

Rural Bonny Doon Association meeting on so-called “Low Impact Camping Areas”

May 23, 2024

Dave Rubin

LOCAL NEWS

Etiwanda Fire caused by illegal campfire



U.S. Forest Service firefighters battle the remains of the Etiwanda Fire above Rancho Cucamonga on Wednesday. Firefighters say the blaze, which has burned 2,190 acres, is still 94 percent contained.



GFT. Great Falls Tribune

Illegal campfire extinguished at Wild ...

Format for Q&A / Comments from attendees

Overview of the County LICA ordinance — Trina Barton

Fire hazard — Susan Mason

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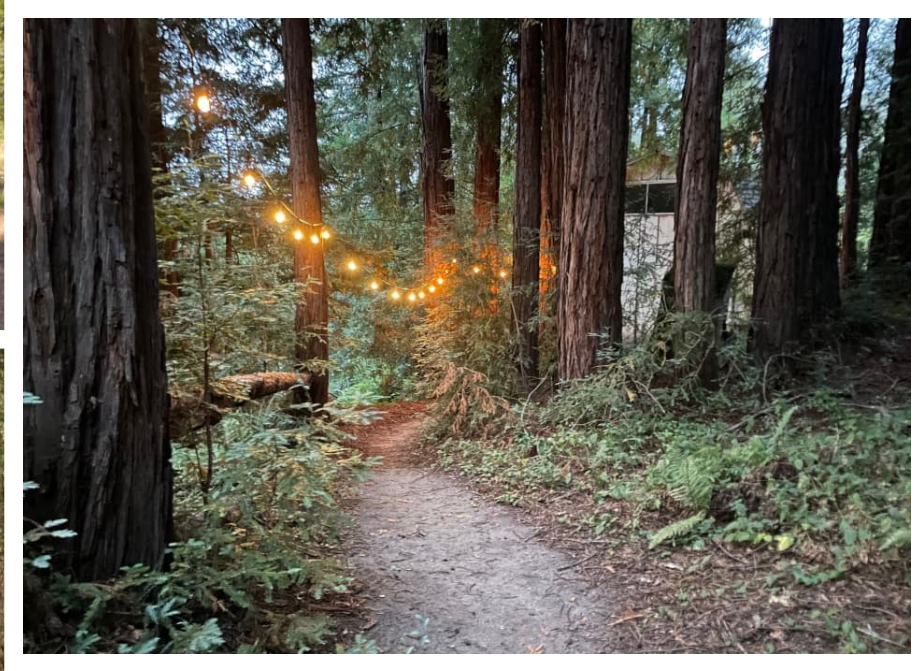
Trina Barton

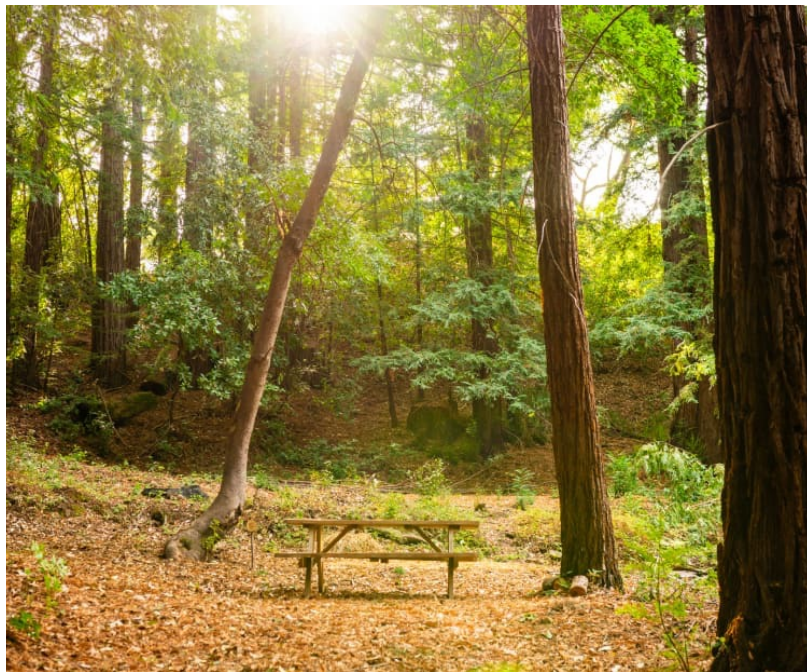


Low-Impact Camping Area (LICA)

- 1. DEFINITIONS**
- 2. LICA TIMELINE**
- 3. REMAINING CONCERNS**
- 4. NEXT STEPS**









What's a LICA? What's SOPA?

