

Exhibit O

FRESNO MUNICIPAL CODE FINDINGS

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>Subject to Fresno Municipal Code (FMC) Section 15-6102(B)(2).(a) (Exceptions), land proposed for annexation does not need to create a concept plan if “[w]ith the exception of the proposed project, there is no more undeveloped land within the Concept Plan Area with a heavy industrial use designation.” The area proposed for annexation includes several parcels, all of which are planned for Heavy Industrial land uses. However, all but one parcel proposed for annexation is already developed with various use including but not limited to industrial, agricultural, rural residential, and public facility uses. The only vacant parcel proposed for annexation is the parcel proposed for development with Development Permit Application No. P23-00149. Thus, a Concept Plan is not required for Annexation Application No. P21-05778.</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 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.</p> <p>Policy LU-1-e calls for adopting implementing policies and requirements that achieve annexations to the City that conform to the General Plan</p>

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.

General Plan 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.

Development Permit Application No. P23-00149 will be required to pay their fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms when future development is proposed within the annexation area, including annexation into Community Facilities District (CFD) No. 9 providing for long term maintenance services. CFD No. 9 applies to projects associated with all new commercial, industrial and multi-family developments, and would only apply to the area proposed for development, and not to the already developed parcels subject to annexation under this application. Furthermore, required connections to City sewer and water, at such time as service is available to the applicable properties within the annexation area, 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 P23-00149 will be required to pay applicable fees and develop the land according to the requirements for P23-00149. 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) P23-00149 will fully fund public facilities and infrastructure as necessary to mitigate any impacts; (3) P23-00149 will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) P23-00149 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 15.95 acres of the subject property from the County of Fresno AL 20 (*Limited Agricultural*) zone district to the City of Fresno IH (*Heavy Industrial*) zone district; and approximately 35.77 acres of the subject property from the County AL 20 (*Limited Agricultural*) zone district to the City of Fresno IH/ANX (*Heavy Industrial/Annexed Rural Residential Transitional Overlay*) zone district consistent with the existing underlying Employment – Industrial planned land use, as depicted on Figure LU-1 of the Fresno General Plan.

The proposed project is not located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The proposed warehouse is not considered a hazardous use or structure for aviation that would conflict with the ALUCP requirements, therefore is compatible and consistent with the plan. The project as proposed complies with the Safety Criteria Matrix of 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 future conditions of approval for development, 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; 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>Finding C:</p>	<p>Development Permit Application No. P23-00149 will be required to pay their fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms when future development is proposed within the annexation area, including annexation into Community Facilities District (CFD) No. 9 providing for long term maintenance services. CFD No. 9 applies to projects associated with all new commercial, industrial and multi-family developments, and would only apply to the area proposed for development, and not to the already developed parcels subject to annexation under this application. Furthermore, required connections to City sewer and water, at such time as service is available to the applicable properties within the annexation area, 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 P23-00149 will be required to pay applicable fees and develop the land according to the requirements for P23-00149. 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) P23-00149 will fully fund public facilities and infrastructure as necessary to mitigate any impacts; (3) P23-00149 will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) P23-00149 will fully fund ongoing public facility and infrastructure maintenance and public service costs.</p>
<p><i>D. Disadvantaged Unincorporated Communities.</i> <i>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,</i></p>	
<p>Finding D:</p>	<p>No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.</p>
<p><i>E. LAFCO Approval.</i> <i>The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i></p>	
<p>Finding E:</p>	<p>The proposed Pre-zone Application No. P21-05870 has been filed to facilitate annexation of approximately 80.91 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and Fresno County Fire Protection District in accordance with Annexation Application No. P21-05778. The combination of these actions comprises the proposed North-Cherry No. 3 Reorganization and ultimately fall under the</p>

	jurisdiction of the Fresno Local Area Formation Commission (LAFCO). An affirmative action by the Fresno City Council regarding Annexation Application No. P21-05778 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed North-Cherry No. 3 Reorganization.
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PRE-ZONE APPLICATION FINDINGS

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

Findings per Fresno Municipal Code Section 15-5812	
<i>A. The applicable standards and requirements of this Code.</i>	
Finding A:	The proposed project and use are permitted in the IH – Heavy Industrial zone district. As conditioned, the project will comply with all applicable standards and requirements of the Fresno Municipal Code.
<i>B. The General Plan and any operative plan or policies the City has adopted.</i>	
Finding B:	<p>The project is consistent with the following Fresno General Plan goals and objectives related to land use and the urban form:</p> <ul style="list-style-type: none"> • 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>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.</p> <p>Policy LU-1-e calls for adopting implementing policies and requirements that achieve annexations to the City that conform to the General Plan Land Use Designations and open space and park system, and are revenue neutral and cover all costs for public infrastructure, public</p>

facilities, and public services on an ongoing basis consistent with the requirements of ED-5-b.

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.

Development Permit Application No. P23-00149 will be required to pay their fair and proportional share of needed community improvements through impact fees, assessment districts, and other mechanisms when future development is proposed within the annexation area, including annexation into Community Facilities District (CFD) No. 9 providing for long term maintenance services. CFD No. 9 applies to projects associated with all new commercial, industrial and multi-family developments, and would only apply to the area proposed for development, and not to the already developed parcels subject to annexation under this application. Furthermore, required connections to City sewer and water, at such time as service is available to the applicable properties within the annexation area, 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 P23-00149 will be required to pay applicable fees and develop the land according to the requirements for P23-00149. 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) P23-00149 will fully fund public facilities and infrastructure as necessary to mitigate any impacts; (3) P23-00149 will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts; and, (4) P23-00149 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 15.95 acres of the subject property from the County of Fresno AL 20 (*Limited Agricultural*) zone district to the City of Fresno IH (*Heavy Industrial*) zone district; and

	<p>approximately 35.77 acres of the subject property from the County AL 20 (<i>Limited Agricultural</i>) zone district to the City of Fresno IH/ANX (<i>Heavy Industrial/Annexed Rural Residential Transitional Overly</i>) zone district consistent with the existing underlying Employment – Industrial planned land use, as depicted on Figure LU-1 of the Fresno General Plan.</p> <p>The proposed project is not located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The proposed warehouse is not considered a hazardous use or structure for aviation that would conflict with the ALUCP requirements, therefore is compatible and consistent with the plan. The project as proposed complies with the Safety Criteria Matrix of the Fresno County Airport Land Use Compatibility Plan.</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> <p>Subject to compliance with future conditions of approval for development, the proposed project may be found consistent with all applicable local ordinances, regulations, policies and standards.</p>
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C. Any applicable design guidelines adopted by the City Council.

Finding C:	The proposed project is subject to, and has been conditioned to comply with, all applicable design guidelines adopted in the General Plan by the City Council and the Site Design and Façade Design Development Standards under Chapter 15, Articles 13 of the Development Code for Employment Districts.
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D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

Finding D:	Annexation Application No. P21-05778 and Pre-zone Application No. P21-05870 will be consequently approved with Development Permit Application No. P23-03993.
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E. 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.

Finding E:	The proposed project is not located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The proposed warehouse is not considered a hazardous use or structure for aviation that would conflict with the ALUCP requirements, therefore is compatible and consistent with the plan. The project as proposed
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	complies with the Safety Criteria Matrix of the Fresno County Airport Land Use Compatibility Plan.
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