



Legislation Details (With Board Report)

**File #:** 17-0276      **Name:** PGE Electrical Tower Replacement  
**Type:** General Agenda Item      **Status:** Agenda Ready  
**File created:** 3/13/2017      **In control:** Fort Ord Committee  
**On agenda:** 3/23/2017      **Final action:**

**Title:** Receive a status report regarding a request from Pacific Gas and Electric Company (PG&E) regarding its proposed reconstruction of two existing electrical transmission towers on County-owned properties at the former Fort Ord, specifically APN 031-101-026 (Parcel L5.7) and APN 031-011-068 and -069 (Parcel E19a.3). PG&E has requested:

- To increase the width of its current overhead electrical easement from its existing 30 feet to 40 feet for approximately 250 feet on each side of the two new towers, subject to future agreement of the Fort Ord Reuse Authority to the purchase price of the increased easement area (a total of 0.25 acres); and
- A Temporary Permit to Enter and Use Property owned by the County for the proposed construction activity.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Report, 2. Attachment 1 - Vicinity Map, 3. Attachment 2 - Vegetation Impact & Restoration Plan

Date	Ver.	Action By	Action	Result
3/23/2017	1	Fort Ord Committee		

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- A Temporary Permit to Enter and Use Property owned by the County for the proposed construction activity.

RECOMMENDATION

Staff recommends that the Fort Ord Committee receive a status report regarding a request from Pacific Gas and Electric Company (PG&E) regarding its proposed reconstruction of two existing electrical transmission towers on County-owned properties at the former Fort Ord, specifically APN 031-101-026 (Parcel L5.7) and APN 031-011-068 and -069 (Parcel E19a.3) (Vicinity Map at Attachment 1). PG&E has requested:

- To increase the width of its current overhead electrical easement from its existing 30 feet to 40 feet for approximately 250 feet on each side of the two new towers, subject to future agreement of the Fort Ord Reuse Authority (FORA) to the purchase price of the increased easement area (a total of 0.25 acres); and
- A Temporary Permit to Enter and Use Property owned by the County for the proposed construction activity.

SUMMARY

In 1930 the Jacks family granted to PG&E a 30-foot wide easement for electric transmission and distribution facilities on land on and around Fort Ord. PG&E is preparing to implement a program to replace a total of twenty steel electrical transmission towers in the unincorporated area of Monterey County, seventeen on agricultural land in the Blanco Road area, and three on the former Fort Ord. Two of the Fort Ord locations are on properties now owned by the County, and the third is on property owned by the Fort Ord Reuse Authority (FORA) for future conveyance to California State University Monterey Bay (CSUMB).

PG&E wishes to increase the width of its easement from 30 feet to 40 at both tower locations on County property (a total of 10,982 sf or 0.252 acres) to accommodate the increased tower footing widths additional “sway” of the overhead power lines, and to receive permission to use the adjacent County property to access the site and stage construction activity.

### DISCUSSION

PG&E proposes to increase the width of its easement at Tower No. 7/10 (“Strip 1”, APN 031-101-026, Parcel L5.7) by an additional 5,022 square feet (0.115 acre). The County became owner of the subject property on September 11, 2014 by Quitclaim Deed from FORA recorded at Document No. 2014042926, Office of the Monterey County Recorder (“County North”). The General Plan designation of the property is “Open Space/Recreation”. The property is not subject to or included in any land use restrictions contained in the *Installation-Wide Multispecies Habitat Management Plan* (HMP) (US Army Corps of Engineers, April 1997). The property deed contains certain requirements and restrictions that relate to the condition and use of the property as it was when transferred from the US Army to FORA and thence to the County, and such provisions are to be included as requirements in the proposed Easement Modification Agreement.

PG&E also proposes to increase its width of its easement at Tower No. 9/1 (“Strip 2”, APN 031-011-068 & - 069, Parcel E19a.3) by an additional 5,960 square feet (0.137 acre). The County of Monterey became owner of the property where the electrical tower is located (APN 031-011-069) on September 11, 2014 by Quitclaim Deed from FORA recorded at Document No. 2014042934, Office of the Monterey County Recorder (“Parker Flat Phase 1”). A portion of the Easement to be modified is also located on APN 031-011-068. The County became owner of that parcel on September 11, 2014 by Quitclaim Deed from FORA recorded at Document No. 2014042926, Office of the Monterey County Recorder (“County North”). The General Plan designation of this property is considered to be “Planned Development/Mixed Use” pursuant to the *Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land-Use Modification* among FORA, Monterey Peninsula College, County of Monterey, US Bureau of Land Management, and the US Army, dated September 23, 2003 (also known as the “Parker Flat Land Swap Agreement”). The property deeds also contain certain requirements and restrictions that relate to the condition and use of the properties as they were when transferred from the US Army to FORA and thence to the County, and such provisions are to be included as requirements in the proposed Easement Modification Agreement.

