



5961 S. Mooney Blvd
Visalia, CA 93277
624-7000 Phone
615-3002 Fax

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

PLANNING COMMISSION

CHAIRMAN: Carlos Aleman
VICE-CHAIR: Terren Brown

COMMISSIONERS:

Carlos Aleman
Gil Aguilar
Bill Whitlatch
Wayne O. Millies
Christopher Launer
Dennis Lehman
Terren Brown
Matthew Stoll (Alternate)

**AIRPORT LAND USE COMMISSIONERS
(ALUC)**

CHAIRMAN: Matthew Stoll
VICE-CHAIR: Bill Whitlatch

Project Number: Zone Variance No. PZV 25-012 and Tentative Parcel Map No. PPM 25-007	Agenda Date:	4/23/2025
Applicant: Butterfly Orchard, LLC, 2100 McKinney Avenue, Suite 1500, Dallas, TX 75201	Agenda Item Number:	5A
Agent: Dewalt Corp (Greg Owens)	AGENDA ITEM TYPE	
Subject: Zone Variance and Tentative Parcel Map No. PPM 25-007 requests to divide an existing 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone. The project site is located at 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037). Zone Variance No. PZV 25-012 is to address the creation of a second homesite parcel. Exceptions: N/A Waiver: N/A Environmental Review: Common Sense Exemption, Title 14, Cal. Code Regulations Section 15061(b)(3), pertaining to the Common Sense Rule.	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	✓
	Continued Public Hearing	
	Discussion	
Motion(s): Two Motions	ACTION REQUESTED	
	Resolution – Board of Supervisors	
Contact Person: Russell Kashiwa	Resolution – Planning Commission	✓
	Decision - Director	

RECOMMENDATIONS:

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, Section 15061(b)(3), pertaining to the Common Sense Rule and conditionally approve Zone Variance No. PZV 25-012.
3. Approve an Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3), pertaining to the Common Sense Rule and conditionally approve Tentative Parcel Map No. PPM 25-007 with a required final map.

SUBJECT: Tentative Parcel Map No. PZV 25-012 and PPM 25-007 (Butterfly Orchard, LLC)

PLANNING COMMISSION ALTERNATIVES:

- Alternative No. 1:** Move to approve, subject to modifications as discussed by the Planning Commission.
- Alternative No. 2:** Move to deny per Government Code Sec., 66474 and direct staff to prepare findings for denial to be brought back at a subsequent hearing.
- Alternative No. 3:** Refer to staff for further study and report.

PROJECT OVERVIEW:

An Exemption, Zone Variance No. PZV 25-012 and Tentative Parcel Map No. PPM 25-007, requested by Butterfly Orchard, LLC, 2100 McKinney Avenue, Suite 1500, Dallas, TX, 75201 (Agent DeWalt Crop – Greg Owens), to allow the division of an 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, located at 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037). The property is located within the Rural Valley Lands Plan with Land Use Designation of Valley Agriculture. The Zone Variance is to address the creation of a second homesite parcel.

ENVIRONMENTAL SUMMARY:

This project will not have a significant effect on the environment and has been determined to be exempt from the California Environmental Quality Act (CEQA) and consistent with the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3), pertaining to the Common Sense Rule, as the intent of the project is to divide a property. The project will not change the land use, and no additional public services will be required.

ENTITLEMENT(S):

The project is consistent with applicable elements of the County of Tulare General Plan and with the Zoning Ordinance.

General Plan – The subject site is located outside of any urban boundaries and is subject to the Rural Valley Lands Plan, with a land designation of Valley Agriculture. The existing land use would not change with this zone variance and division of land. The project, together with the provisions for its design and improvements, is consistent with relevant policies of the Tulare County General Plan, including Planning Framework Goal No. 1, Land Use Goal No. 2, Agriculture Goal No. 1 and Agricultural Policies 1.1.(Primary Land Use), 1.7 (Preservation of Agricultural Lands), and 1.14 (Right-to Farm Noticing).

Zoning – The property is located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone. Per Section 9.7.D of the Tulare County Zoning Ordinance (TCZO), All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-40 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if anyone (1) parcel resulting from the division of land contains less than forty (40) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this Ordinance are not subject to this restriction.

Section 15.D.2 of the TCZO states, a homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one

SUBJECT: Tentative Parcel Map No. PZV 25-012 and PPM 25-007 (Butterfly Orchard, LLC)

(1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.

PROJECT SUMMARY:

The project site is approximately 178.28 acres in size and currently consists of two (2) Single-Family residences, two (2) septic tanks, and Agriculture (Orchard).

The proposed parcels lie on the north side of Avenue 52, south side of Avenue 56, and the west side of Road 160. The existing right of way on Avenue 52 is 40-50 feet (20-30 feet on the north side and 20 feet on the south side), on Avenue 56 is 60 feet (30 feet on the north side and 30 feet on the south side) and on Road 160 is 50 feet (25 feet on the west side and 25 feet on the east side). Ultimate right of way on Avenue 52, Avenue 56, and Road 160 is 60 feet.

The subject site was created prior to 1947 as referenced in Grant Deed recorded on December 15, 2022, as document number 2022-0075343.

Properties to the north, south, and west are zoned AE-40 and contain scattered rural residences and agriculture. Properties to the east are zoned AE-20 and contain scattered rural residences and agriculture.

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1950. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

The subject site is under an Agricultural Conservation (Williamson Act) contract, Contract No. 4516 and Preserve No. 1206. A Williamson Act Partial Non-Renewal (WAN 25-002) was submitted with PPM 25-007.

Consultation requests were sent to the County Fire Department, Environmental Health Services Division, RMA Public Works Branch, and the RMA Planning Branch. Conditions of approval are included from these departments and divisions.

Previously activity/permits on the project site include the following:

- Permit No. A1503813 (Finaled) for a new swimming pool
 - A1502481 (Approved) for a fire sprinkler system to SFD.
 - A1500967 (Finaled) for a 3175 SQFT SFD and 1120 SQFT Garage
 - A0601345 (Finaled) for a 2052 SQFT SFD and 710 SQFT Garage
 - A0504157 (Finaled) for a demolition permit
 - A9201133 (Finaled) for a new swimming pool
 - A9002764 (Finaled) for a 200 amp electoral service
 - A8901239 (Fianled) for a 40x100 SQFT shop

MANDATORY FINDINGS FOR APPROVAL OF A ZONE VARIANCE

- a. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning

classification.

Staff Response: The project site is large enough at the remaining agricultural portion of the property will be 175.99 acres. Both residences have been in existence for more than five (5) years. The intent of the project is to separate the homesites from the agricultural portion of the property. The property owner would be allowed to have two (2) homesites if the original parcel is first divided into 40-acre portions, however the Applicant wishes to keep the agricultural portion as one parcel.

- b. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Staff Response: This Zone Variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity as homesite parcels are allowed within the AE-40 zone (see below) and more than one (1) homesite could be created if the agricultural portion was first to be divided into smaller portions. The Applicant does not wish to further divide the agricultural portions of the property.

- c. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff Response: The subject property is located in the Exclusive Agricultural – 40-acre minimum (AE-40) Zone. Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.

Section 15.D.2(g) of the TCZO allows for the creation of a homesite parcel. A homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.

- d. That the granting of the variance is consistent with the General Plan.

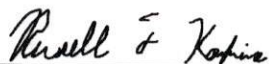
Staff Response: The use of the property will not change and is consistent with the applicable policies of the Rural Valley Lands Plan since it will not be detrimental to the agricultural viability of the area. As previously mentioned, the site would allow for two (2) homesite parcels if the original parcel is further divided into 40-acre parcels sizes. The Applicant does not wish to further divide the agricultural portion of the property.

PUBLIC HEARING NOTICE:

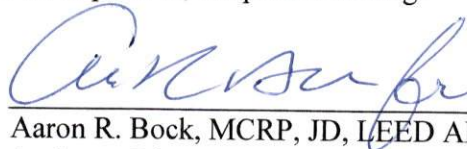
Gov. Code Section 65009(b) requires the County to include in any public notice issued pursuant to Government Code, Title 7, Planning and Land Use, a notice substantially stating all of the following: “If you challenge the acceptance of the Categorical Exception and approval of the project, you may be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

SUBJECT: Tentative Parcel Map No. PZV 25-012 and PPM 25-007 (Butterfly Orchard, LLC)

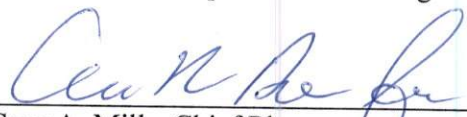
written correspondence delivered to the County of Tulare at, or prior to, the public hearing.”



