

**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

**WEST CODY NOLAN & MAIJA DANILOVA TRS AND BLOMQUIST DAN L &
ROSEMARY LEE (PLN230281)**

RESOLUTION NO. 24-018

Resolution by the Monterey County HCD Chief of Planning:

- 1) Finding the project qualifies for a Class 5 Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15305, and that none of the exceptions from Section 15305.2 apply to the project; and
- 2) Approving a Lot Line Adjustment between 2 legal lots of record consisting of "Parcel B" (APN: 416-462-002-000, 5.56 acres) and a "Remainder Parcel" (APN: 416-462-003-000, 53.42 acres) resulting in Adjusted Parcel B (5.96 acres) and Adjusted Remainder Parcel (53.02), respectively.

[PLN230281 WEST CODY NOLAN & MAIJA DANILOVA TRS AND BLOMQUIST DAN L & ROSEMARY LEE, 1352 River Road, Soledad, Central Salinas Valley (APNs: 416-462-002-000, and 416-462-003-000)]

Second Corrected on April 25, 2024. (This resolution corrects the previous resolution mailed out on April 9, 2024.)

The WEST CODY NOLAN & MAIJA DANILOVA TRS AND BLOMQUIST DAN L & ROSEMARY LEE application (PLN230281) came on for an administrative decision hearing before the Monterey County HCD Chief of Planning on April 3, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Monterey County HCD Chief of Planning finds and decides as follows:

FINDINGS

- 1. FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan;
 - Central Salinas Area Plan;
 - Monterey County Subdivision Ordinance (Title 19); and
 - Monterey County Zoning Ordinance (Title 21).
- No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) Project Scope/Existing Site Context. Both parcels are developed with a single-family residence and onsite wastewater treatment systems (OWTS) each. County of Monterey Assessor's records indicate that the single family dwelling on Parcel B was constructed in 1928. In 1982, the County of Monterey issued and finalized a construction permit (No. BPH27562) for a single family dwelling addition, which included a site plan illustrating the dwelling's located entirely within Parcel B, approximately 60 feet east of the right of way adjacent to the parcel's western property line. In August 2023, the property was surveyed which revealed that existing dwelling straddles Parcel B's western property line. Further, the propane tank serving Parcel B is located within the Remainder Parcel. The project consists of a lot line adjustment between two legal lots to allow the existing single family dwelling and propane tank to be within Parcel B.
- c) Allowed Use. The properties are located at 1352 River Road, Gonzales, Central Salinas Area Plan (APNs: 416-462-002-000, and 416-462-003-000). The parcels are zoned Farmlands with a density of 40 acres per unit, or "F/40." The F zoning district allows for single-family dwellings accessory to the agricultural use of the property, or other uses of a similar character, density and intensity to those listed in the same section (Title 21 Section 21.30.030.A, P), and therefore the existing residences are allowable uses. The Lot Line Adjustment does not include any new development, intensify water use, or create new land uses, and is an allowed use subject to the granting of this discretionary permit. Therefore, all uses on the sites are consistent with the property's underlying zoning.
- d) Lot Legality. The subject properties are comprised of two lots: Parcel "B" and "Remainder Parcel," recorded as such in their current configurations October 7, 1974, in "Volume 7 of Parcel Maps, page 63." Parcel "B" was developed with a single-family dwelling in 1928, which is the same structure currently standing. "Remainder Parcel" was developed with a single-family dwelling in 1956, which is the same structure currently standing. Therefore, the County recognizes these lots as legal lots of record.
- e) Development Standards. The development standards for Farmlands zoning district are codified in Title 21 section 21.30.060. As illustrated in the attached plans, the adjustment will result in a greater distance between the western property line of Resulting Parcel B and the single family dwelling (approximately 43 feet) which conforms to setback standards codified in Title 21 section 21.30.060. The existing development on the two parcels currently conforms to the maximum building site coverage requirements and will continue to conform with implementation of this lot line adjustment.
- f) 2010 General Plan Policy LU-1.15. Policy LU-1.15 indicates that lot line adjustments that compromise the location of wells or onsite wastewater treatment systems (OWTS) should not be approved. As demonstrated in Finding 3, Evidence "b", the Environmental Health Bureau (EHB) reviewed the project and determined that the resulting lots will not compromise the location of any wells, water utilities, or

OWTS systems.

