



# Monterey County

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

## Board Report

Legistar File Number: RES 18-169

December 12, 2018

Introduced: 11/28/2018

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

### Clark Colony Road Vacation/Abandonment

- a. Adopt a Resolution, pursuant to California Streets and Highways Code Section 8324:
  1. Finding that abandonment of roads involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land, and there are no exceptions under Section 15300.2;
  2. Vacating approximately 8.4 miles of public road right-of-way interest over certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Road), Canal Street, Fifteenth Street, Sixteenth Street and portions of Cedar Avenue, Pine Avenue and Oak Avenue, (said roads being 6.3 miles of public road right-of-way that are privately maintained and are not part of the County Road System, together with an additional 2.07 miles of County maintained roads that are part of the County Road System) subject to the reservation of easements for public utilities within said roads;
  3. Finding that said Clark Colony roads are unnecessary for present or prospective public use;
  4. Finding that the vacation of said Clark Colony roads is in the public interest because it furthers public health and safety by: (1) increasing food safety by limiting potential agricultural field contamination from unauthorized access and activities along said roads, including trespassing and illegal dumping; (2) reducing illegal poaching occurring in the Arroyo Seco River by controlling access to the river from said roads; and (3) eliminating a non-standard road intersection at the intersection of Peach Road and Thorne Road.
  5. Accepting the Planning Commission resolution dated November 14, 2018 finding General Plan conformity, together with a memorandum from RMA-Planning Services dated November 16, 2018 providing a list of specific General Plan policies that demonstrates such conformity;
  6. Finding that the County's right-of-way interest of said Clark Colony roads is not useful as a nonmotorized transportation facility, as required by California Streets and Highways Code Section 892.
  7. Authorizing the removal of said Clark Colony roads from the maintained County Road System, as applicable.
- b. Direct the County Surveyor to submit the certified copy of the resolution to the Monterey County Recorder for recordation.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Adopt a Resolution, pursuant to California Streets and Highways Code Section 8324:
  1. Finding that abandonment of roads involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) - existing highways and streets; and 15304 - minor public alterations in the condition of the land, and there are no exceptions under Section 15300.2;
  2. Vacating approximately 8.4 miles of public road right-of-way interest over certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Road), Canal Street, Fifteenth Street, Sixteenth Street and portions of Cedar Avenue, Pine Avenue and Oak Avenue, (said roads being 6.3 miles of public road right-of-way that are privately maintained and are not part of the County Road System, together with an additional 2.07 miles of County maintained roads that are part of the County Road System) subject to the reservation of easements for public utilities within said roads;
  3. Finding that said Clark Colony roads are unnecessary for present or prospective public use;
  4. Finding that the vacation of said Clark Colony roads is in the public interest because it furthers public health and safety by: (1) increasing food safety by limiting potential agricultural field contamination from unauthorized access and activities along said roads, including trespassing and illegal dumping; (2) reducing illegal poaching occurring in the Arroyo Seco River by controlling access to the river from said roads; and (3) eliminating a non-standard road intersection at the intersection of Peach Road and Thorne Road.
  5. Accepting the Planning Commission resolution dated November 14, 2018 finding General Plan conformity, together with a memorandum from RMA-Planning Services dated November 16, 2018 providing a list of specific General Plan policies that demonstrates such conformity;
  6. Finding that the County's right-of-way interest of said Clark Colony roads is not useful as a nonmotorized transportation facility, as required by California Streets and Highways Code Section 892.
  7. Authorizing the removal of said Clark Colony roads from the maintained County Road System, as applicable.
- b. Direct the County Surveyor to submit the certified copy of the resolution to the Monterey County Recorder for recordation.

**PROJECT INFORMATION:**

**Project Location:** Area westerly of the City of Greenfield, Central Salinas Valley Area Plan

**Proposed CEQA Action:** Categorically exempt pursuant to CEQA Guidelines sections 15301 and 15304;

SUMMARY:

The recommended action will vacate the public-right-of-way interests to what are mostly privately maintained roadways serving large agricultural parcels. The vacation of the County's public right-of-way interest will provide for the elimination of County liability, road maintenance costs and responsibilities over 2.07 miles maintained road in the County Road System, together with liability over 6.3± miles of County road right-of-way containing roads that are privately maintained or never constructed. Said action would reduce the total County maintained road miles from 1232.19 to 1230.12 miles.

This action is consistent with RMA's initiative to vacate or abandon minor dead-end roads that serve as private access to only a very limited number of parcels. The recommended action furthers the County's interests with regards to public health and safety because certain landowners intend to control access on several of the subject roads for the purpose of increasing food safety by limiting potential agricultural field contamination from unauthorized access and activities along said roads, including trespassing and illegal dumping that regularly occurs on isolated private agricultural properties.

DISCUSSION:

The "Map of the Clark Colony," filed July 19, 1905 in Volume 1 of Cities and Towns, at Page 64, subdivided the southeasterly portion of the Arroyo Seco Rancho. As part of the subdivision, many roads were dedicated as public road rights-of-way to and accepted by the County. Most of these roads became part of the maintained County Road System, with many now being within the City of Greenfield. However, some of the Clark Colony roads have never been County maintained, and a few were never constructed. Certain Clark Colony roads, or portions thereof, have been previously vacated or abandoned. (Birch Avenue in 1952 and the most southeasterly portion of Oak Avenue in 1968).

