



Legislation Details (With Board Report)

File #: 16-942 **Name:** Landfill Borders
Type: General Agenda Item **Status:** Passed
File created: 8/11/2016 **In control:** Board of Supervisors
On agenda: 8/23/2016 **Final action:** 8/23/2016

Title:
a. Find the action to be categorically exempt from CEQA;
b. Accept transfer of ownership from the Successor Agency to the Redevelopment Agency of the County of Monterey of properties on the former Fort Ord known as the "Landfill Border Parcels":
- Assessor's Parcel No. 031-101-040 (Parcel E8a.1.3);
- Assessor's Parcel No. 031-101-041 (Parcel E8a.1.4) and Assessor's Parcel No. 031-101-042 (Parcel E8a.1.5) (one deed);
- Assessor's Parcel No. 031-101-056 (Parcel E8a.1.1.2)
c. Authorize the Chair of the Board to sign the certificate of acceptance and consent to record the Quitclaim Deeds; and
d. Direct the Clerk of the Board to record the three deeds.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - Vicinity Map, 3. Attachment 2 - Deed SARDA to County Parcel E8a.1.3, 4. Attachment 3 - Deed SARDA to County Parcels E8a.1.4 E8a.1.5, 5. Attachment 4 - Deed SARDA to County Parcel E8a.1.1.2, 6. Attachment 5 - Budget Property Maintenance Landfill Borders, 7. Completed Board Order

Date	Ver.	Action By	Action	Result
8/23/2016	1	Board of Supervisors	approved	

a. Find the action to be categorically exempt from CEQA;
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c. Authorize the Chair of the Board to sign the certificate of acceptance and consent to record the Quitclaim Deeds; and
d. Direct the Clerk of the Board to record the three deeds.

RECOMMENDATION:

It is recommended that the Board of Supervisors

- a. Find the action to be categorically exempt from CEQA;
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 - Assessor's Parcel No. 031-101-056 (Parcel E8a.1.1.2); and
- c. Authorize the Chair of the Board to sign the certificate of acceptance and consent to record the

Quitclaim Deeds; and

d. Direct the Clerk of the Board to record the three deeds.

SUMMARY:

The recommended action will transfer ownership of four Successor Agency-owned properties located adjacent to the former landfill in the former Fort Ord to the County of Monterey in accordance with the provisions of the Successor Agency's Long-Range Property Management Plan.

DISCUSSION:

On October 18, 2001 the County entered into an *Implementation Agreement* with the Fort Ord Reuse Authority, whereby the County agreed to accept ownership of a total of 2,964 acres of property in the unincorporated area of the former Fort Ord which FORA received from the US Army. On August 15, 2006 the Board of Supervisors approved Resolution No. 06-243 authorizing conveyance of certain properties directly from FORA to the Redevelopment Agency of the County of Monterey. To date the County has accepted from FORA a total of 1,610 acres of properties, and the Redevelopment Agency has accepted a total of 324 acres of property.

California Assembly Bill 1X 26, enacted on June 28, 2011 and upheld by the California Supreme Court on December 29, 2011, dissolved all California redevelopment agencies effective February 1, 2011 through amendments to the California Health and Safety Code (the "Amended Code"). Pursuant to Sections 34173, 34175, and 34176 of the Amended Code, and by operation of law, the Successor Agency to the Redevelopment Agency of the County of Monterey has assumed the rights, duties, and obligations pertaining to all functions of the Original Agency, and as such has assumed the rights, duties, and obligations pertaining to the Property. Under the Amended Code, all property owned by (now former) redevelopment agencies must be disposed of, either through sale or other disposition, in accordance with a Long Range Property Management Plan (LRPMP) to be approved by the California Department of Finance ("DOF").

On April 18, 2014 the Oversight Board of the Successor Agency to the Redevelopment Agency of the County of Monterey submitted its Long Range Property Management Plan (LRPMP) to the DOF. The LRPMP states that these properties are proposed to be transferred to the County to be managed in accordance with the Base Reuse Plan and habitat plans as open space.

On December 31, 2015 the DOF approved the disposition of the properties listed in the LRPMP in accordance with the Successor Agency's recommendations.

The four properties proposed for transfer to the County at this time total 140 acres. They are located generally between Imjin Parkway and Intergarrison Road adjacent to the former landfill property (which is currently owned by the U.S. Army). The properties were transferred to the Redevelopment Agency by FORA via quitclaim deeds in 2006 and 2007. The properties are undeveloped.

All the properties are subject to the adopted Habitat Management Plan (HMP), the 1000-foot Closed Landfill Buffer Zone, and the DTSC Land Use Covenant relating to contaminated groundwater and methane recovery system.

