

## Chapter 2: Road Safety

### A. CEQA Requires Evaluation of Road Safety and Cumulative Impacts

**Principle:** CEQA requires transparency and full disclosure. Agencies must analyze whether a project contributes to traffic safety risks, both individually and cumulatively. The purpose of CEQA is to ensure fairness, accuracy, and informed decision-making — not to minimize or conceal hazards [A1].

**Argument:**

CEQA Guidelines § 15130(a) mandates cumulative impact analysis whenever a project’s incremental effect may be “cumulatively considerable,” even if the project’s individual effect appears minor. This requirement applies with particular force to projects situated on constrained rural roadways, such as High Valley Road, which serve as both the only access for emergency responders and the sole evacuation corridor for residents [A2].

Although CEQA Guidelines § 15064.3 shifted the focus of transportation analysis from Level of Service (LOS) to Vehicle Miles Traveled (VMT) in 2018, that change did not eliminate the duty to analyze traffic safety. Appendix G of the CEQA Guidelines continues to require agencies to evaluate whether a project would:

- Substantially increase hazards due to a geometric design feature (sharp curves, steep grades, inadequate width); or
- Result in inadequate emergency access.

These remain independent, mandatory areas of review. Agencies cannot rely on VMT thresholds as a substitute for analyzing physical roadway hazards [A3].

The courts have consistently held that CEQA requires accurate, complete disclosure of risks. If a project description or analysis omits material facts — such as accident history, road geometry deficiencies, or responsible agency warnings — the approval is a prejudicial abuse of discretion [A4].

**Conclusion:** CEQA obligates the County to evaluate traffic safety and emergency access at both the project and cumulative level. The shift to VMT metrics does not excuse or replace this obligation. Without a clear and accurate analysis, the County risks violating CEQA’s core purpose: informed decisionmaking based on full disclosure of risks.

#### Footnotes for Section A

- [A1] CEQA Guidelines § 15126.2(a) (agencies must analyze hazards, including safety risks and emergency access); *Laurel Heights Improvement Ass’n v. Regents*

of *Univ. of California* (1988) 47 Cal.3d 376, 392 (CEQA’s purpose is informed decisionmaking and public disclosure).

- [A2] CEQA Guidelines § 15130(a); CEQA Guidelines § 15065(a)(3) (cumulative impacts are significant where incremental effect is cumulatively considerable).
- [A3] CEQA Guidelines § 15064.3(b); Appendix G, Transportation Questions (c)–(d).
- [A4] Pub. Res. Code § 21168.5 (prejudicial abuse of discretion standard); *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193–194 (project description must be accurate and not omit material facts)

## **B. Misuse of VMT Screening and Failure to Apply Safety Standards**

**Principle:** CEQA requires agencies to evaluate whether a project will create or worsen roadway hazards, not just whether it increases greenhouse gas emissions from vehicle travel. Vehicle Miles Traveled (VMT) is a tool for measuring climate impacts, not roadway safety. Substituting a GHG metric for safety review is legally improper. Instead, agencies must apply recognized roadway safety standards to assess whether existing conditions and project traffic create significant hazards [B1].

### **Argument:**

#### **1. Improper Reliance on VMT Screening.**

The IS/MND for Poverty Flats screened the project out of further transportation analysis because it would generate fewer than 110 daily trips. This is a misuse of the Office of Planning and Research’s Technical Advisory, which applies the 110-trip/day threshold only to greenhouse gas emissions, not to traffic safety or evacuation impacts [B2].

#### **2. What the County Should Have Done.**

CEQA requires agencies to analyze whether a project may cause or exacerbate roadway hazards (Appendix G, Transportation sections). To do this, agencies must apply **established roadway safety standards**:

- **Caltrans Highway Design Manual (HDM):** California’s primary source for geometric design standards, including road width, grade, curve radius, and sight distance [B3].
- **AASHTO “Green Book”:** The national reference on highway and street design, adopted by Caltrans where the HDM is silent [B4].



- **PRC § 4290 / Title 14 Fire Safe Regulations:** Establish statewide minimum road standards for width, grade, and curve radius in fire-prone areas [B5].

### 3. Caltrans LDIGR Safety Guidance (July 2020).

Caltrans itself has instructed that safety must remain a standalone area of analysis:

*“Additional future guidance will include the basis for requesting transportation impact analysis that is not based on VMT. This guidance will include a simplified safety analysis approach that reduces risks to all road users and that focuses on multi-modal conflict analysis as well as access management issues.”* (Caltrans, LDIGR Interim Safety Review Practitioners Guidance, July 2020) [B6].

The purpose of the LDIGR was to ensure that lead agencies do not substitute VMT for safety, but instead continue to analyze road geometry, access constraints, and multi-modal conflicts.

### 4. The Wrong Metric, the Wrong Way, for the Wrong Reason.

By applying the 110-trip/day VMT screen as a substitute for safety analysis, the County:

- Used the wrong metric (VMT instead of safety standards),
- Applied it the wrong way (to dismiss safety impacts instead of GHG), and
- For the wrong reason (to avoid addressing road width, slope, and curve deficiencies).

**Table 1. VMT vs. Safety Standards for Road Impact Analysis**

| Metric/Standard                      | Purpose                                 | What It Measures                                                    | Applies To                                                      | Limitations                                                                                                | What It Should Be Used For in Poverty Flats                                                |
|--------------------------------------|-----------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Vehicle Miles Traveled (VMT)         | Climate/air quality                     | Greenhouse gas emissions from vehicle use                           | CEQA § 15064.3; OPR 2018 Technical Advisory                     | Not designed to evaluate safety, evacuation, or road geometry; 110 trips/day threshold applies only to GHG | Evaluate GHG impacts only (not safety or evacuation)                                       |
| Caltrans Highway Design Manual (HDM) | Roadway safety                          | Width, grade, sight distance, curve radii, design vehicle standards | All state and local roads in California                         | None if applied correctly                                                                                  | Evaluate High Valley Road geometry against state standards                                 |
| AASHTO “Green Book”                  | Roadway safety (national)               | Geometric design of highways and streets                            | Adopted where HDM is silent or as supplemental guidance         | More general; not wildfire-specific                                                                        | Evaluate substandard curves and grades not covered in HDM                                  |
| PRC § 4290 / Fire Safe Regulations   | Fire safety & evacuation                | Minimum road width, slope, curve radius, all-weather surface        | All roads serving commercial/industrial use in fire-prone areas | Less detailed than HDM/AASHTO; focused on emergency access                                                 | Evaluate Poverty Flats access and High Valley Road for emergency ingress/egress compliance |
| Caltrans LDIGR Safety Review (2020)  | Transportation safety review under CEQA | Access management, conflict points, multimodal safety               | CEQA land development review                                    | Interim guidance, awaiting final updates                                                                   | Confirm that safety analysis is required in addition to VMT                                |

**Figure B1. Table 1: VMT vs Safety Standards for Road Impacts**

## 5. CEQA Requires Roadway Safety Standards—Not Just §4290 Compliance. Why §4290 Cannot Substitute for Caltrans and AASHTO Standards

The comparison between Caltrans HDM/AASHTO and PRC § 4290 illustrates why the County's approach is fundamentally flawed (See Table B1). PRC § 4290 was never intended to serve as a substitute for roadway safety standards; it establishes **minimum fire-safe access** so that emergency vehicles can reach properties while residents evacuate. By contrast, the Caltrans Highway Design Manual and the AASHTO *Green Book* are comprehensive safety design manuals that address road geometry, sight distance, lane width, grade, and traffic volumes under normal operating conditions (See Table B2)

The differences are striking. Where HDM and AASHTO require **11-foot lanes** and often wider cross-sections for truck traffic, § 4290 allows **10-foot lanes** and counts striping toward that minimum. Where HDM and AASHTO recommend **grades of 8–10%**, § 4290 permits slopes up to **16%** — nearly double the safe operating limit for many emergency vehicles. And while HDM and AASHTO require **curve radii based on design speed** (often  $\geq 200$  feet) along with sight-distance analysis and super-elevation, § 4290 only requires a **50-foot inside curve radius** with no consideration for visibility or stopping distance.

Thus, § 4290 is a floor, not a ceiling: roads must meet it at a minimum to be fire-safe, but they should also conform to Caltrans and AASHTO standards to ensure day-to-day traffic safety. The fact that High Valley Road fails even § 4290's lenient standards — while also falling far short of HDM/AASHTO — underscores how unsafe the corridor is. The County's reliance on VMT screening, rather than applying these well-established safety standards, deprived decisionmakers and the public of the information CEQA requires.

**Table 2. Comparison of Road Standards:  
Caltrans HDM / AASHTO vs. PRC § 4290**

| Metric                | Caltrans HDM / AASHTO Green Book                                                                                                                                                    | PRC § 4290 (Fire Safe Regulations)                                                                             | Key Takeaway                                                                                                  |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Road Width            | HDM Ch. 300; AASHTO Green Book — Typically <b>11 ft. per lane</b> (not including striping); minimum 22 ft. total for two-lane roads; wider if truck traffic is frequent.            | 14 CCR § 1273.01(a) — <b>10 ft. per lane; 20 ft. total</b> may include striping.                               | 4290 allows narrower lanes; HDM/AASHTO expect wider roads for truck and mixed traffic.                        |
| Grade (Slope)         | HDM § 304.2; AASHTO Green Book Ch. 5 — Desirable maximum <b>8%</b> ; absolute max <b>10%</b> depending on truck traffic, terrain, and design speed.                                 | 14 CCR § 1273.03(a) — Maximum <b>16%</b> slope.                                                                | 4290 permits nearly double the slope HDM/AASHTO allow; many fire engines cannot safely ascend/descend at 16%. |
| Curve Radius          | HDM § 302.1; AASHTO Ch. 3 — Based on design speed; typically <b>≥ 200 ft. radius</b> for 25–30 mph, increasing with speed; also requires <b>sight distance</b> and super-elevation. | 14 CCR § 1273.04(a) — Minimum <b>50 ft. inside radius</b> ; no sight distance or super-elevation requirements. | 4290 sets only a minimal curve radius; HDM/AASHTO integrate visibility, speed, and stopping distance.         |
| Other Safety Features | Requires <b>clear zones, striping, shoulders, sight distance, signage, and intersection visibility</b> .                                                                            | Silent on visibility, signage, or shoulders; focuses on minimum geometry only.                                 | 4290 is a <b>minimum fire-access code</b> ; HDM/AASHTO are full roadway safety design manuals.                |

**Figure B2: Table 2 Comparison of Road Standards**

**Conclusion:** The County’s reliance on a VMT screening threshold to avoid transportation safety analysis was improper. CEQA required the County to apply Caltrans and AASHTO design standards, as well as PRC § 4290 fire safe regulations, to evaluate hazards on High Valley Road and the Poverty Flats access road. By failing to do so, the IS/MND avoided the very analysis CEQA mandates, leaving decisionmakers without a factual foundation to assess project risks.

#### Footnotes for Section B

- [B1] CEQA Guidelines Appendix G, Transportation (safety and emergency access criteria); CEQA Guidelines § 15126.2(a).
- [B2] OPR, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Apr. 2018), p. 20 (110-trip/day threshold for VMT screening only).
- [B3] Caltrans, *Highway Design Manual* (rev. 2020), §§ 200–300 (geometric design standards).
- [B4] AASHTO, *A Policy on Geometric Design of Highways and Streets* (“Green Book,” 7th ed. 2018).
- [B5] Pub. Res. Code § 4290; 14 CCR §§ 1273.01–1273.04 (minimum standards for road width, grade, and curve radius).
- [B6] Caltrans, *Interim LDIGR Safety Review Practitioners Guidance* (July 2020), p. 1.

