



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
PLANNING COMMISSION
SUMMARY**

5961 S. Mooney Blvd
Visalia, CA 93277
624-7000 Phone
730-2653 Fax

PLANNING COMMISSION

CHAIRMAN: Wayne O. Millies
VICE-CHAIR: Carlos Aleman
COMMISSIONERS:

Gil Aguilar
Bill Whitlatch
Ed Dias
Christopher Launer
Dennis Lehman
Terren Brown

AIRPORT LAND USE
COMMISSIONERS (ALUC)
Bill Whitlatch
Matthew Stoll

PROJECT NO: PPM 24-028	AGENDA DATE:	10/23/24
APPLICANT: Eugene Nunes	AGENDA ITEM NUMBER:	4A
AGENT: Neil Zerlang – Land Surveyor		
SUBJECT: Tentative Parcel Map No. PPM 24-028, requested by applicant/property owner Eugene Nunes, PO Box 1455, Tulare, CA 93275 (Agent: AW Engineering – Neil Zerlang – Land Surveyor, 2908B West Main Street, Visalia, CA 93291), to create four (4) parcels and a remainder from the original 160.71 acre site: Proposed Parcel No. 1 = 44.61 acres, proposed No. Parcel 2 = 39.21 acres, proposed Parcel No. 3 = 32.08, proposed Parcel No. 4 = 38.65, and proposed Remainder = 6.16, with a final map waiver, with one (1) exception for acreage minimum, on property located in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, with the Land Use Designation of Valley Agriculture, located at the northwest corner of Avenue 256 and Road 100, Tulare, CA (APN 149-010-040). Exceptions: One (1) for less than minimum acreage. Waiver: Recommended. Environmental Review: An Exemption per Section 15061(b)(3) Common Sense Rule.	AGENDA ITEM TYPE	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
	ACTION REQUESTED	
		X
CONTACT PERSON: David Alexander	Resolution–Planning Commission	

RECOMMENDATION(S):

That the Planning Commission:

- (1) Hold a public hearing
- (2) Approve an Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, 15061(b)(3) Common Sense Rule, and conditionally approve Tentative Parcel Map No. PPM 24-028, with one (1) exception and requested final map waiver.

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to approve, subject to modifications as discussed by the Planning Commission.
Alternative No. 2: Move to deny as required by Section 66474 of the Subdivision Map Act, to be brought back at a subsequent hearing.
Alternative No. 3: Refer back to Staff for further study and report.

SUBJECT: Tentative Parcel Map No. PPM 24-028 (Nunes)

PROJECT OVERVIEW:

An Exemption and Tentative Parcel Map No. PPM 24-028, requested by applicant/property owner Eugene Nunes, PO Box 1455, Tulare, CA 93275 (Agent: AW Engineering – Neil Zerlang – Land Surveyor, 2908B West Main Street, Visalia, CA 93291), to create four (4) parcels and a remainder from the original 160.71 acre site: Proposed Parcel No. 1 = 44.61 acres, proposed No. Parcel 2 = 39.21 acres, proposed Parcel No. 3 = 32.08, proposed Parcel No. 4 = 38.65, and proposed Remainder = 6.16, with a final map waiver, with one (1) exception for acreage minimum, on property located in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, with the Land Use Designation of Valley Agriculture, located at the northwest corner of Avenue 256 and Road 100, Tulare, CA (APN 149-010-040).

ENVIRONMENTAL SUMMARY:

This project will not have a significant effect on the environment and has been determined to be exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, 15061(b)(3) Common Sense Rule as it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment. The intent of the project is to separate the residence from the agricultural space. The division will not result in any physical changes and will only create a new property boundary.

ENTITLEMENT(S):

Entitlement is found in Section 9.7.D of the Zoning Ordinance, allowing the division of land in the AE-40 zone.

General Plan - The subject site is located outside any Urban Boundaries and is subject to the Rural Valley Lands Plan, with a land designation of Valley Agriculture. The project, together with the provisions for its design and improvements, is consistent with relevant policies of the Tulare County General Plan. The following General Plan 2030 Policies are relevant to the project: (1) AG-1.1 Primary Land Use, (2) AG-1.7 Preservation of Agricultural Lands, and (3) AG-1.14 Right-to-Farm Noticing.

PROJECT SUMMARY:

This division of land would create four (4) parcels and a remainder from the original 160.71 acre site: Proposed Parcel No. 1 = 44.61 acres, proposed No. Parcel 2 = 39.21 acres, proposed Parcel No. 3 = 32.08, proposed Parcel No. 4 = 38.65, and proposed Remainder = 6.16, with a final map waiver, with one (1) exception for acreage minimum.

The project qualifies for a waiver of the requirements to file a Final Parcel Map and the provisions of Sections 7-01-2360 – 7-01-2370 of the Ordinance Code. Any parcel or parcels of land to be divided into four (4) or less parcels, each of a gross area of ten (10) acres or more. Any parcel or parcels of land to be divided into parcels, each of a gross area of forty (40) acres or more. The accepted Exemption allows the less than minimum acreage for proposed Parcels No. 1 – 4 as said parcels are near 40 acres, and would be if not for the takings of the surrounding roads, avenue, and State Route 99. In addition the Remainder parcel was originally a part of Parcel No. 1, but was divided by Road 96.

The site is zoned AE-40 (Exclusive Agriculture – 40 Acre Minimum). The subject sight contains two wells, and active agriculture. Surrounding properties are zoned AE-40, AE-20 (Exclusive Agriculture – 20 Acre Minimum), and M-1 (Light Manufacturing) Zones.

Parcels have direct access to Avenue 256, Road 96, and Road 100.

SUBJECT: Tentative Parcel Map No. PPM 24-028 (Nunes)

A waiver of the requirements to file a Final Parcel Map pursuant to the provisions of Section 7-01-2360 – 7-01-2370 of the Ordinance Code.

The site is under a Williamson Act Land Conservation Contract, and requires an Amended Contract to remove the 6.16 acre Remainder.

The County Public Works/Engineering Branch, Environmental Health Services Division, Fire Department, and the Assessor's Office responded to consultation requests.

PUBLIC HEARING NOTICE:

Gov. Code Section 65009(b) requires the County to include in any public notice issued pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: "If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of Tulare at, or prior to, the public hearing."

PROJECT PLANNER:



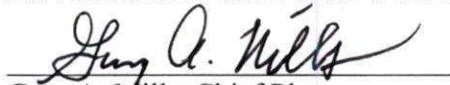
David Alexander, Project Planner III
Project Processing Division

PROJECT PROCESSING DIVISION



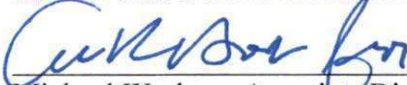
Aaron Bock, MCRP, JD, LEED AP
Assistant Director
Economic Development & Planning Branch

ENVIRONMENTAL PLANNING DIVISION



Gary A. Mills, Chief Planner
Environmental Planning Division

R.M.A. ASSOCIATE DIRECTOR



Michael Washam, Associate Director
Resource Management Agency
Economic Development & Planning Branch

ATTACHMENTS:

Attachment No. 1 - Draft Resolution Tentative Parcel Map No. PPM 24-028

Exhibit A – Legal Description

Exhibit B – Site Plan

Exhibit C – Right to Farm Notice

Attachment No. 2 – Consulting Agency List and Correspondence and Graphics

Attachment No. 3 – PPM fact sheet

Attachment No. 4 – Notice of Exemption

Attachment No. 1

Recording Requested by
And Return to:

Tulare County Resource Management Agency
Planning Branch
5961 South Mooney Boulevard
Visalia, CA 93277-9394
ATTN: Planning Commission

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE)	
PARCEL MAP PPM 24-028 WITH WAIVER OF)	RESOLUTION NO. DRAFT
FINAL MAP AND ONE (1) EXCEPTION)	
NUNES)	

Resolution of the Planning Commission of the County of Tulare accepting an Exemption as the appropriate environmental determination and conditionally approving Tentative Parcel Map No. PPM 24-028, requested by applicant/property owner Eugene Nunes, PO Box 1455, Tulare, CA 93275 (Agent: AW Engineering – Neil Zerlang – Land Surveyor, 2908B West Main Street, Visalia, CA 93291), to create four (4) parcels and a remainder from the original 160.71 acre site: Proposed Parcel No. 1 = 44.61 acres, proposed No. Parcel 2 = 39.21 acres, proposed Parcel No. 3 = 32.08, proposed Parcel No. 4 = 38.65, and proposed Remainder = 6.16, with a final map waiver, with one (1) exception for acreage minimum, on property located in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, with the Land Use Designation of Valley Agriculture, located at the northwest corner of Avenue 256 and Road 100, Tulare, CA (APN 149-010-040).

WHEREAS, the Board of Supervisors adopted Resolution No. 2009-0091 on February 10, 2009, which established new policies regarding new Williamson Act Contracts or Amendments to existing Williamson Act Contracts as follows:

1. Adopted policy applicable to actions involving Williamson Act Contracts occurring after July 22, 2008, including but not limited to new Williamson Act Contracts, amendments to existing Williamson Act Contracts, Partial Non-Renewals, the adding of additional lands to existing contracts, or other modifications to existing contracts requiring Tulare County administrative or discretionary action for an entitlement for any portion of the lands within contracted lands. This policy requires that when taking the above actions, the Williamson Act will include, or be amended to include:

- a. Language giving the Tulare County Board of Supervisors the authority to unilaterally declare the contract terminated as null and void should the State of California fail to pay subvention funds off-setting property tax loss required by the Open Space Subvention Act; and
- b. Language suggested from the County of Humboldt vs. McKee case (165 Cal app. 4th 1476 (CA 1st District 2008) requiring compliance with new land use regulations

and policies upon annual renewal of existing contracts, such as: “All uses of and actions regarding the Subject Property shall comply with all applicable land ordinances, regulations, resolutions and state laws, as adopted or amended from time to time.”

2. Approved a new or amended Williamson Act Contract, at a minimum with the language indicated above.

WHEREAS, the Planning Commission has given public notice of the tentative parcel map as provided in Section 7-01-2305 of the Ordinance Code of Tulare County, and

WHEREAS, a waiver of the requirement that a final map be filed has been requested, and

WHEREAS, an Exception for less than minimum acreage has been accepted, and

WHEREAS, the Planning Commission considered the staff report and found the facts and findings contained therein to be essentially true and correct, and

WHEREAS, all attached exhibits are incorporated by reference herein; and

WHEREAS, on October 9, 2024, a Notice of Public Hearing by the Tulare County Planning Commission were duly published in the Exeter Sun-Gazette, a newspaper of general circulation in Tulare County, to consider the proposed Project; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on October 23, 2024; and

WHEREAS at that meeting of the Planning Commission, an opportunity to provide public testimony was offered. ~ from the public spoke in support of, or in opposition to, the project. Additionally, ~ written communication were received from the public, and

WHEREAS, the Planning Commission reviewed said parcel map for conformity to the regulations contained in Sections 7-01-1000 to 7-01-2855 of the Ordinance Code of Tulare County.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby adopts the following findings with regard to this matter:

A. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this application:

1. The Planning Director has waived the requirement for a preliminary geological-hydrological report pursuant to Section 7-01-2295 of the Ordinance Code.
2. The subject site is located outside any Urban Boundaries and is subject to the Rural Valley Lands Plan, with a land designation of Valley Agriculture. The project, together with the provisions for its design and improvements, is consistent with relevant policies

of the Tulare County General Plan. The following General Plan 2030 Policies are relevant to the project: (1) AG-1.1 Primary Land Use, (2) AG-1.7 Preservation of Agricultural Lands, and (3) AG-1.14 Right-to-Farm Noticing.

3. Entitlement is found in Section 9.7.D of the Zoning Ordinance, allowing the division of land in the AE-40 zone.
4. The site is zoned AE-40 (Exclusive Agriculture – 40 Acre Minimum). The subject sight contains two wells, and active agriculture. Surrounding properties are zoned AE-40, AE-20 (Exclusive Agriculture – 20 Acre Minimum), and M-1 (Light Manufacturing) Zones.
5. The proposed tentative parcel map complies with all zoning regulations applicable to the subject property.
6. Parcels have direct access to Avenue 256, Road 96, and Road 100.
7. The County Public Works/Engineering Branch, Environmental Health Services Division, Fire Department, and the Assessor's Office responded to consultation requests.
8. The Planning Commission determined that the project qualifies for a waiver of the requirements to file a Final Parcel Map and the provisions of Sections 7-01-2360 – 7-01-2370 of the Ordinance Code. Any parcel or parcels of land to be divided into four (4) or less parcels, each of a gross area of ten (10) acres or more. Any parcel or parcels of land to be divided into parcels, each of a gross area of forty (40) acres or more. The accepted Exemption allows the less than minimum acreage for proposed Parcels No. 1 – 4 as said parcels are near 40 acres, and would be if not for the takings of the surrounding roads, avenue, and State Route 99. In addition the Remainder parcel was originally a part of Parcel No. 1, but was divided by Road 96.
9. The Planning Commission, after consideration of all evidence presented, found that approval of said parcel map will promote the orderly growth of the unincorporated portions of the County and will assure the health, safety, and welfare of the people of the County.
10. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. New Development may be subject to County Development Impact fees.

AND, BE IT FURTHER RESOLVED THAT:

B. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons

residing or working in the neighborhood or to the general welfare of the County.

C. This project will not have a significant effect on the environment and has been determined to be Exempt, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3) Common Sense Rule, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The intent of the project is to divide a parcel, and the land use and zoning will remain the same. The division will not result in any physical changes and will only create a new property boundary.

D. Tentative Parcel Map No. PPM 24-028 be conditionally approved without the requirement to file a final map pursuant to Sections 7-01-2360 - 7-01-2370, subject to the following conditions:

GENERAL CONDITIONS

1. Failure to cause the recording of this Resolution of the Planning Commission within two years after the date of conditional approval of the waiver of the final parcel map shall automatically revoke said approval, and a resolution approving a waiver of final parcel map shall not be recorded until a new tentative parcel map has been filed and approved in accordance with the Tulare County Subdivision Ordinance. However, upon application by the owner or his authorized agent, the time at which the approval of the waiver of final parcel map expires may be extended by applying for a time extension as provided by Tulare County Zoning Ordinance and California State Law.
2. The property owners shall sign and return to the Tulare County Resource Management Agency the Right to Farm Notice so this office can record the Notice along with the Resolution (Exhibit "C").
3. This Parcel Map shall automatically become null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his/her successor, has actually commenced the use or variance authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
4. This Parcel Map will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the decision of the Planning Commission granting said variance with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
5. The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of PPM 24-028; or, at its election and in the alternative, shall relinquish such approval. The applicant(s) shall assume the defense of the County in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by the applicant(s), but subject

to the County's reasonable approvals. The applicant shall also reimburse the County, its agents, its legislative body, officers or employees for any judgments, amounts paid in the settlements court costs and attorney's fees with the County, its agents, legislative body, officers or employees may be required to pay at court as a result of such action, claim or proceeding. The County may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve the applicant(s) of their obligations under this condition.

FIRE DEPARTMENT CONDITIONS

6. Address shall be posted with a minimum 4"x3"x ½" line width permanent numbers visible from the street.
7. All-weather (2" after compact- crushed rock, road base, or DG) 20 feet Fire Dept. access road, with a maintained 13 feet 6 inches vertical clearance.
8. Any existing structures must adhere to the minimum separation of buildings as the Ca. Building code 705.2.3 & 705.5
9. Any new commercial or residential construction permits in the future. Tulare County Fire Department will impose the current adopted Title 24 Code requirements at time of building permit.
10. Any new commercial or residential construction permits in the future will have to meet 2022 or newer California Fire Code Appendix B requirements for fire water flow requirements or NFPA 1142 for urban water supply.