- g) 2010 General Plan Policy LU-1.16. Policy LU-1.16 allows lot line adjustments between lots that do not conform to minimum parcel size standards if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the adjustment would accommodate legally constructed improvements which extend over a property line. Existing Parcel B is 5.56 acres in size, below the 40 acre minimum building site. Although the adjustment will result in the enlargement of Adjusted Parcel B to 5.96 acres, it will remain below the required minimum building site. As described in Evidence “b” above, the adjustment will result in locating an existing dwelling and propane tank wholly within Adjusted Parcel B. Therefore, approval of the adjustment would be consistent with Policy LU-1.16.
- h) Land Use Advisory Committee (LUAC) Review. The project was not referred to a Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors this application did not warrant referral to the LUAC for the following reasons: 1) it is exempt from environmental review (see Finding 6); 2) there are no conflicts (e.g. modifications to Scenic Easements or Building Envelopes, Williamson Act, the Coastal Zone, etc.); 3) requires no variances; 4) there are no Design Approvals subject to review by the Zoning Administrator or Planning Commission; 5) it is not a discretionary permit for which the local area plan, land use plan, master plan, specific plan, or community plan requires review by a local citizens’ committee; and 6) the LUAC shall review any discretionary permit application, and any land use matter that in the opinion of the Board of Supervisors, the Planning Commission, or Director of Planning, raises significant land use issues that necessitate review prior to a public hearing by the Appropriate Authority, which this project did not elicit.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230281.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the proposed development and/or use.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.
 - b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230281.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or

operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Both lots have, and will continue to have, road access to River Road. Necessary water and septic exist and presently serve the two properties and will not be affected by the lot line adjustment. Parcel B receives water from an offsite well located adjacent to River Road. Remainder Parcel receives water from a spring and is stored in a water storage tank on the property. Both properties have an onsite wastewater treatment system (OWTS). The Environmental Health Bureau reviewed the project and determined that the water facilities and OWTS met the standard for approval as a result of the lot line adjustment.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230281.

- 4. FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230281.

- 5. FINDING:** **LOT LINE ADJUSTMENT** - The adjustment of the parcels is consistent with Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision ordinance – Inland) of the Monterey County Code.

- EVIDENCE:**
- a) The properties are zoned Farmlands, with a density of 40 acres per unit, or “F/40”. As demonstrated in Finding 1, Evidence “g”, the adjustment is consistent with General Plan Policy LU-1.16, allowing for Adjusted Parcel B to maintain non-conformity with the 40 acre minimum building site requirement.
 - b) The lot line adjustment is between two legal lots of record consisting of Parcel B (5.56 acres), and Remainder Parcel (53.42 acres), resulting in Adjusted Parcel B (5.96 acres) and Adjusted Remainer Parcel(53.02 acres), respectively. Two contiguous lots exist and once adjusted, two contiguous legal lots of record will remain. No new parcels will be

created.

- c) The lot line adjustment is consistent with the Title 21 and County staff verified that the subject properties are in compliance with all rules and regulations pertaining to the use of the property, and no violations exist on the property (see Findings No. 1, 2, and 4, and supporting evidence).
- d) As an exclusion to the Subdivision Map Act, the lot line adjustment does not require recordation of a map. To appropriately document the boundary changes, the Owner/Applicant shall record a deed for the respective parcels to reflect the adjustment and a Certificate of Compliance for each new lot shall be filed per a standard condition of approval (Condition No. 3).
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN230281.

6. FINDING:

CEQA (Exempt) – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor lot line adjustments that do not result in the creation of any new parcel. No new parcels will be created as a result of the lot line adjustment.
- b) As demonstrated in Finding 1, Evidence “g”, the purpose of the adjustment is to located the existing single-family dwelling and propane tank within Parcel B, which is consistent with the intent of the exemption.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway. The project will rectify an existing condition so the resultant parcels meet the site development standards of the Farmland zoning district. Further, no development is proposed, nor would the project substantially alter the development potential beyond what is allowed prior to the lot line adjustment. Therefore, there are no unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230281.

