

Exhibit D

FRESNO MUNICIPAL CODE FINDINGS

ANNEXATION CRITERIA

Section 15-6104 of the Fresno Municipal Code (FMC) 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>The proposed project does not include any application for development. Subject to FMC Section 15-6102(B)(2)(a) (Exceptions), “With the exception of the proposed project, there is no more undeveloped land within the Concept Plan Area with a residential land use designation.” The proposed project includes the entirety of the annexation area and no development is proposed because the entirety of the annexation area is made up of a public right-of-way, thus a Concept Plan is not required for Annexation Application No. P26-00103.</p>
<p>B. <i>Plan Consistency.</i> <i>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</i></p>	
<p>Finding B:</p>	<p>The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:</p> <p>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.</p> <p>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).</p> <p>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.</p>

	<p>The subject area proposed for annexation only includes public street right-of-way. The proposed annexation area is not subject to the ALUCP as it is not located in an Airport Influence Area. The land surrounding the subject area are primarily rural residential properties to the north, south, and east, and the San Joaquin River to the west. The proposed annexation of the public street right-of-way is intended to support the City of Fresno’s efforts to improve and maintain public street infrastructure.</p> <p>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.</p>
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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:

Annexation Application No. P26-00103 proposes the annexation of existing street right-of-way, thus no connections to City utilities are required. Additionally, because the annexation area is an existing right of way no City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project and the development proposed here is minor, proposing to construct a small, privately maintained gate.

D. Disadvantaged Unincorporated Communities. *The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate*

<i>and support the annexation process; and,</i>	
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.
<i>E. LAFCO Approval.</i> <i>The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>	
Finding E:	The proposed Annexation Application No. P26-00103 has been filed to facilitate annexation of approximately 2.40 acres of public right-of-way within the subject boundary to the City of Fresno as well as detachment from the Kings River Conservation District and the Fresno County Fire Protection District. This action comprises the proposed Copper-Friant No. 3 Reorganization and ultimately falls under the jurisdiction of the Fresno Local Area Formation Commission (LAFCO). An affirmative action by the Fresno City Council regarding Annexation Application No. P26-00103 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed Copper-Friant No. 3 Reorganization.