

Lake Coco Farms – Public Comment

10 June 2026

Permit Application Requirement: Deeded Easement

The applicant has not demonstrated that the project has a recorded easement that allows use of delivery trucks. Lake County Article 27 Uses Generally Permitted repeatedly demonstrates that legal and adequate access is an essential prerequisite to permit approval.

The applicant's consultant stated during a Planning Commission hearing (23 April 2026) that the project must obtain a "commercial easement" from Lake County Public Works. Public Works does not have the authority to issue an easement for a **private** access road.

The Staff Report, dated 11 June 2026, indicates that the **applicant is required to obtain an encroachment permit** from Public Works; this requirement is **not listed as a Condition of Approval**. The Staff Report declares that the applicant "has committed to an arrangement with the neighbors to pave the first 40-to-60-feet [of the easement] from the County-maintained portion of Hendricks." This action is not enough to make the access road PRC 4290-compliant. The access road to the project site from Hendricks Road must be brought up to PRC 4290 standards. As of 10 June 2026 11:00 a.m., the neighbor east of the project and at the entrance of the easement has not been contacted about improving the access road.

Requested Action: Please ask the applicant to produce documentation confirming that the project has a deeded easement. Do not approve the permit unless a deeded easement is confirmed.

Prescriptive Easement does not Apply

If the applicant is relying on a prescriptive easement, that does not apply to this situation. "Prescriptive easements are made over time when someone gains a right of way that is continuous. This can come up under adverse possession¹." A claim by the applicant of prescriptive easement does not meet Article 27's requirement of legal road access to the project. If the project parcel has been granted access to the easement, then a prescriptive easement claim is not valid.

California Easement Law

California easement law generally limits easement use to the scope and character historically established. Material intensification or change in use may exceed the easement rights.

This is relevant because commercial cannabis cultivation

- is intensive and recurring, and
- cultivation is a commercial/industrial activity.

¹ Robert Rafil, Esq, "Easement Basics" (January 13, 2025), findlaw.com
<https://www.findlaw.com/realestate/land-use-laws/easement-basics.html>

California courts generally distinguish between:

- maintenance or public passage rights,
- versus expanded commercial use rights.

A cannabis operation may materially increase:

- trip frequency
- heavy vehicle use
- employee traffic
- delivery traffic
- fire risk
- evacuation burdens
- and roadway wear

That can exceed the historical scope of an easement. The easement used by the project is dated March 20, 1909.

Road Safety – Traffic Study Needed

Neighbors to the project submitted public comments expressing concerns about the increased traffic on the access road and its impact on safety. The project does not provide a comprehensive estimate of its vehicular traffic. Specifically, the estimated project traffic does not include incoming and outgoing deliveries from the project site. This is a significant component of a commercial cannabis cultivation operation.

Lake County Community Development Dept. (CDD) states that the project does not meet the threshold for a traffic study, citing Vehicle Miles Traveled (VMT). CDD misinterprets CEQA's guidance on transportation impacts, "Technical Advisory on Evaluating Transportation Impacts in CEQA" (April 2018); see attachment.

CDD relies on CEQA's VMT minimum as a threshold for traffic safety study, but CEQA uses VMT as an air quality tool not a trigger for a traffic study. Section G of the **CEQA Technical Advisory**² states, "... a public agency is required to analyze a project's potentially significant transportation impacts related to safety ..." among other factors.

² "While requiring a change in the methodology of assessing transportation impacts, Public Resources Code section 21099 notes that this change 'does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation.'" Governor's Office of

Requested Action: Please instruct CDD to conduct a traffic study (with emphasis on safety) to understand the project’s transportation impacts. The results of the study should include estimates of deliveries received and sent out. This should provide a better picture of the expected traffic the project will generate. The project’s Mitigated Negative Declaration (MND) cannot be approved without a traffic study to substantiate that impacts have been mitigated to “less than significant.”

Minimum Fire Safe Road Width—not met

Without a neighbor’s approval, the private road to access the project site cannot be improved to meet state minimum fire safe road requirements. The requested permit cannot be granted if the project cannot meet the fire safe road requirements.

County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide³ applies to all Roads, and Driveways, whether public or private, unless exempted under 14 CCR §1270.03(d).

Roads, unless exempt, must have a minimum of two 10-foot traffic lanes. The access road does not meet this requirement; see attachment Lake Coco Farms Access Road Widths. The access road does not qualify for an exemption from the requirement because it will be used for a commercial purpose.

Planning and Research State of California, “Technical Advisory on Evaluating Transportation Impacts in CEQA” (April 2018), p. 21.

³ “These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021.

“Article 2 Ingress and Egress § 1273.00. Intent

“Roads, and Driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09. § 1273.01. Width. (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article, or additional requirements are mandated by Local Jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (b) All One-way Roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including Shoulders. The Local Jurisdiction may approve One-way Roads.”

Similarly, the access road does not meet the PRC 4290 definition of a driveway because it serves a commercial use.

The access road is narrow; see attached Lake Coco Farms Access Road Widths. The access road is a foot or two from the first building (barn) on the access road and its front yard (by the mailbox for 3387 Hendricks Road); see Photo 1. Traffic on the access road goes to the project site; the homes beyond the project site have not been observed to use the easement (road), going through the project's locked gate. Eastward from the project site to Hendricks Road, there is a blind curve right before the yard at Hendricks Road and the access road.



