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Via Electronic Mail (COB@sbcounty.gov)

July 31, 2026

Honorable Members of Board of Supervisors
County of San Bernardino
c/o Clerk of the Board of Supervisors
385 North Arrowhead Avenue, Second Floor
San Bernardino, California 92415

**Re: Applicant's Supplemental Response in Opposition to Appeal PAPL-
2026-00003 – Mercury Dry Camp, CUP PROJ-2023-00023, 62076
Mercury Drive**

Honorable Chair and Members of the Board:

This supplemental response is submitted on behalf of JT Prospecting, LLC (the “Applicant”) in further opposition to the appeal filed by Wendy Wacker (the “Appeal”). The Applicant incorporates by reference its July 27, 2026, Response in Opposition to Appeal and all supporting materials (the “Applicant’s Opposition”). The Applicant respectfully requests that supplemental response be included in the administrative record for Appeal PAPL-2026-00003.

As a threshold matter, the Applicant’s Opposition and the July 27, 2026, letter and attachments submitted by Fennemore, LLP on behalf of the Appellant (collectively, the “July 27 Submission”) were submitted on the same day and thus crossed in transmission to the County. The July 27 Submission therefore does not address the Applicant’s Opposition or the July 21, 2026, Supplemental Noise Study prepared by Vista Environmental. Instead, Urban Crossroads reviewed only Vista’s April 24, 2024, memorandum for the former 15-site proposal. That distinction is critical as the principal additional information Urban Crossroads recommends—current, site-specific ambient monitoring and a comparison of modeled Project noise with measured ambient conditions—is already provided in the Supplemental Noise Study for the approved 12-site Project.

The July 27 Submission warrants only three focused responses: (1) Urban Crossroads did not review the Supplemental Noise Study reflecting Applicant’s updated noise data and identifies no modeled threshold exceedance; (2) the newly submitted economic impact reports neither quantify a loss nor establish a substantial adverse effect on abutting property; and (3) the requested full-time onsite host is neither required by State law nor supported by project-specific evidence.

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I. The Urban Crossroads Review Does Not Undermine the County’s Noise Analysis.

Urban Crossroads does not identify any modeled Project noise that would exceed an applicable County standard. (July 27 Submission, Attachment 1 [Urban Crossroads Review], p. 1.) To the contrary, it recognizes that the original construction-noise, offsite roadway-noise, vibration, and aircraft-noise analyses are “generally complete” and consistent with standard methodologies. (Id. at p. 5.) Urban Crossroads further provides that it “does not disagree” that the San Simeon campground reference level and geometric-spreading methodology provide “a reasonable, conservative indicator of the absolute noise levels anticipated.” (Id. at p. 4.) Its principal criticism is that the April 2024 memorandum did not include site-specific ambient data or directly compare modeled Project noise with measured ambient conditions. (Id. at pp. 4–5.)

The Supplemental Noise Study already supplies that information. Vista conducted 24-hour, site-specific monitoring with four Class 1 sound-level meters; reported separate daytime, nighttime, and CNEL values; updated the operational calculations for the approved 12-site Project; and directly compared the calculated Project levels with measured ambient conditions. Vista calculated 30 dBA Leq at the western residence, 26 dBA Leq at the southwestern residence, and 19 dBA Leq at the eastern residence. Each result is below both the County’s 55 dBA daytime and 45 dBA nighttime standards and the corresponding measured ambient level. Vista separately calculated 33.5 dBA CNEL from Project traffic on Sunburst Avenue, below both the measured 44.4 dBA CNEL and the County’s 60 dBA CNEL criterion.

