

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

Resolution No. 01-458 --

A RESOLUTION OF THE BOARD OF)
SUPERVISORS OF THE COUNTY OF
MONTEREY CERTIFYING THAT THE
BOARD OF SUPERVISORS HAS
REVIEWED AND CONSIDERED THE
INFORMATION IN THE FINAL
ENVIRONMENTAL IMPACT REPORT
FOR THE FORT ORD BASE REUSE
PLAN FOR USE IN THE PROPOSED
AMENDMENT TO THE COUNTY
GENERAL PLAN FOR FORT ORD;
MAKING CERTAIN FINDINGS
REGARDING THE ENVIRONMENTAL
IMPACTS OF THE PROPOSED
AMENDMENT TO THE GENERAL
PLAN FOR FORT ORD, ADOPTING A
DEVELOPMENT AND RESOURCE
MANAGEMENT PLAN, AND
ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS

WHEREAS, the Fort Ord Reuse Authority, hereinafter referred to as "FORA", pursuant to State Law, prepared and adopted the Fort Ord Base Reuse Plan ("Base Reuse Plan") for the territory formerly known as Fort Ord Military Reservation; and

WHEREAS, FORA, as Lead Agency for the Base Reuse Plan, prepared an Environmental Impact Report (EIR) for the Fort Ord Base Reuse Plan; and

WHEREAS, the EIR prepared, circulated and duly certified pursuant to the California Environmental Quality Act (CEQA) and State guidelines adopted pursuant thereto; and

WHEREAS, in settlement of a legal challenge to the EIR for the Base Reuse Plan, FORA adopted FORA Resolution 98-1, amending the Fort Ord Reuse Authority Master Resolution and adding Chapter 8, Relating to the Base Reuse Planning and Consistency Determinations; and

WHEREAS, the Base Reuse Plan and the final EIR therefore calls for the member agencies, including the County of Monterey, to conform their respective land use plans to the plans and policies of the Base Reuse Plan; and

WHEREAS, the County of Monterey and the Redevelopment Agency of the County of Monterey are in the process of facilitating the reuse of the former Fort Ord by the amendment of the County General Plan and the

adoption of a redevelopment plan with respect to County territory located in the former Fort Ord Military Reservation east of Highway 1; and

WHEREAS, the County of Monterey has prepared a proposed amendment to its General Plan with respect to the former Fort Ord (the "General Plan Amendment"), which is consistent with the Base Reuse Plan, including Chapter 8 of the Fort Ord Reuse Authority Master Resolution; and

WHEREAS, the County of Monterey is the Lead Agency for purposes of amending the Monterey County General Plan; and

WHEREAS, pursuant to CEQA Guidelines §15153, the County of Monterey has indicated its intent to use the previously certified Final EIR for the Fort Ord Base Reuse Plan (hereinafter, the "Prior Final EIR"), and has prepared an Environmental Initial Study for the Fort Ord Redevelopment Project Area and General Plan Amendment (hereinafter, "Initial Study") reviewing the adequacy of the Prior Final EIR for the proposed General Plan Amendment; and

WHEREAS, public review of the Initial Study and Intent to Use a Previously Certified EIR has been provided, comments received and responses to comments have been prepared pursuant to said CEQA and CEQA Guidelines; and

WHEREAS, the Board of Supervisors of the County of Monterey, hereinafter referred to as the "Board", has reviewed and considered the information contained in the Prior Final EIR, the Intent to Use a Previously Certified EIR, the Initial Study, and the comments and responses generated in response thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY AS FOLLOWS:

SECTION 1: The Board hereby finds and determines that the recital-contained hereinabove are true and correct.

SECTION 2: The Board certifies that the members of the Board of Supervisors have reviewed and considered the information contained in the Prior Final EIR for the Fort Ord Base Reuse Plan as it related to County territory within the former Fort Ord Military Reservation east of Highway 1, the Notice of Intent to Use a Previously Certified EIR, the Environmental Initial Study for the Fort Ord Redevelopment Project and General Plan Amendment, the Comments, and the Responses to Comments relating thereto.

SECTION 3: Based both upon staff recommendation, and after its own review, the Board determines that the previously certified Prior EIR is adequate for the proposed General Plan Amendment for lands located within the unincorporated area of Monterey County in the former Fort Ord military base east of Highway 1.

SECTION 4: The Board hereby certifies that the prior Final Environmental Impact Report for the Fort Ord Base Reuse Plan, the Notice of Intent to Use a Previously Certified EIR, the Initial Study, and all actions necessary to use the Prior Final EIR for the General Plan Amendment have been prepared and completed in compliance with CEQA, the State CEQA Guidelines, and the County's Procedures.

SECTION 5: The Board hereby finds and determines that the implementation of the proposed General Plan Amendment may have a significant effect on the environment in certain respects identified in Paragraphs B.17 and 18 of FORA Resolution 97-6, certifying the Prior Final EIR and approving the Base Reuse Plan, (attached hereto as Attachment "A" and incorporated herein by this reference).