- Proposed legislation
 - SB-620 Low-impact camping areas (PT Mike McGuire)
 - Asm Appropriations (8/2023)
- Special Occupancy Parks Act (SOPA)
 - Current State law
- County's ordinance draft

Low-impact camping area (LICA) in **SB-620**

Any “area of private property that provides for the transient occupancy rental of a temporary sleeping accommodation for recreational purposes that is not a commercial lodging facility and meets all of the following requirements”:

- 14 consecutive nights per camper, 28 nights per calendar year per camper.
- Nine or less temporary sleeping accommodations.
- No on-street parking.
- Complies with applicable state and local fire safety requirements.
- Pays transient occupancy taxes.
- Provides human waste disposal
- Provides trash disposal
- Maintains quiet hours 10 p.m. to 6 a.m.
- Complies with applicable local requirements - local zoning, permitting, lot size, and setback requirements.
- Property manager available 24/7 but *not required to be on-site*

Special Occupancy Parks Act (SOPA)

“Special occupancy park” means a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp.

- SOPA is triggered by two or more campsites
- SOPs need a permit to operate thru State Department of Housing and Community Development (HCD)
- Conditional Use Permit
- Noticed public hearing
- CEQA review
- = Discretionary process

County LICA Ordinance

LICA - a small-scale, low-intensity campground rented out for short-term overnight recreational camping purposes.

- Max 14 consecutive nights per camper and
- Max 28 nights per calendar year per camper
- No on-street parking
- No campfires (cook stoves ok)
- No on-site manager required (available by phone 24/7)
- Generators - allowed between 10:00 a.m. and 8:00 p.m.
- High fire hazard severity zones are allowed

Density - Maximum density of one campsite per acre

Zoning - Only in zone districts: Agriculture (A), Commercial Agriculture (CA), Residential Agriculture (RA), Timber Production (TP), Special Use (SU), Parks, Recreation and Open Space (PR), or Public and Community Facilities (PF).

Setbacks

- 50' setbacks from adjacent property lines, riparian corridors, and mapped sensitive habitat;
- 100' setback from coastal bluffs;
- 200' setback from any off-site residence, onsite or adjacent agricultural activity, or CA-zoned agricultural resource lands.

Requires a County code change - Currently, these campgrounds would fall under organized camp and conference center (code section 13.10.692)

- Change the discretionary permit process to a ministerial one – permits obtained with no CEQA, no public hearings
- Currently requires Conditional Use Permit approved by the Planning Commission and subject to the rural density matrix

Environmental Clearance Process

Environmental Clearance Process

- Applicant fills out zoning clearance form
- Applicant includes what they know about sensitive sites
- Staff reviews site using GIS
- Staff clears it or flags it
- If flagged, environmental staff would go out
- Staff could require a biotic report and suggest mitigations
- Becomes an Administrative Use Permit (AUP) process – “a little bit” discretionary but abbreviated
- Staff could determine that mitigations would work
- Or, staff could determine full CEQA analysis is required – too onerous for most



| | Parcel Size | Campsites | Campers/ Day |
|------------------------|-------------|-----------|-----------------|
| SOPA | N/A | 1 | 4 |
| SB-620 | N/A | 9 | 36 |
| County LICA | 5 Acre min. | 9 | 36 |
| | | | |

BOS and Planning Commission Action

Timeline

BOS requested draft ordinance

13 Nov. 2023

28 Feb. 2024

PC: Not a real hearing

PC: Denial + requested changes

13 Mar. 2024

PC: Recommended denial to the Board

8 May 2024

Next BOS hearing

25 June 2024

Remaining Concerns



FIRE SAFETY



ENVIRONMENTAL
REVIEW



ENFORCEMENT



COMMUNITY
OUTREACH



MINISTERIAL
PROCESS

CEQA

General Rule or Common Sense Exemption:

This applies if it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment.

Staff justifications:

- “project is exempt from CEQA because the ordinance builds in protective environmental regulations and there **are no actual LICA proposals** to analyze.
- The updated ordinance now requires a ministerial Environmental Clearance for every LICA permit.”
- because the amendments provide regulations for **future camping areas** and therefore do not present a reasonably foreseeable possibility of a significant impact on the environment.” P19

Issues:

