

Rosalyn Charles

From: Friends of the Fort Ord Warhorse [attnmargaret@gmail.com]
Sent: Wednesday, March 12, 2014 1:53 PM
To: FORA Board
Subject: Please reject Monterey County General Plan as noncompliant
Attachments: FORA re County General Plan 3-10-14.pdf; ATT00001.htm

Dear FORA board members:

Please see attached letter from Friends of the Fort Ord Warhorse regarding noncompliance of proposed Monterey County General Plan. Thank you for your courteous attention.

Very truly yours,

Margaret Davis

Margaret Davis
Executive Director
Friends of the Fort Ord Warhorse
Tax ID#45-3092111
831-224-4534
fortordhistory@gmail.com
Facebook • fortordwarhorse.org

“Dedicated to the recognition and preservation of the history of the Fort Ord Army warhorses and soldiers, for the educational and cultural enrichment of the Monterey Peninsula, its visitors, and the nation.”

FRIENDS OF THE FORT ORD WARHORSE

Dedicated to the recognition and preservation of the history of the Fort Ord Army warhorses and soldiers, for the educational and cultural enrichment of the Monterey Peninsula, its visitors, and the nation.



March 10, 2014

Board of Directors
Fort Ord Reuse Authority
920 Second Avenue
Marina, CA 93933

RE: Consistency Determination of Monterey County General Plan

Friends of the Fort Ord Warhorse urges the FORA Board to reject the proposed Monterey County General Plan as grossly inconsistent with the Fort Ord Reuse Plan. The proposed General Plan ignores the limitations and directives of the Reuse Plan concerning properties within the boundaries of Fort Ord.

1. The General Plan denies any limitation on water availability. It is assumed that development on Fort Ord properties can proceed with the assurance of unlimited water supply.
2. The General Plan makes no acknowledgment or provision for the county's mandatory responsibility to preserve oak woodlands.
3. The General Plan omits Reuse Plan Recreation/Open Space Land Use Program A-1.2.
4. The General Plan ignores Volume 1, Section 3.6 "Conservation, Open Space, and Recreation Concept" of the Reuse Plan. Specifically, the key component of Section 3.6, the major open space/trail corridor linking Fort Ord Dunes State Park with the interior open space of Fort Ord is entirely overlooked. The Plan stresses the connection, presented conceptually in Map 3.6-1, as **primary**:

Perhaps the most important open-space connection is that which joins the large interior tracts of land managed by the BLM with the newly formed Fort Ord Dunes State Beach through the CSUMB campus and along the Intergarrison Road/8th Street corridor. (Volume 1, Section 3.6.2, p. 55).

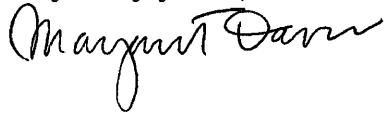
The proposed General Plan makes no mention of this "most important open-space connection" on Fort Ord and is utterly silent in fulfilling the prescriptions of this major aspect of the Reuse Plan.

In her letter of October 10, 2013, retired land-use attorney Jane Haines calls for FORA to demand that Monterey County submit its zoning ordinances and other implementing actions for review. Master Resolution

67675.4 requires this action within thirty days of certification. The Friends support this call for proper procedure.

The Friends urge you to a) refuse certification of the proposed General Plan and b) request that Monterey County re-submit with the additions listed above.

Very truly yours,

A handwritten signature in black ink that reads "Margaret Davis". The signature is written in a cursive, flowing style.

Margaret Davis
Executive Director,
Friends of the Fort Ord Warhorse
Box 1168, Marina, CA 93933
831-224-4534
fortordhistory@gmail.com

Attachment: Fort Ord Reuse Plan Map 3.6-1

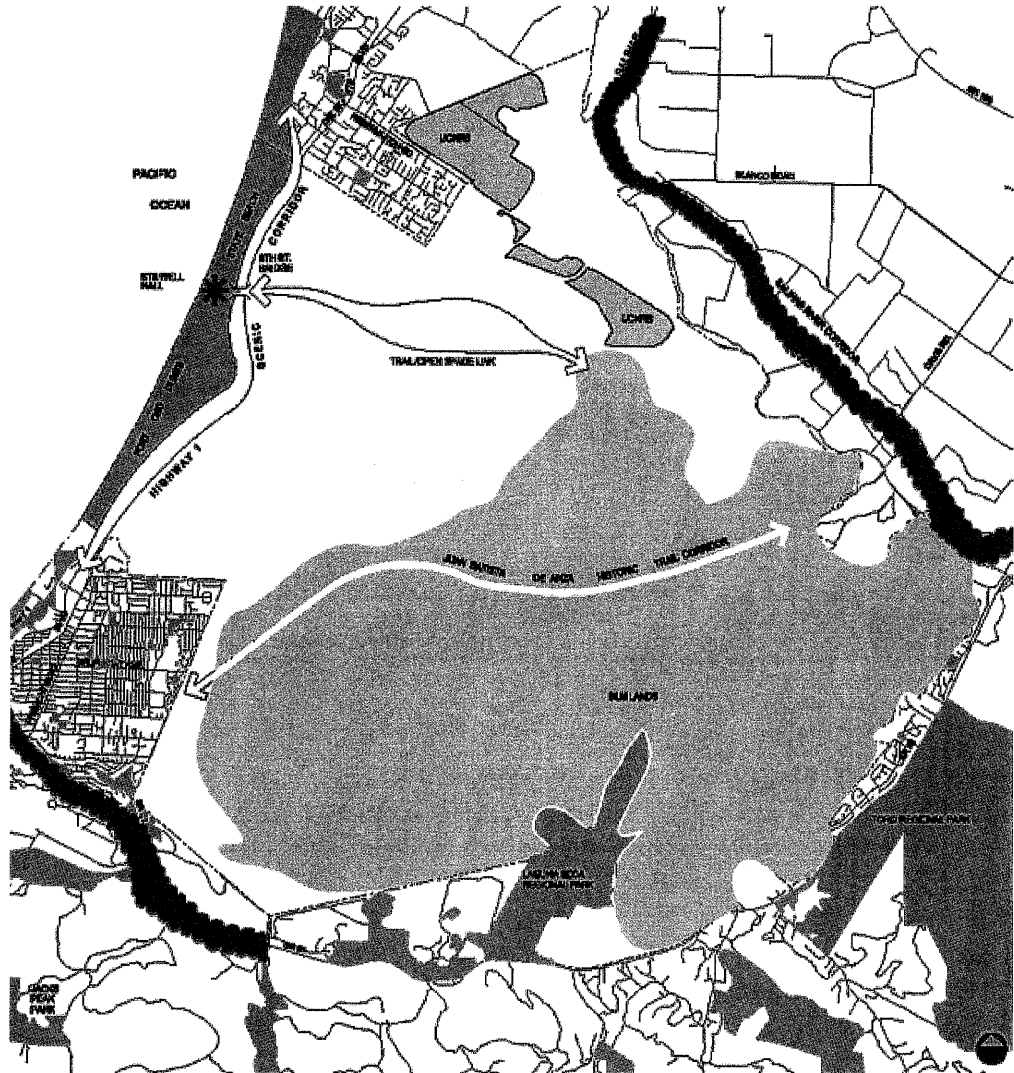


Figure 3.6-1 Regional Open Space Framework







(497 KB)

List View of Maps



LEGEND:

-  Riparian/Estuarine Corridor
-  Park/Open Space
-  Trail/Open Space Link
-  Major Projected Habitat:
BLM: Bureau of Land Management
UCNRS: University of California Natural Reserve System

FORARREG.DWG EMC Planning Group Inc. Rev.: 6/7/01 9:37 PM

Rosalyn Charles

From: Ford, John H. x5158 [FordJH@co.monterey.ca.us]
Sent: Wednesday, March 12, 2014 2:18 PM
To: FORA Board
Cc: Michael Houlemard; Jonathan Garcia; Steve Endsley; Lena Spilman; Holm, Carl P. x5103; Young, Benny x5862; Strimling, Wendy
Subject: Letter responding to questions regarding FORA Consistency Determination for Monterey County General Plan.
Attachments: LTR FORA_ Victoria Beach_3.12.2014.pdf

Attached is a letter written in response to questions asked by a member of the FORA Board related to the FORA Base Reuse Plan consistency determination for the 2010 Monterey County General Plan. We know the public hearing is closed and so we are not providing this as new information, but since it is related to questions asked by a Board Member thought that the whole board should have access to this information.

If you have any questions, please contact me.

John Ford
Planning Services Manager
Resource Management Agency -- Planning
(831) 755-5158

To view your project online via Accela Citizen Access, please use the following link:
<https://aca.accela.com/monterey/Default.aspx>

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director
Carl P. Holm, AICP, Deputy Director



Michael A. Rodriguez, C.B.O., Chief Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

March 12, 2014

Victoria Beach
Box CC
Carmel-by-the Sea, CA 93921

Subject: FORA Consistency Determination of Monterey County General Plan

Dear Ms. Beach,

This letter is in response to your e-mail of March 4 with questions concerning the County of Monterey General Plan's consistency with the Fort Ord Base Reuse Plan (BRP). Thank you for taking the time to understand the issues. Your questions are good, so we are copying the FORA Board with our responses:

1. The steps that the County would have to go through to fix these small language differences:

- Draft revisions to the Fort Ord Master Plan (redline)
- Environmental review under CEQA
- Planning Commission hearing (notice, staff report, hearing) for recommendation
- Board of Supervisors hearing (notice, staff report, hearing)
- FORA consistency determination

2. How these can or cannot be incorporated into your normal periodic (biannual?) revision and/or error correction process for your General Plan

There is no simple process. Any change to the Fort Ord Master Plan is considered a General Plan Amendment (GPA) regardless of the nature/size. While State law allows up to four GPA in a year, the County's 2010 General Plan (GP) calls for development of a process limiting the number of GPAs to two per year. Staff is in the process of developing this process.

3. The various pitfalls you fear the County could experience at taking each of these steps.

The number of hearings and letters received point to a deep concern over any action on Fort Ord, and we anticipate this would carry over into a County process to amend the General Plan. There has been commentary indicating a desire to significantly change the County's land use plan for Fort Ord. This is a separate discussion from a consistency determination of the General Plan adopted by the Board of Supervisors in 2010; This General Plan consistency determination would not preclude future consideration of a different GPA by the Board of Supervisors, or possibly as part of the Reassessment. This being said, the primary pitfall is

the likely potential for any GPA to become embroiled in controversy, even a GPA directed only at small language changes, which impacts the County's ability to implement reuse policy in the Fort Ord territory under County's jurisdiction.

Pursuant to the Implementation Agreement, FORA continues to convey portions of the former Fort Ord to the County, and County needs to manage those properties once the County accepts them. Action by the FORA Board to require unnecessary process would delay implementation (including trails) for 1-2 years because the same groups contesting consistency of our GP have also submitted opposition to the County accepting lands from FORA until our GP is found consistent by FORA. As properties transfer to the County, it is important for County to have the Fort Ord Master Plan in place to provide policy guidance on a myriad of issues, from biological resource protection to recreation planning to development of public amenities such as parking areas and trails.

Public comments contain a misperception that the County General Plan consistency determination is somehow related to the processing of the Monterey Downs project. The County will not process the Monterey Downs Project, as that is being undertaken by the City of Seaside and will be subject to its own reviews and hearings, including consistency determination by the FORA Board for their Specific Plan. Moreover, the County's analysis is that the differences in language between the Base Reuse Plan and County's General Plan are unrelated to the Monterey Downs project and do not affect whatever decision is made on that project. For example, Program A-1.2 requiring the Natural Ecosystem Easement Deed has been the focus of much public comment, but the absence of this program from the County's GP would have no effect on the Monterey Downs proposal because the required easement is to be located on "*identified open space lands*." The policy effectively applies to one open space parcel that is to be conveyed to the County, and that would not be affected by the Monterey Downs development application. The County will record this easement deed over this parcel when it is conveyed. This program was not included in the Fort Ord Master Plan when certified as being consistent with the Base Reuse Plan in 2001.

It appears that our General Plan is getting bogged down in what is really a debate over a particular project, so it is likely that this would continue with any GPA. In the meantime, if FORA finds that the County's General Plan is not consistent with the Reuse Plan, the County would be left with what would have been identified by FORA as an inconsistent area plan and hence no up-to-date plan to guide the many decisions concerning resource management, recreation, trail planning and the like in County's Fort Ord territory. A finding of General Plan consistency does not predetermine the outcome of any project, including Monterey Downs. The County requests that the GP consistency determination be disconnected from a project controversy (specifically Monterey Downs), so that County can proceed with managing reuse activity in the former Fort Ord.

4. **Any areas in which you feel there are true differences in substance (not just language) that the county does not want to change on principle (not just due to logistical burdens).**
None.

The majority of the Board of Supervisors has requested that the FORA Board certify the County's General Plan, and only a majority of the Board could vote to change the language, which has not occurred.

The point we have tried to make clear is that the changes will make absolutely no difference in how the BRP is implemented. First of all, there is no difference from the County's Fort Ord Plan certified by FORA in 2001. All we did was clean up language that did not apply to the County and incorporate provisions of the land swap agreement, as approved by the FORA Board. Secondly, the County has stated its intent to implement the Base Reuse Plan. This intent is specifically expressed in the opening paragraph of our Fort Ord Master Plan and is reflected in the action by the Board of Supervisors to find the County General Plan consistent with the Base Reuse Plan.

As you are aware, a General Plan does not itself allow for any new development or approve new development. New development will be required to go through its own review process and, in the case of Fort Ord, that review requires consistency with a number of plans/agreements including the Base Reuse Plan. Section 8.01.030 of the FORA Master Resolution provides that after certification of the GP as consistent, the land use agency (County) may issue or deny or conditionally issue development entitlements so long as the GP has been certified as consistent "and the decisions issuing, denying or conditionally issuing development entitlements are consistent with the adopted and certified general plan, the Reuse Plan, and is in compliance with CEQA and other applicable laws" (*emphasis added*.) There is a step here that many people seem to miss and that is that projects cannot be approved unless they are consistent with the Base Reuse Plan, not just the General Plan. The County has not lost sight of this fact.

Please let me know if there is further clarification you would like, or if you would like to discuss verbally.

Sincerely



John H. Ford
Planning Services Manager
Planning Department -- Resource Management Agency

cc: FORA Board
Michael Houlemard, Executive Officer, Fort Ord Reuse Authority

Rosalyn Charles

From: PETER LE [peter381@sbcglobal.net]
Sent: Wednesday, March 12, 2014 3:21 PM
To: FORA Board
Subject: FORA Needs to Re-examine Water Allocation and Useage

March 12, 2014

Dear FORA:

Please provide this email to all FORA Board members as part of the public communication to the Board at the Board meeting on this Friday, March 14, 2014. Thank you,

Peter Le

March 6, 2014

The Army and Fort Ord Reuse Authority (FORA) were previously authorized to take 6,600 acre-feet per year (AFY) of ground water from the Salinas Valley Basin for their own use and development. The adopted Fort Ord Reuse Plan and its mitigations require to FORA to develop an additional 2,400 AFY of augmented water for the full development at the former Fort Ord.

