

**Successor Agency  
Long Range Property Management Plan  
Workshop  
February 11, 2014**

**SUPPLEMENTAL HAND OUT MATERIALS  
SUCCESSOR AGENCY PROPERTIES ON FORMER FORT ORD**

**Policies Governing Land Use and Property Disposal on former Fort Ord:**

- Deeds of Transfer from FORA to Redevelopment Agency
  - Provisions in Deed relating to HMP
- Fort Ord Base Reuse Plan, 1997
  - Multi-agency “general plan”-level policy to guide redevelopment of former Fort Ord after closure by US Army.
- Habitat Management Plan, 1997
  - Designates property and defines actions required to protect, preserve, and enhance habitats of federally-listed endangered plant & animal species as mitigation for proposed redevelopment activities in Base Reuse Plan.
- Implementation Agreement, 2001 (Amended 2009, 2013)
  - Requires County to contribute to FORA 50% of land sale proceeds at time of permanent use, to be applied to County share of Basewide Mitigation Measures & Basewide Costs.
- Habitat Conservation Plan (3<sup>rd</sup> Admin Draft 2012)
  - Designates properties and defines actions required to protect, preserve, and enhance habitats of State-listed endangered plant & animal species as mitigation for proposed redevelopment activities in Base Reuse Plan.
  - Goals, Objectives, and HCP Required Actions (p1-8): “... designation of 18,546 acres (over 66%) of the 27,838-acre installation as habitat reserve lands in large HMAs. Large...habitat parcels are being transferred to natural resource management agencies... Additional lands transferred to Monterey County...will be managed by the Fort Ord Regional Habitat Cooperative (Cooperative), a Joint Powers Authority (JPA), whose governing body is composed of designated officials from each of the Permit Applicants. The Cooperative will manage the lands for conservation, maintenance and beneficial enhancement of habitat...” (p.1-8)

## LANDFILL BORDER PARCELS

### Deeds

Three Deeds

E8a.1.2 (21.22 ac) & E8a.1.3 (2.68 ac) - 9/5/2006

E8a.1.4 (30.32 ac) & E8a.1.5 (21.55 ac) - 7/26/2007

E8a.1.1.2 (85.21 ac) - 7/26/2007

- **HMP Provisions in Deeds for E8a.2, -.3, -.4, -.5**
  - Grantee & all successors to comply with Implementation Agreement, particularly recording of a *Deed Restriction & Covenant* which requires any development to be subject the Base Reuse Plan, policies and programs of FORA , including its Master Resolution, and other applicable general plan and land use ordinances and regulations of the local agency which have been determined to be consistent with the BRP.
  - Grantee & successors to comply with HMP.
    - Properties are within designated HMP Development Areas. No resource conservation requirements are associated with the HMP for these parcels.
    - Implementation of HMP is suitable mitigation for impacts... No further mitigation will be required to allow development on the properties unless species other than the
    - HMP target species are proposed for listing or listed.
    - Grantee...will cooperate with adjacent property owners in implementing mitigation requirements...for adjacent sensitive habitat areas.
- **HMP Provisions in Deed for E8a.1.1.2**
  - Grantee & all successors to comply with Implementation Agreement, particularly recording of a *Deed Restriction & Covenant* which requires any development to be subject the Base Reuse Plan, policies and programs of FORA , including its Master Resolution, and other applicable general plan and land use ordinances and regulations of the local agency which have been determined to be consistent with the BRP.
  - Residential Use Restriction – property to be used solely for commercial or industrial activities and not for residential, childcare facilities, nursing homes or assisted living facilities, or educational purpose for children K-12.purposes (Residential Lead-Based Paint Hazard Reduction Act of 1992).
  - Groundwater Restriction - Cannot access or use groundwater under property for any purpose. (VOCs from landfill)
  - HMP requirements
    - HMP is incorporated into the deed reference. Deed requires the conservation in perpetuity of sensitive wildlife and plant species and their habitats consistent with the USFWS Biological Opinion.