## **C. Failure to Perform Cumulative Analysis: Project-Level and Program-Level**

**Principle:** CEQA requires agencies to evaluate cumulative impacts by considering past, present, and reasonably foreseeable projects. The analysis must evaluate both the severity of cumulative impacts and the incremental contribution of the project (CEQA Guidelines § 15130(a)(3)). Case law makes clear that cumulative analysis must not be illusory or artificially narrow [C1].

### **Argument:**

#### **1. Poverty Flats-Specific Failure.**

- The IS/MND identifies other cannabis projects within one and three miles of Poverty Flats (pp. 33–35), many of which rely on High Valley Road.
- However, it provides no analysis of how these projects interact cumulatively. Instead, it concludes “no impact” because Poverty Flats generates only twelve daily trips, below the 110-trip/day threshold (p. 73).
- This substitution of a GHG screening tool for traffic safety analysis means the IS/MND acknowledges the existence of cumulative projects but conducts no evaluation of their combined safety risks.

#### **2. Programmatic Misuse of the VMT Threshold.**

- Beyond Poverty Flats, Lake County has applied the 110-trip/day VMT screening threshold to every cannabis project, regardless of location or roadway condition.
- Because no single project exceeded the threshold:
  - No traffic safety or evacuation analysis was performed for any project.
  - No aggregate trip generation was calculated for shared corridors like High Valley Road.
  - No cumulative incident trends or responder burdens were evaluated.
- This program-wide shortcut has created a structural blind spot: the County has no factual baseline of cumulative traffic and safety impacts for cannabis permitting.

#### **3. Illusory Cumulative Analysis.**

- In *Kings County Farm Bureau v. City of Hanford* (1990), the court held that cumulative analysis must not be illusory.
- Here, the County’s approach is illusory in two ways:
  - At the project level, Poverty Flats’ IS/MND maps other projects but avoids analyzing them.
  - At the program level, the County has systematically erased the cumulative baseline through misuse of the 110-trip/day VMT threshold.
- CEQA does not permit cumulative impacts to be ignored merely because no individual project exceeds a threshold.

**Conclusion:** The IS/MND’s cumulative analysis is legally inadequate at both the project and program level. By relying on an irrelevant screening tool, the County produced an “illusory” cumulative review that conceals the combined traffic safety and evacuation risks of cannabis projects on High Valley Road. Without a valid baseline, Poverty Flats’ incremental contribution cannot be assessed, and an EIR is required.

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#### Footnotes for Section C

- [C1] CEQA Guidelines § 15130(a)(3); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720–721.
- [C2] IS/MND (April 2025), pp. 33–35 (maps of nearby cannabis projects); p. 73 (12 trips; reliance on 110-trip/day threshold).
- [C3] CEQA Guidelines § 15126.2(a) (must disclose reasonably foreseeable hazards).
- [C4] OPR, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (April 2018), § G (VMT screen applies only to GHG impacts, not evacuation or road safety).

#### • D. Substantial Evidence of Roadway Hazards on High Valley Road

**Principle.** CEQA requires agencies to consider substantial evidence in the record—including expert opinion, responsible-agency comments, quantitative data, official testimony, and credible lay observations

**supported by facts. Where such evidence shows a project may exacerbate hazards, the fair-argument standard compels preparation of an EIR; substantial evidence cannot be dismissed in favor of contrary conclusions by the lead agency. This includes responsible-agency input (e.g., CHP), technical comments by qualified experts, and consistent public testimony documenting site-specific hazards [D1], [D9].**

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### **Argument (organized by role)**

#### **1) Responsible Agency (CHP)**

CHP LT. DANIEL FANSLER (2021)

*“The increase in potential commercial traffic and daily employee traffic will have an impact on traffic flow on High Valley Road and when entering/exiting State Route 20, especially in the narrow portions of the roadway. A significant increase in traffic will generate more traffic complaints and potentially more traffic collisions. I would imagine traffic congestion never experienced before by the small community of Clear Lake Oaks would occur.” [D3]*

*Weight:* As a responsible agency with enforcement authority, CHP’s warnings constitute substantial evidence requiring analysis and mitigation. [D3]

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#### **2) Expert Consultants**

PHA TRANSPORTATION CONSULTANTS (Nov. 11, 2021)

*“...The relevant question is whether the Project will increase hazards, not whether non-project-related hazards have occurred in the past...” [D2]*

ANGIE DODD, ENVIRONMENTAL/WATER RESOURCES ENGINEER (SourzHVR, July 8, 2021, 1:46:34)

*“...I’m a water resources and environmental engineering consultant with over 25 years of technical expertise in these areas and have been working on multiple projects in Lake County and many other Counties. I would like to bring up a few items of concern due to the size of the project and rural nature of high valley road a traffic impact study by a professional is recommended to accurately evaluate the impacts of this project on High Valley Road and appropriate mitigation measures as necessary...” [D7]*

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### 3) Planning Commission Testimony (decisionmakers)

COMMISSIONER BROWN (Sourz, July 22, 2021, @2:37:07)

*"...Exiting the site and coming down the road there was a truck that was coming up the hill that we did have to come to a stop... to wait for the truck to pass around the one of the first turns at the bottom of the hill [next to the school] ... [T]hat's a concern that I would like to see addressed."* [D7]

COMMISSIONER CHAVEZ (Sourz, July 08, 2021, @2:10:11)

*"My question is how or what will be done in the case of an emergency? If evacuations were to be made, how concerning is it to emergency agencies having to evacuate the neighborhood? So I mean I don't think there's anybody here that can answer or respond from an emergency agency like a fire department but that's just my main concern due to the fact that there is the only road leading there and the only road to get out as well we are in fire season as well and the drought doesn't help I'm sure they have potential uses of water to be able to help out but if you have people evacuating and you're having emergency vehicles traveling up the road that's where my concern is for the safety of everybody that lives up on that road..."* [D8]

COMMISSIONER HESS (Liu Farms, June 2024, @1:11:54)

*"...It seems crazy to me that some of these semi-trucks would even have attempted that road in the first place..."*

COMMISSIONER CHAVEZ (Liu Farms, June 2024, multiple)

@1:09:26 — *"...we've seen that [the road] is like one of the biggest issues, that road leading up to the project... it was a really rough road to get to... my next concern, which is high fire risk, in the area... that's the biggest concern... because there's employees who have families, and if there's a community up there that's stuck... that's the biggest concern with that area."*

@1:31:43 — *"I appreciate you bringing that to light because it involves a lot of people, and down by the school on that road I know there are issues. It's not the applicant's personal issue or problem to be solved on their behalf, but as a community decision based on the good of the surrounding area, I'm having a hard time. It's just a risk that the applicant is taking, as well as the community, given the way the road happens to be. We have seen applications in the past and it's the same issue over and over again with the trucks—every time a project comes up there I see a truck stuck on that curve."*

@1:33:04 — *"We definitely have major concerns with High Valley Road and that whole entire area: access, fire danger, and congestion, and it is an echo that we are hearing for sure. It is a county-maintained road, but it doesn't look like it's maintained very well. ... There are a lot of issues up there that need to be addressed either by signage or with a little*

*bit more maintenance...If we get any more rain, that road is just going to keep deteriorating to the point where it's not accessible in the winter—I understand most operations will occur during the dry season...And then there is that horseshoe issue there—it's a really sharp turn."*

COMMISSIONER PRICE (Liu Farms, June 2024, multiple)

*@1:13:28 — "A semi driver who is just out to do a delivery looks at High Valley Road, makes it halfway up the road, and then hits that horseshoe. ...There's no denying that that truck should not have been on that road."*

*"...we've had applications in the past, and it's the same issue over and over again with the trucks. Every time that a project comes up here, I see a truck stuck on that curve. That's just one of the things that are very problematic for me for moving on with this project or any other project on the valley."*

*@1:30:58 — "Even if that semi wasn't very far up the road—thank God it didn't go further up the road. Regardless of where it was stuck, it was stuck, and it was stuck there for a very long time. I could not imagine having any more staff up there because of the amount of danger."*

COMMISSIONER ROSENTHAL (Poverty Flats, ≈2:55:04)

*"I would love to see County Public Works here... I can't continue to approve these projects until we have some answers to that."*

CHAIR CHAVEZ (Poverty Flats, ≈2:58:30; 2:59:37)

*"It's already happening. It's already an issue... there will be an increase in traffic."*

*"Like Commissioner Fields said, how do we approve a project when we know that there's issues on the road?"*

COMMISSIONER FIELDS (Poverty Flats, ≈3:16:42; ≈3:17:59)

*"This is one of the most difficult decisions I've faced... this is the last time. We need to address the road issue as a county."*

*"When a child gets hit, how am I going to feel?" [D5], [D6]*

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#### 4) County Staff Admissions and Official Actions

SCOTT DE LEON, THEN-PUBLIC WORKS DIRECTOR (SourzHVR, July 22, 2021, 2:41:03)

*"...I just wanted to jump on here to address some of the issues related to the road, I can confirm that they have been in contact with our road superintendent Jim Hail and discussed improvements to the road. So I can confirm that they have done that. There has been some discussion about Brassfield and the per case fee payment that they make for mitigation to the impacts to the road. We considered something like that for this project;*



*however, we really struggled frankly with the unit of measure; on how to apply a fee for mitigation; And so what we thought was: is because the public works department and roads specifically are a component of the cannabis tax, we can request the board to give a portion of those taxes from cannabis. We plan on asking for a percentage out of the cannabis that this operation, if approved, would be making. So in lieu of making a specific fee our plan is to take funds from the cannabis tax for us to use in mitigations to do the road. I hope that addresses any concerns related to fairness or anything of that nature with respect to what Brassfield is doing and how we intend to mitigate any impacts...” [D10]*

VANCE RICKS, COUNTY SURVEYOR (Liu Farms, June 2024, 1:19:12)

*Ricks: “...I was talking to the road supervisor with the issue we have there at that switchback with the trucks...We are currently working on mitigation to stop this ...it just unfortunately happened back to back and we are currently working on mitigation to that...”*  
*Commissioner Price: “I appreciate you speaking on behalf of the road department...Just for my own knowledge what are your plans what are your plans to solve that issue, are you planning on widening it? Are you going to, you know, put road signs out?”*

*Ricks: “There is currently road signs there telling them about the curves ... we are currently working with the property owner and determining where the county limits are and the right of way and we are working on how to fix this issues most economically and efficiently...”*  
*[D11]*

#### OFFICIAL COUNTY SIGNAGE (DESIGN LIMITATION ACKNOWLEDGMENT)

The County has installed signage at the entrance to High Valley Road warning that trucks longer than 25 feet (rear axle to kingpin) are not advised—a clear recognition of the road’s geometric limits and inherent hazards. However, under AASHTO Green Book classifications, there are no semi-tractor/trailer combinations with a kingpin-to-rear-axle length of less than 25 feet. In effect, the County’s signage is an acknowledgement that standard semi-truck access is inherently unsafe or infeasible on this road, regardless of the applicant’s assertions or proposed delivery practices. [D15](Figure D1)