Recently, the public questioned FORA on the availability of water for full development. Therefore, a closer look at the previous water allocation to various jurisdictions and a thorough examination of the latest water usage as of December 31, 2013, the committed water usage and the remaining uncommitted water usage are warranted.

First, let look at the preliminary cost to provide the augmented water. It will cost roughly 100 million dollars to provide 2,400 AFY of augmented water to FORA. The augmented water may come from a single source or a combination of sources such as recycled water, desalination water and surface water from Salinas River. FORA has committed 25 million dollars for this augmented water. The remaining 75 million dollars will have to come from developers and ratepayers. This will not only cause the water capacity charges to increase substantially but also raise the consumer water bills unnecessarily as explained below. The bottom line is few development will occur due to the high water costs and ratepayers will definitely protest any increase to develop this augmented water. It is very doubtful that FORA will support the immediate development and delivery of the augmented water due to the very high costs to future development.

Now let look at the water consumption as of December 3, 2013. FORA (that includes all local jurisdictions, CSUMB, UCMBEST, and State Parks) and the Army consumed only 2,303 AF which is only 35 percent of the authorized 6,600 AFY in 2013. FORA and the Army have also committed 2,436 AFY to other approved and future development. The committed water for approved and future projects could occur between now and the next 50 years. The sum of the water consumption and committed water is about 4, 739 AFY; thus leaving the remaining 1,861 AFY of ground water available and uncommitted.

As of December 31, 2013, City of Seaside consumed 865.44 AF in 2013 which is about 85 percent of their water allocation; the Army 707 AFY or 45 percent; CSUMB 442 AFY or 43 percent; Marina 273 AFY or 21

percent; Monterey County 15 AFY or 2 percent; and UCMBEST 1.3 AFY or 1 percent. City of Monterey, Del Rey Oaks, and California State Parks did not use any water from their allocation in 2013.

The recent reassessment of the Reuse Plan provided a realistic estimate on future development at the former Fort Ord. Based on this reassessment, the CSUMB Master Plan, the UCMBEST Master Plan, and the Army Installation Plan, it is unlikely that FORA and the Army will use the entire 6,600 AFY for the next 20 years and beyond. However, some jurisdiction such as Seaside will exceed their water allocation in the next few years due to their proposed development and will need augmented water for these projects soon.

Based on the available committed and uncommitted water as shown above, I recommend that FORA reexamines the current water policies instead of developing the augmented 2,400 AFY at this time. FORA should not change the water allocation amount to each jurisdiction because no one will agree to reduce their allocation. Instead, FORA should explore several options such as allowing one jurisdiction to loan, lease or enter into agreement to provide a certain amount of water for a limited period of time.

For example, the Army could lease City of Seaside a few hundred AFY for a few hundred dollars per AFY for a limited time between 10 and 50 years. The Army could then use the lease money to install new water meters at the facilities where there are no meter now. This will lead to water conservation and reduce the monthly water charges since the Army has to pay for higher flat rate water charges at their facilities where there are no water meter. This arrangement will produce a win-win situation for the Army, Seaside and FORA. Similarly, CSUMB and other jurisdictions could have similar arrangements with City of Marina and/or Seaside to receive some incomes for the unused and available water allocation.

Certainly, the exploration of new water policies is a better approach than rigidly keeping the current policy and is definitely much better than the demand of developing a new 2,400 AFY augmented water source at an estimated price tag of one hundred million dollars that no one can afford at this time.

Additionally, FORA needs to be in a leadership role promoting a comprehensive plan of water supply for the entire county and explores its roles in other water joint ventures with other local agencies such as Monterey Regional Water Pollution Control Agency. Such effort will not only benefit FORA but also benefit the entire region.

The views expressed here are my personal opinion and does not reflect any view of the Marina Coast Water District.

Peter Le

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Rosalyn Charles

From: Molly Erickson [erickson@stamplaw.us]
Sent: Wednesday, March 12, 2014 4:36 PM
To: FORA Board
Cc: Jon Giffen
Subject: Item 8a, consistency determination (March 14, 2014 FORA Board agenda)
Attachments: 13.03.12.KFOW.TOMP.letter.to.FORA.Board.pdf

Chair Edelen and Members of the FORA Board:

I attach a letter to you dated March 12, 2014 with comments on agenda item 8a, the consistency determination.

I am sending this letter directly to you out of an abundance of caution. This is why:

On Thursday, March 6, I submitted a letter on this item to FORA and requested that the letter be included in the Board packet. On Friday, March 7, FORA staff prepared the Board packet and excluded my March 6 letter from the agenda item 8a, the consistency determination. The letter is not even mentioned in the agenda item discussion.

I asked FORA staff why my letter was not included with the agenda item. In response, Ms. Spilman stated that "Staff makes determinations regarding the content and presentation of items in the Board packet." In other words, FORA staff believes that it has unfettered discretion over what the Board gets in its packet. In that way, staff controls what the Directors see -- and don't see -- prior to making a decision on agenda items.

The FORA staff's exercise of unfettered discretion -- specifically, the exclusion of my March 6 letter from the Board packet -- is a due process violation.

FORA has not produced an adopted Board policy authorizing such behavior. You may not be aware that FORA staff has been acting in this manner. My clients and I ask you to take prompt steps to remedy the problem. I believe that as Board members you deserve to be informed of the public's comments before you make a decision on an item. Thank you.

Respectfully,

Molly

Molly Erickson
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March 12, 2014

Jerry Edelen, Chair
and Members of the Board of Directors
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933

Subject: March 14, 2014 Board Agenda 8a – Consider Certification of 2010
County General Plan as Consistent with the 1997 Reuse Plan

Dear Chair Edelen and Members of the Board of Directors:

This Office represents Keep Fort Ord Wild and The Open Monterey Project. Both organizations object to a determination of consistency between (1) the Fort Ord Reuse Plan and (2) the Monterey County 2010 General Plan and the Fort Ord Master Plan. This letter presents additional information to assist you.

For their General Plans, Seaside and Marina Essentially Copied the Reuse Plan.

According to FORA Assistant Executive Officer Steve Endsley, Seaside and Marina took the Reuse Plan policies and program and placed them almost verbatim into their General Plans. (Endsley memo re: consistency determinations, Dec 19, 2000.) That is what the County should do here.

Public Comment

On March 14, the Board should provide an opportunity for public comment on the agenda item on the consistency determination. (Gov. Code, 54954.3 (a) ["Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item".])

According to FORA's records, every time that the Board has considered a second vote on a consistency determination of a legislative act, the Board always has taken comment from the Board and the public. The Board also has taken additional written materials submitted after the first vote. (E.g., the Board minutes of July 8, 2005 [second vote, University Villages, public/Board comment], May 14, 2004 [second vote, Marina Heights, public/Board comment], December 11, 1998 [second vote, Seaside General Plan and Zoning Amendments, public/Board comment], October 27, 1997 [second vote, East Garrison, public/Board comment].)

In this case, the Board should continue its longstanding and never-changed practice of taking public comment prior to a second vote on a consistency item.

There is no good reason change to a different approach to this consistency determination, which is the most controversial so far of all of the determinations.

These descriptions of FORA's past practices are based on FORA's public records. Last week I researched FORA's past consideration of consistency determinations. FORA staff produced a list of each past consideration, and I inspected and copied the public records at FORA. I researched each instance where the item went to a second vote.

The need to take additional public comment here is appropriate because FORA has done that in the past for other second votes, and also because the sound and phone systems were so bad at the February meeting that Director Morton could not be understood by the FORA Board and the public, and vice versa. The public hearing on the consistency determination was opened on February 13, and the video shows that the Board Chair did not close the hearing. The Board did not take final action on the item. Instead, the item was continued to the March 14 meeting for a second vote.

No Proof of Mandatory Public Notice by FORA for Past Consistency Determinations.

FORA's Master Resolution requires specific public notice for all hearings to consider consistency determinations. FORA does not have proof of public hearing notices for its prior legislative consistency determinations, except for a single hearing.

On February 24, 2014, this Office made a California Public Records Act request for the records of past consistency determinations, including public notices. On March 7, 2014, I inspected FORA records, none of which include public hearing notices. FORA staff produced – on a flash drive – what they referred to as public notices. All but one of those records were city and County notices, not FORA notices. In all of FORA's records produced in response to our specific request, there was only one record of a FORA public hearing notice, dated January 4, 2001, for a public hearing before the Board on January 12, 2001. The next day, on January 5, another published notice revised the notice to schedule it for the February 2001 FORA Board meeting. This revision probably was because the January 4 notice did not provide the required ten days' notice before the hearing. Other than that single notice in January 2001, there is no evidence that FORA has complied with the public hearing requirement of the Master Resolution with regard to consistency determinations for legislative actions.

FORA Staff Has Excluded Relevant and Material Communications from the Records and Discussion in the Board Packet for this Agenda Item.

On March 6, 2014, this Office submitted a letter on behalf of our clients Keep Fort Ord Wild and The Open Monterey Project. The letter's subject line was "March 14, 2014 Board Agenda – Consider Certification of 2010 County General Plan as Consistent with the 1997 Reuse Plan." We told FORA that we were submitting the

letter for inclusion in the Board packet. We submitted the letter in ample time for inclusion in the Board packet. The preparation of the Board packet did not commence until the following day, as FORA staff had assured us in advance, and as FORA staff told us on Friday.

On March 7, 2014, FORA staff prepared the Board packet and excluded our March 6 letter. I asked FORA staff why our letter was not included. In response, Ms. Spilman stated that "Staff makes determinations regarding the content and presentation of items in the Board packet." In other words, FORA staff decided to exclude our March 6 letter from the FORA Board packet on the agenda item 8a. We have requested the policy that authorizes that behavior by staff. FORA has not responded. To the best of our knowledge, there is no approved FORA Board policy that allows staff to have unfettered discretion as to the content of items in the Board packet.¹

FORA staff has included some communications in the packet agenda item for the third or fourth time, only from those speakers who express a viewpoint that agrees with FORA staff (e.g., Waltner, County staff). At the same time, FORA unilaterally excluded our letter from the packet. FORA staff most likely excluded our letter because FORA did not like the content of our letter or of the speaker. Viewpoint-based discrimination is a violation of the First Amendment of the United States Constitution.

On March 11, I raised these issues with Authority Counsel Jon Giffen, and asked that FORA take specific remedial steps to revise the Board packet to include our March 6 letter in the materials for agenda item 8a. According to Mr. Giffen, he spoke with FORA staff and the staff refused to take these simple remedial steps.

Reuse Plan EIR

The way FORA treats the Reuse Plan and its EIR documents is confusing.

In 1996, FORA issued a draft reuse plan and a Draft EIR for that draft document.

In 1997, FORA issued a Final EIR and a materially changed Reuse Plan. The Final EIR was in four volumes. The fourth volume was the materially changed Reuse Plan. The 1997 Reuse Plan incorporated – into its policies and programs – many

¹ Ms. Spilman claimed that our March 6 letter is in the "public correspondence" in the Board packet. However, the letter is not posted in that category, and despite repeated requests to Ms. Spilman and Mr. Giffen, neither of them has been able to provide proof that the March 6 letter has been posted anywhere in the Board packet. In any event, even if the letter was placed in "public correspondence," which it was not, nobody at FORA has explained why the letter was not included with the materials for the agenda item that the letter clearly addresses.

Jerry Edelen, Chair, and Members of the Board of Directors
Fort Ord Reuse Authority
March 12, 2014
Page 4

mitigations identified and imposed by the Final EIR. The mitigations were not placed on the mitigation monitoring and reporting list that FORA adopted when FORA approved the Reuse Plan and certified the EIR. The mitigations were intended to mitigate for the impacts of developing the former Fort Ord.

We have observed that FORA regularly refers to the Reuse Plan that was "republished" in 2001, even though the FORA Board never adopted the 2001 version, there was no environmental review performed on the 2001 version, and the 2001 version was different in material ways from the 1997 Reuse Plan adopted by the FORA Board in 1997.

The 2001 "republished" Reuse Plan does not accurately reflect the FORA-adopted 1997 Reuse Plan. We addressed this issue in our 2013 letter to the County and our March 6 letter to FORA. As one example, the republished plan adds the veterans cemetery, without environmental review. As another example, the republished plan's versions of some policies and programs are materially different from what the Board adopted in 1997. (E.g., Biological Resources County policy C-2 and program C-1 [see our March 6, 2014 letter, exhs. J and K].)

Document Submittal

Later today, or tomorrow at the latest, we will be submitting additional documents that support our clients' positions that the Reuse Plan is not consistent with the County General Plan and the Reuse Plan EIR mitigations are not being enforced. On an exhibit list, we will explain the purpose of each of the documents we are submitting. We ask that the Board review the materials prior to making its decision.

We believe that FORA already has or should have the documents in its possession because they all address important issues affecting the reuse of Fort Ord. Out of an abundance of caution, we will be providing the documents again. If FORA does not have a paper copy and would like a paper copy of the documents, please let us know and we will provide them.

Thank you.

Very truly yours,

STAMP | ERICKSON


Molly Erickson

Rosalyn Charles

From: Jennifer McNary [mcnary@stamplaw.us]
Sent: Thursday, March 13, 2014 1:36 PM
To: FORA Board
Subject: March 14 Board Agenda Item 8a
Attachments: Stubbed Attachments.htm; 14.03.13.FORA.BOD.ltr.to.pdf; A.13.02.01.BOS.Packet.pdf; B.FORA.Board.minutes.pdf

Chair Edelen and Board Members:

Attached is a short letter responding to the County's letter dated March 12, 2014. This letter attaches only Exhibits A and B due to size. The letter and all exhibits will be delivered to FORA this afternoon. If you would like all exhibits delivered to you individually, please let our Office know and we will provide them to you.

The letter is on behalf of Keep Fort Ord Wild and The Open Monterey Project.

Please contact our Office with any questions.

Thank you.

Jennifer McNary
STAMP | ERICKSON
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Monterey, CA 93940
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March 13, 2014

Jerry Edelen, Chair
and Members of the Board of Directors
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933

**Subject: March 14, 2014 Board Agenda 8a – Consider Certification of 2010
County General Plan as Consistent with the 1997 Reuse Plan**

Dear Chair Edelen and Members of the Board of Directors:

This Office represents Keep Fort Ord Wild and The Open Monterey Project. This letter responds to a few points in the new letter from the County (John Ford) to you dated March 12, 2014.

Minimal County Effort Would Be Required to Amend the Fort Ord Master Plan.

