



City of Fowler
128 S. 5th Street
Fowler, California 93625

FWLER PLANNING COMMISSION MEETING AGENDA
October 3, 2019
6:30 P.M.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Council Chamber or to otherwise participate at this meeting, including auxiliary aid or services, please contact City Clerk Jeannie Davis at (559) 834-3113 ext. 102. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to City Council/ Planning Commission Meetings. The City of Fowler is an equal opportunity employer and provider.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes for August 1, 2019.
4. Public Presentation – (This portion of the meeting reserved for persons desiring to address the Commission on any matter (within the purview of the Commission) that is not on this agenda. Presentations are limited to five minutes per person and no more than 15 minutes per topic).
5. Public hearing to consider Vesting Tentative Subdivision Map (VTSM) No. 6274, Zoning Ordinance Amendment (Rezone) No. 19-02, annexation to the City of Fowler (Annexation Request No. 19-02), and adoption of a Mitigated Negative Declaration, submitted by Woodside 06N, LP for approximately 19.25 acres at the northwest corner of East Sumner Avenue and South Sunnyside Avenue.

Consider Adoption of Resolution No. 645 recommending approval of a Mitigated Negative Declaration for Vesting Tentative Subdivision Map No. 6274, Zoning Ordinance Amendment No. 19-02, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

Consider Adoption of Resolution No. 646 recommending approval of Zoning (prezoning) Ordinance Amendment No. 19-02, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

Consider Adoption of Resolution No. 647 recommending approval of Vesting Tentative Tract Map No. 6274, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

6. Public Hearing to consider Conditional Use Permit Application No. 17-03 proposing to remove the existing use and replace it with a new, more modern facility to be called the Buford Oil Co. Travel Center. The proposed expansion will utilize the entire 19 acres and in addition to a newer diesel truck fueling and automobile gas fueling facility, weigh station, and convenience store, the expanded development will also include a hotel, two quick-serve and one sit-down family style dining options, and a truck wash, tire and lube center.

7. Communication
8. Adjournment

Next Resolution No.: 649

CERTIFICATION: I, Sennaida Zavala, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Friday, September 27, 2019.



Sennaida Zavala
Planning Secretary

MINUTES OF THE FOWLER CITY PLANNING COMMISSION MEETING
August 8, 2019

Chair Mellon called the meeting to order at 6:31 p.m. Roll call was taken.

Commissioners Present: Mellon, Kandarian, Mukai

Commissioners Absent: Mejia, Fernandez

City Staff Present: City Manager Davis, City Attorney Cross, Planning Consultants Marple, Planning Secretary Zavala

APPROVAL OF MINUTES FOR June 6, 2019:

Commissioner Kandarian made a motion to approve the minutes for June 6, 2019, seconded by Commissioner Mukai. Motion carried by unanimous voice vote.

AGENDA ITEM NO. 5

Public hearing to Consider Conditional Use Permit No. 19-01 to authorize minor improvements/additions to the existing cellular communication tower and support structure at 114 North Sumner Avenue (APN 343-340-01).

Chair Mellon had to recuse himself, which didn't allow for a quorum. Commissioner Kandarian made a motion of continuance for CUP 19-01 to next regular Planning Commission meeting on September 5th, 2019. The motion was seconded by commissioner Mukai. Motion carried by unanimous voice vote.

AGENDA ITEM NO. 6

COMMUNICATIONS:

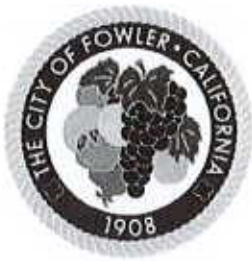
a. City Planner report

Ms. Marple presented a Planning Department report. The General Plan Update will be presented to Commission in September in a workshop. Ms. Marple mentioned there will be a project coming to Commission in October 2019. The project will be located on the northwest corner of Manning and Golden State. The project needed to be out for public comment for 45 days, and will be presented in October for Commission for consideration.

Ms. Marple gave an update of the Growth Management. The City of Fowler is required to stay at or below a 6% annual growth population and not exceed 3% for the 5-year rolling growth population. The last update was given in September 2018. Ms. Marple explains that we are still within the allowed growth for 2018. There were 35 finalized permits for 2018, which gave us a 1.8% growth for the annual allowed growth, and 2.1% for the rolling 5-year growth. The estimated growth for next year staff is anticipating 62 new permits for dwelling units; which will still allow us to be in compliance with the Growth Ordinance.

Commissioner Mukai asked to be informed of City Councils decisions on projects that Commission approved to be reviewed by Council.

Commissioner Mukai made a motion to adjourn, motion seconded by Commissioner Kandarian. Motion carried and meeting was adjourned at 6:50 PM.



