



**PLANNING COMMISSION OF THE CITY OF FOWLER  
MEETING AGENDA  
THURSDAY, DECEMBER 7, 2023  
6:30 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 5TH STREET FOWLER, CA 93625**

In compliance with the Americans with Disabilities Act, if you need assistance or accommodations to access the City Council Chambers or participate in this meeting, please contact the Planning Secretary at (559) 834-3113 x118. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you may attend in person, you may appear by telephone as described below, or you may submit written comments via email to [maguilar@ci.fowler.ca.us](mailto:maguilar@ci.fowler.ca.us). Please include your name and reference the agenda item you are commenting on, if any. Written comments received that do not specify an agenda item will be marked for the general public comment portion of the agenda. Emails received by 8:00 am on the date of the meeting will be provided to the Planning Commission at the meeting and made part of the record of proceedings but will not be read aloud.

En cumplimiento con la Acta de Americanos con Discapacidades si necesita asistencia o adaptaciones para acceder a las Cámaras del Concejo de la Ciudad o participar en esta reunión, comuníquese con el secretario de la ciudad al (559) 834-3113 x102. También puede ponerse en contacto con el secretario si necesita servicios de traducción. La notificación al menos 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad.

**The telephone number and Zoom link listed below will provide access to the meeting via teleconference or video conference.**

<https://us06web.zoom.us/j/88323215753?pwd=eFpXUIRXTXJvR05PSE1sZm02a1BsZz09>

**Telephone Number: (253) 215-8782**

**Meeting ID: 883 2321 5753**

**Passcode: 418006**

**Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press \*9 on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself, and asked to identify yourself when providing public comment.**

Any writing or document that is a public record and provided to a majority of the Planning Commission regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.fowlercity.org](http://www.fowlercity.org).

Resolutions and Ordinances - With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Commissioner that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Planning Commission.

1. Meeting Called to Order
2. Roll Call
3. Public Comment

*This portion of the meeting is reserved for persons desiring to address the Commission on any matter not described on this agenda. Presentations are limited to 5 minutes per person and no more than 15 minutes per topic.*

4. Consent Calendar

Items on the Consent Calendar are considered routine and include a recommended action from Staff and shall be acted on by one motion of the Planning Commission. If a Commissioner requests additional information or would like to pull an item for discussion, that item shall be pulled from the Consent Calendar and acted upon separately. A Commissioner may register an action on an individual item without pulling the item from the Consent Calendar. A motion to approve the Consent Calendar is deemed to include a motion to waive the full reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those which received a unanimous vote of the Commissioners present at introduction shall be eligible for placement on the Consent Calendar.

- i. Approve amended minutes of June 1, 2023 Planning Commission Meeting
  - ii. Approve minutes of October 5, 2023 Planning Commission Meeting
5. APPROVE Resolution No. 697 recommending approval to the City Council the naming of the neighborhood park in Tract 6274

6. Actions pertaining to Conditional Use Permit (CUP) No. 23-31:

- i. APPROVE RESOLUTION No. 698 adopting a Class 3 categorical exemption under CEQA, and approving CUP No. 23-31 allowing for the construction of a new 35-foot tall, illuminated freestanding sign on Assessor's Parcel Number (APN) 345-240-07

7. Staff Communications

8. Commissioner Reports and Comments

9. Adjourn

*10. Next Resolution No. 699*

CERTIFICATION: I hereby certify that the foregoing agenda was posted for public review on Monday, December 4, 2023.



Maria Aguilar  
Planning Commission Secretary

**AMENDED MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER**

***Thursday June 1, 2023***

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

Commissioners Present: Chair Mellon, Vice Chair Kandarian, Hammer, Prado, Rodriguez

Commissioners Absent: None

City Staff Present: Community & Economic Development Director Gaffery, City Planner Marple, Deputy City Attorney Lear, Planning Secretary Aguilar, City Engineer Park, Associate Planner Wyatt Czesinski

**3. Public Comment**

None

**4. Consent Calendar**

- a. Approve minutes of March 2, 2023 Planning Commission Meeting**
- b. Approve minutes of March 28, 2023 Planning Commission Special Meeting**
- c. Approve minutes of April 19, 2023 Planning Commission Meeting**

Motion made by Kandarian, seconded by Prado

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

**5. Contested Consent Calendar**

No items were pulled from the consent calendar

**6. Actions Pertaining Street Vacation 22-18, a request to summarily vacate a portion of the East Sumner Avenue right-of-way that abuts Assessor's Parcel Numbers (APNs) 343-110-12 and 343-340-01.**

- a. ADOPT Resolution No. 689, determining that the proposed vacation is in conformity with the City of Fowler 2040 General Plan and that proposed vacation does not meet the definition of a "project" pursuant to CEQA guidelines Section 15378.**

Motion made by Hammer, seconded by Rodriguez

Ayes: Mellon Kandarian, Hammer, Prado, Rodriguez

**7. Actions Pertaining to Tentative Parcel Map (TPM) 23-01.**

- a. **ADOPT Resolution No. 690, approving TPM 23-01, resulting in the land division of Assessor's Parcel Number (APN) 345-180-30 into ten (10) resulting parcels.**

City Planner Marple provided copies of the amended resolution and read into the record.