Minimal effort would be required to amend the Fort Ord Master Plan to be consistent with the Reuse Plan. As an example, we attach as Exhibit A to this letter the materials for one set of County General Plan amendments adopted by the Board of Supervisors on February 12, 2013. In a mere twenty pages, the County included a Board report (3 pp.), a redlined version of the policies to be amended (3 pp.), a summary of the changes (2 pp.), a draft resolution (3 pp.), and CEQA documents pertinent to the amendments (5 pp.).¹ The amendments made materially significant changes to several General Plan policies. The amendments included an amendment to policy PS-3.1, the controversial policy that provides a rebuttable presumption that all land in Zone 2C, including Fort Ord, has a long term sustainable water supply.

In this case, one approach the County could use would be to amend only the Fort Ord Master Plan, using the Reuse Plan policies and programs applicable to the County. The County can simply adopt the adopted Reuse Plan language, instead of crafting new language. As to CEQA review, one approach the County could use is to rely on the Reuse Plan EIR, which examined the Reuse Plan language and specifically stated what the proper language of the policies and programs should be.

It is critical that the Fort Ord Master Plan include appropriate protections – including all Reuse Plan policies and programs that mention the County.

¹ Also on February 12, 2013, the Board of Supervisors adopted a second set of General Plan amendments, with similarly minimal effort and documentation.

**The County Plans Failed to Adopt the Reuse Plan Policies that
Specifically Identify Actions the County Must Take**

If the County truly intends to implement all Reuse Plan policies and programs that are applicable to the County, then expressly stating those policies and programs in the Fort Ord Master Plan should be easy to do.

Instead, the Fort Ord Master Plan merely makes “reference” to “applicable policies of” the Reuse Plan. The Master Plan does not directly or specifically incorporate all policies and programs of the Reuse Plan that are mandated for the County. To the contrary, the Fort Ord Master Plan states that it “consists of this document [the master plan], the Greater Monterey Peninsula Area Plan, and the Monterey County General Plan.” (At p. FOR-1.) The Fort Ord Master Plan does not state that it “consists of” the Reuse Plan policies and programs. The Master Plan makes a deceptive claim that it “incorporates all applicable policies and programs contained in the adopted Reuse Plan as they pertain to the subject area.” (At p. FO-1.) The Master Plan also states that a “purpose” is to “incorporate objectives, programs, and policies to be consistent with the” Reuse Plan – in other words, merely enough for a vague claim of consistency, and not consistent on all Reuse Plan objectives, programs and policies. (*ibid.*)

These County statements are potentially misleading and cannot be relied upon because the County likely would argue that the Master Plan includes only those Reuse Plan policies and programs that the County thinks are “applicable,” and that if a Reuse Plan policy or program is not expressly stated in the Master Plan, then it is not applicable. The FORA Board should not condone that approach, or allow any ambiguity. The public and the agencies need certainty, not a guessing game of how the County might enforce something in the future, given changing staff and changing elected officials. CEQA requires the FORA to enforce the Reuse Plan policies and programs because they are CEQA mitigations for the impacts of the planned development of Fort Ord.

Good Planning Means Anticipating and Planning for Future Uses and Impacts

In John Ford's letter, the County makes a remarkable claim about Monterey Downs. The County seems to forget that good planning is long term, and makes sure that policies are in place regardless of applicant or project. Although Monterey Downs currently proposes annexation to Seaside, that effort could fall apart, and Monterey Downs – or anyone else – could apply to the County for approval of racetracks, subdivisions, or commercial development. At that point, the County plans would be at issue.

The County's water supply presumption would cause serious problems, and the failure to expressly and accurately state the Reuse Plan policies would create ambiguity

and confusion. The County would argue that the County has discretion to apply the County policies. If FORA or a member of the public disagreed, and appealed to FORA, FORA's hands would be tied by the Master Resolution standard on appeals of development entitlements which gives almost complete deference to the County.

FORA Board Report Provides Misleading Link to Critical General Plan Document

The FORA Board report provides a misleading link to the primary General Plan document at issue. As a result, you do not have the accurate information you need to make an informed decision on this agenda item.

The Board report states that "Attachment B includes a link to the County of Monterey's website where documents related to the 2010 Monterey County General Plan consistency determination submittal can be obtained" and provides a blue circle around a link. That link is to the wrong plan. The link is to the 2010 County General Plan, instead of to the amended General Plan (amended as of February 2013, see discussion above and Exhibit A to this letter). The amended General Plan contains the controversial policy PS-3.1 about a rebuttable presumption about long term sustainable water supply.

As can be clearly seen, the link presented in the FORA board report to the outdated and inaccurate 2010 plan adopted on October 26, 2010:
[http://www.co.monterey.ca.us/planning/gpu/GPU 2007/2010 Mo Co General Plan Adopted 102610/2010 Mo Co General Plan Adopted 102610.htm](http://www.co.monterey.ca.us/planning/gpu/GPU%202007/2010%20Mo%20Co%20General%20Plan%20Adopted%20102610/2010%20Mo%20Co%20General%20Plan%20Adopted%20102610.htm). (FORA Board report, p. 1, emphasis added.)

Incorrect Statement in the Draft Minutes for February 13, 2014

As we pointed out in our letter of March 12, 2013, the public hearing on the consistency determination was opened on February 13, 2014, and the video shows that the Board Chair did not close the hearing. After receiving our March 12 letter, today FORA released draft Board minutes that make an inaccurate claim that "After all comments were received, Chair Edelen declared the public hearing closed." No such declaration was made. The sentence is not accurate and should be deleted. You should not adopt inaccurate minutes.

The FORA video of February 13, 2014 shows that the Board received public comment from various speakers including representatives of LandWatch and Keep Fort Ord Wild. Chair Edelen then said "Any other members of the public wishing to address the Board of Directors on this item? Going once, going twice. Thank you very much. Back to the Board. Last minute comments or entertaining a motion." (At 35:33 of the video posted on the FORA website of the February 13, 2014 Board meeting.) Director Potter promptly made a motion, which was seconded. Chair Edelen said: "Any discussion on the motion?" County planner John Ford then made an additional

presentation, followed by Board discussion. The Board did not take final action on the item. Instead, the item was continued to the March 14 meeting for a second vote.

The County Plans Are Not Consistent with the Reuse Plan: Additional Evidence

As promised, we are submitting additional documents that support our clients' positions that the Reuse Plan is not consistent with the County General Plan and the Reuse Plan EIR mitigations are not being enforced. On an exhibit list, we explain the purpose of each of the documents we are submitting. We ask that the Board review the materials prior to making its decision.

We believe that FORA already has or should have the documents in its possession because they all address important issues affecting the reuse of Fort Ord. Out of an abundance of caution, we will be providing the documents again. If FORA does not have a paper copy and would like a paper copy of the documents, please let us know and we will provide them.

Thank you.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

Enclosures:

<u>Exhibit</u>	<u>Document</u>
A	<u>February 12, 2013 County Board of Supervisors packet for agenda item 13, the General Plan amendments to water policies, including PS-3.1 that was amended to provide a rebuttable presumption of long term sustainable water supply in Zone 2C.</u> (Note: The packet's attachments E through I are described in the packet but not included here due to size and lack of relevance.)
B	<u>FORA Board meeting minutes showing that every time the Board has considered a second vote on a consistency determination for a legislative action, the Board has received comments from the public and Board:</u> <ul style="list-style-type: none">• July 8, 2005• May 14, 2004• December 11, 1998• October 27, 1997

<p>C</p>	<p><u>Evidence showing problems and failures of Salinas Valley Water Project, which is not effective or reliable to prevent or halt seawater intrusion into the Salinas Valley Groundwater Basin:</u></p> <ul style="list-style-type: none"> • Monterey County Weekly article dated March 8, 2012 • 2012 presentation of Monterey County Water Resources Agency • Monterey Herald article posted February 17, 2012 • Monterey Herald article dated March 12, 2014 • March 11, 2014 Board of Supervisors Meeting Comments of Supervisor Lou Calcagno re: Agenda Item 21 (Receive a status report on process for response to Board of Supervisors referral 2014.01 regarding Commencement/Completion of Salinas Valley Zone 2C Groundwater Basin Study) • San Luis Obispo County Resolution 2014-56 • February 2014 announcement of New Development Water Conservation Program from San Luis Obispo County website • Salinas Valley Water Project Draft EIR (excerpts) • Salinas Valley Water Project Final EIR (excerpts) • Monterey Herald article posted March 11, 2014
<p>D</p>	<p><u>Evidence showing that the Salinas Valley Water Project can be effective, if at all, in limited circumstances when all components including the rubber dam are operating, and that the Monterey County Water Resources Agency Board of Supervisors (who are the County Board of Supervisors) encouraged land use jurisdictions to vigilantly enforce water use controls:</u></p> <ul style="list-style-type: none"> • Salinas Valley Water Project Draft EIR (excerpts) • Salinas Valley Water Project Final EIR (excerpts) • Monterey Herald article posted February 24, 2014
<p>E</p>	<p><u>FORA Resolution No. 97-6 certifying a Final Environmental Impact Report on the Fort Ord Reuse Plan and approving the Fort Ord Reuse Plan.</u></p>
<p>F</p>	<p><u>FORA Resolution No. 98-1 approving the Sierra Club Settlement Agreement. The Agreement required FORA to adopt Chapter 8, with specific language and terms negotiated by the Sierra Club.</u></p>
<p>G</p>	<p><u>FORA Board of Directors meeting minutes showing that Chapter 8 of the Master Resolution was adopted as part of the Sierra Club settlement:</u></p> <ul style="list-style-type: none"> • September 11, 1998 • October 9, 1998 • October 23, 1998 • November 13, 1998

H	<p><u>Documents regarding Central Coast Veterans Cemetery, showing the significant impacts that the cemetery would have, and which have not been evaluated in an EIR:</u></p> <ul style="list-style-type: none">• Forest Resource Evaluation for the California Central Coast Veteran's Cemetery showing impacts to approx. 9,000 oak trees• Development Master Plan for the California Central Coast Veteran's Cemetery• Monterey Downs/Veterans Cemetery Administrative Draft EIR• Draft Preliminary Initial Study Checklist for the Eastside Parkway Project• Forest Resource Evaluation for Eastside Parkway, showing impacts to approx. 11,000 oak trees
I	<p><u>1997 FORA Reuse Plan EIR (Volumes 1, 2 and 4) obtained from FORA through California Public Records Act requests</u></p>



Monterey County

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

Board Report

Legistar File Number: 13-0143

2/12/13

Introduced: 2/1/2013

Current Status: Scheduled PM

Version: 1

Matter Type: General Agenda Item

Public hearing to:

Consider Amendments to the 2010 Monterey County General Plan Implementing a Litigation Settlement with the Salinas Valley Water Coalition et al.

PROJECT INFORMATION:

- Planning File Number: REF120078
- Project Location: Countywide (non-coastal)
- Plan Area: Countywide (non-coastal)
- Zoning Designation: Multiple
- CEQA Action: Addendum No. 2 to EIR #07-01, SCH #2007121001

RECOMMENDATION:

It is recommended that the Board of Supervisors:
 Consider Addendum No. 2 to the Final Environmental Impact Report for the 2010 Monterey County General Plan (#07-01, SCH #2007121001) ("FEIR") and adopt a resolution amending the 2010 Monterey County General Plan ("General Plan") to implement a settlement of litigation regarding the General Plan. An underline/strikeout and summary of the proposed amendments is enclosed as **Attachments A and B**, respectively. A draft resolution is enclosed as **Attachment C**, and a draft Addendum No. 2 is enclosed as **Attachment D**.

The proposed Addendum No. 2 must be considered with the FEIR (consisting of the draft environmental impact report, comments, responses to comments, and supplemental materials), and the Addendum No. 1 considered with the companion item related to a litigation settlement with the Carmel Valley Association. A CD of the FEIR, its approving resolution (No. 10-290), the Findings, Statement of Overriding Considerations, and the Mitigation, Monitoring and Reporting Program have been enclosed to the Board of Supervisors as **Attachment E**.

For members of the public, those materials are available on the County's website at http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm and will be available at the Planning Department counter, located on the second floor at 168 W. Alisal St., Salinas, CA.

The Addendum No. 1 is enclosed as **Attachment F**.

SUMMARY:

On October 26, 2010, by Resolution Nos. 10-290 and 10-291, the Board of Supervisors adopted the General Plan, certified its accompanying FEIR, and adopted findings, a Statement of Overriding Considerations, and a Mitigation, Monitoring and Reporting Program. Subsequently, a total of four lawsuits were timely filed challenging the adoption and

certification. One of those lawsuits was filed in the name of the Salinas Valley Water Coalition ("SVWC") and the Monterey County Farm Bureau. The lawsuit was subsequently amended to include the Monterey/Santa Cruz Counties Building and Construction Trades Council, Monterey Peninsula Taxpayers Association, and the Howard Jarvis Taxpayers Association. The amended lawsuit, a copy of which is enclosed as **Attachment G**, challenged the adoption and certification on a variety of grounds.

Pursuant to the requirements of the California Environmental Quality Act, settlement negotiations were begun with all litigant groups. Following extended negotiations, an agreement was reached with the SVWC et al. litigant group which requires the County to consider amendments to the General Plan, and the Board of Supervisors approved the settlement. A copy of the settlement agreement is enclosed as **Attachment H**.

DISCUSSION:

The proposed amendments affect policies in the Public Services section of the General Plan only. The amendments would primarily call for a five year study of groundwater conditions in Zone 2C of the Salinas Valley Groundwater Basin, essentially testing the effectiveness of the Salinas Valley Water Project. Under certain conditions, as more fully discussed in **Attachment B**, the County would be required to adopt measures to address deteriorating groundwater conditions in the Zone. Other revisions would make minor clarifying language changes for policies concerning new domestic and high-capacity wells.

This matter came before the Planning Commission on November 14 and December 12, 2012, for consideration and recommendation. On December 12, 2012, by a vote of 6-3-1, the Commission adopted a resolution recommending that the Board adopt the proposed amendments. A copy of the Planning Commission resolution is enclosed as **Attachment I**.

Pursuant to Policy LU-9.6, amendments to the General Plan may be processed for Board consideration only two times per calendar year. Consideration of these amendments will be the first in this calendar year; one more opportunity will be available.

In addition, Policy LU-9.7 sets forth general grounds for the consideration of General Plan amendments (specific criteria are to be developed). In relevant part these include (in subsection (b)) that there is a clear change of facts or circumstances, or (in subsection (c)) that the amendments better carry out the overall goals and policies of the General Plan and the amendments are in the public interest. Here, there has been a clear change of circumstances in that litigation has been filed challenging the validity of the General Plan and its FEIR. Staff believes that the proposed amendments better carry out the overall goals and policies of the General Plan which, in relevant part, are designed to address groundwater conditions in the Salinas Valley. The proposed study will help the County better understand those conditions and take any necessary or appropriate steps if conditions are determined to be deteriorating. For these reasons, those amendments are in the public interest. The proposed amendments relating to new domestic and high capacity wells merely provides clarifying language that will help in the creation of the criteria called for in the General Plan to implement those policies.