TO: Fowler Planning Commission

FROM: Dawn E. Marple, City Planner

SUBJECT: Public hearing to consider Vesting Tentative Subdivision Map (VTSM) No. 6274, Zoning Ordinance Amendment (Rezone) No. 19-02, annexation to the City of Fowler (Annexation Request No. 19-02), and adoption of a Mitigated Negative Declaration, submitted by Woodside 06N, LP for approximately 19.25 acres at the northwest corner of East Sumner Avenue and South Sunnyside Avenue.

DATE: October 3, 2019

I. RECOMMENDATION

Recommend that the City Council approve VTSM 6274, approve Prezone Application No. 19-02, Approve Annexation request No. 19-02, and adopt a Mitigated Negative Declaration for said actions.

II. BACKGROUND/PROJECT DESCRIPTION

In May 2019, Woodside 06N, LP submitted a tentative map application proposing to subdivide the land at the northwest corner of East Sumner Avenue and South Sunnyside Avenue (APN 343-020-15).

VTSM No. 6274 proposes 100 single-family lots on 19.25 acres. The site is within the City's Sphere of Influence but is not currently within the City limits. An annexation (Application 19-02) is associated with the Project and will be acted on separately by the City Council. The General Plan Designation for the site is split between Medium Low Density Residential and Medium Density Residential. The site is currently zoned AE-20 by Fresno County. Proposed zoning is R-1-5 (One Family Residential – 5,000 square foot minimum lot size). Proposed lot sizes range between 5,000 and 8,899 square feet. This range of sizes is consistent with the General Plan, which prescribes a density of 3.7-5.5 dwelling units per gross acre (du/ga) for

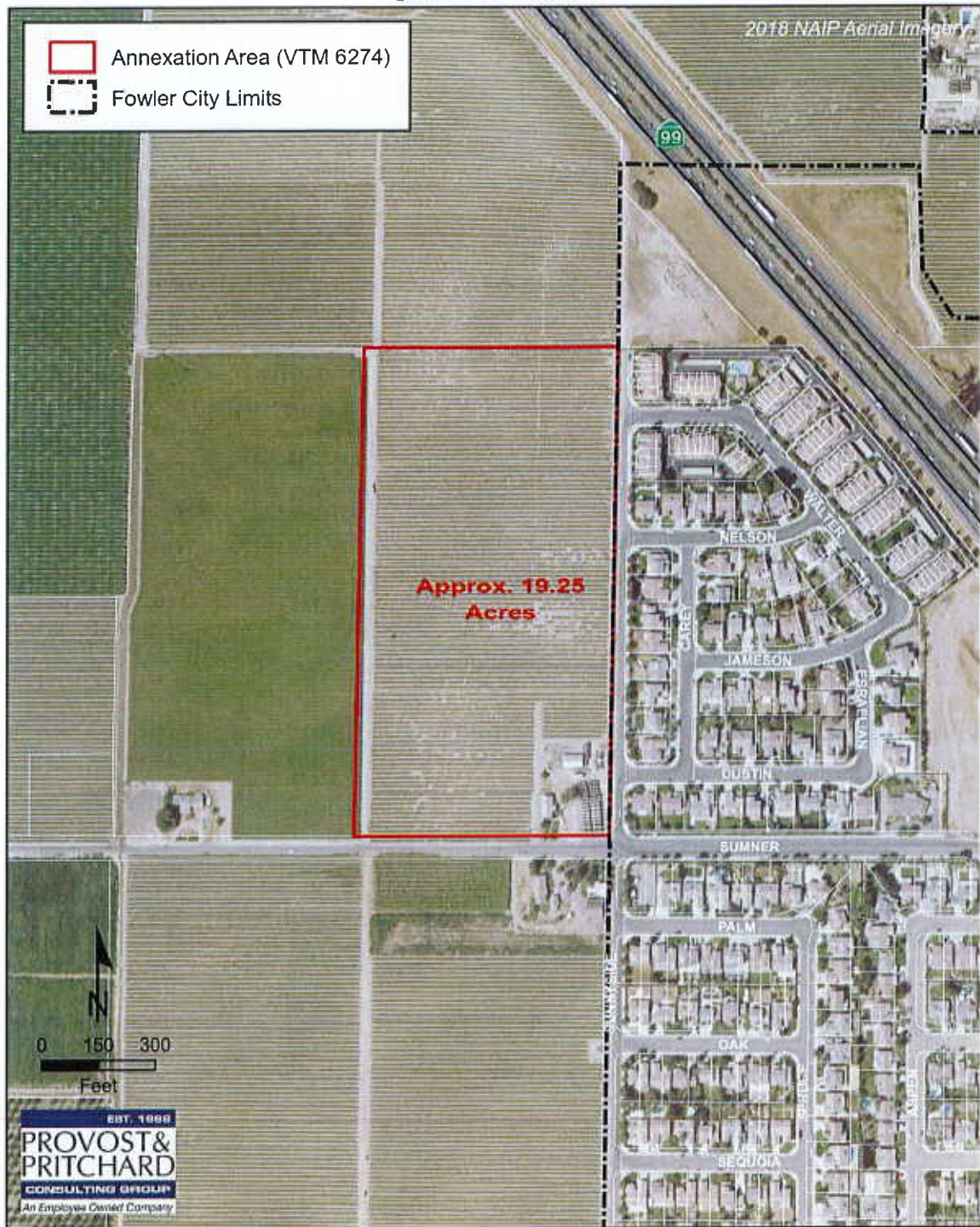
Medium Low Density Residential and a density of 5.6-13.5 du/ga for Medium Low Density Residential. Based on the acreage of each General Plan Land Use within the project site, development must provide between 4.9 and 8.7 du/ga in order to maintain consistency; VTSM 6274 proposes a density of approximately 5.19 du/ga and thus meets the density provisions of the General Plan.

