



RESOURCE MANAGEMENT AGENCY COUNTY OF TULARE PLANNING COMMISSION SUMMARY

5961 S. Mooney Blvd
Visalia, CA 93277
(559) 624-7000 Phone
(559) 615-3002 Fax

PLANNING COMMISSION

CHAIRMAN: Gil Aguilar

VICE-CHAIR: Ed Dias

COMMISSIONERS:

Ed Dias

Gil Aguilar

Maria McElroy

Wayne Millies

Bill Whitlatch

Terren Brown

Dennis Lehman Alternate

Carlos Aleman

AIRPORT LAND USE

COMMISSIONERS (ALUC)

Bill Whitlatch

vacant

PROJECT NOS: PZV 22-027 & PPM 22-013	AGENDA DATE:	09/28/22
APPLICANT: Glen Zimmerman	AGENDA ITEM NO.:	6A
AGENT: Neil Zerlang-Land Surveyor		
SUBJECT: The project involves two (2) existing legal parcels [APNs: 030-050-022 (approximately 19.63 acres) and 030-050-023 (approximately 12.01 acres)] and proposes the following: 1. A Lot Line Adjustment is proposed to adjust the boundaries between two existing legal parcels (APNs 030-050-022 and 030-050-023). APN: 030-050-022 would increase in size from 19.63 acres to approximately 19.76 acres and APN: 030-050-023 would decrease in size from 12.01 acres to approximately 11.88 acres. 2. A Tentative Parcel Map is proposed to divide the 19.76-acre parcel that would result from the Lot Line Adjustment into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No.2). The Tentative Parcel Map would divide a 19.76 +/- acre parcel into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No.2), with a final parcel map waiver requested. The project is located in the AE-40 (Exclusive Agriculture-40 Acre Minimum) Zone, on a property located approximately 0.3 miles south of Avenue 392 and on the east side of Road 74, at 38890 Road 74, Dinuba, California 93618. Recording the Planning Commission Resolution for PPM 22-013 will accomplish both the Lot Line Adjustment and Tentative Parcel Map.	AGENDA ITEM TYPE	
	Presentation	
	Consent Calendar	
	Unfinished Business	
	New Business	
	Public Hearing	X
	Continued Public Hearing	
	Discussion	
	Other:	
	ACTION REQUESTED	
	Resolution-Planning Commission	X

SUBJECT: Variance & Tentative Parcel Map. PZV 22-027 & PPM 22-013 (Glen Zimmerman / Neil Zerlang-Land Surveyor)

Exception: One (1).		
Waiver: Requested.		
Motions: Two (2)		
Environmental Review: Categorical Exemption, Section 15301, pertaining to Existing Facilities.		
CONTACT PERSON: Tim Chi		

RECOMMENDATION(S):

That the Planning Commission:

- (1) Hold a public hearing
- (2) Approve a Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, pertaining to Existing Facilities **and** conditionally approve Zone Variance No. PZV 22-027.
- (3) Approve a Categorical Exemption, consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations, Section 15301, Class 1, pertaining to Existing Facilities **and** conditionally approve Tentative Parcel Map No. PPM 22-013 with a final map waiver requested by the applicant.

PLANNING COMMISSION ALTERNATIVES:

Alternative No. 1: Move to approve, subject to modifications as discussed by the Planning Commission.

Alternative No. 2: Move to deny and direct staff to prepare findings for denial to be brought back at a subsequent hearing.

Alternative No. 3: Refer back to Staff for further study and report

PROJECT OVERVIEW:

A Categorical Exemption, Zone Variance No. PZV 22-027 and Tentative Parcel Map No. PPM 22-013, requested by Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618 (Agents: Neil Zerlang- Land Surveyor), to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and divide the resulting 19.76 +/- acre parcel into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone, which will then result in a total of three parcels (11.88-acres Parcel No. 3), on a property located approximately 0.3 miles south of Avenue 392 and on the east side of Road 74, at 38890 Road 74, Dinuba, California 93618.

The Zone Variance will allow creation of parcels that are smaller than required in the AE-40 Zone.

ENVIRONMENTAL SUMMARY:

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 15301, Class 1, pertaining to Existing Facilities. No new construction is proposed. The project will not result in significant impacts and will not require additional public services. Conditions of approval are included to reduce impacts.

SUBJECT: Variance & Tentative Parcel Map. PZV 22-027 & PPM 22-013 (Glen Zimmerman / Neil Zerlang-Land Surveyor)

ENTITLEMENT(S):

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

General Plan - The subject site is located outside of any urban boundaries and is subject to the Rural Valley Lands Plan (RVLP), with a land use 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 AG-1.1 (Primary Land Use), AG-1.7 (Preservation of Agricultural Lands), and AG-1.14 (Right-to Farm Noticing).

Zoning – The subject site is zoned AE-40 (Exclusive Agriculture – 40 Acre Minimum) and is subject to the Rural Valley Lands Plan, with a land use designation of Valley Agriculture.

PROJECT SUMMARY:

The site is of agricultural use in its entirety and contains one residence and shop building, well and septic system. Surrounding properties are zoned AE-40 and contain agriculture and scattered rural residences.

Zone Variance No. PZV 22-027 is in association with PPM 22-013 to address the less than necessary minimum acreage, and the applicant has requested a final parcel map waiver.

All proposed parcels have frontages along Road 74. County Public Works/Engineering Branch requires the following to get completed prior to recording the resolution for this waived parcel map.

*Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. The applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 610, the subject site is located within Zone X. Construction within Zone X requires no specific flood mitigation measures.

The Fire Department requires address posting with a minimum of 4" in height, 3" in width and a ½" stroke number visible from the street, and 20-foot-wide all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations. Any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply. Conditions of approval are included. Vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway are also required.

SUBJECT: Variance & Tentative Parcel Map. PZV 22-027 & PPM 22-013 (Glen Zimmerman / Neil Zerlang-Land Surveyor)

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: Some parcels in the project site's vicinity, north, west, east, and south of the site, are smaller than 40 acres. Several properties in the vicinity also contain a combination of rural residence and agriculture.

- 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 because several properties in the area are less than the minimum acreage.

- 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 an agricultural zone (AE-40). Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.

- 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 indicated above, the Zone Variance and associated Tentative Parcel Map will not change the existing uses.

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."

SUBJECT: Variance & Tentative Parcel Map. PZV 22-027 & PPM 22-013 (Glen Zimmerman / Neil Zerlang-Land Surveyor)



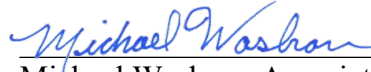
Tim Chi, Planner II
County of Tulare
Resource Management Agency



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



Hector Guerra, Chief Planner
Environmental Planning Division
Economic Development & Planning Branch



Michael Washam, Associate Director
Resource Management Agency

ATTACHMENTS:

- Attachment No. 1 – Draft Resolution Zone Variance No. PZV 22-027
 - Exhibit A-Site Plan Map
 - Exhibit B-Right to Farm Notice
- Attachment No. 2 - Draft Resolution - Tentative Parcel Map No. PPM 22-013
 - Exhibit A – Legal Descriptions
 - Exhibit B – Site Plan
 - Exhibit C – Right to Farm Notice
- 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

Attachment 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 ZONE VARIANCE)	RESOLUTION NO. ~XXXX
APPLICATION NO. PZV 22-027)	
Zimmerman)	

Resolution of the Planning Commission of the County of Tulare accepting a categorical exemption as the appropriate environmental determination and conditionally approving a Zone Variance (No. PZV 22-027) requested by applicant Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618, on behalf of the property owner Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618 (Agent: Neil Zerlang-Land Surveyor. 2908B West Main Street, Visalia, CA 93291), to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone. The outcome will result in a total of three parcels (11.88-acres being Parcel No. 3), on a property located approximately 0.3 miles south of Avenue 392 and on the east side of Road 74, at 38890 Road 74, Dinuba, California 93618.

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 22-013 on the same property and for the same applicant, for the purpose of adjusting the lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting adjusted 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, which will then result in a total of three parcels (11.88-acres being Parcel No. 3); 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 22-027 and PPM 22-013 (made a part hereof), and recommended approval of this application subject to conditions; and

WHEREAS, on September 14, 2022, 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 September 28, 2022; and

WHEREAS, at that meeting of the Planning Commission, an opportunity to provide public testimony was offered. ~...no one spoke in favor of or in opposition to the proposal; and

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 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, amendment to an existing Williamson Act Contract, Partial Non-Renewals, adding of additional lands to an existing contract, or other modifications to an existing contract 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 Contract will include, or be amended to include:

- a. Language giving the Tulare County Board of Supervisors 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 (165 Cal App. 4th 1476 (CA 1st Dist. 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 local 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 in Request No. 1.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that the Commission has reviewed and considered the information contained in the Staff Report for the proposed project, together with any

comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15301 Class 1, pertaining to Existing Facilities.

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

1. The applicant has requested a variance from Section 9.7.D., Division of Land, to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting adjusted 19.76 +/- acre parcel into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone; which will then result in a total of three parcels (11.88-acres Parcel No. 3) with two of them being less than the minimum acreage, on a property located at 38890 Road 74, Dinuba, California 93618.
2. 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 Note: Some parcels in the project site's vicinity, north, west, east, and south of the site, are smaller than 40 acres. Several properties in the vicinity also contain a combination of rural residence and agriculture.
3. 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 Note: This Zone Variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity because several properties in the area are less than the minimum acreage.
4. 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 Note: There are no new uses and activities being proposed by the Zone Variance. The subject property is located in an agricultural zone (AE-40). Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.

5. The granting of the variance is consistent with the General Plan.
Staff Note: 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 indicated above, the Zone Variance and associated Tentative Parcel Map will not change the existing uses.
6. The Rural Valley Lands Plan (RVLP) is the applicable Land Use & Circulation Element for the project and the Land Use Designation is “Valley Agriculture.” The existing land use would not change with this division of land. The proposed project, together with the provisions for its design and improvements, is consistent with the relevant policies of the County’s General Plan Elements, including Agricultural Element Policy AG-1.14 Right-to Farm Noticing; Land Use Element Policies LU1.10 Roadway Access, and LU-2.2 Agricultural Parcel Splits; Health and Safety Element Policies HS-1.9 Emergency Access and HS-6.5 Fire Risk Recommendations; Water Resources Element Policy WR-2.9 Private Wells; Public Facilities & Services Element Policies PFS-2.5 New Systems or Individual Wells, PFS-3.1 Private Sewage Disposal Standards, and PFS-7.2 Fire Protection Standards.
7. Parcel with APN 030-050-023 was legally crated by PLA 97-019, recorded on December 30, 1998, with Document No. 1998-0097108. Parcel with APN 030-050-022 was legally created by Parcel Map No. 710, recorded on August 27, 1974, in Book 8 of parcel maps at Page 10.
8. The subject site is under the Williamson Act Land Conservation Contract No. 5933 and Agricultural Preserve No. 1964. The property meets the Agricultural Preserve requirements to create a homesite, because the parcel with APN: 030-050-022 contains a residence that has existed for at least five years (per Google Aerial), the property owners have owned the property for at least ten years (the application shows the property was acquired prior to 2010), and proposed parcel 2 is greater than 10 acres (in a prime agricultural land area).
9. All proposed parcels have frontages along Road 74. County Public Works / Engineering Branch requires the following to get completed prior to recording the resolution for this waived parcel map.

*Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. The applicant’s agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.

10. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 610, the subject site is located within Zone X. Construction within Zone X requires no specific flood mitigation measures.
11. The Fire Department requires address posting with a minimum of 4" in height, 3" in width and a ½" stroke number visible from the street, and 20-foot-wide all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations. Any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply. Vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway are also required. Conditions of approval are included.
12. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927 a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.
13. Conditions of approval included in the project resolution require all grading or excavation within 50'-100' of the discovery area to cease if, however unlikely, any archaeological resources or human remains are discovered. The conditions of approval also require the project proponent to inform the Resource Management Agency Planning Director of the discovery, at which time no further development shall take place until appropriate recovery measures, if necessary, have been completed. In addition, the Owner/Applicant shall include a standard "inadvertent discovery" clause in every construction contract to inform contractors of the conditions of approval.

C. 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.

AND, BE IT FURTHER RESOLVED as follows:

D. 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 15301 Class 1, pertaining to Existing Facilities. No additional public services are required.

E. The Planning Commission of the County of Tulare hereby approves Zone Variance Application No. PZV 22-027, subject to the following conditions, which apply to the applicant, his successors, and assigns:

1. Development 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 plans 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 action taken by the Planning Commission. During the ten day appeal period, County Staff will mail, to the applicant's most recent known address, the following forms to sign – an "Acceptance" of conditions of approval and, if applicable, a Right to Farm Notice. Within ten (10) days of the action taken by the Planning Commission, the applicant shall be required to sign and return all documents related to the Zone Variance. 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 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 of 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.
5. The subject site is under the Williamson Act Land Conservation Contract No. 5933 and Agricultural Preserve No. 1964. The resolution for PZV 22-027 should be recorded with the resolution for the associated PPM 22-013 simultaneously.
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 22-027; 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. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of the Tulare County insofar as said regulations and setbacks are applicable to such structures.
8. Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. Prior to recording the resolution for this waived parcel map, the applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.
9. The applicant shall ensure that address(es) are posted with 4" by 3" by ½" permanent numbers in a location visible from the street.
10. The applicant shall provide Fire Department 20' width all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations.
11. The applicant shall ensure that any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply.
12. The applicant shall provide vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway.
13. The property owners shall sign and return to the Tulare County Resource Management Agency the Right to Farm Notice (Exhibit "B") so this office can record the Notice along with the Resolution.
14. The applicant shall ensure that, should any resources of an historic or prehistoric nature be discovered during construction or grading activities on the site, all construction or grading within 50'-100' of the discovery area shall immediately cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further, development shall not continue until the Tulare

County Resource Management Agency Director determines that appropriate and necessary recovery measures have been completed.

15. The applicant shall ensure that, should human remains be encountered within the project area, the County Coroner must be contacted immediately, per Section 7050.5 of the California Health and Safety Code. Construction or excavation within 50'-100' of discovered human remains shall be stopped until the County Coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the Coroner must, as required by law (Public Resources Code Section 5097), contact the California Native American Heritage Commission (NAHC), which shall specify the procedures to be followed.
16. The applicant shall avoid and minimize impacts to known paleontological and tribal-cultural resources. The owner shall include a standard "inadvertent discovery" clause in every construction contract to inform contractors of the above two conditions of approval (the two previous items before this one). If a qualified professional determines that the find is significant, the qualified professional shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on September 28, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

EXHIBIT A

TENTATIVE PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

JANUARY 2022

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

2908-B WEST MAIN STREET, VISALIA, CA 93291; (559) 739-1616

PREPARED FOR: GLEN & PEGGY ZIMMERMAN

38890 ROAD 74, DINUBA, CA 93618; (559) 779-7870

ASSESSOR'S PARCEL NO.: 030-050-022 & 023

ZONE: AE-40 FLOOD ZONE: 'X'

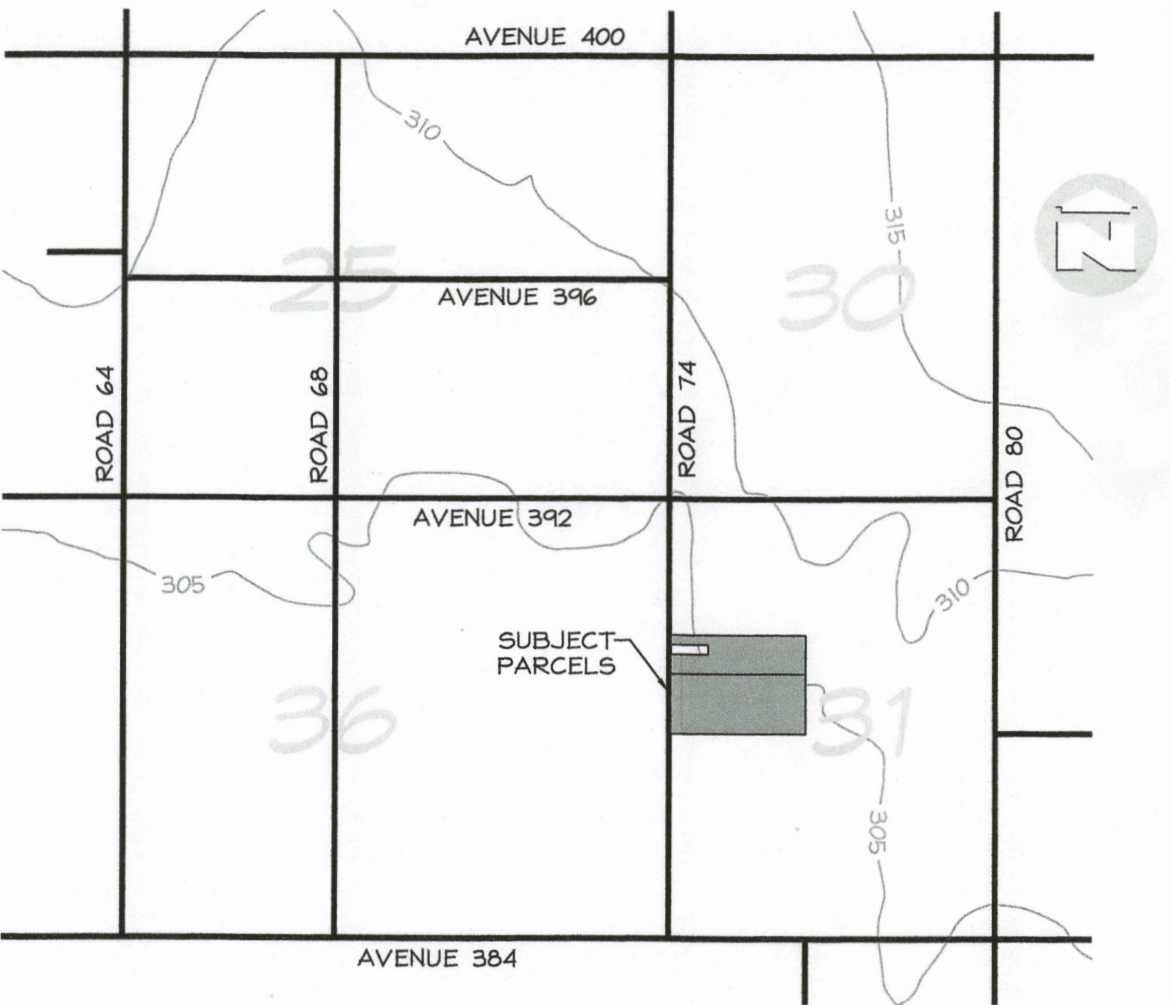
OWNER'S STATEMENT

WE HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT WE ARE THE LEGAL OWNERS OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

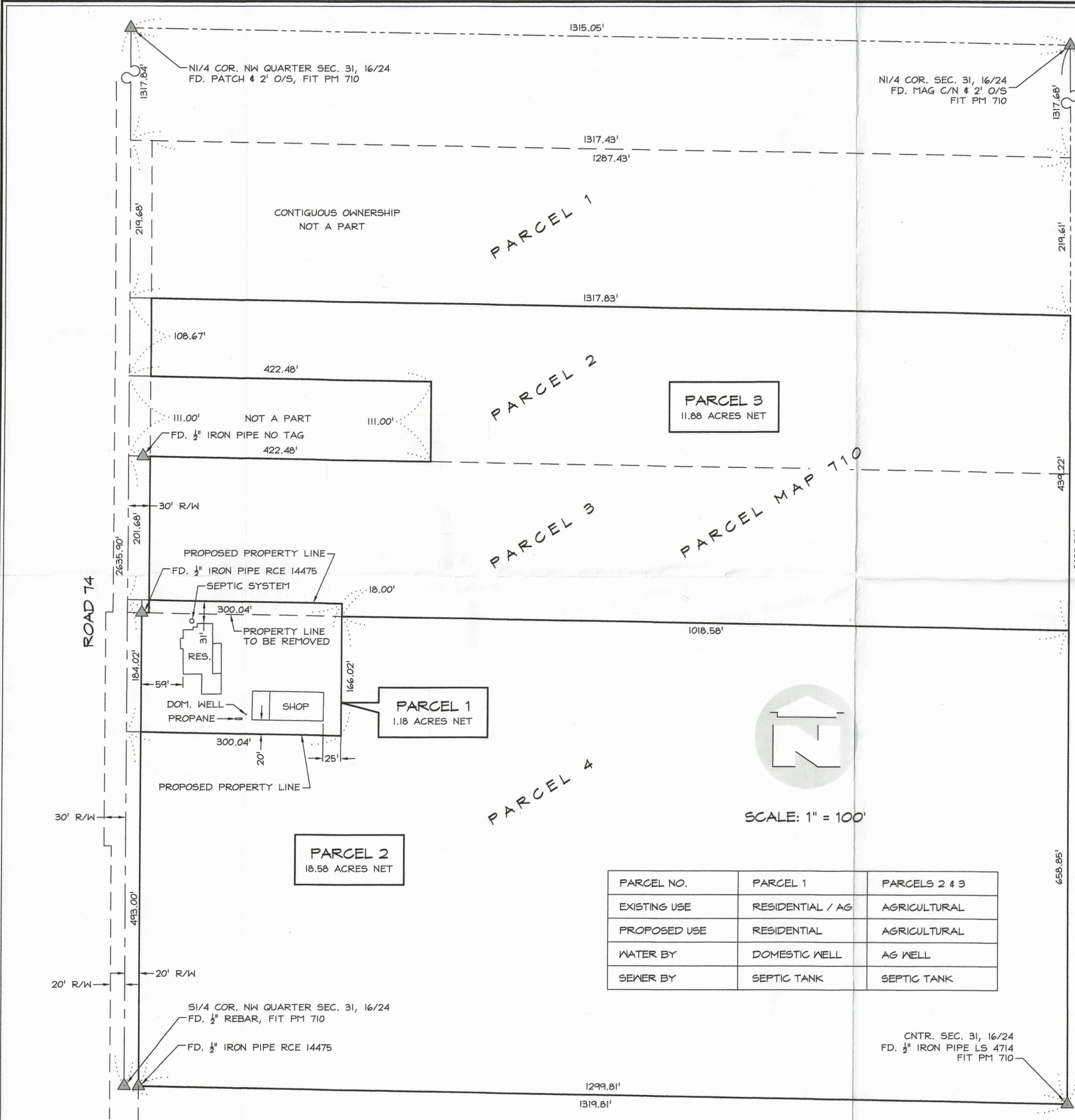
GLEN D. ZIMMERMAN AND PEGGY SUE ZIMMERMAN 2007 REVOCABLE TRUST
GLEN D. ZIMMERMAN, TRUSTEE PEGGY SUE ZIMMERMAN, TRUSTEE

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 NOT PART OF AN AGRICULTURAL PRESERVE. AG CONTRACT NO. 05933 - PRESERVE NO. 0001964.