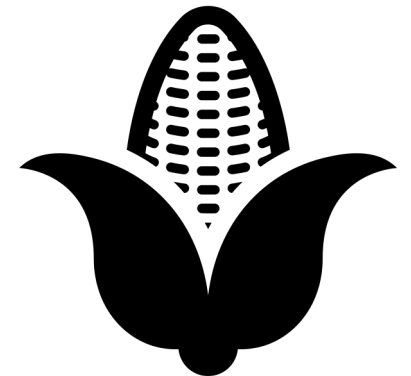
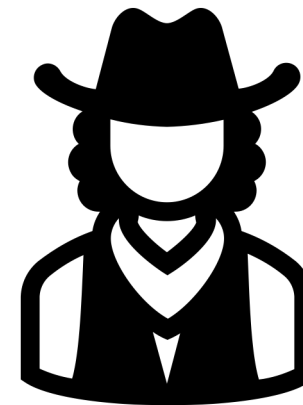
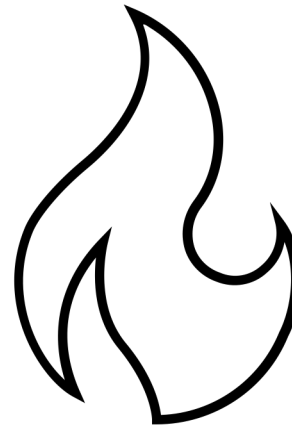
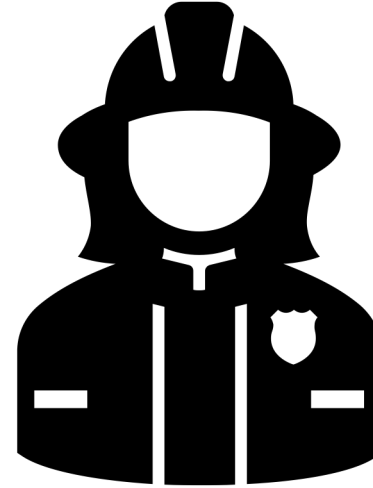
- A “Project” means **the whole of an action**,
- The environmental clearance (EC) process **defers** the environmental review
- The County is **piecemealing** the Project
- EC process **acknowledges there is the possibility of a significant impact** on the environment!

Rural Bonny Doon Association

- (1) wait until allowed by state law;
- (2) evaluate thoughtfully;
- (3) conduct a proper CEQA environmental review;
- (4) exclude high fire-hazard areas, the coastal zone, and areas mapped as priority conservation lands by Sempervirens and The Nature Conservancy;
- (5) prohibit generators; and
- (6) consider separate rules for farm stays on agricultural lands.

Next Steps/ Call to Action

- Reach out to your contacts
- Letters to the Board
- Lobby Supervisors
- Encourage letters from Firewise Communities and Fire Officials
- Letters to Sen. Laird/ Asm Pellerin/ Sen. McGuire
- Advocate Farm Stays



Thank you!

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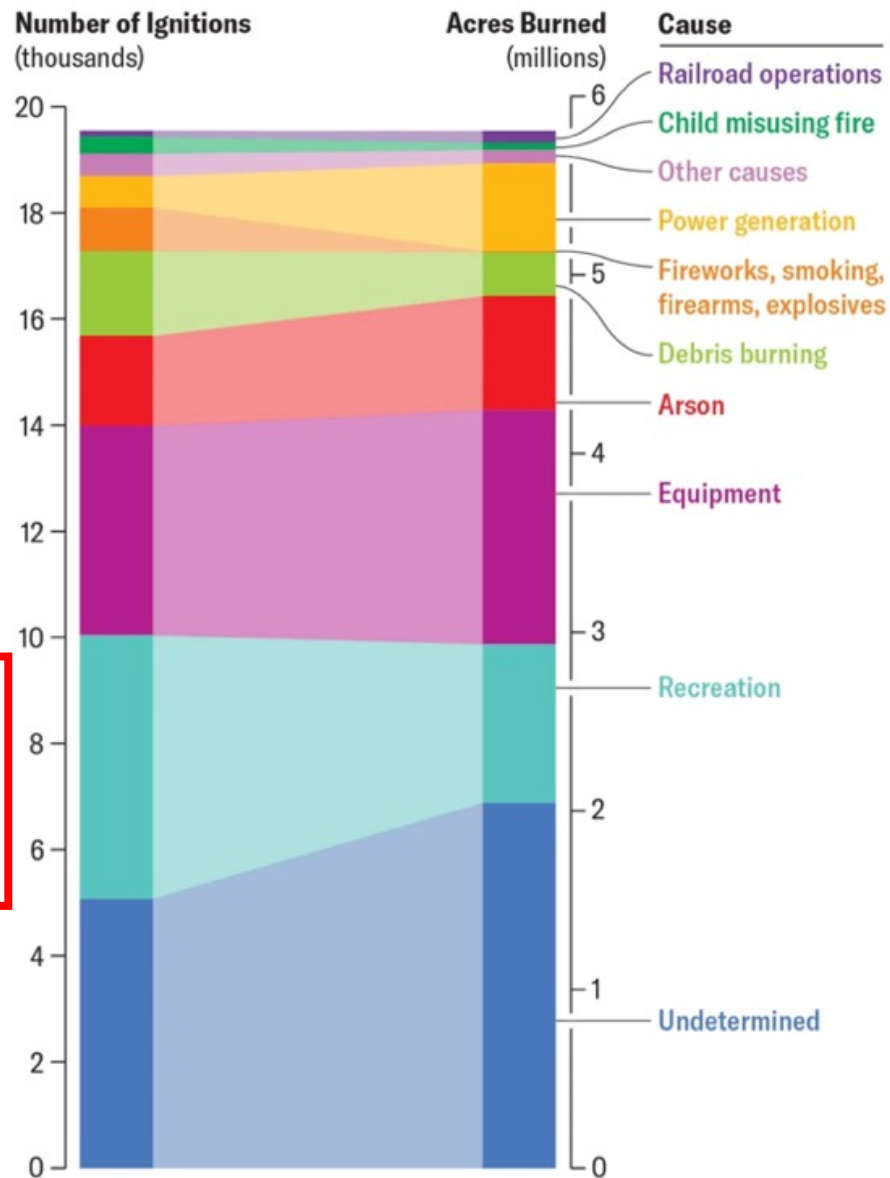
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How We Start Wildfires