Development of VTSM No. 6274 is expected to occur over a 2.5-year period with project construction beginning in 2020 and completed by 2022/2023. At 3.2 persons per household, the 100-unit project will accommodate approximately 320 people.

Circulation within the site would be provided by a system of four interior local streets generally forming a grid pattern, with cul-de-sacs proposed at locations where through-streets are not possible or practical. The interior circulation system will connect to the City's existing collector street system on South Sunnyside Avenue, located on the east side of the subdivision. No access to either East Sumner Street or to the north is proposed. Street connections to the west are proposed to allow for future circulation.

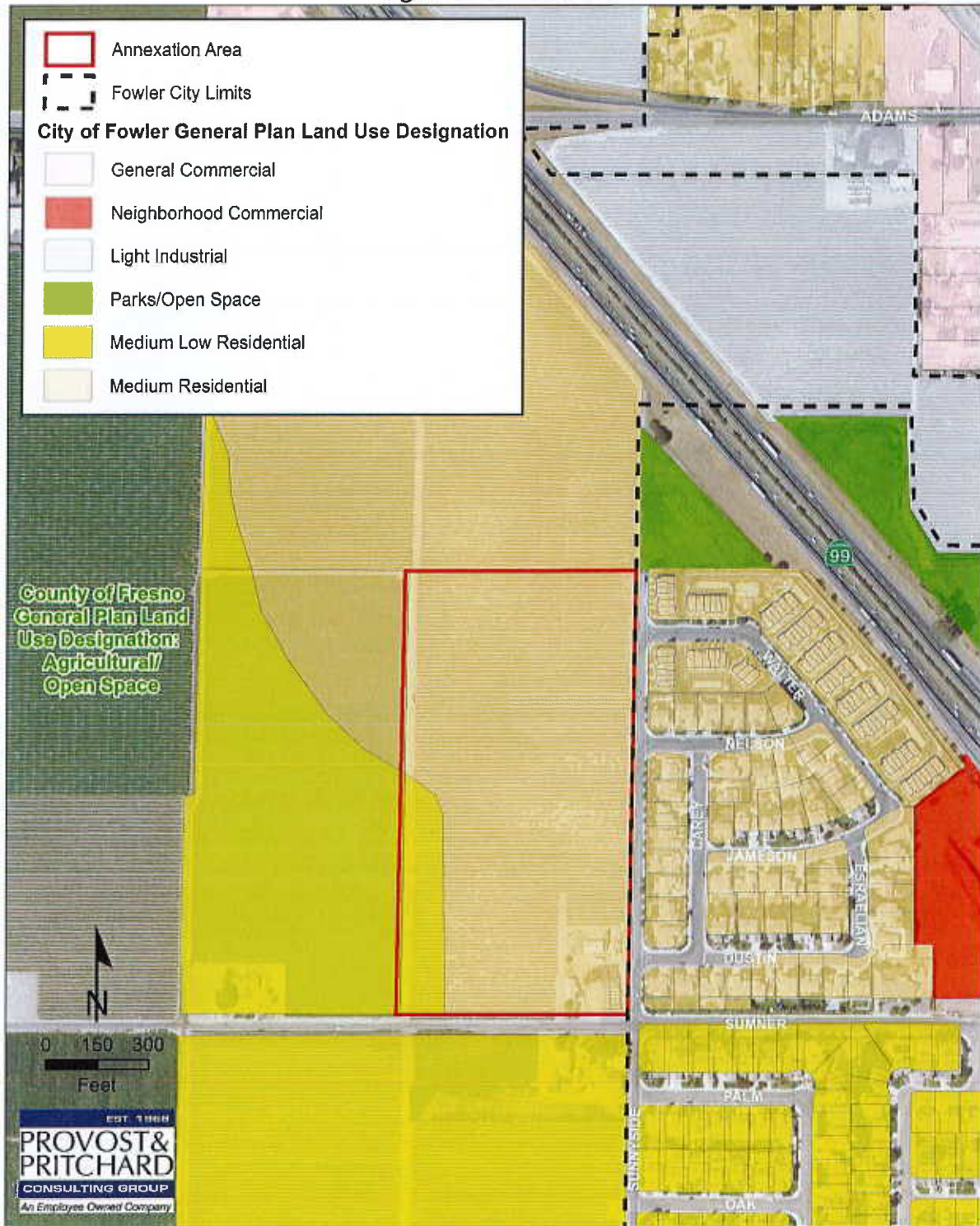
Figure 1 contains an aerial photo showing the project site in relation to other facilities. Figure 2 shows the Fowler General Plan land use designations. Figure 3 illustrates the zoning of the site and vicinity. Figure 4 contains proposed Vesting Tentative Subdivision Map No. 6274.