As explained in the Applicant’s July 27 Opposition, the Supplemental Noise Study was commissioned voluntarily and in good faith solely to respond to the Appeal. It does not alter the Project, add mitigation, or replace any analysis necessary to support the MND. It independently confirms the original below-threshold conclusion using the site-specific information Urban Crossroads requests. Urban Crossroads’ recommendation concerning nighttime access is likewise a proposed operational refinement, not evidence of a significant noise impact. The approved Project already establishes quiet hours from 9:00 p.m. to 7:00 a.m., prohibits amplified sound and events, and limits access through a controlled gate. Urban Crossroads itself acknowledges that camping activity typically quiets after dark and that the Project’s gate-controlled operation may further limit late-night activity. (Urban Crossroads Review, p. 5.) Urban Crossroad's provided review therefore does not undermine the MND or the County’s CUP findings.

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II. The Newly Submitted Property-Value Reports Do Not Establish a Substantial Adverse Effect on Abutting Property.

a. *Neither Report Quantifies a Loss or Applies a Project-Specific Valuation Methodology.*

The July 27 Submission adds two reports concerning purported economic and property-value effects: an analysis by Stoneturn and a report expressly titled “Qualitative Analysis of Adverse Land-Use Impact on Highest and Best Use, Marketability, and Value” by Province (collectively, the “Property Reports”). Stoneturn characterizes the alleged loss as “measurable,” while Province predicts only a “potential diminution in value.” **Significantly, neither report actually identifies a measurable loss.**

Neither Property Report identifies a current value, a before-and-after value, a percentage or dollar diminution, a comparable or paired sale, or any local transaction demonstrating a campground-related discount. Stoneturn applies no econometric model to this Project. Province performs no appraisal of any identified neighboring parcel and provides no market-derived adjustment for proximity to a small campground. The reports instead apply generalized economic and appraisal concepts to assumed future conditions. Their authors’ qualifications do not eliminate the need for a project-specific factual foundation.

Under CEQA, argument, speculation, unsubstantiated narrative, clearly inaccurate information, and economic effects not connected to physical environmental impacts are not substantial evidence; expert opinion qualifies only when supported by facts. (Pub. Resources Code, § 21082.2(c); CEQA Guidelines, § 15384(a)-(b).) *In Lucas Valley Homeowners Assn. v. County of Marin* (1991) 233 Cal.App.3d 130, the Court of Appeal rejected an asserted 10-percent property-value reduction as a “speculative, imprecise opinion, without any supporting, verifiable data such as comparables.” (*Id.* at pp. 156-158.) *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359 likewise holds that an expert opinion does not constitute substantial evidence when it lacks an adequate factual foundation concerning the specific project. (*Id.* at pp. 1422-1423.) Here, the Property Reports provide no such foundation.

Property values also are not an independent CEQA impact. Economic or social effects matter only to the extent they cause or bear on a physical environmental change, and the analysis must focus on that physical change. Here, the alleged physical pathways—noise, traffic, lighting, fire risk, trespass, and landscape disturbance—were separately analyzed in the Initial Study and addressed through the Project’s design, operating restrictions, conditions of approval, and MMRP. The Property Reports identify no new significant impact and do not demonstrate that any analyzed effect would exceed an applicable threshold.

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For the same reason, the Property Reports do not undermine the CUP findings. Development Code section 85.06.040(a)(3) asks whether the approved use will generate “excessive noise, traffic, vibration, or other disturbance” affecting abutting property. The Property Reports measure none of those conditions. The County, by contrast, had Project-specific noise calculations, traffic estimates, receptor distances, physical plans, operating restrictions, and enforceable conditions properly supporting its finding.

b. The Property Reports Rely on Operational Assumptions That Do Not Describe the Approved and Conditioned Project.

The Property Reports repeatedly rely on facts that are inconsistent with and do not accurately describe the approved Project. For example, Stoneturn assumes a rotating population of “24 to 30” guests, although the CUP caps occupancy at 24. Both reports characterize visitors as anonymous, although each guest and vehicle must be identified through the advance reservation process. The Property Reports discuss RVs, RV generators, campfires, group gatherings, and event-type activity even though the approved Project is limited to primitive tent camping, eliminates the former RV component, prohibits fires and open flames, prohibits amplified sound, and is not approved as an event venue. The reports also do not account for the Applicant’s reduction of the Project from 15 mixed tent-and-RV sites to 12 primitive tent sites, the resulting 20-percent decrease in campsite count, the 12-vehicle cap, approximately 0.1-percent lot coverage, modular and removable improvements, 9:00 p.m. quiet hours, controlled access, or continuing County and State oversight.