OTHER AGENCY INVOLVEMENT:

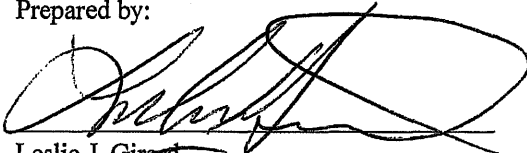
The County Counsel's Office headed negotiations regarding the settlement. The

RMA-Planning Department, Environmental Health Bureau and the Water Resources Agency provided input into the settlement. The settlement was presented as information item to the Agricultural Advisory Committee on January 24, 2013.

FINANCING:

The funding source for the proposed study will need to be determined based upon available resources when the study is commenced; it is anticipated that the study will cost approximately \$100,000 per year (total \$500,000.00). Attorney's fees for the settlement will be paid out of the General Liability internal service fund.

Prepared by:



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Approved by:



Mike Novo
Planning Director
(831) 755-5192

novom@co.monterey.co.us

February 1, 2013

cc: Front Counter Copy; Planning Commission; County Counsel; Public Works Department; Jacqueline Onciano, Project Planner; Planning Files PLN 070525 and REF120078; Salinas Valley Water Coalition; The Open Monterey Project; LandWatch Monterey County.

Attachments:

- Attachment A Underline/strikeout of Policies
- Attachment B Summary
- Attachment C Draft Resolution
- Attachment D Draft Addendum No. 2
- Attachment E CD of FEIR and related legislative documents (incorporated by reference)
- Attachment F Addendum No. 1
- Attachment G Lawsuit
- Attachment H Settlement Agreement
- Attachment I Planning Commission Resolution

ATTACHMENT A

ATTACHMENT A

Proposed Amendments to Monterey County 2010 General Plan shown as changes from 2010 General Plan policies as adopted October 26, 2010

1. PS-3.1

PS-3.1 Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development.

This requirement shall not apply to:

- a. the first single family dwelling and non-habitable accessory uses on an existing lot of record; or
- b. specified development (a list to be developed by ordinance) designed to provide: a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities); or
- c. development ~~related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin, provided the County prepares or causes to be prepared a study report to for the Board of Supervisors regarding Zone 2C, to be completed no earlier than October 31, 2017 and no later than March 31, 2018 that does the following every five (5) years for Zone 2C examining the degree to which:~~
 - 1) evaluates existing data for seawater intrusion and groundwater levels collected by Monterey County Water Resources Agency as of the date the study is commenced;
 - 2) evaluates the total water demand for all existing uses and future uses predicted designated in the General Plan EIR for the year 2030 will be reached;
 - 3) assesses and provides conclusions regarding the degree to which the total water demand for all uses designated in the General Plan for the year 2030 are likely to be reached or exceeded;
 - 2) 4) evaluates on an annual basis during the study period groundwater elevations and the seawater intrusion boundary have changed since the prior reporting period; and
 - 5) based on historical data and the data produced by the study, evaluates and provides conclusions regarding future trends and any expected movement of groundwater elevations and the seawater intrusion boundary;

- 6) should the study conclude that i) total water demand for all uses designated in the General Plan for the year 2030 is likely to be exceeded; or ii) groundwater elevations are likely to decline by the year 2030 and iii) the seawater intrusion boundary is likely to advance inland by the year 2030, the study shall make recommendations on measures the County could take to address any or all of those conditions; and
- 7) addresses such other matters and the Board of Supervisors determines are appropriate.

~~2) other sources of water supply are available.~~

~~If, following the periodic report, the Board finds, based upon substantial evidence in the record, that:~~

Within two months following the completion of the study, the Board of Supervisors shall hold an open and noticed public hearing on the results of the study. If the study reaches the conclusions for Zone 2C identified in subsection 6) i or 6) ii and 6) iii, the Board of Supervisors shall adopt one or more measures identified in the study, or other appropriate measures, to address the identified conditions. This exception for Zone 2C shall be a rebuttable presumption that a Long Term Sustainable Water supply exists within Zone 2C, and the presumption shall remain in effect until and unless the study reaches the conclusion for Zone 2C identified in subsection 6) i or 6) ii and 6) iii. Development in Zone 2C shall be subject to all other policies of the General Plan and applicable Area Plan.

~~Following completion of the study described herein, and the adoption of measures as may be recommended in the study, if any, the County shall prepare a report to the Board of Supervisors every five (5) years for Zone 2C that examines the degree to which ~~Thea~~ total water demand for all uses in Zone 2C in 2030 as predicted in the General Plan EIR for year 2030 will be reached; is likely to be exceeded; or it is reasonably foreseeable that the total water demand for all uses in Zone 2C in 2030 would result in one or more of the following in Zone 2C in 2030: b) declining groundwater elevations, ~~further~~the seawater intrusion boundary have changed since the prior reporting period; and c) other sources of water supply are available., increased substantial adverse impacts on aquatic species, or interference with existing wells, then the County shall initiate a General Plan amendment process to consider removing this agricultural exception in Zone 2C. Development under this agricultural exception shall be subject to all other policies of the General Plan and applicable Area Plan; or~~

~~d. development in Zone 2C for which the decision maker makes a finding, supported by substantial evidence in the record, that the:~~

- ~~1) development is in a Community Area or Rural Center and is otherwise consistent with the policies applicable thereto;~~

- ~~2) relevant groundwater basin has sufficient fresh water in storage to meet all projected demand in the basin for a period of 75 years; and,~~
- ~~3) benefits of the proposed development clearly outweigh any adverse impact to the groundwater basin.~~

2. PS-3.3

PS-3.3 Specific criteria shall be developed by ordinance for use in the evaluation and approval of adequacy of all domestic wells. The following factors shall be used in developing ~~Criteria shall assess both for both~~ water quality and quantity including, but not limited to:

- a. Water quality.
- b. Production capability.
- c. Recovery rates.
- d. Effect on wells in the immediate vicinity as required by the Monterey County Water Resources Agency or Environmental Health Bureau.
- e. Existing groundwater conditions.
- f. Technical, managerial, and financial capability of the water purveyor of a water system.
- g. Effects of additional extractions or diversion of water on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

This policy is not intended to apply to replacement wells

3. PS-3.4

PS-3.4 The County shall request an assessment of impacts on adjacent wells and instream flows for new high-capacity wells, including high-capacity urban and agricultural production wells, where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows, as determined by the Monterey County Water Resources Agency. In the case of new high-capacity wells for which an assessment shows the potential for significant adverse well interference, the County shall require that the proposed well site be relocated or otherwise mitigated to avoid significant interference. ~~Specific criteria shall be developed~~ The following factors shall be used in developing criteria by ordinance for use in the evaluation and approval of adequacy of all such high-capacity wells, including not limited to:

- a. Effect on wells in the immediate vicinity as required by the Monterey County Water Resources Agency or Environmental Health Bureau.
- b. Effects of additional extractions or diversion of water on in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life including migration potential for steelhead, for the purpose of minimizing impacts to those resources and species.

This policy is not intended to apply to replacement wells.

ATTACHMENT B

ATTACHMENT B

SUMMARY OF PROPOSED 2010 GENERAL PLAN POLICY REVISIONS

1. PS-3.1; LONG-TERM, SUSTAINABLE WATER SUPPLY

Policy PS-3.1 as adopted requires new development for which a discretionary permit is required to show a “long-term, sustainable water supply, both in quality and quantity to serve the development.” The policy further exempts from this requirement four classes of projects. One of those classes includes agricultural related development within Zone 2C of the Salinas Valley groundwater basin provided the County prepares a report every five years that examines whether a) total water demand predicted for the year 2030 in the General Plan EIR will be reached; b) groundwater elevations and the seawater intrusion boundary have changed; and, c) other sources of water have become available. If certain defined conditions occur or are likely to occur, then the County is required to initiate a General Plan amendment process to address those conditions. The policy also exempts development in Zone 2C if it meets all the following criteria: 1) it is in a Community Area or Rural Center; 2) it is in a groundwater basin where a 75 year supply of fresh water in storage is available; and 3) the benefits of the development clearly outweigh the adverse impacts to the groundwater basin.

The revised policy expands the exemption to all development in Zone 2C but would require the County to cause a five-year study regarding Zone 2C designed to evaluate groundwater elevations and the seawater intrusion boundary, and whether total water demand predicted in the General Plan EIR is likely to be reached or exceeded. If the study concludes that total water demand is likely to be exceeded, or groundwater elevations likely to decline and the seawater intrusion boundary likely to advance inland by the year 2030, the authors shall make recommendations to address those conditions. Shortly following the completion of the study, the Board of Supervisors must hold an open public hearing on the study and its conclusions, and if the study reaches the conclusions identified above, the Board must adopt one or more of the measures identified in the study to address those conditions. The Zone 2C exemption is a rebuttable presumption of a long term, sustainable water supply that will exist unless the five-year study reaches one of the conclusions identified above. Following the completion of the five-year study, the County will report every five years on the conditions in Zone 2C as currently required in the General Plan. Finally, the revised policy would delete the exemption for development in Community Areas and Rural Centers, where the groundwater basin has a 75 year supply, and where the benefits outweigh the impacts on the groundwater basin.

2. PS-3.3; DOMESTIC WELL CRITERIA

Policy PS-3.3 requires the creation of specific criteria by ordinance to be used in the evaluation and approval of all new domestic wells. The revised policy provides clarifying language that certain factors shall be used in the creation of the criteria, and also clarifies that one of the factors is the effect of additional extractions or diversions of water on instream flows.

3. PS-3.4; HIGH CAPACITY WELLS

Policy PS-3.4, similar to PS-3.3, requires the creation of specific criteria by ordinance to be used in the evaluation and approval of all new high capacity wells (whether for domestic or agricultural use), except for replacement wells. The revised policy would make the same language changes as the revised Policy PS-3.3 described above.

ATTACHMENT C

ATTACHMENT C

RESOLUTION APPROVING GENERAL PLAN AMENDMENTS

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

Resolution considering Addendum No. 2 to)
FEIR #07-01, SCH #2007121001, and)
amending Policies PS-3.1, 3.3 and 3.4 of)
the 2010 Monterey County General Plan)
relating to Long-Term, Sustainable Water)
Supply, Domestic Wells, and High)
Capacity Wells.)

RECITALS

WHEREAS, section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county; and,

WHEREAS, on October 26, 2010, the Board of Supervisors adopted the 2010 Monterey County General Plan ("General Plan"), which included the Carmel Valley Master Plan ("CVMP"), and certified its accompanying Final Environmental Impact Report (#07-01, SCH #2007121001) ("FEIR"); and,

WHEREAS, subsequent to the adoption of the General Plan and certification of the FEIR, four lawsuits were commenced challenging those actions on a variety of grounds; and,

WHEREAS, one of those lawsuits was filed in the name of the Salinas Valley Water Coalition ("SVWC") and the Monterey County Farm Bureau. The lawsuit was subsequently amended to include the Monterey/Santa Cruz Counties Building and Construction Trades Council, Monterey Peninsula Taxpayers Association, and the Howard Jarvis Taxpayers Association.; and,

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), settlement negotiations were begun with all litigant groups; and,

WHEREAS, following extended negotiations, an agreement was reached with the SVWC et al. litigant group which requires the County to consider amendments to the General Plan, and the Board of Supervisors approved the settlement.; and,

WHEREAS, pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan; and

WHEREAS, proposed amendments to the General Plan came on regularly for public hearing before the Monterey County Planning Commission on November 14, 2012 and December 12, 2012; and,

WHEREAS, the proposed amendments to the General Plan affect General Plan Policies PS-3.1 (Long Term Sustainable Water Supply), PS-3.3 (New Domestic Wells), and PS-3.4 (New High Capacity Wells); and,

WHEREAS, an Addendum to the certified FEIR ("Addendum No. 2") has been prepared pursuant to Section 15164 of the CEQA Guidelines because substantial evidence in the record shows that the conditions requiring a Subsequent Environmental Impact Report ("EIR") or Supplement to an EIR do not exist; and,

WHEREAS, the Planning Commission considered the Addendum No. 2 and voted 6-3-1 to recommend the adoption of the proposed amendments; and,

WHEREAS, the matter came on regularly for the public hearing before the Board of Supervisors on February 12, 2013, at 1:30 p.m. to consider the proposed amendments and the Addendum No. 1, and at least 10 days before the public hearing, notice of the hearing before the Board of Supervisors was published in the Monterey County Weekly and mailed to interested parties; and

WHEREAS, while the California Government Code provides that any mandatory element of the General Plan may be amended no more than four (4) times during any calendar year, Policy LU-9.6 (d) of the General Plan provides that amendments to the County's General Plan be considered no more than twice per calendar year; and,

WHEREAS, there have been no General Plan amendments considered in 2013 prior to the Board meeting of February 12, 2013; and,

WHEREAS, General Plan Policy LU-9.7 sets forth general grounds for the consideration of General Plan amendments which, in relevant part, include (in subsection (b)) that there is a clear change of facts or circumstances, or (in subsection (c)) that the amendments better carry out the overall goals and policies of the General Plan and the amendments are in the public interest; and,

WHEREAS, all policies of the General Plan have been reviewed by the Planning Department staff and the County Counsel's Office to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan; and

WHEREAS, the Board of Supervisors has considered all the written and documentary evidence, the staff report and its attachments, oral testimony, and other evidence presented; and

WHEREAS, the Board of Supervisors has considered the Addendum No. 2, attached hereto as Exhibit 1, and previously considered the Addendum No. 1, attached to the Board Report as Attachment F; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

FINDINGS

A. The above recitals are true and correct.

B. There are no substantial changes proposed to the General Plan that will require major revisions to the certified FEIR (#07-01, SCH #2007121001) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

C. There are no substantial changes that will occur with respect to the circumstances under which the General Plan is undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

D. There is no new information of substantial importance that shows any of the following:

- i. that the General Plan will have one or more significant effect not discussed in the FEIR;
- ii. significant effects previously examined will be substantially more severe than shown in the FEIR;
- iii. mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the General Plan, but the County declines to adopt the mitigation measure or alternative; or
- iv. mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the County declines to adopt the mitigation measure or alternative.

E. There has been a clear change of circumstances in that litigation has been filed challenging the validity of the General Plan and its FEIR, and the proposed amendments better carry out the overall goals and policies of the General Plan which, in relevant part, are designed to address groundwater conditions in the Salinas Valley. The proposed study will help the County better understand those conditions and take any necessary or appropriate steps if conditions are determined to be deteriorating. For these reasons, those amendments are in the public interest. The proposed amendments relating to new domestic and high capacity wells merely provides clarifying language that will help in the creation of the criteria called for in the General Plan to implement those policies.