PLANNING BRANCH CONDITIONS

7. The property owners shall sign and return to the Tulare County Resource Management Agency the Right to Farm Notice (Exhibit "C") so this office can record the Notice along with the Resolution.
8. The Secretary of the Planning Commission is hereby directed to file this resolution and the legal descriptions of each of the parcels shown on said Tentative Parcel Map, which are attached hereto as Exhibit "A," and a site plan as Exhibit "B," for the record with the Recorder of the County of Tulare, pursuant to Section 7-01-2360 – 7-01-2370.

ROADS AND ENGINEERING CONDITIONS

9. The Private Vehicular Access Easement (PVAE) serving the remainder parcel shall be improved to a 1 parcel standard pursuant to Section 7-01-2230 of the Ordinance Code. The width and surface improvements of the PVAE shall be in accordance with Plate A-17B of the Tulare County Improvement Standards. Plate A-17B also identifies the requirements for the drive approach that will connect the PVAE to Avenue 256 or Road 100 and the requirements for providing a turnaround bulb at the end of the PVAE.

10. An improvement plan with profile shall be prepared for the PVAE. The improvement plan shall be designed and stamped by a licensed civil engineer or a licensed architect and shall show detailed information on the construction of the PVAE including curve radii, drainage facilities and erosion control measures as needed. The improvement plan shall be approved by the Tulare County RMA – Engineering Branch before construction of the PVAE improvements.
11. The PVAE surface improvements and drive approach requirement as identified in Condition No. 2 and 3 above is deferred until such time as building permits and certain other permits and certificates are issued for the remainder parcel as provided in Ordinance Code Section 7-15-1940 et seq.

E. The Secretary of the Planning Commission is hereby, directed to file this resolution and the legal descriptions of each of the parcels shown on said Tentative Parcel Map, which are attached hereto as Exhibit “A” and site plan as Exhibit “B” for the record with the Recorder of the County of Tulare, pursuant to Section 7-01-2365.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner `, at a regular meeting of the Planning Commission on October 23, 2024, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

LEGAL DESCRIPTION

Proposed Parcels – Nunes Tentative Parcel Map

PARCEL 1

The Northwest quarter of the Southeast quarter and that portion of the Northeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying East of the Easterly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.

PARCEL 2

The Northeast quarter of the Southeast quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof.

PARCEL 3

The Southwest quarter of the Southeast quarter and that portion of the Southeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying East of the Easterly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom that portion of the Southwest quarter of the Southeast quarter of said Section 22, conveyed to the State of California by Deed dated January 22, 1952 recorded in Book 1575, Page 298 of Official Records.

Also excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.

PARCEL 4

The Southeast quarter of the Southeast quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof.

REMAINDER

That portion of the Northeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying West of the Westerly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom that portion conveyed to the State of California by Deed dated March 11, 1968 in Book 2181, Page 296 of Official Records.

Also excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.



Exhibit No. "B"

PARCEL NO.	PARCEL 1, 2, 3, 4 & REMAINDER
EXISTING USE	AGRICULTURE
PROPOSED USE	AGRICULTURE
WATER BY	AS WELL
SEWER BY	SEPTIC TANK

TENTATIVE PARCEL MAP

BEING A DIVISION OF A PORTION OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

APRIL 2024

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

2906-B WEST MAIN STREET, VISALIA, CA 93291; (559) 739-1616

PREPARED FOR: EUGENE NUNES

P.O. BOX 1455, TULARE, CA 93275

ASSESSOR'S PARCEL NO.: 149-010-040

ZONE: AE-40

FLOOD ZONE: 'X'

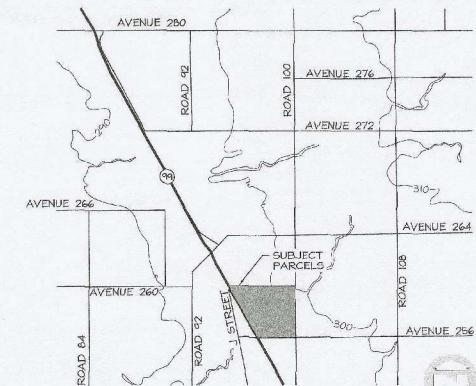
OWNER'S STATEMENT

I HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT I AM THE LEGAL OWNER OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Eugene Nunes
EUGENE NUNES

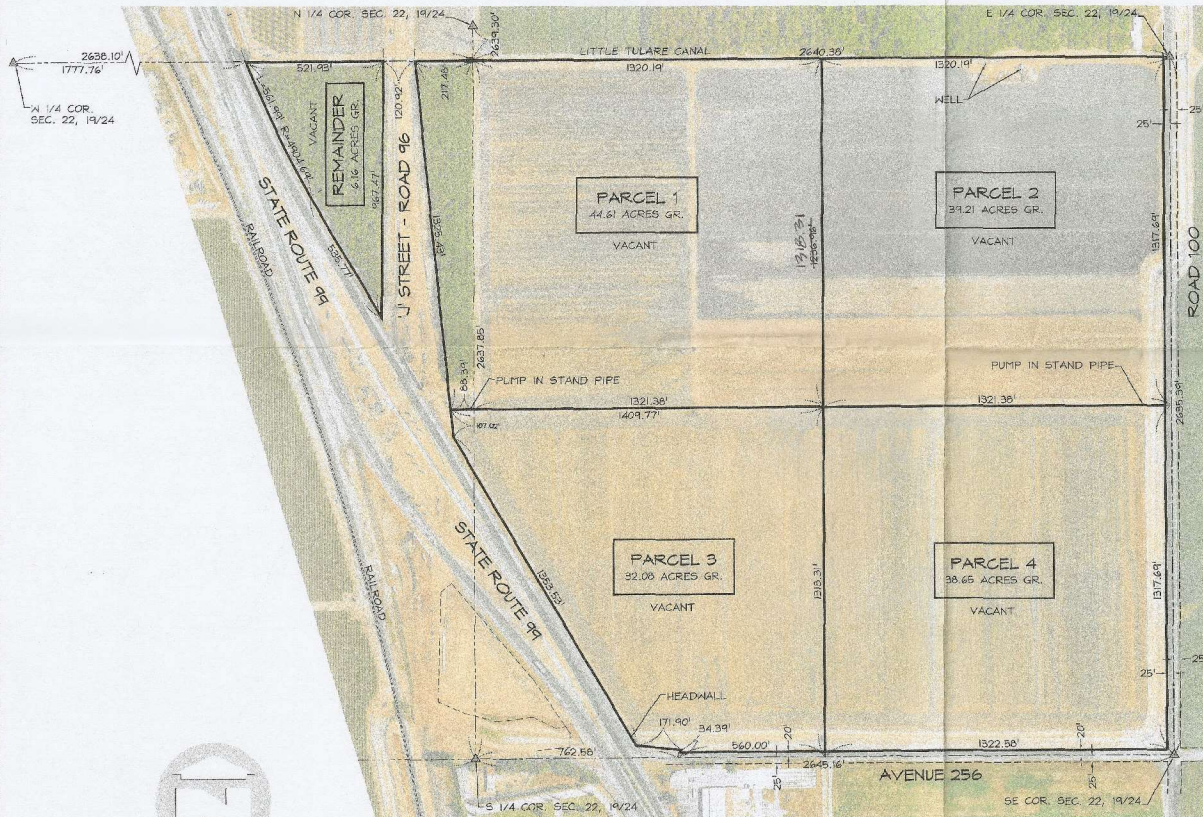
NOTES

1. THERE ARE NO PROPOSED IMPROVEMENTS TO THE SUBJECT PARCEL.
2. WAIVER OF PRELIMINARY GEO-HYDRO REPORT IS HEREBY REQUESTED.
3. SUBJECT PROPERTY IS PART OF AN AGRICULTURAL PRESERVE.
AG CONTRACT NO. 03172 - PRESERVE NO. 0000578.



VICINITY MAP

NOT TO SCALE



SCALE: 1" = 300'

Exhibit "C"

RIGHT TO FARM NOTICE

RE: Use Permit No. _____

or

Parcel Map No. PPM 24-028

or

Subdivision Map No. _____

or

Mining and Reclamation Plan No. _____

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code; and as a condition of approval of the above-referenced use permit, parcel map, subdivision map or mining and reclamation plan, the undersigned hereby acknowledges that:

It is the declared policy of Tulare County to conserve, enhance and encourage agricultural operations within the County. Residents of property on or near agricultural land should be prepared to accept the inconveniences and discomfort associated with agricultural operations, including, but not necessarily limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Consistent with this policy, California Civil Code Section 3482.5 provides that no agricultural operation, as defined and limited by that section, conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Dated: _____

(Signature)

(Print Name)

Dated: _____

(Signature)

(Print Name)

TENTATIVE PARCEL MAP FACT SHEET
PPM 24-028 – Nunes / Neil Zerlang – Land Surveyor

Tentative Parcel Map No. PPM 23-028, with one (1) Exception requested by applicant Eugene Nunes, PO Box 1455, Tulare, CA 93275 (Agent: Neil Zerlang – Land Surveyor, 2908B West Main Street, Visalia, CA 93277), to allow the division of a 160.71 acre parcel into four (4) parcels and one (1) Remainder (Parcel No. 1 = 44.61 acres, Parcel No. 2 = 39.21 acres, Parcel No. 3 = 32.08 acres, Parcel No. 4 = 38.65 & Remainder = 6.16 acres), with a Final Map waiver, in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, Land Designation of Valley Agriculture. Located at the northwest corner of Road 100 and Avenue 256, Tulare, CA (APN 149-010-040).

I. General Plan

1. Land Use Element : Rural Valley Lands Plan
2. Land Use Designation: Valley Agricultural
3. Urban Boundaries Element: N/A
5. Airport Land Use Area: N/A

II. Zoning (Note: special overlay i.e., PD, SR, Airport Impact, Etc.)

1. Site: AE-40 Zone, with a active agriculture, and an irrigation well.
2. Surrounding Area: AE-40 Zone - Agriculture and Dairy
3. Compliance: Yes ☒ No ☐

III. Subdivision Ordinance

1. Exception: Yes ☒ No ☐ N/A ☐
 If Yes: Sections 7105.7 – 7105.9 (7-01-2360 – 7-01-2370) of the Tulare County Ordinance Code.
 For Waived Map for four (4) parcels less than 40 acres, as the property is being divided by original quarters.
 Meets Findings for Approval: Yes ☒ No ☐
2. Final Map Waiver:
 Not Applicable ☐ Recommended ☐ Meets Findings for Approval ☒

IV. Environmental Setting

1. Topographical Features:
 Slope: <10% ☒ 10% - 20% ☐ 20% - 30% ☐
2. Water Courses: None
3. Flood Zone: X
4. Soil(s): N/A
5. Biotic Conditions: CNDDDB N/A
6. Ground Water Table: No information on site.
7. Archaeological: Not likely

V. Reports/Studies (If required, see attached)

- | | | |
|-----------------------------|--|-----------------------------------|
| 1. Geological/Hydrological: | Waived <input checked="" type="checkbox"/> | Required <input type="checkbox"/> |
| 2. Biotic: | N/A <input checked="" type="checkbox"/> | Required <input type="checkbox"/> |
| 3. Traffic: | N/A <input checked="" type="checkbox"/> | Required <input type="checkbox"/> |
| 4. Archaeological: Required | N/A <input checked="" type="checkbox"/> | Required <input type="checkbox"/> |
| 5. Other: _____ | N/A <input checked="" type="checkbox"/> | Required <input type="checkbox"/> |

VI. Agricultural Preserve

- | | | |
|-----------------------|---|-----------------------------|
| Agricultural Preserve | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| PNR Required | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

PNR Previously Filed Yes ☐ No ☒ (Expiration Date _____)**VII. Parcel Information:**

1. Parcel Creation (when/how existing parcels were created): Created legally
Were Parcels created inside or outside UDB/UAB? ☐ Inside ☒ Outside
2. Previous Parcel Activity/Permits: No recent permits.
3. Access to Parcels: ☒ Direct – Road 100 and Avenue 256
☐ Indirect – _____
4. Water Source: ☐ Domestic Well – _____ ☒ Irrigation Well
☐ District – _____ Will Serve Letter on File ☐
☐ Community System
☐ Private Water Co. _____
5. Sewage Disposal: ☐ Septic Tank-Leach Line System - _____
☐ District _____ Will Serve Letter on File ☐
☐ Other _____
6. Environmental Determination: ☒ Exempt
☐ Negative Declaration
☐ Mitigated Negative Declaration

VIII. SUBSEQUENT ACTIONS:

1. **Appeals:** The Planning Commissions decision for approval or denial of the Tentative Parcel Map is final unless the decision is appealed to the Board of Supervisors within ten (10) calendar days after the decision. Said appeal shall be in writing and shall specifically set forth the project case number and the reasons for the appeal and shall be accompanied by the appropriate appeals filing fee. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrell Avenue, Visalia, CA. 93291.
2. **Fish and Game Fee:** The project qualifies for a Categorical Exemption from the California Environmental Quality Act and will not be required to pay State Fish and Wildlife fees. However, the Fish and Game Code requires that the applicant pay to the Tulare County Clerk's office a \$58 document handling fee for the required filing of the Notice of Exemption. The Notice of Exemption is required to be filed within five (5) days of project approval. The applicant shall pay the fee to the Tulare County Resource Management Agency. Checks shall be made payable to: "Tulare County RMA". Applicants cannot avoid payment of the required Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. A Negative Declaration prepared for this project would indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code would require that the applicant pay a fee of \$2,916.75 as a user fee (effective January 1, 2024) to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development. A Mitigated Negative Declaration prepared for a project would indicate that the project was determined to not have a significant effect on the environment if mitigation measures were incorporated that could reduce the potential environmental impacts to a level of insignificance.

3. **Taxes:** The final map or the resolution of the Planning Commission approving the tentative parcel map and waiving the requirement for the filing and approval of the final parcel map cannot be recorded to divide the property for which taxes or special assessments are due and payable and/or are delinquent. In such cases, the taxes or special assessments must be paid before the map or resolution can be recorded. In addition, please be advised that the Tulare County Subdivision Ordinance, pursuant to the State Map Act, prohibits the recording of the map or resolution until the applicant files with the County Tax Collector a security deposit for the payment of property taxes or special assessments which are not yet due and payable.
4. **School Impact Fees:** The subject site is located within the Tulare School Districts, which has/have implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]
NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.
5. **Right to Farm Notice:** In accordance with Section 7905(a) of the Tulare County Ordinance Code, and as a condition of approval of the parcel map, a Right to Farm Notice shall be placed on the face of the final map, or a separate sheet shall be signed by the vested owners of the property and shall be returned to be recorded with the resolution approving a waiver of final map.
6. **Construction Storm Water Permit:** Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. A complete Notice of Intent package (Notice of Intent, site map, and fee) and Notice of Termination (upon completion of each section), shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.



Attachment No. 3 RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron R Bock Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

DATE: August 8, 2024

PROJECT REVIEW - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: David Alexander, Project Planner

Subject: Case No. Tentative Parcel Map No. PPM 23-028, with a Final Map Waiver, with one (1) Exception, requested by applicant Eugene Nunes, PO Box 1455, Tulare, CA 93275 (Agent: Neil Zerlang – Land Surveyor, 2908B West Main Street, Visalia, CA 93277), to allow the division of a 160.71 acre parcel into four (4) parcels and one (1) Remainder (Parcel No. 1 = 44.61 acres, Parcel No. 2 = 39.21 acres, Parcel No. 3 = 32.08 acres, Parcel No. 4 = 38.65 & Remainder = 6.16 acres), with a Final Map waiver, in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, Land Designation of Valley Agriculture, Located at the northwest corner of Road 100 and Avenue 256, Tulare, CA (APN 149-010-040).

The Tulare County Resource Management Agency, Development Services Branch, has received an application for a land development permit. A copy of the application package is attached for your information.