- Parcel is subject to the specific use restrictions and/or requirements identified for the parcel in the HMP (Habitat reserves within the Development with Reserve Areas or Development with Restrictions)
- Any boundary modifications must be approved in writing by USFWS
- Property owner is responsible for implementing and funding the requirements in the HMP as applicable to the property
- Property owner shall include and make legally binding the provisions of the HMP in any deed, lease, right of entry, or other legal instrument by which Grantee divests itself of any interest in all or a portion of the Property. The covenants, conditions, restrictions and requirements of this deed and the HMP shall run with the land.
- Habitat management responsibility for the Property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS
- USFWS may require the establishment of a perpetual trust fund to pay for habitat management of the Property as a condition of transfer of habitat management responsibility from the property owner.
- USFWS can determine unilaterally if property owner Grantee is violating provisions of the HMP, can direct corrective action within 60 days, and can bring lawsuit to force compliance. If USFWS determines immediate action is required, they can pursue remedies without prior notice to Grantee.
- Enforcement is at discretion of USFWS.

**FORA Base Reuse Plan** - Chapter 3, Framework for the Reuse Plan

- Chapter 3.3, *Land Use Concept: Ultimate Development Plan and Map*, includes Figure 3.3-1, *Land Use Concept Ultimate Development*. This map shows the general location of proposed land uses in the Landfill Parcel designated “Habitat Management” and “Planned Development Mixed Use District”
- Section 3.4.2, *Land Use Designations*
  - *Planned Development Mixed Land Use*: The use is intended to encourage the development of pedestrian-oriented community centers. They will contain a wide variety of residential detached and attached homes, commercial, various retail, professional office, cultural civic centers, parks, community centers, schools, churches, day care centers, transit centers, and entertainment uses. The typical development intensity for this use is a gross FAR of .35 and housing density of up to 20 dwelling units per acre. The highest FAR (.35) has been targeted at the Marina Town Center and UC MBEST to reflect these key locations within the former Fort Ord and their potential to play a significant long-range role in the reuse of the base.

- *Habitat Management Land Use:* This land use designation applies to all open space identified by the HMP as critical to survival of the natural communities and sensitive species. Limited uses include: ecological restoration and educational activities, and passive recreation such as hiking, nature study, horse and bike riding, and infrastructure services and facilities (water, power, and wastewater systems).
  - *Open Space/Recreation Land Use:* This land use designation includes all park land which will be publicly owned, including Fort Ord Dunes State Park, regional parks, community parks, and neighborhood parks not identified in the land use concept but designated as permitted use in all districts. Permitted uses in this district include: habitat management; active and passive public parks; commercial recreation such as golf, equestrian centers, public amphitheaters, etc; educational facilities; and a limited amount of supporting convenience retail uses.
- Table 3.4-1, *Permitted Range of Uses for Designated Land Use*, provides further detail regarding these land use designations:

Planned Development Mixed Use - Gross FAR to .35, Density to 20 DU's/Acre

This designation is intended to encourage the development of pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities. The intent is to locate this designation near future transit facilities or along transit corridors, and near commercial and employment centers. This designation creates a transition from existing developed urban centers and lower density residential and institutional districts. The City or County containing the Planned Development Mixed Use land use designation shall have the authority in various parts or areas with such designation to prohibit some of the overall set of uses which might otherwise be allowable in the areas having such a designation upon making a finding that there will be no adverse traffic impacts.

Uses allowed within this land use designation include:

SFD detached & attached;  
MFD;  
convenience retail;  
neighborhood retail;  
regional retail  
office/research and development uses;  
entertainment uses;  
commercial recreation;  
parks;  
community centers;  
public buildings & facilities, including visitor centers, cultural centers, museums, transit centers, etc.  
schools;  
day care centers;  
houses of worship;

business parks;  
light industrial development uses;  
open space/recreation uses; and  
visitor serving where designated.

### Habitat Management

This designation has been applied to all open space identified by the Habitat Management Plan as critical to the survival of the natural communities and sensitive species at Fort Ord.

Uses allowed within this land use designation include:

habitat management;  
ecological restoration activities;  
environmental educational activities; and  
passive recreation activities, such as hiking, nature study, horse and bike riding.