DECISION

The amendments to the 2010 Monterey County General Plan set forth in Exhibit 2, attached hereto and incorporated herein by reference, are hereby adopted.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy

ATTACHMENT D

ATTACHMENT D

Addendum No. 2 To Final Environmental Impact Report # 07-01, SCH #2007121001 Pursuant to California Environmental Quality Act Guidelines Article 11, Section 15164

2010 MONTEREY COUNTY GENERAL PLAN Planning File No. REF120078 Amendment of General Plan

1. Introduction

On October 26, 2010, by Resolution Nos. 10-290 and 10-291 the Monterey County Board of Supervisors certified Final Environmental Impact Report #07-01, SCH #2007121001 ("FEIR"), and adopted findings, a Statement of Overriding Considerations, a Mitigation, Monitoring and Reporting Program, and the 2010 Monterey County General Plan ("General Plan"). As part of a settlement of litigation regarding the adoption of the General Plan and certification of the FEIR, amendments to General Plan Policies PS-3.1 (relating to "Long Term Sustainable Water Supply"), PS-3.3 (relating to domestic wells), and PS-3.4 (relating to high-capacity wells) are being considered. The proposed amendments are set forth and discussed in Exhibits A and B to the staff report for this matter.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines ("Guidelines") to make minor technical changes to the project analyzed in the FEIR. None of the conditions described in Guidelines Section 15162 or 15163, calling for preparation of a subsequent EIR or supplement to an EIR, have occurred.

2. Scope and Purpose of this Addendum

This Addendum No. 2 describes whether any changes or additions are necessary to the FEIR as a result of the proposed amendments to the General Plan, or if any of the conditions described in Guidelines Section 15162 exist. Please see the attached memorandum from ICF International, incorporated herein by reference, that assesses the potential environmental impacts from the adoption of the proposed amendments, and whether any changes to the FEIR are required.

3. Conclusion

As the ICF memorandum discloses, the proposed changes to the General Plan Policies will not result in additional impacts or an increase in the severity of impacts; the identification of feasible mitigation measures or alternatives that were previously identified as infeasible; or the identification of considerably different mitigation measures or alternatives than those disclosed or discussed in the FEIR. Accordingly, none of the conditions described in Guidelines Section 15162, requiring a Subsequent EIR, exist. This Addendum No. 2 is considered sufficient because it discloses the proposed amendments to the General Plan Policies, and provides an analysis regarding the lack of environmental impacts.

FEIR #07-01 has been included as an attachment to the staff report and is available on the County's web site at

http://www.co.monterey.ca.us/planning/gpu/GPU_2007/FEIR_Information/FEIR_Information.htm.



TO: Mike Novo, Monterey County Planning Director

FROM: Rich Walter, ICF International

CC: Les Girard, Monterey County Counsel
Terry Rivasplata, ICF International

DATE: November 5, 2012

RE: Potential Changes to Monterey County General Plan Policy PS-3.1, PS-3.3 and PS-3.4

This memorandum presents ICF's review of the potential CEQA implications of potential changes to Monterey County 2010 General Plan policies concerning water supply. ICF also reviewed an Addendum (Addendum No. 1) to the 2010 GP EIR prepared by the County concerning the potential water supply policy changes.

Our review is limited to the potential for changes in environmental impacts due to policy changes relevant to the impacts disclosed in the certified EIR for the 2010 General Plan. Our review is based on our understanding of CEQA, the General Plan and the General Plan EIR. Our review does not constitute legal advice.

Policy 3.1 - Potential Changes

Revisions to PS-3.1c expand the existing exceptions for demonstrating a Long-Term Water Supply (LTWS) in Zone 2C from agricultural land development and development within a community area or rural center to all development within Zone 2C. Revisions to PS-3.1(c) also require the County to prepare a study by March 31, 2018 that will evaluate seawater intrusion and groundwater and determine whether or not: 1) total water demand exceeds that estimated in the GP EIR by 2030; 2) groundwater elevations will decline by 2030; and 3) whether the seawater intrusion boundary is likely to move inland by 2030. If the study concludes that either the first, or the second and third of the above three conditions will occur by 2030, then the exception to the requirement for demonstrating a LTWS for Zone 2C would no longer apply except for the development covered in PS-3.1a and PS-3.1b. Further, the Board of Supervisors would be required to adopt one or more measures, as appropriate, to address the identified conditions.

No changes are being proposed to the GP land use designations. Therefore, the expansion of existing exceptions will not change the long-term land use projections.

Mr. Mike Novo, Monterey County
November 5, 2012
Page 2 of 3

The General Plan EIR found that there will be a LTWS for development within Zone 2C through 2030. As a result, the expansion of the exception to include all development in Zone 2C (and not just single-family dwellings, specified infrastructure, agricultural development, and development within Community Areas and Rural Centers) would not result in additional impacts to water supply through 2030.

Existing Policy PS-3.1 established an assurance mechanism requiring study of water supply conditions every 5 years to make sure that the General Plan EIR findings about water supply impacts for 2030 remained appropriate over time. However, this assurance mechanism in existing policy is only tied to agricultural land use development whereas the revisions would apply the assurance mechanism to all development in Zone 2C (except that development noted in PS-3.1a and PS-3.1b). The revisions would require the study to first be completed by early 2018 and then updated annually to evaluate groundwater elevations and seawater intrusion. The expansion of the assurance mechanism to all Zone 2C development would be more restrictive than the existing policy and thus would not result in new impacts to water supply not disclosed in the EIR. There is a possibility that if the study concludes that measures will be necessary in order to address the issue of total water demand exceeding that estimated in the GP EIR by 2030, or groundwater elevations declining by 2030 and inland movement of the seawater intrusion boundary, then the Board will adopt measures that may have some environmental impact of their own. However, whether this action will be necessary is unknown and the actual measures that may be proposed are unknown at this time. Therefore, any attempt at analyzing the impacts of such action would be purely speculative. In any case, should that Board action be necessary in the future, it would be discretionary and subject to its own CEQA analysis, disclosure, and mitigation, if necessary.

The proposed revisions would also delete any evaluation of adverse impacts to aquatic species or interference with existing wells for the PS-3.1c periodic study and would limit the study to water demand, groundwater drawdown and seawater intrusion only. The deletion of the exception language relative to aquatic species and well interference would narrow the study required in PS-3.1c. Policy PS-3.4 would still require analysis of well interference for high yield wells, so the deletion of reference to well interference in PS-3.1c, would not increase any environmental impact beyond that already disclosed in the 2010 GP EIR. In theory, the deletion of reference to aquatic resources in PS-3.1c could result in more impacts than with the existing PS-3.1c, when considered in isolation. However, groundwater drawdown and seawater intrusion are the vehicles by which increased water demand could affect aquatic resources in Zone 2C. The 2010 GP EIR concluded that through 2030, combined overall water demand in Zone 2C would not result in groundwater drawdown or seawater intrusion in Zone 2C, and thus any associated impacts to aquatic resources from drawdown or seawater intrusion were determined to be less than significant, regardless of the use or lack of use of an exception to the proof of LTWS, provided that the water demand was as estimated in the EIR. As such, the elimination of specific reference to aquatic species in PS-3.1c should not result in more impacts to water supply than disclosed in the 2010 GP EIR unless the 2010 GP EIR estimated water demand for 2030 were exceeded.

Mr. Mike Novo, Monterey County
November 5, 2012
Page 3 of 3

Policy 3.3 - Potential Changes

Proposed changes include the describing PS-3.3a through PS-3.3g as "factors" for development of criteria instead of criteria subjects. The original policy clearly states that specific criteria shall be developed by ordinance following the adoption of the GP thus clearly indicating that PS-3.3a through PS-3.3g are not the criteria themselves. This change would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Proposed changes include adding the phrase "additional extractions or diversion of water" to PS-3.3g. The intent of this list is to identify the subjects to be addressed by criteria for evaluation and approval of adequacy of all domestic wells, but not to replacement wells. Since this policy does not apply to replacement wells, the policy is clearly limited to new wells which would have to involve additional extractions or diversion of water. As such, the addition of specific language would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Policy 3.4 - Potential Changes

Proposed changes include the describing PS-3.4a through PS-3.4b as "factors" instead of "criteria" for development of an ordinance for use in evaluation and approval of adequacy of high-capacity wells with an identified potential for well interference or in-stream flow effects. The change from "criteria" to "factors" does not appear to be a material change in intent as the policy will still require an ordinance to consider the issues in PS-3.4a and PS-3.4b. If anything, it simply clarifies the factors to be used in developing the ordinance. This change would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

Proposed changes include adding the phrase "additional extractions or diversion of water" to PS-3.4b. The intent of this list is to identify the subjects to be addressed by criteria for evaluation and approval of high-capacity wells, but not to replacement wells. Since this policy does not apply to replacement wells, the policy is clearly limited to new wells which would have to involve additional extractions or diversion of water. As such, the addition of specific language would not change potential environmental impacts compared to that disclosed in the 2010 GP EIR.

**ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
May 14, 2004**

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair/Mayor Smith called the meeting to order at 3:02 pm and requested a roll call. The following members were present:

Voting Members

Chair/Mayor Smith (City of Seaside)	1 st Vice Chair/Mayor Barlich (City of Del Rey Oaks)
2 nd Vice Chair/Mayor Mettee-McCutchon (City of Marina)	Mayor Pendergrass (City of Sand City)
Supervisor Johnsen (Monterey County)	Council Member Rubio (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)	Council Member Morrison (City of Marina)
Supervisor Calcagno (Monterey County)	Council Member Schenk (City of Pacific Grove)

Council Member Barnes (City of Salinas) arrived at 3:28 pm.

Supervisor Potter and Mayor Albert were absent.

Ex-Officio Members

Congressman Farr (17 th Congr. District)	Senator McPherson (14 th State Senate District)
Assemblymember Laird (27 th State Assembly District)	Dr. Kirk Avery (Monterey Peninsula College)
Bill Reichmuth (TAMC)	Hunter Harvath (MST)
Lora Lee Martin (UC MBEST)	Karen Fisbeck (U.S. Army)
	David Brown (MCWD)

Steve Reed represented CSUMB at the table and Mike Armstrong represented MCWD at the table until Mr. Brown arrived. COL Jeffery Cairns also represented the U.S. Army at the table.

MPUSD did not have a representative.

Chair/Mayor Smith declared a quorum present and opened the meeting.

2. ACKNOWLEDGEMENTS

Chair Smith welcomed Congressman Sam Farr, Senator Bruce McPherson and Assemblymember John Laird.

3. PUBLIC COMMENT PERIOD

Bruce Delgado, a Marina resident, expressed concern that the home prices in Marina Heights suggested huge profits for the developer, because the final land sale price was \$130 million below fair market value, which he said should not be allowed to stand. Bob Schaffer from Marina Community Partners called attention to the University Villages flyer that had been distributed and invited all to attend the Master Plan presentation on May 18th. Nader Agha expressed concern that the \$200,000 value for each lot in the Marina Heights project represented a huge give-away to the developer. Richard Bailey expressed concerns about issues relating to a proposal for a new RAB agreement.

4. LEGISLATIVE PRESENTATIONS

Chair Smith asked Supervisor Johnsen, who is chair of the FORA Legislative Committee, to introduce the legislators.

Assemblymember John Laird was the first to speak. He opened by saying that Assemblymember Simon Salinas had not been able to participate in the presentations but had sent handouts of his 2004 Legislative Package, which he distributed. Mr. Laird spoke from his own 2004 Legislative Package handout, which had been distributed. After

summarizing the bills he had sponsored or was co-sponsoring, he remarked that the Democrats' and the Governor's budgets are still about \$1 billion apart, and considering ongoing revenue sources, the budget itself is \$7 - \$9 billion out of balance, which represents a structural deficit.

Senator Bruce McPherson was introduced next. He also spoke from his 2004 Senate Bill Package handout, focusing first on bills he had sponsored or co-sponsored that affected former Fort Ord, and the on those related to education and public safety. He remarked that \$6 billion in cuts in the Governor's budget had been announced yesterday. He anticipates that the final budget will be approved in late June or early July.

Congressman Sam Farr was introduced and spoke from his handout, entitled "Legislative Report" dated 5/14/04, which focused on BRAC issues, the Department of Defense Exemption from Environmental Rules, environmental remediation funding levels, UXO Clean-up, and FORA's proposed deconstruction project. He urged the board members to pay attention to the details of these items.

After a short question and answer session, Chair Smith expressed the board's appreciation to the three legislators for participating in FORA's Legislative Session this year. Supervisor Johnsen requested for a 5-minute break in the proceedings, which Chair Smith announced.

5. CONSENT AGENDA

Six items were on the Consent Agenda; Item 5a (Action Minutes of April 16, 2004), Item 5b (Habitat Service Agreement for the Mitigation and Restoration of Biological Impacts - California Department of Parks & Recreation), Item 5c (Ownership Transfer of Capital Improvements to Receiving Agencies), Item 5d (Community Housing Trust: Request for Timeline Extension), Item 5e (Contract Amendment with The Ingram Group, Inc.), and Item 5f (Basewide Telecommunications Project: Bay Area Economics Contract Amendment). Executive Officer Houlemard called attention to a handout from the Board Clerk recommending insertion of "The motion carried unanimously." as the next to last sentence in Item 6c (Jobs/Housing Balance: Master Resolution Amendment). **Motion to approve the six items on the Consent Agenda as recommended in the staff reports, along with the previously described addition to the minutes, was made by Supervisor Johnsen, seconded by Mayor Mettee-McCutcheon, and carried.** Council Member Rubio abstained from Item 5a, since he had not attended the April board meeting.

6. OLD BUSINESS

Item 6a - **CONSISTENCY DETERMINATION: Marina Heights Projects**: Executive Officer Houlemard called attention to the many responses from members of the public, copies of which had been distributed to the directors at the table. Authority Counsel Jerry Bowden reviewed the points to be considered when determining consistency and reminded the public that comments made at the April board meeting did not need to be repeated at this meeting. He further stated that he had found no substantial new information in the correspondence that had been distributed.

Chair Smith opened the discussion to the board members. Congressman Farr expressed concern that the existing Abrams B complex was providing most of the project's affordable housing, rather than the new housing, and he asked how affordability would be enforced over the long term. Mayor Mettee-McCutcheon stated that Abrams B had always been part of the project, and Executive Officer Houlemard said that restricted covenants would assure affordability. Several other clarifying questions were asked and answered in turn.

Chair Smith opened the discussion to the public. Bruce Delgado, speaking as a private citizen, stated there were too many gaps and holes in the project, one being the absence of commercial and retail businesses immediately adjacent to the project. Richard Rosenthal, attorney for the Marina Citizens for Accountability in Government, stated there was much evidence of inconsistency in the project plans and recommended they be sent back to the Marina City Council. Bill Ingram, a Marina resident, opposed approval of the consistency determination and stated he felt he had been shunned at the last board meeting, because of the 3-minute speaking limit. Tom Carvey (Common Ground Monterey County), Bob Bonaci, Marwan Beirekbar (DLI instructor), and Patrick Allan urged approval of the consistency determination. Jan Shriner (Prunedale resident) and Dan Fernetta (Fort Ord resident) did not support approval.