#### 5) Board of Supervisors & Advisory Bodies

BOARD OF SUPERVISORS — MONTE CRISTO APPEAL (Dec. 5, 2022)

Supervisor Bruno Sabatier @3:36:22:

*“I know that traffic came up... a lot of the traffic unfortunately was on High Valley—was the majority of the comments—like the jackknifing...Traffic is one of those things that I’m unsure about because...the road sucks out there, and we need to do a better job. We’re striving to change that here as a Board.... I don’t know if I’m asking that question to us or the applicant, and I don’t think that they should be fixing our roads—that’s our job.”*

@5:02:21:

*“...this community looks like it’s been neglected from having an update on that road system... we need to add it... I just checked the map and yeah, we need to add it. When it comes back we can make those kinds of comments...”*

BOARD OF SUPERVISORS — ROAD PRIORITIES (March 11, 2025)

Public Comment — Margaux Kambara @1:42:02:

*“...Since Director March has invited comment on road priorities I share the following: I suggest that we raise safety as one of our primary concerns when we prioritize road improvements specifically those where safety issues affect life and death. So, I bring to your attention High Valley Road. There have been several discretionary use permits that have been approved for projects that use that road and residents have raised concerns about safety primarily when it comes to evacuation for wildfire and also emergency response. Residents have pointed out a history of accidents on that road and also near misses and those involve large delivery trucks that have commercial business in that area. At one Planning Commission hearing for a discretionary use permit the Planning Commissioners were told that the road department had plans to address the road safety concerns but no timeline was given. The concern is that until those safety issues are addressed for the road those residents are at risk and this could be a liability issue. Exposing residents to unmitigated risk for a discretionary use permit and this could also pose a CEQA violation of traffic impacts that are not addressed. So, I bring this to your attention especially for those residents who have only one way in and one way out to their homes. Thank you”*

Chair E.J. Crandell @1:44:11:

*“I don't know Glenn-- I had sent you that information from the last town hall and you mentioned that. Working with a consultant or something like that-- for that area or an engineer or something ...”*

DPW Director Glenn March @1:44:23:

*“I have our County Surveyor going to survey the area where that hairpin turn is and then we're going to have an engineer look at the truck moving templates and place them on the road to see if the road is properly designed for the trucks we allow based on the signage and then we'll figure out next steps”*

Vice Chair Brad Rasmussen @1:47:22:

*“I just want to quickly comment that shortly before the presentation we did get a public comment about High Valley Road as well that somebody cited there had been three accidents of semi trucks in the last seven months thank you” [D14]*

EASTERN REGION TOWN HALL (ERTH)

*Standing agenda item: High Valley Road safety, evidencing persistent community concern. [D13]*

## 6) Residents & Community Documentation

MARIA KANN (High Valley Road resident, SourzHVR, July 8, 2021, 59:23)

*“...The area we live in if you've never been in High Valley is a single point entry two-lane road it does enter at highway 20 directly alongside east lake elementary school that intersection is very congested during school year times with buses and parents dropping off and picking up children and staff trying to get in and out and people trying to get in and out to go to work from the valley. So the road itself is mediocre at best. It is not well maintained. It was not paved nearly anywhere, it was maybe paved a half a mile up and it's a three and a half mile road. There is a hairpin turn about a half a mile up the road and we have seen several trucks get stuck because they cannot negotiate that curve. I have a picture of the curve and I have a picture of a truck that was just caught/stuck there the other day. It took well over 45 minutes to an hour to get that vehicle out of there and in any sort of emergency situation a medical emergency or an evacuation situation if this should occur it will be catastrophic to the people in our valley. So I don't know if you'd like to look at these but this road is narrow windy with blind curves and steep slopes. It is regular that the residents are dodging vehicles that are going down the center of the road because the road is simply not wide enough for these large vehicles. So I would argue that the traffic itself, the traffic flow on the congestion that's going to occur is going to overwhelm the road from a construction standpoint as well as this create safety issues for the children and the residents and myself as a daily walker on the road. I walk my dogs and I'm constantly jumping into the ditch to avoid speeding traffic...” [D16]*

CHUCK LAMB (BoS public comment, March 11, 2025)

*“Something needs to be done about the presence of big rig semi's on High Valley Road. There have been three truck accidents in the last seven months that have blocked roads for hours. A simple fix is to limit the size of trucks on this road. High Valley Road is a long twisting road with many tight curves. Please do something about this problem. Thank you, Chuck Lamb”*

### COMMUNITY DOCUMENTATION (YouTube & EARTH)

Residents created a YouTube channel documenting accidents and conditions on High Valley Road (2023–2025) [D12]; EARTH maintains High Valley Road safety as a standing agenda item [D13]; the Board discussed the issue on March 11, 2025 [D14].

## Conclusion

Responsible-agency warnings (CHP), expert analyses, quantitative incident data, Planning Commission and staff admissions, Board-level acknowledgments, and consistent resident documentation all converge: High Valley Road is hazardous and ill-suited to accommodate

additional cannabis-related traffic and emergency-evacuation demands. Under CEQA’s fair-argument standard, the IS/MND’s “no impact” finding is contradicted by substantial evidence in the record; an EIR is required to fully analyze and mitigate roadway-safety and evacuation risks. [D1], [D9]



Safety Signage on High Valley Road Advising semis not to use the Road.

### Footnotes (Unified for Section D)

- [D1] CEQA Guidelines §15384(a) (substantial evidence includes facts, expert opinion, and agency comments); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.
- [D2] PHA Transportation Consultants, Comment Letter on SourzHVR Project, Nov. 11, 2021.
- [D3] CHP Comment, Lt. Daniel Fansler, 2021 (re: High Valley Road cannabis traffic); CEQA Guidelines §15381 (responsible agency).
- [D4] CHP traffic incident records for High Valley Road, 2012–2018 vs. 2019–2025; PRC §4290; 14 CCR §§1273.01–1273.04 (minimum standards for road width, grade, curve radius).
- [D5] Lake County Planning Commission, Liu Farms Hearing (June 2024), remarks of Commissioner Chavez (1:09:26) and Commissioner Price (1:13:28), [https://lakecounty.granicus.com/player/clip/725?view\\_id=1&redirect=true](https://lakecounty.granicus.com/player/clip/725?view_id=1&redirect=true).
- [D6] Lake County Planning Commission, Poverty Flats Hearing (May 2025), remarks of Commissioners Rosenthal, Fields and Chavez, [https://www.youtube.com/watch?v=n\\_QqbASz2Y&t=9044s](https://www.youtube.com/watch?v=n_QqbASz2Y&t=9044s).

- [D7] Lake County Planning Commission, SourzHVR hearing (July 22, 2021), remarks of Commissioners Brown, Hess, [https://www.youtube.com/watch?v=wkW\\_bxL\\_HXI&t=240s](https://www.youtube.com/watch?v=wkW_bxL_HXI&t=240s).
- [D8] Lake County Planning Commission, SourzHVR hearing (July 08, 2021), [https://lakecounty.granicus.com/player/clip/497?view\\_id=1&redirect=true](https://lakecounty.granicus.com/player/clip/497?view_id=1&redirect=true).
- [D9] CEQA Guidelines §15384(a) (substantial evidence includes lay observations supported by facts); *Berkeley Keep Jets Over the Bay v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1370–1371.
- [D10] Lake County Planning Commission, SourzHVR Hearing (July 22, 2021), statement of Public Works Director Scott De Leon. [https://www.youtube.com/watch?v=wkW\\_bxL\\_HXI&t=240s](https://www.youtube.com/watch?v=wkW_bxL_HXI&t=240s).
- [D11] Lake County Planning Commission, Liu Farms Hearing (June 2024), statement of County Surveyor Vance Ricks at 1:19:28, [https://lakecounty.granicus.com/player/clip/725?view\\_id=1&redirect=true](https://lakecounty.granicus.com/player/clip/725?view_id=1&redirect=true).
- [D12] Resident YouTube channel documenting High Valley Road incidents (2023–2025).
- [D13] Eastern Region Town Hall agendas (2025), standing item: High Valley Road safety.
- [D14] Lake County Board of Supervisors Meeting (March 11, 2025), discussion of High Valley Road safety, <https://www.youtube.com/watch?v=f3K9dyZGGEM>.
- [D15] County-installed road signage at entrance to High Valley Road warning that trucks longer than 25 feet (rear axle to kingpin) are not advised (photographic evidence in public record, 2020–2025).; AASHTO A Policy of Geometric Design of Highways and Streets 2018 7<sup>th</sup> edition §2.8.2 pp.156,172-178
- [D16] Lake County Planning Commission, SourzHVR Hearing (July 08, 2021), statement of High Valley Road resident Maria Kahn

## **F. Appellant's § 4290 Road Safety Analysis Confirms Widespread Violations**

**Principle:** CEQA requires agencies to consider substantial evidence in the record, including technical analyses submitted by the public. When credible evidence shows noncompliance with fire-safe road standards, the lead agency must either adopt

enforceable mitigation or prepare an EIR. Ignoring such evidence constitutes a prejudicial abuse of discretion [E1].

**Argument:**

**1. Scope of Appellant's Analysis.**

- As part of this appeal, the Appellant submitted a dedicated § 4290 compliance analysis for High Valley Road from State Route 20 to the Poverty Flats site.
- The analysis relied on field surveys, roadway measurements, GPS mapping tools, aerial imagery, CHP incident reports and comparisons to the State Minimum Fire Safe Regulations (14 CCR §§ 1273–1273.11), State of California Highway Design Manual and the AASHTO A Policy of Geometric Design of Highways and Streets [E7] **(See Figures E1 through E5)**

**2. Findings of Noncompliance.**

The survey identified multiple, systemic violations of § 4290 standards:

- **Width:** Several segments measured less than the 20-foot two-lane minimum, with pinch points narrowing to 12–14 feet [E2].
- **Curvature:** Multiple sharp and hairpin turns fell below the 50-foot minimum inside turning radius, forcing large trucks into opposing lanes or immobilizing them entirely [E3].
- **Approaches** to curves that conflict with the CalTrans Highway Design Manual: “...Introduction of curves with lower design speeds should be avoided at the end of long tangents, steep downgrades, or at other locations where high approach speeds may be anticipated...” [E8] Both sharp non-compliant curves on High Valley Road near the school and at the hairpin turn are at the end of steep downgrades. [E8]
- **Line-of-sight** around curves conflicts with the Caltrans Highway Design Manual requirements for both Stopping Sight Distance (SSD) and Decision Sight Distance (DSD). This is particularly critical at the sharp curve near the school, where visibility is obstructed by trees, vegetation, and structures at the end of a steep downgrade. Caltrans HDM Topic 201 requires that minimum SSD be available at all points on the approach and through the curve. For a design speed of 30 mph, Table 201.1 establishes a minimum SSD of 200 feet, which must be increased by 20% (to 240 feet) for sustained downgrades steeper than 3% and longer than one mile (HDM §201.3). Where

sight is restricted by buildings, fences, vegetation, or slopes on the inside of a horizontal curve, Index 201.6 directs designers to provide the necessary clear distance (middle ordinate) to the obstruction so that this minimum is met. In practice, the vegetation and structures at this location reduce available sight distance well below the required 240 feet.