The applicant's engineer spoke and answered questions.

Motion to Adopt Resolution No. 690 consistent with amendments, as read into the record by City Planner Marple was made by Kandarian, seconded by Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

**8. Actions pertaining to applications by the Fowler Baptist Church at the southeast corner of East Merced and South 3rd Streets to:**

- a. **ADOPT Class 1 and Class 5 categorical exemptions from further environmental review pursuant to CEQA Guidelines sections 15301 and 15305.**

Motion made by Mellon, seconded by Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

- b. **APPROVE Lot Line Adjustment ("LLA") 23-09, to merge Assessor Parcel Numbers (APN) 343-182-12 and 343-182-16.**

- c. **APPROVE Conditional Use Permit ("CUP") 23-11, an approximately 1,440 (sqft) expansion of the Fowler Baptist Church.**

Associate Planner Czesinski presented the item.

Development Review Committee member Tomas Carrasco spoke and answered questions.

Representatives from the project spoke and answered questions.

Motion to Approve LLA 23-09 and CUP 23-11 with modifications including removal of conditions of approval 19 through 25, and 53 made by Mellon, seconded by Rodriguez. After further clarification from staff, second by Rodriguez withdrawn.

Motion to Approve LLA 23-09 and CUP 23-11 with modifications including removal of conditions of approval 19 through 25, and 53 made by Mellon, seconded by Kandarian

Ayes: Mellon, Kandarian

Nays: Hammer, Prado, Rodriguez

Motion failed.

Motion to Approve LLA 23-09 and CUP 23-11 with modifications including removal of condition of approval 53 made by Mellon, seconded by Rodriguez

Ayes: Mellon, Kandarian, Prado, Rodriguez

Nays: Hammer

**9. Public Hearing to CONSIDER the Revocation of Conditional Use Permit (CUP) 15-04 at 2396 South Golden State Boulevard (APN: 345-110-90)**

Representatives from the business located at 2396 S Golden State Blvd spoke and answered questions.

Motion made by Prado, seconded by Kandarian

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

**10. Staff Communications**

No action taken.

**11. Commissioner Reports and Comments**

No action taken.

**12. Adjournment**

Meeting adjourned at 8:36 PM by Chair Mellon

***MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER***

***Thursday October 5, 2023***

Chair Mellon called the meeting to order at 6:30 PM. Roll call was taken.

Commissioners Present: Chair Mellon, Vice Chair Kandarian, Hammer, Prado, Rodriguez

Commissioners Absent: None

City Staff Present: Community & Economic Development Director Gaffery, City Planner Marple, Deputy City Attorney Lear, Associate Planner Wyatt Czesinski

**3. Public Comment**

None

**4. Approve minutes of August 3, 2023 Planning Commission Meeting**

Motion made by Kandarian

Seconded by Prado

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

**5. APPROVE Resolution No. 694, pertaining to Vesting Tentative Subdivision Map No. 6409:**

- i. FIND that Vesting Tentative Subdivision Map No. 6409 is consistent with the City of Fowler General Plan and General Plan Environmental Impact Report pursuant to California Environmental Guidelines (CEQA) Section 15183, absolving it of further environmental analysis.**
- ii. Recommend approval of Vesting Tentative Subdivision Map No. 6409 to the City Council.**

Associate Planner Czesinski presented the item.

Associate Planner Czesinski provided copies of the amended staff report and Resolution 694 and read into the record.

Property owner spoke.

Two members of the public spoke in opposition of the project.

Motion made by Hammer to approve Resolution 694 including the redlined changes provided, as read into the record by City staff and including an additional condition of approval requiring the

construction of a wall from the terminus of the canal at the southwest corner through the southeast corner of the subdivision.

Seconded by Rodriguez

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriquez

- 6. APPROVE Resolution No. 695 regarding Zoning Text Amendment 23-31 recommending approval of an amendment to Section 9-5.1403, of Chapter 5, of Title 9 of the Fowler Municipal Code to allow for sales of heavy duty trucks and long trailers and farm machinery rental facilities as a permitted use within the M-1 Light Industrial District.**

City Planner Marple presented the item.