VICINITY MAP NOT TO SCALE



PARCEL NO.	PARCEL 1	PARCELS 2 & 3
EXISTING USE	RESIDENTIAL / AG	AGRICULTURAL
PROPOSED USE	RESIDENTIAL	AGRICULTURAL
WATER BY	DOMESTIC WELL	AG WELL
SEWER BY	SEPTIC TANK	SEPTIC TANK

EXHIBIT B

RIGHT TO FARM NOTICE

RE: Zone Variance No. PZV 22-027

or

Parcel Map No. _____

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)

Attachment 2

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)	RESOLUTION NO. ~XXXX
PARCEL MAP)	
APPLICATION NO. PPM 22-013)	
WITH FINAL PARCEL MAP WAIVER REQUESTED)	
Zimmerman)	

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 22-013) requested by applicant Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618, on behalf of the property owner Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618 (Agent: Neil Zerlang-Land Surveyor. 2908B West Main Street, Visalia, CA 93291), to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone. The outcome will result in a total of three parcels (11.88-acres being Parcel No. 3), on a property located approximately 0.3 miles south of Avenue 392 and on the east side of Road 74, at 38890 Road 74, Dinuba, California 93618.

WHEREAS, Staff has performed necessary investigations, prepared a written report for PPM 22-013 and associated Zone Variance No. PZV 22-027 (made a part hereof), and recommended approval of the applications, subject to conditions. The Zone Variance allows a land division into parcels with less than the minimum acreage required in the AE-40 Zone; and

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

WHEREAS, on September 14, 2022, 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 September 28, 2022; and

WHEREAS, at that meeting of the Planning Commission, ~no one spoke in favor of or in opposition to the proposal; and

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 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, amendment to an existing Williamson Act Contract, Partial Non-Renewals, adding of additional lands to an existing contract, or other modifications to an existing contract 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 Contract will include, or be amended to include:
 - a. Language giving the Tulare County Board of Supervisors 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 (165 Cal App. 4th 1476 (CA 1st Dist. 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 local 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 in Request No. 1.

NOW, THEREFORE, BE IT RESOLVED as follows:

A. This Planning Commission hereby certifies that the Commission has reviewed and considered the information contained in the Staff Report for the proposed project, together with any comments received during the public review process, in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines pursuant to Title 14, Cal. Code Regulations Section 15301 Class 1, pertaining to Existing Facilities.

B. 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, on the grounds that soil and groundwater information is available.
2. As noted earlier, the applicant(s) applied for Zone Variance No. PZV 22-027, to allow a land division resulting in parcel(s) with less than the minimum acreage required in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone. The project meets the findings specified in Section 16.III.C of Ordinance No. 352, the Zoning Ordinance, as amended. Two of the parcels would be smaller than the minimum 40 acres parcel size required in the AE-40 Zone. The Planning Commission determined that the subject Zone Variance met required findings and approved PZV 22-027 on September 28, 2022 via Resolution No. XXXX, before considering PPM 22-013.
3. The Rural Valley Lands Plan (RVLP) is the applicable Land Use & Circulation Element for the project and the Land Use Designation is “Valley Agriculture.” The existing land use would not change with this division of land. The proposed project, together with the provisions for its design and improvements, is consistent with the relevant policies of the County’s General Plan Elements, including Agricultural Element Policy AG-1.14 Right-to Farm Noticing; Land Use Element Policies LU-1.10 Roadway Access, and LU-2.2 Agricultural Parcel Splits; Health and Safety Element Policies HS-1.9 Emergency Access and HS-6.5 Fire Risk Recommendations; Water Resources Element Policy WR-2.9 Private Wells; Public Facilities & Services Element Policies PFS-2.5 New Systems or Individual Wells, PFS-3.1 Private Sewage Disposal Standards, and PFS-7.2 Fire Protection Standards.
4. Parcel with APN 030-050-023 (Proposed Parcel 3) was legally created by PLA 97-019, recorded on December 30, 1998, with Document No. 1998-0097108. Parcel with APN 030-050-022 (containing Proposed Parcels 1 & 2) was legally created by Parcel Map No. 710, recorded on August 27, 1974, in Book 8 of parcel maps at Page 10 (legal descriptions in Exhibit A and site plan in Exhibit B).
5. The subject site is under the Williamson Act Land Conservation Contract No. 5933 and Agricultural Preserve No. 1964. The property meets the Agricultural Preserve requirements to create a homesite, because the parcel with APN: 030-050-022 contains a residence that has existed for at least five years (per Google Aerial), the property owners have owned the property for at least ten years (the application shows the property was acquired prior to 2010), and proposed parcel 2 is greater than 10 acres (in a prime agricultural land area).

6. All proposed parcels have frontage along Road 74. County Public Works / Engineering Branch requires the following to get completed prior to recording the resolution for this waived parcel map.

*Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. The applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.
7. The Fire Department requires address posting with a minimum of 4" by 3" by ½" permanent numbers visible from the street, and 20-foot-wide all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations. Any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply. Vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway are also required. Conditions of approval are included.
8. According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 610, the subject site is located within Zone X. Construction within Zone X requires no specific flood mitigation measures.
9. Conditions of approval included in the project resolution require all grading or excavation within 50'-100' of the discovery area to cease if, however unlikely, any archaeological resources or human remains are discovered. The conditions of approval also require the project proponent to inform the Resource Management Agency Planning Director of the discovery, at which time no further development shall take place until appropriate recovery measures, if necessary, have been completed. In addition, the Owner/Applicant shall include a standard "inadvertent discovery" clause in every construction contract to inform contractors of the conditions of approval.
10. The Board of Supervisors, at their regular meeting of November 30, 2010, adopted by Resolution No. 2010-2927 a Notice of Intent to Collect Tulare County Public Facilities Fees, also known as Developer Impact Fees; therefore, new development may be subject to County Development Impact Fees.

C. 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.

AND, BE IT FURTHER RESOLVED as follows:

D. 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 15301 Class 1, pertaining to Existing Facilities. No additional public services are required.

E. This Planning Commission hereby approves Tentative Parcel Map Application No. PPM 22-013, 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 its approval or conditional approval shall automatically revoke said approval. 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 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 Tentative Parcel Map No. PPM 22-013; 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 address(es) are posted with 4" by 3" by ½" permanent numbers in a location visible from the street.
4. The applicant shall provide Fire Department 20' width all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations.
5. The applicant shall provide vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway.
6. The applicant shall ensure that any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply.
7. Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. Prior to recording the resolution for this waived parcel map, the applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.
8. The subject site is under the Williamson Act Land Conservation Contract No. 5933 and Agricultural Preserve No. 1964. Before the resolution of this tentative parcel map can get recorded, the applicant shall submit all relevant Williamson Act related documents, such as Partial Williamson Act Non-Renewal (WAN) and signed contract amendment containing project's legal descriptions as revisions to the contract's original legal descriptions etc. The WAN application and contract amendment shall be deemed complete for processing before the resolution can record.
9. In accordance with Government Code Section 66474.4, following the creation of this homesite parcel the applicant, together with his successors and assigns, shall not apply to create another homesite parcel on any remaining parcels for at least 10 years following this homesite parcel creation at the subject site.
10. The applicant, his successors and assigns shall ensure that occupants of the residences on the subject site are restricted to the owner or lessee and their relatives, farmworkers or employees who work on the property.

11. 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”).
12. The applicant shall ensure that, should any resources of an historic or prehistoric nature be discovered during construction or grading activities on the site, all construction or grading within 50’-100’ of the discovery area shall immediately cease and the Tulare County Resource Management Agency Director shall immediately be notified of the discovery. Further, development shall not continue until the Tulare County Resource Management Agency Director determines that appropriate and necessary recovery measures have been completed.
13. The applicant shall ensure that, should human remains be encountered within the project area, the County Coroner must be contacted immediately, per Section 7050.5 of the California Health and Safety Code. Construction and or excavation within 50’-100’ of discovered human remains shall be stopped until the County Coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the Coroner must, as required by law (Public Resources Code Section 5097), contact the California Native American Heritage Commission (NAHC), which shall specify the procedures to be followed.
14. The applicant shall avoid and minimize impacts to known paleontological and tribal cultural resources. The owner shall include a standard “inadvertent discovery” clause in every construction contract to inform contractors of the previous two conditions of approval before this one. If a qualified professional determines that the find is significant, the qualified professional shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval.

The foregoing resolution was adopted upon motion of Commissioner ~, seconded by Commissioner ~, at a regular meeting of the Planning Commission on September 28, 2022, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Resolution No. ~XXXX
Planning Commission
Page 8

TULARE COUNTY PLANNING COMMISSION

Michael Washam, Secretary

EXHIBIT A

LEGAL DESCRIPTIONS

Zimmerman Tentative Parcel Map

PARCEL 1

The South 18.00 feet of the West 300.00 feet thereof of Parcel 3, **AND** the North 166.00 feet of the West 300.00 feet of Parcel 4, all of Parcel Map No. 710, recorded August 27, 1974, in Book 8, Page 10 of Parcel Maps, being a portion of the Southeast quarter of the Northwest quarter of Section 31, Township 16 South, Range 24 East, Mount Diablo Base and Meridian, and being measured from the West line of said Southeast quarter, in the County of Tulare, State of California, according to the Official Plat thereof.

PARCEL 2

Parcel 4 of Parcel Map No. 710, recorded August 27, 1974, in Book 8, Page 10 of Parcel Maps, being a portion of the Southeast quarter of the Northwest quarter of Section 31, Township 16 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

Excepting therefrom the North 166.00 feet of the West 300.00 feet thereof, as measured from the West line of said Southeast quarter.

PARCEL 3

Parcels 2 and 3 of Parcel Map No. 710, recorded August 27, 1974, in Book 8, Page 10 of Parcel Maps, being a portion of the Southeast quarter of the Northwest quarter of Section 31, Township 16 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

Excepting therefrom the South 18.00 feet of the West 300.00 feet thereof of said Parcel 3, as measured from the West line of said Southeast quarter.

Also excepting therefrom the West 422.43 feet of the South 111.00 feet of said Parcel 2.



TENTATIVE PARCEL MAP

BEING A DIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

JANUARY 2022

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR

2908-B WEST MAIN STREET, VISALIA, CA 93291; (559) 739-1616

PREPARED FOR: GLEN & PEGGY ZIMMERMAN

38890 ROAD 74, DINUBA, CA 93618; (559) 779-7870

ASSESSOR'S PARCEL NO.: 030-050-022 & 023

ZONE: AE-40 FLOOD ZONE: 'X'

