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July 27, 2026

San Bernardino County Board of Supervisors
Clerk of the Board
385 N. Arrowhead Avenue
San Bernardino, CA 92415

Re: Letter in Support of Appeal of Planning Commission Approval of PROJ-2023-00023/CUP

Dear Board of Supervisors:

This letter is in support of the above-referenced appeal of the approval of the Milburn-Lee/Mercury Dry Camp Project ("**Project**"). The Project is not proposed in an appropriate location and will result in a nuisance and have a substantial adverse effect on neighboring properties. As outlined herein, the required Conditional Use Permit ("**CUP**") findings cannot be made and the previous approval must be rescinded.

Introduction and Context

At the outset, the consideration of this appeal should be guided by the introductory paragraph of the Homestead Valley Communities Action Guide ("**CAG**"): "Community members strongly value their rural lifestyle and the natural desert environment they live within. A sense of independence and individualism runs throughout the community. Homestead Valley endeavors to preserve its rural character while improving the critical infrastructure and essential services needed by the community." The following stated values within the CAG[1] are relevant here:

> ***Rural Desert Lifestyle***. Homestead Valley residents value the rural lifestyle and character of the area, which includes wide open spaces and stretches of unpaved roads, fresh air, dark night skies, and a peaceful and quiet atmosphere.
>
> ***Independence***. Homestead Valley residents value the independent nature of the community – rugged individualism, the freedom to live the way they choose, self-sufficiency, and privacy.

1 San Bernardino County. Countywide Plan. Homestead Valley Communities Action Guide. 2019. Page 10.

> ***Natural Environment***. Homestead Valley residents value the natural beauty that defines the desert, including magnificent landscapes, wildlife, beautiful sunrises and sunsets, and living within nature.
>
> ***Conservation and Preservation***. Homestead Valley residents see themselves as stewards of the environment and value the wise use of water, protection of natural resources, and the natural landscape.

These values are captured by the following Aspirations Statement[2]:

- ***Our Rural Character and Desert Lifestyle Preserved***. The high desert attracts people for many reasons and despite the drawbacks of rural living, the residents of Homestead Valley choose to live here because of the natural beauty, wide open spaces, fresh air, dark skies, and the peaceful and quiet atmosphere. These important characteristics remain unchanged even as the community continues to grow and evolve. Homestead Valley is also a place of rugged individualism, where residents are afforded the freedom and privacy to live the life they want to live within the expansiveness of the natural desert environment.

In addition, the following policies of the Countywide Plan are relevant:

- **Policy LU-2.1 Compatibility with existing uses**. We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

- **Policy LU-4.5 Community identity**. We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. ***In addition, we consider the aspirations section of Community Action Guides in our review of new development***.

  (Emphasis added).

Within this context, the proposed commercial campsite is inappropriate for the proposed location; is contrary to established County policies; and is not supported by adequate California Environmental Quality Act (CEQA) documentation, as outlined more fully below.

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[2] San Bernardino County. Countywide Plan. Homestead Valley Communities Action Guide. 2019. Page 14.

1. Noise Impacts Were Not Adequately Analyzed.

At their own expense, neighboring property owners obtained a third-party peer review of the Noise Technical Memorandum ("**Noise Memo**") prepared for the Project by Vista Environmental dated April 24, 2024 (see July 22, 2026 Urban Crossroads Technical Memorandum included as **Attachment 1;** "**Noise Peer Review**").

A. Existing Noise Environment Was Not Properly Characterized.

Residents in the area have chosen their homes specifically due to the quiet rural setting. Sound carries extensively in the open desert — normal conversation is audible at great distances, amplifying noise impacts. Notably, the Noise Memo did not include any site-specific ambient noise measurements for the Project; rather, existing ambient noise conditions at the Project site were characterized using a single reference measurement (Measurement ST-20) drawn from the 2019 San Bernardino Countywide Plan Draft PEIR, collected approximately four miles southeast of the Project site. Instead of using a single reference measurement to establish ambient noise levels, the County should have collected current, site-specific ambient noise measurements near the Project site. Without baseline ambient noise measurements, the noise impact analysis included in the Project's Noise Memo is inadequate.

B. Future Operational Noise Level Increases Were Not Properly Analyzed.

The operational noise analysis in the Noise Memo relied upon a reference measurement collected at an existing campground in a different setting, which was scaled to the Project site and compared only to the County's numeric stationary-source standards. The Noise Memo failed to evaluate the resulting levels against the existing ambient conditions at the nearby homes. Because CEQA Guidelines Appendix G asks whether a project would result in a substantial permanent increase in ambient noise levels in the project vicinity, the Noise Memo should have compared the predicted campsite noise levels to ***site-specific ambient measurements*** in addition to compliance with adopted numeric standards.

The most important consideration is the relative change in the acoustic environment, not solely compliance with the numeric standards. This is particularly important given the rural, low-ambient noise character of the surrounding area, where isolated peak noise events (e.g., evening arrivals, vehicle doors, or camp activity) may be more readily perceptible to nearby residents even where such events remain within the County's numeric standards. This is especially true at night—the Noise Memo does not separately discuss nighttime-specific activities (e.g., late arrivals/departures, vehicle doors, or generator/RV use, if any) that may be more readily audible against a quieter nighttime ambient environment.

In sum, site-specific ambient data should have been incorporated into the Noise Memo's existing setting discussion, and the operational noise analysis (Table F) should have compared the predicted campsite noise levels directly to the measured ambient levels at each corresponding receptor location, in addition to the County's numeric standards, consistent with CEQA's requirement to evaluate substantial increases in ambient noise levels. The Noise Memo's failure to do so renders it inadequate under CEQA.

2. Other Deficiencies in Mitigated Negative Declaration ("MND").

The MND also failed to address the following issues, which highlights that the operational characteristics of the Project have not been properly evaluated under CEQA or by County decision-makers:

- The anticipated number of employees and scheduled/estimated number of hours that they will be on-site should be provided.

- Air quality impact d) does not address potential odor impacts from portable toilets (this is also not addressed in Appendix A, Air Quality Report). The precise number of portable toilets is also not provided (MND project description only states "a few porta potties"). The approved CUP site plan shows three pump toilets but Figure 2 of the MND only depicts one standard and one ADA porta potty. The exact number should be provided to ensure that adequate sanitation for 12 campsites/24 people is provided. The MND should also address how often the "regular servicing" of the portable toilets will occur in relation to potential odor impacts.

- Hazards impact g) states that the campground will not allow fire pits, but the use of portable barbecues/camp stoves which could potentially result in fire risks is not addressed. This is an unacceptable risk given the high desert drought conditions with no water supply on-site.

3. The Project Would Result in an Unacceptable Burden on Public Services.

A rotating, anonymous overnight population operating without 24-hour on-site staff would generate a disproportionate and unmitigated public service burden. This burden, layered onto a remote high-desert parcel already 8 miles from the Sheriff and 6 miles from County Fire facilities will result in unacceptable response times. The absence of on-site staffing does not just fail to prevent this risk; it transfers the burden of addressing this risk onto public agencies. The developer's proposed "Rules and Regulations" and automated gate, without a staffed presence to observe or enforce them in real time, amount to a document and a barrier—not the supervisory function actually required. Unmonitored activity that on-site staff would ordinarily catch before it escalates, in an unstaffed model instead becomes a recurring call for County Fire and the Sheriff to answer. Because tourism growth's costs and benefits are not automatically distributed evenly across a community, the burden of the Project would fall not on the applicant, but on the surrounding residential neighbors and the County agencies obligated to respond.

None of this cost is captured by the Planning Commission's finding that a "dry camp" lacking water and power hookups results in no meaningful public service impacts. Academic literature on the impact of transient-use lodging[3] suggests a predictable outcome that converting the Project site from a low-density residential use into a 12-site, largely unstaffed, remotely managed campground will introduce a transient population into a homogeneous rural residential area in a manner that increases demand for sheriff, fire, and emergency medical response services. The absence of on-site staffing removes the ordinary supervisory function that would otherwise contain that risk and instead shifts monitoring onto County agencies already located 6 to 8 miles away. This shift constitutes an unmitigated cost to the public and was not properly analyzed within the MND.

4. **The Project Would Negatively Impact Neighboring Property Values**.

As outlined in the *Qualitative Analysis of Adverse Land-Use Impact on Highest and Best Use, Marketability, and Value* and *An Analysis of Economic Issues Associated with the Proposed Development* included as **Attachment 2,** the Project will unacceptably impact surrounding properties due to the incompatibility of the proposed campground use, whereby the Project captures the benefit of a commercial entitlement, while neighboring properties bear the potential loss of privacy, quiet, dark skies, marketability, and value:

- The area's setting is a key driver of value. Adjoining and nearby rural-residential properties derive material value from privacy, quiet, dark skies, open views, seclusion, and low-density rural character—attributes supplied in substantial part by surrounding lands.

- The proposed Project's conditioned use is commercial: campsites are offered for compensation to transient members of the public. Its operating characteristics are those of paid lodging, regardless of the campground label.

[3] *See* Ke, L., O'Brien, D. T., & Heydari, B. (2021). Airbnb and Neighborhood Crime: The Incursion of Tourists or the Erosion of Local Social Dynamics? PLOS ONE, 16(7), e0253315, at 12; Elliott D. Pollack & Company. (2021). The Negative Consequences of Short-Term Rentals: Arizona's Recipe for Disaster, at 24–25; Jarrell, S., & Howsen, R. M. (1990). Transient Crowding and Crime: The More "Strangers" in an Area, the More Crime Except for Murder, Assault and Rape. The American Journal of Economics and Sociology, 49(4), 483–494, at 483, 492; Biagi, B., & Detotto, C. (2014). Crime as Tourism Externality. Regional Studies, 48(4), 693–709, at 3; Park, M., & Stokowski, P. A. (2008). Social Disruption Theory and Crime in Rural Communities: Comparisons Across Three Levels of Tourism Growth. Tourism Management, 30(6), 905–915, at 912.