Figure 1: Aerial Photo



9/4/2019 : G:\Fowler_City of 2619\261919005-Woodside Homes Tract 6274\GIS\Map\APE.mxd

Figure 2: General Plan



7/30/2019 : G:\Fowler_City of-2619\261919005-Woodside Homes Tract 6274\GIS\Map\GenPlan.mxd

Figure 3: Zoning



[illegible]

Adjacent land uses and zoning are:

| | | |
|-------|--|----------------------|
| North | Agriculture | AE-20 (County) |
| West | Agriculture | AE-20 (County) |
| South | Rural Residences, Agriculture | AE-20 (County) |
| East | Single-Family subdivision/condominiums | R-1-7, R-2/P1 (City) |

Proposed Homes Within the Subdivision. The developer has not provided floor plans or elevations. If approved, the developer/builder will be required to comply with the provisions of Fowler Municipal Code (FMC) Section 9-5.1605 related to single-family design criteria. The developer/builder will be required to submit elevations for consideration by the Development Review Committee prior to issuance of a building permit for any lot within the subdivision.

III. ANALYSIS

3.1 Growth Management Policy

In 2004, the City Council adopted a growth management policy to implement the desired growth rate contained in the General Plan without creating adverse effects on City services and the Fowler Unified School District. The policy is to be reviewed with each subdivision application. Policy No. 1 of the Growth Management Policy states, "The desirable annual population and housing growth rate should not exceed the average of the planned growth rate through 2025 of 3% over any five-year period (50-60 units), and should not exceed 6% in any single year (80-90 units)."

Even with a mild upswing in the number of dwellings constructed in 2017 and 2018, the City remains well below the 3% and 6% growth rates, respectively. At the assumed rate of development mentioned above, the project is expected to contribute approximately 40 building permits towards the overall growth rate.

Fowler Unified School District. Students from the project would attend Marshall Elementary (K-2), Fremont Elementary (3-5), Sutter Middle School (6-8), and Fowler High School (9-12). The student generation factor within Fowler Unified has ranged between 0.5 and 0.6 students per household, indicating that the proposed project would generate 50 to 60 students.

In accordance with State Law, any new development will be subject to school development fees as a condition of building permit to offset potential impacts to schools. These funds, in combination with bond financing authorized by District voters and State assistance will provide facilities and reduce overcrowding in the long-term.

3.2 Vesting Tentative Subdivision Map No. 6274

VTSM No. 6274 proposes 100 single-family lots in a proposed R-1-5 zone district ranging from 5,000 square feet to 8,899 square feet. As previously discussed, this range of sizes results in a number of lots that is consistent with the General Plan designation.

The California Subdivision Map Act (Gov. Code Sec. 66410, et seq.) allows local agencies to regulate the design and improvement of subdivisions. The City's Subdivision Ordinance provides more detailed requirements for design and improvement as well as processing applications. Staff has met with the developer and the project engineer to discuss relevant issues and the resulting configuration generally meets the City's requirements.

Remaining points of discussion include:

1. Development of a collector street along the northern portion of the subdivision. The adopted circulation map shows the alignment of a collector street within the Project. The City of Fowler is in the process of updating its General Plan and local ordinances to gain consistency with the overall goals and needs of the city. Among these changes is correcting the Circulation Plan to reflect existing development patterns. The Circulation system envisioned for the General Plan update would form a complete street pattern having both motor vehicle traffic lanes and bicycle traffic lanes and would re-align the subject collector street to be located along the northern boundary of VTSM 6274. ~~Conditions are recommended to require VTSM 6274 to dedicate the right-of-way needed and to construct one-half width of the collector.~~ Walter Avenue runs east and west along the northern portion of VTSM 6274 and will be constructed as shown at a 60-foot right-of-way implementing the General Plan Circulation Element and forming a complete street pattern.
2. Open Space. General Plan Policy 4.3.16.b requires that single-family projects include 5% open space within the project site. This is in addition to any required development fees. The tentative map provides a 0.99 acre park/open space area in conformance with the General Plan Policy.
3. Traffic Study: The City completed a traffic study for the southwest area including this parcel. The developer will be required to reimburse the City a "fair share" of the study's cost as well as install recommended improvements and/or pay traffic mitigation fees generated from the study. Installation of a southbound ~~left-right~~-turn pocket in S. Sunnyside Avenue is also required.