Province’s predictions of operator turnover, “drift” in operating practices, future intensification, successor-operator misconduct, and replication on other Rural Living parcels are similarly speculative. The CUP binds the Project to the approved scope and conditions, and any separate campground would require its own County approval. *Lucas Valley* instructs that the “focus must be the use, as approved, and not the feared or anticipated abuse.” (233 Cal.App.3d at pp. 162-164.) It likewise holds that actual noncompliance—not fear of future noncompliance—should determine a permit’s viability. (*Id.* at pp. 157-158.)

c. The Reports’ Additional Necessity, Crime, Public-Service, and Future-Replication Theories Do Not Undermine the Required CUP Findings.

Province contends that “availability defeats necessity” because dispersed camping is available on public land. That is not a required CUP finding. The Applicant need not prove that no alternative campsite exists or that the Project satisfies an unmet market demand. The Development Code expressly identifies campgrounds as an allowed conditional use in the Rural Living district. (Dev. Code, § 82.04.040; Table 82-7.) Province’s prediction of a future “patchwork of spot zoning” is similarly inapposite: the County did not rezone the Project site. It simply applied the CUP process the Development Code expressly requires.

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Stoneturn's crime and public-service theory is likewise not project-specific. It relies on studies concerning short-term rentals, broad tourism trends, and Arizona municipalities, but provides no comparison to a 12-site campground; no projected call volume; no response-time analysis; no marginal County cost; and no evidence that the Project would require a new or physically altered Sheriff, fire, or emergency-medical facility. Generalized studies of different uses and jurisdictions do not establish that this Project will produce the same effects.

III. The Requested Full-Time Onsite Host Is Not Required by State Law and Is Unsupported by Project-Specific Evidence.

The July 27 Submission asks the Board, at minimum, to require a full-time onsite host or manager. State law imposes no such requirement Health and Safety Code section 18871.8(a) requires every special occupancy park to have a responsible person available by telephone, similar means, or in person who will timely respond to operational and maintenance emergencies. Onsite residence is required only for parks with 50 or more units. The Project, of course, has only 12 sites.

The request also lacks a project-specific factual foundation. The Applicant has offered additional accountability measures, including advance identification of guests and vehicles, reservation-linked controlled access, posted rules and quiet hours, a 24-hour contact line, local response capability, monitoring, incident documentation, and continuing County and California Department of Housing and Community Development inspection and enforcement. The Appellant identifies no project-specific evidence that those controls are inadequate for the approved 12-site use. Generalized concerns regarding different transient lodging operations do not support converting this limited campground into a permanently staffed facility.

IV. Conclusion.

The July 27 Submission does not identify substantial evidence or any legal defect requiring reversal of the Planning Commission's approval. Urban Crossroads did not review the Applicant's current Supplemental Noise Study and identifies no modeled threshold exceedance. The Property Reports do not quantify a loss, do not evaluate the Project as approved, and do not demonstrate excessive noise, traffic, vibration, or other disturbance to abutting property. Their additional necessity, future-replication, crime, and public-service theories either do not correspond to the governing findings or rest on assumptions that do not describe the approved Project.

Accordingly, the Applicant respectfully requests that the Board deny Appeal PAPL-2026-00003; affirm the Planning Commission's April 9, 2026, approval of CUP PROJ-2023-00023,

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including the MND, MMRP, findings, and conditions of approval; and reject the Appellant's request to impose a full-time onsite host or manager..

Respectfully submitted,



Paige H. Gosney

cc: Michelle Feliciano, County Land Use Services Department (via e-mail w/ Encl.)
Luis Rodriguez, County Land Use Services Department (via e-mail w/ Encl.)
Jason Searles, Esq., County Counsel (via e-mail w/ Encl.)