- The proposed Project does not satisfy an unmet camping need. With recreational and off-road vehicles excluded, the approved activity is fee-based tent and car camping comparable to dispersed camping available without charge on nearby public lands.

- The proposed Project would concentrate camping activity in one location. Rather than dispersing campers over broad public lands, the CUP places transient users, vehicles, voices, lights and nighttime activity on a fixed site at the residential boundary.

- The proposed Project would rely on locational value created by surrounding lands. Site access, frontage, and marketing can convert the area's tranquil setting into a commercial draw while shifting resulting impacts to adjoining owners.

- The proposed Project's site improvements appear oriented toward group gatherings, reinforcing that the approved use may function as a concentrated social use rather than separated, low-contact camping.

- Adjoining owners cannot cure an off-site use within their property lines; fencing, screening, and security are costly, incomplete, and may sacrifice the open views that contribute to value.

- Marketability is impaired because buyers seeking seclusion are least likely to accept an adjacent commercial campground. The foreseeable effects are a narrower buyer pool, longer marketing time, greater resistance, and potential diminution in value.

The result is a one-directional transfer of value: the permitted parcel monetizes the surrounding locational premium, while neighboring owners absorb the traffic, publicity, concentrated activity, loss of tranquility, and reputational association. Because comparable camping is available elsewhere, the conflict is avoidable rather than necessary. The project converts a dispersed activity into a concentrated, commercial use and channels transient campers onto a small parcel next to residential properties increasing the concentration of vehicles, voices, lights, and social activities.

Because the campsites are offered for compensation to transient members of the public, the operation is a commercial lodging use notwithstanding its campground designation. The valuation analysis should focus on actual operations and intensity—not terminology that may understate the hospitality function. Community correspondence concerning Rural Living zoning supports that distinction.

- **Privacy and seclusion —** anonymous, rotating visitors with sightlines and foot traffic toward the adjoining properties; in open desert terrain, sightlines extend far, and there is little inherent buffering.

- **Quiet —** vehicles, generators, voices, and late-night activity, with sound carrying unusually far against a very low desert ambient baseline.
- **Dark skies and open outlook —** headlights, lanterns, and campfires degrade a specifically marketed, locally protected amenity and convert an open natural view into an occupied one.
- **Neighborhood character and stability —** a transient, high-turnover commercial activity injected into a stable, low-density residential area — intensification where the prevailing pattern is the opposite.

The area's Rural Living zoning designation accentuates the incompatibility. Planning materials identify open space, dark skies, quiet, tranquility, and growth respectful of rural desert character as defining attributes. A publicly marketed transient-lodging operation introduces recurring customer turnover, vehicle trips, nighttime illumination, outdoor congregation, and commercial promotion. All of these facts work in synergy to negatively impact the attractiveness of acquiring residential properties in the Project area and, as a result, negatively impacts property values.

5. Applicant's Prior Conduct

Based on documented conduct on the Project site, the Applicant has demonstrated a pattern of non-compliance that suggests it will not be a good steward of the Project. These documented events include:

- Conducting unpermitted development on the project site resulting in County Code Enforcement Notice of Violation.
- Unauthorized camping activity resulting in unacceptable noise levels from loud music late at night.
- Trespassing on neighboring properties by placing campers and solar lights on adjacent properties without authorization.
- Unauthorized firearms discharge resulting in reports to law enforcement.

Past conduct often dictates future actions. Since the Applicant has shown no respect for the rule of law or the property interests of adjacent land owners to date there should be a concern that Applicant will comply with the approvals and County regulations on an ongoing basis.

6. The Required CUP Findings Cannot be Made.

The County cannot make the following findings for the CUP as required by Section 85.06.040 of the Development Code; any such affirmative findings by the Planning Commission were in error and must be reversed:

…

(3) The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.

Finding cannot be made: The Rural Living zone provides for rural residential development with a range of agricultural and compatible uses that support the rural lifestyle residents chose and invested in. An unstaffed commercial campground open to anonymous transient visitors around the clock is not compatible with this purpose. The Project would introduce continuous noise, safety concerns, and transient activity into an established residential community.

As outlined above, the Noise Memo in support of the MND prepared for the Project did not contain an adequate noise analysis to allow the Planning Commission to make a finding that the Project would not generate excessive noise in comparison to existing ambient levels. The Project would result in up to 9,000 vehicle trips per year on dirt roads generating PM_{10} ***dust, affecting adjacent residences. The MND did not contain an adequate analysis of public services impacts such as sheriff, fire or emergency medical response, as well as impacts from increased crime and disturbances that are likely to result from placing a commercial campground in a rural residential area. Furthermore, the diminution of economic value of the surrounding properties constitutes a substantial adverse effect.***

(4) The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.

Finding cannot be made: The Project is inconsistent with Countywide Plan policies LU-2.1 (Compatibility with existing uses) and LU-4.5 (community identity). As outlined above, the commercial campground Project would introduce new sources of noise and would interfere with the remote rural character of the surrounding neighborhood which is expressly recognized by the Homestead Valley CAG. As stated above, the Noise Memo in support of the MND prepared for the Project did not contain an adequate noise analysis to allow the Planning Commission to make a finding that the Project would be consistent with Policy LU-2.1. The Planning Commission findings did not address the Project's compatibility with Policy LU-4.5 at all.

(5) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.

Finding cannot be made: While the Project consists of a "dry" campsite and does not require utility infrastructure, the Project will place an unacceptable demand on public services such as fire, sheriff and emergency medical response given its location in a remote rural area and the lack of on-site staff, as well as unacceptable response times due to the distance from sheriff and fire facilities.

(6) The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and general welfare.

Finding cannot be made: The CUP does not require any resident host, caretaker, or manager to be present on the property at any time. This does not protect the public health, safety or general welfare because camera systems and phone-based monitoring cannot detect or address noise, trespass, fire hazards, or dangerous wildlife encounters in real time. With 20-40 minute emergency response times, there is no way to address disturbances during peak use periods.

Failure to make <u>any</u> of the required findings mandates denial of the permit; the standard is not whether benefits outweigh harms — each finding must independently be satisfied, and the Project applicant bears the burden of proof.

For the foregoing reasons, we request that the appeal be granted and the Project approvals be rescinded. At minimum, if the approval is upheld, we request that a full-time on-site host/manager be required as a mandatory condition of the CUP.

Very truly yours,

FENNEMORE LLP

Donovan Collier

Donovan C. Collier

Attachments

ATTACHMENT 1

TECHNICAL MEMORANDUM

DATE: July 22, 2026
TO: Donovan Collier, Fennemore
FROM: Haseeb Qureshi, Ali Dadabhoy, Urban Crossroads, Inc.
JOB NO: 17191-03 Noise Peer Review

SUBJECT: JOSHUA TREE CAMPGROUND 3RD PARTY REVIEW

Urban Crossroads, Inc. is pleased to provide the third-party review for the Joshua Tree Campground Noise Technical Memorandum prepared by prepared by Vista Environmental and dated April 24, 2024. The Project is located at 62076 Mercury Drive, within an unincorporated portion of County of San Bernardino, and consists of an approximately 7.5-acre site that is largely vacant apart from an existing small cabin and storage structure.

The Project proposes development of a 15-site dry campground, with no water or utility connections and remote, largely automated operation. The surrounding area consists entirely of large-lot (multi-acre) rural residential parcels. The purpose of this peer review is to evaluate the technical adequacy of the Noise Memo and to identify any relevant revisions or supplemental information that would strengthen the analysis in support of the County's environmental review.

FINDINGS

- The Noise Memo evaluates construction and operational noise, as well as construction and operational vibration and aircraft noise, consistent with the County's General Plan Noise Element and Municipal Code Section 83.01.
- The nearest sensitive receptors are single-family homes located as near as 230 feet west, 510 feet north, and 410 feet southwest of the Project site.
- Construction noise is evaluated using the FHWA Roadway Construction Noise Model (RCNM) and compared to the FTA Manual's 80 dBA Leq (8-hour) significance threshold; all calculated levels are below this threshold.
- Off-site roadway noise from Project-generated traffic (22 daily trips) is evaluated against a 3 dBA CNEL significance threshold and found to be well below the threshold given the low trip generation relative to existing volumes on Border Avenue.
- On-site operational (campsite) noise is evaluated using a reference noise measurement collected at San Simeon Creek Campground and standard geometric spreading, and is found to be below the County's 55/45 dBA (day/night) stationary-source standards at the nearby homes.
- Vibration from construction and operation is evaluated using FTA reference data and found to be below the County's 0.2 in/sec PPV threshold.
- Existing ambient noise conditions at the Project site are characterized using a single reference measurement (Measurement ST-20) drawn from the San Bernardino Countywide Plan Draft PEIR (2019), collected approximately four miles southeast of the Project site; no site-specific ambient noise measurements were collected for the Project.

RECEIVER LOCATIONS

Notably, the Noise Memo does not include a receiver location exhibit identifying the specific residences evaluated relative to the Project site. To address this gap, UXR conducted a field survey of the Project vicinity and identified sensitive receiver locations (R1 through R8), as shown on Exhibit 1, representing the closest noise-sensitive residences to the Project site. The selection of receiver locations is based on FHWA guidelines and is consistent with Caltrans and FTA guidance. Distance is measured in a straight line from the Project site boundary to each receiver location; Table 1 summarizes these distances.

As shown below on Exhibit 1 and Table 1, receiver distances to the Project site boundary range from approximately 218 feet to 2,284 feet. These receiver locations are intended to represent the noise-sensitive uses anticipated to experience the greatest potential Project-related noise exposure and are not intended to depict exact property lines or specific outdoor living areas.