Grounds for Approval of a Tentative Map. The Subdivision Map Act (Sec. 66474) requires that a City makes the following findings prior to approval of a tentative map:

1. *That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.*

Based on the acreage of each General Plan Land Use within the project site, development must provide between 4.9 and 8.7 du/ga in order to maintain consistency; VTSM 6274 proposes a density of approximately 5.19 du/ga and thus meets the density provisions of the General Plan. The proposed project is consistent with the 2004 Fowler General Plan

Because the rezoning and annexation request is for land located contiguous to existing development where public facilities and services are available, the requested annexation is consistent with the General Plan policies related to logical and efficient growth and prevention of premature conversion of agricultural land.

2. *That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The City is empowered to regulate the design and improvement of subdivisions by the Subdivision Map Act and the City's Subdivision Ordinance. Based on meetings between staff and the development team the project has been reconfigured to meet the City's design requirements. Conditions of approval will ensure consistency with General Plan standards and policies.

3. *That the site is physically suitable for the type of development.*

The site is generally flat and level and is capable of supporting single-family development.

4. *That the site is physically suitable for the proposed density of development.*

Infrastructure needed to serve the development is located within adjacent public rights-of-way, or its installation will be required as conditions of approval. The flat, level nature of the site in conjunction with the proximity of infrastructure and project conditions ensure that the site is physically suitable for the proposed density of development density of the project

5. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure a fish or wildlife habitat.*

An initial study was prepared to evaluate the potential impacts of the subdivision on the environment. The initial study determined that, with incorporation of recommended mitigation, the subdivision would have a less than significant impact on the environment.

6. *That the design of the subdivision or type of improvements is not likely to cause serious*

public health problems.

There is no evidence in the record that the project is likely to cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The project will not conflict with easements.

With conditions, including those related to open space, all of the above findings can be made

3.3 Prezone No. 19-01

The project proposes prezoning to the R-1-5 (One Family Residential – 5,000 square foot minimum lot) zone district, which would allow lots with a minimum area of 5,000 square feet and would facilitate development at a density consistent with the range prescribed in the Medium Low Density and Medium Density residential designations.

3.4 Annexation to the City of Fowler

If the project is approved by the City Council, an application for annexation can be submitted to LAFCo. However, recommendations for annexation are not within the purview of the Commission; annexation is acted upon independently by the Council.

V. CEQA

The proposed project has been reviewed for compliance with CEQA. The City prepared an initial study and on this basis determined that the proposed project will not have significant adverse effects on the environment with incorporation of recommended mitigation. The City has prepared a proposed Mitigated Negative Declaration in accordance with CEQA requirements. Comments received on the proposed Mitigated Negative Declaration and responses are attached for Commission review.

Attachments

Comments and Responses on the proposed Negative Declaration
Planning Commission Resolutions

RESOLUTION NO. 645

**RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION RECOMMENDING APPROVAL OF A MITIGATED NEGATIVE DECLARATION
FOR VESTING TENTATIVE SUBDIVISION MAP NO. 6274 AND ZONING ORDINANCE
AMENDMENT NO. 19-02
(WOODSIDE 06N, LP)**

WHEREAS, applications for Vesting Tentative Subdivision Map No. 6274 and Zoning Ordinance Amendment No. 19-02 have been submitted for APN 343-020-15 located on the northwest corner of East Sumner Avenue and South Sunnyside Avenue; and

WHEREAS, a duly noticed public hearing was held on this matter by the Planning Commission on October 3, 2019; and

WHEREAS, the City of Fowler caused to be prepared an Initial Study for the Project to evaluate potentially significant adverse environmental impacts; and

WHEREAS, the City caused to be prepared a Mitigated Negative Declaration for the Project; and

WHEREAS, the Mitigated Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., and the Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

WHEREAS, the Planning Commission has independently reviewed and considered the Mitigated Negative Declaration and has evaluated and considered all comments, written and oral, received from persons who reviewed the Mitigated Negative Declaration, or otherwise commented on the Project.

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. Finds that the Initial Study and Mitigated Negative Declaration for the Project are adequate and have been completed in compliance with CEQA and the State CEQA Guidelines.
- b. Finds and declares that the Planning Commission has independently reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration prior to recommending approving the Project.

Finds on the basis of the whole record before it, including the Initial Study, Mitigated Negative declaration, and any comments received, that there is no substantial evidence in the record that the Project will have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends to the City Council that the Mitigated Negative Declaration for Zoning Ordinance Amendment No. 19-02 and VTSM No. 6274 be adopted with mitigation measures as contained in Exhibit "A".

Chairman of the Planning Commission

Attest:

Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner _____ and seconded by Commissioner _____ on the 3rd day of October, 2019, by the following vote to wit:

AYES: Commissioners: _____

NAYS: Commissioners: _____

ABSTAIN: Commissioners: _____

ABSENT: Commissioners: _____

Exhibit "A"

Mitigation Measures

Mitigation Measure Bio-1:

Prior to ground disturbance, a biological resources field survey shall be performed by a qualified biologist. The biological resources field survey shall be conducted no more than 30 days prior to the start of construction and shall be submitted to the Planning Department prior to issuance of grading permits.