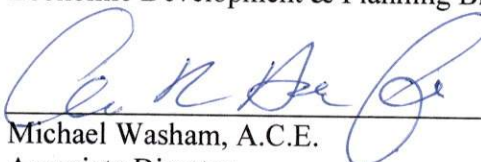
Russell Kashiwa, Project Planner
Special Projects Division
Economic Development & Planning Branch



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



Gary A. Mills, Chief Planner
Environmental Planning Division
Economic Development & Planning Branch



Michael Washam, A.C.E.
Associate Director
Resource Management Agency

ATTACHMENTS:

- Attachment No. 1 – Draft Resolution Zone Variance No. PZV 25-012
 - Exhibit A-Site Plan Map
 - Exhibit B-Compliance Reporting Notice
 - Exhibit C-Right to Farm Notice
- Attachment No. 2 - Draft Resolution - Tentative Parcel Map No. PPM 25-007
 - Exhibit A – Site Plan Map
- Attachment No. 3 – Staff Report
- Attachment No. 4 – Consulting Agency List and Correspondence
- Attachment No. 5 – Graphics
- Attachment No. 6 – Notice of Exemption
- Attachment No. 7 – Location and Property Ownership Map for Hearing Notification
- Attachment No. 8 – Public Hearing Notice

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF ZONE VARIANCE)
APPLICATION NO. PZV 25-012) RESOLUTION NO. [DRAFT]
FOR BUTTERFLY ORCHARD, LLC)

Decision of the Planning Commission of the County of Tulare accepting the categorical exemption as the appropriate environmental determination and conditionally approving Zone Variance No. PZV 25-012, requested by applicant Butterfly Orchard, LLC, 2100 McKinney Avenue, Suite 1500, Dallas, TX, 75201 (Agent DeWalt Crop – Greg Owens), to allow the division of an 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, located at 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037).

WHEREAS, an application for a Zone Variance has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance. The Zone Variance is associated with Tentative Parcel Map No. PPM 25-007 and for the same applicant. The Zone Variance is to address the creation of a second homesite parcel.

WHEREAS, a final map is required, and

WHEREAS, the Planning Commission has given notice of its intention to consider the granting of a Zone Variance as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California; and

WHEREAS, Staff has performed necessary investigations, prepared a written report for both PZV 25-012 and Tentative Parcel Map PPM 25-007 (made a part hereof), and recommended approval of this application subject to conditions; and

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

WHEREAS, on April 9, 2025, a Notice of Public Hearing by the Tulare County Planning Commission was 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 April 23, 2025; and

WHEREAS at that meeting of the Planning Commission, public testimony [was/was not] received in support of or in opposition to the proposal, and.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The applicant has requested a variance from Section 15.D.2 of the TCZO states, a homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.
2. The subject site is located outside of any urban boundaries and is subject to the Rural Valley Lands Plan, with a land designation of Valley Agriculture. The existing land use would not change with this zone variance and division of land. The project, together with the provisions for its design and improvements, is consistent with relevant policies of the Tulare County General Plan, including Planning Framework Goal No. 1, Land Use Goal No. 2, Agriculture Goal No. 1 and Agricultural Policies 1.1.(Primary Land Use), 1.7 (Preservation of Agricultural Lands), and 1.14 (Right-to Farm Noticing).
3. The Planning Commission considered applicant's request for a Zone Variance and, after considering all of the evidence presented hereby finds that:
 - a. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Response: The project site is large enough at the remaining agricultural portion of the property will be 175.99 acres. Both residences have been in existence for more than five (5) years. The intent of the project is to separate the homesites from the agricultural portion of the property. The property owner would be allowed to have two (2) homesites if the original parcel is first divided into 40-acre portions, however the Applicant wishes to keep the agricultural portion as one parcel.

- b. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Staff Response: This Zone Variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity as homesite parcels are allowed within the AE-40 zone (see below) and more than one (1) homesite could be created if the agricultural portion was first to be divided into smaller portions. The Applicant does not wish to further divide the agricultural portions of the property.

- c. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff Response: The subject property is located in the Exclusive Agricultural – 40-acre minimum (AE-40) Zone. Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.

Section 15.D.2(g) of the TCZO allows for the creation of a homesite parcel. A homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.

- d. That the granting of the variance is consistent with the General Plan.

Staff Response: The use of the property will not change and is consistent with the applicable policies of the Rural Valley Lands Plan since it will not be detrimental to the agricultural viability of the area. As previously mentioned, the site would allow for two (2) homesite parcels if the original parcel is further divided into 40-acre parcels sizes. The Applicant does not wish to further divide the agricultural portion of the property.

4. The proposed parcels lie on the north side of Avenue 52, south side of Avenue 56, and the west side of Road 160. The existing right of way on Avenue 52 is 40-50 feet (20-30 feet on the north side and 20 feet on the south side), on Avenue 56 is 60 feet (30 feet on the north side and 30 feet on the south side) and on Road 160 is 50 feet (25 feet on the west side and 25 feet on the east side). Ultimate right of way on Avenue 52, Avenue 56, and Road 160 is 60 feet.
5. The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1950. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures

6. The County Environmental Health Services Division responded to a request for comments and conditions have been added below.
7. The subject site is under an Agricultural Conservation (Williamson Act) contract, Contract No. 4516 and Preserve No. 1206. A Williamson Act Partial Non-Renewal (WAN 25-002) was submitted with PPM 25-007.
8. A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees required to defray

the expenses incidental to the compliance reporting and monitoring, will be required prior to recording the Resolution (Exhibit “B”)

9. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted Resolution 2010-0927, a Notice of Intent to Collect Tulare County Public Facility Fees, also known as Developer Impact Fees. Future Development may be subject to County Development Impact fees.
10. This project will not have a significant effect on the environment and has been determined to be categorically 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) pertaining to the Common Sense Rule. Section 15061(b)(3) is applicable and appropriate as the intent of the project is to divide a property. The project will not change the land use, and no additional public services will be required.
11. The Planning Commission, after considering all the evidence presented, found that the establishment, maintenance, and operation of the use 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.

The Planning Commission of the County of Tulare hereby approves Zone Variance No. PZV 25-012, subject to the following conditions:

1. The proposed project shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission (Exhibit “A”) and in accordance with County-adopted Development Standards.
2. Regardless of Condition No. 1 above, and in accordance with Section 18 (Minor modifications – Director’s approval) of the Zoning Ordinance, the Planning and Development Director is authorized to approve minor modifications in the approved project upon a request by the applicant, or his successors as long as said modifications do not materially affect the determination of the Planning Commission. Such modifications shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
3. This Zone Variance may not become effective until after the appeal period, which is ten (10) days after the date the action taken by the planning Commission. During the ten-day appeal period, County staff will mail, to the applicant’s most recent known address, an acceptance letter including an “Acceptance” of conditions of approval and a “Right to Farm” notice. Upon receipt, Staff shall file all appropriate documents with the County Recorder. Failure to sign all required documents may cause the application to be considered null and void.

4. This Zone Variance 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 Resolution of the Planning Commission granting said variance with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
5. This Zone Variance shall automatically expire and become null and void two (2) years after the use, building or structure for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.
6. 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 Zone Variance No. PZV 25-012; 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.
7. In accordance with Section 7-29-1070 (a) of the Tulare County Ordinance Code, the attached Right to Farm Notice (Exhibit "C"), shall be file with the Zone Variance and signed for acknowledgement by the subdivider; and recorded as a separate sheet to accompany this resolution.

FIRE DEPARTMENT CONDITIONS

8. An address shall be posted 4" by 3" by ½" with permanent numbers visible from the street.
9. The Applicant, successors, or assigns shall provide Fire Department with all-weather (2" crushed rock, road base, or DG) 20 feet access road, with a maintained 13 feet 6 inches vertical clearance.
10. Any Existing structures must adhere to the minimum separation of buildings as the Ca. Building code 705.2.3 & 705.5.
11. For 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 submittal.

12. 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.
13. Any new commercial or residential construction permits in the future will have to meet 2022 or newer California Fire Code Appendix B and C requirements for fire water flow requirements or NFPA 1142 for urban water supply.

ENVIRONMENTAL HEALTH CONDITIONS

14. The Applicant shall ensure that any and all existing septic system components (septic tank, leach lines, etc.) remain on the same parcel as any existing residence the system serves. Septic system components may not cross existing or proposed property lines.

The foregoing resolution was adopted upon motion of Commissioner [Name], seconded by Commissioner [Name], at a regular meeting of the Planning Commission on April 23, 2025 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

SURVEYOR

JERRY A. GUTIERREZ, S.S. 7595
C/O DEMAT CORPORATION
1930 22ND STREET
DANVILLE, CA 94501
(917) 255-1181
(917) 255-1181

OWNER/SUBDIVIDER

BUTTERY GROARD, LLC
2100 MARINER AVE. SUITE 1500
DANVILLE, CA 94501
(917) 255-1181
(917) 255-1181

TENTATIVE PARCEL MAP NO.

