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REQUIREMENTS OF THE REASSESSMENT

The requirement for a reassessment of the BRP results from a lawsuit filed by the Sierra Club against FORA in 1997. The settlement agreement for this lawsuit is documented as Chapter 8 of the FORA Master Resolution. The Master Resolution was originally adopted on March 14, 1997 and serves as FORA's bylaws. Chapter 8 was added to the Master Resolution as part of the Sierra Club lawsuit settlement, and was adopted by the FORA Board on November 20, 1998. A copy of the Master Resolution is provided in the Scoping Report (Appendix A).

Section 8.01.010 (h) of Chapter 8 of the Master Resolution reflects the requirement for BRP reassessment with the following language (emphasis added):

The Reuse Plan shall be reviewed periodically at the discretion of the Authority Board. The Authority Board shall perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior

to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord territory or by January 1, 2013, whichever event occurs first. No more than 6000 new dwelling units shall be permitted on the Fort Ord territory until such reassessment, review, and consideration of the Reuse Plan has been prepared, reviewed, and adopted pursuant to the provisions of the Authority Act, the Master Resolution, and all applicable environmental laws. No development shall be approved by FORA or any land use agency or local agency after the time specified in this subsection unless and until the water supplies, wastewater disposal, road capacity, and the infrastructure to supply these resources to serve such development have been identified, evaluated, assessed, and a plan for mitigation has been adopted as required by CEQA, the Authority Act, the Master Resolution, and all applicable environmental laws.

Because the water supply and building permit thresholds have not been reached, FORA is preparing a reassessment at this time based on the specified deadline of January 2013.

References to the review or reassessment of the BRP are found in the Authority Act and the Master Resolution. The Authority Act makes two references to review and revision of the BRP, but does not mandate any such review. Authority Act Section 67675 (a) states:

The board shall prepare, adopt, review, revise from time to time, and maintain a plan for the future use and development of the territory occupied by Fort Ord as of January 1, 1993. The adopted plan shall be the official local plan for the reuse of the base for all public purposes, including all discussions with the Army and other federal agencies, and for purposes of planning, design, and funding by all state agencies.

This section of the Authority Act is mirrored in Master Resolution Section 8.01.010 (a).

Authority Act Section 67675 (f) states:

In preparing, adopting, reviewing, and revising the reuse plan, the board shall be consistent with approved coastal plans, air quality plans, water quality plans, spheres of influence, and other county-wide or regional plans required by federal or state law, other than local general plans, including any amendments subsequent to the enactment of this title, and shall consider all of the following:

- (1) Monterey Bay regional plans.
- (2) County and city plans and proposed projects covering the territory occupied by Fort Ord or otherwise likely to be affected by the future uses of the base.
- (3) Other public and nongovernmental entity plans and proposed projects affecting the planning and development of the territory occupied by Fort Ord.