EXHIBIT 1: RECEIVER LOCATIONS

TABLE 1: RECEIVER DISTANCES TO PROJECT SITE BOUNDARY

Receiver	Description (Direction from Project Site)	Distance to Project Site Boundary (feet)
R1	North of the Project site.	501
R2	Southeast of the Project site, near the Saturn St / Border Ave area.	2,284
R3	South of the Project site.	852
R4	West of the Project site, near the site's southwest boundary.	265
R5	West of the Project site, along Mercury Dr.	406
R6	West of the Project site, near 61980 Mercury Dr.	218
R7	Southwest of the Project site.	1,219
R8	Northwest of the Project site, near Moon Dr / Giant Rock Rd.	1,823

SPECIFIC COMMENTS

1. **Existing Noise Environment, Page 5 –** The Noise Memo characterizes the existing noise environment using a single measurement taken approximately four miles from the Project site as part of a 2019 countywide planning effort, rather than site-specific measurements. No site-specific ambient noise measurements were collected, reviewed, or referenced anywhere in the Noise Memo. Without any site-specific ambient noise data, the Noise Memo's characterization of existing conditions — and any significance conclusions that depend on it — is not adequately supported.
2. **Onsite Operational Noise Impacts, Table F, Page 9 –** The operational noise analysis for the proposed campsites relies on a reference measurement collected at an existing 115-site campground in a different setting, scaled to the Project's 15 campsites through geometric spreading, and compared only to the County's numeric stationary-source standards. While UXR does not disagree that this approach provides a reasonable, conservative indicator of the absolute noise levels anticipated, the analysis does not evaluate the resulting levels against any established, site-specific ambient noise baseline. Because CEQA Appendix G asks whether a project would result in a substantial permanent increase in ambient noise levels in the project vicinity, in addition to compliance with adopted standards, we recommend the discussion be expanded to evaluate the predicted campsite noise levels against a properly established ambient noise baseline, so that decision-makers can assess the relative change in the acoustic environment, not solely compliance with the numeric standard. This is particularly relevant given the rural character of the surrounding area, where isolated peak noise events (e.g., evening

arrivals, vehicle doors, or camp activity) may be more readily perceptible to nearby residents than a bare comparison to the County's numeric standards would suggest.

3. **CEQA Significance Discussion –** Throughout the Noise Memo, the significance conclusions for on-site operational noise are based solely on compliance with the County's numeric noise standards (Section 83.01.080, Table 83-2). The Noise Memo does not evaluate whether the Project's operational noise sources would result in a substantial permanent increase in ambient noise levels, which is a separate and independent question under CEQA Appendix G Threshold A. An established framework for this evaluation is provided by the Federal Interagency Committee on Noise (FICON), which has been recognized in California case law (see Gray v. County of Madera (2008)) as an appropriate basis for determining significance. Application of this framework requires a site-specific ambient noise baseline, which was never established for this Project. UXR recommends the Noise Memo be revised to evaluate the Project's operational noise increase against an established framework such as this, supported by a properly documented ambient noise baseline, rather than relying solely on compliance with the County's absolute numeric standards.

4. **Nighttime Operational Activity –** Table F presents a single operational noise level for the campsites and compares it to both the daytime (55 dBA) and nighttime (45 dBA) County standards, but the Noise Memo does not separately discuss nighttime-specific activities (e.g., late arrivals/departures, vehicle doors, or generator/RV use, if any) that may be more readily audible against a quieter nighttime ambient. UXR recognizes that camping uses typically quiet down once it is dark, absent organized evening events, and the Project's remote, gate-automated operation may further limit late-night activity. To further ensure this expectation is realized, UXR recommends a condition of approval be included prohibiting site access during nighttime hours (10:00 p.m. to 7:00 a.m.), consistent with the Project's automated entry/exit gate system. The Noise Memo does not indicate that evening or nighttime events are proposed. UXR recommends this expectation be stated explicitly, along with a brief discussion of anticipated nighttime activity levels, so that the existing qualitative conclusion is supported by disclosed reasoning rather than left implicit.

CONCLUSIONS:

UXR's review of the Joshua Tree Campground Project Noise Technical Memorandum indicates that the construction noise, off-site roadway noise, vibration, and aircraft noise analyses are generally complete and are consistent with standard CEQA methodologies, including the FHWA RCNM and FTA significance thresholds. With the incorporation of a site-specific ambient noise baseline and a corresponding discussion of the Project's relative increase over existing conditions, as identified above, UXR believes the Noise Memo can more fully support the County's CEQA findings for the Project. If you have any questions, please contact me directly at (714) 612-6664.

ATTACHMENT 2

An Analysis of Economic Issues Associated with the Proposed Development

Matter: Joshua Tree Luxury Adjoining Properties — San Bernardino County CUP Appeal (Mercury Dry Campground, PROJ 2023-00023; conditional use permit approved April 9, 2026)
Prepared by: Kristofer Buchan — Stoneturn
Date: July 23, 2026

Background of Kris Buchan

Kristofer D. Buchan is an expert in applying empirical economic and statistical models to sophisticated issues with more than 20 years of experience in antitrust, class action, and complex damages matters. He serves as an Executive Professor at Texas A&M University's Mays Business School, where he teaches graduate and undergraduate students how to apply statistics, economics, and valuation methodologies to real business settings. He has served as an expert witness in numerous disputes, providing testimony in federal and state courts across the United States as well as independently administered arbitrations.

The issues presented fall within Mr. Buchan's core competencies: economic impact research and analysis, econometric modeling, valuation of product attributes, and the quantification of statutory and complex economic damages. His experience includes managing damages estimations for significant mass tort matters involving real property damage, such as the North Bay, Camp, and Maui wildfires, as well as assisting court-appointed experts in estimating damages for current and future cancer claimants. He has worked extensively across a broad range of industries, including commercial and residential real estate, energy, healthcare, pharmaceuticals, and retail.

Executive Summary

This report addresses a narrow valuation question: whether the approved commercial campground use is likely to impair the marketability and value of neighboring rural residential property. The approval creates an external burden (in economics, an externality): one parcel captures the benefit of a commercial entitlement, while neighboring properties bear incremental costs including the loss of privacy, quiet, dark skies, marketability, and value. The proposed 12-site, unstaffed "dry camp" at 62076 Mercury Drive introduces a transient commercial use that is fundamentally incompatible with the existing Rural Living zone.

Key Findings:

Increased Emergency Service Burden: The project creates a foreseeable rise in demand for Sheriff, fire, and emergency medical services in a remote area already 10 to 12 miles from the nearest stations.

Correlation with Crime: Academic literature establishes that transient populations increase opportunities for crime, including property crime, vandalism, and drug violations, independent of any specific visitor's intent.

Transfer of Supervisory Responsibility: The absence of on-site staffing shifts the burden of monitoring and security from the property owner to public agencies and neighboring residents.

Diminution of Property Value: The neighboring 160-acre estate, which derives its value from privacy, seclusion, and security, faces a measurable loss of value due to external, locational obsolescence caused by the transient conversion.

Inadequacy of Infrastructure Metrics: The lack of water and power hookups does not mitigate service impacts, as the demand for emergency response is a function of human activity and transient density, not utility consumption.

Narrative Summary

The proposed 12-site, unstaffed "dry camp" at 62076 Mercury Drive presents two intertwined problems for the surrounding Rural Living zone: a foreseeable increase in demand for sheriff, fire, and emergency medical response, and a corresponding threat to the market value of neighboring rural-residential estates whose worth depends on the very qualities a transient commercial use erodes. A rotating, anonymous overnight population operating without on-site staff generates a disproportionate and unmitigated public-service burden. This burden, layered onto a remote high-desert parcel already 10 miles from the Sheriff's station and 12 miles from County Fire, both justifies a finding of land-use incompatibility and imposes a diminution of value at the adjoining 160-acre estate, whose premium rests specifically on privacy, seclusion, and security.

It is well established in academic literature that the presence of transient strangers in a defined area reliably increases the opportunity for crime, independent of any single visitor's intent. Jarrell & Howsen's (1990) paper, "Transient Crowding and Crime," studied the impact of increased number of outsiders moving through an area. The study found that as the number of outsiders grows, apprehension becomes more difficult and the pool of potential victims expands– meaning communities pursuing transient-population growth should expect increased opportunity for crime as a foreseeable result, and should plan and fund accordingly.[1] Biagi and Detotto (2014) further support this, finding that visitor arrivals carry a significant, positive relationship to crime, specifically pick-pocketing, and the resulting distortion in criminal activity is not a subjective

[1] Jarrell, S., & Howsen, R. M. (1990). Transient Crowding and Crime: The More "Strangers" in an Area, the More Crime Except for Murder, Assault and Rape. The American Journal of Economics and Sociology, 49(4), 483–494, at 483-84, 492.

nuisance but a real, calculable social cost.[2] Applied to Mercury Drive, a facility cycling 24 to 30 rotating guests through a single remote parcel is not an increase in local population, it is precisely the kind of transient population the study identifies as a driver of added emergency services burden.