SECTION 6: The Board hereby finds with respect to the significant effects detailed in the Final EIR for the Fort Ord Base Reuse Plan:

- a. That the significant environmental effects of the proposed General Plan Amendment, including those raised in the comments on the Final EIR for the Fort Ord Base Reuse Plan and the comments to the Initial Study, have been considered and recognized by the Board;
- b. That based on the information set forth in the Prior Final EIR and the Initial Study, including comments relating thereto and responses to such comments, the Board finds and determines that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts on short-term Air Quality due to air pollutant emissions from construction to a less-than-significant level, and are identified on Pages 22-23 of the Initial Study, and incorporated herein by reference;
- c. That based on the information set forth in the Prior Final EIR and the Initial Study, including comments relating thereto and responses to such comments, the Board finds and determines that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts relating to reasonably foreseeable upset and accident conditions involving the release of hazardous materials to a less-than-significant level, and are identified on Pages 28-29 of the Initial Study, and incorporated herein by reference;
- d. That based on the information set forth in the Prior Final EIR and the Initial Study, including comments relating thereto and responses to such comments, the Board finds and determines that measures have been required in or incorporated into the General Plan Amendment which will mitigate direct and indirect impacts on Utilities and Service Systems due to wastewater treatment requirements and solid waste landfill capacity to a less-than-significant level, and are identified on Pages 38-39 of the Initial Study, and incorporated herein by reference;
- e. That, based on the information set forth in the Prior Final EIR and the Initial Study, including comments relating thereto and responses to such comments, the Board finds and determines that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Public Services in regard to fire and police protection, identified in Sections IV-2 & 3 of the Prior Final EIR and FORA Resolution 98-1. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures or project alternatives which were not previously identified or considered which will reduce the impacts to a less-than-significant level;
- f. That, based on the information set forth in the Prior Final EIR and the Initial Study, including comments relating thereto and responses to such comments, the Board finds and determines that measures have been required in or incorporated into the General Plan Amendment to mitigate impacts to Transportation and Traffic in regard to level of service standards, identified in Sections IV-2 & 3 of the Prior Final EIR and FORA Resolution 98-1. These mitigation measures cannot reduce the level of impacts to a less-than-significant level, however. There are no feasible mitigation measures or project alternatives which were not previously identified or considered which will reduce the impacts to a less-than-significant level; and
- g. That no additional environmental effects other than those identified above in paragraphs 6b through 6f will have a significant effect or result in a substantial or potentially substantial adverse change in the environment as a result of the proposed General Plan Amendment.

SECTION 7: The Development and Resource Management Plan adopted as part of the Fort Ord Base Reuse Plan, and attached hereto as Attachment "B" is hereby approved and adopted by the County to monitor and ensure that the mitigation measures identified will be instituted. The County Clerk, or his or her designee, shall retain custody, within the records of the County of Monterey, of the Development and Resource Management Plan and the whole of the record upon which this decision is based.

SECTION 8: The Board hereby finds and determines that all significant environmental effects resulting from the General Plan Amendment, as identified in the Prior Final EIR and the Initial Study have been reduced to an acceptable level in that:

- a. All significant environmental effects that can feasibly be avoided have been eliminated or substantially lessened as determined and as set forth in the findings set forth in paragraphs 6b through 6f of this Resolution;
- b. A Development and Resource Management Plan has been identified and adopted which will monitor and ensure that the mitigation measures identified will be instituted; and
- c. Based upon the Prior Final EIR, the Initial Study, and other documents and information in the record with respect to the proposed General Plan Amendment, all remaining, unavoidable significant effects of the proposed General Plan Amendment are overridden by the benefits of the project as described in Paragraph D. of Attachment "A", and the Board hereby adopts said Paragraph D. of said Attachment "A" as a statement of Overriding Considerations for the proposed General Plan Amendment and implementing actions.

SECTION 9: The Board hereby certifies that the Final Environmental Impact Report for the Fort Ord Base Reuse Plan, the Notice of Intent to Use a Previously Certified EIR, the Environmental Initial Study for the Fort Ord Redevelopment Project and General Plan Amendment, and all actions necessary to use the Prior Final EIR for the General Plan Amendment, including the Findings contained herein, reflect the County's independent judgment and analysis.

SECTION 10: The County Clerk, or his or her designee, is hereby authorized and directed to cause the filing of a Notice of Determination with respect to the General Plan Amendment.

SECTION 11: The County Clerk shall certify to the passage of this resolution and thereupon and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED on this 20th day of November, 2001, upon motion of Supervisor Calcagno, seconded by Supervisor Potter, by the following vote, to-wit:

AYES: **Supervisors Armenta, Calcagno, Johnsen and Potter.**

NOES: **Supervisor Pennycook.**

ABSENT: **None.**

I, Sally R. Reed, 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 at page of Minute Book 70, on November 20, 2001.

Dated: **November 20, 2001**

Sally R. Reed, Clerk of the Board of Supervisors, County of Monterey, State of California.

By Nancy Lukenbill
Deputy