



Board Report

File #: RES 17-145, **Version:** 1

Portuguese Canyon Road Vacation/Abandonment

- a. Adopt a Resolution to vacate the public road right-of-way interest over the entire 3.95 miles of Portuguese Canyon Road from the intersection of Cross Country Road northerly to the terminus of the County maintained portion of the road, subject to the reservation of easements for emergency vehicle access and existing public utilities;
- b. Find that the 3.95 miles of Portuguese Canyon Road is unnecessary for present or prospective public use;
- c. Find that the proposed vacation of 3.95 miles of Portuguese Canyon Road is in the public interest because it furthers public health and safety by preventing illegal poaching, trespassing and dumping that is occurring along this portion of Portuguese Canyon Road;
- d. Accept the Planning Commission resolution dated May 10, 2017 containing a report of General Plan conformity;
- e. Find that the proposed road vacation is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines sections 15061(b)(3), 15301, and 15304;
- f. Find that the County's right-of-way interest of Portuguese Canyon Road is not useful as a nonmotorized transportation facility as required by California Streets and Highways Code section 892.
- g. Authorize the County Surveyor to file a Notice of Exemption with the County Clerk; and
- h. Direct the County Surveyor to submit the certified copy of the resolution to the County Recorder for recordation.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a Resolution to vacate the public road right-of-way interest over the entire 3.95 miles of Portuguese Canyon Road from the intersection of Cross Country Road northerly to the terminus of the County maintained portion of the road, subject to the reservation of easements for emergency vehicle access and existing public utilities;
- b. Find that the 3.95 miles of Portuguese Canyon Road is unnecessary for present or prospective public use;
- c. Find that the proposed vacation of 3.95 miles of Portuguese Canyon Road is in the public interest because it furthers public health and safety by preventing illegal poaching, trespassing and dumping that is occurring along this portion of Portuguese Canyon Road;
- d. Accept the Planning Commission resolution dated May 10, 2017 containing a report of General Plan conformity;
- e. Find that the proposed road vacation is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines sections 15061(b)(3), 15301, and 15304;
- f. Find that the County's right-of-way interest of Portuguese Canyon Road is not useful as a nonmotorized transportation facility as required by California Streets and Highways Code section 892.
- g. Authorize the County Surveyor to file a Notice of Exemption with the County Clerk; and
- h. Direct the County Surveyor to submit the certified copy of the resolution to the County Recorder for recordation.

PROJECT INFORMATION:

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

Proposed CEQA Action: Categorically exempt pursuant to CEQA Guidelines sections 15061(b)(3), 15301; and 15304;

SUMMARY:

The recommended action will vacate the public-right-of-way interests in a rural dead-end road serving approximately six landowners. The vacation of the County's public right-of-way interest will provide for elimination of County road maintenance costs and responsibilities along a right-of-way that was never specifically granted to the County. This action is consistent with RMA-Public Works' effort to vacate or abandon minor dead-end roads that serve only a very limited number of parcels. The recommended action furthers the County's interests in public health and safety because the landowners will install a locked gate, which is intended to reduce or eliminate illegal trespassing, poaching, and dumping on isolated private ranch properties.

DISCUSSION:

In response to a 1926 petition from local land owners, in 1928 the Board of Supervisors appointed viewers to lay out and survey a road beginning at Cross Country Road and running up Portuguese Canyon, being approximately six miles in length. A map of the survey was prepared in August 1928 and is on file in the Office of the County Surveyor, but there is no record of the Viewers' Report ever being presented to, or accepted by, the Board or of any road right-of-way being conveyed to the County. At some point the County, despite any formal acceptance, began maintaining Portuguese Canyon Road. For at least 80 years, a 3.95mile portion of the road has been shown or listed in the County Maintained Road system as a County Road.

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

The County maintained portion of Portuguese Canyon Road traverses the lands of two property owners, namely SkyRoseRanch and Bosio Family Trust. In anticipation that the road be vacated by the County, these owners have agreed to grant a non-exclusive private access easement over their lands to the four property owner groups currently using the four-mile stretch of Portuguese Canyon Road to access their respective properties. In addition to SkyRoseRanch and Bosio, there are four parties that currently use Portuguese Canyon Road to access their respective properties. The majority of these property owners have expressed their support of the road vacation and are willing to be granted a private, non-exclusive access easement over the vacated roadway strip. Therefore, appropriate easement documents have been executed by SkyRoseRanch and Bosio Family Trust and have been reviewed by the County Surveyor and by County Counsel and are ready to be recorded with the County Recorder (Attachment D).

PG&E has indicated that they have some utility facilities within the strip to be vacated. The recommended action reserves all such existing public utility easements, as allowed by S&H Code Section 8340(a).

In accordance with California Streets and Highways Code Section 8313 and pursuant to the procedure prescribed in California Government Code Section 65402, the County of Monterey Planning Commission considered this vacation on May 10, 2017. The Planning Commission found the proposed vacation, located in the South County Area Plan, to be consistent with the policies set forth in the County General Plan and South County Area Plan. The Planning Commission also found that the vacation is exempt from environmental review in accordance with Section 15301(c), 15304 and 15061(b)(3) of the CEQA Guidelines (Attachment E).

OTHER AGENCY INVOLVEMENT:

The Monterey County Assessor's Office, AT&T and Pacific Gas and Electric Company have reviewed the proposed abandonment. PG&E has requested that the County reserve an easement for public utilities over the vacated road right-of-way. No other recommendation or opposition to the abandonment has been received.

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 \$4059.48 was paid by the applicant. The cost of staff to process the road vacation is funded from this RMA Land Use fee.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action will increase public safety by eliminating or greatly reducing illegal trespassing and poaching in a sparsely populated area. Additionally, the action will reduce County road maintenance costs by removing 3.95 miles of isolated roadway from the 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

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Board Resolution

Attachment B - Vicinity Map

Attachment C - Petition Letter

Attachment D - Easement Deeds

Attachment E - Planning Commission Resolution

cc: CalFire; 911/County Communications; Anthony Lombardo (Lombardo & Associates)