Motion made by Kandarian

Seconded by Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriquez

- 7. APPROVE RESOLUTION No. 696 approving CUP 22-48 and allow the construction of a new neighborhood park on Assessor's Parcel Number (APN) 343-300-66T; and adopt a categorical exemption pursuant to CEQA Guidelines section 15304.**

City Planner Marple presented the item.

A member of the public spoke in favor of the item.

Motion made by Prado to approve Resolution No. 696 and provide staff direction to evaluate traffic calming or other safety measures in and around the park to protect children.

Seconded by Rodriguez

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriquez

**8. Staff Communications**

None

**9. Commissioner Reports and Comments**

None

**10. Adjournment**

Meeting adjourned at 7:54 PM by Chair Mellon





## PLANNING COMMISSION MEETING

ITEM NO 5

### **REPORT TO THE PLANNING COMMISSION**

**DATE:** December 7, 2023

**FROM:** DAWN E. MARPLE, City Planner

**SUBJECT:** CONSIDER Resolution No.697 recommending approval to the City Council the naming of the neighborhood park in Tract 6274

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### **EXECUTIVE SUMMARY**

Staff request the Planning Commission consider the naming of the neighborhood park within Tract 6274. The proposed naming of the park is “Kandarian Park”, named after the Kandarian family.

### **BACKGROUND**

On December 7, 2021, the City Council of the City of Fowler adopted Ordinance No. 2021-07 to establish procedures for naming of public facilities. The naming procedures allow for naming facilities after individuals or major historic events that convey a positive public image.

The Kandarian Family has been a part of the Fowler community for nearly 90 years when Mary Ann (Kayajanian) Kandarian graduated from Fowler High School in 1936. The Kandarians currently have approximately 400 acres in the Fowler area and two of the ranches have been in the Kandarian family since the 1900s. In 1949, Arthur and Mary Ann Kandarian moved from Fresno and grounded their roots in Fowler. When they moved to Fowler, they purchased their first ranch together; that ranch is adjacent and to the north of the Woodside development. The Kandarians have played an integral role in the growth and community of Fowler. Chic Kandarian served on the Fowler Hospital Board for several years and he worked with other community members to redevelop the Fowler High School football stadium. There are four generations of Kandarians who have attended and graduated from the Fowler Unified School District.

### **PUBLIC NOTICE**

This item does not require a public hearing and was noticed as a part of the Planning Commission Agenda.

## **ENVIRONMENTAL REVIEW**

This action does not qualify as a “project” under California Environmental Quality Act Guidelines Section 15378. The naming of a park does not have the potential to directly or indirectly cause a change, significant or otherwise, to the environment.

## **GENERAL PLAN CONSISTENCY**

The proposed action is consistent with the following:

### General Plan Goal CDES-4

New development is sensitive to Fowler’s historical context, enhances Fowler’s architectural quality, and contributes to its unique identity. Existing scenic, historic, and cultural resources enhance the community.

## **FISCAL IMPACT**

The naming of a new neighborhood park will necessitate a replacement park monument sign.

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest. While the park is being named after Commissioner Kandarian’s family, this is not considered a conflict of interest pursuant to FPPC regulations.

### Attachments

- Resolution No. 697

**RESOLUTION NO. 697**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE OF THE CITY OF  
CITY OF FOWLER, COUNTY OF FRESNO, SATATE OF CALIFORNIA  
RECOMMENDING APPROVAL OF OFFICIALLY NAMING THE PARK IN TRACT  
6274 “KANDARIAN PARK”**

**WHEREAS**, a park located in Tract 6274 is currently developed; and

**WHEREAS**, the Planning Commission has independently reviewed and considered the naming of the 0.98 acre park within Tract 6274 the “Kandarian Park” at a public meeting on December 7, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends to the City Council to approve the naming of the 0.98 acre park within Tract 6274 the “Kandarian Park”

**PASSED, APPROVED AND ADOPTED** this 7th day of December 2023, at a regular meeting of the Fowler Planning Commission by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

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Craig Mellon  
Chair

**ATTEST:**

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Maria Aguilar  
Secretary to the Planning Commission



## PLANNING COMMISSION MEETING

ITEM NO 6

### **REPORT TO THE PLANNING COMMISSION**

**DATE:** December 7, 2023

**FROM:** DAWN E MARPLE, City Planner

**SUBJECT:** Public Hearing to consider Conditional Use Permit No. 23-31.

APPROVE Resolution No. 698 adopting a Class 3 categorical exemption under CEQA, and approving CUP No. 23-31 allowing for the construction of a new 35-foot tall, illuminated freestanding sign on Assessor's Parcel Number 345-240-07 (2331 E Valley Dr).