The chart shows the number and size of wildfires ignited by humans on U.S. Forest Service land in California from 2000 to 2022, by cause.



From 2000 to 2022, human **recreational activities** sparked nearly 5,000 wildfires, resulting in almost 900,000 acres burned.

Recreation was the largest cause of wildfire in California from 2000 to 2023.

Scientific American (11/1/2023;
<https://www.scientificamerican.com/article/the-worst-wildfires-are-started-by-people-heres-how/>)

Etiwanda Fire caused by illegal campfire



U.S. Forest Service firefighters battle the remains of the Etiwanda Fire above Rancho Cucamonga on Wednesday. Firefighters say the blaze, which has burned 2,190 acres, is still 94 percent contained.

Illegal campfire sparked huge Big Sur-area wildfire


Trevor Hughes USA TODAY

Published 8:22 p.m. ET Aug. 2, 2016 | Updated 2:49 a.m. ET Aug. 3, 2016



A week-old blaze a few miles north of Big Sur has been blamed for one death, that of a bulldozer operator working the fire line. The fire has destroyed 41 homes and burned 48 square miles. (July 29) *AP*



 Mountain Democrat
Cal Fire: Illegal campfire caused ...



 Great Falls Tribune
Illegal campfire extinguished at Wild ...

MICHIGAN TRIO CHARGED FOR ALLEGED ILLEGAL CAMPFIRE SPARKING WILDFIRE IN ISLE ROYALE NATIONAL PARK

 By Angela Chen

Published on May 15, 2024



Two ways that campers don't follow fire-safe procedures:

(1) Deliberately having illegal campfires. LA Times reported that rangers in San Bernardino National Forest doused several dozen fires in one patrol and found a total of 700 illegal fires in 8 months in 2020.



August 30, 2020, LA Times
<https://www.latimes.com/environment/story/2020-08-30/illegal-campfires-spark-fear-of-wildfire-in-southern-california-forests>

Forest service law enforcement officer Tyler Smith looks for evidence of illegal camping and campfires while on patrol. (Brian van der Brug/Los Angeles Times)

Two ways that campers don't follow fire-safe procedures:

(2) Campers had a permit for their propane firepit but placed it on flammable needles.



August 30, 2020, LATimes
<https://www.latimes.com/environment/story/2020-08-30/illegal-campfires-spark-fear-of-wildfire-in-southern-california-forests>

Forest protection officer Chon Bribiescas, right, rake needles from the soil as campers Coree, left, and Andrew Dewlaney look on. The Dewlaney's, from Indio, brought a propane campfire ring which is legal for use in the forest to their dispersed campsite. (Brian van der Brug/Los Angeles Times)



