



Board Report

File #: PC 18-123, **Version:** 1

Public hearing to consider and provide a report to the Board on the vacation of certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Avenue), Canal Street, Fifteenth Street, Sixteenth Street and portions of Cedar Avenue, Pine Avenue and Oak Avenue (being roads dedicated to and accepted by the County of Monterey as shown on the “Map of the Clark Colony,” filed July 19, 1905 in Volume 1 of Cities and Towns, at Page 64) conforms to the policies contained within the Monterey County General Plan and the Central Salinas Valley Area Plan, a part of the General Plan.

Project Location: Roads in the area westerly of the City of Greenfield, Central Salinas Valley Area Plan

Proposed CEQA Action: Categorically Exempt per Sections 15301; and 15304 of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find the 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; and
2. Find and report to the Monterey County Board of Supervisors that the vacation of certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Avenue), Canal Street, Fifteenth Street, Sixteenth Street, an unnamed road along the most northerly boundary of Lot 356 and portions of Cedar Avenue, Pine Avenue and Oak Avenue (as said roads and portions thereof are more particularly described in **Exhibit A**) (being roads dedicated to and accepted by the County of Monterey as shown on the “Map of the Clark Colony,” filed July 19, 1905 in Volume 1 of Cities and Towns, at Page 64, **Exhibit C**) conforms to the policies contained within the Monterey County General Plan and the Central Salinas Valley Area Plan, a part of the General Plan.

The attached draft resolution includes findings and evidence for consideration (**Exhibit F**). Staff recommends approval subject to no conditions of approval.

SUMMARY:

On May 21, 2018, a petition signed by 10 freeholders 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 (**Exhibit C**). The vacation petition also includes a portion of Peach Avenue that was separately granted to the County in 1921 (**Exhibit D**). Certain property owners desire to close the road to the general public to prevent illegal dumping and trespassing on their lands. The subject roads of the petition are more particularly described Section 1 of **Exhibit A** attached hereto.

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, which calls for the Planning Commission, as the County planning agency to provide a report to the Board of Supervisors regarding any vacation or abandonment of public right-of-way as to conformity with the Monterey County General Plan, and the Central Salinas Valley Area Plan, a part of the General Plan.

DISCUSSION:

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 agricultural or vineyard parcels and, since they have very limited public benefit, they are unnecessary for present or prospective public use. 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 **Exhibit A**.

A review of the Owner's Statement and other notes on the Clark Colony map indicate that the roads were dedicated as road easements rather than in fee. Therefore, should the roads be vacated, the County will no longer hold a road easement interest across the described roads or portions of roads. However, the County will reserve, and except from this vacation an easement for public utilities with the rights necessary to maintain, operate, replace, remove, or renew any and all public utility facilities within the vacated roads.

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 Central Salinas Valley Area Plan, and has prepared a memo indicating the vacation request is in conformance to all General and Area Plan policies (**Exhibit E**).

OTHER AGENCY INVOLVEMENT:

RMA-Public Works

RMA- Planning

Monterey County Office of Emergency Services

Monterey County Sheriff

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.

Prepared by: Michael K. Goetz, PLS, County Surveyor, RMA Chief of Surveys, Ext. 4940

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 RMA:

Exhibit A - Description of roads or portions of roads to be vacated

Exhibit B - Vicinity Map

Exhibit C - Map of Clark Colony filed in Volume 1 of Cities and Towns, at Page 64

Exhibit D - Volume 182 of Deeds, Page 158 - 1921 deed for Peach Avenue Extension

Exhibit E - RMA-Land Use Consistency Memo
Exhibit F - Draft Resolution

cc: Front Counter Copy; Planning Commission (10); Jacqueline Onciano, RMA Chief of Planning; RMA-Public Works; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Clark Colony Road Abandonment File