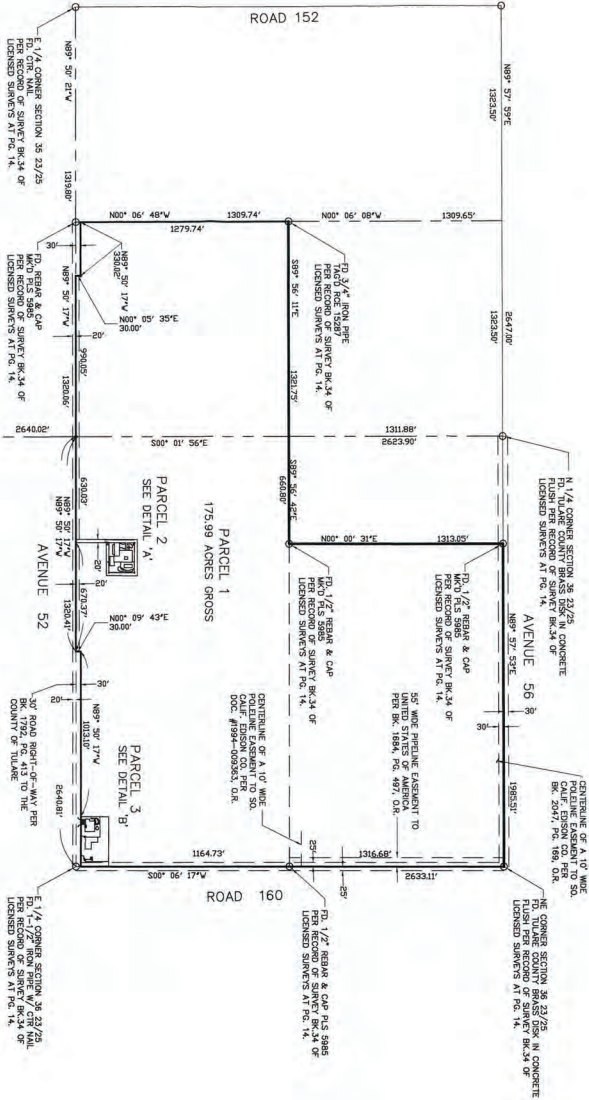
BEING A DIVISION OF A PORTION OF THE NORTH ONE HALF OF SECTION 36,
TOWNSHIP 23 SOUTH, RANGE 25 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE,
STATE OF CALIFORNIA

BASIS OF BEARINGS:

THE BEARING OF N89°50'17"W SHOWN ON THE SOUTH LINE OF
THE NORTHEAST ONE-QUARTER OF SECTION 36 T23S, R25E, M.D.M.,
AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 34,
OF LICENSE SURVEYS AT PAGE 34 OF TULARE COUNTY RECORDS
WAS TAKEN AS BASIS OF BEARINGS SHOWN HEREON.

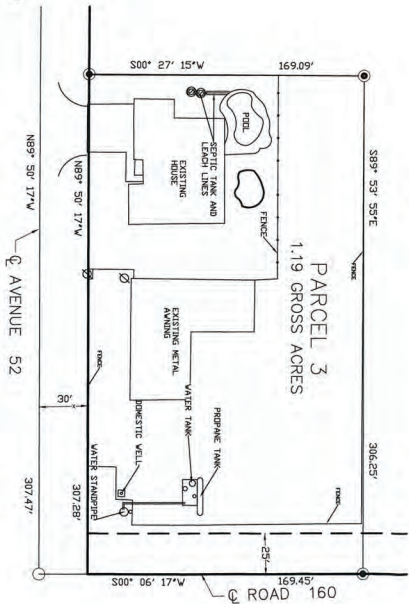
SCALE: 1"=500'

LEGEND
○ = SET 5/8" REBAR AND CAP PLUS 7595
○ = FOUND MONUMENT AS DESCRIBED
FD = FOUND



SCALE: 1"=50'

DETAIL 'B'



SHEET 2 OF 2

SCALE: 1"=60'

DETAIL 'A'

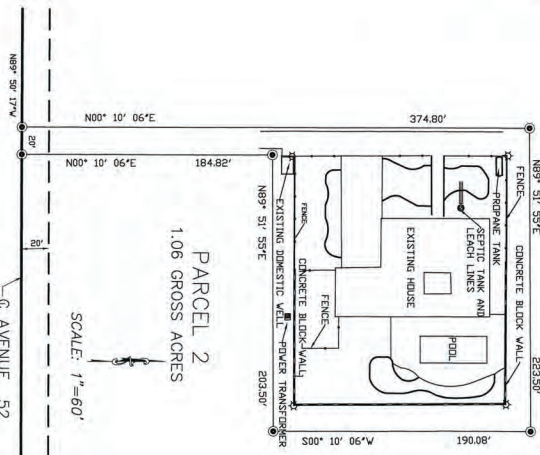


EXHIBIT “B”

COMPLIANCE REPORTING AND MONITORING **SCHEDULE AND FEE NOTICE**

CASE NO. PZV 25-012

Section 22 of the Tulare County Ordinance mandates a program to monitor and ensure compliance with conditions imposed as part of approval of this project. It also mandates that fees be imposed to defray the expense incidental to any monitoring and compliance reviews.

Compliance review fees are based on an hourly rate as adopted by the Tulare County Board of Supervisors. The minimum deposit is based on the estimated number of inspections for the compliance review process.

A Compliance Reporting and Monitoring Schedule was established and imposed as a condition of your use permit. **The first compliance review of your project is schedule for 12 months from the date of approval.** If the use is to commence prior to the first scheduled inspection, you must call (559) 624-7000 to reschedule the first inspection.

Prior to recording the Resolution/Decision and Acceptance Form, a deposit of \$ 130.00 must be made to the Compliance Reporting and Monitoring Account. This deposit can be made at the Tulare County Resource Management Agency offices located at 5961 S. Mooney Blvd., Visalia. The deposit is based on the estimated number of compliance inspections required to carry out the compliance reporting and monitoring schedule. Additional deposits may be required if the account is depleted. If the use has not commenced and an extension of time is needed, an additional deposit is required with the extension of time request.

Upon completion of the project and/or termination of the compliance reporting and monitoring schedule, the deposit account will be reviewed to determine if excess fees exist. A written request is required for a refund of excess fees remaining in the account. These fees are also subject to waiver or refund under Sections 130 and 135 of the Tulare County Ordinance Code.

If you have any questions regarding this notice, please contact Building Inspection/Code Compliance staff at (559) 624-7000.

Exhibit "C"

RIGHT TO FARM NOTICE

RE: Use Permit No. _____

or

Parcel Map No. PZV 25-012

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)

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TENTATIVE)
PARCEL MAP NO. PPM 25-007)
AND REQUIRED FINAL MAP) RESOLUTION NO [DRAFT]
FOR BUTTERFLY ORCHARD, LLC)

Resolution of the Planning Commission of the County of Tulare accepting the categorical exemption as the appropriate environmental determination and conditionally approving Tentative Parcel Map No. PPM 25-007, requested by the requested by Butterfly Orchard, LLC, 2100 McKinney Avenue, Suite 1500, Dallas, TX, 75201 (Agent DeWalt Crop – Greg Owens), to allow the division of an 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, located at 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037).

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

WHEREAS, a final map is required, and

WHEREAS, an application for Minor Deviation No. PZV 25-012 has been filed in association with Tentative Parcel Map No. PPM 25-007 on the same property and for the same applicant. The Zone Variance is to address the creating of a second homesite parcel, 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 April 9, 2025, 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 April 23, 2025; and

WHEREAS at that meeting of the Planning Commission, [yes/no] public testimony was received in support of or in opposition to the proposal, 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:

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 project was determined to be exempt from the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations Guideline § 15061(b)(3) pertaining to the Common Sense Rule. Section 15061(b)(3) is applicable and appropriate as the intent of the project is to divide a property. The project will not change the land use, and no additional public services will be required.
3. Entitlement is found in Section 9.7.D of the Tulare County Zoning Ordinance (TCZO), All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-40 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if anyone (1) parcel resulting from the division of land contains less than forty (40) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this Ordinance are not subject to this restriction.

Section 15.D.2 of the TCZO states, a homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.

4. The Project Site currently consists of two (2) Single-Family residences, two (2) septic tanks, and Agriculture (Orchard).
5. Zone Variance No. PZV 25-012 is to address the creation of a second homesite parcel.
6. The proposed parcels lie on the north side of Avenue 52, south side of Avenue 56, and the west side of Road 160. The existing right of way on Avenue 52 is 40-50 feet (20-30 feet on the north side and 20 feet on the south side), on Avenue 56 is 60 feet (30 feet on the north side and 30 feet on the south side) and on Road 160 is 50 feet (25 feet on the west side and 25 feet on the east side). Ultimate right of way on Avenue 52, Avenue 56, and Road 160 is 60 feet.
7. Based on the 2024 Pavement Management System database, the existing pavement width on Avenue 232 is 14 feet and the pavement type is asphalt concrete.
8. The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1950. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

9. The County Public Works/Engineering Branch, Environmental Health Services Division, County Land Surveyor, and Fire Department were sent consultation requests.
10. The project site is not restricted by a California Land Conservation Act (“Williamson Act”) contract.
11. The subject site is under an Agricultural Conservation (Williamson Act) contract, Contract No. 4516 and Preserve No. 1206. A Williamson Act Partial Non-Renewal (WAN 25-002) was submitted with PPM 25-007.
12. 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:

A. 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) pertaining to the Common Sense Rule. Section 15061(b)(3) is applicable and appropriate as the intent of the project is to divide a property. The project will not change the land use, and no additional public services will be required.

