



## Legislation Text

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**File #:** 18-0536, **Version:** 3

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Supervisor Ranalli recommending the Board approve **Final Passage** (Second Reading) of Ordinance **5084** amending Chapter 9.55 of the El Dorado County Ordinance Code pertaining to the Camping and Storage of Personal Property on Private and Public Property to prohibit camping at County cemeteries or property that was obtained to preserve the existing natural conditions or habitats, including but not limited to habitat for Pine Hill Endemics or Oak Woodlands, or as a means to mitigate impacts to such habitats or the environment from public works or development projects. (Cont. 4/10/18, Item 16)

At their meeting of April 10, 2018 (Item 18) the Board approved Ordinance 5084 and set for Final Passage (Second Reading) on April 24, 2018.

On August 29, 2017 (15-0110), the Board of Supervisors approved the final passage (second reading) of Ordinance 5059 and the establishment of Chapter 9.55.

The development of Ordinance 5059 was the result of a collaborative effort between the Office of the County Counsel and the Sheriff's Office. Concerns regarding the health, safety, welfare, and environmental risks posed by camping in areas not designed for that use were balanced against the constitutional right of individuals to rest. Ordinance 5059 achieved this balance by:

- (1) Banning camping on limited public areas, such as trails, and within the 100 year watermark;
- (2) Banning camping on private property by non-owners in the absence of permission from the owner; and
- (3) Banning daytime camping from 8:00 a.m. to 8:00 p.m. on all other public property unless it is below 50 degrees Fahrenheit or is raining; and
- (4) Banning the storage of personal property on private property without consent, on certain public property, and on public property in a way that obstructs County operations or impedes traffic.

On January 26, 2010, the Board of Supervisors approved the purchase of approximately 20.11 acres of land commonly known as the Carriage Hills Property, located in Mitigation Area 1 on the rare plant preserve maps and adjacent to the existing Pine Hill Preserve, Cameron Park Unit. The property was purchased to preserve these lands for potential use as mitigation for a number of DOT projects that could possibly affect gabbro soils rare plants.

At the time of purchase, five of the eight pine hill endemics were reported to be present on the property and a sixth sensitive plant was determined to have a high potential to occur on the property. The U.S. Fish and Wildlife Service and the California Department of Fish and Game both indicated that properties in this general vicinity are particularly important for the ongoing success of several of the gabbro soil plants.

On November 9, 2010, the Board of Supervisors approved the purchase of approximately 8.93 acres of land commonly known as the Detmold Property, located in Mitigation Area 1 on the rare plant preserve maps and adjacent to the existing Pine Hill Preserve, Cameron Park Unit. The property is

located in an area rich with the eight species of gabbro soil plants and was purchased for the purpose of rare plant habitat and ultimate inclusion in the Pine Hill Preserve, Cameron Park Unit.

The County also has the ability to purchase or obtain conservation easements over land as a means to protect oak woodlands and mitigate for any loss to oak woodlands from public projects.

The accumulation of trash and waste from camping in these areas detrimentally affects the surrounding habitat, impacts the water sources, and risks injuring the plants and oak woodland that the County's ownership of the property is intended to protect.

In an effort to prevent the loss of rare plants on the Carriage Hills and Detmold properties, the adjacent Pine Hill Preserve, Cameron Park Unit, and other lands the County obtains to preserve habitat, Supervisor Ranalli recommended that the Board conceptually approved the preparation of amendments to Chapter 9.55 of the El Dorado County Ordinance Code to prohibit camping within county-owned property that is obtained to preserve habitat for rare plants and oak woodlands. Conceptual approval was provided at the April 3, 2018 Board of Supervisors meeting.

The Board also conceptually approved the addition of County cemeteries to the list of public properties at which camping is prohibited. Supervisor Veerkamp made this suggestion in response to concerns raised over reported camping at cemeteries within the County and the public health and safety risks that result from camping at cemeteries.

The proposed amendments also provide an informal hearing process before the removal of personal property under section 9.55.080(B)(9) in order to provide additional procedural due process before any property is removed under the Ordinance. While the pre-removal notice already provided for in section 9.55.080 is constitutionally sufficient, the proposed amendments memorialize procedures to provide additional protections for individuals' personal property.