### **EXECUTIVE SUMMARY**

Staff recommend approval of this action that would allow for the construction of a new 35-foot-tall illuminated free-standing sign to be located at 2331 East Valley Drive on Assessor's Parcel Number (APN) 345-240-07. The project is consistent with the goals and policies of the General Plan.

### **BACKGROUND**

The applicant has requested approval of a conditional use permit that would allow for the construction of a 35-foot-tall, illuminated sign with a 102-square foot display area. The proposed sign will display the business name of "Bluway Truck Sales", a truck and trailer sales facility which has been previously approved for this location pursuant to Site Plan Review (SPR) Application No. 23-24. The project site is located at 2331 East Valley Drive on APN 345-240-07. The parcel is zoned M-1 (Light Industrial) and planned for Light industrial land uses by the City of Fowler General Plan. It is located within the Highway Beautification (HB) Overlay District. The sign will be located on the northwestern side of the parcel. On the site plan, the sign is shown oriented parallel to the State Route (SR) 99 right-of-way. See Attachment 4 Site Plan.

According to Section 9-5.22.15, subdivision (B)(2) of the City's Zoning Ordinance, freestanding signs may be permitted within an industrial district upon the granting of a conditional use permit.

### **CONDITIONAL USE PERMIT FINDINGS**

- 1. The site for the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.***

The project site is approximately 1.54 acres in size, the sign will be located along the northwestern boundary of the parcel 35 feet from the property line. The site is adequate in size and shape to accommodate the proposed sign. No major alterations are proposed to any structures on the site. The Project will not encroach into any required yards, alter the footprint of the existing uses on site, or increase the need for parking or landscaping.

- 2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

The streets surrounding the project are adequate in size and capacity for the volume and type of traffic that will be generated by the operation that will be advertised by the proposed sign. Construction-related traffic will be minor and temporary. Other project-related traffic relates to maintenance and will be minor and infrequent. Parking requirements for the truck dealership have been addressed within SPR No. 23-24. The sign proposed by CUP No. 23-31 will not impact quantity or kind of traffic.

- 3. The proposed use will have no adverse effect upon abutting property or the use thereof.***

Surrounding properties are zoned M-1 (Light Industrial). The inclusion of the sign located in the interior of the parcel will be adjacent to the northwestern boundary, adjacent to SR 99. This will not increase the intensity of the current uses or affect any of the neighboring parcels because of the location and orientation of the sign. The project will not have an adverse effect upon the abutting property or use thereof.

- 4. The conditions established by the Planning Commission and stated in the Resolution for the Conditional Use Permit are deemed necessary to protect the public health, safety and general welfare.***

The conditions of approval will serve to accommodate the proposed use while protecting the health, safety, and welfare of the public. Conditions of approval are based upon standards contained within the Fowler General Plan and the Fowler Zoning Ordinance. Further, the proposed conditions of approval will serve to implement the goals and objectives of the General Plan, which itself is intended to provide for logical and orderly development of the City in a manner that is beneficial to its residents.

## **PUBLIC NOTICE**

A Notice of Public Hearing was published in *The Business Journal* on November 24, 2023, which is at least ten (10) days prior to the public hearing. It was also sent via US Mail to property owners within 300 feet of the proposed project.

## **ENVIRONMENTAL REVIEW**

Staff have performed a preliminary environmental assessment and have determined that the project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303, Subdivision (e), because the project would involve the construction and installation of a new accessory structure. The project would not result in any potentially significant environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

## **GENERAL PLAN CONSISTENCY**

This action is consistent with:

### **General Plan Goal ED-2**

Fowler's businesses improve the quality of life by providing retail, personal, and business service amenities locally.

### **General Plan Goal ED-4**

Fowler maintains a supportive business climate that helps attract and retain new and existing businesses.

### **General Plan Policy ED-5**

Discourage passive land uses, underutilization of land, and vacant structures on available Commercial sites.

### **General Plan Policy ED-14**

Facilitate the development of businesses that contribute to Fowler's Economic Development Goals established through the General Plan or the Economic Development Strategy, which, along with the provision of affordable housing, creates a pleasing place to live and work.

### **General Plan Policy CDES-4**

Signage in Fowler should not contribute to excessive visual clutter.