B. Tentative Parcel Map No. PPM 25-007 be conditionally approved subject to the following conditions:

1. Failure to cause the recording of this Resolution of the Planning Commission within two (2) years after the date of conditional approval or conditional approval shall cause the parcel map to expire, 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 final map expires may be extended for a period or periods not exceeding a total of five years by the Planning Commission.
2. 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 25-007; 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.

3. The applicant shall ensure that any and all existing septic system components (septic tanks, leachlines, etc.) will remain on the same parcel as the structure(s) being served. Septic systems are not allowed to cross existing, or proposed property lines.
4. The address shall be posted with a minimum of 4"x3"x ½" line width permanent numbers so that they are visible from the street.
5. The Applicant shall ensure that an all-weather (2 inches after compacted crushed rock, road base, or DG), 20-foot wide access road with a maintained 13 feet 6 inches vertical clearance be maintained at all times.
6. Any existing structures shall adhere to the minimum separation of buildings as the California Building Code Sections 705.2.3 & 705.5.
7. For 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 submittal.
8. 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.
9. Any new commercial or residential construction permits in the future will have to meet 2022 or newer California Fire Code Appendix B and C requirements for fire water flow requirements or NFPA 1142 for urban water supply.
10. In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, the content of the Right to Farm Notice shall be placed in a prominent location on the final map for acknowledgment by the subdivider; or, the Notice itself shall be signed by the subdivider and recorded as a separate sheet to accompany the final map.

The foregoing resolution was adopted upon motion of Commissioner [Name], seconded by Commissioner [Name], at a regular meeting of the Planning Commission on April 23, 2025, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

SURVEYOR

JERRY A. GUTIERREZ, S.S. 7595
C/O DEMAT CORPORATION
1930 22ND STREET
DANVILLE, CA 94501
(917) 255-1181
(917) 255-1181

OWNER/SUBDIVIDER

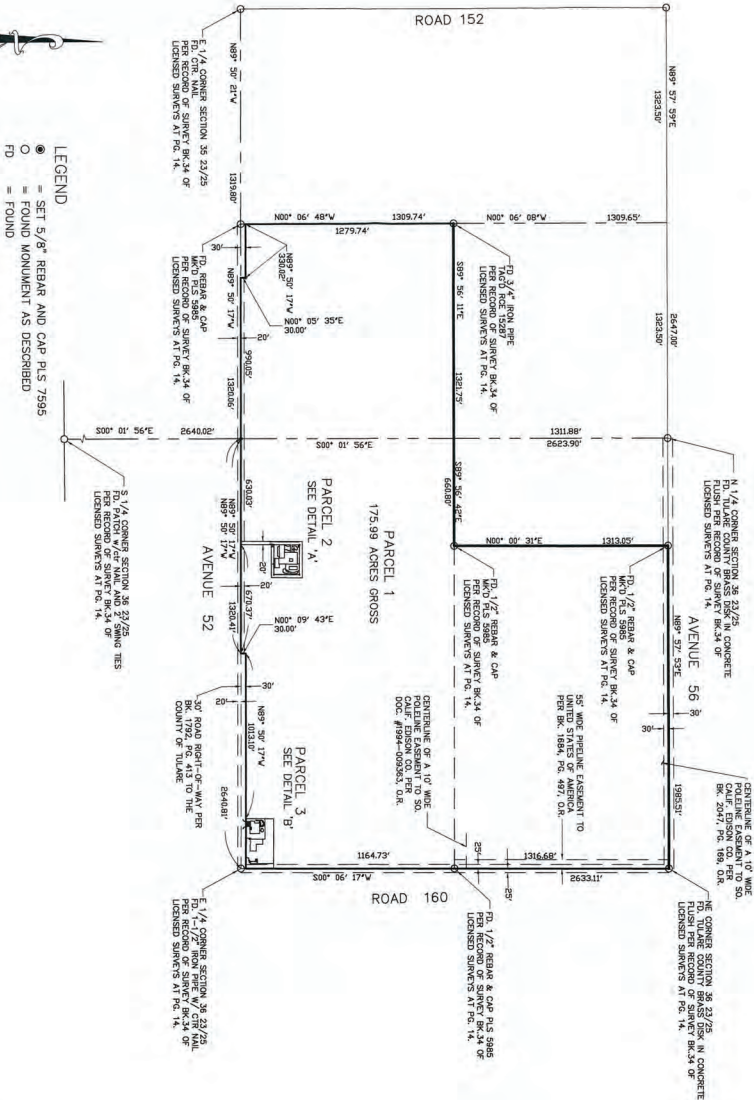
BUTTERY GROUP, LLC
2100 MARINER AVE. SUITE 1500
DANVILLE, CA 94501
(917) 255-1181
(917) 255-1181

TENTATIVE PARCEL MAP NO.

BEING A DIVISION OF A PORTION OF THE NORTH ONE HALF OF SECTION 36,
TOWNSHIP 23 SOUTH, RANGE 25 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE,
STATE OF CALIFORNIA

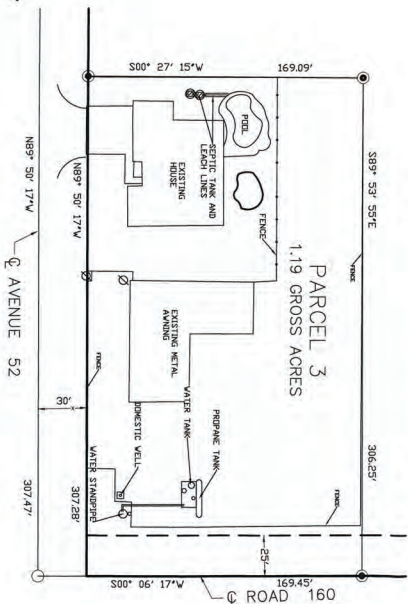
BASIS OF BEARINGS:

THE BEARING OF N89°50'17"W SHOWN ON THE SOUTH LINE OF
THE NORTHEAST ONE-QUARTER OF SECTION 36 T23S, R25E, M.D.M.,
AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 34,
OF LICENSE SURVEYS AT PAGE 34 OF TULARE COUNTY RECORDS
WAS TAKEN AS BASIS OF BEARINGS SHOWN HEREON.



SCALE: 1"=50'

DETAIL 'A'



ZONE VARIANCE AND TENTATIVE PARCEL MAP FACT SHEET
PZV 25-012 and PPM 25-007 – Butterfly Orchard, LLC.

Zone Variance No. PZV 25-012 and Tentative Parcel Map No. PPM 25-007 is a request to divide an existing 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone. The project site is located at 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037). Zone Variance No. PZV 25-012 is to address the creation of a second homesite parcel.

I. General Plan

1. Land Use Element : Rural Valley Lands Plan (RVLP)
2. Land Use Designation: Valley Agricultural
3. Compliance:

a. Land Use Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
b. Circulation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
c. Noise Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
d. Open Space Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
e. Safety Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
f. Housing Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
g. Conservation Element	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
4. Urban Boundaries Element:

Outside UAB/UDB	<input checked="" type="checkbox"/>	Inside UAB	<input type="checkbox"/>	Inside UDB	<input type="checkbox"/>	Inside Hamlet DB	<input type="checkbox"/>
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5. Airport Land Use Area

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
-----	--------------------------	----	-------------------------------------	-----	--------------------------

Consistent with the policies of the Tulare County “Comprehensive Airport Land Use Plan.”

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
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II. Zoning (Note: special overlay i.e., PD, SR, Airport Impact, Etc.)

1. Site: AE-40 (Exclusive Agricultural – 40 Acre Minimum), and currently consists of two (2) Single-Family residences, two (2) septic tanks, and Agriculture (Orchard).
2. Surrounding Area: North, South and West Zoned AE-40 and contain scattered rural residences and agriculture. Properties to the East contain scattered rural residences and agriculture.
3. Compliance:

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

The division of land would create three parcels. Zone Variance No. PZV 25-012 would address the creation of a second homesite parcel.

MANDATORY FINDINGS FOR APPROVAL OF A ZONE VARIANCE

a. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Staff Response: The project site is large enough at the remaining agricultural portion of the property will be 175.99 acres. Both residences have been in existence for more than five (5) years. The intent of the project is to separate the homesites from the agricultural portion of the property. The property owner would be allowed to have two (2) homesites if the original parcel is first divided into 40-acre portions, however the Applicant wishes to keep the agricultural portion as one parcel.

b. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the

limitations upon other properties in the vicinity and zone in which the property is situated.

Staff Response: This Zone Variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity as homesite parcels are allowed within the AE-40 zone (see below) and more than one (1) homesite could be created if the agricultural portion was first to be divided into smaller portions. The Applicant does not wish to further divide the agricultural portions of the property.

c. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff Response: The subject property is located in the Exclusive Agricultural – 40-acre minimum (AE-40) Zone. Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.