Near a school, SSD alone may not be sufficient: HDM §201.7 recognizes the need for Decision Sight Distance (DSD) at locations where drivers must respond to unexpected conditions, consistent with AASHTO Green Book, Chapter 3. At school frontages, the traffic stream includes children crossing, parents picking up and dropping off students, and frequent pedestrian–vehicle conflicts. These conditions demand longer sight distances than SSD alone provides. As supported by both HDM §201.7 and AASHTO Chapter 3, the combination of steep downgrade, restricted curve visibility, and school activity underscores the inadequacy of current line-of-sight and the heightened safety risk. Contemporary research on horizontal sightline offset (HSO) (see NCHRP Report 910) further supports this requirement. [E10]

- **Grades:** Slopes in excess of 16% were documented, exceeding the safe operating limits for many emergency vehicles [E4].
- **Surface:** Several stretches remain unpaved or otherwise fail to meet the “all-weather surface capable of supporting 40,000 lbs” requirement [E5].

### 3. **IS/MND’s Failure to Address Evidence.**

- The IS/MND does not acknowledge the documented safety deficiencies on High Valley Road, nor does it propose mitigation to correct them.
- No timeline, funding mechanism, or implementation plan is identified for bringing High Valley Road into compliance.
- While portions of Appellant’s measurements—such as the hairpin turn geometry and certain road-width segments—were in the Planning Commission record, additional detailed survey data was developed in connection with this appeal. Whether presented earlier or later, the evidence is substantial and unrebutted, and the County’s failure to grapple with it leaves the IS/MND unsupported.
- Critically, CDD had independent notice of these same deficiencies from prior proceedings. Testimony from DPW, CHP, and the community consistently identified the very problems documented here, including:

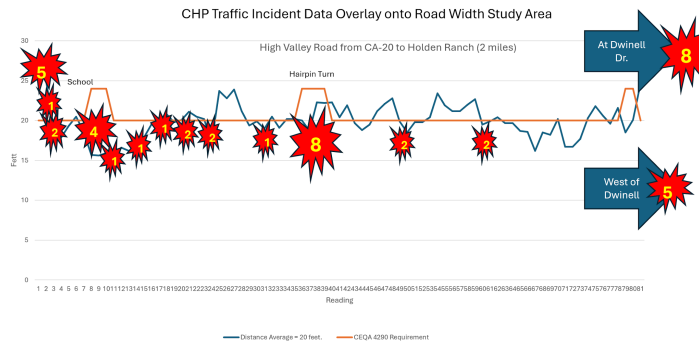
- Board of Supervisors hearing (March 11, 2025) – where road safety and evacuation limitations on High Valley Road were expressly raised.
- Planning Commission hearing on Liu Farms (2024) – where road width and curve geometry issues were discussed.
- Planning Commission and Board of Supervisors hearings on Sourz HVR (2021) – where both agencies and community members emphasized safety deficiencies and inadequate access.
- The IS/MND’s silence therefore disregards not only portions of the Planning Commission record in this case but also a well-established history of agency and community warnings. CEQA requires decision-makers to consider the “whole record” (Pub. Res. Code §21167.6(e)), and an IS/MND may not lawfully ignore substantial evidence of significant impacts (CEQA Guidelines §§15064(f), 15074(b)).[E9]

#### **4. Importance of Compliance for Emergency Response.**

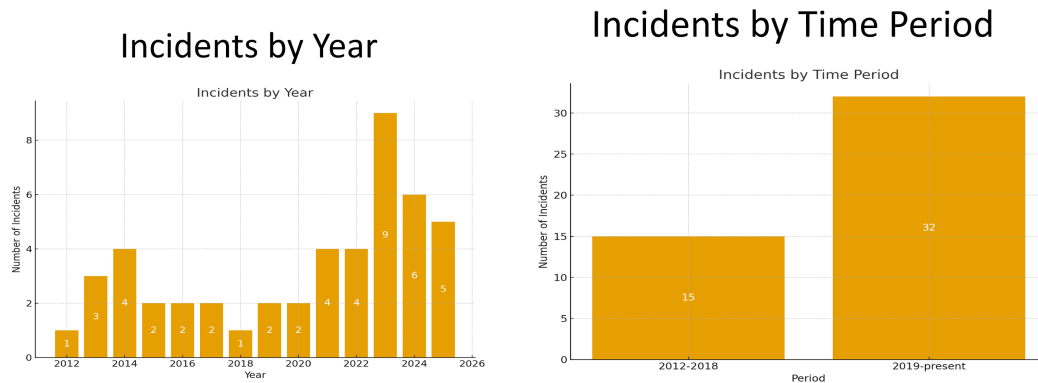
- High Valley Road is the sole ingress for fire engines and other emergency responders and the sole egress for workers and residents.
- Without compliance, responders risk delay or blockage, and evacuating vehicles may be trapped by oncoming traffic during a wildfire.
- CEQA requires that such hazards be disclosed and mitigated with enforceable measures, not dismissed with conclusory “no impact” findings.

**Conclusion:** The Appellant’s § 4290 road analysis provides detailed, technical evidence that High Valley Road fails to meet minimum fire-safe standards for width, curvature, grades, and surface. These violations pose direct, foreseeable risks to life safety. By ignoring this evidence, the County committed a prejudicial abuse of discretion. Preparation of an EIR is required.





**Figure E1a: CHP Traffic Incident/Accident overlay onto Road Width Study Area between Hwy 20 and Holden Ranch entrance showing accidents are clustered where the road does not meet 4290 compliance**

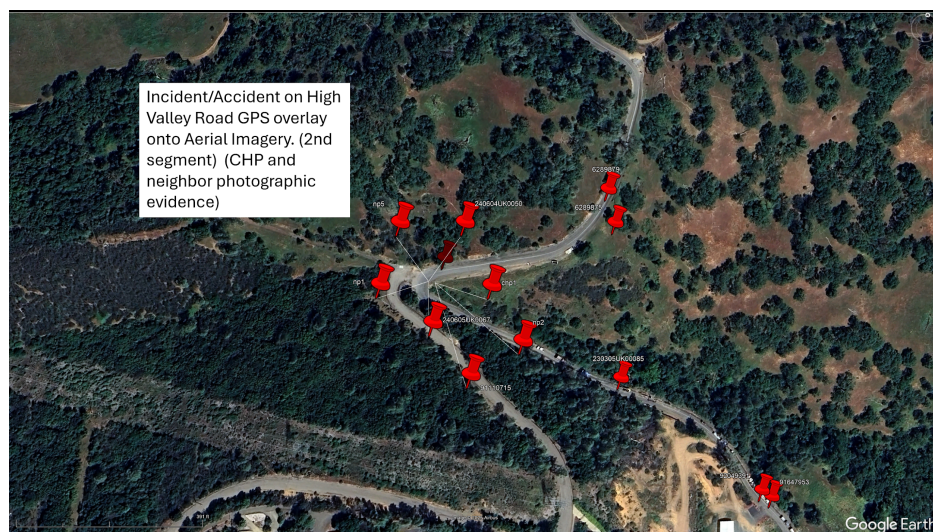


**Table 3. CHP Incident and Accident Data for High Valley Road from 2012 to 2025**

**Figure E1b. CHP Incident and Accident Data for High Valley Road (2012–2025).**

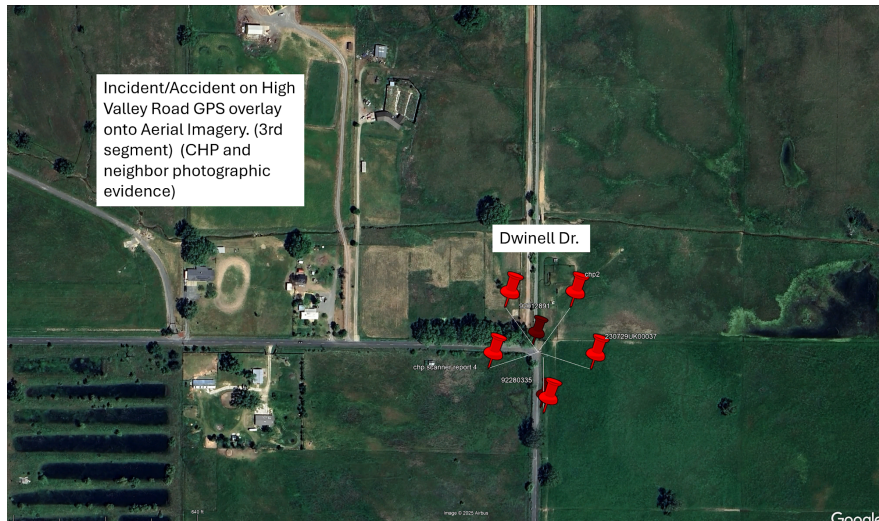


**Figure E2a: High Valley Road CHP Incidents and Accident overlay onto Aerial Imagery. Note: clusters of accidents where road is not compliant for curve radius (near school) and road width (along hillside).**

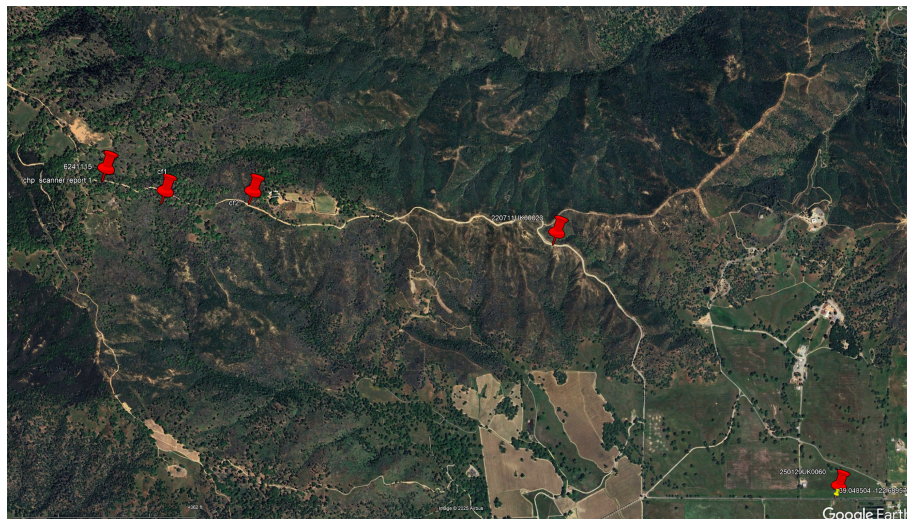


**Figure E2b: High Valley Road CHP Incidents and Accident overlay onto Aerial Imagery. Note: clusters of incidents centered at hairpin turn where road radius and road width are not compliant.**