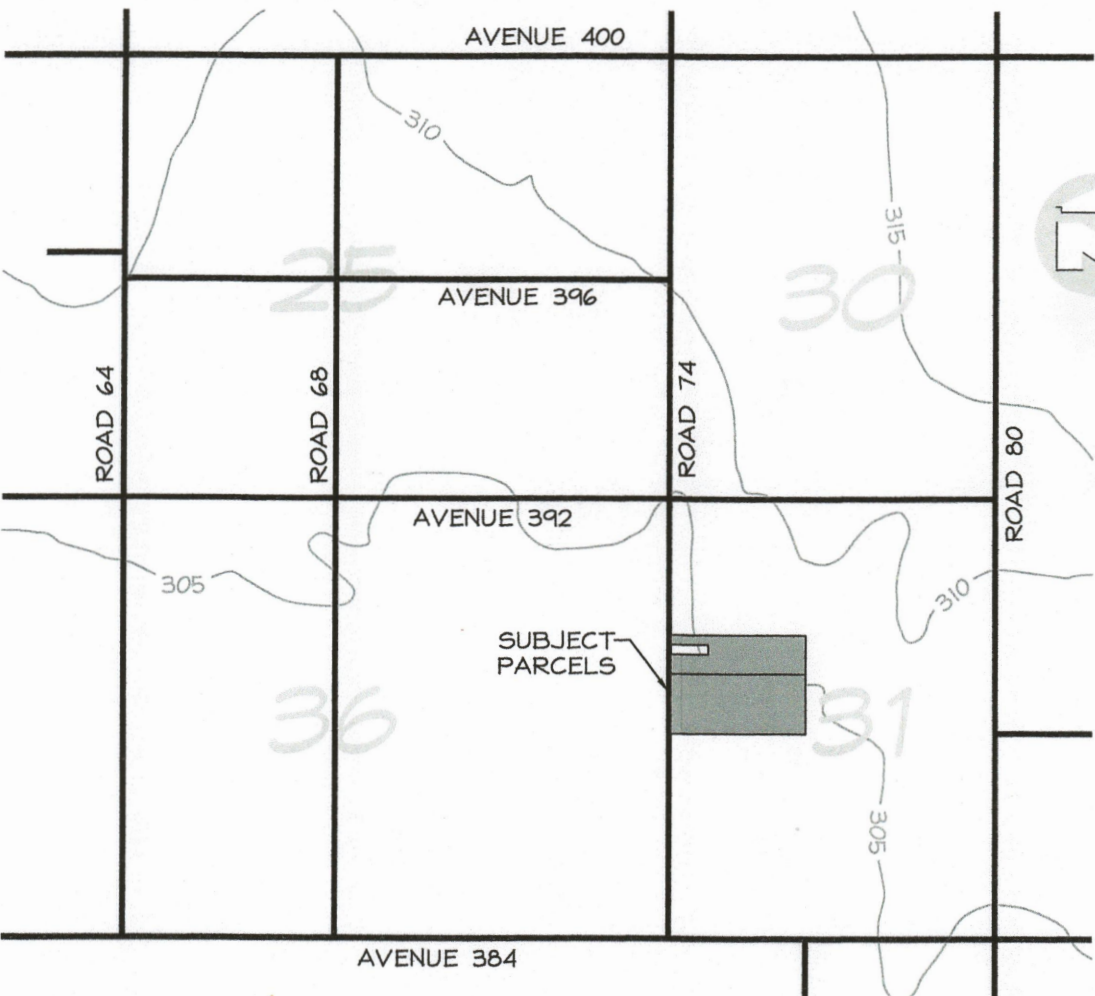
OWNER'S STATEMENT

WE HEREBY APPLY FOR THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT WE ARE THE LEGAL OWNERS OF SAID PROPERTY AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

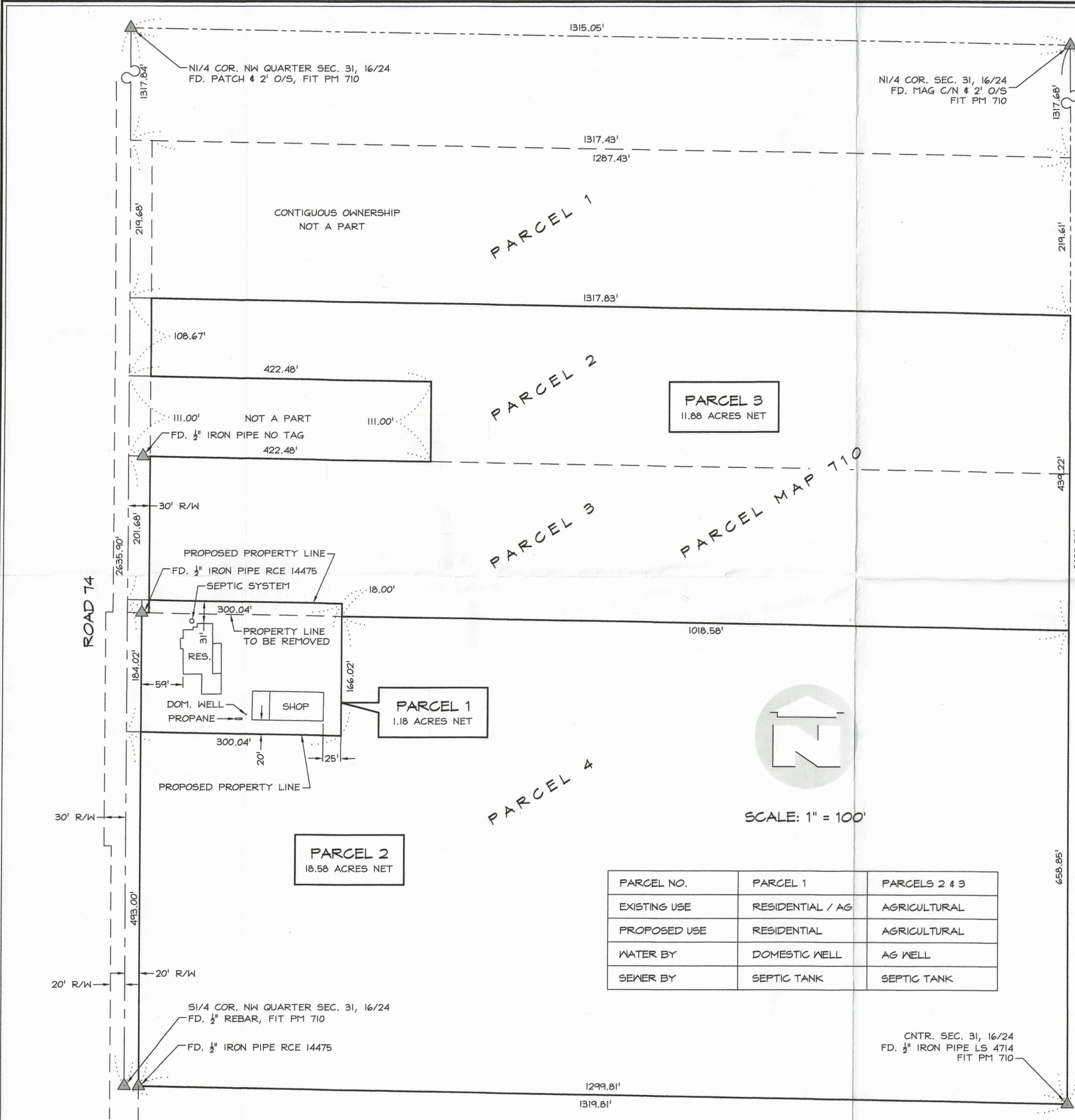
GLEN D. ZIMMERMAN AND PEGGY SUE ZIMMERMAN 2007 REVOCABLE TRUST
GLEN D. ZIMMERMAN, TRUSTEE PEGGY SUE ZIMMERMAN, TRUSTEE

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 NOT PART OF AN AGRICULTURAL PRESERVE. AG CONTRACT NO. 05933 - PRESERVE NO. 0001964.



VICINITY MAP NOT TO SCALE



PARCEL NO.	PARCEL 1	PARCELS 2 & 3
EXISTING USE	RESIDENTIAL / AG	AGRICULTURAL
PROPOSED USE	RESIDENTIAL	AGRICULTURAL
WATER BY	DOMESTIC WELL	AG WELL
SEWER BY	SEPTIC TANK	SEPTIC TANK

EXHIBIT C

RIGHT TO FARM NOTICE

RE: Use Permit No. _____

or

Parcel Map No. PPM 22-013

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)

**TULARE COUNTY RESOURCE MANAGEMENT AGENCY
- PLANNING BRANCH -**

**Staff Report / Environmental Assessment
Zone Variance No. PZV 22-027 and
Tentative Parcel Map No. PPM 22-013**

GENERAL

Applicant: Glen Zimmerman
38890 Road 74
Dinuba, CA 93618

Owner: Same as applicant

Agent(s): Neil Zerlang (Land Surveyor)
2908B West Main Street
Visalia, CA 93291

Requested Action:

Accept a Categorical Exemption from the California Environmental Quality Act, approve Zone Variance No. PZV 22-027 to allow a land division resulting in two parcels with less than the minimum acreage required in the AE-40 (Exclusive Agricultural – 40 Acre Minimum) Zone, and authorize Tentative Parcel Map No. PPM 22-013, to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone. The outcome will result in a total of three parcels (11.88-acres being Parcel No. 3), on the property.

Location:

Approximately 0.3 miles south of Avenue 392 and on the east side of Road 74, at 38890 Road 74, Dinuba, California 93618.

APNs 030-050-022 & 030-050-023, Section 31, Township 16S, Range 24E, MDB&M.

Applicants Proposal:

The applicants request a Zone Variance to allow a land division resulting in parcels with less than the minimum acreage required in the AE-40 Zone. The Zone Variance is associated with Tentative Parcel Map No. PPM 22-013 on the same property and for the same applicants, for the purpose of allowing the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested.

COMPATIBILITY WITH EXISTING ZONING, PLANS AND POLICIES

Zoning and Land Use:

Site: The site is of agricultural use in its entirety, and it contains one residence and shop building, well and septic system in the AE-40 Zone.

Surroundings:

Surrounding properties are zoned AE-40 and contain agriculture and scattered rural residences.

Entitlement:

Section 9.7 of the Zoning Ordinance describes the AE-40 (Exclusive Agricultural –40 Acre Minimum) Zone as an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations.

Zoning Ordinance Section 9.7.D. - Divisions of Land states that land in the AE-40 Zone may not be divided for any purpose if any one parcel resulting from the division of land contains less than 40 Acres; provided, however, that the project does not qualify for exceptions in Section 15.D.2 Division of Land Exceptions.

Zone Variance

Ordinance No. 352, the Zoning Ordinance, as amended, states in Section 16.III.C. that the following findings shall be met before any variance may be granted:

1. 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 Note: Some parcels in the project site's vicinity, north, west, east, and south of the site, are smaller than 40 acres. Several properties in the vicinity also contain a combination of rural residence and agriculture.*
2. 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 Note: This Zone Variance will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity because several properties in the area are less than the minimum acreage.*
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. *Staff Note: The subject property is located in an agricultural zone (AE-40). Section 9.7.D. of the Ordinance Code pertaining to Division of Land allows the division of land in the AE-40 Zone.*
4. That the granting of the variance is consistent with the General Plan. *Staff Note: 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 indicated above, the Zone Variance and associated Tentative Parcel Map will not change the existing uses.*

General Plan Elements:

The subject site is subject to the Rural Valley Lands Plan, which designates the area for Valley Agriculture. The proposed project will not conflict with commercial agriculture and the property owner is required to sign a Right to Farm Notice.

The proposed project, together with the provisions for its design and improvements, is consistent with the relevant policies of the County's General Plan Elements, including Agricultural Element Policy AG-1.14 Right-to Farm Noticing; Land Use Element Policies LU-1.10 Roadway Access, and LU-2.2 Agricultural Parcel Splits; Health and Safety Element Policies HS-1.9 Emergency Access and HS-6.5 Fire Risk Recommendations; Water Resources Element Policy WR-2.9 Private Wells; Public Facilities & Services Element Policies PFS-2.5 New Systems or Individual Wells, PFS-3.1 Private Sewage Disposal Standards, and PFS-7.2 Fire Protection Standards.

Subdivision Ordinance

The applicant has requested a final parcel map waiver for this project.

The application has one exception.

Access/Circulation:

The proposed parcels lie on the east side of Road 74. The existing right of way on Road 74 is 50 feet (30 feet on the west side and 20 feet on the east side). Ultimate right of way on Road 74 is 60 feet. Based on the 2015 Pavement Management System database, the existing pavement width on Road 74 is 19 feet. The pavement type on Road 74 is road mix asphalt surfacing.

The Public Works/Engineering Department requires the following to get completed prior to recording the resolution for this waived parcel map.

* Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. Prior to recording the resolution for this waived parcel map, the applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.

Environmental Health Division

Environmental Health Services Division has no comments for this project at this time.