Please review this project and provide any comments and/or recommendations that you feel are appropriate including any scientific or factual information that would be useful in our evaluation. Please indicate in your response which CEQA document this department should prepare:

☒ Categorical Exemption: Class 1

☐ Negative Declaration:

☐ Mitigated Negative Declaration

☐ Environmental Impact Report

☐ Other:

To all local agencies wishing to make recommendations, all comments must be received by our office by 09/09/2024, in order to be considered during the review process. David Alexander, Planner III, dalexander@tularecounty.ca.gov, 559-624-7138.

Special Notice to Agencies: Notice of a public hearing for this project will be mailed at least ten (10) days prior to the hearing. If your agency will be significantly affected by this project with respect to your ability to provide essential facilities and/or services, and you wish to receive notice of the public hearing, please state this in your response.

Our office appreciates your time and assistance with this project review. Please direct all correspondence to the Project Planner and Case Number referenced above for this project.

CONSULTING AGENCY LIST**TULARE COUNTY AGENCIES**

- ☐ R.M.A. - Building Division
☐ R.M.A. - Code Compliance Division

☐ R.M.A. - Environmental Coordinator
☐ R.M.A. - Community Dev./Redevelopment Division
☒ R.M.A. - Flood/Permits/Subdivisions Division
☐ R.M.A. - Parks and Recreation Division
☐ R.M.A. - Building Services Division
☐ R.M.A. - General Services Division
☐ R.M.A. - Transportation/Utilities Division
☐ R.M.A. - Solid Waste Division
☒ H.H.S.A. - Environmental Health Services Division
☐ H.H.S.A. - HazMat Division
☒ Fire Chief (2 copies)
☐ Sheriff's Department - Visalia Headquarters
☐ Traver Substation
☐ Orosi Substation
☐ Pixley Substation
☐ Porterville Substation
☐ Agricultural Commissioner
☐ Education Department
☐ Airport Land Use Commission
☐ Supervisor District ____
☐ Assessor
☒ Abraham Folk

LOCAL AGENCIES

- ☐ Levee Dist. No 1*
☐ Levee Dist. No 2*
☐ _____ Irrigation Dist*
☐ _____ Pub Utility Dist*
☐ _____ Comm. Service Dist*
☐ _____ Town Council*
☐ _____ Elem. School Dist*
☐ _____ High School Dist*
☐ City of _____ *
☐ County of _____ *
☐ Tulare Lake Basin Water Storage Dist*
☐ _____ Advisory Council*
☐ _____ Fire District*
☐ _____ Mosquito Abatement*
☐ Kaweah Delta Water Cons. District*
☐ SJV Air Pollution Control Dist
_____*

FEDERAL AGENCIES

- ☐ Army Corps of Engineers
☐ Fish & Wildlife
☐ Bureau of Land Management
☐ Natural Resources Conservation Dist.
☐ Forest Service
☐ National Park Service
_____.

STATE AGENCIES

- ☐ Dept. of Fish & Wildlife Dist 4
☐ _____, DFG Area
Biologist
☐ Alcoholic Beverage Control
☐ Housing & Community Development
☐ Reclamation Board
☐ Regional Water Quality Control Board - Dist. 5
☐ Caltrans Dist. 6*
☐ Dept. of Water Resources*
☐ Water Resources Control Board*
☐ Public Utilities Commission
☐ Dept. of Conservation
☐ State Clearinghouse (15 copies)
☐ Office of Historic Preservation
☐ Dept. of Food & Agriculture
☐ State Department of Health
☐ State Lands Commission
☐ State Treasury Dept. - Office of Permits Assist.
_____.

OTHER AGENCIES

- ☐ U.C. Cooperative Extension
☐ Audubon Society - Condor Research
☐ Native American Heritage Commission
☐ District Archaeologist (Bakersfield)
☐ TCAG (Tulare Co. Assoc. of Govts)
☐ LAFCo (Local Agency Formation Comm.)
☐ Pacific Bell (2 copies)
☐ GTE (General Telephone) (2 copies)
☐ P.G. & E. (2 copies)
☐ Edison International (2 copies)
☐ The Gas Company (2 copies)
☐ Tulare County Farm Bureau
☐ Archaeological Conservancy (Sacramento)



TULARE COUNTY RESOURCE MANAGEMENT AGENCY PLANNING APPLICATION

GENERAL INFORMATION / COVER SHEET



LAND USE ENTITLEMENT (DISCRETIONARY)

TYPE OF APPLICATION:

- | | | |
|---|--|---|
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Review/Interpretation Request | <input type="checkbox"/> Variance- Flood |
| <input type="checkbox"/> Final Site Plan | <input type="checkbox"/> Revisions to a Parcel/Sub Map | <input type="checkbox"/> Variance-Building/Road Setback |
| <input type="checkbox"/> General Plan Initiation | <input type="checkbox"/> Special Use Permit (PC) | <input type="checkbox"/> Variance- Zoning |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Zone Change Initiation |
| <input type="checkbox"/> Planned Development | <input checked="" type="checkbox"/> Tentative Parcel Map | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Tentative Subdivision Map | <input type="checkbox"/> Other _____ |

NOTE: APPLICANT AND PROPERTY OWNER NAMES MUST BE LISTED IDENTICAL TO HOW THEY ARE SHOWN ON YOUR GOVERNMENT ID

Applicant: Eugene Nunes

Mailing Address P. O. Box 1455

City/Town Tulare State CA Zip 93275

Phone 559-731-6516 Cell _____

E-Mail _____

Signature Eugene Nunes

Property Owner: same

Mailing Address same

City/Town _____ State _____ Zip _____

Phone _____ Cell _____

E-Mail _____

Signature Eugene Nunes

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

Name/Title Neil Zerlang - Land Surveyor

Mailing Address 2908B West Main Street

City/Town Visalia State CA Zip 93291

Phone 559-739-1616 Fax 559-739-1610

E-Mail neil.nzls@sbcglobal.net

Name/Title _____

Mailing Address _____

City/Town _____ State _____ Zip _____

Phone _____ Fax _____

E-Mail _____

Project Information:

Site Address(es): Northwest corner Road 100 and Avenue 256 City/Town: Tulare

Assessor's Parcel No(s): 149-010-040

THIS SPACE FOR PERMIT CENTER STAFF USE ONLY

Project Number: PPM24028 Supervisor District: 2 Economic Development: _____

Current Zoning: AE-40 General Plan Land Use: Valley Ag UAB/UDB/HDB/MS: Yes ☐ No ☒

Project Description Parcel Division - (4) lots & a remainder parcel.

Agricultural Preserve (if applicable) - Preserve No. 03172000578 Contract No. 03172

Filing Fee(s): \$4,539.00 Total Amount Paid: _____ Payment Type: _____

Date Received: 7/3/2024 Existing Entitlements/References: _____

Application Received/Reviewed by: ER

PERMIT CENTER HOURS: MONDAY – THURSDAY 9:00 A.M. TO 4:30 P.M. FRIDAY 9 A.M. -11 A.M.

TULARE COUNTY RESOURCE MANAGEMENT AGENCY

****5961 S. Mooney Blvd. Visalia, CA 93277 ** PHONE: 559-624-7000 ****

DISCRETIONARY LAND USE ENTITLEMENT APPLICATION

REQUIREMENTS, FEES AND INSTRUCTIONS *(Please use dark blue or black ink)*

The application form must be filled out completely and in every respect with all questions answered and all required attachments before the County can officially accept the application for processing. In the course of accepting and processing the application, Permit Center staff or the project planner may ask the applicant to clarify, correct or otherwise supplement the required information. The application may be filed with the Resource Management Agency Permit Center, at 5961 S. Mooney Blvd. Visalia, CA 93277. Phone No. (559) 624-7000. **IMPORTANT NOTICE: Fees are required at time of application submittal and are subject to change. Please verify the most up to date fees with Permit Center staff. The applicant is responsible for the payment of all fees associated with this application, including the initial fee/deposit and additional fees charged for processing. In addition, the applicant may be required to submit to the County additional deposits.**

Please see application fee information on Page 3 for specific and detailed fee information.

In addition to this application, please provide the following:

1. One (1) copy of the Development / Site Plan (showing entire parcel and location of the project)
2. Operational Statement: Please attach a detailed operational statement.
3. A signed Indemnification Agreement
4. "Will Serve" Letter from the appropriate off-site Community Water or Sewage Disposal provider.
5. Supplemental Information: Parcel Map Applications may require applications for exceptions and/or a waiver of the final map (if applicable). Certain applications pertaining to projects involving the raising of animals (dairies or other animals), Surface Mining or other more intense uses may require additional information and forms which can be obtained by contacting the Permit Center staff.

SUMMARY OF REQUIREMENTS FOR A LAND USE ENTITLEMENT APPLICATION

	Applicant	Staff
1. Completed Application	<input type="checkbox"/>	<input type="checkbox"/>
2. Owner's Affidavit <i>(signed by property owner)</i>	<input type="checkbox"/>	<input type="checkbox"/>
3. Filing Fee	<input type="checkbox"/>	<input type="checkbox"/>
4. Development/Site Plan (1 copy) (additional copies may be required)	<input type="checkbox"/>	<input type="checkbox"/>
5. Indemnification and Cost Recovery Agreement <i>(separate attachment)</i>	<input type="checkbox"/>	<input type="checkbox"/>
6. Supplemental Information (Review of "Identified Hazardous Waste Sites")	<input type="checkbox"/>	<input type="checkbox"/>
7. Applicant's Request for Notification of Proposed Land Use Action	<input type="checkbox"/>	<input type="checkbox"/>
8. Operational Statement <i>(if required by County)</i>	<input type="checkbox"/>	<input type="checkbox"/>
9. "Will Serve" letter from the appropriate off-site Community water and/or sewage disposal provider.	<input type="checkbox"/>	<input type="checkbox"/>
10. Water availability information for all existing and/or proposed on-site domestic wells.	<input type="checkbox"/>	<input type="checkbox"/>
(Note: If a domestic well on one parcel is going to supply water to another parcel, a ten foot wide well and pipeline repair and maintenance easement in favor of that parcel shall be shown on the parcel (tentative/final) map and incorporated into the legal description prepared for the division of land.)		
11. Request for Unused Fees Form <i>(Signed by the Applicant)</i>	<input type="checkbox"/>	<input type="checkbox"/>

LAND USE ENTITLEMENT APPLICATION FEES

Project Type

Fee Due at Application Submittal

Development Agreement	\$1,303 deposit (then \$115/hourly charged)
Final Site Plan	\$3,415 deposit (then \$115/hourly charged)
General Plan Initiation	\$5,321 deposit (then \$115/hourly charged)
General Plan Amendment	\$10,321 deposit (then \$115/hourly charged)
Planned Development	\$8,304 deposit (then \$115/hourly charged)
Planned Unit Development	\$8,203 deposit (then \$115/hourly charged)
Review/Interpretation Request	\$300 deposit (then \$115/hourly charged)
Revisions to a Parcel/Sub Map	\$1,312 (for a Minor Revision) 1/2 of fee for Tent Map not less than \$1,354 (Major Revision)
Special Use Permit (PC)	\$3,005 deposit (then \$115/hourly charged) for CEQA Exempt projects, temporary uses, mobile home/additional housing \$5,750 deposit (then \$115/hourly charged) for New Special Use Permits and Amendments \$5,528 deposit (then \$115/hourly charged) for Expansions of Non-Conforming Uses *Note that Large Day Cares, Kennels, and Hazardous Waste Facilities have special fee amounts. Please contact Permit Center staff for any fee questions. Additional \$150 fee in SRA Areas
Specific Plan	\$5,321 deposit (then \$115/hourly charged)
Tentative Parcel Map	→ \$2,507 flat fee (for 1-4 lots) - Additional: \$168 for Waiver request, \$249 for exceptions to maps/lot lines, \$113 in SRA Areas; ✗ \$3,568 plus \$65 per lot (for more than 4 lots) (then \$115/hourly charged)
Tentative Subdivision Map	Deposit Varies based on number of lots (then \$115/hourly charged)
Variance - Flood	\$3,313 deposit (then \$115/hourly charged)
Variance - Building/Road Setback	\$1,801 flat fee
Variance - Zoning	\$3,490 deposit (then \$115/hourly charged)
Zone Change Initiation	\$3,333 deposit (then \$115/hourly charged) Note: Zone Initiation fee is deducted from Zone Change Fee
Zone Change	\$6,451 deposit (then \$115/hourly charged)

Additional Fees Due Prior to Hearing or Project Completion

CEQA (Environmental) Fees for 2024	Varies: Exempt: \$58, ND or MND: \$2,916.75, EIR: \$4,051.25
Recording Fee Deposit	\$150 (Including SB2 - Building Homes and Jobs Act Fee)
Compliance Monitoring Fee	\$130

Tax Clearance Fees for Parcel Maps/Lot Line Adjustments

Assessor Fee Per Map for Tax Estimates	\$63
Assessor Fee Per Map for Waived Maps	\$336
Tax Collector Fee	\$131 per Original APN

PLEASE FILL OUT THE FOLLOWING INFORMATION COMPLETELY.

1. Type of Project:
☐ Residential ☐ Commercial ☐ Industrial ☒ Agricultural
2. Present use of the project site (existing conditions, improvements, and/or development)?
Agricultural
3. What is the project/proposed use of site? And when will the use begin? (Please state exactly and in detail what the intended reason to be done on, or with, the property).
Agriculture
4. Is the project proposing to create new lots? yes
If yes, how many? 4
5. Is this project to resolve a violation? no
6. Liquid waste disposal (please check appropriate box): ☐ Existing ☐ Proposed
☒ Septic Tank-Leach Lines: Size of tank none gallons & length of lines _____ ft.
☐ Seepage Pit - Size _____
☐ Community System – Name: _____
☐ Aerobic tank - Size of tank _____
7. Water supply (please check appropriate box): ☒ Existing ☐ Proposed
☐ Domestic Well – Size of pump _____ Gallons per minute unknown
☒ Irrigation Well: unknown
☐ Irrigation District – Name: _____
☐ Private Water Company – Name: _____
☐ Community System – Name: _____
Note: A “Will Serve” letter must be provided from any off-site community water and/or sewage disposal provider and must be submitted as part of this application. In addition, water availability information for all existing and/or proposed on-site domestic wells must also be submitted with this application.
8. Source of energy (please check appropriate box):
☒ Electricity – Company name: SCE ☐ Natural Gas – Company name: _____
☐ Propane: Size of tank _____ Provider _____
9. Date property was acquired: September 2019
10. Date use began on site: prior to 2019

11. Parcel or Lot Size(s) (*in acres or sq. ft. as appropriate*): 160.7 acres
12. How much area of the total parcel or lot is being developed or utilized for the proposed use (acreage, square footage and percentage)?
all
13. Will the development of the project be in phases? If yes, Yes ☐ No ☒
please describe each phase and estimated time frames.
14. List and describe any other related permits and/or other public approvals required for this project, including those required by city, regional, state and federal agencies.
none
15. Parking: Specify the number of on-site parking spaces, including the location, size, and type of surfacing.
n/a
- Specify number of loading space(s) and loading dock(s) _____
16. Number of trips generated per day by each type listed below (*2 trips = 1 arrival and 1 departure*):
- | | | | |
|----------------------------|-------|-----------|-------|
| Residents | _____ | Customers | _____ |
| Employees (including self) | _____ | Shipping | _____ |
| Deliveries | _____ | Other | _____ |

Residential Projects Only:

17. Please indicate the type of residential development (*conventional, mobile home, duplex, tri-plex*).
parcel division only
18. How many structures/buildings are being proposed? _____
19. How many units will there be? _____
20. Please provide the relationship of persons to the applicant in each dwelling unit.