The 2001 *Implementation Agreement* between the County and FORA requires the County to give FORA fifty percent (50%) of all sales or lease proceeds on County-owned property on the former Fort Ord. Prior to the sale transaction, the County is required to submit a “Transaction Worksheet” detailing the method for determining the value of the land being sold or leased, and FORA must agree to this value before the transaction may be completed. PG&E submitted two appraisal reports and a letter offering to purchase the two easement widening strips. After review by staff of the RMA-Administrative Services Division’s Real Property Section, the RMA and PG&E have mutually agreed upon an amount of compensation for the easements to be \$11,584. Transaction Worksheets for the two easement widening strips were submitted to FORA on February 15, 2017, and are presently under review.

A Temporary Permit to Enter and Use Property is needed for PG&E to enter its easement over County-owned

properties, and this document is under development to document the County's terms and conditions for PG&E's contractor to enter the properties for the purpose of vegetation management, excavation activities, storing construction materials, equipment and parking vehicles in conjunction with performance of the electrical transmission tower replacement project.

Excavations performed by PG&E in conjunction with this project will be subject to PG&E's obtaining a grading permit from the County RMA.

PG&E prepared a *Vegetation Impact and Restoration Plan* outlining measures PG&E proposes to implement to protect and restore the project's effects on existing vegetation (Attachment 2). The plan indicates the project will require the removal of twelve immature oak tree saplings, and in mitigation of this removal, PG&E proposes to plant a total of twenty-four new oak tree saplings in a designated area of Parcel L5.7. Staff of County RMA-Planning and consultant Denise Duffy & Associates reviewed this plan, and recommend it be incorporated into the proposed Temporary Permit to Enter and Use Property.

Drafts of the proposed Easement Modification Agreement, Temporary Permit to Enter and Use Property, and the appropriate CEQA determination are under preparation and review by counsel. This item is tentatively scheduled for Board of Supervisors consideration in late April 2017.

PG&E is scheduling to construct the tower replacements over a six-month period beginning in the spring of 2017.

#### OTHER AGENCY INVOLVEMENT

Staff representatives of RMA-Land Use & Community Development Division's Special Programs Section, Planning Section, and Survey & Development Services Section, and the RMA-Administrative Services Division's Real Property Section and Finance & Accounting Section are all participating in the review of this project.

The Office of the County Counsel will review the proposed Easement Modification Agreement and proposed Temporary Permit to Enter and Use Property as to form and legal effect before their presentation to the Board of Supervisors.

The Fort Ord Reuse Authority is considering the Transaction Worksheets with regard to the sale of the easement widening strips, and will receive half of the proceeds from sale of the easement strips.

#### FINANCING

The proposed project will have a beneficial financial impact to the County General Fund, in that PG&E will pay the County the appraised fair market value of \$11,584 for the increased easement widening area, and the County will pay \$5,792 to FORA in accordance with the 2001 *Implementation Agreement*.

PG&E will pay all costs related to the tower replacement project and site restoration as described in the proposed Temporary Permit. PG&E continues to fund its costs to manage and maintain its easement through the subject properties, and will incorporate the subject easement widening strips into this scope of work. Therefore the County's cost to maintain the subject properties will be marginally reduced by this minor increase in PG&E's easement area.

Funding for County consulting costs of \$960 to review PG&E's appraisal of the value of the easement widening strips was funded by the RMA-Administrative Services Division, Real Property Section (001-3000-8183-RMA006, Real Estate Services). The County's portion of the sale proceeds (\$5,792) will be deposited

into RMA-Administrative Services Division, Real Property Section (001-3000-8183-RMA006, Real Estate Services).

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

The recommended action complies with the Board's FY15-16 Strategic Initiative for Infrastructure, "Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results", by implementing the Key Objectives to "promote the use of best environmental practices for County facilities and operations" and to "provide for adequate County facilities and infrastructure".

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Carl P. Holm, AICP, Director, Resource Management Agency

The following attachments are on file:

Attachment 1 - Vicinity Map

Attachment 2 - Vegetation Impact & Restoration Plan