Academic literature also finds that high-growth tourism counties consistently carry significantly higher property crime rates and elevated arrests for vandalism and drug violations than lower-growth counties, and the cause lies not in visitor behavior alone but in the destabilization of the surrounding social fabric. Residential patterns in rapidly growing communities may be highly unstable.[3] According to a 2008 study by Park and Stokowski, a community's success in absorbing transient growth should instead be gauged by how well the needs of community members are served, a standard the proposed campground was never designed to meet, since it was neither planned around, nor accountable to, the residential neighbors who will bear its costs.[4]

The risk here is also structural. Another study of short-term rentals – an example of transient-use lodging – finds that increased 'penetration,' meaning the conversion of properties into transient-use lodging, significantly drives increases in violent crime. This effect grows stronger after a one-year lag, consistent with a gradual erosion of a neighborhood's social organization rather than the conduct of any particular visitor.[5] This is the exact mechanism at issue at 62076 Mercury Drive. The risk arises from converting the parcel into an unstaffed transient-use operation, not just from whether this week's campers happen to behave well. According to the staff report, Project No: PROJ-2023-00023, the Sheriff's documented dispatch to the site for gunshots reported at night during a period of unauthorized operation is not an anomaly to be dismissed, it is the real-world example of this exact structural risk.

The absence of on-site staffing does not just fail to prevent this risk; it transfers the burden of addressing this risk onto public agencies. Absentee owners are often the primary target of neighbor complaints precisely because they are not present on the site to control activity on the property, so monitoring responsibility shifts by default to police and neighbors, and facilities managed remotely by a single entity with little oversight of on-site activity generate a disproportionate share of local government complaints.[6] That shift is not marginal. A signed letter from 33 Arizona mayors reported that some communities have seen over half of citizen police calls relate to problems with short-term rentals.[7] The developer's proposed "Rules and Regulations" and automated gate, absent a staffed presence to observe or enforce them in real time, amount to little more than a document and a physical barrier – not the supervisory function actually

[2] Biagi, B., & Detotto, C. (2014). Crime as Tourism Externality. Regional Studies, 48(4), 693–709, at 11,14.
[3] Park, M., & Stokowski, P. A. (2008). Social Disruption Theory and Crime in Rural Communities: Comparisons Across Three Levels of Tourism Growth. Tourism Management, 30(6), 905–915, at 912.
[4] Park & Stokowski, at 914.
[5] Ke, L., O'Brien, D. T., & Heydari, B. (2021). Airbnb and Neighborhood Crime: The Incursion of Tourists or the Erosion of Local Social Dynamics? PLOS ONE, 16(7), e0253315, at 12.
[6] Elliott D. Pollack & Company. (2021, February). The Negative Consequences of Short-Term Rentals: Arizona's Recipe for Disaster, at 23–25.
[7] Elliott D. Pollack & Company, Appendix.

required. Unmonitored activity that on-site staff would ordinarily catch before it escalates instead becomes a recurring call for County Fire and the Sheriff to answer.

These risks are compounded by the site's remoteness. With the Sheriff approximately 10 miles away and County Fire approximately 12 miles away, every dispatched call to this parcel consumes response-time resources disproportionate to what the same call would require in a denser service area, and service costs rarely remain constant on a per capita basis as a jurisdiction's land-use character changes, meaning the added burden of a remote, unstaffed commercial use cannot be assumed away simply because the parcel is sparsely developed.[8] That burden also cannot be assumed to remain modest. Commercial projects are frequently subject to overly optimistic projections that underestimate costs and overestimate revenue capture,[9] a caution applicable to a proposal premised on self-enforcing rules and remote oversight covering a use 12 miles from the nearest fire response in a high-desert environment where brush-fire risk is not hypothetical.

Beyond the service call burden, the proposal represents the kind of discretionary land-use departure, a use the County must affirmatively approve rather than one permitted automatically under existing zoning, which the fiscal impact literature treats as corrosive to an established residential character. For example, a small rural community might decide against a highway commercial rezoning that would have relieved its residential tax burden, concluding that such a development would overwhelm its rural character and choosing instead to preserve its existing pattern rather than accept the tradeoff.[10] The subject parcel sits within precisely this kind of homogeneous rural residential pattern, and because tourism growth's costs and benefits are not automatically distributed evenly across a community, the burden of this particular discretionary approval would fall not on the applicant, but on the surrounding residential neighbors and the County agencies obligated to respond when that character is disrupted.[11]

The consequence of that disruption is a measurable loss of value at the subject estate. The 160-acre property is valued specifically for its privacy, seclusion, and security – locational attributes that depend largely upon the character of the land around it. Introducing a 12-site, unstaffed, public-facing commercial lodging operation next door creates the very risk profile this research associates with transient conversion, elevated property-crime exposure,[12] the destabilizing social-disruption effect documented in high-growth rural tourism counties,[13] and the lagged violent-crime risk tied specifically to converting a property into transient-use lodging.[14] Because that externality carries a monetizable social cost rather than a merely subjective one,[15] the resulting diminution in value at the subject estate is an economically grounded conclusion, a direct instance of external, locational obsolescence, not a speculative one.

[8]Kotval, Z., & Mullin, J. (2006). Fiscal Impact Analysis: Methods, Cases, and Intellectual Debate. Lincoln Institute of Land Policy Working Paper (WP06ZK2), at 16-17.
[9]Kotval & Mullin, at 17.
[10]Kotval & Mullin, at 2.
[11]Park & Stokowski, at 914.
[12]Jarrell & Howsen, at 489; Biagi & Detotto, at 11.
[13]Park & Stokowski, at 912-13.
[14]Ke, O'Brien, & Heydari, at 12.
[15]Biagi & Detotto, at 14.

None of this cost is captured by the Planning Commission's finding that a "dry camp" lacking water and power hookups carries no meaningful service impact, a conclusion that confuses infrastructure with service demand. Standard fiscal impact ratios measure only the average cost of a community's existing land-use mix, not the marginal cost of a specific incremental new development. A finding of no effect based on the absence of utility hookups is an average-cost assumption dressed as a marginal-cost conclusion.[16] Measured correctly, service level is a function of sheriff dispatches, fire-response exposure, and EMS availability, not water meters, and service costs of this kind rarely remain constant simply because a use is classified as unserviced.[17] The site's documented gunshots at night, its creosote-bush fire risk while being 12 miles from the nearest County Fire station, and the burden of monitoring trespass on an unstaffed 12-site parcel are all service impacts that exist independent of the absence of hookups.

Academic literature on the impact of transient-use lodging suggests a predictable outcome that converting 62076 Mercury Drive from a low-density residential use into a 12-site, unstaffed, remotely managed campground will introduce a transient population into a homogeneous rural residential area in a manner that increases demand for sheriff, fire, and EMS response. The absence of on-site staffing removes the ordinary supervisory function that would otherwise contain that risk and instead shifts monitoring onto County agencies already located 10 to 12 miles away, and that shift constitutes an unmitigated cost to the public that a hookup checklist was never designed to measure. The same logic supports a resultant reduction of value at the subject estate, whose value rests on privacy, seclusion, and security, qualities eroded not by any defect in the property itself, but by an unpredictable, discretionary change in the character of the land surrounding it. The proposed unstaffed campground is incompatible with the established Rural Living zone.

[16] Kotchen, M. J., & Schulte, S. L. (2009). A Meta-Analysis of Cost of Community Service Studies. International Regional Science Review, 32(3), 376–399, at 377,392.

[17] Kotval & Mullin, at 16.

Qualitative Analysis of Adverse Land-Use Impact on Highest and Best Use, Marketability, and Value

Matter: Joshua Tree Luxury Adjoining Properties — San Bernardino County CUP Appeal (Mercury Dry Campground, PROJ 2023-00023; conditional use permit approved April 9, 2026)

Prepared by: Frederick Chin, MAI, CRE, CIRA, CTP — Province

Date: July 24, 2026

Background of Frederick Chin

Frederick E. Chin is a real estate valuation and advisory professional with more than 45 years of experience in valuation, highest-and-best-use analysis, marketability, and distressed, transitional, and alternative-use real estate. He holds the MAI and CRE designations, and his work is governed by the Uniform Standards of Professional Appraisal Practice (USPAP). He has served as an expert witness in more than 75 contested matters across nine jurisdictions, with no exclusions.

The issues presented fall within Mr. Chin's core competencies: highest-and-best-use analysis, marketability, external obsolescence, and the effect of surrounding land uses on value. His experience includes valuing and repositioning specialized real estate portfolios and luxury residential assets, including more than 125 homes generally priced from $10 million to $80 million. Those assignments required judgments about how location, exclusivity, privacy, and setting affect buyer demand. He also served as CEO and COO of a privately held homebuilder that delivered approximately 500 homes annually.

This assignment requires a practical assessment of how the market would perceive the approved adjacent use, how a prudent buyer would price the associated risk, and how those perceptions affect marketability. The analysis is independent and based on Mr. Chin's examination of the conditional use property, adjacent properties to that use, surrounding land uses, and the County record.

Executive Summary

This report addresses a narrow valuation question: whether the approved commercial campground use impairs the marketability and value of neighboring rural residential property.

The approval creates an external burden: one parcel captures the benefit of a commercial entitlement, while neighboring properties bear the potential loss of privacy, quiet, dark skies, marketability, and value.

Key valuation points:

- **The area's setting is a key driver of value**. Adjoining and nearby rural-residential properties derive material value from privacy, quiet, dark skies, open views, seclusion, and low-density rural character—attributes supplied in substantial part by surrounding lands.

- The conditioned use is commercial: campsites are offered for compensation to transient members of the public. Its operating characteristics are those of paid lodging, regardless of the campground label.

- **The use does not satisfy an unmet camping need**. With recreational and off-road vehicles excluded, the approved activity is fee-based tent and car camping comparable to dispersed camping available without charge on nearby public lands.

- **The conditioned use concentrates activity**. Rather than dispersing campers over broad public lands, the CUP places transient users, vehicles, voices, lights, campfires, and nighttime activity on a fixed site surrounded by overwhelmingly residential zoning.

- **The conditioned use operation relies on locational value created by surrounding lands**. Site access, frontage, and marketing can convert the area's tranquil setting into a commercial draw while shifting resulting impacts to adjoining owners.

