

EXHIBIT J - FRESNO MUNICIPAL CODE CRITERIA

Annexation Criteria

The Review Authority may not approve an Annexation Application unless it meets the following criteria:

Findings 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.</i></p>	
Finding A:	<p>A Concept Plan is prepared by the applicant when land with Residential Medium Density is proposed to be annexed. A Concept Plan was not required because exception B.2.a. of Section 15-6102 of the Fresno Municipal Code applies; a Concept Plan shall not be required when there is no more undeveloped land within the Concept Plan Area with that residential land use designation. The unincorporated land designated for Residential Medium Density is either developed with single family homes or has an approved Vested Tentative Tract Map No. 5493, which was approved by City Council in 2007. Therefore, no more undeveloped land exists.</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>	
Finding B:	<p>The annexation is consistent with the Fresno General Plan and the West Area Community Plan.</p>
<p>C. <i>Revenue Neutrality.</i></p> <ol style="list-style-type: none"> 1. <i>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.</i> 2. <i>Fair and Proportional Payments. Projects requiring annexation will not negatively impact City finances.</i> <ol style="list-style-type: none"> a. <i>No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project.</i> b. <i>The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development.</i> c. <i>The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts.</i> d. <i>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.</i> 	
Finding C:	<p>Public Services, Facilities, and Utilities. Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation and will not negatively impact the City's finances.</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.*

Finding D:	There are no Disadvantaged Unincorporated Communities within the vicinity or near the proposed annexation area.
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*E. **LAFCO Approval.** The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.*

Finding E:	The City of Fresno, County of Fresno, and LAFCO staff have met and found the proposed annexation is consistent with the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno (MOU).
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Rezone Criteria

The Review Authority may not approve a Rezone Application unless it 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.</i>	
Finding A:	The proposed zone districts are consistent with the Planned Land Use designations of the Fresno General Plan and West Area Community Plan policies and goals.
<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 proposed zone districts are consistent with the purpose of the Development Code. Future development will be subject to compliance with City regulations and standards.
<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>	
Finding C:	The rezone is necessary to achieve the balance of land uses as designated in the Fresno General Plan. This will allow development to move forward within the City limits and creates housing opportunities to the residents of Fresno.