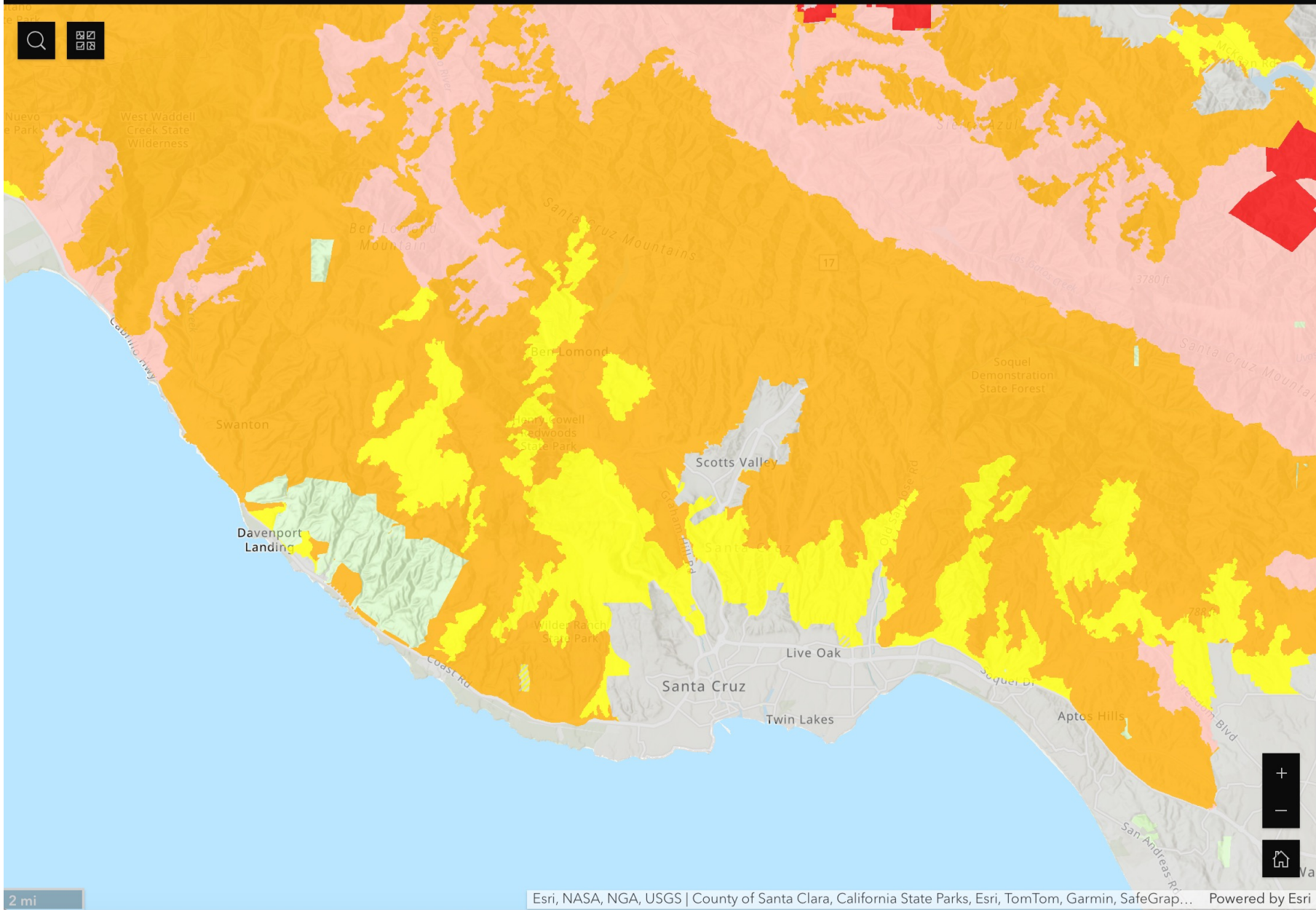
Fire Hazard Severity Zone Viewer

FHSZ in State Responsibility Area effective April 1, 2024

FHSZ in reclassified LRA, adopted as SRA 2007

FHSZ in Local Responsibility Area as recommended 2007-2011

<https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>



About this Map

This map displays adopted Fire Hazard Severity Zones (FHSZ) in the State Responsibility Area (SRA), effective April 1st 2024. It also displays recommended FHSZ in the Local Responsibility Area (LRA) from 2007-2011.

Due to regulatory processes, there are lands that are no longer classified as SRA and have become classified as LRA yet had a FHSZ designation from the 2007 SRA FHSZ map adoption. These areas are shown on the map with hatched symbology.

To verify your Fire Hazard Severity Zone in LRA, please contact your local agency.

Use the link below to access the combined FHSZ data:

Legend

Map Layers

Fire Hazard Severity Zones

FHSZ in SRA - Effective April 1, 2024

- Very High
- High
- Moderate

FHSZ in LRA - Reclassified from SRA

- Very High
- High
- Moderate

FHSZ in LRA - Recommended 2007-2011

- Very High

- **Site Requirements:** Properties must meet the following site requirements to be eligible to establish a LICA:
 - Campsites must be located outside of sensitive habitat as well as flood and fire hazard areas.

Page 5 of County Staff report for May 8 Planning Commission meeting

- **Site Requirements:** Properties must meet the following site requirements to be eligible to establish a LICA:

- Campsites must be located outside of sensitive habitat as well as flood and fire hazard areas.

