

**COUNTY OF SAN DIEGO
TWIN OAKS VALLEY COMMUNITY SPONSOR GROUP**

WEDNESDAY, June 10, 2026 from 7:00 p.m. to 9:00 p.m.

San Marcos Community Center located at 1 Civic Center Drive, San Marcos, CA 92069
email at tovcsg.chair@gmail.com

AGENDA

A. ROLL CALL:

B. APPROVAL OF THE MINUTES:

C. PUBLIC COMMUNICATION: Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda.

D. ACTION ITEMS:

The following procedure will be followed when a quorum of four members of this seven member board is not achieved (e.g. an insufficient number of seats are filled, a member must recuse themselves from voting, or member(s) cannot attend the meeting): Project Planning has requested that attending members register the comments and votes of voting members on the 534 form indicating that it was not a formal recommendation due to a lack of quorum. When PDS describes the CSG recommendation in the staff report, they will note that the group did not provide a formal recommendation due to the lack of a quorum but will include the votes of the members who did participate.

Title: Agenda Item info:

1. County Permit Workflows: Ashley Smith, Chief, Project Planning, will provide clarification on the permit process and what permits trigger the community group and public input. See attached Permit Application User Guide.pdf
2. **Socially Equitable Cannabis Program** will apply to the unincorporated areas of the County. It will establish a permitting and licensing system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, and temporary events. Under the Social Equity Program, it provides greater opportunities for individuals negatively or disproportionately impacted by cannabis criminalization and the War on Drugs. Adoption of the Cannabis Program will require amendments to the San Diego County Code of Regulatory Ordinances and the San Diego County Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and non-cultivation uses authorized under state law. This will go before the Board of Supervisors August 19 and September 2. Contact Dara Elkurdi in your preferred language at PDS.LongRangePlanning@sdcounty.ca.gov or by phone at (858) 505-6677 to express support or opposition. Soly D'Aiello and Dara Elkurdi will present an update. See attached SECP April presentation and comment letters from the Planning Commission Hearing.
3. Association of Planning Groups: Updates on the meeting between Planning Group representatives and SANDAG regarding projects and funding for projects in the unincorporated North County area.

E. GROUP BUSINESS

1. Announcements and Correspondence:
2. Discussion/Action Items:
 - New member applications –
 - Old business –
 - Membership update
 - a) I15 Design Review Board –

- b) Name plate requested for Diana Duran-Moussi.
- Code enforcement updates
- Buena Creek Community Update

F. ADJOURNMENT

Purpose of Planning and Sponsor Groups:

Advise the County on discretionary projects as well as on planning and land use matters that are important to their community.

Public Disclosure

We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

Access and Correction of Personal Information

You can review any personal information collected about you. You may recommend changes to your personal information you believe is in error by submitting a written request that credibly shows the error. If you believe that your personal information is being used for a purpose other than what was intended when submitted, you may contact us. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.



CITIZENS NEEDED TO SERVE ON COMMUNITY ADVISORY BOARD

The Twin Oaks Valley Community Sponsor Group, a County appointed citizens advisory group that advises the County of San Diego on land use matters in the Twin Oaks Valley Planning Area is seeking applications for membership.

What is the Twin Oaks Valley Community Sponsor Group?

This Group is one of 28 planning and sponsor groups in the unincorporated areas of San Diego County. Its purpose is to be an information link between the community and the County of San Diego on planning and land use matters in the local community. The group provides a public forum for the discussion of issues which are important to the community and all meetings are open to the public, held in a public place, and the agenda published according to Brown Act provisions.

Members are appointed by the Board of Supervisors and serve in an advisory capacity only to San Diego County Department of Planning and Development Services. Group members serve on a volunteer basis for a term of four years.

Members must be registered voters, and either be residents or own property in the Twin Oaks Valley Planning Area. Members to attend one evening meeting, held from 7-9pm, on the second Wednesday of each month. Members receive yearly training and take periodic online training as required for public officials.

For more information please see: <https://www.sandiegocounty.gov/content/sdc/pds/CommunityGroups/>

Contact Sandra Farrell, Chair at tovcsg.chair@gmail.com with questions.