When Chair Smith brought the item back to the Board, Supervisor Johnsen moved to approve Resolution #04-3, as amended by the correction in "D," finding that the City of Marina's Marina Heights Development and accompanying General Plan and Zoning Amendments, and Specific Plan, covering areas within the jurisdiction of the former Fort Ord is consistent with the Fort Ord Base Reuse Plan, as adopted in June 1997. The motion

was seconded by Mayor Barlich. Supervisor Johnsen spoke to the motion, and Council Member Morrison voiced his support. A roll call vote was requested and the motion passed unanimously.

7. NEW BUSINESS

Item 7a – FORA FY '04-05 Preliminary Budget: Executive Officer Houlemard summarized the budget and noted that the tax increment revenues had previously not been included in the Capital Improvement Program section of the budget, when it was approved by the Finance Committee, but have since been included, per Mayor Barlich's recommendation, as a separate item from the General Fund. Mr. Houlemard pointed out that several employees' salaries were adjusted in this budget and one contract position would be made a staff level position. **Motion to approve the preliminary FORA budget for fiscal year 2004-05, with the one change mentioned previously, was made by Mayor Pendergrass and seconded by Mayor Barlich.** There were no board or public comments. **The motion carried.** Mayor Mettee-McCutchon noted that the Executive Committee had reviewed the budget and commended Ms. Bednarik, FORA Controller, for her great work again this year. Chair Smith concurred.

8. EXECUTIVE OFFICER'S REPORT

Six items were on the Executive Officer's Report: Item 8a (Administrative Committee Report), Item 8b (Legislative Committee Report/AB2918 Support), Item 8c (Finance Committee Report), Item 8d (2004 Legislative Mission – Report), Item 8e [Preston Park Third Quarter Management Report (January-March 2004) and Financials], and Item 8f (Highway 1 Corridor Design Project – Status Report). Executive Officer Houlemard spoke to the two items in 8b and said that staff would prepare a letter of support for AB 2918, if the Board concurred. Referring to the April 21st Administrative Committee minutes, Mayor McCloud said the Highway 1 Corridor Design Project consultant had not yet set up a meeting with Carmel. Staff will follow up. **A motion to support AB 2918, Assemblymember Laird's deslination water bill, was made by Council Member Rubio and seconded by Council Members Barnes and Schenk.** There were no board or public comments, and the motion passed.

9. ANNOUNCEMENTS AND CORRESPONDENCE

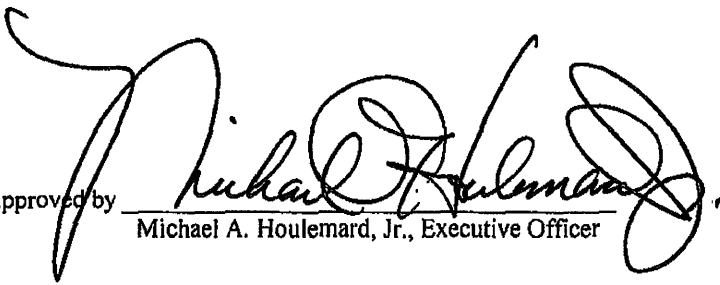
There were no announcements or correspondence at this time.

10. ADJOURNMENT

There being no further business, Supervisor Calcagno moved to adjourn the meeting and Mayor Barlich seconded the motion, which carried. Chair Smith adjourned the meeting at 5:20 pm.

Minutes prepared by Linda Stiehl, Clerk to the Board.

Approved by


Michael A. Houlemard, Jr., Executive Officer

ACTION MINUTES
Fort Ord Reuse Authority (FORA)
December 11, 1998
4:00 PM
12th Street Gate
Marina, CA

APPROVED

The meeting of the Fort Ord Reuse Authority was called to order by First Vice Chair Johnsen on Friday, December 11, 1998 at 4:00 PM in the FORA Conference Room, at the 12th Street Gate, Marina, CA.

1. ATTENDANCE

Voting Members in attendance were: Mayor White, CARMEL, Mayor Barlich, DEL REY OAKS; Mayor Perrine, Councilmember Nishi, MARINA; 1st Vice Chair Supervisor Johnsen, Supervisor Perkins, Supervisor Salinas, MONTEREY COUNTY; Mayor Koffman, PACIFIC GROVE; Councilmember Barnes, SALINAS; Mayor Pendergrass, SAND CITY; Mayor Smith, Councilman Mancini, SEASIDE.

Ex-Officio Members in attendance were: Ms. Blitzer, 17th CONGRESSIONAL DISTRICT; Ms. Horning, 15th STATE SENATE DISTRICT; Mr. Shallcross, 27th ASSEMBLY DISTRICT; Dr. Avery, MONTEREY PENINSULA COLLEGE; Mr. Salazar, CALIFORNIA STATE UNIVERSITY; Mr. Pina, MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT; Mr. Bilse, TRANSPORTATION AGENCY OF MONTEREY COUNTY; Ms. Martin, UNIVERSITY OF CALIFORNIA; COL. Devlin (part) Mr. Nakayama (part), US ARMY.

2. CONSENT AGENDA

Mayor Barlich moved approval of the consent agenda, Boardmember Mancini seconded; it passed unanimously.

3. PUBLIC COMMENT PERIOD

Ms. Caroline Page gave some comment and suggestions on East Garrison (attached). Dr. Avery also spoke on the East Garrison issue. Mr. Ron Chesshire spoke on the consistency issue and Chapter 8. Mr. Rudy Rosales spoke on behalf of the Esselen Nation. Dr. Herbert Martin also spoke on the topic of the Esselen Nation.

Mayor Koffman made a motion to change the order of the day and move Item 6c to Item 4a, Mayor White seconded; it passed unanimously.

4. OLD BUSINESS

ITEM 4A. FORA PROCUREMENT CODE – CHAPTER 8 – INFORMATION ONLY

Executive Officer Houlemard introduced this item. Mr. Rich Guillen, acting City Manager from Seaside spoke on this issue. FORA legal counsel Doug Holland further explained FORA's procurement code and local preference policies.

ITEM 4B (1). APPROVE CONSISTENCY DETERMINATION FOR THE CITY OF DEL REY OAKS GENERAL PLAN AND ZONING AMENDMENT FOR FORT ORD LANDS

FORA Planning and Redevelopment Director Endsley introduced this item and reviewed the planning and consistency process. Mr. Brian Finnegan and Ms. Denise Duffy made a presentation on behalf of Del Rey Oaks.

PUBLIC COMMENT

Ms. Mickelson had some questions on the Final EIR.

Mayor Smith moved approval of the item, Mayor Perrine seconded, there was a roll call.

AYES 12

NOES 0

ABSENT 1

The motion passed unanimously.

ITEM 4B (2) APPROVE CONSISTENCY DETERMINATION FOR THE CITY OF SEASIDE GENERAL PLAN AND ZONING AMENDMENT FOR FORT ORD LANDS (SECOND VOTE)

Mr. Guillen and Mr. Swartz introduced this item. There was some Board discussion and legal counsel Mr. Holland clarified some issues.

PUBLIC COMMENT

Mr. Chesshire spoke on this issue.

Mayor Barlich moved approval of the item, Boardmember Perkins seconded, there was a roll call.

AYES 12 (Boardmembers Salinas and Perkins encourage the City of Seaside to collaborate with the labor union on this issue.)

NOES 0

ABSENT 1

The motion passed unanimously.

ITEM 4C. ADOPTION OF FORA DEVELOPMENT FEE SCHEDULE (SECOND VOTE)

Mr. Endsley introduced this report. Executive Officer Houlemard made some corrections to the motion and clarified the issue of fees for public use. There was some Board discussion.

Mayor White made a motion to continue this item for further clarification to the next regular Board meeting, Boardmember Mancini seconded, it passed unanimously.

ITEM 4D. DESIGN SERVICES FOR EDA INFRASTRUCTURE IMPROVEMENTS

Assistant Executive Officer Feeny introduced this report. There was no Board discussion.

Mayor White moved approval of the item, Mayor Perrine seconded, it passed unanimously.

5. NEW BUSINESS

ITEM 5A (1) AUTHORIZE APPLICATION FOR DEFENSE ADJUSTMENT MATCHING (DAM GRANT) TO MATCH OEA GRANT NO. 9218-96-05-98-1

ITEM 5A (2) AUTHORIZE APPLICATION FOR DEFENSE ADJUSTMENT MATCHING (DAM GRANT) FOR THE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT PROGRAM

Executive Officer Houlemard introduced these reports. There was some Board discussion.

Boardmemeber Perkins moved approval of the Item 5a (1) and 5a (2), Mayor Perrine seconded, it passed unanimously.

ITEM 5B. FORA FY'97-98 AUDIT REPORT

Executive Officer Houlemard and Accounting/Finance Officer Bednarik introduced this item and answered Board questions.

Mayor Barlich moved approval of the item, Boardmember Mancini seconded, the motion did not receive an unanimous vote.

Boardmember Mancini made a motion to adjourn, Boardmember Perkins seconded, it passed unanimously.

9. NEXT MEETING

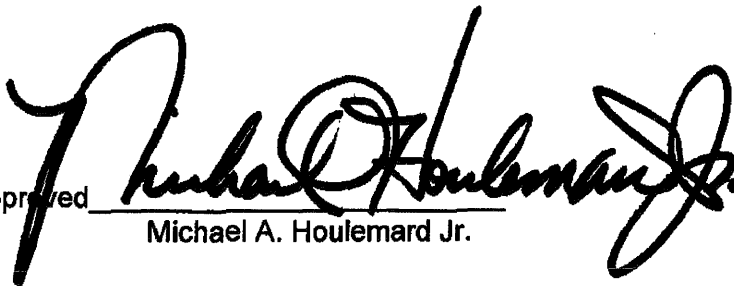
The next meeting will be Friday, January 11, 1998 @ 4:00pm.

10. ADJOURNMENT

The meeting adjourned at 6:00pm.

Minutes prepared by Susan Sullivan on December 22, 1998

Approved



Michael A. Houlemard Jr.

MINUTES
Fort Ord Reuse Authority (FORA)
October 27, 1997
4:00 PM
12th Street Gate
Marina, CA

APPROVED

The Special meeting of the Fort Ord Reuse Authority Board of Directors was called to order by Chair Don Jordan on Monday, October 27, 1997 at 4:00 PM in the FORA Conference Room, at the 12th Street Gate, Marina, CA.

1. ATTENDANCE

Voting Members in attendance were: Mayor White, CARMEL BY THE SEA; Mayor Barlich, DEL REY OAKS; 1st Vice Chair Vocelka, Councilman Perrine, MARINA; Mayor Albert, MONTEREY; 1st Vice Chair Supervisor Johnsen, Supervisor Perkins, Supervisor Potter, MONTEREY COUNTY; Mayor Koffman, PACIFIC GROVE, Mayor Styles, SALINAS; Mayor Pendergrass, SAND CITY; Chair Mayor Jordan, Councilman Mancini SEASIDE.

Ex-Officio Members in attendance were: Donna Blitzer, 17th CONGRESSIONAL DISTRICT; Tricia Lord, CALIFORNIA STATE UNIVERSITY; Dr. Kirk Avery, MONTEREY PENINSULA COLLEGE; Lora Martin, UNIVERSITY OF CALIFORNIA; Doug Bilse, TRANSPORTATION AGENCY OF MONTEREY COUNTY; Adrian Nakayama, US ARMY

2. Public Comment Period - none

3. The FORA Board acknowledges Monterey Peninsula College (MPC) disagrees that FORA has the authority to make a consistency determination. However, pending a further review of a MPC submitted plan, and recognizing the Army's request for such a determination, FORA determines that the MPC Public Benefit Conveyance Application for the East Garrison is not consistent with the Fort Ord Base Reuse Plan. Therefore, the Board:

- **directs the staff to form appropriate findings, consistent with this determination, to advise the US Army of FORA's action and objections,**
- **and reaffirms inclusion of the East Garrison in the Economic Development Conveyance.**

This is the second vote on this motion.

First Vice Chair Johnsen spoke about adding a subsequent motion for Congressman Farr to have a meeting to resolve this issue. Legal Counsel Doug Holland stated this subsequent motion would have to come after a second vote on the main motion.

There was Board discussion on the implications of the second vote and how would it affect the EDC application submittal.

Mayor Koffman requested an opportunity for MPC to make a presentation to the Board on their plan before the Board takes a second vote as this action would turn control of the decision over to the Army.

Chair Jordan spoke about FORA's role in the decision process on the former Fort Ord and it is important to seek the assistance of Congressman Farr to resolve problems but it is equally important to resolve this issues at a local level. There are other issues which must be resolved by the Board alone.

Mayor Albert would also like MPC to have the opportunity to speak to the Board and present their arguments on the East Garrison issue.

Mayor White and Mayor Koffman would like to see the second vote delayed until Congressman Farr could have this meeting.

There was further discussion on the timing of the EDC application, more discussion will be held in the closed session.

PUBLIC COMMENT

Fred Pierce, Papua Yep, Andrew Craig, Carl Repstock all spoke on the motion.

FURTHER BOARD DISCUSSION

Mayor Koffman made a substitute motion to continue consideration of this motion until such time as Congressman Farr has had an opportunity to get the interested parties together to look for resolution/ Mayor Albert seconded.

Roll Call:

Ayes 3

Noes 10

The motion failed.

Chair Jordan called for a vote on the main motion, the motion passed.

First Vice Chair Johnsen moved for the FORA Board transmit the approved motion to Congressman Farr with the request for him to personally sponsor an appropriate all-hands meeting(s) in approximately one week with the intent to resolve the issues on the East Garrison conveyance./ Boardmember Potter seconded.

The motion was unanimously carried.

Boardmember Potter asked the Executive Committee develop a policy for guidance to the Chair when public speakers make unsubstantiated charges to Board members.

The meeting adjourned to closed session.

The meeting reconvened, First Vice Chair Johnsen moved to approve the final EDC application submittal to the US Army, Mayor Barlich seconded, it passed unanimously.

The meeting adjourned at 5:10pm

Minutes prepared by Susan Sullivan on November 14, 1997

Approved


Michael A. Houlemard Jr.

**ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
July 8, 2005**

APPROVED

1. CALL TO ORDER AND ROLL CALL OF VOTING MEMBERS

Chair/Mayor Mettee-McCutchon called the meeting to order at 3:47 pm and requested a roll call of the voting members. The following were present:

Voting Members

Councilmember Morrison (City of Marina)	Chair/Mayor Mettee-McCutchon (City of Marina)
Mayor Pendergrass (City of Sand City)	2 nd Vice Chair/Mayor Rubio (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)	Supervisor Smith (Monterey County)
Councilmember Mancini (City of Seaside)	1 st Vice Chair/Mayor Russell (City of Del Rey Oaks)

Supervisor Calcagno (Monterey County) arrived at 3:55 pm. Absent were Councilmember Sanchez (City of Salinas), Mayor Albert (City of Monterey), Supervisor Potter (Monterey County), and Mayor Costello (City of Pacific Grove).