Section 15.D.2(g) of the TCZO allows for the creation of a homesite parcel. A homesite parcel may be created for the purpose of separating an existing residence or mobilehome from the remaining agricultural portion of the site. If the parcel of record to be divided is greater in size than is required in the zone district in which it is located, a maximum of one (1) homesite parcel shall be permitted, unless, and until the remaining agricultural acreage is divided into parcels consistent with the zone district in which the property is located.

d. That the granting of the variance is consistent with the General Plan.

Staff Response: The use of the property will not change and is consistent with the applicable policies of the Rural Valley Lands Plan since it will not be detrimental to the agricultural viability of the area. As previously mentioned, the site would allow for two (2) homesite parcels if the original parcel is further divided into 40-acre parcels sizes. The Applicant does not wish to further divide the agricultural portion of the property.

III. Subdivision Ordinance

1. Exception: Yes ☐ No ☒ N/A ☐
 If Yes: Section(s) _____ pertaining to _____
 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: FEMA ZONE X
4. Soil(s): Clay Soils, Akers-akers, Class I (if saline-sodic IIs-6) when irrigated, Low Shrink Swell, Moderate (Severe saline-sodic) Septic Tank Absorption
5. Biotic Conditions: CNDDDB Blunt-nosed leopard lizard
6. Ground Water Table: According to the Spring 2024 SMGA Data Viewer, the subject site lies between the 240 and 260 feet depth contour lines.
7. Archaeological: N/A

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 type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| PNR Required | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| PNR Previously Filed | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

VII. Parcel Information:

1. Parcel Creation (when/how existing parcels were created):
The subject site was created prior to 1947 as referenced in Grant Deed recorded on December 15, 2022, as document number 2022-0075343.
2. Previous Parcel Activity/Permits:
 - Permit No. A1503813 (Finaled) for a new swimming pool
 - A1502481 (Approved) for a fire sprinkler system to SFD.
 - A1500967 (Finaled) for a 3175 SQFT SFD and 1120 SQFT Garage
 - A0601345 (Finaled) for a 2052 SQFT SFD and 710 SQFT Garage
 - A0504157 (Finaled) for a demolition permit
 - A9201133 (Finaled) for a new swimming pool
 - A9002764 (Finaled) for a 200 amp electrical service
 - A8901239 (Finaled) for a 40x100 SQFT shop
3. Access to Parcels: ☒ Direct – All Parcels have access to Avenue 52
☐ 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. Fire Protection: Tulare County - Fire Station 28 / Earlimart Fire Department
7. Police Protection: Tulare County Sheriff – Pixley Substation
8. Public Utilities: SoCal Edison
9. Environmental Determination: ☒ Exempt (Section 15061(b)(3))
☐ Negative Declaration
☐ Mitigated Negative Declaration

VIII. SUBSEQUENT ACTIONS:

1. **Appeals:** The Planning Commission's 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 Burrel 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.
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 Lindsay Unified School District, 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:** A General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a

land disturbance of more than five acres or which is less than five acres but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated With Industrial Activities may be required. A Notice of Intent (NOI) 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.



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: March 17, 2025

PROJECT REVIEW - CONSULTATION NOTICE

To: Interested Agencies (see next page)

From: Russell Kashiwa, Project Planner

Subject: Case No. Tentative Parcel Map No. PPM 25-007 and PZV 25-012 for Butterfly Orchards, LLC (Agent: Dewalt Corp) to divide an existing approximate 173.5 acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), in the AE-20 (Exclusive Agricultural – 20 Acre Minimum) Zone, located at 15968 Avenue 52, on the southwest corner of Avenue 56 and Road 160 (APN: 318-340-003). Zone Variance PZV 25-012 is to address Proposed Parcel 3 from being less than the minimum acreage.

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: 15061(b)(3) common sense exemption

☐ 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 March 31, 2025, in order to be considered during the review process.

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.

CASE NO. PPM 25-007 and PZV 25-012
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
- ☒ Abernham 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
HEALTH & HUMAN SERVICES AGENCY**

Donna Ortiz
Agency Director

Karen M. Elliott, MBA • Director • Public Health Branch
Nilsa Gonzalez, REHS • Public Health Branch Deputy Director • Environmental Health Director

March 27, 2025

RUSSELL KASHIWA
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA, CA 93277

Re: PARCEL MAP, PPM 25-007 & ZONE VARIANCE, PZV 25-012

This office has reviewed the above-referenced matter. Based upon our review, we have the following comment for this project:

1. The Applicant shall ensure that any and all existing septic system components (septic tanks, leachlines, etc.) will remain on the same parcel as the structure(s) being served. Septic systems are not allowed to cross existing, or proposed, property lines.

Regards,

A handwritten signature in blue ink, which appears to read "Kevin Bangsund".

Kevin Bangsund, REHS
Environmental Health Specialist III
Environmental Health Services Division

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

March 26, 2025

TO: Russell Kashiwa, Project Planner
FROM: Vanesa Sandoval, Engineer II
SUBJECT: Case No. PPM 25-007 and PZV 25-012

OWNER: Butterfly Orchards, LLC
APN: 318-340-003

The subject Case No. PPM 25-007 and PZV 25-012 have been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is not located within any Urban Development Boundary.

The subject site is not located within the boundaries of any Specific Plan.

The division is 175.99-acre parcel into three parcels of 173.5 acres, 1.06 acres, and 1.19 acres.

Flood Information:

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 1950. The subject site is located within Zone X.

Construction within Zone X requires no specific flood mitigation measures.

Right-of-way Information:

The proposed parcels lie on the north side of Avenue 52, south side of Avenue 56, and the west side of Road 160. The existing right of way on Avenue 52 is 40-50 feet (20-30 feet on the north side and 20 feet on the south side), on Avenue 56 is 60 feet (30 feet on the north side and 30 feet on the south side) and on Road 160 is 50 feet (25 feet on the west side and 25 feet on the east side). Ultimate right of way on Avenue 52, Avenue 56, and Road 160 is 60 feet.

Road Information:

According to the county's maintained mileage maps, Avenue 52, Avenue 56 and Road 160 are county maintained roads.

Based on the 2024 Pavement Management System database, the existing pavement width on Avenue 52 is 23 feet, Avenue 56 is 34 feet and on Road 160 is 20 feet. The pavement type on Avenue 52, Avenue 56, and Road 160 is asphalt concrete.

We have no recommended conditions for the subject cases.



TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 747-8242

Charlie Norman
FIRE CHIEF

March 25, 2025

Attn: Russell T Kashiwa

Tulare County Fire Department has conducted a plan review on plans # PPM 25-007 & PZV 25-012, the following is a list of requirements for: Parcel Split - three (3) parcels less than minimum acreage in the AE-40 zone.

GENERAL FIRE REQUIREMENTS

- No comment on the zoning issue. Building requirements are as follows.
- Address posted, minimum 4"x3"x ½" line width permanent numbers visible from the street on existing and future structures.
- 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.
- Any new or existing structures must adhere to the minimum separation of buildings as the Ca. Building code 705.2.3 & 705.5.
- 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.
- Any new commercial or residential construction permits in the future will have to meet 2022 or newer California Fire Code Appendix B and C requirements for fire water flow requirements or NFPA 1142 for urban water supply.

*Note, this checklist does not exclude builder /owner from all required applicable codes. If something was missed in the plan check process, the owner /builder will be expected to comply with the applicable code, regulation, or ordinance.

Respectfully submitted.

Mark Phillips
Fire Inspector – Plans Examiner
Tulare County Fire Department
(559)624-7074



RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

March 19, 2025

TO: Russell Kashiwa, Project Planner

FROM: Donn Dwyer, EH Land Surveyor III, County Surveyor's Office

SUBJECT: **Tentative Parcel Map, Final Map Required**, Case No. PPM 25-007
Response to March 17, 2025, consultation request.

Map Examination

An examination of the map was made for compliance with the requirements of subsections (a), (b), (d), (e), and (k) of County Code 07-01-2290.

Original parcel boundary: legal description and dimensions [07-01-2290(a)]:

- Proposal is a division of APN 318-340-003 into three parcels. Subject parcel was surveyed in 2017, see LS 34-14. Section and property corners were found per this survey and are shown on tentative map.

Created parcels boundary: dimensions, and area [07-01-2290(b)]:

- Dimensions and areas of proposed parcels are shown on tentative map.

Right of way: streets abutting original parcel [07-01-2290(d)]:

- Right of way on Avenue 56 is 40' per Grant Deed Doc. 1961-0022859. Shown incorrectly and not referenced on map.
- Right of way on Road 160 is 25' easement per Book 9 Page 394 of Rights of Way. Shown correctly, not referenced on map.
- Right of way on Avenue 52 is 30' across the SE4 of the NE4 per Grant Deed Doc. 1954-0035372. Shown correctly and referenced on map.
- Right of way on Avenue 52 is 25' easement across the SW4 of the NE4 per Book 11 Page 375 of Rights of Way. Not shown correctly or referenced on map.
- Right of way on Avenue 52 across the East $\frac{3}{4}$ of the SE4 of the NW4 is 25' easement per Book 11 Page 326 of Rights of Way and 5' per Grant Deed Doc. 1954-0035372. Not shown correctly or referenced on map
- Right of way on Avenue 52 is 30' across the W1/2 of the W1/2 of the SE4 of the NW4 per Grant Deed Doc. 1954-0025393. Shown correctly, not referenced on map.