- APN 031-101-040 (Parcel E8a.1.3) is 2.8 acres in size, and is designated as a Habitat Management Area in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). It is also subject to the 2008 *Memorandum of Agreement regarding Habitat Management* among the Redevelopment Agency, the Fort Ord Reuse Authority, and Cypress Marina Heights LP. There will be minimal to no maintenance required.

- APN 031-101-041 (Parcel E8a.1.4) is 30.4 acres in size, and is partially designated as Habitat Management Area (28.7 acres) and partially as Planned Development Mixed Use (1.7 acres) in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). The Habitat Management Area portion of the property is subject to the 2008 *Memorandum of Agreement regarding Habitat Management* among the Redevelopment Agency, the Fort Ord Reuse Authority, and Cypress Marina Heights LP. In 2009 the 1.7-acre “development” portion of this site was included in a formerly-proposed 58-acre light industrial subdivision and development project known as “Whispering Oaks”. This development was denied by the County Board of Supervisors, and no other development project has been proposed since that time.
- APN 031-101-042 (Parcel E8a.1.5) is 21.4 acres in size and is designated as Habitat Management Area in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Basewide Habitat Conservation Plan (HCP). There will be minimal to no maintenance required.
- APN 031-101-056 (Parcel E8a.1.1.2) is 85.2 acres in size and is partially designated as Habitat Management Area (29 acres) and partially as Planned Development Mixed Use (56 acres) in the County General Plan, the FORA Base Reuse Plan, and the FORA Draft Base-wide Habitat Conservation Plan (HCP). In 2009 the development portion of the site was included in a proposed 58-acre light industrial subdivision and development known as “Whispering Oaks”. This development application was ultimately denied by the County Board of Supervisors in 2012. No other development project has been proposed since that time.

The recommended action is categorically exempt from CEQA in accordance with *CEQA Guidelines* Section 15325, Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources.

By separate action on this date, the Board of Directors of the Successor Agency to the Redevelopment Agency of the County of Monterey will be asked to approve the three Quitclaim Deeds for these properties.

There are other Successor Agency owned properties identified in the Long Range Property Management Plan which will need to be disposed of in the near future. The properties indicated in this report are ready now, and transfer will facilitate the County’s ability to consider and possibly assist CSUMB in certain projects.

OTHER AGENCY INVOLVEMENT:

County RMA has been involved in all discussions relating to the potential transfer of properties owned by the Successor Agency.

FINANCING:

FY 2016-17 Adopted Budget for the RMA did not include any expenditures associated with the transfer of properties from the Successor Agency to the County. Since the inception of the Successor Agency the only expenditure approved by the Department of Finance (DOF) as an enforceable obligation has been the property assessments associated with SA properties. There are limited funds available in FY16-17 in the amount of \$19,191 within the RMA Grounds Unit 8181 associated with litter abatement for the entire Fort Ord area and may not be sufficient after the transfer of the Successor Agency properties. However, there is no record that the County has expended any funds on the above listed parcels.

On July 29, 2014 the Board of Supervisors received a comprehensive analysis of the potential cost implications to own the property the County has or will receive. The analysis provides a detailed estimate of annual cost for successive levels of operational and maintenance activity on each parcel based on an activity by activity basis.

Excerpts from this report for the four parcels described in this report are provided as Attachment 5, and are summarized here:

- Base-level requirements and initial investments assuming minimal liability for County (administration, illegal dumping, initial signage): \$12,800/yr
- Second-tier management (basic level habitat management, signage upkeep, minimal trail maintenance): \$1,900/yr
- Potential additional management needs (biologist, maintenance staff, rangers, administrative staff): \$32,750/yr
- Potential additional infrastructure improvements (road crossings, minor staging area): \$155,500

RMA will assess what the actual property assessments and maintenance needs will be associated with these properties and will return to the Board of Supervisor's through the Budget Committee should additional funding be required during FY 2016-17. The maintenance of these properties will be managed out of RMA's Facilities Grounds Unit 001-3000-8181-RMA006. Property assessments, which typically range between \$300-\$500, will be managed out of RMA's Utility Unit 001-3000-8182-RMA098.

Reviewed by: Melanie Beretti, RMA Special Programs Manager, Ext. 5285
Benny J. Young, RMA Interim Deputy Director of Public Works & Facilities
Shawne Ellerbe, RMA Deputy Director of Administrative Services

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment 1 - Vicinity Map

Attachment 2 - Quitclaim Deed APN 031-101-040 (Parcel E8a.1.3)

Attachment 3 - Quitclaim Deed APN 031-101-041 (Parcel E8a.1.4) and APN 031-101-042 (Parcel E8a.1.5)

Attachment 4 - Quitclaim Deed APN 031-101-056 (Parcel E8a.1.1.2)

Attachment 5 - Property Maintenance Budget - Landfill Borders