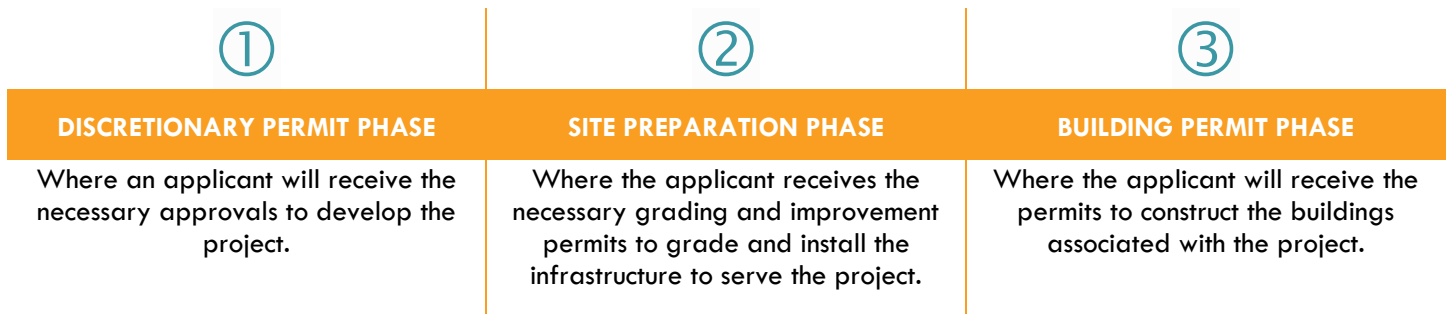
Permit Application User Guide

County of San Diego, Planning & Development Services | July 2021

PLANNING PROCESS

As part of the land development process, Planning & Development Services (PDS), the Departments of Public Works (DPW), Parks and Recreation (DPR), Environmental Health and Quality (DEHQ), and the San Diego County Fire Protection District work together to balance community, economic, and environmental interests to enhance the quality of life in the unincorporated area of San Diego County. The review of privately initiated land development and building permit applications ensures the safe design and construction of structures and infrastructure to protect the public.

THE DEVELOPMENT PROCESS GENERALLY CONSISTS OF THREE PERMIT PHASES, INCLUDING:



Not all projects have to go through all three permit phases. It is helpful to start the land development process with research by utilizing the County's online research tools including [property research](#), [permit research](#), and [Zoning Ordinance Summary](#). Research can also involve contacting the appropriate [Departments](#) to ask questions or visiting the public counters. The public counter planners are available to answer basic zoning questions as well as help applicants identify which entitlements are needed for a proposed project.

There are two types of land development permits that PDS processes, discretionary permits and ministerial permits, as described below.

DISCRETIONARY PERMITS

Discretionary permits require review and approval by a decision maker to allow a specific type of land use and/or to allow for the construction, modification, or use of a building. Examples of projects that may require discretionary review include wireless facilities, residential subdivisions, religious assembly structures and commercial shopping centers. As part of the discretionary process, the project will be reviewed for conformance with the applicable ordinances and regulations including the [County General Plan](#), [Zoning Ordinance](#), and [Community Plans and Design Guidelines](#). In addition, the project will be reviewed for compliance with the [California Environmental Quality Act \(CEQA\)](#) which may require preparation of an environmental document and a public review period. A public hearing may also be required prior to issuing a discretionary permit. Examples of some commonly requested discretionary permits in the County of San Diego include: **Use Permits, Rezones, Subdivisions, Site Plans and Administrative Permits.**



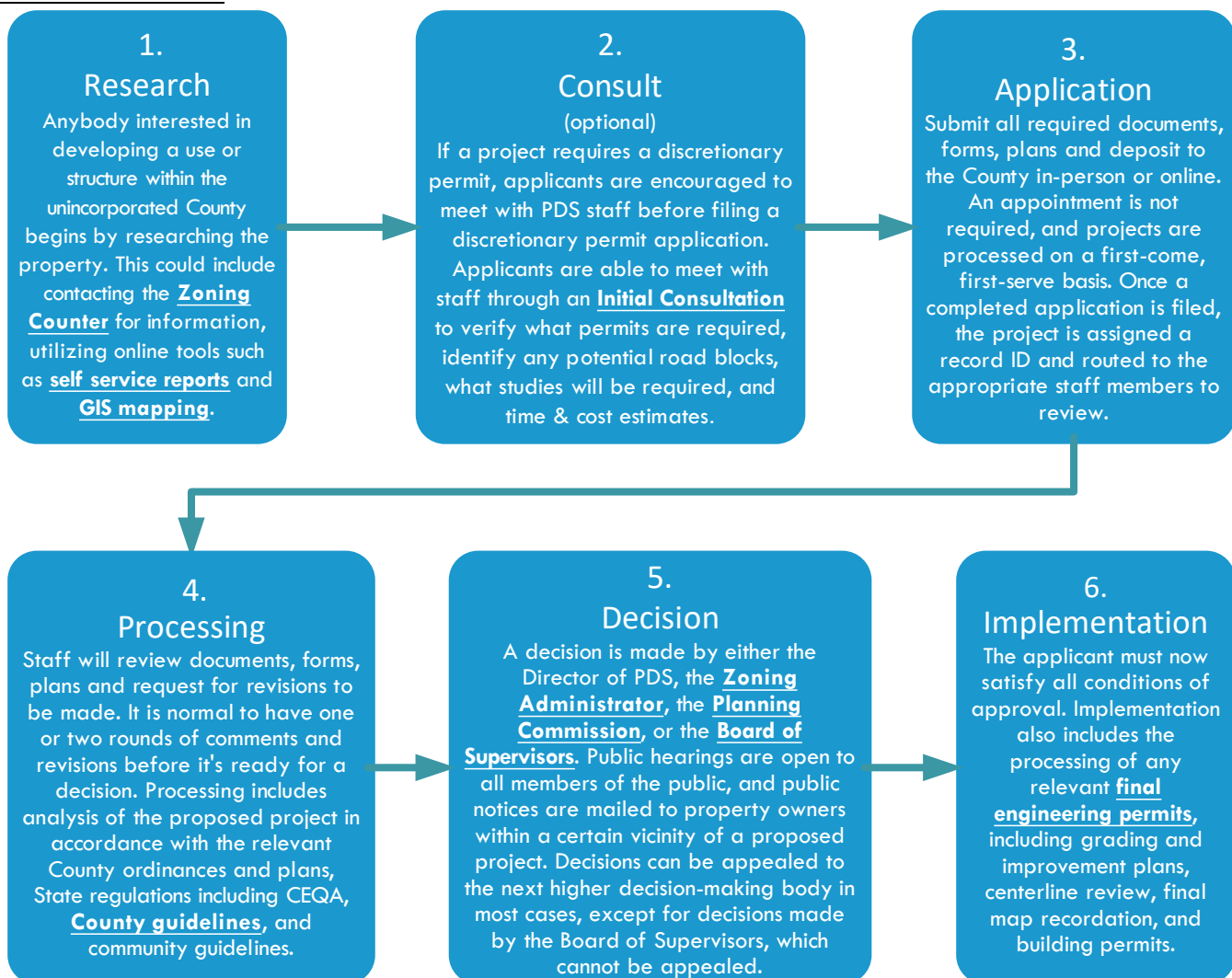
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MINISTERIAL/BY-RIGHT PERMITS