****For Residential Projects and Tentative Parcel Map/Subdivision Map Projects please skip the next section and proceed to Page 9 to complete the Environmental Setting Questions and additional required forms.**

Commercial, Industrial and Agricultural Projects Only:

21. Employees: Indicate the total number of employees and include the number of shifts and number of employees per shift.

22. Days and Hours of Operation (*if seasonal, include months of operation*):

23. Please fill out the table below regarding your proposed project. Note: For proposed expansions please provide a copy of the existing use permit or approved site plan. Please describe additional information about the expansion on a separate sheet.

DESCRIPTION OF EXISTING USE AND NEW OR PROPOSED EXPANSION		
	EXISTING	NEW OR PROPOSED EXPANSION
Type of Use		
Number of Employees		
Type of Development		
Size of Development (sq. ft.)		
Area of Development (sq. ft./acres)		
Operating Hours & Days		
Annual Production (tons, gallons, etc.)		
Daily Trips (arrivals & departures) of : Employees Customers Deliveries Shipments		
Equipment		
Vehicles, by type		
Water usage (# of gallons per year)		
Wastewater (# of gallons per year)		

24. Are alcoholic beverages proposed to be served on site? ☐ Yes ☒ No
If Yes, please explain and state who will hold the license from the State Department of Alcohol Beverage Control. _____
25. Waste materials: Indicate types of all waste materials and the existing or proposed method for disposal.

26. Waste/Storm water: Indicate plans for reclamation for waste/stormwater (if applicable):

Required permit or waiver from Regional Water Quality Control Board? Y / N (If yes, attach report.)
If processing water is used for irrigating, specify # of acres, location (APNs) and property owner(s)

27. Access to major roads, railroads or waterways. _____
28. Drive approach(es) – Describe existing or proposed. _____

29. Signage – Describe existing and proposed signage for the proposed use. _____

30. Landscaping – Describe existing and proposed landscaping on the site. _____

31. If the proposed use is for commercial development, indicate the type (*neighborhood, general, service, urban, rural, agricultural*), proposed use, and square footage of retail and/or wholesale sales area and/or storage area.

32. If the proposed use is for institutional, indicate the type (*hospital, daycare, clinics, or similar use*), the major function, estimated occupancy and the community benefits to be derived from the project.

33. If the proposed use includes manufacturing or processing, indicate the type of product, method of storage, process for distribution or selling, and whether the operation is for retail or wholesale.

Equipment used _____ Where operated _____

Distance from nearest off-site residence _____

Current production (# gallons or tons/yr) _____ Proposed production(# gallons or tons/yr) _____

34. If the proposed use includes storage or warehousing, indicate the type of materials to be stored on site and the size and description of the storage area, including existing and proposed fencing and screening.

Are any portable toilets stored on site? Yes / No If so, how many? _____

Where are portable toilets emptied and cleaned out? _____ By whom? _____

Are any of the stored materials hazardous? Yes / No

Any explosive materials? Yes / No Volatile materials? Yes / No Poisons? Yes / No

If so, please describe storage arrangements (containment, inside structure, signage, etc.)

Does applicant have a Hazardous Materials Business Plan on file with the County Environmental Health Services Division? _____

Does applicant have current State and local permits for transporting hazardous materials? Yes / No

Describe _____

35. Type of equipment and/or machines to be utilized, including horsepower. Specify - powered by propane, gasoline, diesel or electricity (*if applicable*): _____

Fork Lifts _____

36. Type and number of vehicles to be utilized (*if applicable*):

Pickups _____ Tractors _____

2-ton trucks _____ ARB compliant? Yes / No

18-wheelers _____ ARB compliant? Yes / No

Trailers _____ Other _____

Specific Types of Projects (Applicable only to Cell Tower, Solar Projects, Confined Animal Operations and Assemblage of People applications):

37. If the proposed use is for a telecommunications/cell tower, indicate the type, height, size of lease area and the number of receivers proposed.

Distance from nearest residence _____ Distance from public road _____

NOTE: Please provide map of cell tower locations within 10 mile radius.

38. If the proposed use is for a solar facility, describe whether power will be generated -
For use on the site ☐ or back to the grid ☐

Panel type _____ Square footage or acreage _____

Ground mounted ☐ Roof-mounted ☐ Amount of power to be generated _____

39. If the proposed use is for an animal operation, specify the types of animals and their maximum number.

Note: Dairies and Other Concentrated Animal Raising Operations require special application forms.

40. If the proposed use will include facilities for an assemblage of people (in a church, auditorium, or other structure, or in an open area), inside/outside (tent, canopy or building), indicate the seating capacity, including whether it is fixed or loose seating, and the number of tables with seating.

Proposed days (weekends or weekdays?) _____ Proposed # of events/year _____

Proposed Number of Commercial Events: _____

Expected # of attendees _____ Employees (including self): _____

Distance to lot lines _____ Distance to nearest off-site residence _____

Proposed entertainment _____ Amplification type _____

Hours of events - Setup _____ Event(s) _____ Cleanup _____

of parking spaces _____ On-site parking area size _____ Surface _____

Off-site parking arrangements, if any: _____

Fencing - Type _____ Location _____

Proposed # of security guards (*Need 1 for each 100 attendees if no alcohol served or 2 for each 100 if alcohol is served*): _____

Will alcohol be served? Yes ☐ No ☐

If yes, who holds the ABC license? _____

Restroom arrangements: ☐ Portable Toilets (Need 1:50 people) ☐ Restrooms (1:100 people)
Number Provided _____

Number of hand wash sinks _____ (*If portable toilets, need 1 hot water dispenser for every 15 food handlers*).

Food Provider or Caterer: _____

ENVIRONMENTAL SETTING

41. Describe the project site, prior to the proposed use, including all above and below ground developed improvements (*residences, outbuildings, barns, sheds, covers, shop buildings, septic tank-leach line systems, domestic/agricultural wells, fuel storage tanks, etc.*), including the size of each.

Subject site is entirely agricultural and contains ag pumps and wells.

42. Please describe and indicate the slopes and general terrain of the subject site (fairly level, on bluff, hillside with outcroppings, etc.): generally flat

43. Trees: Please identify the type and size of any large trees on site.
orchard trees

44. Water bodies/courses: Identify the type and location of any on-site or nearby water bodies/courses (*rivers, canals, ditches, streams, creeks, ponds etc.*).
Little Tulare Canal

45. Describe the character and land use of the surrounding properties (orchards, vineyards, row crops, pasture, open space, water courses, railroads, roads, rural residential, subdivisions, commercial, schools, churches, vacant, city or county boundary):

<u>DIRECTION</u>	<u>CHARACTER/LAND USE</u>
North	agriculture
South	agriculture
East	agriculture
West	agriculture

46. Fire Suppression:
Number of Hydrants on site n/a Hydrant(s) off site ____ Distance ____
Storage tank on site for fire suppression (requires Fire Department connection) Size ____

47. Will the project require the development of public service *facilities (roads, sewer lines, water lines, etc.)*? If so, describe the required development:
no

48. Provide any additional information that may be helpful in evaluating this request. (*Use the back of this form or attach separate sheet, if needed.*)

**SUPPLEMENTAL INFORMATION FOR
APPLICATION OF ANY DEVELOPMENT PROJECT**

HAZARDOUS WASTE AND SUBSTANCES STATEMENT:

Per California Government Code Section 65962.5(f), before the County accepts as complete an application for any development project, the applicant or owner shall consult the State's lists of hazardous waste facilities, shall submit a signed statement to the County indicating whether the project is located on a site that is included on any of the lists. The "Identified Hazardous Waste Sites" list may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public> or reviewed at the Resource Management Agency Permit Center, 5961 South Mooney Blvd., Visalia, California.

Before any application can be accepted as complete by the Tulare County Resource Management Agency, the owner of the subject property, or the owner's authorized agent, must complete this form.

STATEMENT:

I have reviewed the "Identified Hazardous Waste Sites" list (which may be viewed on the web at <http://www.envirostor.dtsc.ca.gov/public>) dated 6/11, 2024, and state that:

"The site(s) of the project subject to this application ___ is / X is not on the "Identified Hazardous Waste Sites" list."

(If the site is on any of hazardous waste facilities lists, the applicant shall inform the County of which list, the date of the list, the regulatory identification number of the site on the list and corrective measures that will be taken to remove the site from the State list.)

CERTIFICATION:

I hereby certify that the information furnished herein presents to the best of my knowledge and belief, true and correct facts, statements, and information, and that I am the owner, or the authorized agent of the owner, of the subject property.

Signed: 

Dated: 6/14/24

OWNER'S AFFIDAVIT
(Must be signed by property owner)

STATE OF CALIFORNIA)
COUNTY OF TULARE)

SS.

I, (We,) the undersigned, say:

I (We) own property involved in this application and I (we) have completed this application and other documents and maps required hereby to the best of my (our) ability and the statements and information above referred to are, in all respects, true and correct to the best of my (our) knowledge and belief. I (We) declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____, at _____

Property Owner:

Name: Eugene Nunes

Signature: _____

Eugene Nunes
State: CA Zip: 93275

Address: P. O. Box 1455, Tulare

Optional – additional property owner:

Name: _____

Signature: _____

Address: _____ State: _____ Zip: _____

If there is an agent, title company, or prospective buyer who desires notification of the action taken on this application, please enter name here.

Name: Neil Zerlang - Land Surveyor
Relationship: Agent
Address: 2908B West Main Street, Visalia
State: CA Zip: 93291
Telephone: 559-739-1616
FAX No.: 559-739-1610

Signed: Neil Zerlang Date: 6/14/24

**APPLICANT(S) REQUEST FOR NOTIFICATION
OF PROPOSED LAND USE ACTION**

NOTICE:

Under Section 65945(a) of the California Government Code, at the time of filing an application for a development permit, the applicant may make a written request to receive notice from the County of a proposal to adopt or amend any of the following plans or ordinances which may affect the proposed development permit:

1. A General Plan
2. A Specific Plan
3. A Zoning Ordinance
4. An Ordinance affecting building permits or grading permits

The applicant shall specify, in written request, the types of proposed actions for which notice is requested. Prior to taking any of those actions, the County is required to give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the County if the County determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

REQUEST:

☐ I hereby request under Section 65945(a) for the following types of actions (see above). Circle those that apply:

1 2 3 4

☒ I hereby waive notice under Section 65945(a).

I understand that any rights to notice under Section 65945(a) will lapse at the time that final action is taken on my development project.

Signed: 
(applicant or authorized agent)

Dated: 6/14/24

Permit No.: _____

The County of Tulare
“INDEMNIFICATION AND COST RECOVERY AGREEMENT”
must accompany this application

**Please download or print out the form from the
County Web Site
(located with the list of land use applications).**

**The Indemnification and Cost Recovery Agreement
must be filled in and signed by the applicant and must be
submitted as part of any land use application requiring
discretionary review by the County.**

This Agreement must be signed by the Applicant

**Please sign the Agreement in blue ink (preferred)
and submit the original, signed document with the appropriate
land use application.**

WITHDRAWAL OF APPLICATION

Should you, at any time during the processing of your application, wish to withdraw your application and request a refund of fees paid, you may do so by forwarding a letter to the Resource Management Agency making that request. Please state clearly that you no longer wish to proceed with your land use project (*state the project number*), and that you are requesting a withdrawal of your project and a refund of any fees that have not been expended for the processing of your application.

Please date and sign the letter and include a mailing address where you would like any refund of fees (if applicable) to be mailed. Forward the request to the attention of the project planner.

REQUEST FOR REFUND OF FEES

Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Project Number: _____

Please refund any unused fees associated with this application to the designated name and address below.

Eugene Nunes

(please print name)

P. O. Box 1455

(Street Address, Suite/Apt. No.)

Tulare, CA 93275

(City, State, Zip)


Signature

6-18-24
Date

To Administrative Regulation 49

COUNTY OF TULARE
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Application or Solicitation Number: _____

Application or Solicitation Title: _____

Was a campaign contribution, regardless of the dollar amount, made to any member of the Tulare County Board of Supervisors or to any County Officer on or after January 1, 2023, by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes _____ No ✓

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor: (check applicable boxes)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

The Applicant

Subcontractor

The Applicant's agent/ or lobbyist

Yes

Yes

Yes

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

No

No

No

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Board of Supervisors Member(s) and County Agency Officer(s) to whom you, your subcontractors, and/or agent/lobbyist made campaign contributions on or after January 1, 2023, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board of Supervisors Member or County Agency Officer: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Board Members or County Agency Officer to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Board Members or County Agency Officers by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

Date

Print Firm Name if applicable

Signature of Applicant

Print Name of Applicant

To Administrative Regulation 49

**TULARE COUNTY BOARD OF SUPERVISORS
AND
ELECTED COUNTY OFFICERS**

Board of Supervisors

Larry Micari, Supervisor, First District
Pete Vander Poel, Supervisor, Second District
Amy Shuklian, Supervisor, Third District
Eddie Valero, Supervisor, Fourth District
Dennis Townsend, Supervisor, Fifth District

Elected County Officers

Tara K. Freitas, Assessor/Clerk-Recorder
Cass Cook, Auditor-Controller/Treasurer-Tax Collector
Timothy Ward, District Attorney
Michael Boudreaux, Sheriff-Coroner



TULARE COUNTY RESOURCE MANAGEMENT AGENCY APPLICATION

GENERAL INFORMATION / COVER SHEET



WAIVER OF FINAL MAP AND EXCEPTIONS APPLICATION

☒ Tentative Parcel Map No. _____
☐ Lot Line Adjustment No. _____
☐ Tentative Subdivision Map No. _____

General Information:

Applicant Eugene Nunes

Mailing Address P. O. Box 1455 City Tulare State Zip 93275
Phone 559-731-6516 Cell Phone _____ E-Mail _____

Property Owner (if different) same

Mailing Address same City _____ State Zip _____
Phone _____ Cell Phone _____ E-Mail _____

Agent (if applicable) Neil Zerlang - Land Surveyor

Mailing Address 2908B West Main Street City Visalia State Zip 93291
Phone 559-739-1616 Cell Phone _____ E-Mail neil.nzls@sbcglobal.net

Site Address: none **City/Town:** Tulare

Physical Location of Site (cross streets and nearest community): _____
Northwest corner Road 100 and Avenue 256

Assessor's Parcel No(s): 149-010-040

THIS SPACE FOR OFFICE USE ONLY

Application Received/Reviewed by: _____ Project Number(s) _____

Use Description _____

Current Zoning: _____ Economic Development Project: _____

Land Use Designation: _____

Agricultural Preserve & Contract Nos. (if applicable) _____

Filing Fee(s): _____ Total Amount Paid: _____

Date Received: _____ Payment Type: _____

Receipt Number(s) _____ Existing Entitlements/References: _____

PERMIT CENTER HOURS: MONDAY-THURSDAY 9:00 A.M. TO 4:30 P.M., FRIDAY 9:00 A.M. TO 11:00 A.M.

APPLICATION FOR WAIVER OF FINAL PARCEL MAP

(Fee: \$168.00- effective 7/01/18)

Property owner (or authorized agent): Eugene Nunes

Mailing Address: P. O. Box 1455

City Tulare State CA Zip 93275

Phone 559-731-6516 Cell _____

In accordance with Sections 7105.7 – 7105.9 (7-01-2360 – 7-01-2370) of the Tulare County Ordinance Code, an application is hereby made for waiver of the requirement to file a Final Parcel Map. This application is based on the Tentative Parcel Map's conformance with the condition(s) indicated below (check as appropriate):

- ☐ Any parcel or parcels of land to be divided into four (4) or less parcels, each of a gross area of ten (10) acres or more.
- ☐ Any parcel or parcels of land to be divided into parcels, each of a gross area of forty (40) acres or more.
- ☒ Any parcel of land which is being divided into two (2) parcels, regardless of size, when the original parcel has frontage on an existing public road and no portion of the parcel is located within the urban area boundary of the city or unincorporated area as established by the General Plan.
- ☐ Any parcel which is being divided for the sole purpose of leasing property for the growing of agricultural crops.
- ☐ Any parcel which is being divided for the sole purpose of conveying property to an adjoining property owner.