Existing & Proposed Easement: location, width, purposes, and owners [07-01-2290(e)]:

- Title report provided listing four utility easements. Three are shown and referenced on map, one is not. This can be corrected at final map.

North arrow, scale, and date of preparation [07-01-2290(k)]:

- No comments.

Waived Map Legal Description Examination

An examination of the legal description was made for consistency with between created parcels and the parent boundary; readability; absent of ambiguity; and mathematical accuracy.

Legal Description Comments:

No legal descriptions submitted as a final map is required.

Other Comments:

Proposed Parcel 2 is shown as a “flag” lot, which is not permitted per Section 7-01-1355(e) of Tulare County Code.

Recommendations:

Attachments:



Aerial Photograph for PZV 25-012 and PPM 25-007



Owner: Butterfly Orchard, LLC
Address: 2100 McKinney Ave, Suite 1500
City, State, ZIP: Dallas TX 75201
Applicant: Same
Agent: Dewalt Corp
Supervisory District: 2
Assessors Parcel: 318-340-003

0 350 700 1,050 1,400 Feet

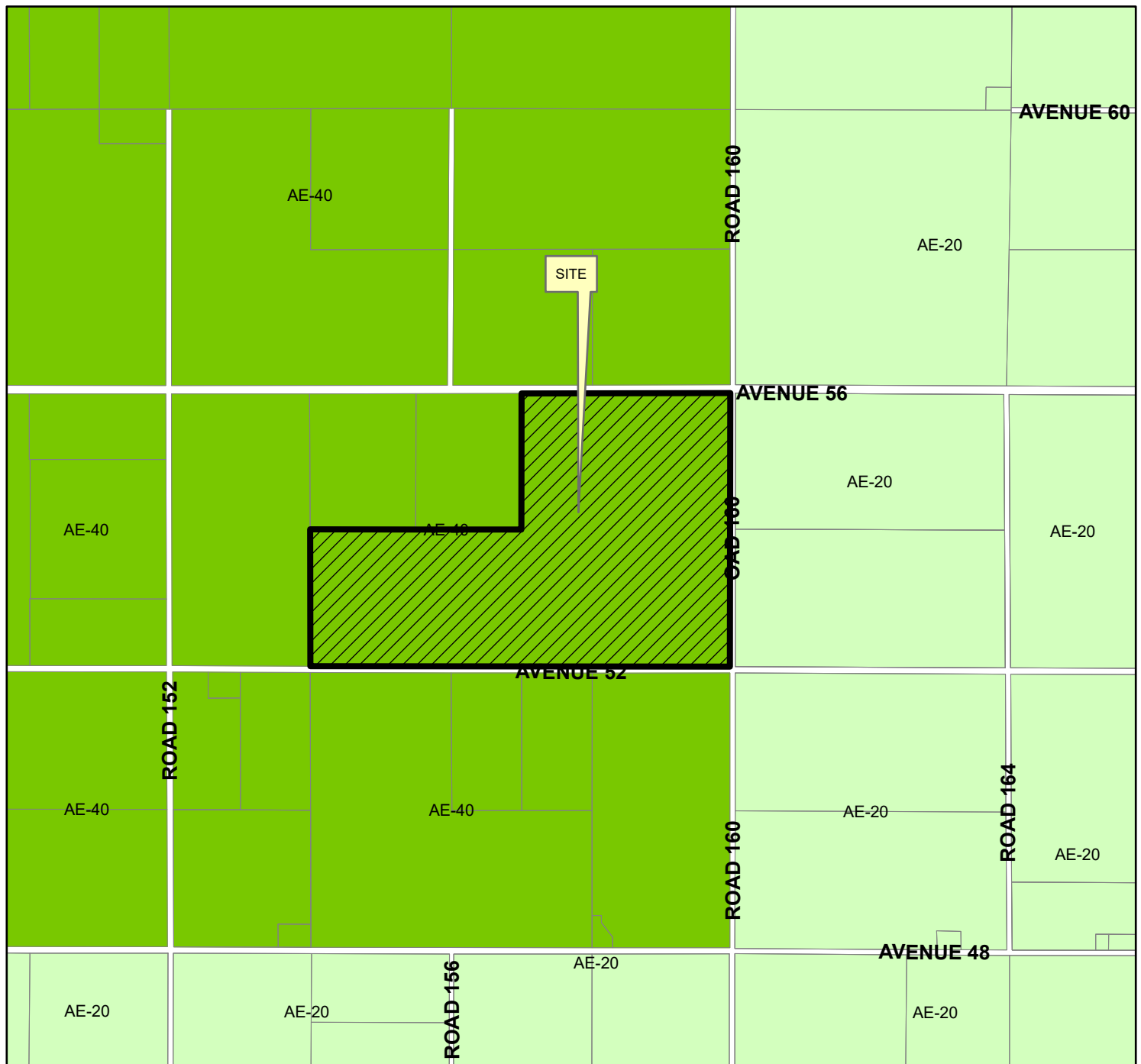
 Parcels

 Site





Existing Zoning Map for PZV 25-012 and PPM 25-007



Owner: Butterfly Orchard, LLC
Address: 2100 McKinney Ave, Suite 1500
City, State, ZIP: Dallas TX 75201
Applicant: Same
Agent: Dewalt Corp
Supervisory District: 2
Assessors Parcel: 318-340-003

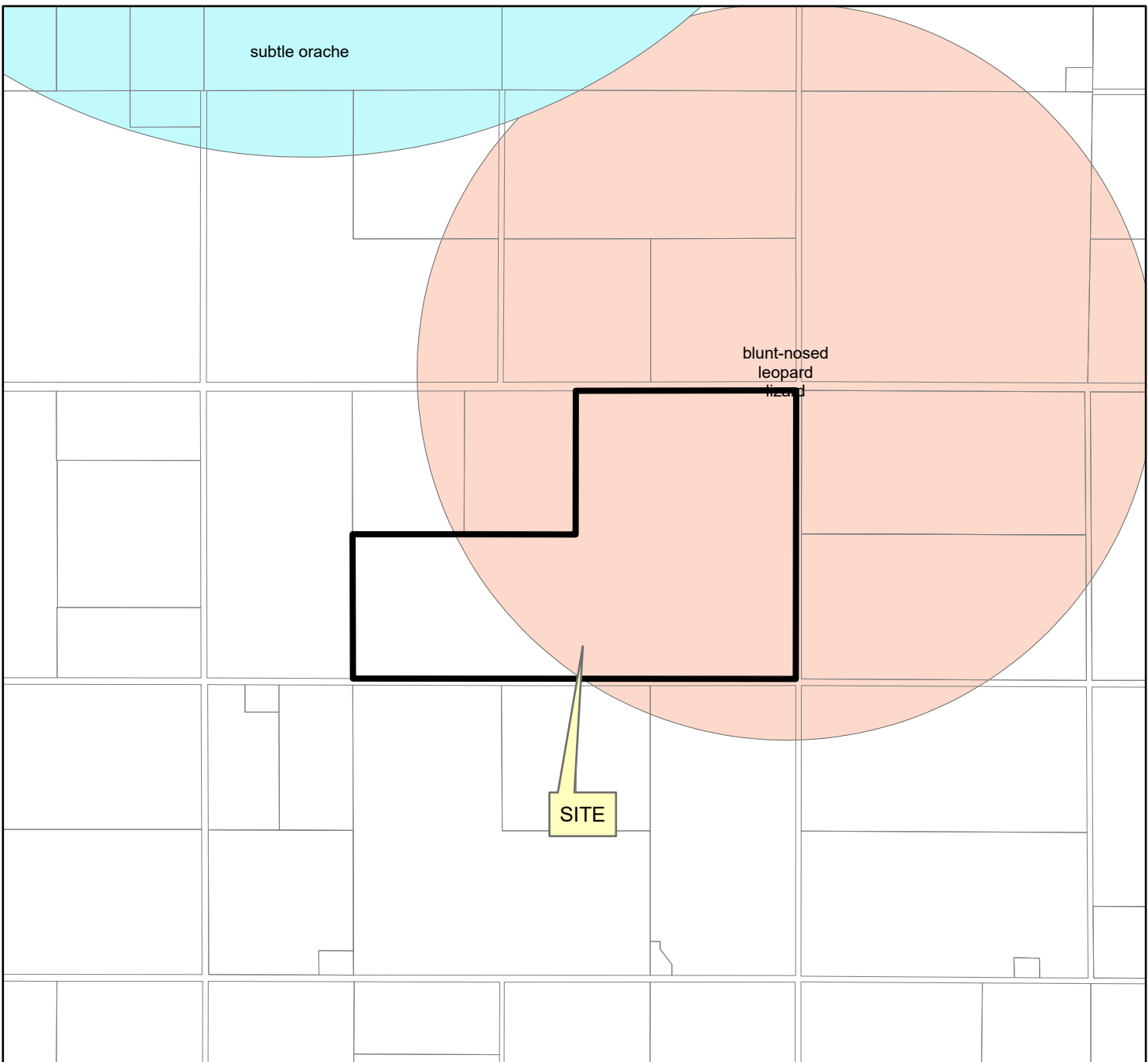
0 720 1,440 2,160 2,880 Feet

Parcels AE-40
ZONE
Parcels AE-20
Site

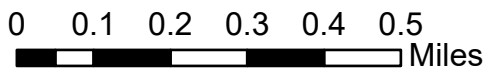




Species of Concern for PZV 25-012 and PPM 25-007



CNDDDB (data file last updated on 3/4/2025)