- **Site improvements appear oriented toward group gatherings, reinforcing that the approved use may function as a concentrated social use rather than separated, low-contact camping.**

- **The resulting impairment is external, or locational, obsolescence**. Adjoining owners cannot cure an off-site use within their property lines; fencing, screening, and security are costly, incomplete, and may sacrifice the open views that contribute to value.

- **Marketability is impaired because buyers seeking seclusion are least likely to accept an adjacent commercial campground**. The foreseeable effects are a narrower buyer pool, longer marketing time, greater resistance, and potential diminution in value.

The result is a one-directional transfer of value: the permitted parcel monetizes the surrounding locational premium, while neighboring owners absorb the traffic, publicity, concentrated activity, loss of tranquility, and reputational association. Because comparable camping is available elsewhere, the conflict is avoidable rather than necessary.

I. Summary of Opinion

The adjoining properties to the approved conditional use permitted site are established low-density rural-residential holdings whose highest and best use, as vacant or improved, is low-density residential use. Their premium derives from shared locational attributes—privacy, seclusion, open views, dark skies, quiet, exclusivity, and adjacency to large tracts protected from development. These include the Marine Corps Air Ground Combat Center, more than 800 acres held by the Mojave Desert Land Conservancy, and substantial undeveloped private acreage. The approved commercial transient-camping use is incompatible with those value-supporting attributes.

The County's April 9, 2026 approval does not alter the neighboring properties' legal uses, but it impairs their economic utility and marketability through external, or locational, obsolescence. The foreseeable consequences are a narrower buyer pool, longer marketing times, reduced marketability, and potential diminution in value. Because dispersed camping is already available on surrounding public land, the approved use adds little camping supply while placing its burdens within an almost exclusively residential zoned area.

The approval also converts a dispersed activity into a concentrated commercial use. Instead of spreading campers across broad public lands where they are free to choose their own sites, it channels transient campers onto a small private parcel next to residential properties, increasing the concentration of vehicles, voices, lights, campfires, and social activity.

II. Scope and Standard

This analysis applies established appraisal principles: highest and best use, substitution, conformity and compatibility, external obsolescence, and exposure time and marketability, as stated in The Appraisal of Real Estate (16th ed.) and The Dictionary of Real Estate Appraisal (8th ed.).

III. The Subject and Its Highest and Best Use

Four tests determine highest and best use:1 The existing developed properties in the area, the highest and best use as improved is continued residential use. This use is legally permissible under the rural-land zoning classification; physically possible, as a completed improvement on a large, low-density lot; financially feasible, given market-tested demand and pricing; and maximally productive in a setting where privacy, seclusion, viewshed, dark skies, quiet, and exclusivity sustain a premium, discriminating buyer market.

[1] Highest and best use is the reasonably probable use that is legally permissible, physically possible, financially feasible, and maximally productive. See *The Appraisal of Real Estate* (Appraisal Institute, 16th ed., chapter 17); *The Dictionary of Real Estate Appraisal* (Appraisal Institute, 8th ed.), see "highest and best use."

In the Yucca Valley/Joshua Tree market, location and setting are major determinants of value. Property owners' selected sites adjoin nearby, effectively permanent open-space holdings—Department of Defense land to the north, the Mojave Desert Land Conservancy tract to the east, and other undeveloped acreage—to secure privacy, quiet, dark skies, and unbroken views. The Homestead Valley Community Plan and regional conservation framework likewise recognize low-density character, scenic vistas, and dark skies as community attributes.

The conditionally zoned parcel ("CUP") is now entitled for the Mercury Dry Campground: twelve dry campsites on 7.5 acres. The condition is neither temporary nor speculative; the CUP is a transferable land-use attribute that may be replicated on other Rural Living zoned parcels.

IV. The Proposed Use Is Adverse to the Adjoining Properties

The CUP is a commercial, publicly accessible, transient-lodging (dispersed-camping) operation. Attribute by attribute, it attacks the very characteristics that constitute the adjoining properties' highest and best use.

Because the campsites are offered for compensation to transient members of the public, the operation is a commercial lodging use notwithstanding its campground designation. The valuation analysis should focus on actual operations and intensity—not terminology that may understate the hospitality function. Community correspondence concerning Rural Living zoning supports that distinction.

- **Privacy and seclusion —** anonymous, rotating visitors with sightlines and foot traffic toward the adjoining properties; in open desert terrain, sightlines extend far, and there is little inherent buffering.
- **Quiet —** vehicles, generators, voices, and late-night activity, with sound carrying unusually far against a very low desert ambient baseline.
- **Dark skies and open outlook —** headlights, lanterns, and potential campfires degrade a specifically marketed, locally protected amenity and convert an open natural view into an occupied one.
- **Neighborhood character and stability —** a transient, high-turnover commercial activity injected into a stable, low-density residential area — intensification where the prevailing pattern is the opposite.

These intrusions are not isolated; they reflect a basic real estate appraisal principle — conformity and compatibility — under which value is supported by compatible surrounding uses and impaired by incompatible ones. Across every land-use dimension — use and purpose, tenure and permanence, density and intensity, site layout and buffering, hours of activity, noise, lighting, traffic, privacy, visual character, fire and emergency load, and economic and regulatory nature — a low-density exclusive residential area and a commercial dispersed-camping operation are materially inconsistent to the detriment of the residence. The cumulative effect of that incompatibility is external (locational) obsolescence.[2]

The area's Rural Living zoning accentuates the incompatibility. Planning materials identify open space, dark skies, quiet, tranquility, and growth respectful of rural desert character as defining attributes. A publicly marketed transient-lodging operation introduces recurring customer turnover, vehicle trips, nighttime illumination, outdoor congregation, and commercial promotion. The conflict is structural; it does not depend on proof that every guest will create a disturbance.

The remote-management model of the CUP increases uncertainty. Unlike dispersed camping spread across extensive federal lands under ranger authority, the CUP concentrates activity on one private parcel and relies on cameras, two-way audio, and noise sensors monitored off-site by an operator who may be up to fifteen miles or thirty minutes away. This arrangement shifts practical monitoring toward adjoining owners and leaves police and fire services to respond reactively rather than relying on continuous on-site management.

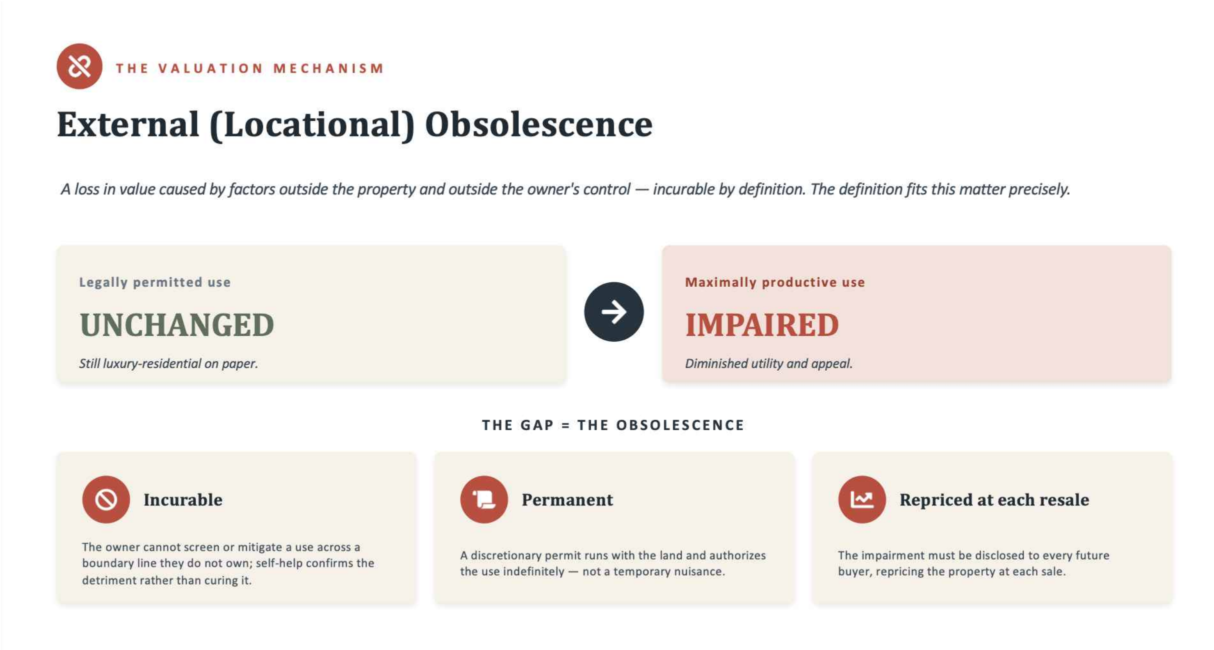
Dedicated campgrounds commonly use on-site management, hosts, patrols, designated sites, fire rules, and quiet-hour enforcement to protect visitors, resources, and neighboring lands. The CUP operation omits much of that protective layer at the boundary where it is most needed. A prudent buyer of adjoining RL zoned lands would attach greater uncertainty to a remotely monitored, rotating commercial occupancy than to a staffed operation.

V. The Valuation Mechanism: External (Locational) Obsolescence

External, or locational, obsolescence is a loss in value caused by factors outside a property's boundaries and control. The residences have not physically changed, but their setting has. Owners cannot relocate or fully control the approved use; walls, landscaping, and security are costly, incomplete, and may themselves signal the impairment. Conditions

[2] External obsolescence is a loss in property value caused by factors *outside* the property's own boundaries — conditions in the surrounding area or market that the owner cannot cure by repairing or modifying the property itself. Unlike physical deterioration (a worn roof) or functional obsolescence (an outdated floor plan), external obsolescence originates off-site and is generally considered incurable, because the owner has no control over the offending condition. Extreme, readily recognizable examples include a quiet home that suddenly sits beside a new airport runway, a freeway interchange, a landfill, a sewage-treatment plant, a prison, or a slaughterhouse — in each case the house is physically unchanged and just as well-built as before, yet its market value falls because of what now surrounds it.

imposed on the operator do not cure the loss of control because they regulate conduct largely from off-site and after the fact.