Chair Mettee-McCutchon declared a quorum present and adjourned the meeting to Closed Session.

2. CLOSED SESSION

The Closed Session item was a Public Employee Performance Evaluation of the Executive Officer.

3. ROLL CALL OF ALL BOARD MEMBERS

Chair Mettee-McCutchon called the regular meeting to order at 4:09 pm and requested another roll call. All voting members present for the first roll call, including Supervisor Calcagno, were present at this time, with the addition of Mayor Albert (City of Monterey), and Councilmember Sanchez (City of Salinas). Supervisor Potter (Monterey County) arrived about 4:25. Absent was Mayor Costello (City of Pacific Grove).

Ex-Officio members present were:

Craig O'Donnell (27 th State Assembly Dist.)	Congressman Sam Farr (17 th Congr. District)
Dan Johnson (CSUMB)	Vicki Nakamura (Monterey Peninsula College)
John Lamb (MPUSD)	Hunter Harvath (Monterey-Salinas Transit)
Debbie Hale (TAMC)	Graham Bice (UC MBEST)
Pamela von Ness (U.S. Army)	Karen Fisbeck (BRAC Office)
Charles Scholl (MCWD)	

Absent was a representative from the 15th State Senate District. Tom Moore replaced Charles Scholl as the MCWD representative about 5:15 pm.

Chair Mettee-McCutchon declared a quorum present and opened the meeting.

Authority Counsel Bowden reported out of Closed Session that the voting board had met to consider a report from the Executive Committee regarding the evaluation of the Executive Officer. He said the members decided to continue the item to the August board meeting, with instructions to staff to report back with specific information.

4. PLEDGE OF ALLEGIANCE

Chair Mettee-McCutchon asked all to stand while she led those present in the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS

Chair Mettee-McCutchon acknowledged the return of Charles Scholl as Marina Coast Water District's representative.

6. PUBLIC COMMENT PERIOD

John Fischer from Pacific Grove said he would like to hear how public transportation in University Villages would be handled by the Monterey-Salinas Transit in its transportation program.

7. CONSENT AGENDA

There were three items on the Consent Agenda: Item 7a (Action Minutes of June 10, 2005), Item 7b (Authorization to Open Accounts and Business Credit Card with Community Bank of Monterey County), and Item 7c (Change of Workers' Compensation Insurance Carrier). Mayor McCloud asked that approval of the June 10, 2005 minutes be postponed until the August board meeting to allow further clarification of the text in Item 5a, the Ord Community Water/Wastewater Systems Proposed Budgets and Rates for FY 2005-2006. **Motion to approve Items 7b and 7c (pending review by counsel of additional text) was made by Mayor McCloud, seconded by Councilmember Morrison, and carried. Councilmember Sanchez abstained due to absence.**

8. OLD BUSINESS

Item 8a – CONSISTENCY DETERMINATION: City of Marina's University Villages Project [2nd Vote]: Chair Mettee-McCutchon called attention to the handouts that had been distributed, including copies of letters from Congressman Farr and the City of Marina. Congressman Farr thanked the FORA staff for responding to his letter, but said he believed the documents submitted by Marina did not meet FORA's core requirements for approving consistency with the Base Reuse Plan, because not enough information about affordable housing had been provided and the enforcement protections of the approved Highway 1 Corridor Design Guidelines had not been assured. He recommended additional review and indicated his withholding support until further assurances were provided. Executive Officer called attention to Marina's letter, which responded to many of the recent questions. There were no further board or public comments. **Motion to approve the revised draft of Resolution #05-6, concurring with the City of Marina's determination that the Specific Plan for University Villages, the General Plan and Zoning Amendments and the Disposition and Development Agreement regarding the University Villages entitlement is consistent with the Fort Ord Base Reuse Plan was made by Mayor Rubio and seconded by Councilmember Mancini. Mayor McCloud requested that the Marina letter be made an exhibit to the resolution and requested that the City replace "page 18" in the first sentence of the 4th paragraph on page 1 with the article number and clarify "northeast corner of Imjin and Highway 1" in the 3rd line on page 2. There were no objections. A roll call vote was requested. There were 12 ayes, no nays or abstentions and the motion carried.**

Item 8b – Early Transfer/Environmental Services Cooperative Agreement (ET/ESCA): FORA's Real Property and Facilities Director Stan Cook summarized his board report. Executive Officer Houlemard recognized Christi Reimer, who was present and is acting as the team leader for LFR Levine Fricke. He announced meetings with the Army negotiators on July 12th and 13th. Concerns about getting funding guarantees for a six-year agreement were raised, and Mr. Houlemard mentioned some early indication of assurances but that legislative assistance might be needed. He also noted that the terms and conditions of this agreement would have to be approved by the Board. Chair Mettee-McCutchon stated that a different federal statute applies to ESCA's longer than one year and Army officials are researching this point. Supervisor Potter urged caution in moving forward if the funds aren't there but said uncertainties at this point should not prevent action approving the staff recommendations today. Mayor Rubio asked what would happen to the MEC (Munitions and Explosives of Concern) contractor's contract if the contractor is not successful in securing an agreement for more than two years, and Mr. Houlemard responded that the contract would expire. There were no public comments. **Motion to receive the update and ratify the FORA Board Negotiating Team's selection of LFR Levine Fricke as the MEC contractor that will work with FORA throughout the ET/ESCA process and to authorize the Executive Officer to enter into contract with LFR Levine Fricke was made by Supervisor Potter and seconded by Councilmember Morrison. Several board members asked that the motion be amended to state that a copy of the signed contract would be returned to the Board, and there were no objections. The motion carried.**

Item 8c – Basewide Community Facilities District Amendment: (i) Clarification of Proposed Language Altering Rate and Method of Apportionment of Special Taxes ("RMA"); (ii) Public Hearing Regarding the Alteration of the RMA; and (iii) Adoption of Resolution #05-8 Calling Special Election Regarding the Alteration of the RMA: FORA Financial Consultant Annette Yee summarized the steps necessary to achieve an amendment to the Basewide Community Facilities District ("CFD") amendment, noting that the Public Hearing would be held momentarily, after which the Board would be asked to adopt Resolution #05-8, calling for the special election, which, in turn, would set the clock ticking. She stated that the election would be by registered voters, not landowners. Mayor McCloud asked if funding were available to conduct the election, and Executive Officer Houlemard responded that FORA has an agreement with CSUMB to share the expenses. He said there are about 50 registered voters, consisting of approximately 13 at the Veterans Transitional Center and the rest made up of year-round CSUMB personnel. Craig O'Donnell asked if any outreach efforts had been conducted to date, and Chair Mettee-McCutchon responded that information to the prospective voters had already been sent. Congressman Farr thanked the Board for pursuing this amendment to the CFD, which he said provides a real economic incentive to providing more than 20% affordable housing. When the Public Hearing was called, no comments were made. **Motion to (1) receive clarification language relevant to certain questions posed by the Board and public regarding the previously approved Resolution of Consideration to alter the RMA for the Basewide CFD through (a) the introduction of three housing tiers and (b) the allowance of credits against Special Taxes otherwise due public facilities constructed by landowners of the RMA; (2) hold a Public Hearing regarding the alteration of the RMA; and (3) adopt Resolution #05-8 calling for the Special Election regarding the alteration of the RMA was made by Councilmember Morrison and seconded by Councilmember Mancini. Councilmember Mancini thanked CSUMB for this project. The motion carried.**

Item 8d – Habitat Conservation Plan Approval Process – Status Report: Executive Officer Houlemard reported that the process was moving along in a procedural way. There will be an important meeting of the principals on July 22nd at the former Fort Ord. He noted the many hours of work that had been invested into this effort and said the time has come for it to happen. There were no board or public comments.

Item 8e – Memorandum of Agreement ("MOA") Regarding University Villages Project Building Removal Responsibilities Between Marina Community Partners LLC, the Marina Redevelopment Agency, and the

Fort Ord Reuse Authority: Executive Officer Houlemard explained that this MOA is part of the implementation of agenda item 8a, because it describes how FORA will dispense with its responsibilities to remove in the University Villages parcels. He summarized the agreement and recommended approval of the current draft subject to Authority Counsel Jerry Bowden's and Attorney Rob Wellington's final review. Board questions focused on the progress of the waste disposal variance and the suggestion of providing a tipping fee to Monterey Regional Waste Management District to assist in processing the costs. **Tom Gamble**, Executive Vice President of Shay Homes, the managing member of the University Villages developer partnership, said that if the variance is not granted, Marina Community Partners ("MCP") would compensate FORA for processing expenses for the variance. The board members asked a number of clarifying questions and received responses from staff and others. Public comments were made by the following: **Ron Chesshire** from the Monterey/Santa Cruz Building Construction Trades Council said this project was an opportunity to create opportunities for local residents who haven't had adequate training in the construction industry, and he hoped the developers would provide the needed jobs and training. **Tom Gamble** said that MCP planned to set up a training center for handling hazardous materials and abatement, which would hopefully provide career opportunities in these fields for local residents. Chair Mettee-McCutchon stated that a proposed training policy regarding workforce development would be considered by the Board in August. **Motion to authorize the Executive Officer to execute a Memorandum of Agreement with the City of Marina and Marina Community Partners to define the terms and conditions of agreement for building removal responsibilities in the University Villages project area, subject to wordsmithing by Attorneys Bowden and Wellington and requests for clarifications by Mayors McCloud and Russell and Supervisor Smith, was made by Councilmember Morrison, seconded by Mayor McCloud, and carried.**

Item 8f – Imjin Office Partners Joint Building Project: Authorization to Approve Design Contract with Paul Davis & Associates: Real Property and Facilities Director Stan Cook summarized his board report. Mayor Rubio removed himself from the discussion, citing a conflict of interest. There were no board or public comments. **Motion to authorize the Executive Officer to enter into a contract with Paul Davis and Associates for the Imjin Office Park site design was made by Mayor Albert, seconded by Supervisor Smith, and carried.**

9. NEW BUSINESS - None

10. EXECUTIVE OFFICER'S REPORT

There were five items in the Executive Officer's Report: Item 10a (Administrative Committee Report), Item 10b (Finance Committee Report), Item 10c (Former Fort Ord Water Status Report), Item 10d (FORA Annual Report for FY 2004-05), and Item 10e (FORA Capital Improvement Program for FY 2005/06 – 2021/22 – Distribution of Final Approved Document). All items were informational.

11. ANNOUNCEMENTS AND CORRESPONDENCE

Congressman Farr reported that BRAC Commission Chair Anthony Principi had sent a letter to Defense Secretary Donald Rumsfeld asking why consideration was not given to closing or realigning the Air Force Institute of Technology at Wright Patterson AFB in Ohio and the Defense Language Institute ("DLI") in Monterey and consolidating them with the Naval Postgraduate School ("NPS") in Monterey in order to create a consolidated professional development education center, which would likely bring significant cost savings and efficiencies. Mr. Farr said a realignment of NPS and DLI would make Monterey a national training center for both the military and civilian segments of government. He urged support for this proposal.

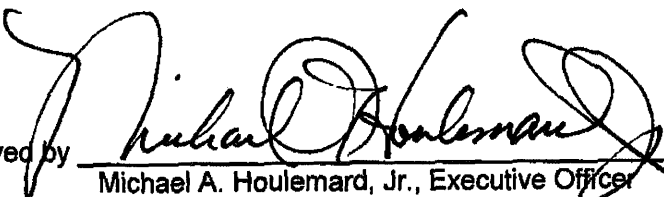
Mayor McCloud asked if the Monterey County Mayors' Association or the County Board of Supervisors could provide support. Mr. Farr said he would send a draft letter that could be adapted. **Motion to add**

this item to the agenda, since the timing was deemed urgent, was made by Mayor Rubio, seconded by Councilmember Mancini, and carried. Motion to authorize the Chair to sign a letter supporting this consolidation of facilities, with signed copies to the Board, was made by Councilmember Morrison, seconded by Mayor Rubio, and carried. Supervisor Potter urged other jurisdictions to indicate their support.

12. ADJOURNMENT

Chair Mettee-McCutchon adjourned the meeting at 5:30 pm.

Minutes prepared by Linda Stiehl, Clerk to the Board.

Approved by 
Michael A. Houlemard, Jr., Executive Officer

**ACTION MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
June 30, 2005**

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair/Mayor Mettee-McCutchon called the meeting to order at 4:17 pm and requested a roll call. The following members were present:

Voting Members

Mayor Albert (City of Monterey)
Mayor Pendergrass (City of Sand City)
Supervisor Smith (Monterey County)
Supervisor Calcagno (Monterey County)
Councilmember Mancini (City of Seaside)
Councilmember Wilmot (City of Marina)

Chair/Mayor Mettee-McCutchon (City of Marina)
1st Vice Chair/Mayor Russell (City of Del Rey Oaks)
2nd Vice Chair/Mayor Rubio (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)
Councilmember Schenk (City of Pacific Grove)

Absent were Councilmember Sanchez (City of Salinas) and Supervisor Potter (Monterey County).

Ex-Officio Members

Rachel Dann (17th Congr. District)
Bill Reichmuth (TAMC)
Pamela von Ness (U.S. Army)
Mike Armstrong (MCWD)

Dan Johnson (CSUMB)
Lora Lee Martin (UC MBEST)
Karen Fisbeck (BRAC)

Hunter Harvath (Monterey-Salinas Transit) arrived after the meeting was called to order. Absent were representatives from the 15th State Senate District, the 27th State Assembly District, Monterey Peninsula College, and Monterey Peninsula Unified School District.

Chair Mettee-McCutchon declared a quorum present and opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Mettee-McCutchon asked all to stand while she led those present in the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS

Chair Mettee-McCutchon acknowledged the presence of, and welcomed, Rachel Dann, who was representing the 17th Congressional District.

4. PUBLIC COMMENT PERIOD - None

5. OLD BUSINESS

Item 5a – CONSISTENCY DETERMINATION - City of Marina's University Villages Project: Approve Resolution No. 05-6 Finding That the City of Marina's University Villages Project is Consistent with the Fort Ord Final Base Reuse Plan, as per State of California Statutory Requirement: Executive Officer Michael Houlemard opened by stating that a considerable number of details about this project were provided at the last meeting and that the public comment period would be continued today, for those who had previously not spoken due to time constraints from the June 10th meeting, with the exception of the Save Our Peninsula group. Authority Counsel Jerry Bowden commented on the process of conducting public hearings, noting that all comments would be limited to three minutes, which is FORA policy.