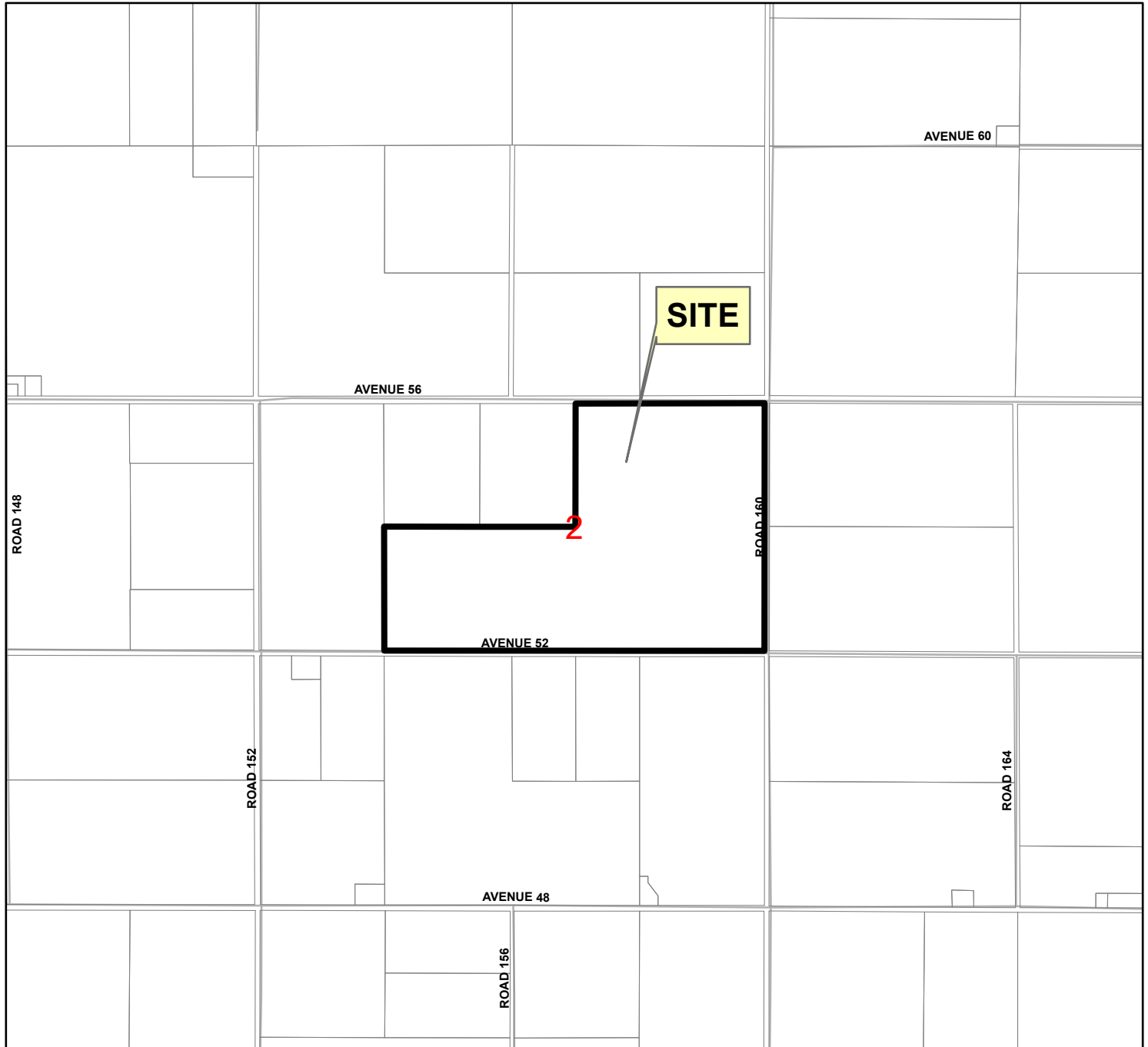


- Legend**
- Parcels
 - Parcels selection

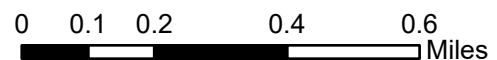
- Species of Concern (CNDDDB)**
- blunt-nosed leopard lizard
 - subtle orache
 - Parcels
 - Parcels selection







Vicinity Map for PZV 25-012 and PPM 25-007



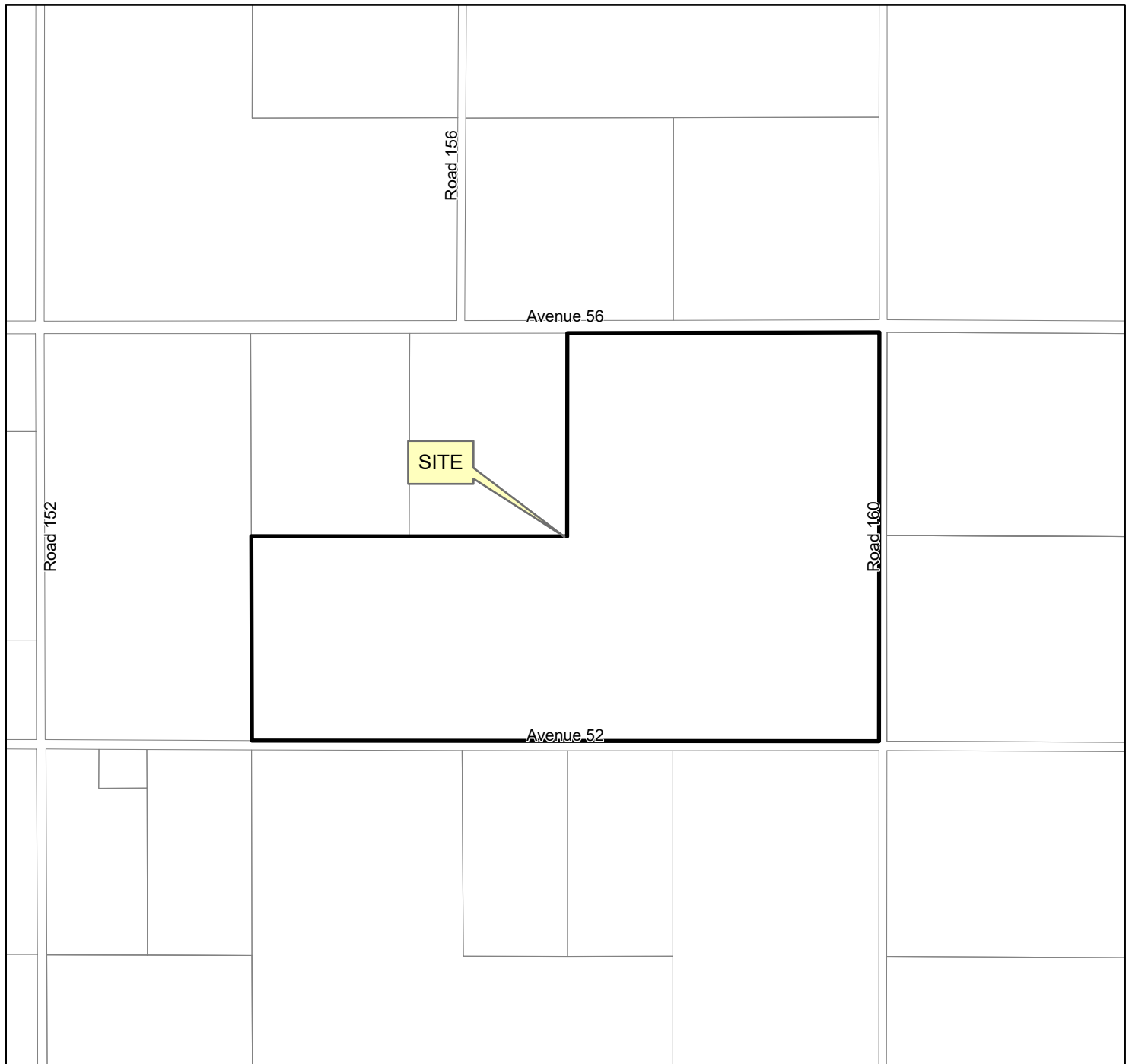
Supervisorial District: 2



 Supervisorial Districts  Parcels
 Parcels  Site



Waterways Map for PZV 25-012 and PPM 25-007



 Waterways

 Parcels

 Parcels

 Site

0 2,000 Feet



NOTICE OF EXEMPTION

To: ☒ Office of Land Use and Climate Innovation
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): Butterfly Orchard, LLC
2100 McKinney Ave, Suite 1500
Dallas, TX 75201, (917) 225-1161

Project Title: Zone Variance No., PZV 25-012 and Tentative Parcel Map No., PPM 25-007 – Butterfly Orchard, LLC

Project Location - Specific: 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037)

Project Location- Section, Township, Range: Section 36, Township 23S, Range 25E

Project Location - City: N/A **Project Location - County:** Tulare

Description of Nature, Purpose, and Beneficiaries of Project: **Zone Variance No. PZV 25-012** and Tentative Parcel Map No. PPM 25-007 to divide an existing 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone. Zone Variance No. PZV 25-012 is to address the creation of a second homesite parcel. The beneficiary of the project is the Applicant.