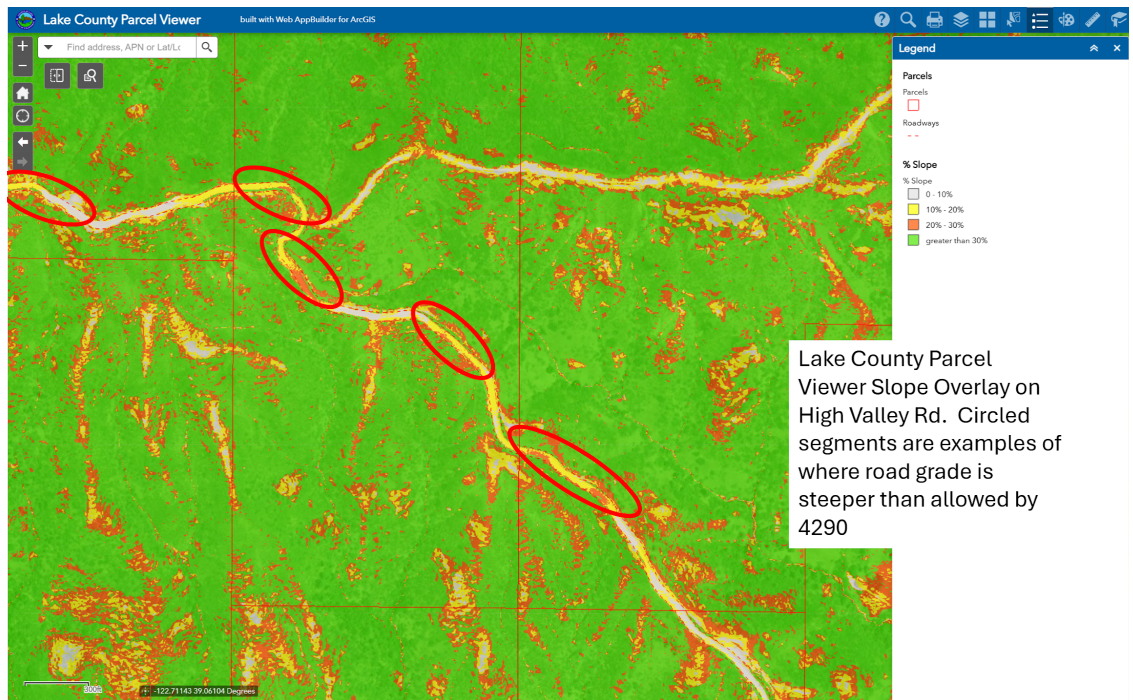




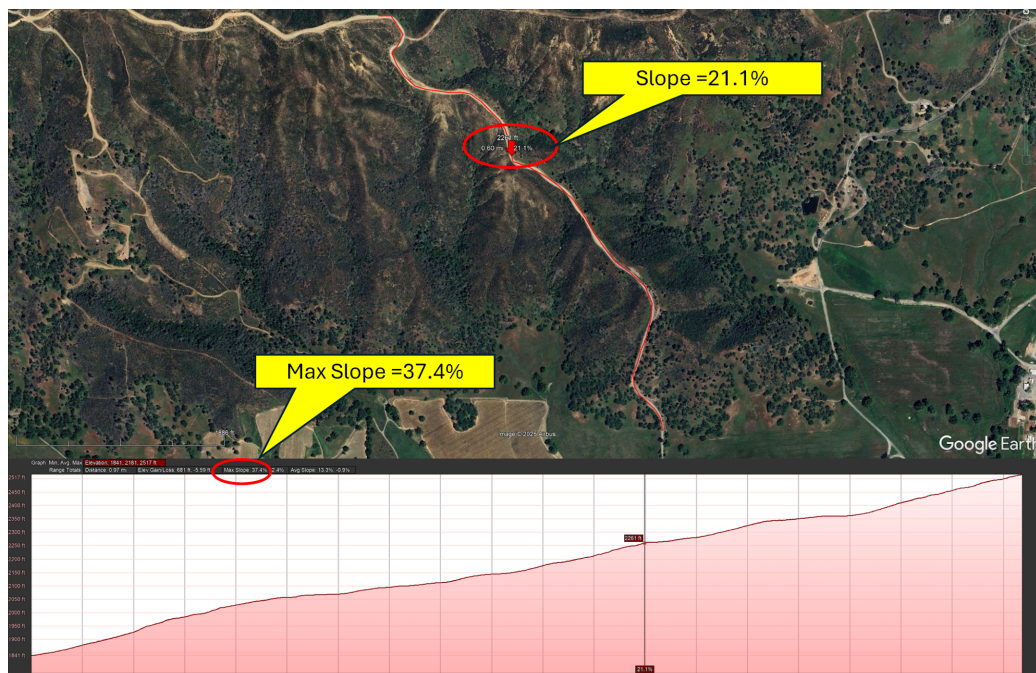
**Figure E2c: High Valley Road CHP Incidents overlay onto Aerial Imagery. Note: clusters of incidents centered in front of Dwinell Dr. where road width and curve radii are not compliant.**



**Figure E2d: High Valley Road CHP Incidents overlay onto Aerial Imagery. Note: incidents on Ridge where road is not compliant for width, grade or surface.**



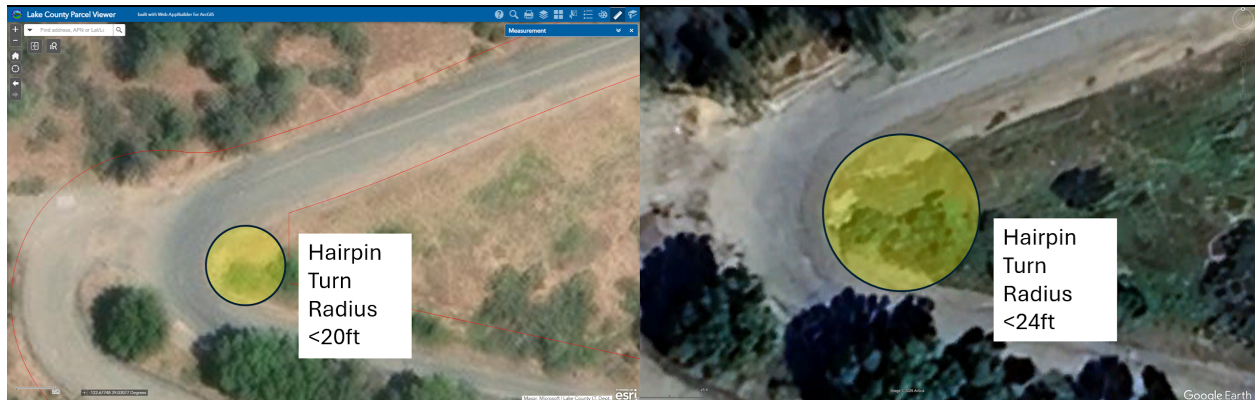
**Figure E3a: Lake County Parcel Viewer Slope Overlay on High Valley Rd. for the road segment from the valley floor to the top of the ridge. Circled segments are examples of where road grade is steeper than the 16% allowed by 4290. Red denotes areas where road grade is between 20% and 30%.**



**Figure E3b: High Valley Road with a Google Earth elevation profile overlay for the road segment from the valley floor to the top of the ridge with the elevation**



profile showing road grade is steeper than the 16% allowed by 4290 and as high as 37.4%



Aerial Imagery from Lake County Parcel Viewer and Google Earth showing the radius of the hairpin curve on High Valley Road is less than the 4290 minimum requirement of 50 feet.

**Figure E4a: Aerial Imagery From Lake County Parcel Viewer and Google Earth both showing the radius of the same hairpin curve on High Valley Road is less than the 4290 allowed minimum requirement of 50ft.**

Source: AASHTO A Policy of Geometric Design of Highways and Streets 2018 7<sup>th</sup> edition p.2-59

Table 2-5a. Minimum Turning Radii of Design Vehicles (U.S. Customary Units)

| Design Vehicle Type                   | Passenger Car | Single-Unit Truck | Single-Unit Truck (Three Axle) | Intercity Bus (Motor Coach) |         | City Transit Bus | Conventional School Bus (65 pass.) | Large* School Bus (84 pass.) | Articulated Bus | Intermediate Semi-trailer | Interstate Semitrailer |         | "Double Bottom" Combination | Rocky Mtn Double | Triple Semi-trailer/ Trailers | Turnpike Double Semi-trailer/ Trailer | Motor Home | Car and Camper Trailer | Car and Boat Trailer | Motor Home and Boat Trailer |
|---------------------------------------|---------------|-------------------|--------------------------------|-----------------------------|---------|------------------|------------------------------------|------------------------------|-----------------|---------------------------|------------------------|---------|-----------------------------|------------------|-------------------------------|---------------------------------------|------------|------------------------|----------------------|-----------------------------|
|                                       |               |                   |                                | WB-62*                      | WB-67** |                  |                                    |                              |                 |                           | WB-67D                 | WB-92D  |                             |                  |                               |                                       |            |                        |                      |                             |
| Symbol                                | P             | SU-30             | SU-40                          | BUS-40                      | BUS-45  | CITY-BUS         | S-BUS36                            | S-BUS40                      | A-BUS           | WB-40                     | WB-62*                 | WB-67** | WB-67D                      | WB-92D           | WB-100T                       | WB-109D*                              | MH         | P/T                    | P/B                  | MH/B                        |
| Minimum Design Turning Radius (ft)    | 23.8          | 41.8              | 51.2                           | 41.7                        | 44.0    | 41.6             | 38.6                               | 39.1                         | 39.4            | 39.9                      | 44.8                   | 44.8    | 44.8                        | 82.0             | 44.8                          | 59.9                                  | 39.7       | 32.9                   | 23.8                 | 49.8                        |
| Centerlineb Turning Radius (CTR) (ft) | 21.1          | 38.0              | 47.4                           | 37.8                        | 40.2    | 37.8             | 34.9                               | 35.4                         | 35.5            | 36.0                      | 41.0                   | 41.0    | 40.9                        | 78.0             | 40.9                          | 55.9                                  | 36.0       | 30.0                   | 21.0                 | 46.0                        |
| Minimum Inside Radius (ft)            | 14.1          | 28.4              | 36.4                           | 24.3                        | 24.7    | 24.5             | 23.8                               | 25.3                         | 21.3            | 19.3                      | 7.4                    | 1.9     | 19.1                        | 55.6             | 9.7                           | 13.8                                  | 26.0       | 18.3                   | 8.0                  | 35.0                        |

\* Design vehicle with 53-ft trailer as grandfathered in with 1982 Surface Transportation Assistance Act (STAA).

† School buses are manufactured from 42-passenger to 84-passenger sizes. This corresponds to wheelbase lengths of 11.0 to 20.0 ft, respectively. For these different sizes, the minimum design turning radii vary from 28.1 to 39.1 ft and the minimum inside radii vary from 17.7 to 25.3 ft.

‡ The turning radius assumed by a designer when investigating possible turning paths is set at the centerline of the front axle of a vehicle. If the minimum turning path is assumed, the CTR approximately equals the minimum design turning radius minus one-half the front width of the vehicle.