- Chapter 3.6, *Conservation, Open Space, and Recreation Concept*, contains the following figures:
  - Figure 3.6-1, *Regional Open Space System*, shows a broad “Trail/Open Space Link” through the Landfill Parcel area
  - Figure 3.6-2, *Habitat Management Plan*, shows the Landfill Parcel designated “Development with Reserve or Restrictions”
  - Figure 3.6-3, *Open Space & Recreation Framework*, shows the capped landfill area designated “Other Public Open Space – Habitat Management”, and the adjacent landfill border property designated “California State Parks”
  - The discussion of “Other Public Open Space/Recreation-Oriented Lands on p.135 includes this statement: “...The Reuse Plan calls for a landfill cap design capable of supporting public commercial uses in support of the economic revitalization of the base. These commercial recreation uses include a golf course, a regional amphitheatre, and a regional equestrian center connected by trails to the BLM lands...”
- Chapter 3.10, *County of Monterey Planning Areas and Districts*, contains:
  - Section 3.10.2, *CSUMB/Recreational Planning Area*  
Monterey County Recreational/Habitat District: This District is comprised of two areas. The larger, approximately 340 acres, is the former landfill site. The smaller, approximately 88 acres, stretches both north and south of Intergarrison road. Both of these areas are reserved for a combination of habitat protection and recreational uses.

### *Projected Land Uses for the Former Landfill:*

Open Space/Recreation Land Use. About 141 acres are reserved for park and open space at the former landfill site. This represents the area included in the

planned landfill cap. Region-serving recreation facilities, such as an amphitheater, are appropriate at this location.

Habitat Protection. About 142 acres are reserved for habitat management, including non-invasive and controlled passive uses such as hiking and equestrian trails.

Opportunity Sites. The landfill cap provides an opportunity to locate a range of commercial recreational uses, including a golf course, a region-serving equestrian center and a convenience retail center for up to 10,980 sq. ft. Approximately 50 acres located at the southwest corner of the former landfill site, adjacent to the Marina City limits and Inter-Garrison Road is suitable for office/R&D development by the University of California.

- Fig. 3.10-1 *County Planning Areas*, shows Landfill Polygon 8a included in the CSUMB/Recreation Planning Area, and designates its use as “Recreation/Habitat Protection”.

### **Habitat Management Plan**

- Chapter 4, Habitat Management for Disposal and Reuse:
  - Figure 4-1 *Habitat Management Plan Map* designates Landfill Polygon E8a.1 as “Development with Reserve Areas or Development with Restrictions”
  - Definition of “Development with Reserve Areas or Development with Restrictions”:  
“Some of the lands slated for development in the HMP contain inholdings of habitat reserve land or require development restrictions to protect habitat within or adjacent to the parcel. This management category is titled “Development with Reserve Areas or Development with Restrictions”. For development parcels that have habitat reserve areas within their boundaries, the management practices must be consistent with maintenance of the reserves. The inholding reserve areas are subject to the same management conditions described above for the Habitat Reserve category, including management by an entity acceptable to the USFWS. Some developed land must be managed as described for the specific parcel to include development restrictions or management action...”
  - Resource Conservation Requirements – Landfill Parcel (p4-46):  
“...A total of 227 acres of the landfill parcel, including the capped area, will be managed as an HMP Preserve area. After the 227 acres of the parcel to be managed as habitat has been determined, the boundaries of the polygon may be modified when determining locations for development in the remaining 81 acres.  
  
“Following land transfer from the Army, the recipient or an entity acceptable to the USFWS will manage 227 acres of the landfill parcel (including the completed landfill cap) as native habitat. The remaining 81 acres of the parcel will be available for development.”

- Appendix A, Agreement for the Revised Habitat Management Plan:
  - Paragraph (b): “...Following land transfer from the Army, UC or FORA will manage seventy-five percent (75%) of the landfill parcel (including the completed landfill cap) as habitat. The remaining twenty-five percent (25%) of the parcel will be available for development...”
  - Figure 5-11 Draft *Revised Habitat Management Plan*: “Landfill Parcel to be managed by UC or FORA for 75% Habitat and 25% Development”

### **DTSC Land Use Covenant**

- *Covenant to Restrict Use of Property – Environmental Restriction*. Recorded 2009 between the State Dept of Toxic Substances Control (DTSC) and the Redevelopment Agency of the County of Monterey.
- Covenant imposed by DTSC because of documented presence of methane in soil and volatile organic compounds (VOCs) in groundwater emanating from the landfill.
- Applies to property owned by Agency within the “1,000-foot landfill buffer zone” (approx 128 acres).
- Restricts certain types of development within the buffer zone:
  - No homes
  - No schools
  - No day care facilities
  - No hospitals
  - Building foundations to be designed to vent gases from the soil, install methane detection alarms, and provide annual inspection and monitoring reports to DTSC.