- Note:** 1) Waiver of a parcel map may be granted only if the Tentative Parcel Map is given an unconditional approval.
- 2) A typed legal description of each parcel to be created must be attached to this application.

Signed 

Date _____

APPLICATION FOR EXCEPTIONS

Please check the type of exception requested and explain exactly and completely what the special circumstances or conditions are which affect the property and how the exception is appropriate for the proper design and/or function of the property.

LOT EXCEPTION

☐ Area _____

☐ Frontage _____

☐ Width _____

☐ Depth _____

☐ Width to Depth Ratio _____

☐ Other Lot Exception _____

ROAD EXCEPTION *(The developer's engineer may be required to provide additional information to the RMA Engineering Branch in the form of road centerline profiles on the particular exception requested.)*

☐ Width (graded) _____

☐ Width (paved) _____

☐ Radius of Curvature _____

☐ Cul-de-sac Length _____

☐ Radius of Cul-de-sac Paved or Graded _____

☐ Design Speed _____

☐ Other Road Exception _____

Notes: An Extension of Time for action on a Tentative Map is hereby granted as a part of this application, not to exceed the limits set forth in Government Code Section 65950.

Any Exception may be granted subject to any reasonable conditions, which are deemed necessary to effectuate the purposes of the Tulare County Subdivision Ordinance (reference Section 7-01-2645).

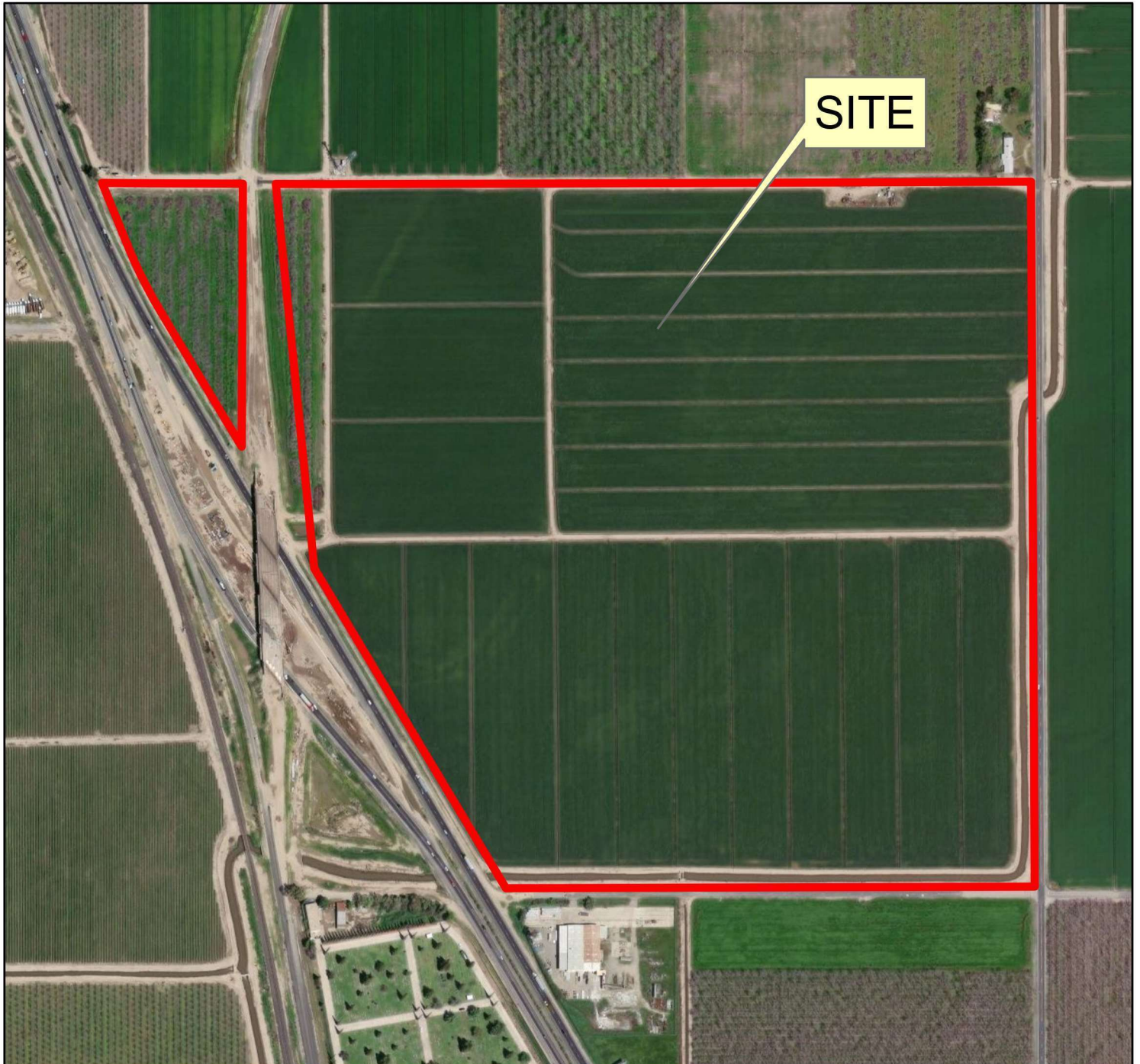
An incomplete application form is reason to reject this application.

I (We) declare under penalty of perjury that the foregoing is true and correct.

Signed _____
Applicant/Agent

Date _____

Aerial Photograph for PPM 24-028



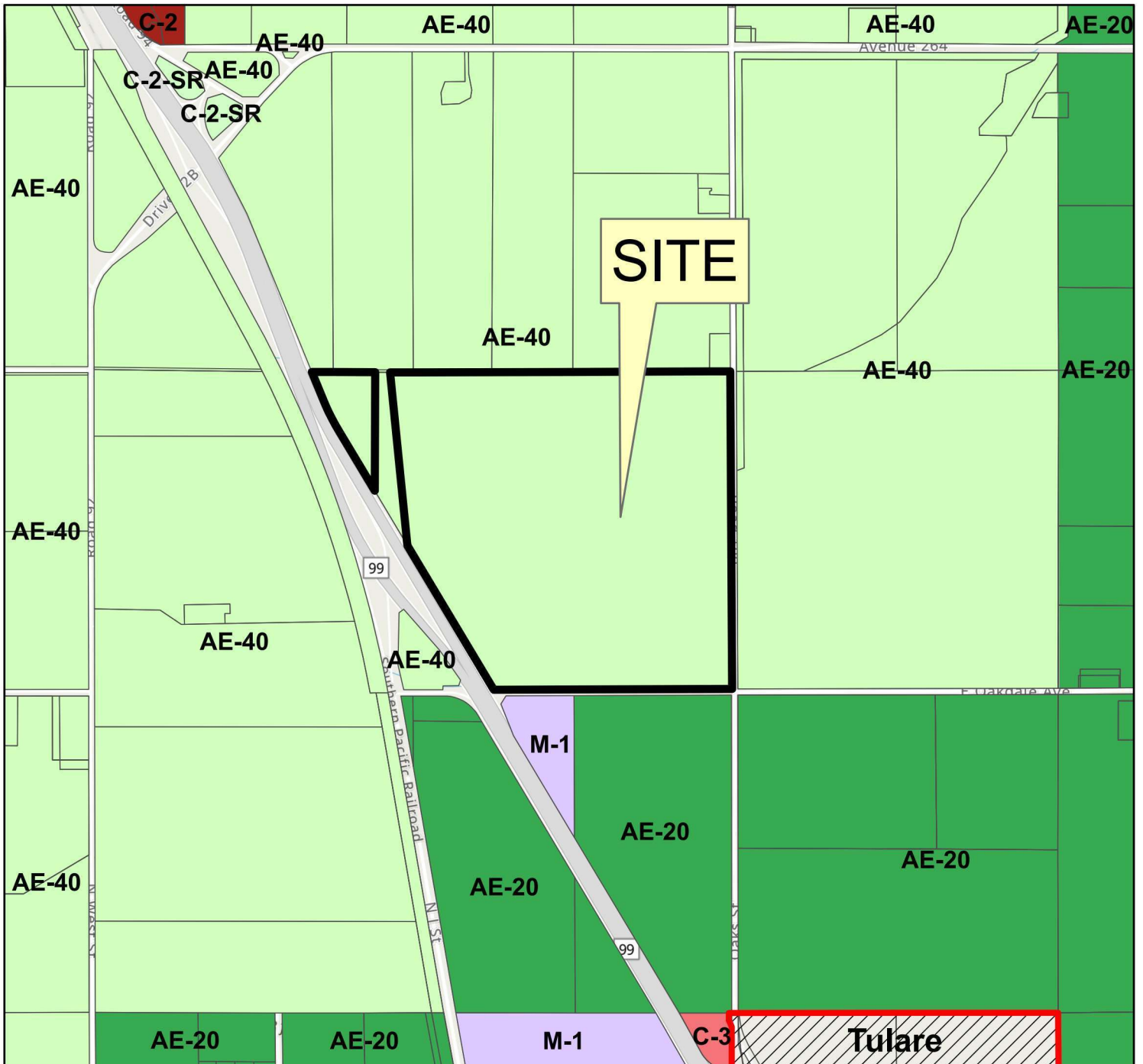
Owner: EUGENE NUNES
Applicant: SAME
Address: PO. BOX 1455
City, State, ZIP: TULARE, CA 93275
Supervisorial District: 2
Assessors Parcel: 149-010-040

0 330 660 990 1,320 Feet

 Parcels
 PPM 24-028



Existing Zoning Map for PPM 24-028



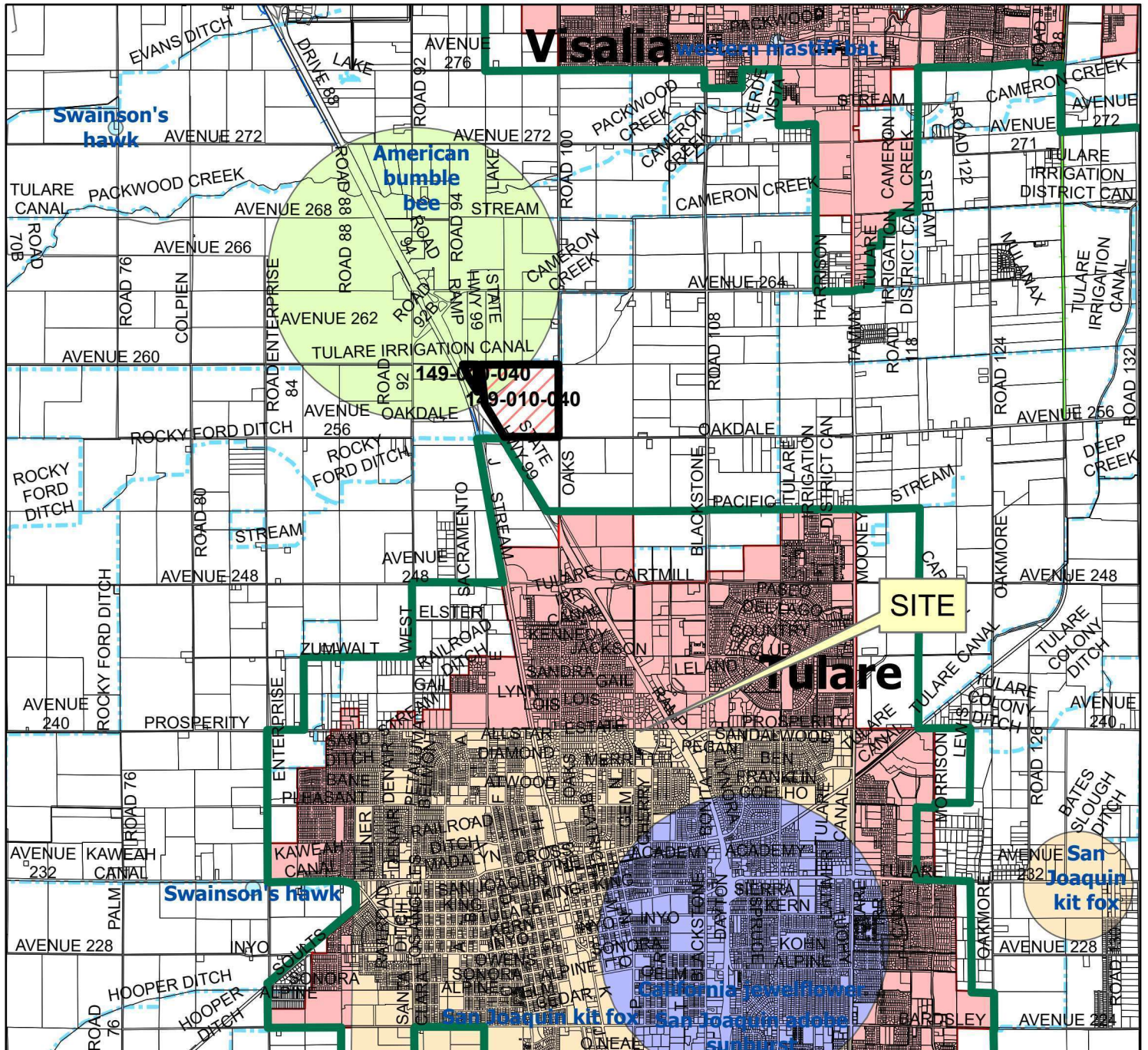
Owner: EUGENE NUNES
 Address: PO. BOX. 1455
 City, State, ZIP: TULARE, CA 93275
 Applicant: SAME
 Agent: NEIL ZERLANG
 Supervisorial District: 2
 Assessors Parcel: 149-010-040

0 315630 1,260 1,890 2,520
 Feet

<div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> SITE ZONE <div style="background-color: #90EE90; width: 20px; height: 10px; display: inline-block;"></div> AE-40 <div style="background-color: #008000; width: 20px; height: 10px; display: inline-block;"></div> AE-20 <div style="background-color: #FF0000; width: 20px; height: 10px; display: inline-block;"></div> C-2 <div style="background-color: #90EE90; width: 20px; height: 10px; display: inline-block;"></div> C-2-SR <div style="background-color: #CCCCFF; width: 20px; height: 10px; display: inline-block;"></div> M-1 <div style="border: 2px solid black; width: 20px; height: 10px; display: inline-block;"></div> PPM 24-028	<div style="background-color: #FF0000; width: 20px; height: 10px; display: inline-block;"></div> C-3 <div style="background-color: #CCCCFF; width: 20px; height: 10px; display: inline-block;"></div> M-1
--	--



Species of Concern for PPM 24-028



Legend

0 0.42 0.85 1.7 Miles

CNDDDB (Aug 2024)

CNAME

- American bumble bee
- California jewelflower

- San Joaquin adobe sunburst
- San Joaquin kit fox
- Swainson's hawk
- alkali-sink goldfields
- western mastiff bat