The first public comment was made by Patti Bradshaw, a member of the Marina Planning Commission, who read a letter of support from Ken Gray, which had also been received by FORA on June 29th. Pete Ericksen (a commercial real estate broker), Candy Myers Owen (a Marina resident), Guy Lucas, and Renee Bailey (a Marina resident) all urged support of the consistency determination. Quinton Roland, an economic development specialist, distributed a handout with information supporting his opinion of non-support. Richard Rosenthal, attorney representing Save Our Peninsula, urged non-support. Bob Drake a Marina resident, commented that this project is an opportunity to dispose of the 1,000+ old buildings and urged approval. John McCutcheon, a Marina citizen and administrator at CSUMB, urged support. Dave Caneer, an engineer with Bestor Engineers, expressed design concerns on 2nd Avenue. Terry Teplitzky, the owner of Wild Thyme in Marina, urged support of the project.

Executive Officer Houlemard called attention to the handout that contained responses to Congressman Farr's concerns in his letter of June 29, 2005. Mr. Houlemard said it provided specific codes and other sources supporting the staff responses. Director of Planning and Finance Steve Endsley gave a short PowerPoint presentation, which outlined the issues expressed at the June 10th board meeting, the Base Reuse Plan requirements for determining consistency, and the staff recommendations.

Chair Mettee-McCutcheon opened the discussion to the Board. Rachel Dann expressed Congressman Farr's appreciation for the responses to his letter and asked how the sign policy would be enforced. Executive Officer Houlemard's response was by Marina city ordinances, Marina City Council's enforcement, this consistency determination, and the Highway 1 Guidelines. Dan Johnson conveyed the CSUMB administration's support of the consistency determination. Several board members expressed the hope that any commercial competition resulting between the existing and the new retail areas would be addressed with a spirit of collaboration between the jurisdictions. General questions asking for facts and clarifications received responses from the staff and, in some cases, the jurisdictional representatives. Director Martin remarked that consistency determinations are complex and confusing matters and requested that staff come up with a process for presentation packets in a more consistent way that is easier to track, for example, integrating the CEQA, consistency determination, and fiscal obligations in one discussion. She also asked for an updated chart at each consistency determination, showing water availability and housing by jurisdiction. **A motion to extend the meeting to 6:30 pm, if necessary, was made by Councilmember Mancini, seconded by Mayor Albert, and carried.**

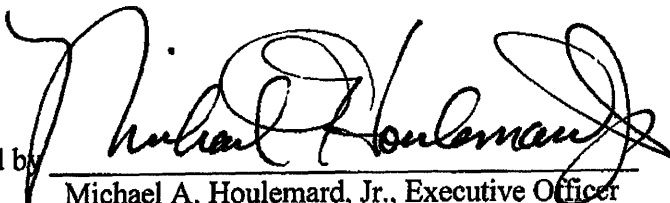
A motion to (1) find the General and Zoning Plan amendments, the Specific Plan, and the University Villages Project consistent with the Base Reuse Plan, and (2) approve Resolution #05-6 was made by Mayor Rubio and seconded by Supervisor Smith. A roll call vote was called, which

resulted in 10 ayes and one nay vote (Councilmember Schenk stated for the record that he had been directed by the Pacific Grove City Council to register a negative vote.). Several members added comments after their votes, including the need for more time to review the material and more financial analysis. Lacking a unanimous first vote, the item will be continued to the July 8th board meeting for a second vote, which requires a simple majority to pass. Mayor Rubio requested that a redline draft of the Memorandum of Agreement regarding the building removal obligations in University Villages be emailed to the board members and expressed the opinion that a full presentation of this project would be unnecessary on July 8th. It was noted that public comments would be heard again on July 8th.

6. **NEW BUSINESS** - None
7. **ANNOUNCEMENTS AND CORRESPONDENCE** - None
8. **ADJOURNMENT** - Motion to adjourn the meeting was made by Councilmember Mancini, seconded by Councilmember Schenk, and carried. Chair Mettee-McCutchon adjourned the meeting at 6:15 pm.

Minutes prepared by Linda Stiehl, Clerk to the Board.

Approved by



Michael A. Houlemard, Jr., Executive Officer

Rosalyn Charles

From: tpmooore@redshift.com
Sent: Friday, March 14, 2014 12:04 AM
To: FORA Board
Subject: Comment on Policy PS-3.1 of the Monterey County General Plan

The Honorable Jerry Edelen, Chair
Board of Directors
Fort Ord Reuse Authority

Dear Chair Edelen;

Goal PS-3 of the 2010 Monterey County General Plan is the laudable goal to "Ensure that new development is assured a long-term sustainable water supply." Policy PS-3.1 under this goal states, "...new development for which a discretionary permit is required,... shall be prohibited without proof,... that there is a long-term sustainable water supply, both in quality and quantity to serve the development."

However, Policy PS-3.1 also contains a conditional exception to this requirement for proof. This conditional exception could, at some point in the future, make this General Plan policy inconsistent with the Fort Ord Reuse Plan.

The conditional exception in Policy PS-3.1 establishes an automatic presumption that a long-term sustainable water supply exists for any development that requires a discretionary permit. The conditions that trigger this exception are:

- The proposed development is in Zone 2C of the Salinas Valley Groundwater Basin;
- The Board of Supervisors has had prepared no later than October 3, 2017 a report that evaluates the Groundwater Basin;
- The Board of Supervisors has held a public hearing on the study results; and
- The Board of Supervisors has adopted one or more measures to address the conditions found in the study.

The Monterey County portion of the former Fort Ord lies within Zone 2C of the Salinas Valley Groundwater Basin, so Policy PS-3.1 sets up a potential clash between FORA/Marina Coast Water District and Monterey County government. An agreement that was originally between the Monterey County Water Resources Agency and the United States Army limits groundwater pumping for the former Fort Ord to 6,600 AFY. If, in the future (particularly after the sunset of FORA), the conditions are met for the exception under Policy PS-3.1, then the County could approve projects in the County portion of the Ord Community that require more groundwater than the County's current allocation of 720 AFY of groundwater for under the Fort Ord Reuse Plan. In these circumstances, MCWD might be unable to provide the other Ord Community land use jurisdictions their full allocation of groundwater from the 6,600 AFY that was granted to the Army by the Monterey County Water Resources Agency.

As the FORA Board makes its decision about the consistency of the Monterey County General Plan with the Fort Ord Reuse plan, I wanted to be sure that you were aware of the potential future water conflict described above. This possible conflict could be eliminated simply by asking the County to add the following statement to the Public Services Element of the Monterey County General Plan: "The conditional exception in Policy PS-3.1 does not apply to the County portion of the form Fort Ord lands."

Thank you for considering this issue.

Sincerely yours,
Thomas P. Moore
3235 Isla del Sol Way
Marina, CA 93933-4321

Rosalyn Charles

From: Haines Jane [janehaines@redshift.com]
Sent: Friday, March 14, 2014 10:38 AM
To: FORA Board
Cc: Michael Houlemard
Subject: March 14, 2014 FORA staff report for agenda item 8a
Attachments: FORAMarch2014.pdf

Dear FORA Board:

Please consider the contents of the attached letter in connection with today's agenda item 8a.

Sincerely,
Jane Haines

JANE HAINES

March 14, 2014

board@fora.org

Fort Ord Reuse Authority
920 2nd Avenue
Monterey, CA 93940

Re: March 14, 2014 - Agenda item 8a

Dear FORA Board:

The staff report for agenda item 8a in today's packet contains errors that necessitate correction before your Board can decide the consistency issue:

- The staff report link on page 1 to the Monterey County General Plan leads to a webpage that says only: *"The specified URL cannot be found."* The Monterey County General Plan is evidence at the heart of what you are being asked to consider. Deciding the consistency issue without considering what the General Plan does and does not say would be inexcusable.
- The staff report link on page 19 to 11 items of correspondence pertaining to today's agenda item 8a leads to a webpage that says: *"Forbidden. You don't have permission to access /Board/ on this server. Additionally, a 404 Not Found error was encountered while trying to use an ErrorDocument to handle the request. Apache/2 Server at fora.org Port 80."* The consequence of this unavailability is that all evidence in opposition to FORA and County staffs' position is barred from your consideration.

I urge you to check this for yourselves. (NOTE: I use an Apple computer, which sometimes does not work the way a PC does. However, the full scope of the evidence should be available irrespective of the type of computer used.)

These are not trivial errors. They go to the heart of what due process requires.

Sincerely,

Rosalyn Charles

From: Lynn Hamilton [lynham@sbcglobal.net]
Sent: Friday, March 14, 2014 12:44 PM
To: FORA Board
Subject: consistency of plans

Esteemed FORA Board members:

I am a long time Monterey County resident and retired local educator. I have seen the positive power of nature and environment in the lives of my students here in Salinas and in the general Monterey Bay area. Outdoor education, recreation and habitat restoration have increased youth stewardship of our lands, as well as reduced violence, graffiti and gang membership.

In my opinion, the Mo. Co. General Plan's Fort Ord Master Plan is NOT consistent with the Base Reuse Plan. In my opinion, we need to make decisions which ensure long-term gains, rather than short-term. The coastal oak woodland around CSUMB and the National Monument is rare. And if I recall correctly, it comprises less than a quarter of the former base. It is prime recreational and educational habitat, right next to a first class university, for the use of current and future generations.

"Shall encourage protection" is not equal to "shall protect".

Sincerely,

Lynn Hamilton

Rosalyn Charles

From: Doriene Dunning [ddunning@ecorpconsulting.com]
Sent: Wednesday, March 19, 2014 4:40 PM
To: FORA Board
Subject: Draft HCP

Hello,

I am looking to obtain a copy of the draft HCP that is out for public review. Where would I find this document on your website?

Thank you!

Doriene

Doriene R. Dunning

Assistant Environmental Scientist



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

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ddunning@ecorpconsulting.com ♦ www.ecorpconsulting.com

Rosalyn Charles

From: PETER LE [peter381@sbcglobal.net]
Sent: Sunday, March 23, 2014 3:21 PM
To: FORA Board
Subject: Review of 2005 FORA & MCWD Agreement

March 23, 2014

Dear FORA Board Members:

In 2005, Fort Ord Reuse Authority (FORA) and Marina Coast Water District (MCWD) entered into an agreement to develop augmented water supply for the development of the former Fort Ord in the amount of 2,400 acre-feet per year (AFY). This augmented water comprised of a hybrid of 1,200 AFY of recycled water and 1,200 AFY of desalinated water.

Since then several water supply studies have been done, many alternate projects have been discussed, and new information on potential water sources is available that demand and justify a review of the executed 2005 agreement. Additionally, FORA Board discussed some of these points at the meeting of March 14, 2014. If FORA still insists on implementing the 2005 agreement, then opportunities may be lost in developing cheaper and more sustainable water supply sources. Additionally, potential joint effort with other agencies and organizations in developing new and using existing water sources will be lost as shown below.

As envisioned in 2005 and still valid today, the 1,200 AFY of recycled or reclaimed water would come from the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant. The 1,200 AFY of desalinated water would come from a new desalinated treatment plant.

However, a number of options shown below are now available that FORA and other organizations need to consider that will benefit not only the former Fort Ord but also the entire region:

1. Eliminate the requirements of the 2005 agreement of providing 1,200 AFY of recycled water and 1,200 AFY of desalinated water. Instead, FORA could allow MCWD to develop 2,400 AFY from any water source or sources. For example, MCWD could apply for and take water from Salinas River for the augmented supply. The existing recycled water rights of MCWD could potentially transfer to the farmers for their crop irrigation usage. The current Ground Water Recharge project could also use a portion of the existing MCWD recycled water rights to make up for the shortfall in producing 3,500 AFY to recharge the Seaside Basin. In exchange, MCWD could take sufficient water from Salinas River to produce 2,400 AFY of potable water and/or a portion of the advanced treated water from MRWPCA. Additionally, MRWPCA could acquire the existing MCWD'S recycled facilities at the former Fort Ord for the GWR project.
2. The new surface water from Salinas River could be used to recharge the deep aquifers during wet years, thus addressing concerns on the sustainability or lives of these deep aquifers.
3. There is potential to build a regional surface water treatment plant that will supply potable water to not only the former Fort Ord but also Castroville, North County and City of Salinas.
4. Currently, there are disputes between MRWPCA, Monterey County Water Resources Agency (MCWRA) and the farmers on the amount of recycled water from the Regional Treatment Plant that the farmers are entitled to take for crop irrigation. Additionally, in addition to Monterey Peninsula cities, North County, City of Salinas and Castroville also need long-term potable water supplies. But no one has ever looked ALL the water demands for the entire county and tally all potential water supply sources in order to develop a number of options and supply matrix for the entire county.

5. The proposed US Bureau of Reclamation Salinas and Carmel Basins Study will provide valuable information to some of the above questions.

I hope FORA board will place an item on the Board agenda at the next Board meeting to review and discuss the 2005 Agreement, amend it to reflect current conditions and look at other opportunities to integrate its plans to a comprehensive regional water supply plan that benefits the entire region. I tried to ask FORA to place this same item on the Board agenda for the last year without success.

Some of the above items have been discussed separately and informally between the County, MCWD, MCWRA, MRWPCA, and MPWMD; some at staff level and some with Board representatives. However, there was never any real regional effort to address the regional need due to the different self-interests, the status of current water projects, and the difficulties in arriving at a consensus. Maybe a County Water Summit can provide and evaluate different water supply options; and hopefully it will at least explore ALL the options, and arrive at a reasonably best option that provide the best benefits.

The views expressed above are my personal opinion and do not reflect any view of any organization.

Peter Le

Rosalyn Charles

From: Patrick Taylor [PTaylor@coffmanassociates.com]
Sent: Monday, March 31, 2014 1:02 PM
To: Alan Freese; Andrew Cook; Bob Bluth; Carol Glatgelte; Christi di Iorio; David Fitz; Dev Sharma; Garth Ridler; Graham Bice; Heather Adamson; Jacklyn Behrick; Jacqueline Onciano; James Selby; Jeff Crechriou; Jim Harris; John Moulton; John Smith; Justin Meek; Katherine Kennedy; FORA Board; Preston Sandusky; Stacy Howard; Steve Emerson
Subject: Save the Date (Marina Airport Master Plan Meeting, May 1)

Dear Planning Advisory Committee (PAC) members,

On behalf of the City of Marina, we would once again like to thank you for your service on the PAC for the Marina Municipal Airport Master Plan project. **The next PAC meeting has been scheduled for Thursday May 1, 2014.** The meeting will be held at 2:00 pm in the airport administration building located at 781 Neeson Road (same location as the last meeting).

We are nearing completion of the Phase 1 draft working papers for the Marina Municipal Airport Master Plan. The first phase will include the Inventory, Forecasts and Facility Requirements and will be mailed to you approximately seven days prior to the next PAC meeting. A link to the project website will be provided where you can download electric copies of the draft chapters as well.

Please reply to this email to indicate if you will or will not be able to make the PAC meeting.

Sincerely,

Patrick Taylor, C.M.
Associate
Coffman Associates
237 NW Blue Parkway
Lee's Summit, MO 64063
816-524-3500 (W)
816-524-2575 (F)
ptaylor@coffmanassociates.com