

PAPL-2026-00003; Appeal of the Planning Commission Approval of Conditional Use Permit No. PROJ-2023-00023 to Establish a 12-Site Dry Campground; David Lee and Joseph Milburn, Applicants; Property Address: 62076 Mercury Drive, Joshua Tree, CA 92252; APN: 0631-201-68

Contentions:

1. The Commission did not adequately consider the project’s impact on noise, property values, trespass, the fragile high desert landscape so carefully cultivated and preserved by me and those in this rural neighborhood, and general nuisances *already brought about by the campground* that the applicants have built without permits.

*Response: The Planning Commission made the finding (Finding No. 3) of the supporting documents, which states that the Project “will not have substantial adverse effect on the abutting property or the allowed use of the abutting property.” The decision was based on recommendations of the Land Use Services staff having reviewed the technical reports for noise and biological assessments. Additionally, the Initial Study/Mitigated Negative Declaration (ISMND) were also published for public comments between January 23, 2025, and closed February 22, 2025. One comment letter was received from the California Department of Fish and Wildlife with recommended mitigation measures that were implemented in the Mitigation Monitoring and Reporting Program (MMRP). No other comments were received.*

*The campground was also reduced in size from the originally proposed 15-site campground to a 12-site campground which would also provide for a lesser impact than originally analyzed in the published IS/MND by having 3 less camp sites.*

*Finally, the environmental consultant who prepared the document submitted a response to this comment shown in Attachment B that further supports the analysis and recommendation to the Planning Commission.*

2. Observation-based and publicly known concerns vocalized by the neighborhood and other opponents over the applicants’ inability to address and tamp down the nuisances they have created and would further be pushing onto this rural neighborhood, the Commission exchanged its blessing for little more than the applicants’ self-serving statements about their lack of knowledge of the nuisance activities.

*Response: The Planning Commission based its decision on the Land Use Services staff report, findings, MMRP, and conditions of approval to ensure development code and general plan compliance. The public hearing component is a portion of the review to present the project and have public dialogue between the Planning Commission, LUS staff, the applicant and members of the public. This dialogue*

*enables applicants and staff to respond to questions, which the responses are a portion of the consideration for the project determination, which may result in additional conditions of approval if approved. In this case, an additional condition of approval was added to improve onsite management response times as well as accessibility that will ensure local oversight.*

3. The Commission relied on the applicants’ conclusory statement in response to one commissioner’s direct question that “absolutely” no camping activity has occurred on the property since the applicants purchased it. This response was an utter falsehood, as the publicly available and photographic evidence will show conclusively.

*Response: The Planning Commission based its decision on the Land Use Services staff report, findings, MMRP, and conditions of approval to ensure development code and general plan compliance. The code enforcement inspection report noted unauthorized construction activities without permits and storage containers on site. There was no mention of unauthorized camping by the public, although the applicants indicate overnight stays during weekend work on the site. The simulated campsites shown in the staff report were used to help depict the “yurt” style tent options that will be offered to the public upon approval of the operation from both the County of San Bernardino and the State’s Housing and Community Development Department (HCD).*

4. It found no inadequacy within the applicants’ proposals to mitigate noise disturbances and other nuisances at a 24/7/365 campground merely by imposing rules, found in the online booking process, that could scarcely be legitimately enforceable without true onsite supervision.

*Response: The Planning Commission based its decision to approve on Finding No. 3 of the supporting documents, which states that the Project “will not have substantial adverse effect on the abutting property or the allowed use of the abutting property.” The decision was based on recommendations of the Land Use Services staff having reviewed the technical reports for noise and biological assessments. Additionally, the Initial Study/Mitigated Negative Declaration was published for public comments between January 23, 2025, and closed February 22, 2025. One (1) comment letter was received from the California Department of Fish and Wildlife with recommended mitigation measures that were implemented in the Mitigation Monitoring and Reporting Program (MMRP). No other comments were received.*

*The campground was also reduced in size from the original proposed 15-site campground to a 12-site campground which would also provide for a lesser impact than originally analyzed in the published IS/MND by having 3 less camp site.*

*The applicant’s environmental consultant submitted an additional response to this comment shown in Attachment A. that further supports the Land Use Services*

*analysis and recommendation to the Planning Commission.*

*Finally, with respect to the appellant’s statement regarding the 24/7/365 rules and on-line booking process, the Planning Commission added a condition of approval to improve onsite management response times as well as accessibility that will ensure local oversight.*

5. It found no inadequacy within the applicants’ proposals to mitigate noise disturbances by the erection of a *fence previously erected*, which emphatically does not mitigate existing noise disturbances already coming from the site, as observed and documented by the many neighbors who offered comments to the Commission.

