

RESOLUTION NO. 16-18

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY *Certifying the City of Del Rey Oaks' General Plan and Zoning Code amendments, and recreational vehicle park development entitlements*

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan ("BRP") under Government Code Section 67675, et seq.
- B. After FORA adopted the BRP, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Del Rey Oaks ("DRO") is a member of FORA. DRO has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After a noticed public meeting on May 24, 2016, DRO adopted the Monument RV Resort Initiative Measure (Initiative Measure) consisting of amendment to the 1997 DRO General Plan and Title 17, Zoning, of the DRO Municipal Code, and authorization for grading and building permits (development entitlements) (collectively "RV Resort") concerning a proposed recreational vehicle ("RV") park on DRO lands, affecting lands on the former Fort Ord. Through its Initiative Measure, DRO also found that the RV Resort is consistent with the BRP, FORA's plans and policies and the FORA Act and considered the BRP Environmental Impact Report ("EIR") in their review and deliberations.
- F. On October 21, 2016, the DRO requested that FORA certify the RV Resort as consistent with FORA's BRP, certified by the Board on June 13, 1997. DRO submitted to FORA its RV Resort together with the accompanying documentation.
- G. Consistent with the Implementation Agreements between FORA and DRO, on October 21, 2016, DRO provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to DRO's action, and findings and evidence supporting its determination that the RV Resort is consistent with the BRP and the FORA Act (collectively, "Supporting Material"). DRO requested that FORA certify the RV Resort as being consistent with the BRP for those portions of DRO that lie within the jurisdiction of FORA.
- H. California Elections Code sections 9215 and 1405(b) allow jurisdictions to adopt General Plan and Zoning amendments through initiative measures. Initiative measures are categorically exempt from the California Environmental Quality Act ("CEQA"). The Initiative Measure describes in detail how the RV Resort would be less dense and intense than land uses contemplated in the 1997 DRO General Plan and accompanying EIR

previously certified as consistent with the BRP and how the RV Resort implements DRO General Plan policies and FORA consistency criteria through compatible land use and design and is consistent with the BRP.

- I. FORA's Executive Officer and the FORA Administrative Committee reviewed DRO's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the RV Resort is consistent with the BRP. The Administrative Committee reviewed the Supporting Material and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the RV Resort before the FORA Board on November 4, 2016.
- J. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified..."
- K. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- L. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- M. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."
- N. Master Resolution, Chapter 8, Section 8.02.030(a)(1-8) reads: "(a) In the review, evaluation, and determination of consistency regarding any development entitlement

presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that: (1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan; (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan; (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority. (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision. (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan. (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board. (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution.”

NOW THEREFORE the Board hereby resolves that:

1. The FORA Board acknowledges DRO's recommendations and actions of May 24, 2016 requesting that the FORA Board certify that the RV Resort and the BRP are consistent.
2. The FORA Board has reviewed and considered the environmental information, the Initiative Measure, the 1997 DRO General Plan and accompanying EIR, the FORA resolution finding the 1997 DRO General Plan consistent with the BRP, and finds that these documents provide substantial additional information for purposes of FORA's determination that the RV Resort and the BRP are consistent.
3. The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board certifies that the RV Resort is consistent with the BRP. The FORA Board further finds that the legislative land use decision and development entitlement are based in part upon the substantial evidence submitted and a weighing of the BRP's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided.
5. The RV Resort will, considering all its aspects, further the objectives and policies of the BRP. The DRO application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the BRP.

Upon motion by Gunter, seconded by Rubio, the foregoing Resolution was passed on this 9th day of December, 2016, by the following vote:

AYES: O'Connell, Phillips, Edelen, Potter, Rubio, Oglesby, Pendergrass, Gunter, Reimers

NOES: Morton


ABSTENTIONS:

ABSENT:



Frank O'Connell, Chair

ATTEST:



Michael A. Houlemard, Jr.
Clerk