

## Exhibit E

## **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:

| <b>Findings Criteria per Fresno Municipal Code Section 15-6104</b>                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>A. <i>Concept Plan.</i></b> <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>                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Finding A:                                                                                                                                                                                                                                                                                                                                                                                    | The proposed project does not include any application for development at this time. Subject to FMC Section 15-6102(B)(2)(a) (Exceptions), “[a]pplications with the following circumstances shall not be required to prepare a Concept Plan ... [w]ith the exception of the proposed project, there is no more undeveloped land within the Concept Plan Area with a residential land use designation.” The area surrounding the land to be annexed is entirely developed with residential neighborhoods including single-unit homes and condominiums. The land to be annexed is pre-zoned for residential use and is partially developed with two single-unit residences. Thus, a Concept Plan is not required for Annexation Application No. P24-02150.                                                                                                                                           |
| <b>B. <i>Plan Consistency.</i></b> <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> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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> <p><b>Goal 13:</b> 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><b>Policy LU-1-e</b> 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 Policy ED-5-b.</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.

**Policy ED-5-b** Require 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.

All future residential development projects 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. 18 providing for Fire and Police services. Any new construction of residential dwellings within the proposed annexation boundary will be required to annex into CFD No. 18 to offset Police and Fire costs associated with the annexation.

Conditions of approval and possible mitigation measures, which could be applied to future projects, 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 General Plan Policy ED-5-b. Upon future development the developer will be required to pay applicable fees and develop the land according to the requirements listed under the approved map.

The proposed annexation area was pre-zoned with approval of Rezone Application No. R-17-020 which pre-zoned the property from R-1 (*Single Family Residential*) to RS-5 (*Single-Unit Residential, Medium Density*) consistent with the current planned land use designation of the Fresno General Plan and the Bullard Community Plan.

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The proposed project is located within the area of influence under the Fresno County Airport Land Use Compatibility Plan (ALUCP). The project is in Traffic Pattern Zone (TPZ) 6. TPZ 6 has no limit on dwelling units per acre and requires review for structures over 100 feet tall. There is no proposed development, but the applicable zone district (RS-5) has a height limitation of 35 feet. Therefore, the project is in compliance with the Fresno County ALUCP.</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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>C. Revenue Neutrality. (1) Public Services, Facilities, and Utilities.</b> 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, <b>(2) Fair and Proportional Payments.</b> 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>The land proposed for annexation is substantially surrounded by previously developed land already within City limits. Therefore, the land proposed for annexation will be able to access City provided public services, facilities, and utilities by connecting with the existing surrounding infrastructure. Future development projects 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 Community Facilities District (CFD) No. 18 providing Fire and Police services. Any new construction of residential dwellings within the proposed annexation boundary will be required to annex into CFD No. 18 to offset Police and Fire costs associated with the annexation.</p> <p>Conditions of approval and possible mitigation measures which could be applied to future projects 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 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) Future development projects will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from future development; (3) Future development projects will pay for public facilities and infrastructure improvements in proportion to all future development's neighborhood and</p> |

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|                                                                                                                                                                                                                               | citywide impacts; and, (4) Future development projects will fully fund their proportionate share of public facility infrastructure maintenance and public service costs according to City Council approved Development Impact Fee Schedules.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b><i>D. Disadvantaged Unincorporated Communities.</i></b> <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> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Finding D:                                                                                                                                                                                                                    | No Disadvantaged Unincorporated Communities are identified adjacent or within the vicinity of the proposed annexation boundary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b><i>E. LAFCO Approval.</i></b> <i>The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.</i>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Finding E:                                                                                                                                                                                                                    | The proposed Annexation Application No. P24-02150 has been filed to facilitate annexation of the approximately 1.89 acres of land within the subject property boundary to the City of Fresno as well as detachment from the Kings River Conservation District and North Central Fire Protection District. This action comprises the proposed San Jose-Maroa No. 2 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. P24-02150 will authorize the filing of an application with LAFCO to initiate proceedings for the consideration of the proposed San Jose-Maroa No. 2 Reorganization. |