



CITY OF DEL REY OAKS

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Staff Report

DATE: March 24, 2026

TO: Honorable Mayor and Council Members

FROM: John Guertin, City Manager

SUBJECT: 2nd Reading by Title Only of an Ordinance to Add Del Rey Oaks City Code Chapter 15.48, Section 140 to Prohibit Metal Detecting Activity on City Property That Was Part of the Former Fort Ord (Exempt from CEQA per Article 19, Section 15308, Class 8)

CEQA: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

RECOMMENDATION

That the City Council introduce by title only, waive full reading, and pass a second reading of an ordinance to add Del Rey Oaks Code Chapter 15.48, Section 140 to prohibit metal detecting activity on City property that was part of the former Fort Ord.

POLICY IMPLICATIONS:

The mission of the Del Rey Oaks City Council is to “provide visionary policy and legislative leadership that assures a safe, healthy, and economically vibrant community.” The Council is also “committed to ensuring that Del Rey Oaks remains a safe and welcoming place to live, work, and visit.” This ordinance addition would place a prohibition on metal detecting activities on lands known to have unexploded ordnance.

FISCAL IMPLICATIONS:

There is no fiscal impact to the City beyond the codification costs for the ordinance.

ENVIRONMENTAL DETERMINATION:

The City of Del Rey Oaks has determined that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA)

pursuant to CEQA Guidelines Article 19, Section 15308, Class 8 because the ordinance involves procedures for protection of the environment.

ALTERNATIVES CONSIDERED:

The City Council could choose not to add Del Rey Oaks City Code Chapter 15.48, Section 140.

DISCUSSION:

The United States Army has completed the transfer of various former Fort Ord parcels to the City, some of which are known or suspected to be contaminated with unexploded ordnance and explosives (UXO). Prior to transferring such parcels, the Army completed UXO response actions as required by law. However, even following the Army's completion of UXO response actions, it is possible that some UXO materials may remain on the parcels.

In 2003, the City adopted Ordinance No. 259 (codified as Del Rey Oaks City Code Chapter 15.48) to regulate digging and excavation on the former Fort Ord due to the risks associated with potential remaining UXO. As part of that Ordinance, the City was required by resolution to designate all real property within the City's land use jurisdiction that was formerly part of Fort Ord and which had been identified as the possible location of UXO as an ordnance remediation district ("ORD". Pursuant to Del Rey Oaks Code Chapter 15.48, Sections 10-130, all of the regulations in Chapter 15.48 apply to Ordinance Remediation Districts (ORD).

In 2026, it was discovered that although excavation on Fort Ord parcels is prohibited in the City's digging and excavation ordinance (Del Rey Oaks Code Chapter 15.48), metal detection was not specifically prohibited.

The City desires to amend Del Rey Oaks Code Chapter 15.48 to add a prohibition on unauthorized metal detecting activities on the former Fort Ord in the City's land use jurisdiction to protect the public health and safety because unauthorized entry and/or metal detecting may result in lay persons encountering UXO, which puts them at immediate risk of death or injury if they do not have proper training, experience, or equipment to handle UXO safely.

As required by Del Rey Oaks Code Chapter 15.48, Section 130, City staff have consulted with the California Department of Toxic Substances Control (DTSC), who found the proposed ordinance changes to be adequate.

Attachments: Ordinance 323

Respectfully Submitted,

John Guertin, City Manager

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DEL REY OAKS

PROHIBITING METAL DETECTING ACTIVITY ON CITY PROPERTY THAT WAS PART OF THE FORMER FORT ORD

THE COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the United States Army transferred various parcels of the former Fort Ord military installation ("Fort Ord") to multiple local governmental entities, including the City of Del Rey Oaks;

WHEREAS, some parcels on Fort Ord were contaminated with unexploded ordnance and explosives ("UXO"), which can be hazardous. Prior to transferring such parcels, the Army completed UXO response actions as required by law. However, even following the Army's completion of UXO response actions, it is possible that some UXO materials may remain on the parcels;

WHEREAS, in 2003 the City adopted Ordinance No. 259 (codified as Del Rey Oaks City Code Chapter 15.48) to regulate digging and excavation on the former Fort Ord due to the risks associated with potential remaining UXO. As part of that Ordinance, the City was required by resolution to designate all real property within the City's land use jurisdiction that was formerly part of Fort Ord and which had been identified as the possible location of UXO as an ordnance remediation district ("ORD"). Pursuant to Del Rey Oaks City Code Chapter 15.48 section 10-130, all of the regulations in Chapter 15.48 apply to ORD districts;

WHEREAS, in 2026, it was discovered that although excavation on Fort Ord parcels is prohibited in the City's digging and excavation ordinance (Del Rey Oaks City Code Chapter 15.48, Article 8), metal detection was not specifically prohibited;

WHEREAS, the City desires to amend Del Rey Oaks City Code Chapter 15.48, to add a prohibition on unauthorized metal detecting activities on the former Fort Ord in the City's land use jurisdiction to protect the public health and safety because unauthorized entry and/or metal detecting may result in lay persons encountering UXO, which puts them at immediate risk of death or injury if they do not have proper training, experience, or equipment to handle UXO safely;

WHEREAS, the City of Del Rey Oaks determined that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Article 19, Section 15308, Class 8 because the ordinance involves procedures for protection of the environment.

NOW THEREFORE, the Del Rey Oaks City Council declares as follows:

SECTION 2: The above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 3: Chapter 15.48, Section 140 is hereby added to read as follows:

“140 Prohibition of Metal Detection Activity.

It is unlawful for any person to engage in any unauthorized metal detection activity of any type on any property located within the district. This prohibition does not prevent metal detection activity if specifically authorized by the City as part of (1) a permit for development, (2) a City project on City land, or (3) if authorized by a state and/or federal agency for remediation or similar purposes.”

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, sentences, clauses, or phrases.

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF Del Rey Oaks this _____ day of _____, 202_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

COUNCILMEMBERS:

ATTEST:

APPROVED:

Mayor

City Clerk

