



# Monterey County

**Item No.**

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

**Legistar File Number: ORD 20-029**

January 12, 2021

**Introduced:** 12/16/2020

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** Ordinance

Introduce, waive reading, and set February 2, 2021, at 1:30 p.m., as the date and time to consider adoption of an ordinance amending Chapter 16.10 of the Monterey County Code related to regulations to prohibit metal detection activity on the former Fort Ord in the unincorporated area of Monterey County [REF200039 - Metal Detection Prohibition].

**Proposed CEQA Action:** Categorically exempt per CEQA Guidelines section 15308.

RECOMMENDATION:

Introduce, waive reading, and set February 2, 2021, at 1:30 p.m., as the date and time to consider adoption of an ordinance amending Chapter 16.10 of the Monterey County Code related to regulations to prohibit metal detection activity on the former Fort Ord in the unincorporated area of Monterey County.

SUMMARY/DISCUSSION:

On December 13, 2005, the Board of Supervisors adopted an Ordinance No. 5012, enacting Chapter 16.10 of the Monterey County Code (MCC) to require special procedures for digging, excavation, and ground disturbance on the former Fort Ord in the unincorporated area of the Monterey County due to the concerns associated with potential remaining unexploded ordnance and explosives (UXO) (Attachment A). The Housing and Community Development Department (HCD), formerly known as the Resource Management Agency, was notified by the State Department of Toxic Substances Control (DTSC) of a fairly recent incident on the former Fort Ord. The incident involved a trespasser utilizing a metal detection device, posing a potential public safety concern due to potential remaining UXO. In 2020, after this incident, the DTSC and the United States Environmental Protection Agency (USEPA) recommended local code changes to jurisdictions that own parcels within the former Fort Ord to include the prohibition of unauthorized metal detection activities to protect the public from UXO. Staff and County Counsel have consulted with DTSC on the proposed ordinance. The draft ordinance (Attachment B) would amend Chapter 16.10 of the MCC to add Section 16.10.042 to prohibit any person from engaging in any unauthorized metal detection activity on property located within the former Fort Ord in the unincorporated area of Monterey County (referred to in Chapter 16.10 as the “district”). This prohibition does not prevent metal detection activity specifically authorized by an appropriate governmental entity.

The Board is asked to introduce the ordinance and set February 2, 2021, at 1:30 P.M., as the date and time to consider adoption of the ordinance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 because the ordinance involves procedures for protection of the environment.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved the ordinance as to form. HCD staff and County Counsel also consulted with DTSC. In accordance with Section 16.10.130 of the Monterey County Code, staff provided written notice of the draft ordinance to DTSC on December 15, 2020.

FINANCING:

Funding for staff time associated with drafting this ordinance for Board consideration is included in the Fiscal Year (FY) 2020-21 Adopted Budget for the RMA, General Fund, Fund 001, Planning appropriation Unit RMA110. The Office of County Counsel does not charge time directly to County General Fund units, as these costs are accumulated and allocated through the Countywide Cost Allocation Plan (COWCAP).

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:


This action supports the Health & Human Services and Public Safety Board of Supervisors' Strategic Initiatives. If adopted, the ordinance supports the goal of improving health and quality of life through protection of the environment and the public safety by eliminating the potential encounter with UXO.

Check the related Board of Supervisors Strategic Initiatives:

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

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Approved by: Melanie Beretti, Housing and Special Programs Services Manager

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

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

Attachment A - Chapter 16.10 Digging and Excavation on former Fort Ord

Attachment B - Proposed Ordinance amending Chapter 16.10

cc: Front Counter Copy; Board of Supervisors; Melanie Beretti, Housing and Special Programs Services Manager; Shandy Carroll, Housing and Special Programs Supervisor; Fernanda Roveri ([roveri@monterey.org](mailto:roveri@monterey.org) <<mailto:roveri@monterey.org>>), City of Monterey; Brett Leary ([brett.leary@dtsc.ca.gov](mailto:brett.leary@dtsc.ca.gov) <<mailto:brett.leary@dtsc.ca.gov>>), Department of Toxic Substances Control; Project File PLN190253