Photo 1: Access road from Hendricks Road to Lake Coco Farms. Note distance from barn (white building) to access road.

At present, the easement is not wide enough to meet PRC 4290-compliance requirements without the neighbor's permission to widen the road and add turnouts. Widening the road could require removal of the neighbor's walnut trees. Meeting PRC 4290 height clearance on the access road to the project site may require cutting back a neighbor's walnut trees, which cannot be done without the neighbor's permission.

Increased traffic from the project on the narrow access road may result in more damage to a neighbor's walnut trees along the access road. Big trucks requiring high clearance can also damage the neighbor's trees' canopy. Fire district equipment and vehicles also require high clearance.

Requested Action: Deny the permit because under the circumstances, the applicant cannot make the required improvements to the access road. To make the improvements requires the permission of the project's neighbor to the east.

Road Surface Requirement—not met

County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide requires roads to have an aggregate base⁴. The Property Management Plan posted for the project’s 11 June 2026 hearing describes the access road as covered by gravel, but the road shows bare dirt in sections. See Photos 2 and 3 below.



Photo 2: Access road to Lake Coco Farms from Hendricks Road. Note: no gravel on the road although it is described as a gravel road in the Project Management Plan (posted for June 11, 2026 Planning Commission hearing).



⁴ “§ 1273.02. Road Surface (a) Roads shall be designed and maintained to support the imposed load of Fire Apparatus weighing at least 75,000 pounds and provide an aggregate base. (b) Road and Driveway Structures shall be designed and maintained to support at least 40,000 pounds. Aggregate (c) Project proponent shall provide engineering specifications to support design, if requested by the Local Jurisdiction.” County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide

Photo 3: Access road to Lake Coco Farms from Hendricks Road. Note: While the road is described as a gravel road in the Project Management Plan (posted for June 11, 2026 Planning Commission hearing), a road with an aggregate road base is required by the County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide.



Photo 4: The circular figure above is a hole in the access road to Hendrick’s Road. Note the absence of gravel.

Requested Action: If the Planning Commission is inclined to approve the permit application, include as a Condition of Approval: securing the neighbor to the east’s approval to improve the road by setting or repairing the road’s aggregate base.

Cal-Fire Requirements

In Cal-Fire’s response to the Request for the project’s Review for Sufficiency, the agency declared, “[Cal-Fire] requires the application of all Fire Codes, which also apply Title 14, PRC 4290 et’al.”

Continuing, Cal-Fire stated, “The delay of any Fire Safe Standards is not allowed per Title, Code, Regulation et’al, and CAL FIRE does not support any delayed application of minimum fire safe standards.

“If the AHJ chooses to not enforce minimum fire safe standards during the permit process that is required by the State Fire Safe Regulations (Title 14, PRC 4290 et’al), they are accepting all responsibility for not requiring the applicant to follow minimum State Fire Safe Regulations required in the SRA.”

Cal-Fire’s input is relevant because the project “... location is within proximity and or surrounded by a "VERY HIGH Wildland Fire Hazard Severity Zone" area. This is the most extreme and hazardous area category for wildland.”

Requested Action: If the Commission is inclined to approve the permit, then require project to comply with PRC 4290 requirements.

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Driving Through Water--Prohibited—not addressed

Seasonally, water crosses the access road. The bridge or culvert for the creek collapsed. During the rainy seasons, vehicles going to the project site must drive through water. This is prohibited per County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide. The project does not address this point. The photos below are from the County of Lake 2025 State & Local Minimum Fire Safe Regulation Guide.



Driving through water, Prohibited



Approved



Driving through water, Prohibited



Approved



Driving through Water, Prohibited



Approved

PRC 4290 § 1273.02. Road Surface requires roads and bridges to the project site to be able to bear at least 75,000 pounds of Fire Apparatus. Article 27 requires, “(3) The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.”

Requested Action: If the Commission is inclined to approve the permit, require the applicant to meet PRC 4290 road surface and bridge requirements.

Another project deficiency: the bridge on the access road does not have signage indicating its load capacity.

The access road is a dead-end road subject to PRC 4290 § 1273.05. Turnarounds: “(d) Each Dead-end Road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.”

The access road is longer than the 907.5 feet measured from the pavement of Hendricks Road to the creek crossing the access road; the creek is the border between the eastern neighbor’s and the project parcel.

In addition, the easement which is a dead-end road is subject to “California Code of Regulations Title 14. Natural Resources Division 1.5 Department of Forestry and Fire Protection Chapter 7 Fire Protection Subchapter 2, State Minimum Fire Safe Regulations”. The maximum length of dead-end roads depends on the parcel size.

“§ 1273.08. Dead-end Roads.

“(a) The maximum length of a Dead-end Road, including all Dead-end Roads accessed from that Dead-end Road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

“parcels zoned for less than one acre - 800 feet parcels
zoned for 1 acre to 4.99 acres - 1,320 feet parcels
zoned for 5 acres to 19.99 acres - 2,640 feet parcels
zoned for 20 acres or larger - 5,280 feet

“All lengths shall be measured from the edge of the Road surface at the intersection that begins the Road to the end of the Road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.”

Requested Action: If the Commission is inclined to approve the permit, then instruct CDD to confirm that the dead-end access road does not violate the guidance for length limit of a dead-end road. If the access road exceeds PRC 4290 limit for a dead-end road, require the applicant to get the neighbors’ approval to improve the access road, so it is not a dead-end road exceeding the length limits set by PRC 4290.