- TC Parcels
- SITE

STREAMS

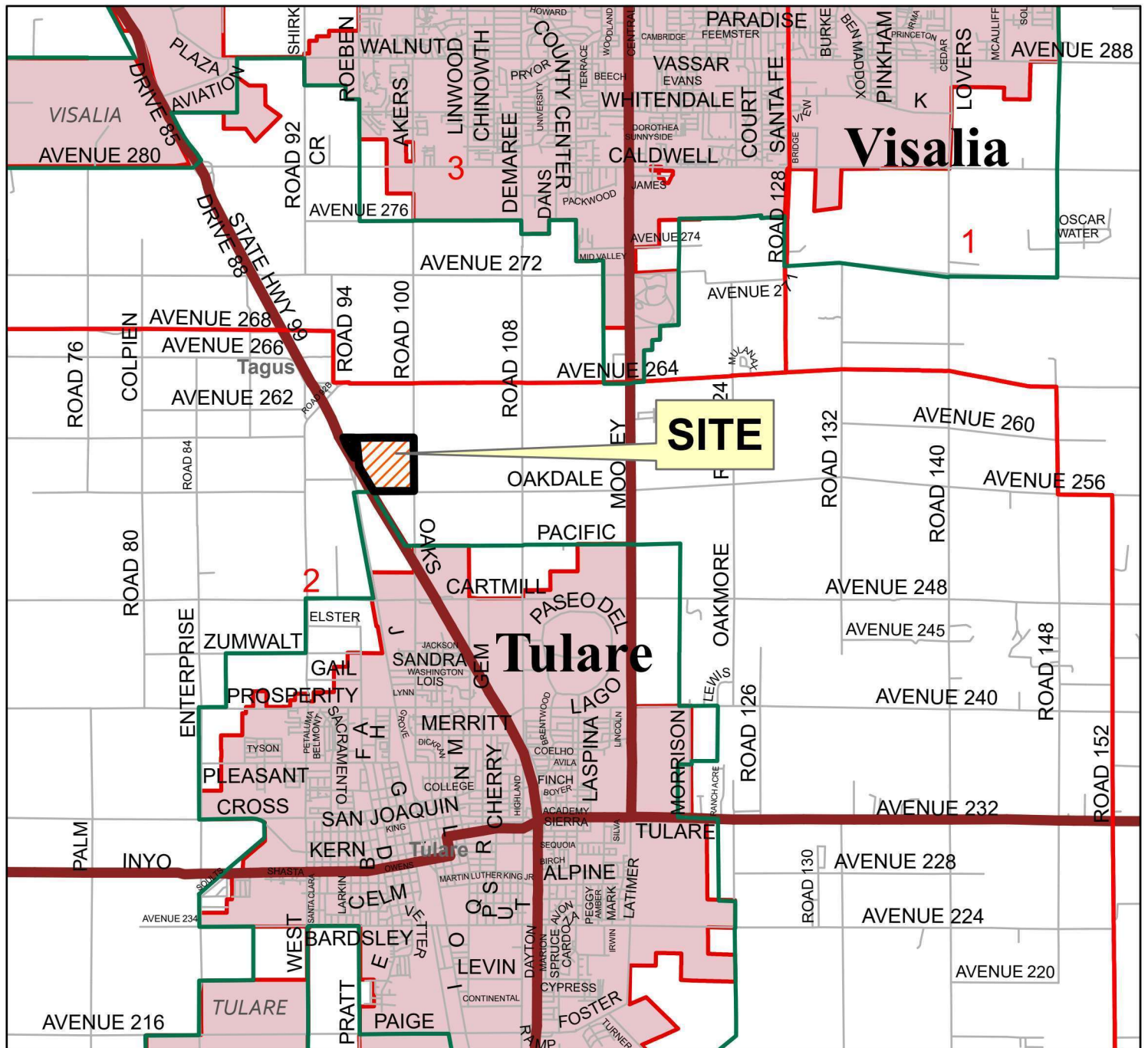
Railroad name

- Burlington Northern and Santa Fe (BNSF)

- Union Pacific Railroad
- streets
- Urban Development Boundaries
- PPM 24-028
- City_Limits



Vicinity Map for PPM 24-028



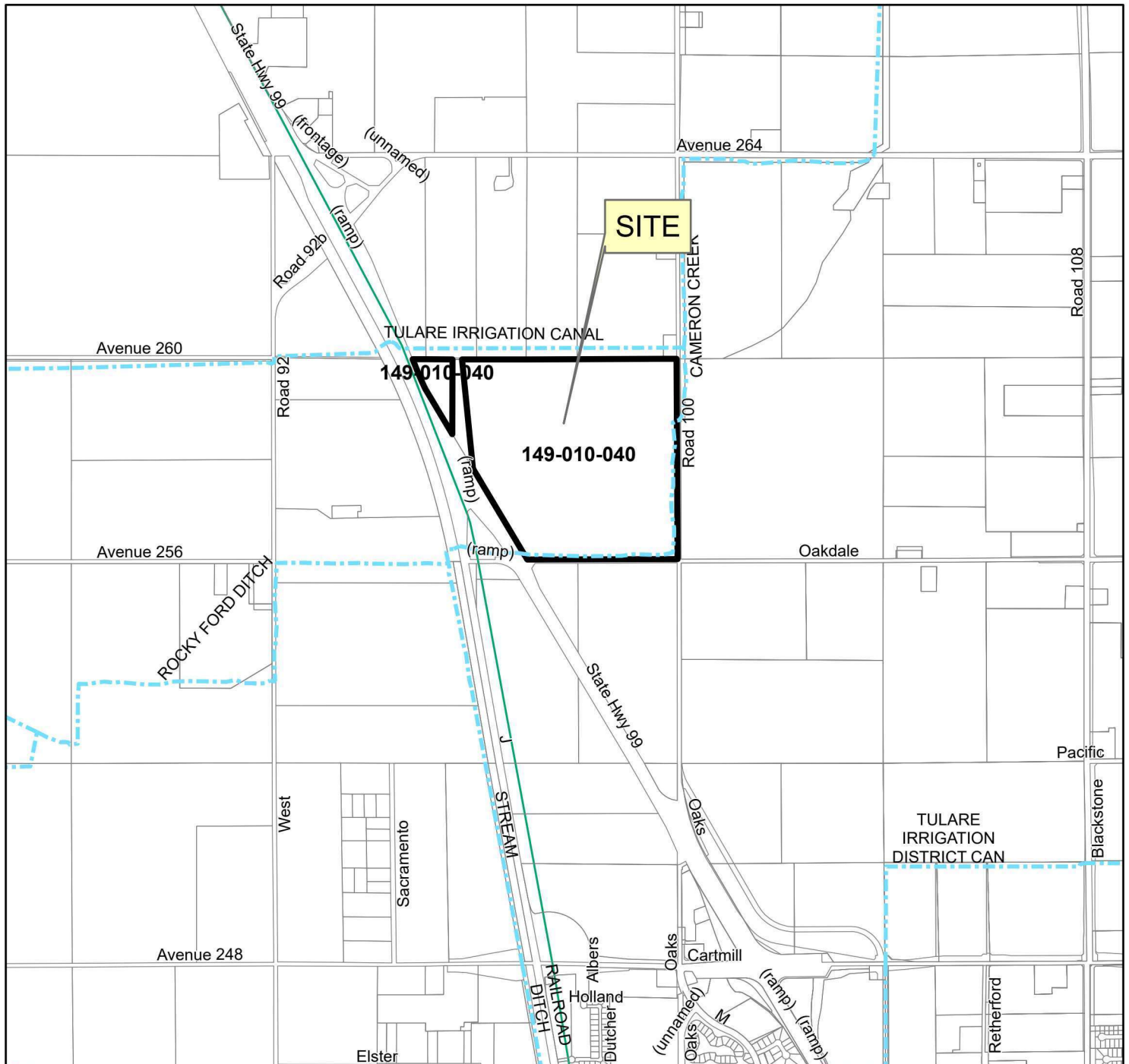
Supervisorial District: 2

- Urban Development Boundaries
- Supervisorial Districts
- Highways
- Streets
- Place Names
- Cities
- County Boundary
- PPM 24-028

0 0.5 1 2 Miles



Waterways Map for PPM 24-028



Waterways

Parcels

County Boundary

PPM 24-028

0 0.28 0.55 Miles

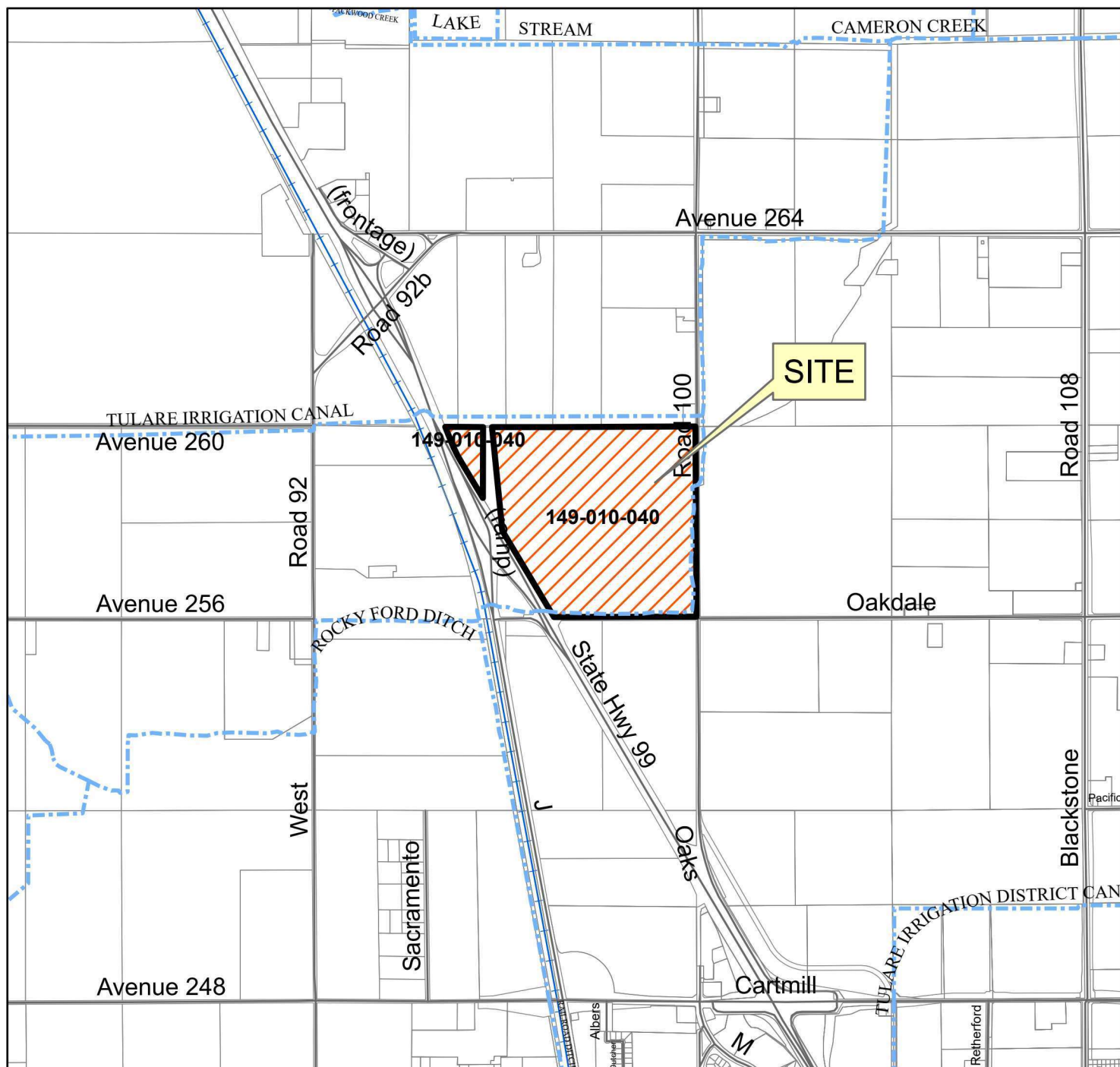
N



Wetlands Map

For

PPM 24-028



- Parcels
- National Wetlands Inventory**
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- Uplands (No Wetlands)
- PPM 24-028

0 0.3 0.6 Miles



LEGAL DESCRIPTION

Proposed Parcels – Nunes Tentative Parcel Map

PARCEL 1

The Northwest quarter of the Southeast quarter and that portion of the Northeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying East of the Easterly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.

PARCEL 2

The Northeast quarter of the Southeast quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof.

PARCEL 3

The Southwest quarter of the Southeast quarter and that portion of the Southeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying East of the Easterly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom that portion of the Southwest quarter of the Southeast quarter of said Section 22, conveyed to the State of California by Deed dated January 22, 1952 recorded in Book 1575, Page 298 of Official Records.

Also excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.

PARCEL 4

The Southeast quarter of the Southeast quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof.

REMAINDER

That portion of the Northeast quarter of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Tulare, State of California, according to the Official Plat thereof, lying East of the Easterly line of the land conveyed to the State of California by Deed dated July 13, 1949, recorded in Book 1391, Page 221 of Official Records, and lying West of the Westerly line of that land described as Parcel 86910-1 in Final Order of Condemnation recorded January 25, 2021 as Document No. 2021-0005793.

Excepting therefrom that portion conveyed to the State of California by Deed dated March 11, 1968 in Book 2181, Page 296 of Official Records.

Also excepting therefrom any portion thereof granted to the Southern Pacific Railroad Company by Act of Congress approved July 27, 1866.



2181 296
1815

8255

FORM RM-4

BOOK	PAGE	SHEET	DATE
VI	Tul	4	F

68680

ORIGINAL

GRANT DEED (INDIVIDUAL)

We, Bryan Edward and Emma Emma, husband and wife,

GRANT to the STATE OF CALIFORNIA, all that real property in the _____ County
of Tulare State of California, described as:

That portion of the N. E. 1/4 of the S. W. 1/4 of Section 22, T. 19 S.,

R. 24 E., M. D. M., described as follows:

BEGINNING at the intersection of the north line of the S. W. 1/4 of said
section, with a curve concave northeasterly, with a radius of 9920
feet, a radial line through said intersection bears S. 61°06'56" W.,
said intersection bears N. 89° 46' 13" E., 1724.15 feet from the
southwest corner of the N. W. 1/4 of said section;

THENCE, (1), southeasterly along said curve, through an angle of
00° 28' 23", an arc distance of 81.91 feet;

THENCE, (2), along a nontangent line, S. 30° 46' 00" E., 511.65 feet to an
intersection with a curve concave northeasterly, with a radius of
4917 feet, a radial line through said intersection bears
S. 60° 52' 04" W.;

THENCE, (3), northwesterly along last said curve, through an angle of

2181 296

and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(It must appear the word "grantor" shall include the grantor or will in the singular number and the words "heirs" and "heirs" shall include the heirs and assigns of the grantor or will.)

Given this 15th day of September 1959

Signed and delivered in the presence of

W.M. Hahney

My commission expires Oct. 31, 1959

ACKNOWLEDGMENT OF GRANTOR

STATE OF CALIFORNIA, County of Tulare

On this 15th day of September 1959, in the year one thousand nine hundred and fifty-ninth, before me, W.M. Hahney, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared

Ryan Robert and Rosa Robert, husband and wife,

known to me to be the persons described in and whose name is subscribed to the within instrument, and they acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

My commission expires Oct. 31, 1959

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SEC. 27351)

That to wit County, That the State of California, grants herein, acting by and through the Department of Public Works, Division of Highways, hereby accepts for public purpose the real property, or interest therein, conveyed by the within deed and accords to the recordation thereof.

8255

In Witness Whereof, I have hereunto set my hand this 15th day of February 1960

RECORDED AT REQUEST OF
TULARE COUNTY & TRUST CO.

MAR 11 1960 A.T.A.M.
VOL. 2181 PAGE 296

OFFICE OF THE
TULARE COUNTY CLERK

W. W. Hahney, Recorder

RECORDED INDEXED

ROBERT S. BRADFORD

Director of Public Works

S. E. HENDERSON
District Right of Way Agent

and Attorney in Fee



2019-0052727

RECORDING REQUESTED BY: **SPL**
Chicago Title Company

Recorded	REC FEE	27.00
Official Records		
County of	SURVEY MONUME	10.00
Tulare	AFF SB2 HOUSE	75.00
ROLAND P. HILL		
Clerk Recorder		
	LC	
10:52AM 24-Sep-2019	Page 1 of 3	

When Recorded Mail Document
and Tax Statement To:
Eugene Nunes
P.O. Box 1455
Tulare, CA 93275

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: FWVI-4211800393

Property Address: APN: 149-010-037,
Tulare, CA 93274
APN/Parcel ID(s): 149-010-037-000

INTERSPOUSAL TRANSFER DEED

(Excluded from reappraisal under California Constitution Article 13 A Section 1 et seq.)