**Action Item CDES-4a** Review and revise, as needed, sign standards within the Zoning Ordinance to minimize visual obtrusions from signage and identify appropriate size requirements for signs based on context, while ensuring adequate opportunities for commercial messaging

## **FISCAL IMPACT**

The project would result in the collection of fees collected for building and electrical permits that will be required for the project. Development of the site would also increase the assessed value of the property and therefore generate additional ongoing property tax revenue to the City.

## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

#### Attachments

- Attachment 1: Aerial Map
- Attachment 2: Zoning Map
- Attachment 3: General Plan Land Use Map
- Attachment 4: Site Plan
- Resolution No. 698

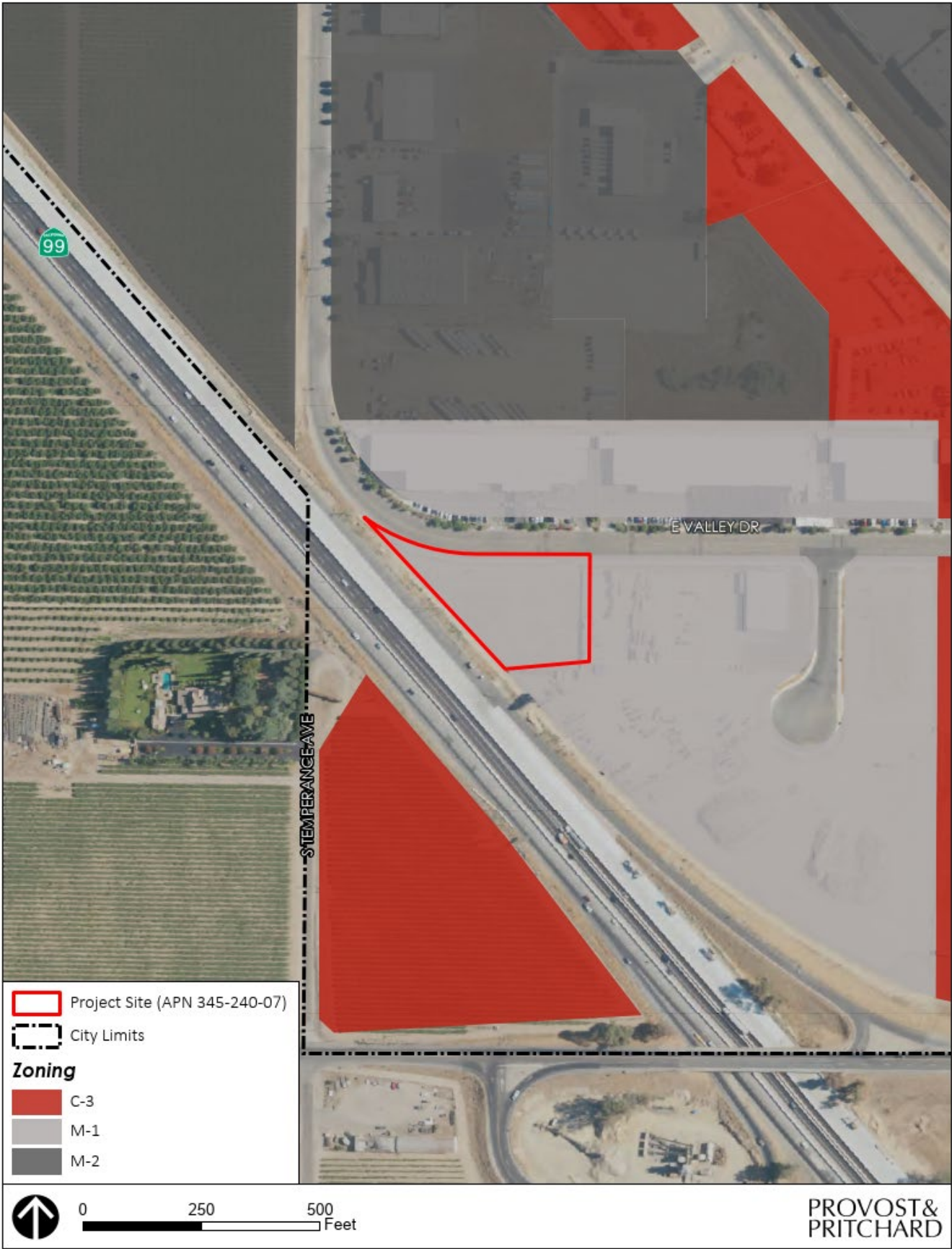


Attachment: 1 Aerial Map

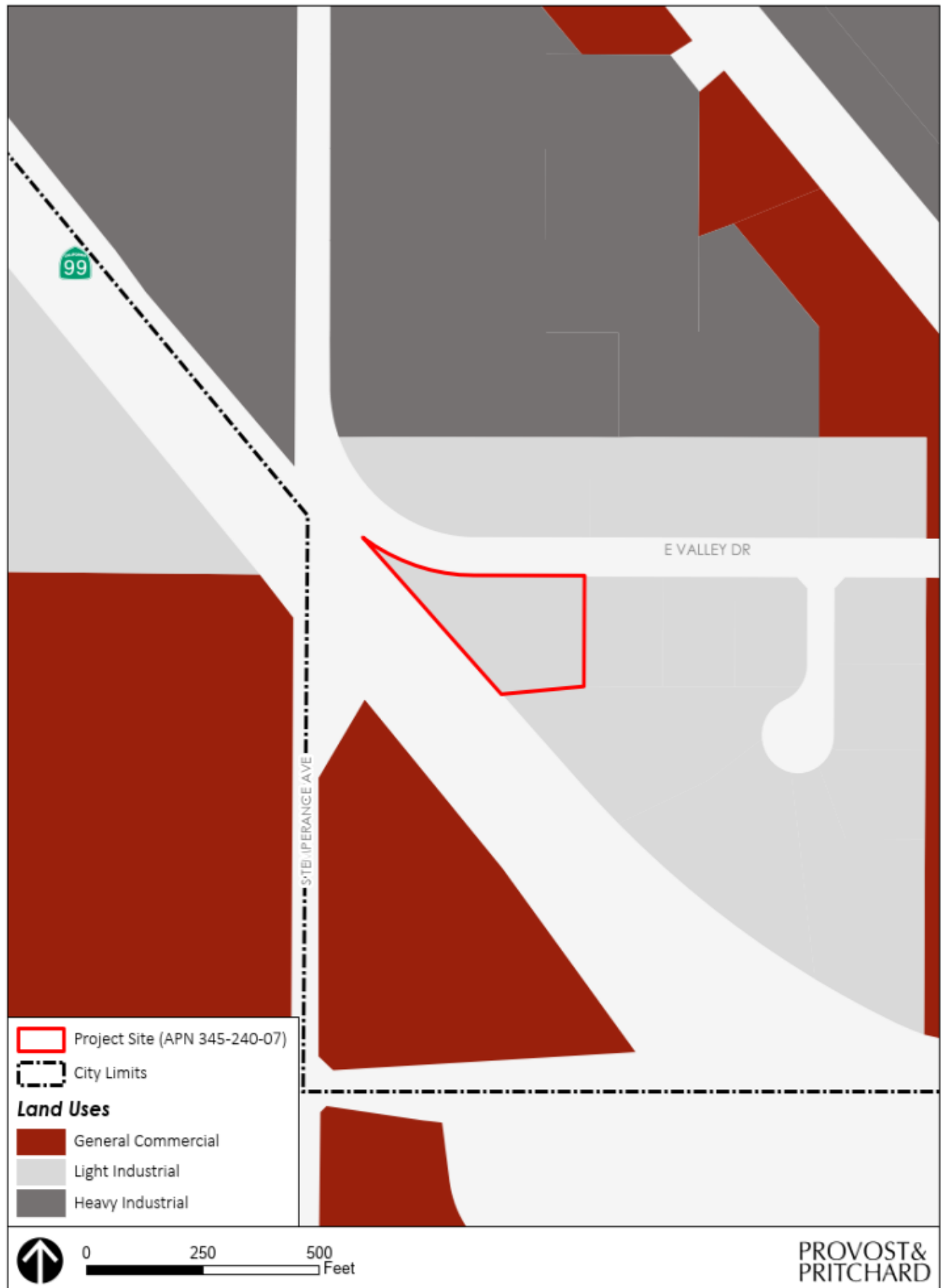




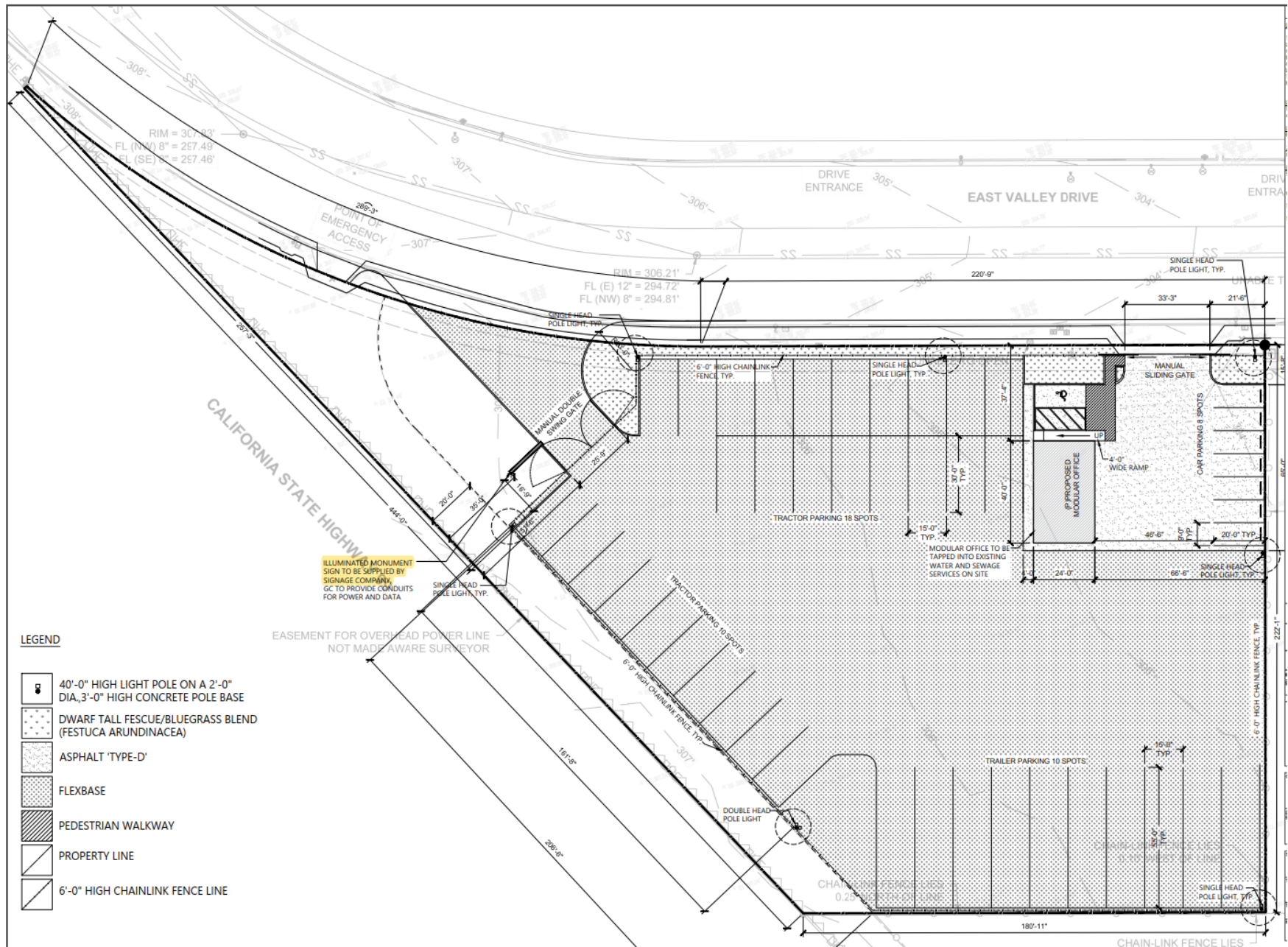
Attachment 2: Zoning Map