Fire Department

The Fire Department requires address posting with a minimum of 4" by 3" by ½" permanent numbers visible from the street, and 20-foot-wide all-weather access in accordance with 2019 California Fire Code Appendix D and Tulare County regulations. Any new residences constructed in the future must meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard for urban water supply. Vegetation clearance of 100 feet around all structures and 10 feet on each side of the driveway are also required. Conditions of approval are included.

Planning Commission Policies and Precedents:

The Planning Commission has normally approved requests for a Zoning Variance and for a Tentative Parcel Map when it can be shown that the approval of said uses will not adversely affect nearby residents or properties.

ENVIRONMENTAL SETTING

Topographical Setting: The site is fairly leveled.

Flooding Potential:

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Flood Insurance Rate Map for Community Number 065066 dated June 16, 2009, Panel No. 610, the subject site is located within Zone X. Construction within Zone X requires no specific flood mitigation measures.

Soils: Flamen Loam, 0 to 2% slopes, moderately well drained, and Hanford Sandy Loam, 0 to 2% slopes, well drained. Source: Web Soil Survey - Tulare Co. Western Part, USDA Natural Resources Conservation Service.

Wildlife Habitats:

According to the California Natural Diversity Database, brittlescale was sighted within half mile of the subject site.

Waterways:

Driver ditch runs north south along the eastern edge of the subject site.

Agricultural Preserves:

The subject site is under the Williamson Act Land Conservation Contract No. 5933 and Agricultural Preserve No. 1964.

Archaeological Resources:

The site is not on a bluff or hillside with rocky outcroppings, and not likely to contain artifacts. Standard conditions of approval require construction to cease if artifacts or human remains are found.

HISTORY AND PROJECT FACTS

History:

Parcel with APN 030-050-023 (Proposed Parcel 3) was legally created by PLA 97-019, recorded on December 30, 1998, with Document No. 1998-0097108. Parcel with APN 030-050-022 (containing Proposed Parcels 1 & 2) was legally created by Parcel Map No. 710, recorded on August 27, 1974, in Book 8 of parcel maps at Page 10.

Building Permits (on 030-050-022)

Final – A9703434: 4000 SF storage building

Approved – A0603160: 2277 SF SFD; 705 SF garage; 907 SF p/p

Land Use Permit – None.

Other Facts:

Water Supply: Well and Driver Ditch.

Liquid Waste Disposal: Existing septic/leach line systems.

Fire Protection: County Station #3 – Dinuba Fire Station

Police Protection: Dinuba Police Department

Energy Source: PG & E

Correspondence:

Agencies Notified

Tulare Co. RMA, Public Works/Engineering
Branch-Development Services Division
Tulare Co. HHSA, Environmental Health Services Division
Tulare Co. Fire Dept.
Tulare Co. Surveyor
Tulare Co. Assessor (Mapping)

Replies Dated

08/09/2022
08/11/2022
08/16/2022
08/15/2022
08/10/2022

ENVIRONMENTAL IMPACTS CHECKLIST/DISCUSSION FORM: See attached Notice of Exemption.

ENVIRONMENTAL DETERMINATION

The Environmental Assessment Officer has determined that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) and consistent with the State CEQA Guidelines, pursuant to Title 14, Cal. Code Regulations, Section 15301 – Existing Facilities. The basis for the exemption is that the residence is existing on proposed parcel 1 and no additional structures are proposed. The subject 32.31 +/- acre parcel is not located in an environmentally sensitive area and is surrounded by agricultural and rural residential uses. The project will not result in significant impacts and will not require additional public services. Conditions of approval are included to reduce impacts.

SUBSEQUENT ACTIONS

Appeals:

All Planning Commission actions on Zone Variances and Tentative Parcel Maps are final unless appealed, in writing, to the Board of Supervisors, 2800 W. Burrel, Visalia, CA 93291-4582 within 10 calendar days after the date on which the Resolution is made. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

Right to Farm Notice:

In accordance with Section 7-29-1070(a) of the Tulare County Ordinance Code, and as a condition of approval of the Tentative Parcel Map, a Right to Farm Notice shall be recorded with the resolution approving the Zone Variance.

Air Impact Assessment:

The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under “Land Use/Development” and then under “Indirect Source Review”, or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District’s ISR Group at 559-230-6000.

Water Impact Assessment:

If your activities or discharges from your property or business affect California’s surface, coastal, or ground waters, you will need to apply for a permit from the Regional Water Quality Control Board (RWQCB). If you are discharging pollutants (or proposing to) into surface water, you must file a complete National Pollutant Discharge Elimination System (NPDES) with the RWQCB. Other types of discharges, such as those affecting groundwater or from diffused sources (e.g., erosion from soil disturbance or waste discharges to land) are handled by filing a Report of Waste Discharge with the RWQCB. For specified situations, some permits may be waived and some discharge activities can be handled through enrollment in an existing general permit. For assistance in determining whether or not your project requires a discharge permit call the Fresno Branch Office at 559-445-5116 or visit www.waterboards.ca.gov/centralvalley.

CASE NO. PPM 22-013 and PZV 22-027
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. - Engineering-Flood Control /Permits/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
☒ Surveyor: Don Dwyer

LOCAL AGENCIES

- ☐ Levee Dist. No 1*
☐ Levee Dist. No 2*
☐ _____*
☐ _____ Pub Utility Dist.*
☐ _____ Comm. Service Dist.*
☐ _____ Town Council*
☐ _____ Elementary School District*
☐ _____ High School District*
☐ 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 District 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 Governments)
☐ 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)

From: [Carlos F Garcia](#)
To: [Cheng Chi](#)
Cc: [Mapping](#)
Subject: FW: Consultation Request---PPM 22-013 & PZV 22-027 APNs 030-050-022 & 030-050-023
Date: Wednesday, August 10, 2022 10:11:02 AM
Attachments: [PPM 22-013 Site Plan.pdf](#)
[PPM 22-013 Consultation Application.pdf](#)

Tim,

This Email is being sent to you in response to your email dated **August 08, 2022** requesting the Assessor/Clerk/Recorder to make any pertinent comments in the above PPM 22-013 no later than **August 19, 2022**.

Assessor's comments:

1) Affected APNs: 030-050-022, 030-050-023

2) Applicants' Map:

- ☐ Not received - Unable to Comment
☒ Received - No comments
☐ Received - See following comments:

3) New Legal Descriptions:

- ☐ Not received - Unable to Comment
☒ Received - No comments
☐ Received - See following comments:

4) Application Questionnaire:

- ☐ Not received - Unable to Comment
☒ Received - No comments
☐ Received - See following comments:

5) Other: None

Lastly, thank you for asking and giving us the opportunity to comment on the proposed project, which, if and when approved and recorded, will cause us to update our maps and records to reflect such approval. In replying to your request for comments in this matter, it is our intent to merely provide factual, objective information to you. And, therefore, our comments, or no comments, are not intended to be, nor should they be interpreted or misconstrued as being an opinion as to whether or not the proposed project warrants approval, since the authority to make such decisions rests with those county officials charged with those responsibilities.

Best Regards,
Carlos F Garcia
CAD Mapping Technician III
Cadastral/Segregation/Property Transfer Unit

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

August 9, 2022

TO: Tim Chi, Project Planner
FROM: Craig Anderson, Engineer III
SUBJECT: Case No. PPM 22-013 and PZV 22-027

OWNER: Glen Zimmerman
APN: 030-050-022 and 023

The subject Case No. PPM 22-013 and PZV 22-027 has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

The subject site is not located within any Urban Improvement Area or Urban Development Boundary whichever is applicable.

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

The division is of a 19.6-acre parcel into two parcels.

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. 610. 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 east side of Road 74. The existing right of way on Road 74 is 50 feet (30 feet on the west side and 20 feet on the east side). Ultimate right of way on Road 74 is 60 feet.

No additional right-of-way dedications are required pursuant to Ordinance Code section 7-01-2215 for any parcel to be created which will have an area of ten acres or more.

Road Information:

According to the county's maintained mileage maps, Road 74 a county maintained road.

Based on the 2015 Pavement Management System database, the existing pavement width on Road 74 is 19 feet. The pavement type on Road 74 is road mix asphalt surfacing.

The following conditions are recommended for the subject case.

These conditions are required to be completed before the recording of the parcel map or before the recording of the resolution for a waived parcel map, unless specified otherwise in the wording of the condition.

1. Additional right of way shall be dedicated to the county in the amount of ten (10) feet along the east side of Road 74 across the frontage of Parcel 1 pursuant to Section 7-01-2220 of the Ordinance Code. Said dedication shall be in the form of an irrevocable offer of dedication. The applicant's agent shall submit to the RMA Engineering Branch a legal description of the dedication signed and stamped by a civil engineer or land surveyor.

CA



**TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY**

Timothy W. Lutz, MBA
Agency Director

Nilsa Gonzalez • Public Health Branch Deputy Director • Environmental Health Director

August 11, 2022

TIM CHI
RESOURCE MANAGEMENT AGENCY
5961 SOUTH MOONEY BLVD
VISALIA CA 93277

RE: TENTATIVE PARCEL MAP, PPM 22-013; ZONE VARIANCE, PZV 22-027

This office has reviewed the above referenced matter. Based upon our review, we have no comments for this project, at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Martin", is written over a light blue horizontal line.

Ted Martin
Registered Environmental Health Specialist
Environmental Health Services Division



TULARE COUNTY FIRE DEPARTMENT

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

Charlie Norman
FIRE CHIEF

August 16, 2022

Attn: Cheng Chi,

Tulare County Fire Department has conducted a plan check on plans # PPM 22-013, the following is a check list of requirements.

Please advise if you would like to schedule a meeting to discuss one or more of the line items below.

- Address posted 4" by 3" by ½" permanent numbers visible from the street
- Vegetation clearance, 100' around all structures and 10' on each side of the driveway
- Provide Fire Department 20' width all weather access in accordance with 2019 California Fire Code Appx. D and Tulare County regulations.
- Any new residences constructed in the future will have to meet 2019 or newer California Fire Code Appendix B requirements for fire flow or NFPA 1142 standard 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,

Gilbert R. Portillo

Gilbert Portillo
Fire Inspector – Plans Examiner
Tulare County Fire Department
(559)624-7003



Charlie Norman
FIRE CHIEF

TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 687-6919

ADDRESSES

Any building situated on premises fronting any public thoroughfare in the County of Tulare shall, within 30 days after issuance of a house number, shall install permanently on such premises the number issued, subject to the following provisions (as per Tulare County 1995 Ordinance Sec. 7- 19-1530/7-19-1535 (SRA) & Current Fire and Building Codes.

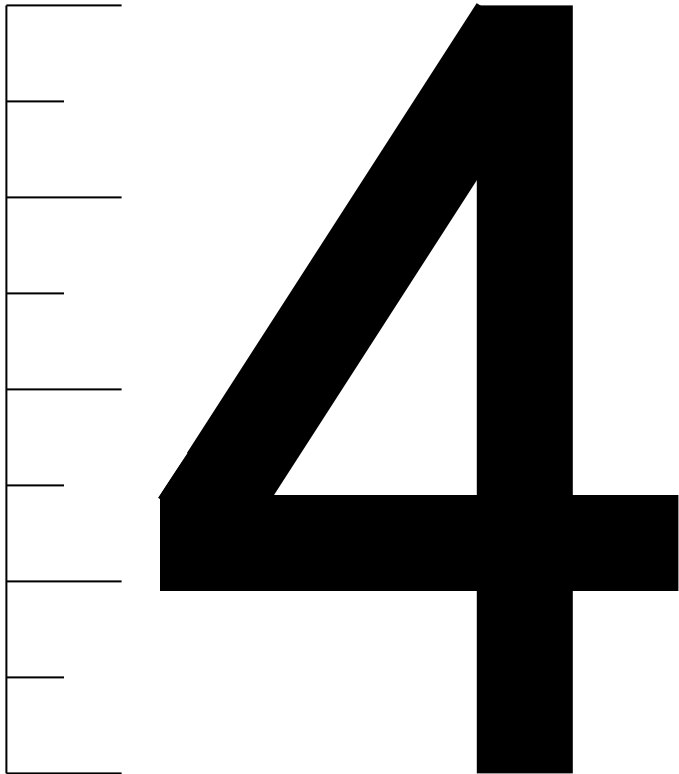
1. Numbers shall be made of a **durable material**.
2. All numbers shall be easily **visible** and **legible** from the roadway. If the structure is located more than 100' from a public roadway, the numbers shall be placed upon a non-flammable sign and posted at intersection(s) of the driveway and/or the public road.