### **Draft Habitat Conservation Plan**

- Figure 3-1: Landfill Parcels is “Habitat Management Area”
- Figure 3-2: Borderland Categories – Landfill properties “Type 2”
- Figure 3-4: County is “Responsible Agency” for Landfill HMA
- Table 3-6: Landfill HMA totals 308 acres
- Table 3-9: Allowable land uses on Landfill Parcel include 81 acres “Allowable Development”, 226 acres “Preserved for Habitat Management”, and 0.5 acres “Road Corridors and Infrastructure”
- Section 3.3.2.8 details “Covered Activities” on Landfill Parcel
 

This 308-acre parcel is generally northeast of the main CSUMB campus, south of Imjin Parkway and north of Inter-Garrison Road (Figure 3-15). The Landfill Parcel is mostly undeveloped and is designated for habitat management (227 acres) and planned development as a mixed use district (81 acres) by the Fort Ord Base Reuse Plan, and as

development with reserve areas/restrictions by the Army's HMP. Development of these 81 acres is included as a covered activity under the HCP. The HCP proposes no development restrictions for these areas, apart from incorporating appropriate measures into boundary design to preserve and protect adjacent habitat areas (Section 5.4, *Measures to Avoid and Minimize Impacts*). The remainder of the landfill (227 acres) would be managed as an HMA. This includes 81 acres of capped landfill, another 42 acres of disturbed area, and 104 acres of native habitat (includes dirt roads). The Cooperative will be responsible for implementation of HCP required AMMs for Borderland parcels and mitigation measures on behalf of the County of Monterey.

Included within the HMA are those parcels identified in the *Memorandum of Agreement Regarding Habitat Management on Portions of the Landfill Site at the Former Fort Ord, California* (MOA). The MOA specifies that portions of parcels E8a.1.1.1, E8a.4, and E8a.1.1.2, and all of parcel E8a1.3 (totaling 58.8 acres) will be preserved and managed in perpetuity for sand gilia and maritime chaparral habitat values. Within the 58.8 acres, 14.5 acres (parcel E8a1.1.1) will be restored to provide sand gilia habitat. Management and restoration of the MOA specified parcels, as identified in the *Marina Heights Sand Gilia Mitigation Plan* (Attachment A of the MOA), will be funded by an endowment paid by Cypress Marina Heights, L.P. in an amount specified by CDFG.

Past use of the landfill area resulted in substantial disturbance from waste disposal and related activities as well as from more recent landfill remediation and closure activities (126 acres). However, many areas peripheral to the disturbance remain as native habitat (182 acres). Outside of the designated development parcels, remaining natural areas would be preserved and managed to promote the conservation of HCP species and natural communities. Disturbed areas of the landfill, including the capped areas, also provide opportunities for restoration, experimentation with restoration techniques, translocation of species, and other experimental habitat management related activities. However, the Army retains the right (and is obligated) to implement any remedial measures in the landfill area based on long-term monitoring associated with the landfill closure program.

- Section 3.2.2.2 details “Category 2 Borderlands - Designated Development Parcels at Urban/Wildland Interface”

This category expands the HMP Borderlands definition to include other designated development parcels that are adjacent to designated HMAs. These are undeveloped or partially developed parcels that abut the FONR, Marina Airport Habitat Reserve and Salinas River Habitat Area, East Garrison North Reserve, Habitat Corridor/Youth Camp, and the Landfill Parcel (Figure 3-2). In addition, the HCP includes the Del Rey Oaks Office Park, which has very specific HMP management requirements, as a Category 2 Borderlands. Land recipients with Category 2 Borderlands include FORA (as interim land manager), Board of Trustees of California State University (on behalf of the Monterey Bay), UCMBEST, County of Monterey, City of Marina, and City of Del Rey Oaks (Table 3-4 and Figure 3-2).