7. FINDING:

APPEALABILITY – The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE:

- a) In accordance with Title 19 section 19.16.025 an appeal may be made by any person aggrieved by a decision of an appropriate authority other than the Board of Supervisors. Title 19 section 19.16.020.A designates the Board of Supervisors as the appropriate authority to consider appeals of decisions of the Chief of Planning.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Housing and Community Development Chief of Planning does hereby:

1. Find the project qualifies for a Class 5 Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15305, and that none of the exceptions from Section 15300.2 apply to the project; and
2. Approve the Lot Line Adjustment between 2 legal lots of record consisting of "Parcel B" (APN: 416-462-002-000, 5.56 acres) and a "Remainder Parcel" (APN: 416-462-003-000, 53.42 acres) resulting in Adjusted Parcel B (5.96 acres) and Adjusted Remainder Parcel (53.02), respectively.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 3rd day of April, 2024.

DocuSigned by:

Melanie Beretti

F663AG03D78644E...

Melanie Beretti, ACIP
Acting HCD Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON **APRIL 5, 2024**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **APRIL 15, 2024**.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

County of Monterey HCD Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN230281

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This permit (PLN230281) allows a Lot Line Adjustment between 2 legal lots of record consisting of "Parcel B" (APN: 416-462-002-000, 5.56 acres) and a "Remainder Parcel" (APN: 416-462-003-000, 53.42 acres) resulting in Adjusted Parcel B (5.96 acres) and Adjusted Remainder Parcel (53.02), respectively. The properties are located at 1352 River Road, Soledad (Assessor's Parcel Numbers 416-462-002-000 and 416-462-003-000), Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

**Compliance or
Monitoring
Action to be
Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Lot Line Adjustment (Resolution Number 24-018) was approved by County of Monterey HCD Director or Designee for Assessor's Parcel Number 416-462-002-000, and 416-462-003-000 on April 3, 2024. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Prior to the issuance of grading and building permits, certificates of compliance, or
Action to be commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Performed: shall provide proof of recordation of this notice to the HCD - Planning.

3. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230281) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN230281) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN230281. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

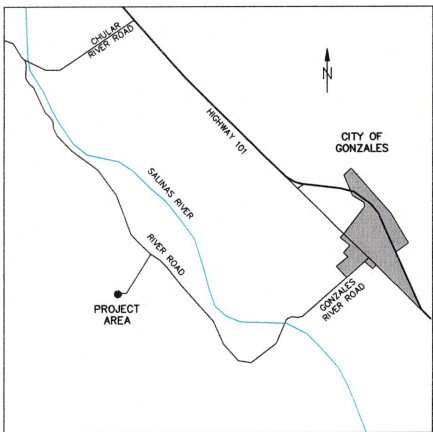
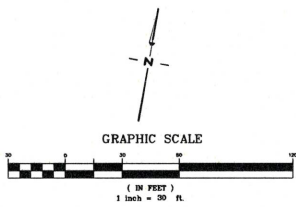
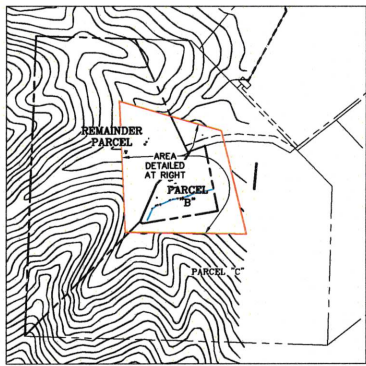
4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.



- LEGEND:
- DENOTES VEGETATION
 - DENOTES DRIPLINE OF TREE CANOPY
 - DENOTES AN UNDERGROUND ELECTRICAL LINE AS INDICATED BY PIN FLAG
 - DENOTES A COTTONWOOD TREE EXCEPT AS SHOWN
 - DENOTES AN UNDERGROUND WATER LINE

- NOTES:
1. ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 2. TREES AND SOME UTILITIES WERE LOCATED ON THE GROUND BY THE SURVEYOR. ALL OTHER DATA IS TAKEN FROM AERIAL PHOTOGRAPHY SUPPLIED TO THE SURVEYOR.
 3. NOT ALL TREES ARE SHOWN.