Page 13 of County Staff report for May 8 Planning Commission meeting

- o. **Review the applicability of adopting ordinance that removes high fire severity hazard areas in certain areas, not just very high fire severity hazards areas, where fires are more prone in areas of the county.**

Staff Response: No change to ordinance. A significant portion of the county is located in the very high and high fire hazard severity zones (approximately 50% of the total county, largely in the rural area). Removing these areas would render most of the county ineligible to pursue a LICA permit.

Summary

Recreation is the largest cause of fires in California.

Outlawing fires doesn't prevent them.

LICAs should be excluded from wildfire areas.

It is shameful that our County would even consider allowing commercial campgrounds on properties that are so flammable that insurance companies won't insure them.

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5187 Empire Grade “rave site”
Nancy Kille



Generators allowed during daytime

State SB620 would require the County to enforce evening/night quiet hours.

SB620 explicitly states no funding will be provided to the County for enforcement.

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SC County's General Plan protects biological diversity and wildlife corridors.

County General Plan OBJECTIVE ARC-3.1 BIOLOGICAL DIVERSITY (LCP) establishes the objective "To maintain the biological diversity of the County through an integrated program that includes ... protection of plant habitat and wildlife corridors and habitats."

Recreation can adversely affect wildlife.

Dr. Jacob Pollock (UCSC) wrote: In general, it can be difficult to accept that recreation activities, especially quiet, nonmotorized activities like hiking and mountain biking, can have harmful effects on wildlife. Many types of recreation cause little physical habitat change. Perhaps as a result, recreation was widely assumed to be a “benign use” that is compatible with conservation goals (Knight and Gutzwiller 1995) . In recent years, researchers have found evidence that a variety of recreation activities and intensities can have detrimental impacts on wildlife (Geffory et al. 2015; Larson et al. 2016; Samia et al. 2017).

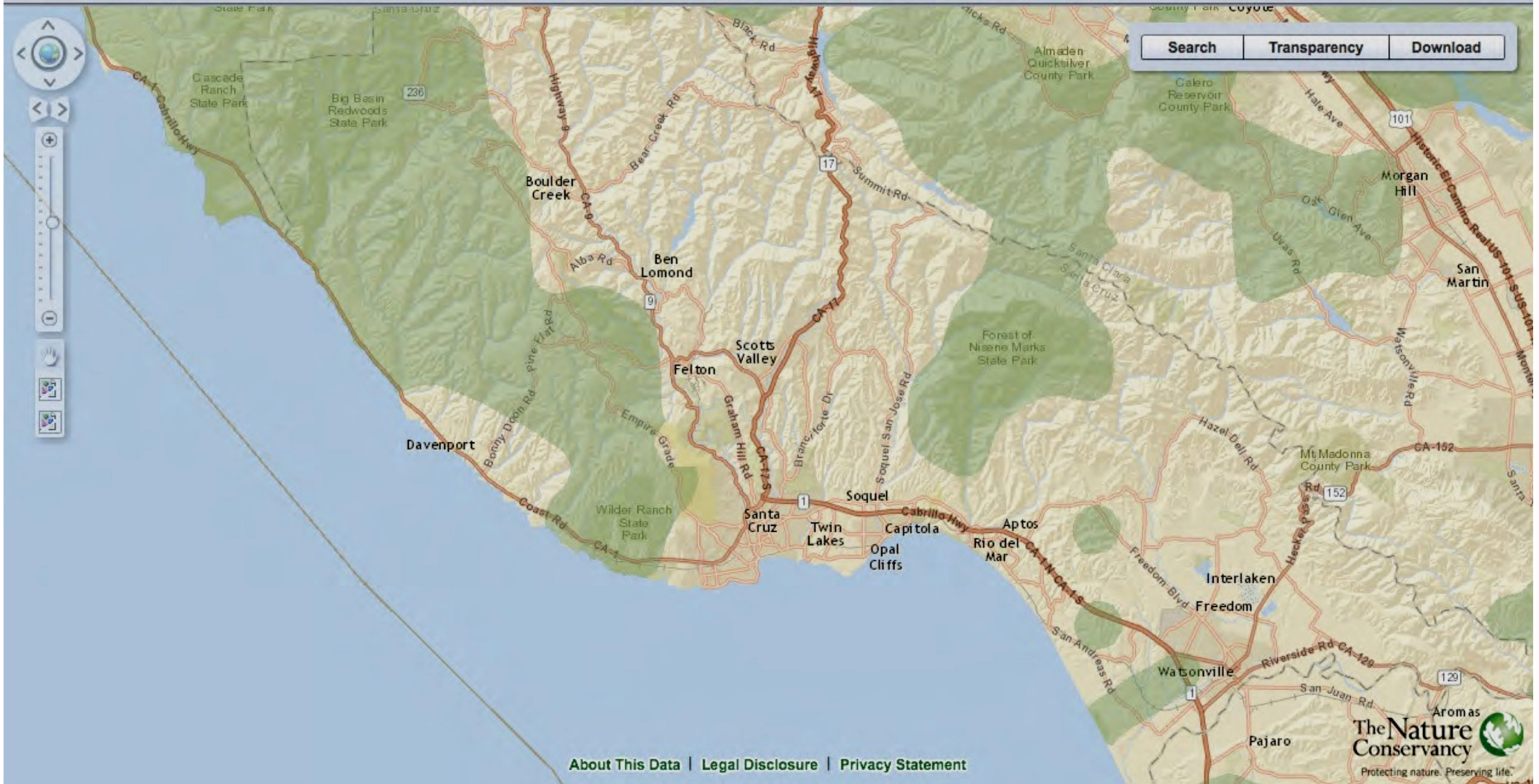
For example, Chris Wilmers’ Puma Project has shown that pumas avoid certain activities when they are within 600m (~2000 ft) of humans.