Most of the Category 2 Borderlands abut relatively small and isolated habitat areas that already have existing developed areas along other sections of their perimeters. Unlike Category 1 Borderlands, they are not adjacent to a large contiguous block of habitat like the NRMA.

## **EAST GARRISON II PARCELS**

### **Deed**

Deed Recorded 5/25/2010, L23.3.2.2 (63.67 ac), L23.3.3.1 (57.65 ac), L23.3.3.2 (31.62 ac)

- **HMP Provisions**

- Property owner shall not transfer or lease the Property or any portion thereof without inclusion of the Environmental Protection Provisions contained in the Deed herein to the extent applicable to the Property.
- Environmental Protection Provisions
  - HMP is incorporated in the Deed by reference. HMP requirements shall be part of any subsequent deeds.
  - Deed requires the conservation in perpetuity of the sensitive wildlife and plant species and their habitats consistent with the USFWS Biological Opinion.
  - These parcels are subject to the HMP requirements for Borderland Development Areas
  - The property owner is required to implement all HMP requirements applicable to this property
  - The property owner may not transfer, assign, or otherwise convey any portion of or interest in the property without prior written consent of the USFWS.
  - Habitat Management responsibility for the property may only be transferred as a condition of the transfer of the Property, with the consent of the USFWS.
  - USFWS can require the establishment of a perpetual trust fund to pay for habitat management of the property as a condition of transfer of habitat management responsibility from the owner.
  - USFWS has a reversionary interest in the property. If USFWS determines the property is not being managed in accordance with the HMP, USFWS may enter the property to correct the condition, in which case that portion of the property reverts to USFWS, at the property owner's cost.
  - USFWS can determine if property owner is violating the HMP, can direct corrective action within 60 days, and can bring a lawsuit to force compliance. If USFWS

determines immediate action is required, it may pursue remedies without prior notice to the property owner.

- Enforcement is at discretion of USFWS.

**FORA Base Reuse Plan** - Chapter 3, Framework for the Reuse Plan

- Chapter 3.3, *Land Use Concept: Ultimate Development Plan and Map*, includes Figure 3.3-1, *Land Use Concept Ultimate Development*, which shows the East Garrison II parcels are designated “Planned Development Mixed Use District”
- Chapter 3.4, *Land Use Designations and Land Resources*, includes Section 3.4.2, *Land Use Designations*:
  - Planned Development Mixed Land Use*: The use is intended to encourage the development of pedestrian-oriented community centers. They will contain a wide variety of residential detached and attached homes, commercial, various retail, professional office, cultural civic centers, parks, community centers, schools, churches, day care centers, transit centers, and entertainment uses. The typical development intensity for this use is a gross FAR of .35 and housing density of up to 20 dwelling units per acre. The highest FAR (.35) has been targeted at the Marina Town Center and UC MBEST to reflect these key locations within the former Fort Ord and their potential to play a significant long-range role in the reuse of the base.
- Table 3.4-1, *Permitted Range of Uses for Designated Land Use*, provides further detail regarding these land use designations:
  - Planned Development Mixed Use - Gross FAR to .35, Density to 20 DU’s/Acre
    - This designation is intended to encourage the development of pedestrian-oriented community centers that support a wide variety of commercial, residential, retail, professional services, cultural and entertainment activities. The intent is to locate this designation near future transit facilities or along transit corridors, and near commercial and employment centers. This designation creates a transition from existing developed urban centers and lower density residential and institutional districts. The City or County containing the Planned Development Mixed Use land use designation shall have the authority in various parts or areas with such designation to prohibit some of the overall set of uses which might otherwise be allowable in the areas having such a designation upon making a finding that there will be no adverse traffic impacts.

Uses allowed within this land use designation include:

- SFD detached & attached;
- MFD;
- convenience retail;
- neighborhood retail;
- regional retail
- office/research and development uses;
- entertainment uses;
- commercial recreation;

- parks;
- community centers;
- public buildings & facilities, including visitor centers, cultural centers, museums, transit centers, etc.
- schools;
- day care centers;
- houses of worship;
- business parks;
- light industrial development uses;
- open space/recreation uses; and
- visitor serving where designated.