TOPOGRAPHIC MAP
OF
A PORTION OF PARCEL "B" TOGETHER WITH A PORTION OF
THE REMAINDER PARCEL AS SAID PARCELS ARE SHOWN ON
THE PARCEL MAP FILED IN VOL. 7, "PARCEL MAPS", PG. 63,
OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA,
IN THE VICINITY OF GONZALES

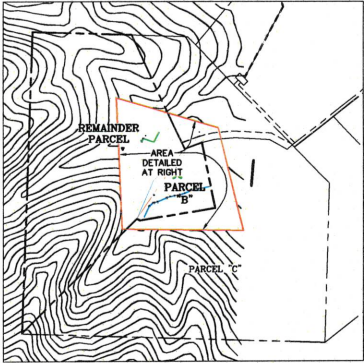
UNINCORPORATED COUNTY OF MONTEREY STATE OF CALIFORNIA

CENTRAL COAST SURVEYORS
5 HARRIS COURT, SUITE 111 MONTEREY, CALIFORNIA 93940
Phone: (831) 384-4830
Fax: (831) 384-4831

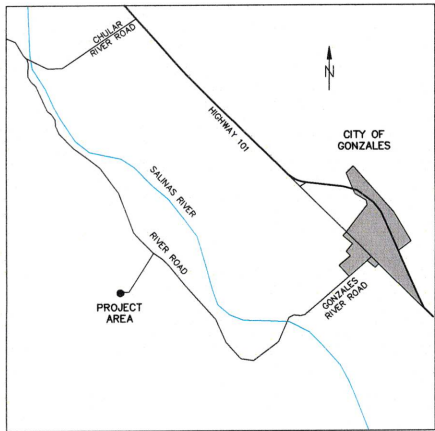
SCALE: 1" = 30' JOB No. 22-125 AUGUST 2023
PREPARED BY: DRZ

APNs 416-462-002 & -003





OVERALL PARCEL DIAGRAM
SCALE: 1"=500'



VICINITY MAP
SCALE: 1"=2,000'

PROJECT DATA:

1. RECORD OWNERS:
PARCEL "B"
CODY WEST
15000 RIVER ROAD
GONZALES, CA 93928
REMAINDER PARCEL:
DAN BLOMQUIST
P.O. BOX 782
GONZALES, CA 93928
2. NO CHANGES ARE PROPOSED FOR EXISTING WELLS, SEPTIC SYSTEMS AND LEACH FIELDS.
3. THERE ARE NO WATERCOURSES, DRAINAGE CHANNELS OR DRAINAGE STRUCTURES ON THE SUBJECT LOTS.
4. THE SUBJECT LOTS ARE NOT IN A 100-YEAR FLOODPLAIN.
5. THERE ARE NO PROPOSED EASEMENTS OR RIGHTS-OF-WAY.
6. NO IMPROVEMENTS OF ANY KIND ARE PROPOSED.
7. THIS MAP WAS PREPARED ON JUNE 8, 2023.