Mitigation Measure Bio-2:

Prior to the start of construction, if active nests are discovered near work areas, the biologist shall determine and recommend appropriate construction setback distances based on applicable CDFW and/or USFWS guidelines and/or the biology of the species in question. The Project proponent shall ensure that construction buffers meeting the biologist's recommendations are identified with flagging, fencing, or other easily visible means, and shall ensure that the buffers are maintained until the biologist has determined that the nestlings have fledged.

Mitigation Measure CUL-1

Prior to submittal of a final map, the developer shall retain the services of a qualified professional to evaluate structures on-site for purposes of determining if the structures are eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4850, et seq.). If the structures are determined to be eligible for listing, said structures shall not be demolished and the final maps shall be revised to allow structures eligible for listing to remain intact. Final maps revised in accordance with this mitigation measure may be found to be in substantial conformance with the approved tentative map.

Mitigation Measure CUL-2:

If structures on the Project site are found by a qualified professional, to be eligible for listing in the California Register of Historical Resources, said structures shall be properly recorded with the SSJVIC.

Mitigation Measure CUL-3:

Should archaeological remains or artifacts be unearthed during any stage of Project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the Project proponent shall abide by recommendations of the archaeologist.

Mitigation Measure CUL-4:

In the event that any human remains are discovered on the project site, the Fresno County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have

been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent (MLD) of the deceased Native American.

RESOLUTION NO. 647

**RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION RECOMMENDING APPROVAL OF
VESTING TENTATIVE TRACT MAP NO. 6274
(WOODSIDE 06N, LP)**

WHEREAS, Vesting Tentative Tract Map No. 6274 has been submitted for 19.25 acres (APN 343-020-15) located on the northwest corner of East Sumner Avenue and South Sunnyside Avenue; and

WHEREAS, a duly noticed public hearing was held on this matter by the Planning Commission on October 3, 2019; and

WHEREAS, the City prepared an initial study and on this basis determined that the proposed project will not have significant adverse effects on the environment and has prepared a proposed Mitigated Negative Declaration in accordance with requirements of CEQA; and

WHEREAS, the Planning Commission made the following mandatory findings for the Tentative Tract Map approval as prescribed by the State Subdivision Map Act (Sec. 66474):

1. *That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.*
2. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*
3. *That the site is physically suitable for the type of development.*
4. *That the site is physically suitable for the proposed density of development.*
5. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure a fish or wildlife habitat.*
6. *That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*
7. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

WHEREAS, the City prepared an initial study and on this basis determined that the proposed project will not have significant adverse effects on the environment and has adopted Mitigated Negative Declaration in accordance with requirements of CEQA; and

WHEREAS, said Commission as a result of its inspections, investigations, and studies made in its behalf and of testimonies offered at said hearing, has established that the best interests of the City of Fowler and of its residents is to approve Vesting Tentative Tract Map No. 6274 as shown on Exhibit "A" and subject to the Conditions of Approval attached as Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler hereby recommends that the City Council approve Vesting Tentative Tract Map No. 6274:

Chairman of the Planning Commission

Attest:

Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner _____ and seconded by Commissioner _____ on the 3rd day of October, 2019 by the following vote to wit:

AYES: Commissioners: _____

NAYS: Commissioners: _____

ABSTAIN: Commissioners: _____

ABSENT: Commissioners: _____

Exhibit "B"
Conditions of Approval VTSM No. 6274

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. The design and improvement of the subdivision shall conform to Titles 1 through 15 of the City of Fowler Subdivision Ordinance and to the City of Fowler Standard Specifications ("Standard Specifications"), unless otherwise specified in these conditions.
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. The applicant shall pay all fees as required by existing ordinances and schedules.
5. All water wells and septic systems that served the property shall be abandoned pursuant to City, County, and State standards.
6. The applicant shall pay all fees as required by existing ordinances and schedules.
7. All public infrastructure improvements must be deemed substantially complete by the City Engineer prior to the issuance of building permits.
8. As many energy-conserving features as possible shall be included in the project. Examples include, but are not limited to, increased wall and ceiling insulation, EPA-certified fireplace inserts and/or wood stoves or natural gas fireplaces, electrical and natural gas outlets installed around the exterior of the units to encourage use of electric yard maintenance equipment and gas-fired barbecues, and each home wired for computers/internet and electronic meter reading.
9. To reduce construction noise, construction contracts shall require that all equipment be maintained according to the manufacturers' specifications, and that noise-generating equipment be equipped with mufflers.
10. Hours of construction shall be limited to the hours of 6:00 am to 7:00 pm, Monday through Saturday.
11. ~~The developer shall provide concrete pads and walkway within the side yards adjacent to garages for the placement of trash/recycling containers behind the rear yard fences/gates. All trash/recycling containers shall be placed out of public view except on the days of collection. The developer shall disclose this requirement to the future homeowners within the subdivision.~~
12. Crosswalks shall be provided across Street 'A' and Street 'B' to ensure pedestrian safety for access to the park area. A crosswalk shall also be provided at Sumner and Sunnyside Avenues. ~~in areas determined by the City Engineer, Public Works Director and Community Development Director and~~ these crosswalks shall be decorative such as thermoplastic pavement striping and/or stamped and colored concrete.
13. Projects shall include all street lights, street signs, stop signs, and other designated by the City for street call names and traffic control. All signs shall be provided per City Municipal Code and shall be in like kind constructed on adjacent streets.
14. The developer shall annex to the City Lighting and Landscape Maintenance District.