The properties remain legally available for low-density residential use, but provide less of the privacy, quiet, seclusion, and dark-sky experience for which buyers pay. That gap between permitted use and compromised market utility is the relevant obsolescence. Because the CUP runs with the land unless revoked, a prudent buyer will treat the condition as a continuing risk.

The impairment is incurable in the appraisal sense because it arises from an off-site use, not a defect in the adjoining properties. Where their value depends materially on the surroundings, loss of control over those surroundings directly affects buyer demand, exposure time, and pricing.

VI. Diminished Marketability and Value

The marketability impact aligns with the real estate appraisal principle of substitution.[3] The rural-adjoining properties' buyer is a discretionary lifestyle purchaser under no compulsion; the willing-buyer component of market value is impactful[4]; confronted with two comparable parcels at similar prices, the rational buyer simply selects the one without an adjacent campground. The area offers ample unimpaired alternatives, so genuine substitutes exist.

[3] Principle of substitution: a prudent buyer pays no more than the cost of acquiring an equally desirable substitute. *The Appraisal of Real Estate* (16th ed.); *The Dictionary of Real Estate Appraisal*, see "substitution."

[4] Market value assumes a willing buyer and seller, neither under compulsion to act, and a reasonable exposure period; *The Dictionary of Real Estate Appraisal*, see. "market value."

The negative impact affects every property in the vicinity whose value rests on the same setting.

The result is buyer-pool contraction. Quiet, privacy, dark skies, and seclusion are central components of the product. Degrading those attributes narrows an already selective buyer pool, producing longer exposure, greater price resistance, wider list-to-sale gaps, and potentially lower pricing. Impaired saleability is itself a material marketability consequence.

A prudent purchaser would also consider the cost and limitations of defensive measures such as fencing, monitoring, and added security. Those measures may reduce intrusion but also obstruct open views and advertise the conflict. The buyer faces a value-reducing choice between accepting the intrusion and sacrificing part of the setting to screen it.

The permanent *stigma / resale-resistance* component compounds the effect.[5] Residential buyers' price perceived risk conservatively, and an off-site-managed, commercial use near a frequently visited national-park gateway creates a perceived risk that the use will intensify over time rather than abate. A rational buyer underwrites the worsening trajectory, not merely today's level of use.

The County record also reports late-night noise, gunfire, trespass, and enforcement calls predating campground operations. Those events are not offered as proof of campground-generated impacts. They are relevant only because they demonstrate how sound, access, and enforcement issues manifest in this low-ambient setting and inform the risk a buyer may assign to remote management.

[5]The classification of detrimental-condition loss into cost, use, and risk/stigma components follows Randall Bell, *Real Estate Damages: Applied Economics and Detrimental Conditions* (Appraisal Institute, 3rd ed.).

HOW THE LOSS SHOWS UP

Buyer-Pool Contraction & Impaired Marketability

By the principle of substitution, the rural-estate buyer is discretionary and under no compulsion. Faced with comparable parcels, the rational buyer simply picks the one without an adjacent campground.

- → Fewer qualified buyers
- → Longer exposure / marketing time
- → More price reductions
- → Wider list-to-sale gap
- → Clears only to a lower-tier buyer

Stigma / resale resistance

High-end buyers price perceived risk conservatively. An unmanaged, uncapped use near a park gateway is foreseeable to intensify — so a buyer underwrites the worsening trajectory, not just today's use.

Marketability and value are distinct — a property can hold a theoretical value yet be hard to sell. That impaired saleability is itself the diminution at this qualitative stage.

VII. No Necessity — Abundant Public-Land Supply for the Proposed Use

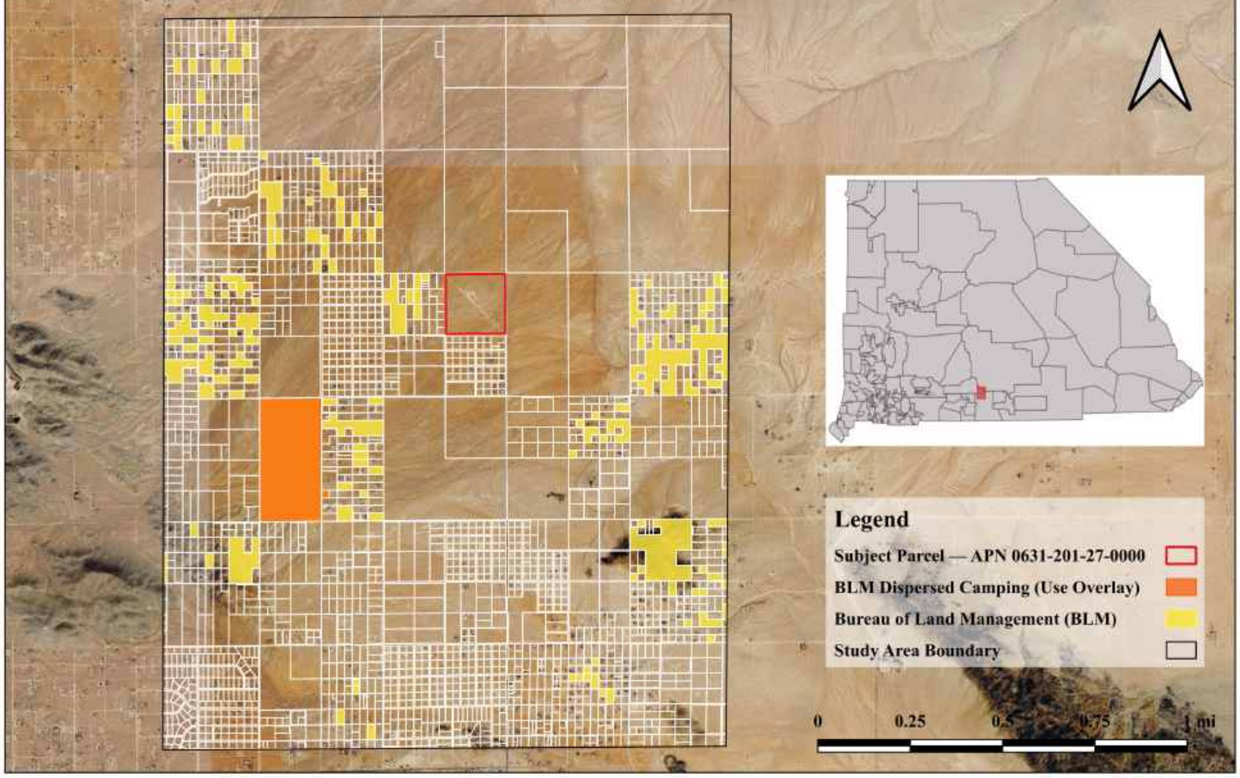
The adjacent siting is avoidable because the surrounding area already contains substantial public land available for camping:

– BLM lands constitute roughly a third of the surrounding Community Plan area and border it; non-jurisdictional lands (BLM, State, and Department of Defense) make up roughly 35% of the area.

– Most BLM public land permits dispersed camping unless posted closed, subject to a 14-day stay limit and area rules.

– The adjacent Johnson Valley OHV Area — more than 140,000 acres — and other BLM recreation lands already host camping and recreation near the subject.

Exhibit 2 — Surface Ownership BLM Lands & Dispersed Camping, San Bernardino County, California



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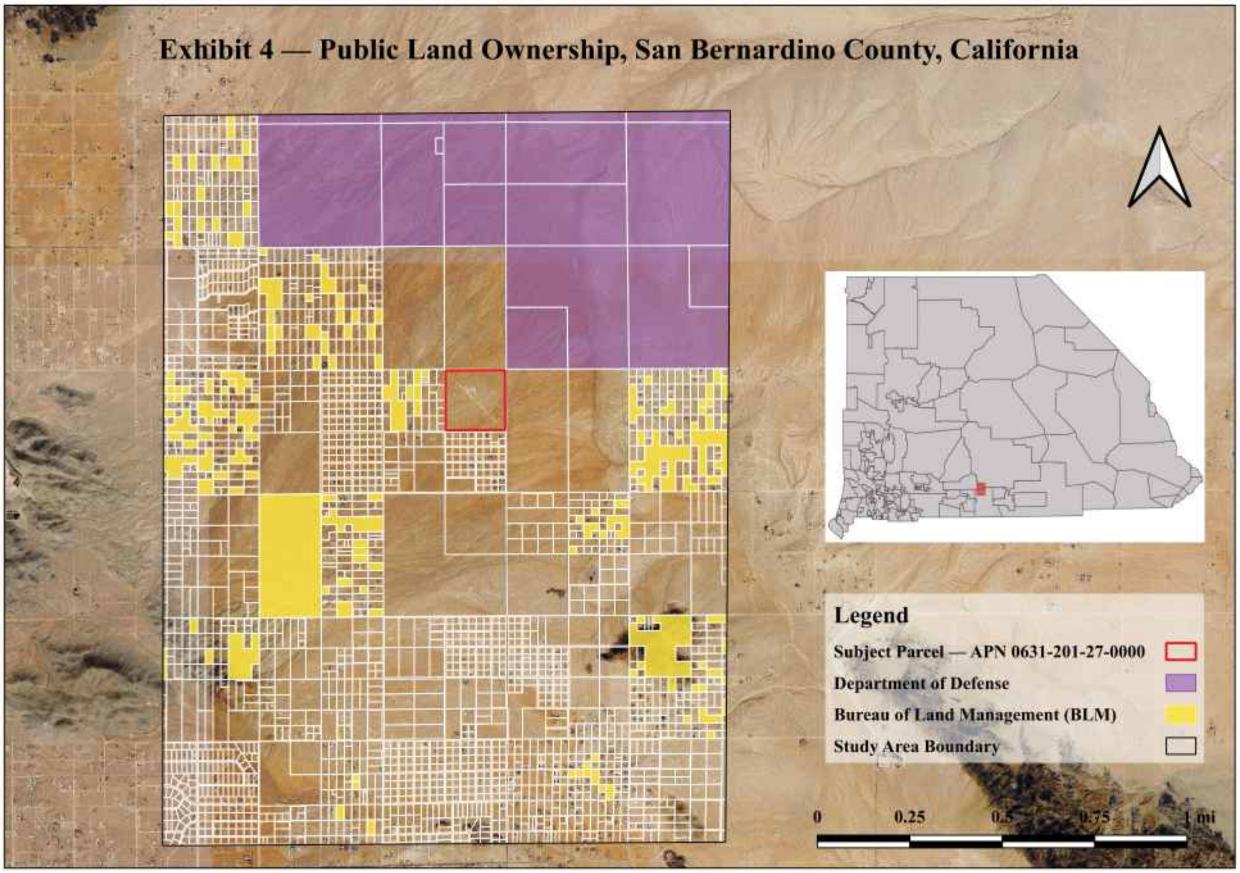
Within the approximately 27-square-mile study area — generally bounded on the south by Aberdeen Road, on the east by the alignment of Sunever Road, on the north by a line approximately one mile north of Moon Road, and on the west by a line approximately 2.5 miles west of Border Road — federal and permanent conservation lands total about 3,800 acres. Of this, BLM holdings account for over 1,400 acres, including approximately 323 acres identified for dispersed camping; this figure is distinct from the much larger dispersed-camping and off-highway-recreation BLM lands elsewhere in the region, outside the study area. The remaining private land comprises approximately 2,253 parcels averaging under five acres, consistent with the area's low-density Rural Living zoning.