On May 21, 2018, a petition signed by 10 freeholders (**Attachment C**) in accordance with California Streets and Highways Code (SHC) Section 8321(a) was received requesting the abandonment or vacation of Pesch Avenue (commonly referred to as "Peach Road") and portions of Canal Street and Pine Avenue, as shown on the "Map of the Clark Colony," filed July 19, 1905 in Volume 1 of Cities and Towns, at Page 64 (**Attachment D**). The vacation petition also includes a portion of Peach Road that was separately granted for the sole purpose of a public road to the County by deed in 1921 (**Attachment E**). Certain property owners desire to close the road to the general public to (1) protect food safety by limiting potential agricultural field contamination from unauthorized access and activities along said roads, including trespassing and illegal dumping; and (2) reduce illegal hunting and poaching occurring in the Arroyo Seco River. The subject roads of the petition are more particularly described Section 1 of **Attachment A** attached hereto.

Following receipt of the petition in May, Resource Management Agency (RMA) staff reviewed other roads in the vicinity of the subject roads of the petition that were also dedicated to the County per the aforesaid filed map and found that (1) certain roads are not maintained by the County and are unnecessary for present or prospective public; (2) that certain other roads were never constructed or traveled and they are unnecessary for present or prospective public use; (3) that portions of certain County maintained roads provide access to only large agricultural or vineyard parcels, and they are

unnecessary for present or prospective public use, and there are no planned routes that would be impacted by this action. Therefore, pursuant to SHC Section 8320(a)(1) RMA requests these additional roads to be vacated as well. The roads requested by RMA are more particularly described in Section 2 of **Attachment A**.

PG&E and AT&T have indicated that they have some utility facilities within portions of the roads proposed to be vacated. The recommended action reserves from the vacation action public utility easements, as allowed by SHC Section 8340(a).

In accordance with SHC Section 8313 and pursuant to the procedure prescribed in California Government Code Section 65402, the County of Monterey Planning Commission considered the General Plan conformity of the proposed road vacation on November 14, 2018. The Planning Commission passed a resolution that found the proposed vacation is in conformity with the policies set forth in the County General Plan and Central Salinas Valley Area Plan and resolved to report said conformity to the Board of Supervisors (**Attachment F**). The Planning Commission also found that the vacation is exempt from environmental review CEQA Guidelines Sections 15301 and 15304; and there are no exceptions under Section 15300.2. The Planning Commission directed RMA staff to document specific General Plan policies to which this road vacation action is in conformity. The Planning Commission also recommended that the Board of Supervisors determine whether the road vacation action would result in any property owners being landlocked or be without legal access to existing public roads.

In response to the direction of the Planning Commission, RMA-Planning has prepared a memorandum, dated November 16, 2018 (**Attachment G**), documenting said conformity with specific policies of the County General Plan and the Central Salinas Valley Plan. In response to Planning Commission concern over potentially landlocking any parcel, staff reviewed SHC Section 8353(a) which states that a road vacation does not extinguish a private easement of ingress and egress to any lot shown on a map that shows the lot and the road. Therefore, based on this Section of the SHC, staff has determined that no parcel will be landlocked or without legal access to a public road.

OTHER AGENCY INVOLVEMENT:

RMA-Public Works

RMA- Planning

Monterey County Office of Emergency Services

Monterey County Sheriff

Monterey County Water Resources Agency

City of Greenfield

Greenfield Fire Protection District

The comments from these agencies have been incorporated into the vacation application. All adjoining land owners, as well as utility providers (AT&T, PG&E) were informed of this vacation action and were requested to provide comment, if they so desired. Comments were received, and the vacation action was modified to address property owners' concerns.

FINANCING:

Sufficient appropriations are available in the RMA-Development Services budget (Fund 001, Unit 8196) to finance this work. A processing fee in the amount of \$5950.00 was paid by the petitioners. The cost of staff to process the road vacation is funded from this RMA Land Use fee.


Road Fund revenues (Measure X, HUTA, SB1) are based on several factors, including maintained road miles. A reduction of 2.07 maintained road miles from the County Road System would result in a very small reduction in revenue; however, the elimination of maintenance responsibility for this road segment would also reduce annual road maintenance costs. The vacation action is anticipated to have a net neutral effect on the Road Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action will increase public safety by protecting food safety by limiting potential agricultural field contamination from unauthorized access and activities, including trespassing and illegal dumping. Additionally, the action will reduce County road maintenance costs by removing 2.07 miles of isolated roadway from the maintained County Road System.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☐ Administration
- ☐ Health & Human Services
- ☒ Infrastructure
- ☒ Public Safety

Prepared by: Michael K. Goetz, PLS, County Surveyor   
Reviewed by: Neville Pereira, PE, RMA Interim Deputy Director of Public Works  
Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community Development

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

- Attachment A - Description of Roads to be Vacated
- Attachment B - Map showing Roads to be Vacated
- Attachment C - Petition Letter
- Attachment D - Map of Clark Colony filed in Volume 1 of Cities and Towns,
- Attachment E - Volume 182 of Deeds, Page 158 - 1921 deed for Peach Road Extension
- Attachment F - Planning Commission Resolution
- Attachment G - RMA-Planning Services memorandum, dated November 16, 2018
- Attachment H - Vicinity Map
- Attachment I - Board Resolution