15. Per Public Works Standard Drawing W-2, fFire hydrants shall be spaced at a distance not to exceed ~~400~~ 300 feet ~~on center~~ and shall be valved separately from the water main. Locations shall be approved by the City Engineer, and Fire Chief, ~~and the City of Fowler.~~
16. The developer shall comply with the provisions of FMC Section 9-5.1605 related to single-family design criteria prior to recordation of a final map.

Final Map:

17. A right-to-farm covenant shall be recorded prior to recordation of the final map.
18. The minimum frontage of each lot shall comply with the City of Fowler Zoning Ordinance.
19. Lots adjacent to Sumner Avenue and Sunnyside Avenue shall have no direct access to said streets.
20. Street right of way and pedestrian/utility easements shall be dedicated to the City of Fowler as indicated on the tentative map.
21. Street names shall be verified by City staff prior to finalizing the final map. Street names shall be consistent with streets along similar alignments throughout the City

Circulation:

22. The developer shall mitigate the project's traffic impacts at the intersection of E. Sumner Avenue/ Sunnyside Avenue and the future unnamed collector street/Sunnyside Avenue, through payment of a fair share contribution to intersection improvements including the installation of traffic signal(s).
23. The intersection of Sumner Avenue and Sunnyside Avenue shall be improved to include a southbound right ~~left~~ turn pocket. Developer shall dedicate right of way necessary to construct this improvement.
24. ~~Avenue 'A' shall be extended to the north boundary of the subdivision as a stub street for development occurring to the north. A street barricade shall be placed at the north terminus of the street.~~
25. Developer shall construct curb, gutter and a 5-foot sidewalk, street lighting and public right of way landscaping along Sumner Avenue and Sunnyside Avenue frontages. A pavement overlay may be required beyond the centerline to provide for a smooth transition. Transition grade greater than 4 percent will not be allowed. The street section shall be striped for two-way traffic and approved by the City of Fowler.
26. Additional street right-of-way shall be dedicated such that a 72-foot right-of-way is provided along Sunnyside Avenue and a 70-foot right-of-way is provided along Sumner Avenue.
27. Developer shall construct curb extensions along A and B Avenues to calm traffic.
28. ~~LED S~~street lights shall be constructed per City Standards along Sumner Avenue and Sunnyside ~~Street~~ Avenue along the frontage of the project. LED bulbs shall be installed in the City Standard street lights.
29. Local street pavement section shall be a minimum of 2.5 inches of hot mix asphalt over 5 inches of Class II aggregate and verified by a project soils report.

30. A geotechnical report shall be prepared to provide the recommended street pavement section on Sunnyside Avenue and Sumner Avenue. A traffic index of 6 shall be used in the pavement analysis.
31. Traffic and street signs shall be installed by the Owner/Developer per City requirements.
32. Prior to submitting a final map, the developer shall submit a revised map for review and approval by the Planning Department and City Engineer.
33. E. Sumner Avenue and Sunnyside ~~Street~~ Avenue shall be constructed to provide one travel lane, a bike lane, and an 8-foot shoulder in the eastbound direction and one travel lane in the west bound direction along the frontage of the project.
34. Developer shall pave one-half width and construct curb, gutter and a 5-foot sidewalk on the future unnamed collector street/Sunnyside Avenue located along the northern boundary of the proposed tract. A temporary turnaround may be required to allow for return traffic while the remainder of the collector street is undeveloped. Subject to negotiation between the developer and the City, the developer may be allowed to bond for the construction of said improvements.

Water:

35. A looped water system be developed within the subdivision and be tested and accepted by the City of Fowler Public Works Department. Each parcel shall be equipped a water meter/box.
36. All interior water mains shall be an 8-inch water main and loop within each phase of development. The completed interior water system shall be connected to the 12-inch water mains in the major collector streets at each entrance street.
- ~~37. Fire hydrants shall be installed at 300-foot intervals at the locations specified by the Fire Chief and City Engineer.~~
38. Two water sample stations shall be installed within the subdivision at the locations specified by the Public Works Director.
39. Applicant shall dedicate property (Lot 30) for placement of TCP water treatment facilities to treat water supplied by nearby Well 8A. Costs of the dedicated property will be eligible for reimbursement.