- Chapter 3.6, *Conservation, Open Space, and Recreation Concept*, contains the following figures:
  - Figure 3.6-1, *Regional Open Space System*, shows the East Garrison II parcels are outside the BRP regional open space system.
  - Figure 3.6-2, *Habitat Management Plan*, shows the East Garrison II parcels designated “Development with Reserve or Restrictions”
  - Figure 3.6-3, *Open Space & Recreation Framework*, shows the East Garrison II parcels designated “Other Public Open Space – Recreation Oriented”.
  - The discussion of “Other Public Open Space/Recreation-Oriented Lands” on p.135 describes such intended uses on a number of parcels within the former Fort Ord, but does NOT discuss the area in which the East Garrison II parcels are located. The land use designation shown on Figure 3.6-3 appears to be in conflict with that shown on Figures 3.6-1 and 3.6-2.
- Chapter 3.10, *County of Monterey Planning Areas and Districts*, contains:
  - Fig. 3.10-1 *County Planning Areas*, shows the East Garrison II parcels to be included in the East Garrison District of the Reservation Road Planning Area.
  - Section 3.10.3, *Reservation Road Planning Area*
    - East Garrison District: The East Garrison District area is designated as a “Planned Development Mixed Use District.” The District is a total of approximately 751 acres. The HMP, however, limits development at the East Garrison to 200 acres. The remaining lands will be reserved in habitat management.
    - The Reuse Plan provides for a range of uses to accommodate then-competing visions for the development of this District, and indicates the land use objectives would be defined when the development plan for this district is determined. This determination took place with approval of the *Parker Flat Land-Use Swap Agreement* in 2002.

## Habitat Management Plan

- Chapter 4, Habitat Management for Disposal and Reuse:
  - Figure 4-1 *Habitat Management Plan Map* designates East Garrison II properties as “Development with Reserve Areas or Development with Restrictions”
  - Definition of “Development with Reserve Areas or Development with Restrictions”

“Some of the lands slated for development in the HMP contain inholdings of habitat reserve land or require development restrictions to protect habitat within or adjacent to the parcel. This management category is titled “Development with Reserve Areas or Development with Restrictions”. For development parcels that have habitat reserve areas within their boundaries, the management practices must be consistent with maintenance of the reserves. The inholding reserve areas are subject to the same management conditions described above for the Habitat Reserve category, including management by an entity acceptable to the USFWS. Some developed land must be managed as described for the specific parcel to include development restrictions or management action...”
  - Resource Conservation Requirements – East Garrison Polygon

“Up to 200 acres of total development, both existing and future, is allowed within the guidelines of this HMP for parcel E11b. The areas occupied by the sewage treatment plant and water tanks in subparcels E11b.9, E11b.10, and E11b.12 and the proposed road corridor shown in Figure 4-2 also may be developed in addition to the 200 acres. Where possible, development will be sited in areas that have existing development and in other areas that will minimize impact on HMP species and have less than 30% slopes. Siting of development will be considered with USFWS. The road corridor and 200-acre development area will be considered development areas with no habitat management restrictions. The remainder of the parcel will be managed as habitat reserve.”
- Appendix A, Agreement for the Revised Habitat Management Plan:
  - Figure 5-11 Draft *Revised Habitat Management Plan* designates East Garrison II properties as “Development with Reserve Areas”

## Land Swap Agreement

- *Memorandum of Understanding Concerning the Proposed East Garrison/Parker Flats Land Use Modification*, September 23, 2003
- Parties: U.S. Bureau of Land Management, U.S Dept of the Army, Fort Ord Reuse Authority, County of Monterey, Monterey Peninsula College
- One of its purposes was to “help resolve conflicting land-uses and conveyance requests” between MPC, BLM, and the County surrounding the MPC Public Safety Officer Training Facility in the East Garrison area. It was not drafted to amend the Base Reuse Plan, and it did not amend land use designations in the Base Reuse Plan.

