

# Attachment E

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# Attachment E

## Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the request to:

### **VACATE PORTUGUESE CANYON ROAD**

#### **RESOLUTION NO. 17-016**

Resolution by the Monterey County Planning  
Commission:

Report to the Board of Supervisors that the vacation of Portuguese Canyon Road (from the intersection of Cross Country Road to the terminus of the County maintained portion of the road, 3.95± miles) is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan.

[Portuguese Canyon Road, San Miguel Area]

**The request for a report of General Plan conformity concerning the vacation of Portuguese Canyon Road came on for public hearing before the Monterey County Planning Commission on May 10, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

### **FINDINGS**

- FINDING:** **PROJECT DESCRIPTION** – The request is to vacate the entire length of the County maintained portion of Portuguese Canyon Road (from the intersection of Cross Country Road to the terminus of the County maintained portion of the road), a dead-end road, being approximately 3.95 miles in length.

**EVIDENCE:** The request and related support materials submitted for the road vacation are on file with Monterey County Resource Management Agency-Land Use Development Services.
- FINDING:** **CONFORMITY** – The requested road vacation is in conformity with the applicable policies plans contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan.

**EVIDENCE:** During the course of review of this application, the project has been reviewed for conformity with the text, policies, and regulations in:

  - 2010 Monterey County General Plan;
  - South County Area Plan;

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.

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

**EVIDENCE:** California Environmental Quality Act (CEQA) Guidelines Section 15301(c) categorically exempts existing highways and streets; Section 15304 categorically exempts minor public alterations in the condition of the land; and 15061(b)(3) exempts activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby resolve to:

1. Report to the Board of Supervisors that the vacation of Portuguese Canyon Road (from the intersection of Cross Country Road to the terminus of the County maintained portion of the road, 3.95± miles) is in conformity with the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan; and
2. Find the road vacation/abandonment to be categorically exempt under CEQA Guidelines 15301(c), 15304, and 15061(b)(3).

**PASSED AND ADOPTED** this 10th day of May, 2017 upon motion of Commissioner Getzelman, seconded by Commissioner Duflock, by the following vote:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Roberts, Rochester, Vandevere  
NOES: None  
ABSENT: Padilla  
ABSTAIN: None

  
Jacqueline R. Onciano, Planning Commission Secretary  
MAY 19 2017

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 30 2017

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.