Exhibit H

FRESNO MUNICIPAL CODE FINDINGS
ANNEXATION APPLICATION NO. P21-05090
PRE-ZONE APPLICATION NO. P21-05373
VESTING TENTATIVE TRACT MAP NO. 6376

ANNEXATION APPLICATION FINDINGS

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

Findings 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.	
Finding A:	Pursuant to Section 15-6102.B.2.a, this proposed project is not required to create a Concept Plan because there is no more undeveloped land within the Concept Plan Area with a residential land use designation.
B. Plan Consistency. The proposed annexation and parcel configuration is consistent with the General Plan, the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5, Concept Plan, and any applicable operative plan; and	
Finding B:	The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: • **Goal 13:** Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. **Objective LU-1:** Establish a comprehensive citywide land use planning strategy to meet economic development objectives, achieve efficient and equitable use of resources and infrastructure, and create an attractive living environment in accordance with Goal 13 of the Fresno General Plan (see above). **Policy LU-1-e** calls for adopting implementing policies and requirements that achieve annexations to the City that conform to the General Plan planned land use designations and open space and park system, and are revenue neutral and cover all costs for public infrastructure, public facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b. **Policy ED-5-b** requires new residential and commercial development that requires annexation to the City to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms. Approve new residential and commercial development projects that require annexation to the City only after making findings that all of the following conditions are met: • No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project;

- The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development;
- The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and,
- The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

Vesting Tentative Tract Map No. 6376 (T-6376) is required to pay its fair share and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms, including Community Facilities District (CFD) No. 18 providing for Fire and Police services. CFD No. 18 applies to projects that have a proposed single-family or multi-family development on property that has been annexed into the City after October 20, 2022. Furthermore, required connections to City sewer and water will require the property owner to connect and pay all costs associated with those connections, and not requiring the City to pay for the cost of those connections. Conditions of approval and mitigation measures assure the annexation area 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 Fresno General Plan Policy ED-5-b. The developer for T-6376 will be required to pay applicable fees and develop the land according to the requirements for T-6376. 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) T-6376 will fully fund public facilities and infrastructure as necessary to mitigate any impacts; (3) T-6376 will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) T-6376 will fully fund ongoing public facility and infrastructure maintenance and public service costs.

Policy PU-3-h calls for developing annexation strategies to include the appropriate rights-of-way and easements necessary to provide cost effective emergency services.

The proposed pre-zone will pre-zone approximately 34.70 acres of property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RS-5 (*Single-Family Residential, Medium Density*) zone district, consistent with the current planned land use designation (Medium Density Residential) of the Fresno General Plan and Roosevelt Community Plan.

The subject property is not located within any airport influence area identified within the Fresno County Airport Land Use Compatibility Plan.

Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

Subject to compliance with the conditions of approval, 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.*
2. *Fair and Proportional Payments. Projects requiring annexation will not negatively impact City finances.*
    a. *No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project.*
    b. *The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development.*
    c. *The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts.*
    d. *The development will fund its proportionate share of public facility infrastructure, maintenance and public service costs according to the City Council approved Development Impact Fee Schedule and through a uniform application of community facilities district fees.*

Finding C:	Vesting Tentative Tract Map No. 6376 (T-6376) is required to pay its fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms, including Community Facilities District (CFD) No. 18 providing for Fire and Police services. CFD No. 18 applies to projects that have a proposed single-family or multi-family development on property that has been annexed after October 20, 2022, and would apply to T-6376. Furthermore, required connections to City sewer and water will require the property owner to connect and pay all costs associated with those connections, and not requiring the City to pay for the cost of those connections. Conditions of approval and mitigation measures will assure the annexation area 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 Fresno General Plan Policy 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) T-6376 will fully fund public facilities and infrastructure as necessary to mitigate any impacts; (3) T-6376 will pay for public facilities and infrastructure improvements in proportion the development's neighborhood and citywide impacts; and, (4) T-6376 will fully fund ongoing public facility and infrastructure maintenance and public service costs.

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.

Finding D:	The proposed project is not located within a Disadvantaged Unincorporated Community, as shown in Figure LU-3: Disadvantaged Unincorporated Communities of the Fresno General Plan.

E. LAFCO Approval. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.	
Finding E:	The proposed Pre-zone Application No. P21-05373 has been filed to facilitate annexation of approximately 34.70 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and the Fresno County Fire Protection District in accordance with Annexation Application No. P21-05090. The combination of these actions comprises the proposed California-Armstong No. 3 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. P21-05090 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed California-Armstong No. 3 Reorganization.