SURFACE OWNERSHIP					
#	Ownership category	No. of parcels	Acres	% of study area	Data source
1	Private lands	2,253	10,953.83	62.9%	*County Assessor parcel data*
2	BLM — public lands (surface ownership)	99	1,403.59	8.1%	*BLM Surface Management Agency (SMA) layer*
3	Department of Defense (MCAGCC 29 Palms / Johnson Valley SUA)	1	3,819.37	21.9%	*DoD / military reservation boundary*
4	Mojave Desert Land Trust (MDLT)	2	802.36	4.6%	*MDLT conservation holdings*
5	Roads, rail, utility ROW / unclassified residual		424.75	2.4%	
	TOTAL — Surface ownership	**2,355**	**17,403.91**	**100.0%**	

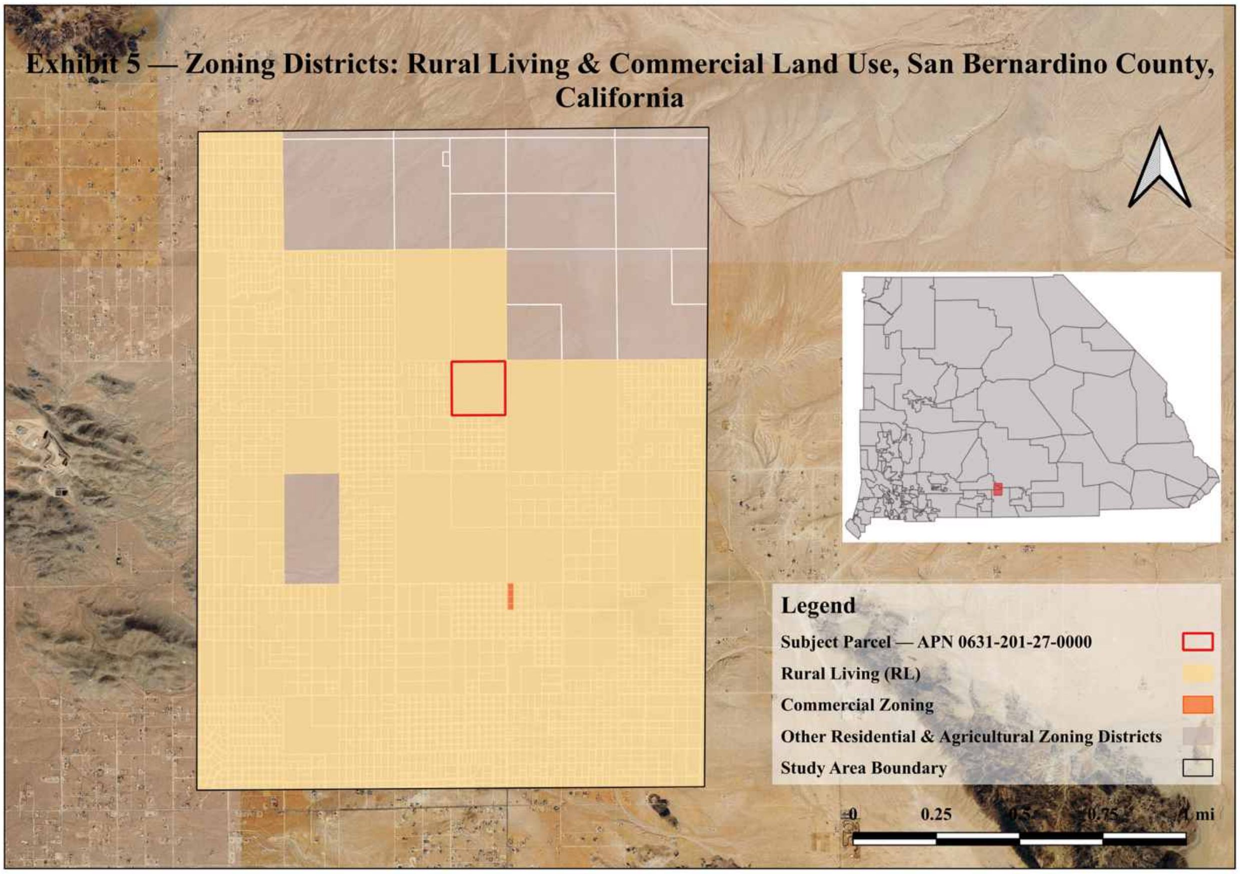


The existence of an abundance of public lands creates an asymmetry of alternatives. Rural-residential parcels are unique and immovable; primitive camping is fungible and available at lower-conflict locations. The approved use does not fill an unmet need that would justify placing concentrated transient activity within an area that is almost exclusively zoned for low-density residential living.

The key distinction is concentration. Public-land dispersed camping spreads users over broad, remote acreage; the CUP fixes twelve sites on a small site, next to residential property. The valuation issue is not merely the number of campsites, but the intensity created by concentrating transient users, vehicles, voices, lights, campfires, and nighttime activity at the shared boundaries.

Although labeled a campground, the operation has the economic characteristics of commercial lodging paid overnight occupancy, recurring arrivals and departures, active marketing, customer turnover, nighttime activity, and supervision and enforcement demands. The absence of a lobby, restaurant, or permanent guest rooms does not eliminate those valuation-relevant externalities.

Zoning data reinforce how anomalous this use is within the study area. According to San Bernardino County's Land Use Zoning Districts GIS layer, only four parcels within the study area carry a commercial zoning designation, totaling approximately 10 acres. By contrast, the privately owned, Rural Living zoned area, includes more than 2,250 parcels, or almost 10,950 acres. Commercially zoned land accounts for less than one percent of the study area's private land base. A use with the operating characteristics of commercial lodging is fundamentally out of scale and out of character with the overwhelmingly low-density residential zoning pattern that defines the surrounding area, regardless of how the operation is labeled.



VIII. Dry Camping Under the CUP Is, in Substance, Dispersed Camping — More Restricted, and More Harmful at This Location

The approval excludes recreational and off-road vehicles, leaving fee-based tent and car camping without hookups—substantially similar to primitive dispersed camping available nearby without charge.

The principal difference is ownership and concentration: the public alternative is broadly available across large acreage, while the CUP confines paying users to one fenced parcel next to residentially zoned lands. That distinction weakens any necessity argument and heightens the cross-boundary impact.

The restrictions may also narrow the operation's customer base while leaving its externalities intact. Tent campers, vehicles, voices, campfires, lighting, trespass risk, and recurring trips remain. A feature-limited camping operation competing with free alternatives may face economic pressure for aggressive marketing, reduced oversight, operator turnover, or future changes in operating practices—risks a prudent adjoining-property buyer would consider.