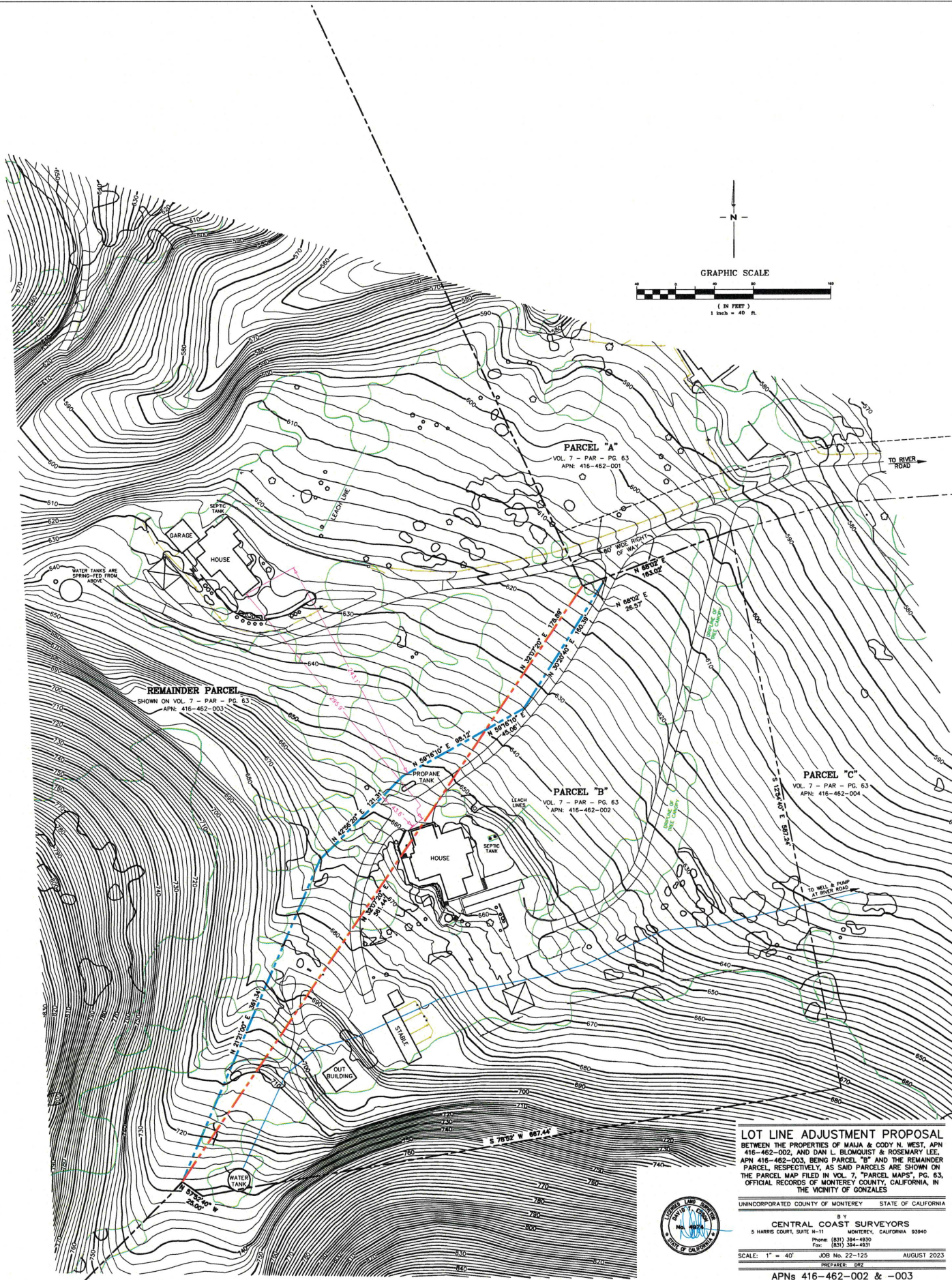
LEGEND:

- DENOTES EXISTING PROPERTY LINE TO BE DELETED
- DENOTES PROPOSED PROPERTY LINE
- DENOTES VEGETATION EXCEPT AS SHOWN
- DENOTES LEACH LINES EXCEPT AS SHOWN

NOTE:

ALL DISTANCES SHOWN HEREON ARE
EXPRESSED IN FEET AND DECIMALS THEREOF.

AREAS:	EXISTING	PROPOSED:
REMAINDER PARCEL	53.42 AC.	53.02 AC.
PARCEL "B"	5.58 AC.	5.96 AC.



LOT LINE ADJUSTMENT PROPOSAL
BETWEEN THE PROPERTIES OF MAJIA & CODY N. WEST, APN 416-462-002, AND DAN L. BLOMQUIST & ROSEMARY LEE, APN 416-462-003, BEING PARCEL "B" AND THE REMAINDER PARCEL, RESPECTIVELY, AS SAID PARCELS ARE SHOWN ON THE PARCEL MAP FILED IN VOL. 7 "PARCEL MAPS", PG. 83, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA, IN THE VICINITY OF GONZALES

UNINCORPORATED COUNTY OF MONTEREY STATE OF CALIFORNIA

CENTRAL COAST SURVEYORS
5 HARRIS COURT, SUITE 111 MONTEREY, CALIFORNIA 93940
Phone: (831) 384-4830
Fax: (831) 384-4831

SCALE: 1" = 40' JOB No. 22-125 AUGUST 2023
PREPARED BY: DR2
APNs 416-462-002 & -003