PRE-ZONE APPLICATION FINDINGS

Section 15-5812 of the Fresno Municipal Code provides that the Planning Commission and City Council shall not approve an application unless the proposed Pre-zone meets the following criteria:

Findings per Fresno Municipal Code Section 15-6103	
A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;	
Finding A:	The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: • **Goal 7:** Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city. • **Goal 13:** Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. • **Objective UF-1** emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types. • **Policy UF-1-a** supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. • **Policy UF-1-d** further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city. • **Objective LU-5** calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities.

	• **Policy LU-5-c** promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities. • **Policy LU-5-h** supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces. The project promotes medium density residential uses that maximize efficient use of the residentially zoned property. The proposed subdivision has slightly smaller lots north of the East California Avenue alignment with slightly larger lots south of the East California Avenue alignment providing a diverse housing stock and variation of building types. The proposed project includes an approximately 21,783 square-foot open space area along the western subdivision boundary, centrally located. Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.
B. The change is consistent with the purpose of the Development Code to promote 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 project site is located within an area which has primarily developed various residential neighborhoods. The subject property is a logical location for further residential expansion, as the subject site is served with public facilities and services needed to provide for increased housing opportunities and is currently planned for single-family residential uses in the Fresno General Plan.
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:	Approval of Annexation Application No. P21-05090, Pre-zone Application No. P21-05373, and Vesting Tentative Tract Map No. 6376 (T-6376) would help contribute to fulfilling the housing needs of the region and increase the inventory of land within the RS-5 zone district to meet market demand. Furthermore, T-6376, once developed, will contribute to the housing inventory for the City.

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	
*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,*	
Finding A:	The subject property is located within the Fresno General Plan and the Roosevelt

	Community Plan of which both plans designate the subject property for Medium Density Residential (5-12 dwelling units per acre) planned land uses. Vesting Tentative Tract Map No. 6376 proposes a 202-lot single-family residential subdivision on approximately 34.70 acres at a density of 5.82 dwelling units per acre. The project is consistent with the following Fresno General Plan goals, objectives, and policies related to residential land use and the urban form: The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form: • **Goal 7:** Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city. • **Goal 13:** Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region. • **Objective UF-1** emphasizes the opportunity for a diversity of districts, neighborhoods, and housing types. • **Policy UF-1-a** supports development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. • **Policy UF-1-d** further emphasizes provisions for a diversity and variation of building types, densities, and scale of development in order to reinforce the identity of individual neighborhoods, foster a variety of market-based options for living and working to suit a large range of income levels, and further affordable housing opportunities throughout the city. • **Objective LU-5** calls for a diverse housing stock that will support balanced urban growth and make efficient use of resources and public facilities. • **Policy LU-5-c** promotes medium density residential uses to maximize efficient use of residential property through a wide range of densities. • **Policy LU-5-h** supports housing that offers residents a range of amenities, including public and private open space, landscaping, and recreation facilities with direct access to commercial services, public transit, and community gathering spaces. The project promotes medium density residential uses that maximize efficient use of the residentially zoned property. The proposed subdivision has slightly smaller lots north of the East California Avenue alignment with slightly larger lots south of the East California Avenue alignment providing a diverse housing stock and variation of building types. The proposed project includes an approximately 21,783 square-foot open space area along the western subdivision boundary, centrally located. Therefore, it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies and will not conflict with any applicable land use plan, policy or regulation of the City of Fresno.

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,*	
Finding B:	The proposed subdivision has been designed with approximately 72 percent of the lots are oriented with east-west facing exposures and take advantage of passive heating and cooling opportunities to the extent feasible by the subdivision design.
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,*	
Finding C:	The project consists of a 202-lot residential subdivision; therefore, a water supply assessment is not required because the number of dwelling units will be fewer than 500. Water facilities are available to provide service to the site subject to the conditions listed in the Department of Public Utilities memorandum.
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:	The project was reviewed by appropriate partner agencies including City of Fresno Department of Public Utilities (DPU) and Fresno Metropolitan Flood Control District (FMFCD), and it was determined from the DPU and FMFCD memorandums that there is sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision, subject to compliance with conditions of approval.
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:	The proposed project site is not located within a designated floodplain or floodway.

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