COMPARATIVE LAND-USE PROFILE

Exclusive Residential Home on Acreage vs. Dispersed Camping Site

Dimension	Exclusive Residential Home on Acreage	Dispersed Camping Site	Compatibility / Diminution Implication
Use & purpose	Permanent private single-household dwelling; non-commercial.	Commercial transient-lodging enterprise; revenue earned per occupancy.	Fundamental use mismatch — private domestic versus public commercial — the foundation of the incompatibility.
Tenure & permanence	Owner-occupied, long-term, stable.	Short-stay (nightly / weekly), continually rotating.	Investment and continuity in place are replaced by churn, undermining the settled residential setting.
Occupancy pattern	One household; known, consistent occupants.	Rotating, anonymous guests; variable headcount with weekend, holiday, and event peaks.	Predictability and accountability give way to transient, episodic intensity.
Density & intensity	Very low — a single residence on large acreage.	Multiple simultaneous parties dispersed across the parcel; episodic spikes.	Intensification of use within a low-density fabric — the opposite of the prevailing pattern.
Site layout & buffering	Single building envelope set within a large, undeveloped buffer.	Tents, RVs, and structures dispersed across the site, potentially near shared boundaries.	Dispersed occupancy reaches the property line, with little inherent buffering from the neighbor.
Activity & hours	Quiet domestic activity; private.	Gatherings, campfires, and arrivals / departures at varied and late hours.	Active, social, around-the-clock activity intrudes on a quiet setting.
Noise	Low, intermittent, domestic.	Elevated — voices, vehicles, generators — carrying across open desert.	A persistent noise externality; sound travels far over open terrain.
Lighting & dark skies	Minimal; dark-sky compatible.	Headlights, lanterns, campfires, and security / area lighting.	Light spill degrades dark skies — both a protected attribute and a value driver of the estate.
Traffic & access	Low, predictable; residents and occasional guests.	Higher and variable; turnover, unfamiliar drivers, and check-in / check-out cycles.	Added traffic and unfamiliar access on rural roads not built for the load.
Privacy & seclusion	High; controlled, private access.	Public-facing; strangers with proximity and sightlines to the estate.	Erodes the seclusion and privacy that define the estate's premium.
Visual & aesthetic character	Architecturally cohesive, landscaped estate.	Ad hoc and transient — tents, vehicles, and temporary structures.	Injects a transient / recreational visual character into an exclusive residential viewshed.
Fire & emergency load	Single residence under building and fire code.	Open flames and other ignition sources pose an elevated wildfire risk in high-desert fuel loads, particularly among transient visitors unfamiliar with local conditions.	Elevated fire risk and per-capita emergency demand in an area with attenuated response.
Economic & regulatory nature	Non-commercial; residential use of right.	Commercial enterprise; typically discretionary / conditional approval.	A discretionary commercial use injected where residential is the by-right baseline.
Effect on neighborhood character	Reinforces low-density rural-residential character.	Introduces commercial / transient / recreational character.	Shifts adjoining land-use character — the mechanism of external (locational) obsolescence.

Because the site cannot readily differentiate itself through amenities or access to off-road recreation, its market appeal is likely to emphasize location: seclusion, quiet, dark skies, and protected open space. Marketing those attributes converts the neighboring properties' locational premium into the operation's commercial draw and compounds their marketability impairment.

IX. Marketing Appropriation — Selling the Adjacent Properties' Setting at Its Expense

A commercial campground must generate bookings, and the most marketable qualities of this site are the surrounding serenity, quiet, dark skies, and open desert setting. Unless restricted, the operator has an economic incentive to advertise those qualities, thereby publicizing and commercializing the same amenities on which adjoining-property values depend.

Site design and access reinforce that concern. Although the property is addressed on Mercury Drive and already has existing dirt-graded access from Adele Road, the owners graded an additional roadway from Moon Road, adding a third access point to the site. This configuration is designed to enhance accessibility, visibility and marketability to transient visitors, while shifting the increased traffic towards adjoining properties.

Economically, this is a free-rider externality: the operator captures bookings and rates attributable to the area's seclusion, while neighbors bear increased visitors, traffic, publicity, and intrusion. As occupancy increases, the commercial benefit and the neighboring burden rise together.

Two Incompatible Uses

What the rural-estate buyer expects, versus what a campground delivers

THE RURAL-ESTATE BUYER EXPECTS	WHAT THE CAMPGROUND DELIVERS
Privacy Seclusion and freedom from observation	**Exposure** Anonymous transient visitors; sightlines and foot traffic into the estate
Quiet Silence as the defining premium amenity	**Noise** Vehicles, generators, voices, and late-night activity
Openness An uninterrupted, dark-sky desert outlook	**Occupancy** Tents, RVs, headlights, and equipment occupying the view
Stability Permanent, known, low-density neighbors	**Transience** Rotating, anonymous, unaccountable short-term occupants
Control A governed, predictable environment	**No host** Unstaffed, unenforced, self-policed at best

X. Compounding Uncertainties — Operator Instability, Cost-Shifting, and Stewardship Risk

The approved use also transfers costs and risks that a prudent buyer would weigh: security and fencing expenses, loss of control at the property line, uncertainty regarding management quality, and reputational association. These cost, use, and risk components reinforce one another.

A publicly bookable operation brings rotating visitors with no ownership stake to an open desert boundary that is difficult to secure. Adjoining owners may incur new costs for fencing, signage, monitoring, and enforcement. To the extent those measures cannot restore equivalent utility, the remaining shortfall is external obsolescence.

The operation must compete with abundant free public-land alternatives. If it underperforms, adjoining owners face the risk of reduced oversight, deferred maintenance, operator turnover, or drift toward less desirable uses. Because the entitlement runs with the land, buyers cannot rely solely on the current operator's stated intentions; they must consider successor operators with different standards.

The entitlement may be exercised by future owners or operators, subject to its conditions. A successor may adopt different marketing, pricing, management, or occupancy practices within the permit's scope. A prospective purchaser of adjoining property will reasonably price that range of future operations, not only the current applicant's representations.

Replication on other Rural Living parcels would add cumulative uncertainty. Even if each project appears limited, multiple transient-lodging approvals would increase traffic, lighting, nighttime activity, signage, and public access while changing market expectations about the area's rural character.

Adjacency also creates reputational association. A prestige lifestyle property may become known as the property beside a publicly advertised campground. That identity follows future listings and resales and can diminish the exclusivity for which buyers pay.

These burdens provide no corresponding benefit to adjoining properties. They reduce control, add cost, increase risk, and further contract the buyer pool.

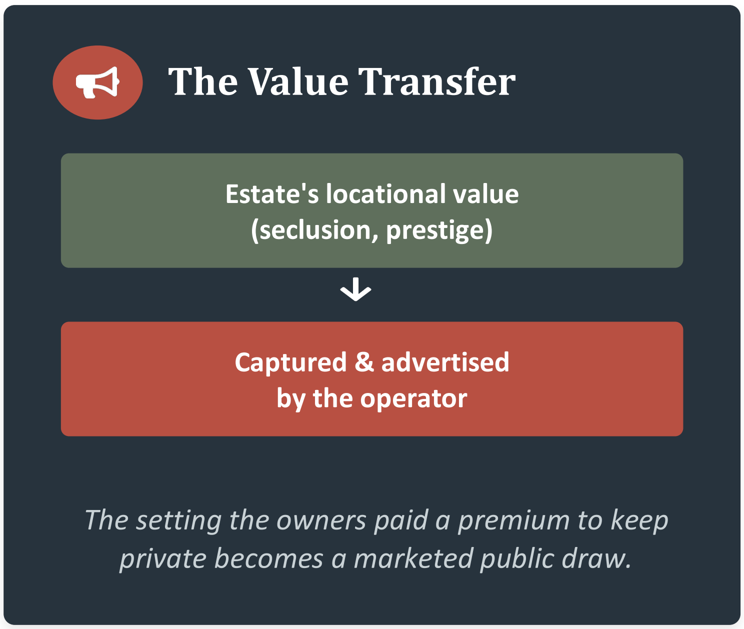
XI. The Net Effect — A Transfer of Value from the Adjoining Properties to the Permitted Use

The economic mechanism is straightforward. A prudent operator will seek occupancy by giving guests a reason to choose this site over available alternatives. Because comparable primitive camping is free and abundant nearby, the most marketable differentiator is the surrounding quiet, privacy, dark skies, and open-space setting.

The operator can monetize attributes that surrounding owners helped preserve and for which they paid a premium. Active marketing converts a private locational advantage into a public commercial draw.

The interests move in opposite directions: the conditional use operation benefits from greater occupancy, visibility, and public awareness, while adjoining-property values benefit from seclusion, quiet, and low visibility.

The net effect is a one-directional transfer of value. The permitted parcel captures the commercial benefit of the setting's privacy, seclusion, and exclusivity, while neighboring owners absorb the traffic, intrusion, lost tranquility, added cost, and reputational association that erode it. This asymmetry works to the direct financial detriment of surrounding property owners: the very attributes that support premium residential values on adjoining parcels are converted into commercial revenue for the permitted site, leaving neighbors to bear a measurable diminution in value with no offsetting benefit.



XII. Conclusion

The April 9, 2026 approval compromises the locational attributes supporting adjoining properties' highest and best use, creates incurable external or locational obsolescence, and impairs marketability and potential value. Comparable camping is abundantly available on surrounding public lands, so the conflict is avoidable rather than necessary.

Two propositions carry the analysis: availability defeats necessity, and character defeats compatibility. Purpose-suited camping alternatives exist nearby, while a paid, transient, public-facing use is inconsistent with the privacy, quiet, low density, and residential stability that support the surrounding properties' value.

The risk is not limited to the approved site. A prudent buyer would also weigh whether similar approvals could proliferate across Rural Living parcels, incrementally converting a once well-defined, established rural living character into a patchwork of spot zoning, inconsistent uses, and incompatible activity. Left unchecked, that pattern threatens to redefine the area's identity altogether — replacing its recognized reputation for privacy, seclusion, and quiet with one marked by unpredictability, transient occupancy, and encroaching commercial activity. This is not a hypothetical or isolated risk: each additional approval normalizes the next, and the erosion compounds. A prudent buyer pricing that uncertainty would discount not just for present conditions, but for the area's trajectory — increasing transient occupancy, traffic, lighting, nighttime activity, and public access — as the district's defining character gives way to one of land-use unpredictability. That cumulative uncertainty narrows the buyer pool to those willing to accept a diminished and unstable setting, and it produces materially more conservative pricing across the district.

The valuation analysis turns on actual operating characteristics, not the regulatory label. Whether described as camping, glamping, or another overnight accommodation, the use depends on paid transient occupancy, active marketing, recurring vehicle trips, nighttime activity, supervision, and enforcement. Those characteristics are materially incompatible with the surrounding rural-residential setting.

Appendix A: References Cited

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