Note: *Remember* that most Fire Engines and Ambulances sit higher than a car or pick-up, make sure that the numbers are visible under eaves or overhangs!

3. Numbers shall be a **Minimum of 4" in height, 3" in width and a 1/2" stroke**, shall be in **contrast** with their background. The numbers can be larger and is recommended (Remember that it may be foggy and/or dark when the equipment is responding). Recommend white on black or black on white. Do not use gold or put numerals on glass.
4. If your building is more than 100' from the roadway, the numbers shall be posted at the driveway entrance, on a post, sign or fence. In all cases, the objective is to be able to see the numbers easily and quickly.
5. Addresses need to be **actual numerical address**. Not Rd. & Ave. intersections. If you do not know your numerical address, contact Planning department at Tulare County Resource Management Agency, 559-624-7000. Planning will need to know the exact location and measurements from the closest intersecting roadway.
6. Commercial / Industrial properties may require 6" (or larger) numbers due to size of buildings and distances.

Any further questions, please feel free to contact us at 559-802-9807.

We cannot help you if we cannot find you!!



”

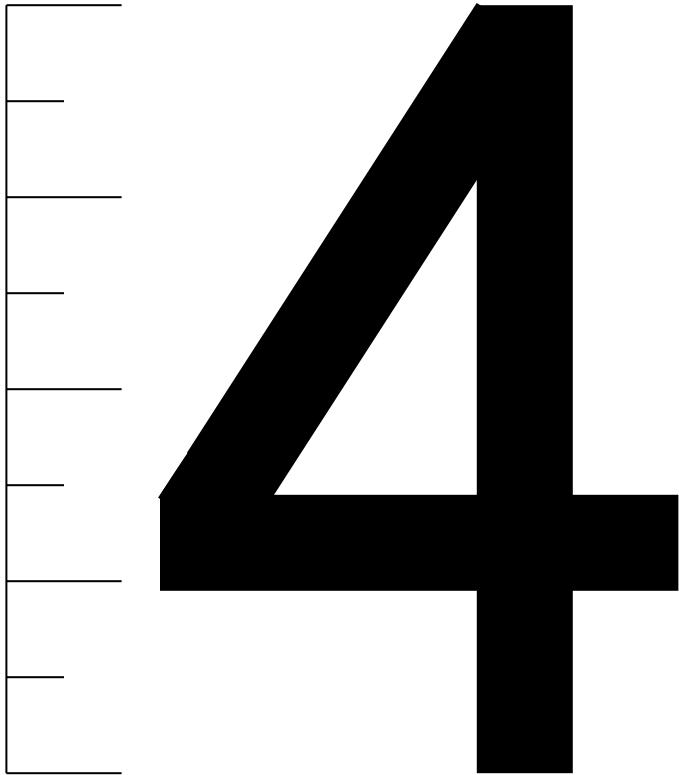
**4 INCH REFLECTORIZED ADDRESS
NUMBERS AGAINST A CONTRAST-
ING BACKGROUND ARE WHAT
EMERGENCY SERVICES PREFER.
POST YOUR ADDRESS NUMBER AT
THE END OF YOUR DRIVEWAY OR AT
ANY FORK IN THE ROAD.**



Rev date:
03/19/2020

Tulare County Fire Department
835 S. Akers St, Visalia, CA 93277
(559) 802-9800

No podemos ayudarle si no podemos encontrarle!!



”

Los servicios de emergencia prefieren que usted coloque los numeros de domicilio que midan 4” pulgadas y reflecten contra el transfondo. Ponga sus numeros de domicilio a la entrada de su camino, ó si el camino se divide, ponga los numeros de domicilio en la cerca ó en un poste al punto donde el camino se divide.



Rev date:
03/19/2020

Departamento de bomberos del Condado De Tulare
835 S. Akers St Visalia, CA 93277
(559) 802-9800

Minutes Matter

We Can't Help You, If we Can't Find You

Post your Address with 4" Numbers

Numbers must be at least 4 inches tall, 3 inches wide, and ½ inch stroke

Numbers visible from the road to vehicles coming from either direction

Reflective sign surface with a contrasting color to the numbers

Signs should be mounted between 4 and 7 feet above the ground



**Tulare County Fire Department
835 South Akers Street
Visalia, CA 93277
(559) 802-9800**




RESOURCE MANAGEMENT AGENCY

INTEROFFICE MEMORANDUM

August 15, 2022

TO: Cheng Chi, Project Planner

FROM: Donn Dwyer, Land Surveyor III 
County Surveyor's Office, Public Works Branch

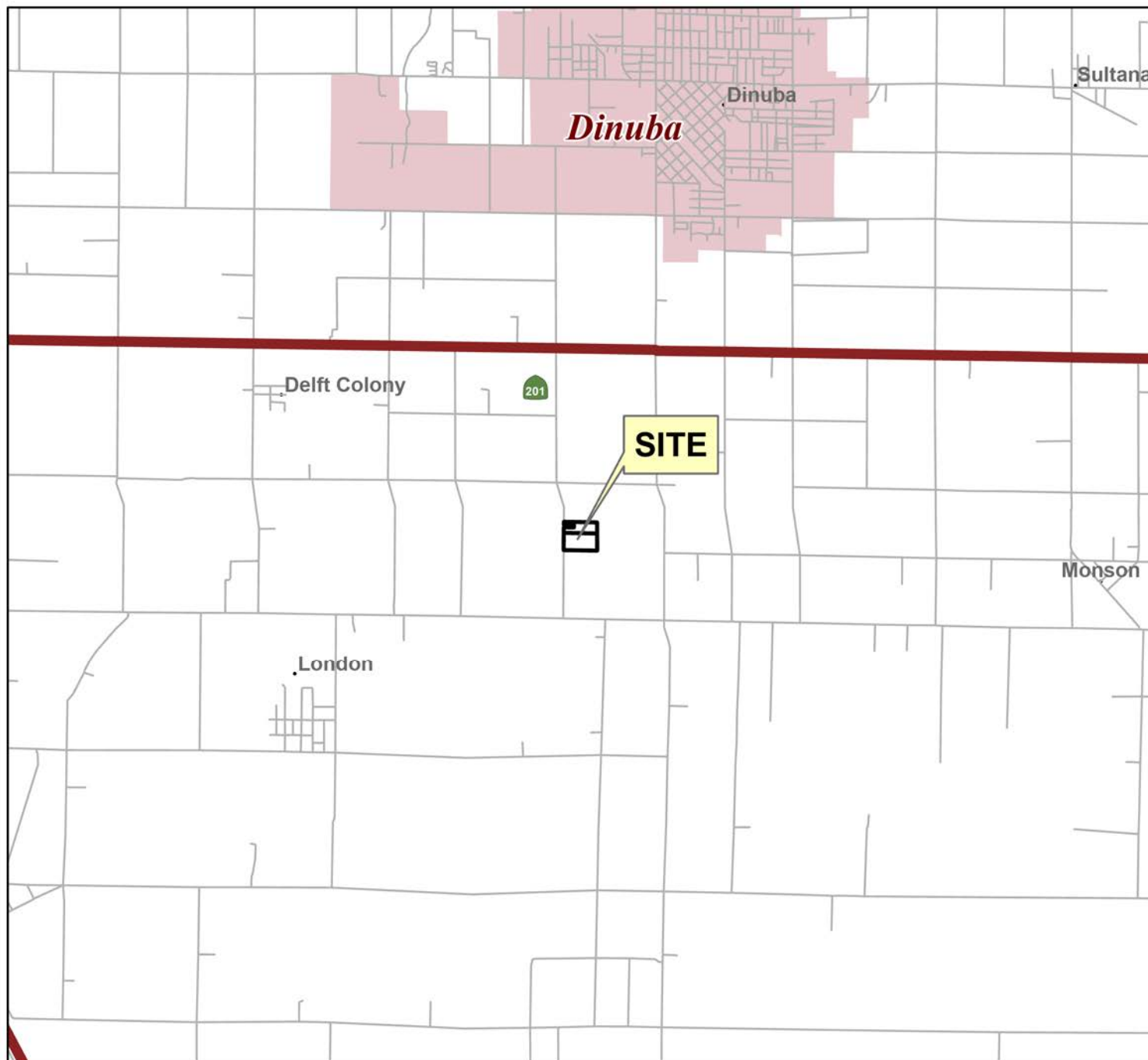
SUBJECT: Case No. PPM 22-013
Owner: Zimmerman
Agent: Zerlang
APN: 030-050-022, -023

In response to your request on August 8, 2022, the parcel map has been reviewed in accordance with Section 7-01-2290 of the County Code; and the parcel map legal description has been reviewed in accordance with Section 7-01-2360 of the County Code.

No comments or recommendations.