These comments are condensed from Jonathan Wittwer's letter to the Planning Commission 5/7/24

On April 16, 2020 the California Fish and Game Commission reported that the Central Coast mountain lion (*Puma concolor*) is a candidate species under the California Endangered Species Act (CESA).

However, the updated version of the LICA Ordinance removed the following language: "The proposed disturbance area of a LICA shall not be located within habitat for protected species identified as candidate, sensitive, or species of special status by State or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)."

The Nature Conservancy's Priority Conservation Areas





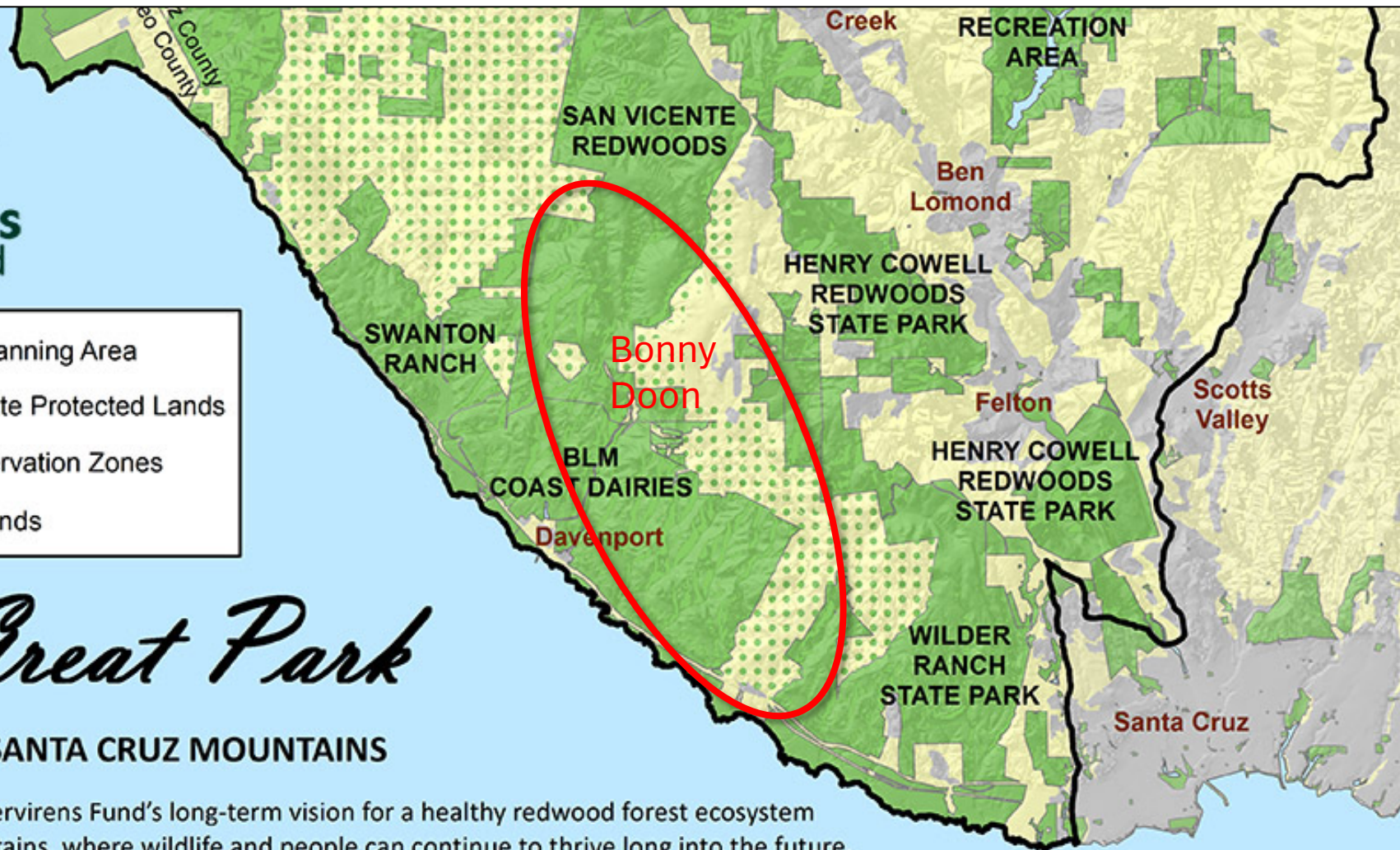
The Great Park

VISION FOR THE SANTA CRUZ MOUNTAINS

The Great Park is Sempervirens Fund's long-term vision for a healthy redwood forest ecosystem in the Santa Cruz Mountains, where wildlife and people can continue to thrive long into the future.

Our goal is to ensure that the region's most critical natural features such as watersheds and redwood forests remain intact and are well cared for, regardless of who owns the land. The Priority Conservation Zones on this map show the general areas of the Santa Cruz Mountains that contain resources essential to the long-term health of the redwood forest ecosystem yet do not currently have permanent conservation protections.

We consider these areas to be conservation priorities due to factors such as biodiversity, proximity to other protected lands (important for wildlife corridors), forest size and condition (such as old growth redwoods - only 5% still exist), watershed integrity, and recreational opportunities (people protect what they connect with). Sempervirens Fund purchases or accepts donations of land or easements for conservation by working cooperatively with willing landowners. Along with public parks and open space, private landowners who loyally steward their land are crucial to the region's long-term health.



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Commercial Cannabis

County reviewed impact for 5 years

Established C4 committee

Held numerous well advertised public meetings

Recommendations from SC Fish and Wildlife Advisory Board

Required on-site water storage

Required on-site dwelling

Prohibited generators except for backup power

Regulations were developed after State Laws were enacted

Coastal Zone + 1 mile buffer were excluded (except in existing structures)

We currently have 47 licensed commercial cannabis cultivations in the County

LICAS

~~Reviewed impact for 5 years~~

~~Established C4 committee~~

~~Held numerous well advertised public meetings~~

~~Recommendations from SC Fish and Wildlife Advisory Board~~

~~Required on-site water storage~~

~~Required on-site dwelling~~

