:</p>	<p>Annexation Application No. P19-02239 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. P19-02239 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Dakota-Hayes No. 4 Reorganization; and, approval of the related Concept Plan Connectivity Map prepared for the annexation application.</p>
<p>B. <i>Plan Consistency.</i> <i>The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and,</i></p>	
<p>Finding B:</p>	<p>The proposed annexation is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and West Area Community Plan. Further, the City will coordinate with Fresno County to</p>

	<p>ensure development is not inconsistent with the General Plan on unincorporated land within the Sphere of Influence 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.</p>
<p>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,</p>	
<p>Finding C:</p>	<p>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.</p>
<p>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,</p>	
<p>Finding D:</p>	<p>No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.</p>
<p>E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</p>	
<p>Finding E:</p>	<p>The proposed Pre-zone Application No. P20-02237 has been filed to facilitate annexation of the ±230 acres of land within the subject property boundary to the City of Fresno as well as detachment from the</p>

	<p>Kings River Conservation District and North Central Fire Protection District in accordance with Annexation Application No. P19-02239. The combination of these actions comprises the proposed Dakota-Hayes No. 4 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. P19-02239 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Dakota-Hayes No. 4 Reorganization. Annexation will be required to be completed prior to recordation of a Final Map for Vesting Tentative Tract Map No. 6234/UGM.</p>
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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	
<p>A. <i>Consistency.</i> <i>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></p>	
<p>Finding A:</p>	<p>The proposed project is found to be consistent with all applicable goals, objectives and policies of the Fresno General Plan and West Area Community Plan. Subject to compliance with the Conditions of Approval dated May 20, 2020 and mitigation measures attached hereto, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.</p>
<p>B. <i>Passive and Natural Heating and Cooling.</i> <i>The proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and,</i></p>	
<p>Finding B:</p>	<p>The proposed subdivision has been designed with lot sizes and configuration to provide for future passive and natural heating or cooling opportunities through orienting a majority of the lots in an east-west direction.</p>
<p>C. <i>Availability of Water.</i> <i>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></p>	

<p>Finding C:</p>	<p>The project consists of a subdivision to create and facilitate development of 486 single family residential lots. Therefore, a water supply assessment is not required. Water facilities are available to provide service to the site subject to the conditions listed in the Public Utilities comments dated April 1, 2020</p>
<p><i>D. Infrastructure Capacity.</i> <i>There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision; and,</i></p>	
<p>Finding D:</p>	<p>Pursuant to the findings and representations made within the Public Services section included within the Staff Report to the Planning Commission dated May 20, 2020, 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>
<p><i>E. Compliance with Floodplain Regulations.</i> <i>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.</i></p>	
<p>Finding E:</p>	<p>According to the Fresno Metropolitan Flood Control District (FMFCD), the subject site is not located within a flood prone or hazard area as designated on the latest Flood Insurance Rate Maps available to the District.</p>