Only a passenger car can safely negotiate a curve radius less than 25 feet

**Figure E4b: AASHTO Minimum Safe Design Turning Radii for Vehicles. E6]**

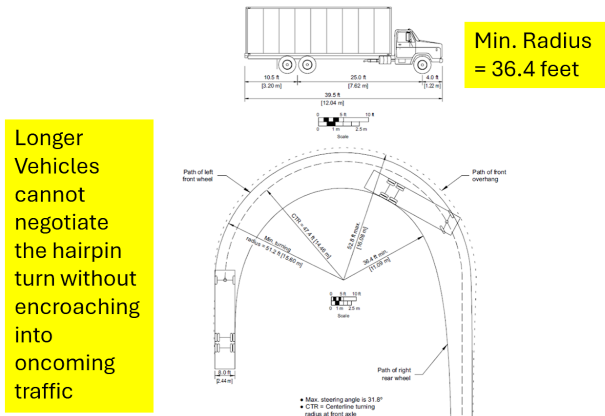


Figure 2-12. Minimum Turning Path for Single-Unit Truck (SU-40 [SU-12]) Design Vehicle

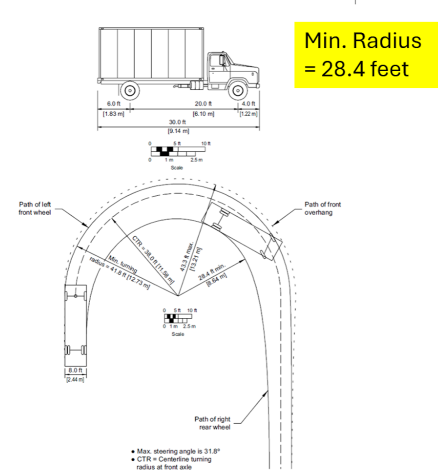


Figure 2-11. Minimum Turning Path for Single-Unit Truck (SU-30 [SU-9]) Design Vehicle

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**Figure E4c: Turning Radii for single and double rear axle delivery trucks.**  
**showing that it is geometrically impossible for these vehicles to safely navigate the hairpin turn. [E6]**

Source: AASHTO A Policy of Geometric Design of Highways and Streets 2018 7<sup>th</sup> edition p.2-75, 2-82

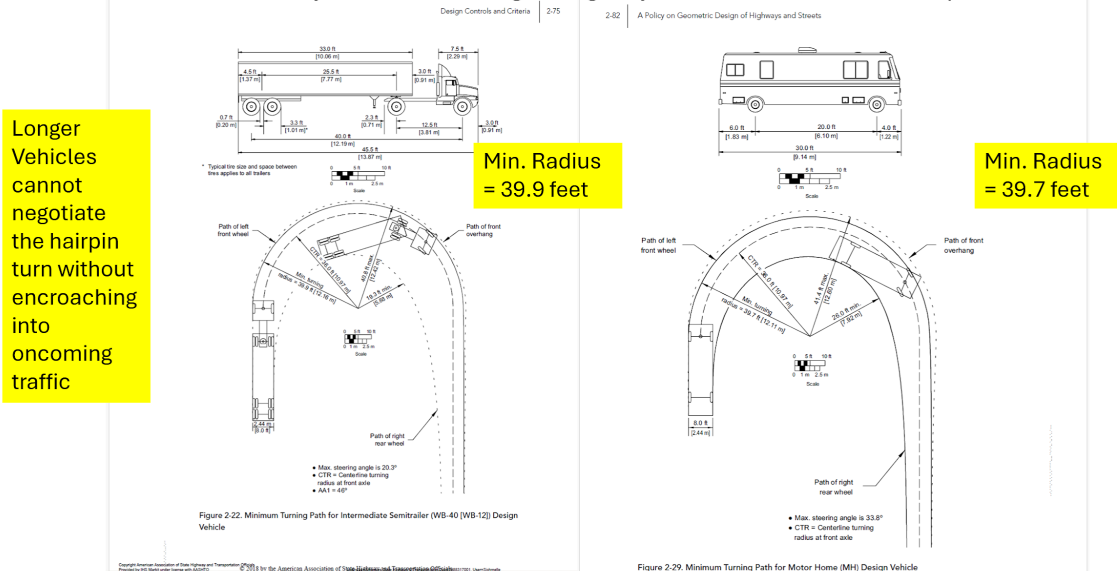
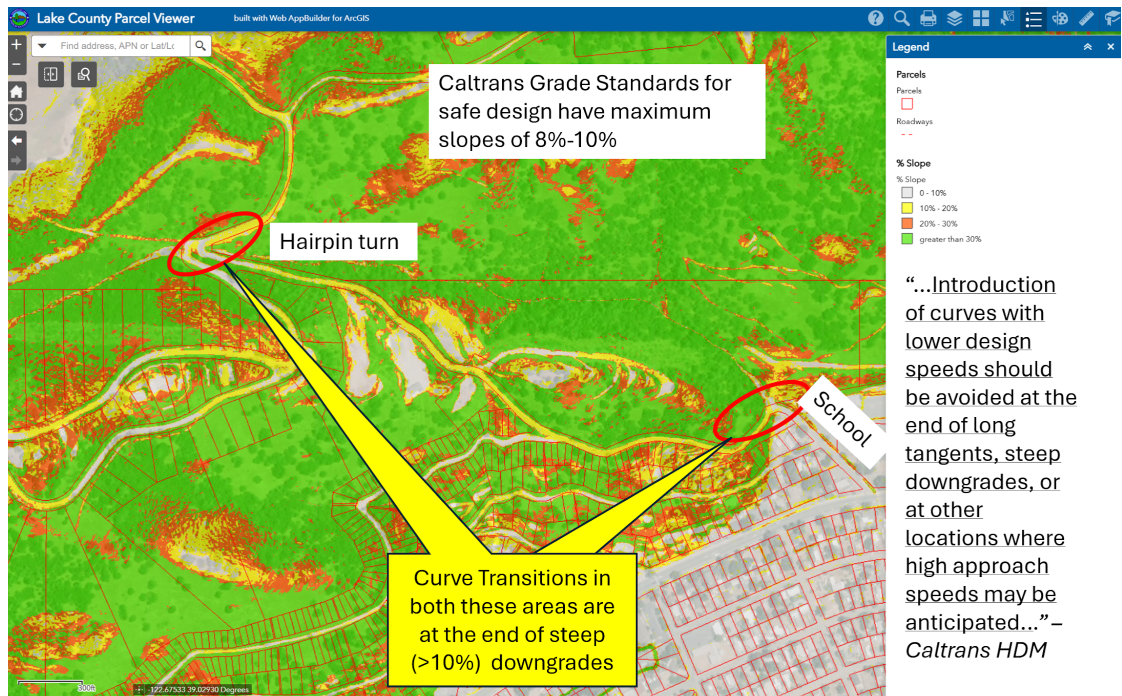


Figure 2-22. Minimum Turning Path for Intermediate Semitrailer (WB-40 [WB-12]) Design Vehicle

Figure 2-29. Minimum Turning Path for Motor Home (MB) Design Vehicle

**Figure E4d: Turning Radii for small semi-trailer and RV showing that it is geometrically impossible for these vehicles to safely navigate the hairpin turn. [E6]**



**Figure E4e:. Sharp curves at the end of steep downgrades in violation of HDM recommendations for safe curves. [E8]**

Source: Highway Design Manual, 7th Edition, California Department of Transportation pp200-2, 200-5, 200-8

**Table 201.1**

**Sight Distance Standards**

| Design Speed <sup>(1)</sup><br>(mph) | Stopping <sup>(2)</sup><br>(ft) | Passing<br>(ft) |
|--------------------------------------|---------------------------------|-----------------|
| 10                                   | 50                              | ---             |
| 15                                   | 100                             | ---             |
| 20                                   | 125                             | 800             |
| 25                                   | 150                             | 950             |
| 30                                   | 200                             | 1,100           |
| 35                                   | 250                             | 1,300           |
| 40                                   | 300                             | 1,500           |
| 45                                   | 360                             | 1,650           |
| 50                                   | 430                             | 1,800           |
| 55                                   | 500                             | 1,950           |
| 60                                   | 580                             | 2,100           |
| 65                                   | 660                             | 2,300           |
| 70                                   | 750                             | 2,500           |
| 75                                   | 840                             | 2,600           |
| 80                                   | 930                             | 2,700           |

Notes:

<sup>(1)</sup>See Topic 101 for selection of design speed.

<sup>(2)</sup>For sustained downgrades, refer to underlined standard in Index 201.3

**Table 201.7**

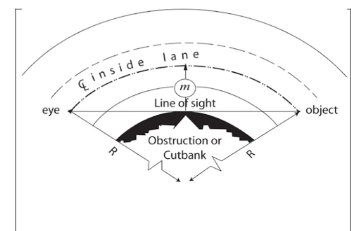
**Decision Sight Distance**

| Design Speed(mph) | Decision Sight Distance(ft) |
|-------------------|-----------------------------|
| 30                | 450                         |
| 35                | 525                         |
| 40                | 600                         |
| 45                | 675                         |
| 50                | 750                         |
| 55                | 865                         |
| 60                | 990                         |
| 65                | 1,050                       |
| 70                | 1,105                       |
| 75                | 1,180                       |
| 80                | 1,260                       |

Baseline SSD at 30mph = 200 ft  
Baseline DSD at 30mph = 450 ft  
HDM advises an additional 20% on grades > 3%  
Recommended SSD = 240ft.; DSD = 540ft.

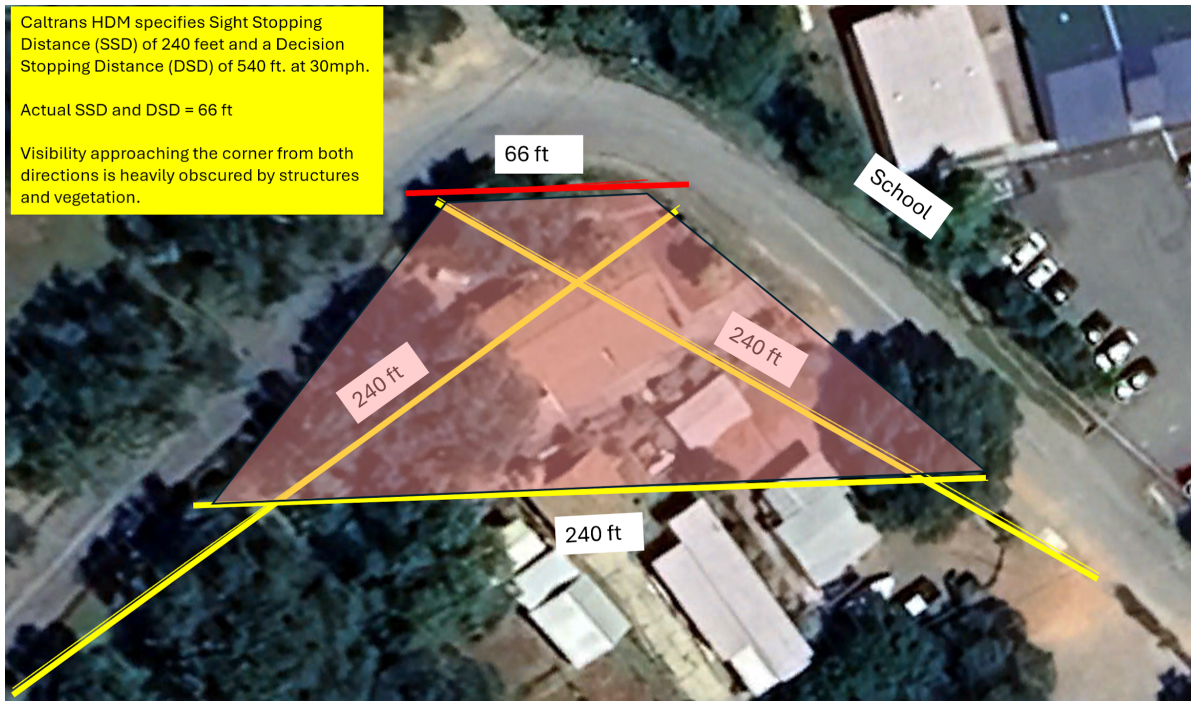
**Figure 201.6**

**Stopping Sight Distance on Horizontal Curves**



**Figure E4f: CalTrans specifications for line of sight for sight stopping distance (SSD), decision stopping distance (DSD).**





**Figure E4g: Actual SSD and DSD for sharp curve near school. Line of sight is heavily restricted by vegetation, buildings and other structures.**



**Figure E5a: Photos taken on June 7, 2025 of Fire vehicles – including trailer with bulldozer -- approaching non-compliant hairpin turn by driving in the opposite lane.**





**Figure E5b: Photos of vehicles blocking traffic for extended periods that became stuck while trying to negotiate the hairpin curve on HighValley Road.**



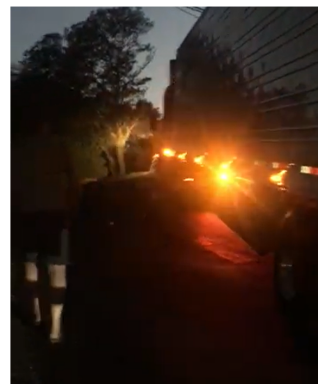
**Figure E5c: Photos of Trucks driving in opposing lane of traffic trying to negotiate non-compliant curve across from the school.**



**Figure E5d: Photos of trucks trying to negotiate narrow, non-compliant portion of Highland Springs Rd. between the school and the hairpin curve.**



Car runs into the ditch to avoid being sideswiped by semi driving over the centerline into oncoming traffic toward elementary school



Semi stuck at sharp curve between the school and the hairpin curve for several minutes blocking traffic and having to drive over the edge of the road.