Attachment 5
Vicinity Map
for
PPM 22-013 & PZV 22-027



Supervisory District: 4

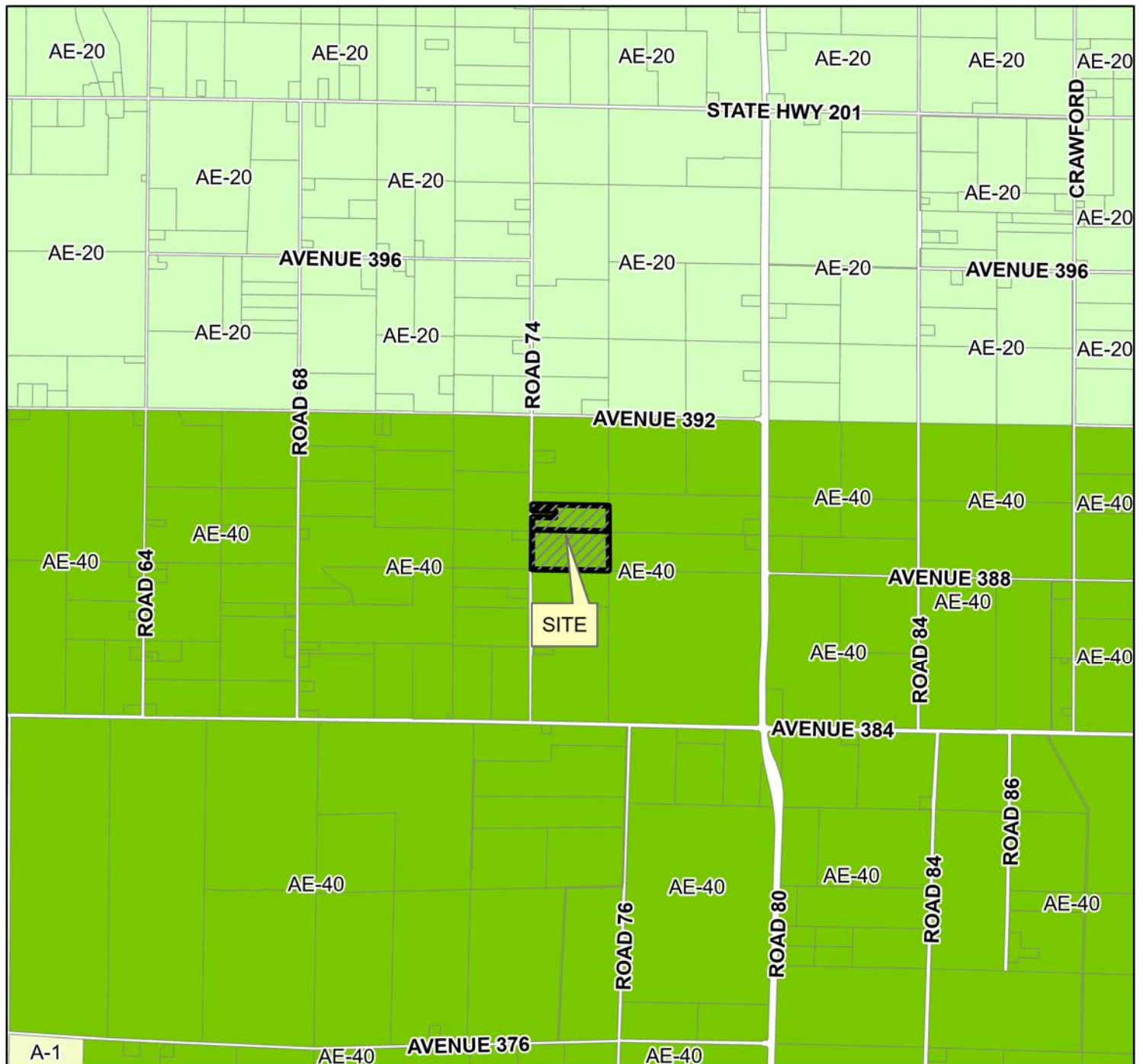


-  SITE
-  Supervisory Districts
-  County Boundary





Existing Zoning Map for PPM 22-013 & PZV 22-027



Owner: Glen Zimmerman
Address: 38890 Road 74
City, State, ZIP: Dinuba, CA 93618
Applicant: Glen Zimmerman
Agent: Niel Zerlang - Land Surveyor
Supervisory District: 4
Assessors Parcel: 030-050-22 & 030-050-023



Parcels

ZONE

A-1

AE-20

AE-40

C-2-MU

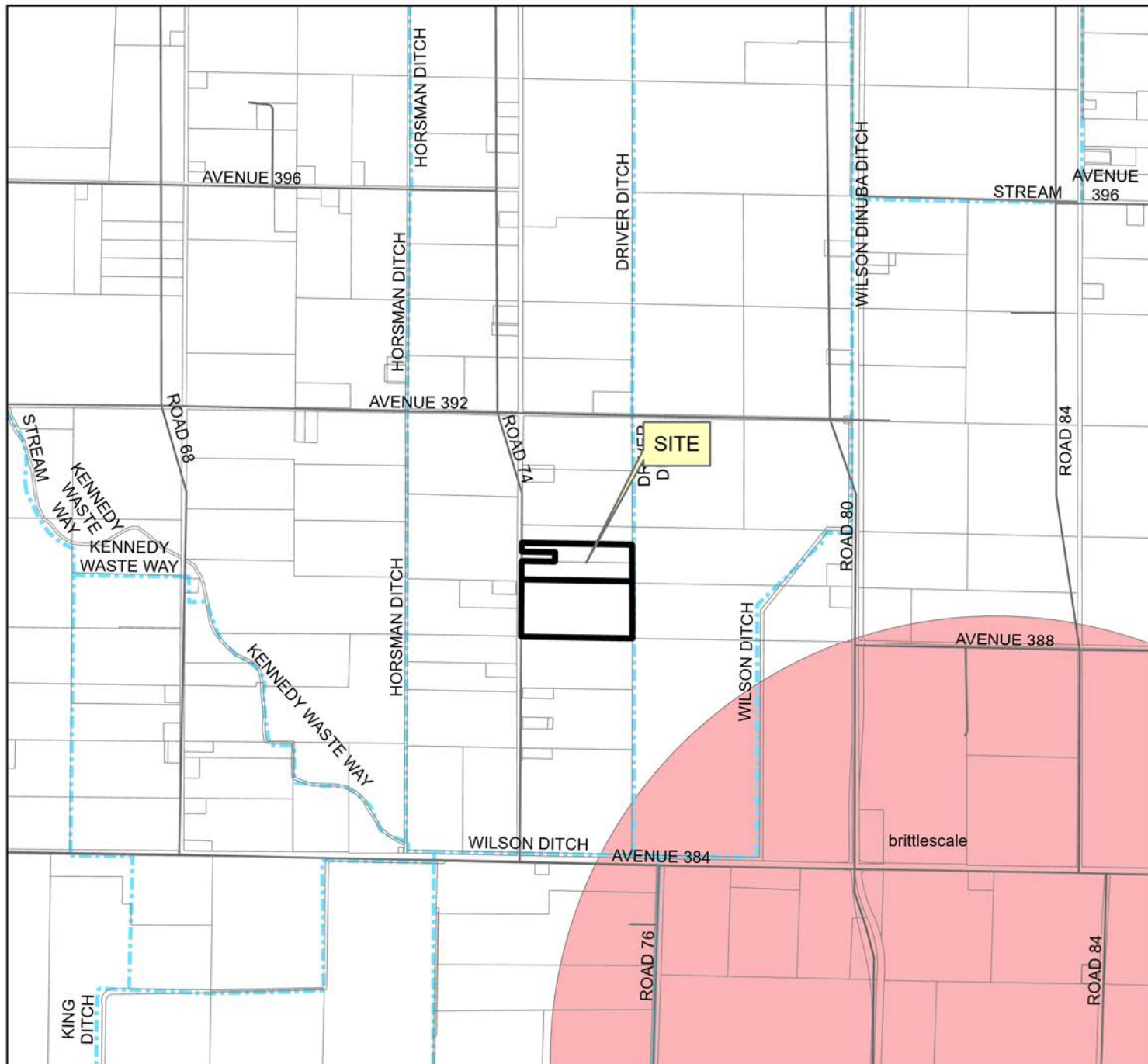
R-A

0 2,000 4,000 Feet





Species of Concern for PPM 22-013 & PZV 22027



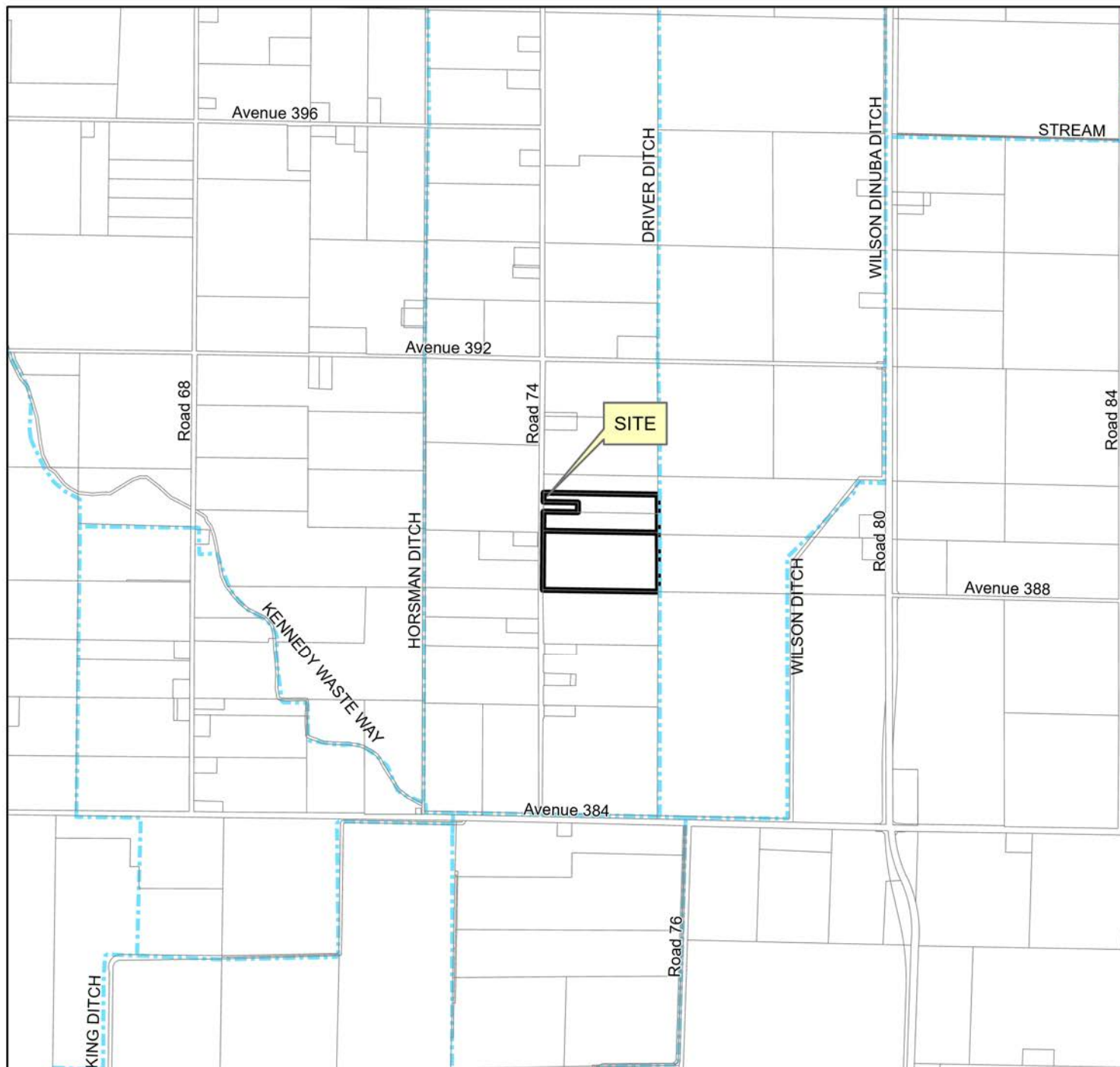
CNDDDB (data file last updated on 11/1/2021)

