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February 15, 2012

The Honorable Bill Monning
State Capitol, Room 2196
Sacramento, CA 95814

SUBJECT: EXTENSION OF FORA – AB 1614

Dear Assemblymember Monning:

LandWatch Monterey County has appreciated the opportunity to meet with you and your staff, FORA staff and representatives of the Sierra Club to confer on the future of the Fort Ord Reuse Authority. These meetings have been helpful in clarifying FORA's responsibilities and matters regarding its extension.

Despite our frequent dissatisfaction with FORA's decisions, we are willing to consider supporting FORA's extension because of the many on-going obligations the FORA Board has assumed since its inception. We believe it is important to meet these obligations in a timely and orderly manner.

While we support a future for FORA, we are keenly aware of changes affecting future land use on the former Fort Ord. Of particular note are recent decisions regarding redevelopment and changing community values about land uses on the former base. Based on these considerations, the LandWatch Board of Directors supports extending FORA based on the following conditions:

- An update of the FORA Plan
- Phasing of land uses and infrastructure to address urban blighted areas first
- Elimination of fees to appeal project approvals from local jurisdictions to the FORA Board
- Improved enforcement of an Updated FORA Plan
- Development and adoption of a plan by a date certain for the ultimate phase-out of FORA

An Update of the FORA Plan

A great deal has changed since the FORA Plan was adopted in 1997. Significant changes include a downturn in the economy, elimination of redevelopment agencies, a growing scarcity of local government revenues, action by California to reduce greenhouse gas emissions and greater community awareness of land use proposals on the former Fort Ord.

The Fort Ord Reuse Authority Act requires revisions to the plan:

67675... (a) 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. (Emphasis added)

We also note that the State's General Plan Guidelines require that general plans be updated regularly. As you know, the Plan has not been updated in the last 15 years. With a ten year extension as proposed in legislation for extending FORA, the existing Plan would be 27 years old.

Updating the Plan as a condition of extending FORA is critical to establishing a land use blueprint for the next ten years. This would require a simple change as follows:

67675... (a) The board shall prepare, adopt, review, revise at least every ten years beginning in 2014 ~~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.

Other reasons for revising the plan include elimination of redevelopment agencies. This will affect the ability of local jurisdictions to readily implement their portions of the existing Plan. The elimination of tax increment funding and serious shortfalls in local government funding will also affect future land use decisions.

The downturn in the economy has prevented approved projects from moving ahead; at the same time, there is a glut of approved residential, commercial and industrial uses in the FORA area as well as countywide. These conditions also require that the Plan be updated.

Finally, we note internal inconsistencies within the FORA Plan that require attention. For example, the Fort Ord Master Plan Recreation/Open Space Land Use Program D-14 is inconsistent with Fort Ord Reuse Plan Program Recreation/Open Space Land Use Policy E 1.3 because it permits different land uses, and because the land uses it permits are neither recreational nor compatible with environmentally sensitive areas. In addition, Fort Ord Master Plan Recreation Program E-2.2 is inconsistent with Fort Ord Reuse Plan Program Recreation Policy E-2.2 because it permits different land uses for the same reason noted above.

Phasing of Land Uses and Infrastructure to Address Urban Blighted Areas First

Over a million square feet of abandoned structures remain in the FORA area. At the same time, the City of Seaside, the County of Monterey and Monterey Salinas Transit propose to develop hundreds of acres of open space and remove thousands of trees. Roadways have been constructed or are planned for construction years ahead of the need, while improvements to roads currently at or near capacity go unattended.

Requirements to phase land uses and infrastructure to address urban blight first should be a requirement of plan revisions. A simple change to Section 67675 could accomplish this objective.

Elimination of Appeal Fees

We support elimination of fees to appeal project approval from local jurisdictions to the FORA Board. The fees of more than \$5,000 are excessive and effectively deny most residents the right to petition their government. These fees are currently tied to County fees. The appeal process should be revised to be independent of County procedures, and the fees should be eliminated. This could be accomplished by a requirement that all land use entitlement decisions be brought to the FORA Board for determination of consistency with the Base Reuse Plan.

Improved Enforcement of an Updated FORA Plan

As noted above, the FORA Plan has not been updated in 15 years even though legislation requires its updating from time to time. Base Reuse Policies have not been consistently followed. For example, extensive development at East Garrison was approved resulting in the removal of thousands of coastal live oaks while deteriorating, lead and asbestos contaminated buildings remained untouched. This violates the Base Reuse Plan principle to “minimize deleterious consequences of the closed and deteriorating former Fort Ord Property through rapid redevelopment of properties with significant reuse opportunities.” P. 187.

Improved enforcement of an updated FORA Plan can be facilitated by eliminating appeal fees so that local residents can more actively participate in the FORA planning process. Similar to enforcement of CEQA, implementation of a FORA Plan will in part depend on active public participation through hearings and court procedures. Public participation would also be enhanced by requiring that FORA Board hearings be televised. We understand that this is currently under review by FORA staff.

Development and Adoption of a Phase-out Plan

One of the over-arching issues related to extending FORA is the existence of many obligations and agreements that extend beyond 2014. It is obvious that this situation impedes consideration of a phase-out by 2014. The Fort Ord Reuse Authority Act must be amended to require development and adoption of a transition plan by a date certain for the ultimate phase-out of FORA.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy L. White', written in a cursive style.

Amy L. White
Executive Director