**Figure 5e: Screenshots from videos taken by neighbors. Left: vehicle running into the ditch on a narrow portion of High Valley Rd. to avoid being sideswiped. Right: Sem truck stuck on a section of High Valley Rd. Both incidents are between the hairpin turn and the elementary school.**

#### Footnotes for Section E

- [E1] CEQA Guidelines § 15126.2(a) (must analyze significant hazards); Pub. Res. Code § 21168.5 (prejudicial abuse of discretion standard).
- [E2] 14 CCR § 1273.01(a) (20-ft minimum width for roads).



- [E3] 14 CCR § 1273.04(a) (minimum inside turning radius: 50 ft).
- [E4] 14 CCR § 1273.03(a) (maximum grade: 16%).
- [E5] 14 CCR § 1273.01(c) (all-weather surface capable of supporting 40,000 lbs).
- [E6] AASHTO A Policy of Geometric Design of Highways and Streets 2018 7<sup>th</sup> edition §2.8.2
- [E7] Highway Design Manual 7<sup>th</sup> edition, California Department of Transportation §203.1: “For local facilities which are within the State right of way and where there is no connection or the connection is to a non-controlled access facility (conventional highway), AASHTO standards shall prevail. If the local agency having jurisdiction over the local facility in question maintains standards that exceed AASHTO standards, then the local agency standards should prevail”.
- [E8] Highway Design Manual 7<sup>th</sup> edition, California Department of Transportation §203.3
- [E9] Pub. Res. Code §21167.6(e) requires that CEQA decisions be based on the “whole record,” including all written evidence and correspondence before the agency. Under CEQA Guidelines §§15064(f) and 15074(b), if substantial evidence in the record shows a project may have a significant effect, the lead agency must prepare an EIR and may only adopt an IS/MND if it finds, on the basis of the whole record, that no such evidence exists. An IS/MND may not lawfully disregard substantial evidence of significant impacts.

[E10] Highway Design Manual, 7th Edition, California Department of Transportation, Topic 201 – Sight Distance. §201.1: establishes minimum Stopping Sight Distance (SSD) values by design speed (e.g., 200 ft at 30 mph). §201.3: requires increasing SSD by 20% on sustained downgrades steeper than 3% and longer than one mile (240 ft at 30 mph). §201.6 “Stopping Sight Distance on Horizontal Curves”: directs that where obstructions such as buildings, fences, vegetation, or slopes on the inside of a horizontal curve restrict visibility, the required clear distance (middle ordinate, m) must be provided to achieve the minimum SSD. §201.7 “Decision Sight Distance”: recognizes that at locations where drivers must respond to unexpected or complex conditions, sight distance greater than SSD is desirable to allow adequate time for detection and reaction without erratic maneuvers. These provisions parallel AASHTO A Policy on Geometric Design of Highways and Streets (“Green Book”), Chapter 3, and are reinforced by contemporary guidance on horizontal sightline offset (HSO) in NCHRP Report 910.

[E11] <https://www.youtube.com/watch?v=Cs1ULpbDRzM;>  
<https://www.youtube.com/watch?v=eu2H0i5S79A;>  
<https://www.youtube.com/watch?v=8mFq-n8CeVg&t=46s>

## F. Misclassification of the Access Route as a “Commercial Driveway”

**Principle:** CEQA requires accurate project descriptions. Mischaracterizing access routes undermines both CEQA disclosure and compliance with Public Resources Code (PRC) § 4290 fire safe standards. The fire safe regulations distinguish clearly between “driveways” and “roads.” There is no such thing as a “commercial driveway.” Under the law, any commercial project must be served by a road and meet the minimum width, grade, surface, and curve standards [F1].

### Argument:

#### 1. Improper Labeling in the IS/MND.

Mitigation Measure WDF-1 states:

“The private driveway shall meet Fire Safe Regulations under Public Resources Code (PRC) § 4290/4291 standards as a commercial driveway.”

This statement is legally unsupported for two reasons:

- **Definition of Driveway (14 CCR § 1270.01(i)):**

“A vehicular pathway that serves no more than four (4) Residential Units ... **A Driveway shall not serve commercial or industrial uses at any size or scale.**” [F2]

- **Definition of Road (14 CCR § 1270.01(y)):**

“Vehicular access to more than four (4) Residential Units, **or to any industrial or commercial Occupancy.**” [F3]

Because Poverty Flats is a **commercial cannabis operation**, the access is legally a **road**, not a driveway. The phrase “commercial driveway” is an oxymoron under § 4290.

#### 2. Fire Safe Standards for Roads.

As a road, the access must meet mandatory standards, including:

- **20-foot minimum clear width** (two 10-foot lanes) [F4],
- **All-weather surface** capable of supporting 40,000 lbs [F5],
- **Maximum 16% grade** [F6],

- **Minimum inside curve radius of 50 feet** [F7].

Attempting to apply driveway standards would reduce the requirement to a single 10-foot lane with turnouts. But turnouts are **supplemental**, not a substitute for the 20-foot road width required by § 1273.01 [F8].

### 3. **Failure to Apply Standards to the Entire Route.**

The IS/MND applies mitigation only to an internal segment of the access road, while ignoring High Valley Road itself — the sole ingress for responders and sole egress for workers and residents. Under § 4290, the **entire access path from the parcel boundary to State Route 20** must comply with fire safe road standards. The IS/MND omits any plan, funding mechanism, or enforceable timeline for compliance.

**Conclusion:** By inventing and applying the term “commercial driveway,” the County has sidestepped the mandatory fire safe standards of PRC § 4290. Under the regulations, Poverty Flats must be evaluated as a road, not a driveway. The IS/MND’s misclassification results in noncompliance with state fire safe law and a CEQA violation for failing to adopt effective, enforceable mitigation.

---

### **Footnotes for Section F**

- [F1] CEQA Guidelines § 15124 (project description must be accurate); PRC § 4290.
- [F2] 14 CCR § 1270.01(i) (definition of Driveway: limited to four residential units; no commercial use).
- [F3] 14 CCR § 1270.01(y) (definition of Road: includes all commercial/industrial occupancies).
- [F4] 14 CCR § 1273.01(a) (Road width: two 10-ft lanes).
- [F5] 14 CCR § 1273.01(c) (all-weather surface, 40,000 lbs).
- [F6] 14 CCR § 1273.03(a) (maximum grade: 16%).
- [F7] 14 CCR § 1273.04(a) (minimum curve radius: 50 ft).
- [F8] 14 CCR § 1273.06 (turnouts: 12 ft × 30 ft with 25-ft tapers; supplemental, not substitute for minimum road width).

## **G. Pattern of Prejudicial Behavior in Planning Commission Hearings**

Principle: CEQA requires agencies to provide accurate, transparent information so that decisionmakers and the public can fully evaluate environmental risks. Misrepresenting facts or offering assurances of mitigation that does not exist constitutes a prejudicial abuse of discretion. When such conduct is repeated across multiple hearings, it improperly influences discretionary approvals and undermines CEQA’s core purpose of informed decisionmaking [G1].

**Argument:**

1. Former Public Works Director Scott DeLeon — SourzHVR Hearing (Nov. 16, 2021). At the SourzHVR Planning Commission hearing, then–Public Works Director Scott DeLeon acknowledged on the record that High Valley Road was unsafe and stated that mitigation would be necessary.

*DeLeon: “...And so what we thought was: is because the public works department and roads specifically are a component of the cannabis tax, we can request the board to give a portion of those taxes from cannabis. We plan on asking for a percentage out of the cannabis that this operation, if approved, would be making. So in lieu of making a specific fee our plan is to take funds from the cannabis tax for us to use in **mitigations** to do the road. I hope that addresses any concerns related to fairness or anything of that nature with respect to what Brassfield is doing and how we intend to **mitigate** any impacts...”*

These assurances suggested corrective measures were imminent, even though no plans, funding, or timelines existed. PRA responses later confirmed no such projects were underway [G2].

2. County Surveyor Vance Ricks — Liu Farms Hearing (June 2024). County Surveyor Vance Ricks, phoning into the Liu Farms hearing, directly addressed trucks stuck at a dangerous switchback:

*“We are currently working on mitigation to ... stop this ... and we are currently working with the property owner and determining where the county limits are and the right of way and we are working on how to fix this issue most economically and efficiently.” [G3]*

His assurances implied active mitigation, but PRA responses again confirmed that no such mitigation existed. This misled Commissioners into believing hazards were temporary and being resolved.

3. CDD Director Turner — Poverty Flats Hearing (May 2025). At the Poverty Flats Planning Commission hearing, CDD Director Turner made two statements minimizing road safety concerns:



- 3:00:01: Turner told the Commission that Public Works would present a “five-year road management plan” to the Board “in the next couple of weeks,” suggesting High Valley Road conditions would be addressed. In fact, the plan contained nothing about High Valley Road.
- 3:03:39: Turner also claimed Public Works comments included two submissions “requiring no further improvements” for Poverty Flats. The record contains no such Public Works comments [G4].

#### 4. **CDD Counsel — Misstatement of CEQA Duties on Cumulative Impacts (Poverty Flats Hearing, May 2025).**

When Commissioners raised corridor-wide safety concerns and asked how to address other foreseeable projects on High Valley Road, CDD Counsel advised that the Commission is “not a policymaking body,” “cannot make predeterminations,” and must wait to evaluate other projects “when they come to you,” on a strictly project-by-project basis (Timestamp ~3:17:47–3:18:34).

This advice was inaccurate and prejudicial. CEQA requires evaluating the project’s impacts together with past, present, and reasonably foreseeable future projects; where substantial evidence supports a fair argument that cumulative effects may be significant, an EIR is required, not approval on an MND.

By steering Commissioners away from making the required cumulative-effects finding in the current record, Counsel’s advice tended to suppress CEQA’s informational analysis and chill deliberation on traffic and evacuation safety—constituting prejudicial error under CEQA. [G6], [G7].