~~Prohibited generators except for backup power~~

~~Regulations were developed after State Laws were enacted~~

~~Coastal Zone + 1 mile buffer were excluded (except in existing structures)~~

We have 1300 eligible LICA properties covering 20,000 acres.

The following comments are condensed from Jonathan Wittwer's letter to the Planning Commission 5/7/24

Instead of evaluating the potential cumulative impacts of LICAs being developed on the eligible parcels, the County intends to only evaluate whether the disturbance area itself is within a sensitive habitat area and NOT whether the disturbance area use has the potential to adversely affect nearby sensitive habitat area. This piecemeal process will NOT pick up impacts to wildlife such as:

- (1) elimination or fragmentation of substantial area currently used as wildlife habitat in the vicinity;
- (2) sedimentation of streams serving as critical habitat for endangered salmonids; or
- (3) draw-down of such critical habitat streams resulting from additional use of water sources tapping underground stream flow to serve campsite users.

CEQA Exemption

RBDA board voted to consult with an attorney, to send a letter to the County disputing their Exemption determination.

We have generous donors who are standing by to help fund a lawsuit — if that becomes necessary.

RBDA Recommendations

Wait until LICAs are allowed by SB620 before developing a County ordinance

Conduct CEQA review

Exclude LICAs from all of Cal Fire's hazard zones — not just “very high”

Exclude LICAs from areas mapped as priority conservation lands and wildlife corridors

Exclude LICAs from Coastal Zone plus 1 mile buffer (as for Cannabis)

Prohibit generator use except for emergencies (as for Cannabis)

The State SB620 requires the County to enforce quiet hours, but no funds will be provided for enforcement; County should specify how it will fund its mandated enforcement.

Consider separate rules for farm stays on agricultural lands

The ordinance is purported to increase camping opportunities for low-income residents, but this is a ploy. There is no cap on prices and no reduced rates for low-income campers. Moreover, campsite requirements favor motor homes or trailers with self-contained toilet facilities; they are exempt from sanitary requirements. LICAs should be required to provide for low-income campers if this is a purpose of the ordinance.

What can you do?

The proposed LICA ordinance is on the agenda for the Board of Supervisors' meeting on June 25. They have the authority to approve the ordinance at that meeting.

Tell the Supervisors what you think:
in person at the County building
by zoom
by email before the meeting
(boardofsupervisors@santacruzcountyca.gov).



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