



Legislation Details (With Board Report)

File #: ORD 22-032 **Name:** Big Sur_Highway 1 No Camping Ordinance
Type: Ordinance **Status:** Passed
File created: 7/14/2022 **In control:** Board of Supervisors
On agenda: 7/26/2022 **Final action:** 7/26/2022

Title: Adopt an urgency ordinance amending Section 14.18.040 of the Monterey County Code to establish up to a \$1,000 civil penalty for illegal camping in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line (4/5 vote required).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Board Referral No. 2021-29, 3. Attachment B – Draft Ordinance (redline), 4. Attachment C – Draft Ordinance (clean), 5. Attachment D - Location Map, 6. Completed Board Order Item No. 58

Date	Ver.	Action By	Action	Result
7/26/2022	1	Board of Supervisors	adopted	Pass

Adopt an urgency ordinance amending Section 14.18.040 of the Monterey County Code to establish up to a \$1,000 civil penalty for illegal camping in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line (4/5 vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt an urgency ordinance amending Section 14.18.040 of the Monterey County Code to establish up to a \$1,000 civil penalty for illegal camping in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line (4/5 vote required).

SUMMARY/DISCUSSION:

In response to community concerns, District 5 prepared Board Referral No. 2021-29 requesting an administrative fine increase for citations issued in violation of Monterey County Code Section 14.18.020(A). Section 14.18.020(A) states: “No person shall camp in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line at any time.” Referral 2021-29 was assigned to Public Works, Facilities and Parks (PWFP) at the December 7, 2021 Board of Supervisors meeting. The intent of this increased administrative fine is to establish a fine amount consistent with litter fines of \$1,000, which is known to be an effective deterrent.

On January 11, 2022, PWFP provided the Board a preliminary analysis report in response to said Board referral. PWFP staff analysis concluded that roadside camping along State Highway One in this area has created a consistent and increasing public health and safety concern for the community, particularly regarding campfires, disturbed habitat, and littering, and the potential for forest fires. These risks are currently heightened given the drought and increased traveling due to Covid-19 pandemic restrictions being lifted.

The area along State Highway One in the Big Sur Area is a popular location for people to visit, walk, and view the beach for recreation. This attraction has created a safety problem, people ignore the existing no camping prohibition. A roadside camping prohibition already exists under Monterey County Code Section 14.18.020

(A), which states: “No person shall camp in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line at any time.” Various law enforcement agencies that are active in the Big Sur area may issue citations under this Section of the Monterey County Code. These agencies have provided input to the District 5 Office that enforcement could be strengthened by increasing the amount of the penalty, and would serve as an additional deterrent to promote compliance and assist enforcement.

The Big Sur Byways Organization (BSBO), established per Board of Supervisors Resolution 19-127 to promote and protect public health and safety, and to ensure the continued safe and efficient operation of State Highway One through the Big Sur area is also supportive of the proposed ordinance.

The immediate imposition of up to a \$1,000 civil penalty for illegal camping in the right-of-way on State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line is critical to the public health, safety and welfare. As stated above, the current illegal camping often results in campfires, disturbed habitat, and littering, and the potential for forest fires during the drought creating a serious danger to the community. An urgency ordinance is proposed in order to take effect immediately.

OTHER AGENCY INVOLVEMENT:

Staff has been working with a subcommittee of the BSBO, consisting of staff from Supervisor District 5 staff, Caltrans, the Sheriff’s Office, State Parks, and local stakeholders. County Counsel has approved the ordinance as to legal form.

FINANCING:

Staff recommends appropriate signage if this ordinance is adopted. These traffic control devices will be funded by the Road Fund. The cost to install the necessary signage is estimated at \$6,000. Sufficient funds are available in the FY 2022-23 Adopted Budget for the Road Fund 002, Unit 8559 Appropriation Unit PFP004to finance this work.

CEQA:

The adoption of the ordinance is categorically exempt under the California Environmental Quality Act pursuant to sections 15301(c) and 15308 of the CEQA Guidelines because the action will involve negligible changes to the existing County regulations that govern the existing County highways and streets, and the action is for the protection of the environment.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board of Supervisors’ Strategic Initiatives for Administration and Public Safety. These services will enhance our Transportation needs, and will improve the quality of life for County residents.

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

Prepared by: Chad Alinio, P.E., Senior Civil Engineer

Reviewed by: Tom Bonigut, P.E., Assistant Director of Public Works, Facilities and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

Attachments:

Attachment A - Board Referral No. 2021-29

Attachment B - Draft Ordinance (redline)

Attachment C - Draft Ordinance (clean)

Attachment D - Location Map

(Attachments on file with Clerk of the Board)