Exempt Status: (check one)

- ☒ Common Sense Exemption: CEQA Guidelines 15061(b)(3)
☐ Categorical Exemption: **CEQA Guidelines**
☐ Statutory Exemptions: **CEQA Guidelines**

Reasons why project is exempt: This action is consistent with Section 15061(b)(3), pertaining to Common Sense Rule, as the intent of the project is to divide the property. The project will not change the land use, and no additional public services will be required. Therefore, the application of CEQA Section 15061(b)(3) is applicable and appropriate for this project.

Environmental Assessment Officer: Reed Schenke, P.E., RMA Director/ EAO

Name of Public Agency Approving Project: County of Tulare

Project Planner/Representative: Russell Kashiwa - Planner

Telephone: (559) 624-7000

Signature: _____
Gary A. Mills

Date: _____

Title: Chief Planner,
Environmental Planning Division

Signature: _____
Michael G. Washam, A.C.E.

Date: _____

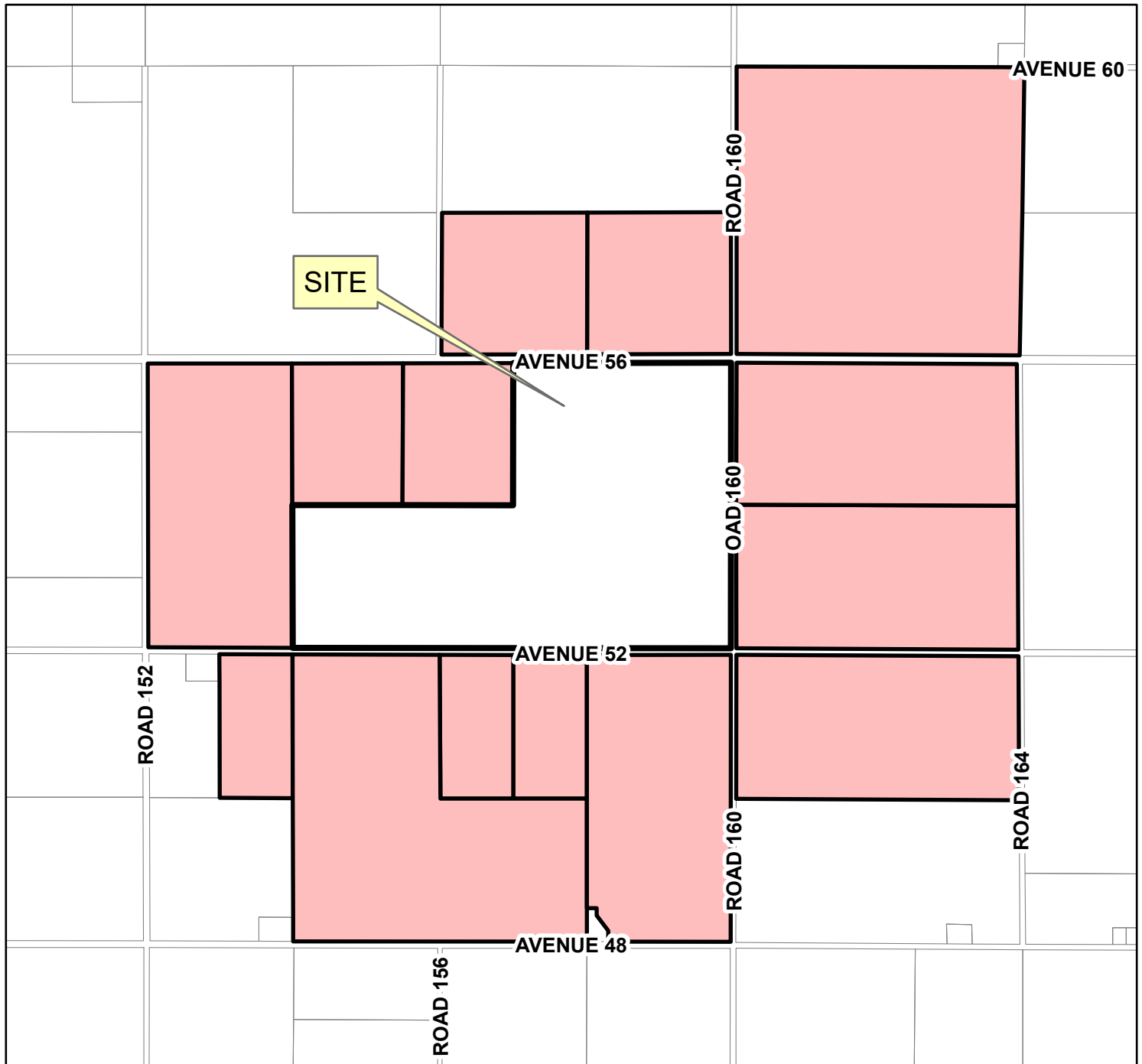
Title: Associate RMA Director, Designee

☒ Signed by Lead Agency

Date submitted to the LCI/SCH: _____



Location and Property Ownership Map for Hearing Notification for PZV 25-012 and PPM 25-007



Owner: Butterfly Orchard, LLC
 Address: 2100 McKinney Ave, Suite 1500
 City, State, ZIP: Dallas TX 75201
 Applicant: Same
 Agent: Dewalt Corp
 Supervisorial District: 2
 Assessors Parcel: 318-340-003

0 700 1400 2100 2800 Feet

[Light Pink Box] Parcels
 [White Box] Parcels
 [Thick Black Outline] Site
 [Pink Box] 300 Foot Rad



NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENT

An **Exemption for Zone Variance No. PZV 25-012** and **Tentative Parcel Map No. PPM 25-007** has been approved for public review by the Tulare County Environmental Assessment Officer. Copies are available for review and comment at the Resource Management Agency, Permit Center, 5961 South Mooney Blvd., Visalia, California 93277-9394 (559) 624-7000, (Monday – Friday: 9:00 am to 4:30 pm). For further information regarding this project, please call **Russell Kashiwa, Project Planner**, at **559-624-7110** or **E-mail** him at **Rkashiwa@tularecounty.ca.gov**. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for the project.

PROJECT: Zone Variance No. PZV 25-012 and Tentative Parcel Map No. PPM 25-007

APPLICANT/AGENT: Butterfly Orchard, LLC. / Dewalt Corp (Greg Owens)

LOCATION: 15968 Avenue 52, on the northwest corner of Avenue 52 and Road 160, east of Earlimart (APN: 210-010-037)

PROJECT DESCRIPTION: Request to allow the division of an existing 178.24-acre parcel into three (3) parcels (Proposed Parcel 1 = 175.99 acres, Proposed Parcel 2 = 1.06 acres, and Proposed Parcel 3 = 1.19 acres), on property located in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone). The Zone Variance is to address the creation of a second homesite parcel.

ENVIRONMENTAL DOCUMENT: A Common Sense Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15061(b)(3), pertaining to the Common Sense Rule.

REVIEW PERIOD: 10 days until Monday, April 21, 2025, at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, April 23, 2025, at 9:00 a.m.

All meetings are held at the Board of Supervisors Chambers, 2800 West Burrel Avenue, Visalia, California 93291. PLANNING COMMISSION meetings start at 9:00 a.m. All interested parties are invited to attend and be heard. Meeting Agendas, Documents, Live Broadcasts and Archived Recordings are available at the following link:

<https://tularecounty.ca.gov/rma/planning-building/planning-commission/>

For environmental questions, please call Gary Mills, Chief Environmental Planner at 624-7000. If you challenge the decision on any of the foregoing matters 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 Tulare County Resource Management Agency, Economic Development and Planning Branch, within the review period described herein. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in meetings call (559) 624-7000 48-hours in advance of the meeting.

GARY MILLS, CHIEF ENVIRONMENTAL PLANNER
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

=====

TO BE PUBLISHED ONCE ONLY ON: April 9, 2025

SEND BILL AND TEAR SHEET TO:

TUL. CO. RESOURCE MGMT., 5961 SOUTH MOONEY BLVD., VISALIA, CA 93277-9394

SEND TO: Sun Gazette