0 1,000 2,000 3,000 4,000 Feet

SITE Parcels **Species of Concern (CNDDDB)**
 brittlescale



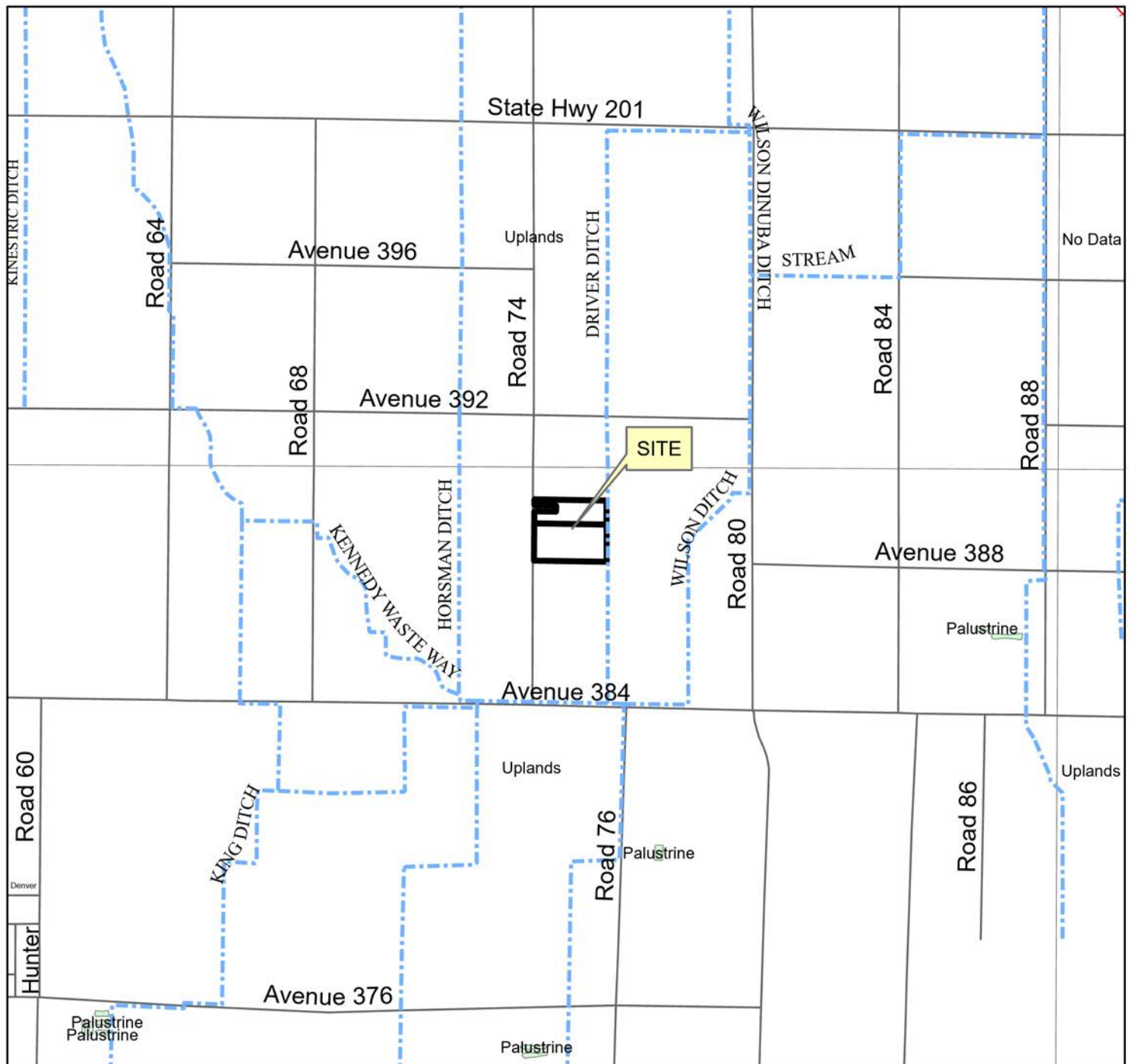
Waterways Map for PPM 22-013 & PZV 22-027



Wetlands Map

For

PPM 22-013 & PZV 22-027



- SITE
- Lacustrine
- Palustrine
- Riverine
- Uplands (No Wetlands)

0 2,000 4,000 6,000 Feet



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: Tulare County Resource Management Agency
5961 South Mooney Blvd
Visalia, CA 93277 (559) 624-7000

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

DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK'S OFFICE

Applicant: Glen Zimmerman, 38890 Road 74, Dinuba, CA 93618, Ph: (559) 779-7870

Project Title: Tentative Parcel Map No. PPM 22-013 & PZV 22-027

Project Location - Specific: 38890 Road 74, Dinuba, CA 93618 (APNs 030-050-022 & 030-050-023)

Project Location- Section, Township, Range: Section 31, Township 16S, Range 24E

Project Location - City: N/A

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: A Tentative Parcel Map, to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone. The outcome will result in a total of three parcels (11.88-acres being Parcel No. 3), on the property. The Zone Variance PZV 22-027 allows a land division into parcels with less than the minimum acreage required in the AE-40 Zone. The subject site contains one residence, shop building, well, septic system, and agriculture. Surroundings contain agriculture and scattered rural residences.

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 Section 15301 - Existing Facilities.**

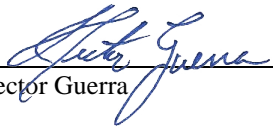
Reasons why project is exempt: This action is consistent with Section 15301, Class 1, Existing Facilities. The ground on the subject site has been previously disturbed by agriculture (open land) and structures for more than twenty years. Operations must comply with applicable state and local regulations. The project will not result in significant impacts and will not require additional public services. Conditions of approval are included as part of the project. Therefore, the use of CEQA Section 15301 is applicable and appropriate for this project.

The subject site is located outside of any urban boundaries and is subject to the Rural Valley Lands Plan, with a land use 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 AG-1.1 (Primary Land Use), AG-1.7 (Preservation of Agricultural Lands), and AG-1.14 (Right-to Farm Noticing).

Name of Public Agency Approving Project: Tulare County Resource Management Agency

Project Planner/Representative: Tim Chi, Planner II

Telephone: 559-624-7086

Signature: 
Hector Guerra

Date: 09/12/22

Title: Chief Environmental Planner

Signature: _____
Reed Schenke, P.E.

Date: _____

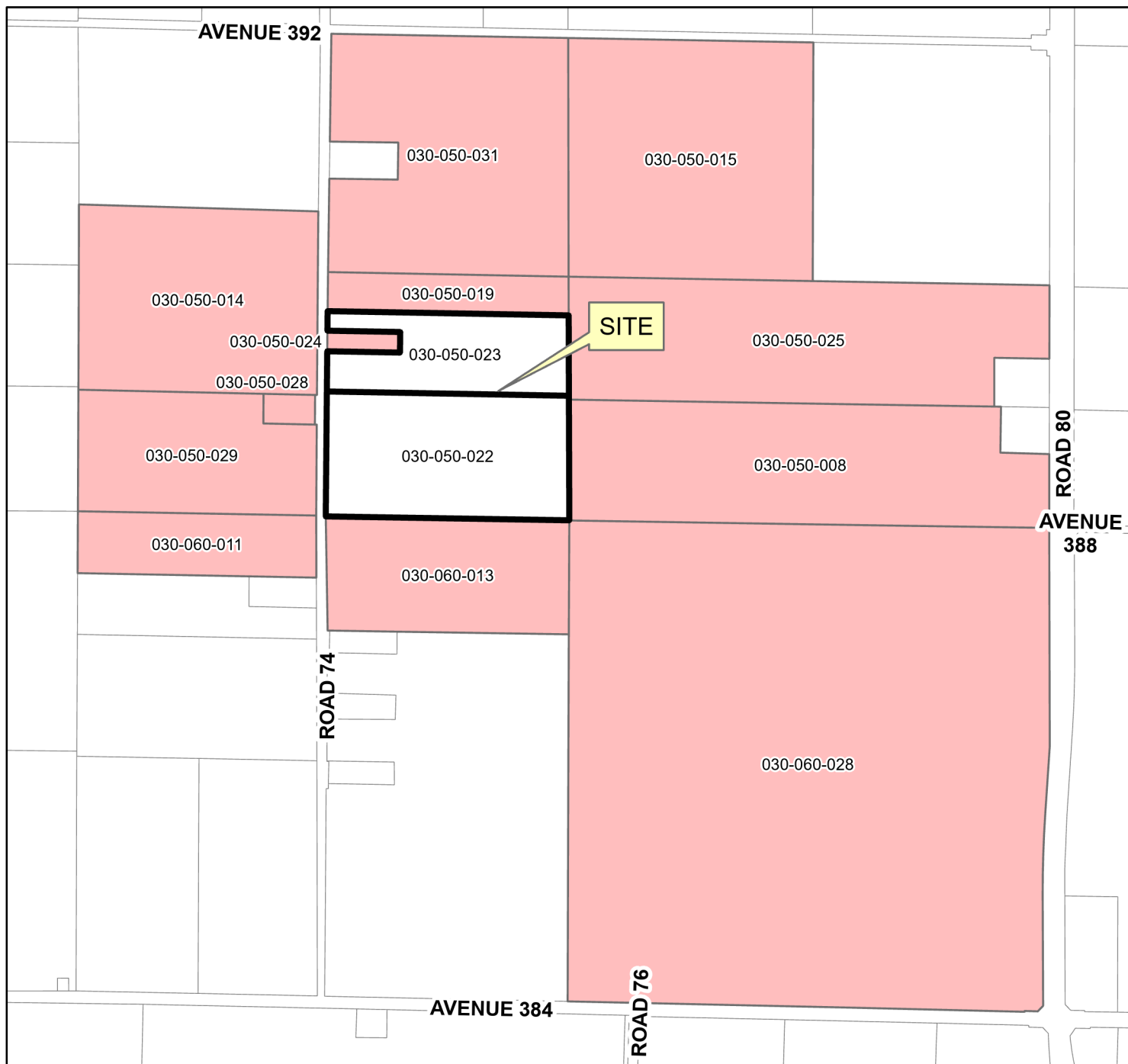
Title: Environmental Assessment Officer
RMA Director

☒ Signed by Lead Agency

Date submitted to the OPR/SCH: _____



Location and Property Ownership Map for Hearing Notification for PPM 22-013 and PZV 22-027



Owner: Glen Zimmerman
 Address: 38890 Road 74
 City, State, ZIP: Dinuba, CA 93618
 Applicant: Glen Zimmerman
 Agent: Neil Zerlang - Land Surveyor
 Supervisorial District: 4
 Assessors Parcel: 030-050-022 & 030-050-023

0 700 1,400 2,100 Feet

 SITE
 Properties within 300'
 Parcels



NOTICE OF PUBLIC HEARING AND AVAILABILITY
OF ENVIRONMENTAL DOCUMENT

A **Categorical Exemption** for **Tentative Parcel Map No. PPM 22-013 and Zone Variance PZV 22-027** 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 – Thursday: 9:00 am to 4:30 pm and Friday: 9:00 am to 11:00 am). For further information regarding this project, please call **Tim Chi at (559) 624-7086 or email at cchi@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: Tentative Parcel Map No. PPM 22-013 and Zone Variance PZV 22-027

APPLICANT/AGENT: Glen Zimmerman / Neil Zerlang (Land Surveyor)

LOCATION: 38890 Road 74, Dinuba, California

PROJECT DESCRIPTION: Categorical Exemption and Tentative Parcel Map No. PPM 22-013 to allow the adjustment of lines of two existing parcels into two parcels (APNs 030-050-022 and 030-050-023) and then divide the resulting 19.76 +/- acre parcel (after the lot line adjustment) into two parcels (1.18-acres Parcel No.1 and 18.58-acres Parcel No. 2), with a final parcel map waiver requested, in the AE-40 (Exclusive Agriculture – 40 Acre Minimum) Zone. The outcome will result in a total of three parcels (11.88-acres being Parcel No. 3), on the property. PZV 22-027 would allow the creations of two parcels smaller than the zoning requirement.

ENVIRONMENTAL DOCUMENT: Categorical Exemption, per Section 15301, pertaining to Existing Facilities.

REVIEW PERIOD: 13 days until Monday, September 26, 2022, at 5:00 p.m.

PUBLIC HEARING: Planning Commission on Wednesday, September 28, 2022, at 9:00 a.m.

All meetings are currently held at the Tulare County Human Resources and Development, Innovation Conference Room, 2500 West Burrell Avenue, Visalia, California 93291. PLANNING COMMISSION meetings start at 9:00 a.m. Based on guidance from the California Department of Public Health and the California Governor's Office, to minimize the spread of the COVID-19 virus, members of the public are encouraged to participate in the Planning Commission meetings in the following ways: Remote Viewing – Listen to the live audio stream of the Planning Commission meetings at <https://tularecounty.ca.gov/rma/index.cfm/planning-building/planning-commission/>. Instructions on how to participate in the live meeting can be found in the link above. For environmental questions please call Hector Guerra, Chief Environmental Planner at 624-7121. 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.

HECTOR GUERRA, CHIEF ENVIRONMENTAL PLANNER
REED SCHENKE, ENVIRONMENTAL ASSESSMENT OFFICER

=====

TO BE PUBLISHED ONCE ONLY ON: 09/14/2022

SEND BILL AND TEAR SHEET TO:

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

SEND TO: Sun Gazette