



Monterey County Planning Commission

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Agenda Item No. 5

Legistar File Number: PC 17-025

May 10, 2017

Introduced: 5/2/2017

Version: 1

Current Status: Agenda Ready

Matter Type: Planning Item

Report to the Board of Supervisors whether 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) conforms to the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan.

Project Location: Portuguese Canyon Road, San Miguel Area, South County Area Plan

Proposed CEQA Action: Categorically Exempt per Sections 15061 (b)(3); 15301; and 15304

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find 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) conforms to the policies contained within the Monterey County General Plan and the South County Area Plan, a part of the General Plan and report such finding to the Board of Supervisors.
2. Find the abandonment to be categorically exempt under the CEQA Guidelines. (15301(c) - existing highways and streets; 15304 - minor public alterations in the condition of the land; and 15061(b)(3) - common sense exemption)

SUMMARY:

The California Streets and Highways Code Section 8313 requires the Board of Supervisors to consider the County General Plan following the procedure prescribed in California Government Code Section 65402, whereby the Planning Commission, as the County planning agency, reports to the Board regarding any vacation or abandonment of public right-of-way as to conformity with the Monterey County General Plan, and the South Monterey County Area Plan, a part of the General Plan.

DISCUSSION:

On July 14, 2014, a petition signed by 10 freeholders in accordance with California Streets and Highways Code Section 8321 was received requesting the abandonment or vacation of the publicly maintained portion of the road. Certain property owners desire to close the road to the general public to prevent illegal poaching and trespassing on their lands.

The County maintained portion of Portuguese Canyon Road traverses the lands of two property owners, namely Sky Rose Ranch LLC and Bosio Family Trust. Should the road be vacated by the County, these owners are agreeable to granting a non-exclusive private access easement over their lands to all property owners currently using Portuguese Canyon Road to access their respective properties. Additionally, the County will reserve a public utility easement over the entire length of the vacated road right-of-way.

Resource Management Agency (RMA)-Land Use Planning staff has reviewed the vacation request for conformity with the applicable policies contained within the Monterey County General Plan and the South County Area Plan, and has prepared a memo indicating the vacation request is in conformance to all General and Area Plan policies (Exhibit A).

OTHER AGENCY INVOLVEMENT:

The vacation request was referred to RMA-Public Works, Assessor's Office, Environmental Health Bureau, Office of Emergency Services, Sheriff, Water Resources Agency, AT&T and PG&E. The comments from these agencies have been incorporated into the vacation.

FINANCING:

The petitioner has submitted the required fee for processing a road abandonment request. Approval of the request will remove road maintenance costs from the County Road fund.

Prepared by: Michael K. Goetz, PLS, County Surveyor, Ext. 4940
Reviewed by: Jacqueline R. Onciano, RMA Chief of Planning
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

- Exhibit A - RMA-Land Use Consistency Memo with Vicinity Map
- Exhibit B - Draft Resolution

cc: Front Counter Copy; Planning Commission (10); Tony Lombardo (Anthony Lombardo & Associates); Jacqueline Onciano, RMA Chief of Planning; RMA-Public Works; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Portuguese Canyon Road Abandonment File