### Attachment 3: General Plan Land Use Map



# Attachment 4: Site Plan



Resolution No. XX, and Exhibit A (Conditions of Approval)



# Attachment “A”

## CONDITIONS OF APPROVAL

### Conditional Use Permit No. 23-31

#### General Conditions

1. Approval of this Conditional Use Permit shall be valid for a period not to exceed one (1) year from the date of approval unless a building permit for the facility described herein has been issued by the Building Department and construction is being diligently pursued. The owner may request an extension of up to one (1) additional year via written request to the Planning Department submitted not less than thirty (30) days prior to expiration of the site plan approval. Once in operation, the permit shall become void if the facility ceases operation for one (1) year following the date of any closure.
2. The use is located in the M-1 zone district and all provisions of that district shall apply.
3. The Conditional Use Permit is required to allow the conditional use of a freestanding electronic sign in the M-1 (Light Industrial) zone district and the HB (Highway Beautification) Overlay District.
4. All conditions herein shall be satisfied prior to building permit approval for any portion of the project. Failure to comply with all conditions of approval shall be grounds for the imposition of penalties, suspension of the permit, modification of the permit, or revocation of the permit.
5. The applicant shall keep the exterior premises free from trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the applicant, manager, or any employee.
6. All contractors or sub-contractors working in the City must obtain a business license from the Finance Department at Fowler City Hall. The applicant shall report applicable sales tax revenue to the State.
7. All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.
8. Drive aisles shall be kept unobstructed at all times to allow clear access by the Fire Department. Vehicles shall not block driveways.