#### 5. Direct Conflict Between Public Works and CDD.

- Public Works (through DeLeon and Ricks) acknowledged that High Valley Road is unsafe and expressly said mitigation was necessary.
- The IS/MND, prepared by CDD, states the opposite: that no mitigation is required [G5].
- This contradiction demonstrates that the lead agency ignored the expertise of its own responsible road authority. CEQA does not permit an agency to disregard substantial evidence — especially when it comes from within the County itself.

#### 6. Improper Influence on the Planning Commission.

These statements — made in at least three separate hearings — and Counsel’s misadvice on cumulative-effects duties reassured Commissioners that road hazards were already under control or scheduled to be fixed. The effect was to downplay CHP warnings, DPW admissions, and resident testimony, shifting deliberations away from requiring enforceable mitigation. This pattern shielded unsafe projects from proper CEQA scrutiny and deprived decisionmakers of accurate information.

**7. Misframing CEQA as “fairness to the applicant” is prejudicial and contrary to law.**

Several Commissioners suggested that denying approval due to roadway hazards would be “unfair to the applicant” because the County—not the applicant—maintains High Valley Road. That framing misunderstands CEQA.

CEQA imposes a non-delegable duty on the lead agency to avoid or substantially lessen significant environmental effects where feasible and to proceed to an EIR whenever a fair argument exists—regardless of fault. [G8] Whether the County or the applicant “caused” the hazard is legally irrelevant at the threshold: if evacuation and roadway-safety risks may be significant and lack enforceable mitigation, the permit must be denied or an EIR required. [G9]

Using perceived fairness to the applicant to justify approval under an IS/MND improperly substitutes equitable considerations for statutory findings and constitutes prejudicial error. [G10] The institutional remedy is within CDD’s control: projects that cannot demonstrate whole-route §4290 compliance and evacuation feasibility should be screened out of MND processing at the Initial Study stage—not advanced to hearing on assurances that hazards will be “worked out later.” [G11]

**Conclusion:** The record demonstrates a pattern of prejudicial behavior in which County staff repeatedly misled the Planning Commission with false assurances that High Valley Road safety issues were already mitigated or about to be resolved. Compounding this misconduct, the IS/MND’s conclusion that no mitigation is necessary directly contradicts admissions by Public Works staff that the road is unsafe and requires mitigation. Under CEQA, this constitutes a prejudicial abuse of discretion and requires that the IS/MND be set aside. Furthermore, fairness to the applicant cannot override CEQA’s non-delegable requirements; where the record shows unmitigated evacuation and roadway hazards, the Commission must deny the permit or require an EIR, and CDD’s advancement of the project under an MND framework was itself a prejudicial procedural failure. [G8]–[G11]

**Footnotes for Section G**

- [G1] Pub. Res. Code § 21168.5 (agency action invalid where it fails to proceed in the manner required by law or findings not supported by substantial evidence); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 695–696 (misleading or unsupported statements in CEQA process are prejudicial).
- [G2] Lake County Planning Commission, SourzHVR Hearing (July 22, 2021), statement of Public Works Director Scott De Leon; PRA responses re: High Valley Road (2025), confirming no mitigation projects or plans existed.
- [G3] Lake County Planning Commission, Liu Farms Hearing (June 2024), testimony of County Surveyor Vance Ricks at 1:19:28, [https://lakecounty.granicus.com/player/clip/725?view\\_id=1&redirect=true@1:19:128](https://lakecounty.granicus.com/player/clip/725?view_id=1&redirect=true@1:19:128).
- [G4] Lake County Planning Commission, Poverty Flats Hearing (May 2025), testimony of Director Turner at 3:00:01 and 3:03:39, [https://lakecounty.granicus.com/player/clip/725?view\\_id=1&redirect=true](https://lakecounty.granicus.com/player/clip/725?view_id=1&redirect=true).
- [G5] IS/MND (Poverty Flats, April 2025), pp. 71–74 (concluding no road mitigation required).
- [G6] Lake County Planning Commission, Poverty Flats Hearing (May 2025), statements of Commissioner Malle Fields (~3:17:47) and CDD Counsel Nicole Johnson (~3:18:34) (video transcript/time stamp). [https://www.youtube.com/watch?v=n\\_\\_QqbASz2Y&t=9044s](https://www.youtube.com/watch?v=n__QqbASz2Y&t=9044s)
- [G7] CEQA cumulative-effects duty and prejudice. CEQA Guidelines §§15064(h) (fair-argument & cumulative effect triggers EIR), 15130 (discussion of cumulative impacts), 15355 (definition of cumulative impacts); PRC §21005 (informational noncompliance may be prejudicial regardless of outcome); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 (cumulative impacts); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184 (cumulative/indirect impacts); *San Franciscans Upholding the Downtown Plan v. CCSF* (2002) 102 Cal.App.4th 656, 695–696 (prejudicial CEQA errors).
- [G8] Pub. Res. Code §§21002, 21002.1(b), 21081(a); CEQA Guidelines §§15063, 15064, 15070(a), 15091(a) (lead-agency duties; findings and mitigation prerequisites).

- [G9] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75–77; *Berkeley Keep Jets Over the Bay v. Port of Oakland* (2001) 91 Cal.App.4th 1344, 1355–1356 (fair-argument EIR trigger does not turn on “fault”).
- [G10] *San Franciscans Upholding the Downtown Plan v. CCSF* (2002) 102 Cal.App.4th 656, 695–696; *POET, LLC v. CARB* (2013) 218 Cal.App.4th 681, 735–736 (prejudicial failure to proceed in the manner CEQA requires).
- [G11] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306–309 (impermissible deferral of mitigation to future study); CEQA Guidelines §§15063, 15070(a) (MND permissible only when revisions avoid all significant effects).

## **H. CEQA Prohibits Reliance on Hazardous Roads and Rejects the “Already Unsafe” Excuse**

### **Principle:**

CEQA requires agencies to analyze and avoid significant hazards related to road safety and evacuation. A project cannot be approved if it would add traffic to an already-dangerous roadway or exacerbate evacuation risks without mitigation. CEQA does **not** allow agencies to claim that existing unsafe conditions excuse further incremental risk.[H1]

### **Argument:**

#### **1. Existing unsafe conditions heighten—rather than excuse—CEQA duties.**

CEQA baseline analysis must use **real-world existing conditions**, not theoretical or status-quo assumptions.[H2] If a roadway already fails to meet safety standards (e.g., PRC §4290, AASHTO, Caltrans HDM), any additional use from the project intensifies that hazard and triggers the fair argument standard.[H3]

#### **2. The “no significant difference” rationale is legally invalid.**

Agencies may not dismiss safety impacts by claiming a few more cars “won’t matter.” CEQA Guidelines require analysis where a project may “substantially increase hazards due to a design feature” or impair emergency access.[H4] Incremental impacts on already substandard infrastructure qualify as significant where they increase danger to the public or emergency responders.[H5]

#### **3. CEQA requires mitigation or denial when infrastructure is inadequate.**

Approval is improper where emergency access routes do not meet minimum design, width, grade, curve, or dead-end standards, and no enforceable mitigation

is provided. Agencies must correct the hazard *before* granting approval—deferral violates CEQA.[H6]

#### 4. **Courts reject CEQA findings that overlook exacerbation of existing hazards.**

Published CEQA cases involving wildfire evacuation, narrow rural roads, and deficient infrastructure hold that exacerbation of known dangers is a significant impact—even if the condition already exists.[H7] CEQA does not accept the theory that a hazardous baseline allows unmitigated additional risk.

#### **Conclusion:**

CEQA prohibits approval of projects that rely on unsafe or noncompliant roadways. Agencies must analyze whether a project will *exacerbate* existing hazards and impose mitigation or deny the permit where conditions are unsafe. An agency cannot lawfully approve a project on the theory that the road is already dangerous so added traffic is inconsequential—this reasoning conflicts with CEQA’s baseline, fair argument, and mitigation mandates.[H8]

#### **Footnotes for Section H**

**[H1]** CEQA Guidelines §§15064(b), 15126.2(a); Appendix G (Transportation/Traffic & Wildfire).

**[H2]** *Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439, 449–452 (baseline must reflect existing conditions).

**[H3]** CEQA Guidelines §15064(f)(2); *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 733–734 (baseline hazards cannot be ignored).

**[H4]** CEQA Guidelines Appendix G (Transportation Checklist, item (a)); §15126.2(a).

**[H5]** *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 372–375 (substandard roads + added traffic = significant impact).

**[H6]** CEQA Guidelines §15126.4(a)(2); *City of Marina v. Bd. of Trustees of CSU* (2006) 39 Cal.4th 341, 363–366 (agencies must ensure feasible mitigation of infrastructure hazards).

**[H7]** *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 530–532; *POET, LLC v. CARB* (2013) 218 Cal.App.4th 681, 735–736 (significant impacts cannot be dismissed due to existing conditions).

**[H8]** CEQA Guidelines §§15064(f)(1), 15091(a); *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1147–1149 (agency must address exacerbation of existing hazards).

## **I. Conclusion and Legal Risk**



**Principle:** CEQA’s core purpose is to ensure that decisionmakers and the public are fully informed of significant environmental risks before a project is approved. When an agency misuses thresholds, ignores substantial evidence, or omits cumulative analysis, it commits a prejudicial abuse of discretion. This not only invalidates the environmental document but also exposes the agency to litigation and enforcement risk [I1].

**Argument:**

The Poverty Flats IS/MND suffers from multiple, fundamental flaws:

1. Improper Use of the 110-Trip/Day VMT Threshold.
  - The County used the wrong metric, the wrong way, and for the wrong reason — substituting a greenhouse gas screening tool for a required safety and cumulative traffic analysis.
2. Failure to Evaluate Cumulative Traffic and Safety Impacts.
  - By relying on the VMT screen, the County dismissed overlapping cannabis projects and erased the cumulative baseline for High Valley Road.
  - This left no foundation for evaluating incremental contributions, contrary to CEQA Guidelines § 15130.
3. Omission of Known Hazards and Substantial Evidence.
  - The IS/MND ignored CHP warnings, expert testimony, and resident documentation of accidents and blockages.
  - It failed to disclose traffic incident data showing that roadway hazards doubled post-cannabis legalization.
4. Program-Level Structural Failure.
  - Because no cannabis project exceeds 110 trips/day, none have received safety or evacuation analysis.
  - This systemic misuse of VMT screening has blinded decisionmakers to cumulative hazards across the entire cannabis program.

**Conclusion:** These deficiencies are not minor technicalities — they strike at the heart of CEQA’s disclosure mandate. By misusing thresholds, omitting cumulative analysis, and disregarding substantial evidence, the County has committed a prejudicial abuse of discretion under Pub. Res. Code § 21168.5. The Poverty Flats IS/MND is legally indefensible and must be set aside. An Environmental Impact Report (EIR) is required to

evaluate traffic safety, fire risk, and cumulative impacts before any approval may lawfully proceed.

#### **Footnotes for Section I**

- [I1] Pub. Res. Code § 21168.5 (agency action invalid where it fails to proceed in the manner required by law or findings not supported by substantial evidence); CEQA Guidelines §§ 15126.2, 15126.4, 15130, Appendix G; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84 (fair argument triggers EIR requirement).