*Response: The Planning Commission based its decision to approve on Finding No. 3 of the supporting documents, which states that the Project “will not have substantial adverse effect on the abutting property or the allowed use of the abutting property.” The decision was based on recommendations of the Land Use Services staff having reviewed the technical reports for noise and biological assessments. Additionally, the Initial Study/Mitigated Negative Declaration was published for public comments between January 23, 2025, and closed February 22, 2025. One comment letter was received from the California Department of Fish and Wildlife with recommended mitigation measures that were implemented in the Mitigation Monitoring and Reporting Program (MMRP). No other comments were received.*

*The campground was also reduced in size from the original proposed 15-site campground to a 12-site campground which would also provide for a lesser impact than originally analyzed in the published IS/MND by having 3 less camp site..*

*The applicant’s environmental consultant submitted an additional response to this comment shown in Attachment A. that further supports the Land Use Services analysis and recommendation to the Planning Commission.*

*Finally, the fence is designed to provide privacy and a visual buffer between land uses. The ISMND and supporting noise study did not consider fencing as part of its analysis and conclusion in the noise thresholds presented.*

6. The conditions the Commission imposed on the campsite failed to address the applicants’ observed, documented history of unapproved development, neglect over people’s use of guns onsite, lack of local oversight, and trespass onto my and neighboring properties.

*Response: The Planning Commission added a condition of approval to improve onsite management response times as well as accessibility that will ensure local oversight. Other departments incorporated conditions of approval to address development standards and requirements, sanitary requirements, and onsite/offsite*

*road grading/compaction. Additionally, the MMRP addresses reducing impacts on the environment. Other than public comments, there is no documentation in the case file from the Code Enforcement Division nor from the San Bernardino County Sheriff regarding calls and enforcement for use of guns on-site or trespassing onto adjacent properties. The applicants are expected to follow applicable county, state, and federal laws.*

7. It relied on a flawed staff analysis of the project site. For instance, the staff analysis identified the campground site as “currently vacant.” Since shortly after the landowner purchased the project site, the evidence will show the property has been developed and occupied with metal storage structures and tents—often multiple tents at a time—which have given rise to all the neighbors’ complaints leading to this point.

*Response: The IS/MND described the site as “mostly vacant”. The LUS staff report indicates that there are two (2) accessory buildings being used for storage. The applicants indicated that besides the accessory buildings, there is a container on site also used to store construction and maintenance equipment and supplies. The storage container is expected to be removed once the construction activities are completed and HCD provides approval with final inspection.*

*The set up of tents were used to provide pictorial representation of what the campsite may look like with traditional and “yurt” style canvas tents. These pictures were used in the Planning Commission staff report and presentation.*

8. The Commission relied on the staff report indicating that “the areas of disturbed land [on the site] are primarily the result of internal circulation of vehicles on established paths.” While the applicants described their vehicular use onsite and their grading activity as merely a railroad tie being dragged by a truck or a post-hole digger, the documented evidence reflects they have used heavy machinery onsite to perform grading and other work since shortly after taking ownership. Therefore, the Commission relied on unreliable statements by the staff and untrue statements by the applicants.

*Response: The Planning Commission based the decision to approve on Finding No. 3 of the supporting documents, which states that the Project “will not have substantial adverse effect on the abutting property or the allowed use of the abutting property.” The decision was based on recommendations of the Land Use Services staff having reviewed the technical reports for noise and biological assessments. Additionally, the Initial Study/Mitigated Negative Declaration was published for public comments between January 23, 2025, and closed February 22, 2025. One comment letter was received from the California Department of Fish and Wildlife with recommended mitigation measures that were implemented in the Mitigation Monitoring and Reporting Program (MMRP). No other comments were received.*

*Additionally, the Applicants reduced the original 15-site campground to a 12-site campground, thereby reducing the environmental impacts analyzed in the published IS/MND by having 3 less camp sites.*

*The applicant’s environmental consultant submitted an additional response to this comment shown in Attachment A. that further supports the Land Use Services analysis and recommendation to the Planning Commission.*

*Lastly, the code enforcement inspection report noted unauthorized construction activities without permits and storage containers on site. The report further indicates that the code enforcement officer instructed the applicants to wait and hold all construction activity until the Planning Division confirms and completes the CUP process. The simulated campsites shown in the staff report were used to help depict the “yurt” style tent options that will be offered to the public upon approval of the operation from both the County of San Bernardino and the State’s Housing and Community Development Department (HCD).*

9. Despite at least one commissioner acknowledging that this was “our test case,” the Commission failed to retain any oversight over the applicants’ compliance with the conditional use permit, as the Commission is permitted to do, in derogation of the interests of the genuinely concerned neighbors and other parties.

*Response: The Planning Commission’s decision to approve the conditional use permit was based on the full set of findings with the supporting documents. The decision was supported by recommendations from the Land Use Services staff having reviewed the ISMND and accompanying technical reports.*

*Additionally, the Planning Commission added a condition of approval to improve onsite management response times as well as accessibility to help ensure local oversight.*