#### Property Development Standards

##### 9-5.1907 – Highway Beautification Overlay District

9. On lots in which the underlying zone district permits freestanding signs, the number of freestanding signs on any lot shall be limited to two (2). One (1) shall be permitted facing the highway, and one (1) shall be permitted facing the street that the lot fronts. On lots that are not adjacent to the highway, only one (1) freestanding sign shall be permitted.
10. No freestanding sign may be located in the required yard areas described in Section 9-5.1907.1.7.E of the City's Zoning Ordinance. As specified, only monument signs shall be permitted in the required yard area.
11. The maximum permitted height of freestanding signs shall be dependent on the distance that the freestanding sign is set back from the highway and shall be calculated using the following formula: one (1) foot of sign height shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum height of thirty-five (35) feet.  
**\*The sign is located approximately 35 feet from the highway**
12. The maximum permitted area for freestanding signs shall be dependent on the distance that the sign

is set back from the highway and shall be calculated using the following formula: three (3) square feet of sign area shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum area of two hundred (200) square feet.

**\*Currently the advertisement area of the proposed sign is 102 square feet with an allowed maximum of 105 square feet.**

## Other:

13. Approval of this Project is for the benefit of the Applicant. The submittal of applications by 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, including any challenges to associated environmental review, and for any and all costs, attorneys 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 does decide to independently defend a Claim, the Applicant shall be responsible for City's attorneys' fees, expenses of litigation and costs for that independent defense, including the costs of preparing any required administrative record. 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: \_\_\_\_\_

Dated: \_\_\_\_\_

## **RESOLUTION NO. 698**

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOWLER, COUNTY OF FRESNO, STATE OF CALIFORNIA ADOPTING A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15303, AND APPROVING PROPOSED CONDITIONAL USE PERMIT NO. 23-31.**

**WHEREAS**, On October 16, 2023, Site Plan Review Application No. 23-24 was approved by the Planning Director to authorize the construction of a truck and trailer sales facility on an approximately 1.54 acres parcel located at 2331 East Valley Drive (APN: 345-240-07) (“Project Site”); and

**WHEREAS**, Conditional Use Permit Application No. 23-31 requests to construct a 35-foot-tall, 102 square foot illuminated freestanding sign on the Project Site; and

**WHEREAS**, the Project Site is located on the south side of East Valley Drive and abuts State Route 99, is located on land that is zoned M-1 (Light Industrial), and carries a Light Industrial land use designation pursuant to the City of Fowler General Plan; and

**WHEREAS**, pursuant to Section 9-5.22.15, subdivision(B) of the Fowler Zoning Ordinance, the installation of a freestanding sign is allowed in the M-1 zone district subject to the issuance of an approved Conditional Use Permit, and

**WHEREAS**, the City has determined that the project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303, New Construction of Small Structures; and

**WHEREAS**, the proposed sign would not expand the existing use; and

**WHEREAS**, at a regular meeting on December 7, 2023, at 6:30 p.m., the Fowler Planning Commission conducted a public hearing to consider the approval of CUP No. 23-31; and

**WHEREAS**, notice of said public hearing was published in the November 24, 2023, edition of *The Business Journal*, posted at City Hall and on the City’s website, and was sent to property owners within 300 feet of the Project Site; and

**WHEREAS**, the Planning Commission, after reviewing and considering the staff report, categorical exemption, and all evidence presented at the Planning Commission’s regular meeting on December 7, 2023, including oral and written public testimony on the Project and the Categorical Exemption, and which is herein incorporated by this reference, did make the following findings with regard to CUP No. 23-31:

1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. No significant effects on the surrounding street system are anticipated.
3. The proposed use will have no adverse effect upon abutting property or the use thereof.
4. The conditions of approval established by the Planning Commission and attached to this Resolution as Attachment “A” for CUP No. 23-31 are deemed necessary to protect the public health, safety and general welfare of the residents of the City of Fowler.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Fowler hereby:

1. Adopts a Class 3 categorical exemption from further environmental review pursuant to CEQA Guidelines Section 15303.
2. Approves CUP No. 23-31, subject to the conditions of approval contained in Attachment “A” attached herein.

**PASSED, APPROVED AND ADOPTED** this 7th day of December 2023, at a regular meeting of the Planning Commission of the City of Fowler by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

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Craig Mellon, Chair

**ATTEST:**

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Maria Aguilar, Secretary of the Planning Commission