Sewer:

40. The developer shall comply with the conditions set forth by Selma-Kingsburg-Fowler County Sanitation District and pay all associated fees.

Grading and Drainage:

41. A grading and drainage plan shall be submitted for review and approval by the City Engineer. The developer shall obtain a grading permit for all on-site grading work.
42. The developer's engineer shall provide drainage calculations for the subdivision. Developer shall direct drainage to the basin east of State Route 99 adjacent to 10th Street or another suitable location approved by the City Engineer. Any system upgrades, including upsizing of existing pipes and associated facilities, shall be constructed with the

subdivision's infrastructure improvements and shall be the responsibility of the developer.

43. The developer's engineer shall submit a storm drain plan and hydraulic calculations showing location of inlets, manholes, and pipelines (including sizing) to City Engineer for review and approval prior to preparation of improvement plans.
44. The developer shall obtain an NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction. Developer shall supply City with the approved SWPPP and WDID number.
45. As a part of the mitigation measures for soil erosion, the developer shall be responsible for street sweeping during the one-year warranty period.

Aesthetics:

46. A landscape and irrigation plan shall be submitted for review and approval by the City Engineer for the park and areas along the frontage of South Sunnyside Avenue and ~~East South~~ Sumner Avenue.
47. Lots comprising a minimum of 5% of the total project site shall be reserved and developed as open space. Proposed improvements shall include benches, play structure, concrete flatwork and landscaping as approved by the City Engineer.
48. A 6-foot high decorative block wall shall be constructed on lots adjacent to Sunnyside Avenue and Sumner Avenue. Block walls shall be treated with an approved anti-graffiti coating and/or screened with vines as approved by the City Engineer.
49. Each lot shall have a street tree planted along its frontage.

Utilities:

50. All existing overhead utilities adjacent to and within the subdivision shall be undergrounded ~~including all areas continuously~~ including along the frontages of E. Sumner Avenue and Sunnyside Street Avenue to the western and northern boundaries of the proposed tract.
51. The developer shall provide a street light plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
52. Developer shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

53. Any irrigation pipelines maintained by CID shall be relocated outside of the street right-of-way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.

54. All abandoned irrigation lines serving the property shall be removed.

Hold Harmless and Indemnification Condition:

55. Hold Harmless and Indemnification Condition. Approval of this Project is for the benefit of the Applicant. The submittal of applications by the Applicant for this Project was a voluntary act on the part of the Applicant not required by the City. Therefore, as a condition of approval of this Project, the Applicant agrees to defend, indemnify and hold harmless the City of Fowler and its agents, officers, consultants, independent contractors and employees ("City") from any and all claims, actions or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the Project, and for any and all costs, attorney's fees, and damages arising therefrom (collectively "Claim"). The City shall promptly notify the Applicant of any Claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the Applicant of any Claim or if the City fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any Claim and the City shall not be required to pay or perform any settlement arising from any such Claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any Claim, and if the City decides to independently defend a Claim, the Applicant shall be responsible for City's attorney's fees, expenses of litigation and costs for that independent defense. Should the City decide to independently defend any Claim, the Applicant shall not be required to pay or perform any settlement arising from any such Claim unless the Applicant approves the settlement.

Signature of Applicant: _____

Date: _____

RESOLUTION NO. 646

**RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION RECOMMENDING APPROVAL
OF ZONING (PREZONING) ORDINANCE AMENDMENT NO. 19-01
(WOODSIDE 06N, LP)**

WHEREAS, a zoning ordinance amendment application has been submitted requesting approval of R-1-5 zoning for APN 343-020-15 encompassing approximately 19.25 acres on the northwest corner of East Sumner Avenue and South Sunnyside Avenue; and

WHEREAS, the subject project requires approval of a zoning (prezoning) amendment in accordance with Article 7 of the Fowler Zoning Ordinance; and

WHEREAS, the subject application was reviewed for compliance with the Fowler Municipal Code; and

WHEREAS, the Commission reviewed the proposal at a meeting on October 3, 2019; and

WHEREAS, the City prepared an initial study and on this basis determined that the proposed project will not have significant adverse effects on the environment and has adopted Mitigated Negative Declaration in accordance with requirements of CEQA; and

WHEREAS, the Commission, after reviewing the staff report prepared pursuant to the request, and which is herein incorporated by this reference, determined that it is consistent with the General Plan and in the best interests of the surrounding neighborhood to approve Zoning Ordinance Amendment No. 19-01 as requested.

* * * * *

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler hereby recommends approval to the City Council of Zoning Ordinance Amendment No. 19-01 as shown on Exhibit "A".

Chairman of the Planning Commission

Attest:

Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner _____ and seconded by Commissioner _____ on the 3rd day of October, 2019 by the following vote to wit:

AYES: Commissioners: _____

NAYS: Commissioners: _____

ABSTAIN: Commissioners: _____

ABSENT: Commissioners: _____

(Woodside 06N, LP)