The undersigned grantor(s) declare(s)

☒ This transfer is exempt from the documentary transfer tax.

"is exempt from imposition of the Documentary Transfer Tax pursuant to Revenue and Taxation Code 11927(a), on transferring community, quasi-community, or quasi-marital property, assets between spouses, pursuant to a judgment, an order, or a written agreement between spouses in contemplation of any such judgment or order."

☐ The documentary transfer tax is \$_____ and is computed on:

- ☐ the full value of the interest or property conveyed.
- ☐ the full value less the liens or encumbrances remaining thereon at the time of sale.

The property is located in ☒ an Unincorporated area.

This is an Interspousal Transfer and not a change in ownership under Section 63 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion from reappraisal:

— A creation, transfer, or termination, solely between spouses, of any co-owner's interest.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Patricia Nunes, spouse of grantee**hereby GRANT(S) to Eugene Nunes, a married man as his sole and separate property****the real property in the Unincorporated Area of the County of Tulare, State of California:****SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

The grantor is executing this instrument for the purpose of relinquishing all of grantor's rights, title and interest, including, but not limited to, any community property interest in and to the land described herein and placing title in the name of the grantee as his/her separate property.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 149-010-037-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF TULARE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Notice of Available Discounts

(continued)

THAT PORTION OF THE SOUTHEAST QUARTER AND THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING EAST OF THE EASTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED JULY 13, 1949 RECORDED IN BOOK 1391, PAGE 221 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22, CONVEYED TO THE STATE OF CALIFORNIA, BY DEED DATED JANUARY 22, 1952 RECORDED IN BOOK 1575, PAGE 298 OF OFFICIAL RECORDS. *Ave 256*

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF GRANTED TO THE SOUTHERN PACIFIC RAILROAD COMPANY BY ACT OF CONGRESS APPROVED JULY 27, 1866.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED DATED MARCH 11, 1968 IN BOOK 2181, PAGE 296 OF OFFICIAL RECORDS.

(Remainder)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

State Business - No recording fee
(Gov. Code 6103)
DEPT OF TRANSPORTATION

RECORDING REQUESTED BY AND MAIL TO

NAME	Department of Transportation
Attn:	Joseph Carroll
STREET	1120 N Street (MS 57) P.O. Box 1438
CITY & STATE	Sacramento, CA 95812-1438



2021-0005793

Recorded
Official Records
County of
Tulare
ROLAND P. HILL
Clerk Recorder

REC FEE

0.00

11:42AM 25-Jan-2021

NE
Page 1 of 9

**FINAL ORDER OF CONDEMNATION AND RELEASE OF LIS PENDENS
PARCEL 86910-1**

NOV 16 2020

ERIN HOLBROOK, Chief Counsel
ALAN STEINBERG, Deputy Chief Counsel
PAUL R. BROWN, Assistant Chief Counsel
JOSEPH P. CARROLL, Deputy Attorney, Bar No. 202936
1120 N Street (MS 57), P.O. Box 1438
Sacramento, CA 95812-1438
Telephone: (916) 654-2630
Facsimile: (916) 654-6128
Attorneys for Plaintiff

FILED
TULARE COUNTY SUPERIOR COURT
VIRALIA DIVISION

NOV 20 2020
STEPHANIE CAMERON, CLERK
BY: 

SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE

THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through the
Department of Transportation,

Plaintiff,

vs.

EUGENE NUNES;
FARM CREDIT WEST, FLCA;
GEN INVESTMENTS, LLC, a California
limited liability company;
GERALD NUNES; and DOE ONE through
DOE TWENTY, inclusive
Defendants.

CASE NO.: VCU278798

Parcel: 86910-1

FINAL ORDER OF CONDEMNATION
AND RELEASE OF LIS PENDENS

Trial Date: Vacated

Dept: 1

Judge: Hon. Melinda M. Reed

1. IT APPEARING TO THE COURT that plaintiff has paid to the defendants entitled thereto the sum of money assessed by the Judgment in Condemnation entered in this proceeding; and

2. NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the real property situated in the County of Tulare, State of California, and more particularly described in Exhibit 1 hereto attached, be condemned to plaintiff for state highway purposes, a public use, in fee simple absolute, unless a lesser estate is described, in the form and legal description set forth therein.

///

1 3. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Notice of
2 Pendency of Action in Tulare County Superior Court Case No. VCU278798, and then filed as
3 Document Number 2019-0028012 in the in the office of the County Recorder for the County of Tulare
4 on May 29, 2019, is hereby released and exonerated.

5 4. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this
6 order be recorded in the Office of the County Recorder of the County of Tulare, State of California, and
7 thereupon title to the property described above shall vest in plaintiff and all interests of defendants
8 EUGENE NUNES, FARM CREDIT WEST, FLCA, GERALD NUNES and GEN INVESTMENTS,
9 LLC, a California limited liability company, in and to this real property as described in Exhibit I hereto
10 attached shall be terminated.

11 5. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff having been
12 entitled to acquire Parcel 86910-1 on June 2, 2020, all taxes, assessments, penalties and costs which are
13 a lien on these parcels and which are apportioned to that portion of the fiscal year after this date are
14 hereby canceled pursuant to section 5081, et. seq. of the Revenue and Taxation Code.
15

16
17 IT IS SO ORDERED.

18
19 DATE: 11/20/20

20 Nathan D. Ide
21 -~~MELINDA M. REED~~ Nathan D. Ide
22 JUDGE OF THE SUPERIOR COURT
23
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EXHIBIT 1

Parcel 86910-1

For State Highway purposes, that portion of Parcel 1 as described in the Grant Deed to Gerald Nunes, recorded April 18, 2008 as document number 2008-0028078, Tulare County Official Records, being more particularly described as follows:

BEGINNING at a point on the north line of the South Half of Section 22, Township 19 South, Range 24 East, Mount Diablo Meridian, lying North $89^{\circ}56'51''$ East, 2,420.62 feet from the West Quarter Corner of said Section 22; thence (1) along said north line, South $89^{\circ}56'51''$ West, 120.92 feet; thence (2) South $0^{\circ}24'59''$ West, 967.47 feet to the southwesterly line of said Parcel 1; thence (3) along the southwesterly line of said Parcel 1, South $30^{\circ}35'00''$ East, 531.75 feet to the intersection of a line which bears South $5^{\circ}42'47''$ East from the POINT OF BEGINNING; thence (4) North $5^{\circ}42'47''$ West, 1,432.45 feet to the POINT OF BEGINNING.

The bearings and distances used in this description are on the California Coordinate System of 1983, Zone 4. Divide distances by 0.9999517 to convert to ground distances.

T. 19 S. R. 24 E. M.D.M.

SECTION 27

SECTION 21

SECTION 16

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

STATE ROUTE 99
1/2 MILE 1/4 MILE

STATE ROUTE 99

SECTION 22

COUNTY OF TULARE

SECTION 15

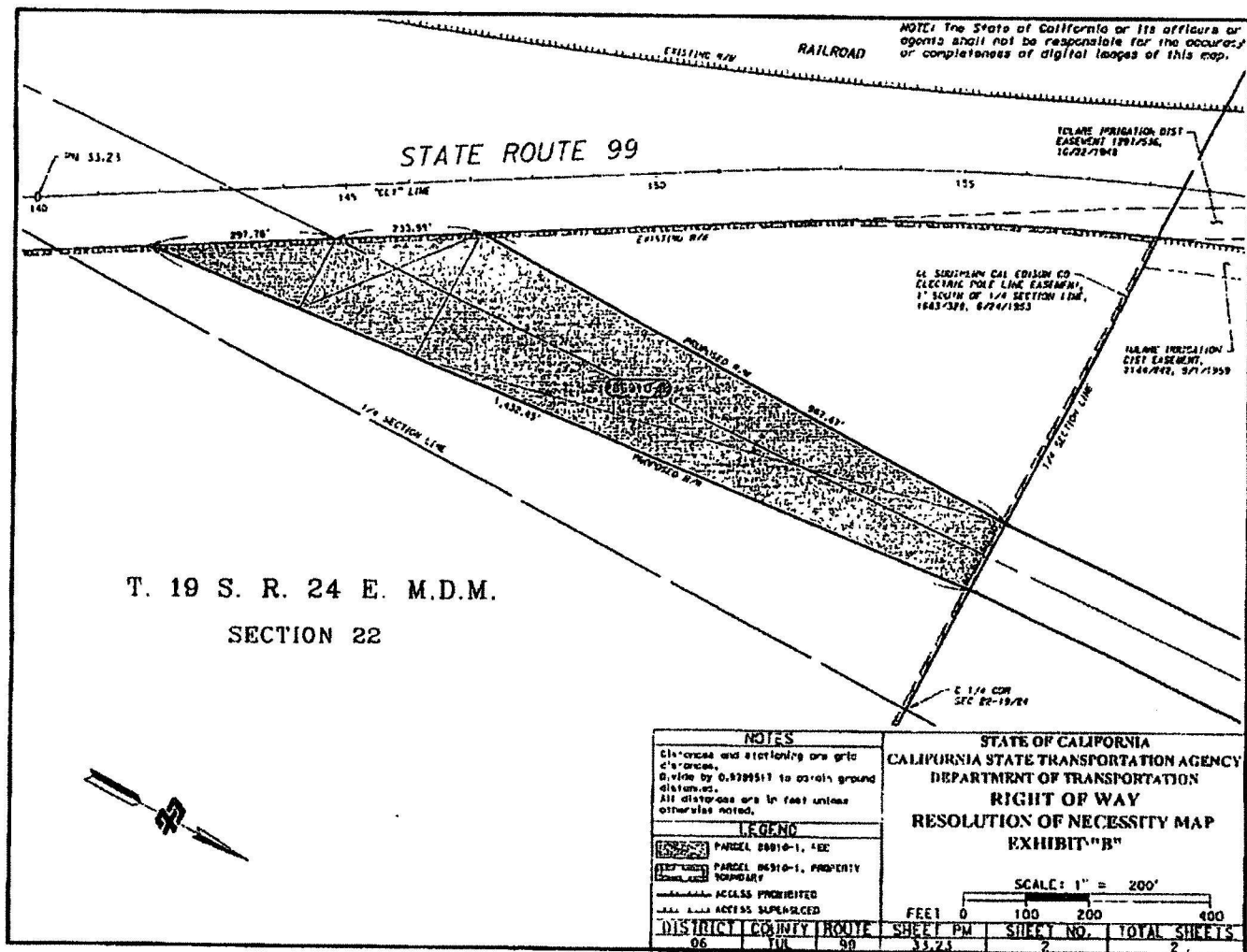
SECTION 23

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
RESOLUTION OF NECESSITY
AREA MAP
EXHIBIT "A"

SCALE: 1" = 1000'

FEET 0 500 1000 2000

DISTRICT	COUNTY	ROUTE	SHEET #	SHEET NO.	TOTAL SHEETS
08	TUL	99	32:9/34.3	1	2



PROOF OF SERVICE

I, the undersigned, say: I am, and was at all times herein mentioned, a citizen of the United States and employed in the County of Sacramento, State of California, over the age of 18 years and not a party to the within action or proceeding; that my business address is 1120 N Street, Sacramento, California; that on the date below I enclosed a true copy of the attached:

FINAL ORDER OF CONDEMNATION AND RELEASE OF LIS PENDENS

in a separate envelope for each of the persons named below, addressed as set forth immediately below the respective names, as follows:

Michael A. Dias
Steven E. Alfieri
DIAS LAW FIRM, INC.
502 West Grangeville Boulevard
Hanford, CA 93230
E-mail: michael@diaslaw.com
steven@diaslaw.com

Attorneys for Defendant
Eugene Nunes

☐ **By Mail:** I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with The State of California, Department of Transportation, Legal Division's practice for collection and processing of correspondence and pleadings for mailing. In the ordinary course of business at the Department of Transportation, Legal Division, mail is given the correct amount of postage and is deposited on that same day in a United States Postal Service mailbox in the City of Sacramento, California.

☐ **By Personal Service:** I caused such envelope(s) to be delivered in person to the addressee(s) designated.

☐ **By Overnight Courier Service:** I caused such envelope(s) to be delivered via overnight courier service to the addressee(s) designated.

☒ **By Electronic Service:** I caused such document(s) to be sent to the following persons via electronic service to the addressees designated above. *California Rule of Court, Appendix 1, Emergency Related to COVID-19 Emergency rule 12. Electronic service.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California, on November 6, 2020.


Brandon Ball

The document to which this certificate is affixed is a full true and correct copy of the original on file and of record in my office.

JAN 21 2021

Attest:

Stephanie Cameron, Clerk of the Superior Court of the State of California in and for the County of Tulare.

By

Eduvino Guzman

Deputy



Eduvino Guzman

JUN 02 2020

STEPHANIE CAMERON, CLERK
BY: ~~Leticia Hernandez-Sandoval~~

1 JEANNE SCHERER, Acting Chief Counsel
2 JULIE A. JORDAN, Acting Deputy Chief Counsel
3 JOANN GEORGALLIS, Assistant Chief Counsel
4 JOSEPH P. CARROLL, Deputy Attorney, Bar No. 202936
5 1120 N Street (MS 57), P.O. Box 1438
6 Sacramento, CA 95812-1438
7 Telephone: (916) 654-2630
8 Facsimile: (916) 654-6128

9 Attorneys for Plaintiff

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF TULARE

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA, acting by and through the
14 Department of Transportation,

15 Plaintiff,

16 vs.

17 EUGENE NUNES;
18 FARM CREDIT WEST, FLCA;
19 GEN INVESTMENTS, LLC, a California
20 limited liability company;
21 GERALD NUNES; and DOE ONE through
22 DOE TWENTY, inclusive

23 Defendants.

24 CASE NO.: VCU278798

25 Parcel: 86910-1

26 AMENDED JUDGMENT IN
27 CONDEMNATION

28 (Code Civ. Proc., § 1258.210)

Trial Date: June 15, 2020

Time: 9:00 am

Dept: 1

Judge: ~~Hon. Melinda M. Reed~~ NATHAN D IDE

20 THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Department of
21 Transportation ("Plaintiff") and defendant EUGENE NUNES ("Defendant") having stipulated to the
22 entry of Judgment in Condemnation as to the real property, or interests in real property, described in
23 Plaintiff's complaint filed in this proceeding as Parcel 86910-1.

24 The parties having waived Statement of Decision and Notice of Entry of Judgment, have waived
25 all costs and interest, litigation expenses, attorney's fees, and expert witness fees except as is listed in
26 paragraph 1 below.
27

28 ///

1 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

2 1. The total compensation to be paid to defendant EUGENE NUNES in this proceeding of
3 Tulare County Superior Court Case No. VCU278798, for the acquisition of said Parcel 86910-1, as
4 described in paragraph 3 of Plaintiff's complaint, and incorporated herein by this reference, is Seven
5 Hundred Fifty Thousand Dollars (\$750,000.00), plus Five Hundred Eighty-Five Dollars (\$585.00) for
6 the reimbursement of defendant EUGENE NUNES' filing fees, and Five Thousand Dollars (\$5,000.00)
7 for the reimbursement of defendant EUGENE NUNES' appraisal fees. The amount of Seven Hundred
8 Fifty-Five Thousand Five Hundred Eighty-Five Dollars (\$755,585.00) is the total amount to be paid to
9 Defendant for Plaintiff's acquisition of Parcel 86910-1. The amount of Seven Hundred Fifty-Five
10 Thousand Five Hundred Eighty-Five Dollars (\$755,585.00) shall be paid by check(s) or warrant(s)
11 payable to "EUGENE NUNES" and mailed to Defendant's counsel, Michael A. Dias, DIAS LAW
12 FIRM, INC., at 502 W. Grangeville Blvd., Hanford, CA 93230, within forty-five (45) days of entry of
13 this Judgment in Condemnation.
14

15 2. The payments to Defendant as specified in Paragraph 1 above, shall be the full payment
16 to EUGENE NUNES for the acquisition of Parcel 86910-1, and for all damages of every kind and nature
17 suffered, or to be suffered, by reason of the acquisition of Parcel 86910-1, to include and not limited to,
18 severance of the remainder from the part acquired, acquisition of the property, all cost to cure items, loss
19 of income and profits, loss of goodwill, relocation expenses, removal expenses, loss of fixtures and
20 equipment and by the construction and use of the project in the manner proposed by Plaintiff.