- The LSA was intended to facilitate the relocation of MPC's proposed Public Safety Officer Training Facility from East Garrison to Parker Flats Military Operations Urban Terrain (MOUT) facility. In order to implement the relocation, existing agreements between the Army and the Bureau of Land Management regarding Fort Ord activities and use of the MOUT facility needed to be modified. The MOU addressed these needed modifications. These modifications allowed the Army, through FORA and the County, to transfer lands to MPC at the MOUT facility in Parker Flats rather than previously slated lands in the East Garrison area. The MOUT facility was previously slated to be transferred to BLM for ownership, maintenance, and operation.
- The LSA amended the Habitat Management Plan (HMP). The HMP was prepared by the Army and is a supplemental document to the Base Reuse Plan that addresses habitat preservation and corridors on two-thirds of the former army base. The LSA included use designations. The HMP overlays the land uses and places restrictions on the use of property based upon habitat considerations. The HMP designates lands in four categories: habitat reserve, habitat corridor, development with reserve areas and restrictions, and development with no restrictions. Properties within the former Fort Ord are subject to the HMP and its restrictions in addition to the Base Reuse Plan land use designations and policies. For instance, a property designated for development with restrictions may have a Base Reuse Plan land use designation of Planned Development/ Mixed Use but due to HMP restrictions, only a portion of the property might be appropriate for development with the remaining portion required by the HMP to be retained for habitat. The Base Reuse Plan requires recipients of former Fort Ord lands to comply with the HMP. (Base Reuse Plan, at page 356.)
- The LSA modified the HMP by moving habitat reserve areas from the East Garrison area to the Parker Flats area. The MOU, as executed in 2003 and as noted in the Fort Ord Master Plan "*Overall habitat Losses/Gains in Land Swap Agreement Table*", removed the habitat reserve on 210 acres in the East Garrison area and in exchange overlaid a habitat reserve or habitat corridor designation on 463.2 acres in the Parker Flats planning area. The adjusted habitat reserve/habitat corridor area addressed a boundary issue at the MOUT facility, removed HMP habitat restrictions on a 210 acre portion of the East Garrison area and added HMP habitat restrictions to 463.2 acres of land within the Parker Flats area resulting in an overall net gain in habitat land of 246.7 acres. The LSA did not modify the Fort Ord Base Reuse Plan Land Use Designations. Projects must be evaluated based upon their consistency with the Fort Ord Base Reuse Plan, 2010 Monterey County General Plan and the HMP. Below is a summary and maps for both of the affected Planning areas.
- A biological assessment prepared by Zander Associates was attached to the LSA. Zander's assessment refers to intent to develop residential units in the East Garrison area rather than Parker Flats; however, the Assessment was not a formal transfer of development potential or land use. The purpose of the Zander Assessment was to provide an evaluation of habitat areas to demonstrate that the HMP amendment would not alter the goals, objectives, and overall intent of the HMP and would afford an equivalent or greater protection for all habitat types and sensitive species not to amend

any General Plan policies, assumptions, or land use designations. The parties to the Land Swap Agreement agreed to implement the conditions of the Zander Assessment, but as explained, these pertained to the habitat reserve boundaries of the HMP and other matters and did not amend or intend to amend the underlying land use designations of the Base Reuse Plan.

#### **Draft Habitat Conservation Plan**

- Figures 3-1 and 3-11: East Garrison II parcels are “Designated Development Area”, and are not part of “East Garrison South Reserve” area
- Figure 3-2: East Garrison II parcels designated “Borderland Parcels”. Portions of edges of parcels have Category 1 and Category 2 borderland designations.
  - Category 1: Equivalent to Borderlands as Defined in HMP

This category follows the Borderlands designation included in the HMP, as revised through the East Garrison–Parker Flats land use modifications. The designation applies to development parcels...adjoining habitat areas in the...East Garrison areas that are currently undeveloped... The design and management requirements presented in Chapter 5 apply to all Borderlands parcels in this category...
  - Category 2: Designated Development Parcels at Urban/Wildland Interface

This category expands the HMP Borderlands definition to include other designated development parcels that are adjacent to designated HMAs. These are undeveloped or partially developed parcels that abut the...Youth Camp... Most of the Category 2 Borderlands abut relatively small and isolated habitat areas that already have existing developed areas along other sections of their perimeters...