21 3. Plaintiff is entitled to acquire Parcel 86910-1 by eminent domain and to take possession
22 thereof.

23 4. Notwithstanding paragraph 3 above, defendant EUGENE NUNES and his agents,
24 employees and/or contractors may enter upon Parcel 86910-1 to irrigate without interruption, cultivate,
25 farm and harvest the walnut trees until November 15, 2020. Defendant EUGENE NUNES shall
26 continue to insure the property, including Parcel 86910-1, for general liability matters until the walnut
27 trees on Parcel 86910-1 are completely harvested, and no later than November 15, 2020. The
28

1 Defendant's property west of the Parcel 86910-1 and east of California Highway 99 (the "Western
2 Remainder") will, during and after the Plaintiff's construction contemplated in its resolution of
3 necessity, be accessible to Defendant (and his successors) as the Plaintiff, through its employees, agents
4 and contractors, shall provide a point of access to the Western Remainder from a new road so that the
5 Defendant (and his successors) shall have access to the Western Remainder to farm, cultivate and
6 harvest. For the avoidance of doubt, the only property being transferred under this Judgment in
7 Condemnation shall be Parcel 86910-1, which is 5.02 acres in size, and, specifically shall not include (i)
8 the Western Remainder planted with walnut trees (approximately 6 acres in size); and (ii) the real
9 property planted with walnut trees east of Parcel 86910-1 (approximately 3 acres in size), which together
10 total approximately 9.58 acres in size.

11
12 5. To the extent legally permissible, Defendant shall retain the ground water pumping rights
13 and the district irrigation water rights associated with the Subject Property and shall continue to include
14 the Subject Property in his calculation with the Tulare Irrigation District (TID) including any other
15 governmental, quasi-governmental, ditch company or private party, as applicable. To be clear, there
16 shall be no drilling of ground water from the Subject Property, but rather the acreage shall be used in the
17 calculation of ditch water deliveries by TID, to extent that it is permitted under applicable law and
18 regulations.

19 6. Defendants FARM CREDIT WEST, FLCA, GERALD NUNES and GEN
20 INVESTMENTS, LLC, a California limited liability company have filed Disclaimers, and Plaintiff has
21 taken the default of defendants GERALD NUNES and GEN INVESTMENTS, LLC, a California
22 limited liability company.

23 7. Upon Execution of this Judgment in Condemnation and payment of the money specified
24 in Paragraph 1 above, title to Parcel 86910-1 shall be condemned to Plaintiff as described in paragraph 3
25 of the Plaintiff's complaint, and against all defendants for state highway purposes, in fee simple
26 absolute, unless a lesser estate is described. All interests of all defendants EUGENE NUNES, FARM
27
28

1 CREDIT WEST, FLCA, GERALD NUNES and GEN INVESTMENTS, LLC, a California limited
2 liability company in and to Parcel 86910-1 shall be terminated.

3 8. The purpose for which Parcel 86910-1 sought to be condemned is a public use authorized
4 by law, and the taking of these parcels is necessary for this use.

5 9. The Defendant or his counsel shall execute any further State of California Payee Data
6 Records and any other documents required to process the payments referenced in Paragraph 1 above,
7 and will furnish the same to Plaintiff's counsel, Joseph P. Carroll, at 1120 N Street, MS 57, Sacramento,
8 California 95814 or email address of joe.carroll@dot.ca.gov. Plaintiff is unable to process any
9 payments as referenced in Paragraph 1 above until Plaintiff receives a California Payee Data Record
10 from the payee listed in Paragraph 1 above.

11 10. Plaintiff having taken possession of Parcel 86910-1 on the date of entry of this Judgment
12 in Condemnation, all taxes, assessments, penalties and costs which are a lien on these parcels and which
13 are apportioned to that portion of the fiscal year after the date of entry of this Judgment in
14 Condemnation are hereby canceled and shall be reimbursed pursuant to sections 5081, et. seq., of the
15 Revenue and Taxation Code.

16 11. Within sixty (60) days following receipt by Defendant of the payments referenced in
17 Paragraph 1 above, Defendant's counsel shall execute and deliver to Plaintiff's counsel an
18 Acknowledgement of Satisfaction of Judgment. Thereafter, Plaintiff shall submit to the court a Final
19 Order of Condemnation awarding title and possession to the property described in paragraph 3 of
20 Plaintiff's complaint to Plaintiff. Within this Final Order of Condemnation, Plaintiff shall release the
21 notice of pendency of proceeding previously recorded by Plaintiff in the Office of the Tulare County
22 Recorder on May 29, 2019, as Document Number 2019-0028012.

23 12. Within sixty (60) days following entry of the Final Order of Condemnation, Plaintiff shall
24 deliver to defendant's counsel Michael A. Dias, a conformed copy of the recorded Final Order of
25 Condemnation.
26
27
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1 13. Plaintiff and Defendant, acting by and through the Department of Transportation, and
2 their respective employees and agents, shall work diligently in good faith to effectuate the terms of this
3 Judgment in Condemnation with the intent to minimize unreasonable impact to the other party's
4 respective operations.

5 14. In the event that the State of California, acting by and through the Department of
6 Transportation, shall be required to provide notice to the Defendant, then notice shall be given to
7 Defendant by e-mail and telephone to his attorneys of record, Michael A. Dias, Dias Law Firm, Inc.,
8 (559) 585-7330 and notices@diaslaw.com.

9 15. In the event that the Parcel 86910-1 is not used by the Plaintiff as prescribed under
10 applicable law, then the Plaintiff shall offer to the Defendant the right of first refusal to purchase Parcel
11 86910-1 at the then fair market value as determined by Independent Licensed Appraisers, pursuant to
12 Code of Civil Procedure section 1245.245(f)(1) and other applicable laws.

13 APPROVED AS TO FORM.

14 Dated: May 24, 2020

15 JEANNE SCHERER, Acting Chief Counsel
16 JULIE A. JORDAN, Acting Deputy Chief Counsel
17 JOANN GEORGALLIS, Assistant Chief Counsel
18 JOSEPH P. CARROLL

19 By

Joseph P. Carroll
JOSEPH P. CARROLL
Attorneys for Plaintiff

20 ~~JUNE~~
21 Dated: May 1, 2020

22 DIAS LAW FIRM, INC.

23 By

Michael A. Dias
MICHAEL A. DIAS
Attorneys for Defendant Eugene Nunes

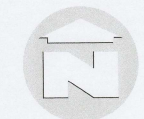
24 IT IS SO ORDERED

25 DATE: JUN 02 2020

26 NATHAN D IDE

27 JUDGE OF THE SUPERIOR COURT
28

PARCEL NO.	PARCEL 1, 2, 3, 4 & REMAINDER
EXISTING USE	AGRICULTURE
PROPOSED USE	AGRICULTURE
WATER BY	AG WELL
SEWER BY	SEPTIC TANK



SCALE: 1" = 300'

TENTATIVE PARCEL MAP

BEING A DIVISION OF A PORTION OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

APRIL 2024

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

2408-B WEST MAIN STREET, VISALIA, CA 93291; (559) 739-1616

PREPARED FOR: EUGENE NUNES

P.O. BOX 1455, TULARE, CA 93275

ASSESSOR'S PARCEL NO.: 149-010-040

ZONE: AE-40

FLOOD ZONE: 'X'

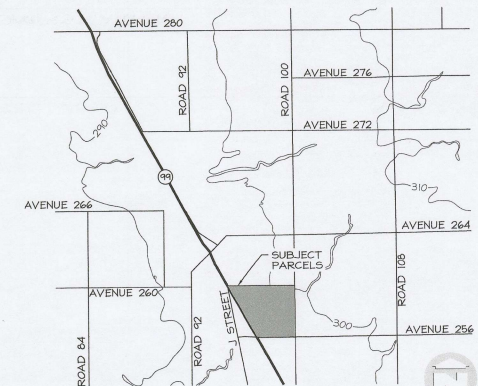
OWNER'S STATEMENT

I HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT I AM THE LEGAL OWNER OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Eugene Nunes
EUGENE NUNES

NOTES

1. THERE ARE NO PROPOSED IMPROVEMENTS TO THE SUBJECT PARCEL.
2. WAIVER OF PRELIMINARY GEO-HYDRO REPORT IS HEREBY REQUESTED.
3. SUBJECT PROPERTY IS PART OF AN AGRICULTURAL PRESERVE.
AG CONTRACT NO. 03172 - PRESERVE NO. 0000578.

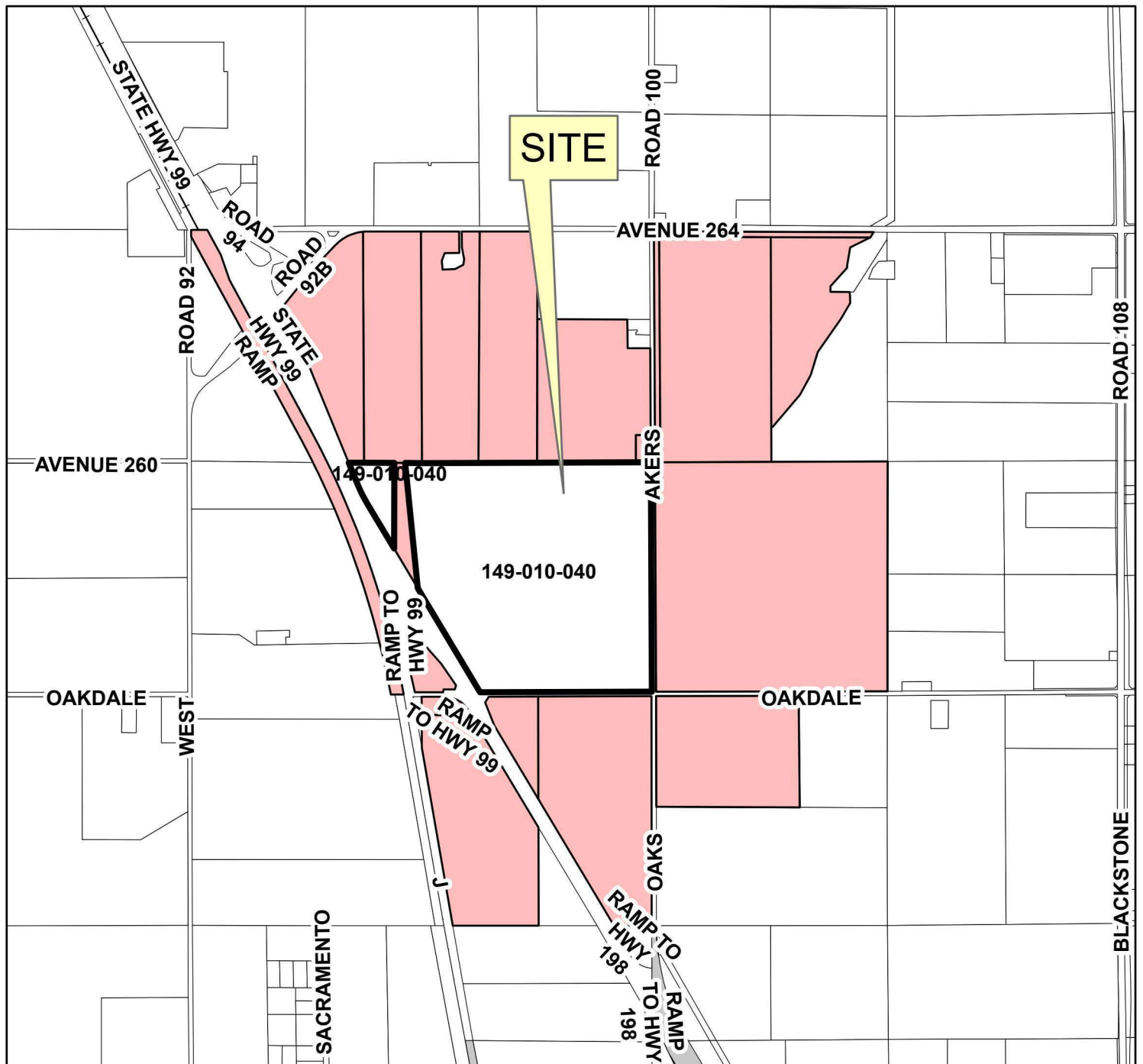


VICINITY MAP

NOT TO SCALE

Location and Property Ownership Map for Hearing Notification for PPM 24-028

Attachment No. 4



Owner: EUGENE NUNES
Address: PO. BOX 1455
City, State, ZIP: TULARE, CA 93256
Applicant: SAME
Supervisory District: 2
Assessors Parcel: 149-010-040

0 500 1,000 2,000
Feet

□ SITE
□ Parcels
▬ PPM 24-028
■ 300' Radius



NOTICE OF EXEMPTION

To: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Tulare County Clerk
Room 105, Courthouse
221 South Mooney Blvd.
Visalia, CA 93291

Lead Agency: County of Tulare c/o Resource Management Agency
5961 S. Mooney Blvd.

Visalia, CA 93277 (559) 624-7000

Attn: gmills@tularecounty.ca.gov and jwillis@tularecounty.ca.gov

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

Applicant(s): Eugene Nunes
PO Box 1455
Tulare, CA 93275 559-731-6516

Project Title: Tentative Parcel Map No., PPM 24-028 – Nunes

Project Location - Specific: Located at the northwest corner of Avenue 256 and Road 100, Tulare, CA (APN 149-010-040).

Project Location- Section, Township, Range: Section 22, Township 19S, Range 24E

Project Location - City: Near Tulare **Project Location - County:** Tulare

Description of Nature, Purpose, and Beneficiaries of Project: Tentative Parcel Map No. PPM 24-028 to create four (4) parcels and a remainder from the original 160.71 acre site: Proposed Parcel No. 1 = 44.61 acres, proposed No. Parcel 2 = 39.21 acres, proposed Parcel No. 3 = 32.08, proposed Parcel No. 4 = 38.65, and proposed Remainder = 6.16, with a final map waiver, with one (1) exception for acreage minimum, on property located in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone, within the Rural Valley Lands Plan, with the Land Use Designation of Valley Agriculture

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Common Sense Rule: CEQA guidelines 15061(b)(3)
- ☐ Categorical Exemption: **CEQA Guidelines**
- ☐ Statutory Exemptions: **CEQA Guidelines**

Reasons why project is exempt: Project is exempt per the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations Section 15061(b)(3) Common Sense Rule, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The intent of the project is to divide a parcel, and the land use and zoning will remain the same. The division will not result in any physical changes and will only create a new property boundary. In accordance with Section 9.7.D of the Tulare County Zoning Ordinance, division of land is permissible in the AE-40 Zone. Therefore, the lead agency concludes that the proposed project fits under the exemption as the project is consistent with the Tulare County Zoning Ordinance and applicable General Plan Policies.

Name of Public Agency Approving Project: Tulare County Resource

Project Planner/Representative: David Alexander

Telephone: (559) 624-7138

Signature: _____
Gary A. Mills

Date: _____

Title: Chief Environmental Planner

Signature: _____
Reed Schenke, P.E.

Date: _____

Title: Environmental Assessment Officer
RMA Director

☒ Signed by Lead Agency

Date submitted to the OPR/SCH: _____