Ministerial permits, often referred to as by-right permits, are sometimes required for uses or structures that automatically meet County requirements. These permits do not require discretionary review and are approved by staff if the project complies with all applicable regulations and ordinances. In this case, the customer can proceed directly to the [Building Division](#) to apply for any necessary building permits. A building permit may require sign-off from other departments at the public counter, even if the project does not require planning review or approval.

LAND USE PROCESS



CLICK HERE FOR [INITIAL CONSULTATION INFORMATION](#)

CLICK HERE FOR [CEQA TRAINING VIDEO](#)



Permit Application User Guide

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APPROVAL & APPELLANT BODY

	Approval Body				Appellant Body
	Director	Zoning Administrator	Planning Commission	Board of Supervisors	
Administrative Permit	✓				Planning Commission
Agricultural Preserves				✓	-
Alcohol Beverage Licenses	✓				Planning Commission
Boundary Adjustment/ Certificate of Compliance	✓				-
CEQA 15183		✓			Board of Supervisors
General Plan Amendment				✓	-
Habitat Loss Permit	✓				-
Major Use Permit			✓		Board of Supervisors
Minor Deviations	✓				-
Minor Use Permit		✓			Planning Commission
Open Space Encroachment	✓				Planning Commission
Open Space Vacation				✓	-
Reclamation Plan			✓		-
Rezone				✓	-
Site Plan	✓				Planning Commission
Specific Plan				✓	-
Tentative Map			✓		Board of Supervisors
Tentative Parcel Map	✓				Planning Commission
Variance	✓				Planning Commission



Permit Application User Guide

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PUBLIC INPUT



Community Groups: Some discretionary permits are referred to the applicable [Community Planning or Sponsor Group or Design Review Board](#) as required by the Zoning Ordinance. The purpose of community group review is to evaluate site planning, architecture, landscape design, signage, and lighting to ensure that new development is compatible with existing community character and goals. The regulations within each Community Plan provide for the maintenance and enhancement of a community's individual character and identity. Applicants are encouraged to coordinate with the local Community Planning or Sponsor Group early on in the process to obtain input.



Public Notice: Applications for certain permits require a [public notice package](#) with the application for the purpose of notifying nearby property owners. This notice provides the nearby property owners with an opportunity to determine the impact of the application upon their property and to express their concerns, or support, to the County.



Public Hearing: The County of San Diego Planning & Development Services holds regular public hearings and commission meetings, offering opportunities for public engagement on a variety of policy and project considerations at the county level. [Board of Supervisors](#), [Planning Commission](#), and [Zoning Administrator](#) agendas are posted online.

PROJECT ISSUE RESOLUTION

The County is committed to helping customers navigate the land use permit process and ensuring customer satisfaction. The County recognizes land development can be complex and each project is unique. The goal of the Project Issue Resolution process is to help facilitate completion of each permit application in an efficient and timely manner by elevating technical project issues and policy interpretations to our executive management team or other County staff. PDS has adopted two Issue Resolution processes: 1. Second Opinion and 2. Project Issue Resolution (PIR) Conference.

A [Project Issue Resolution](#) (PIR) Conference is a meeting that includes an applicant, our PDS management team, and county project staff to discuss issues and identify solutions that were not able to be resolved with a county project manager due to interpretations of a code or other unique circumstances related to a project. The goal of the PIR process is to help facilitate processing of each permit application in an efficient and timely manner by elevating technical project issues to our executive management team.



County of San Diego

Socially Equitable Cannabis Program Final Environmental Impact Report and Zoning Ordinance Amendments

Planning Commission Hearing

April 10, 2026

Agenda Item #1

Presentation Overview

1 Program Overview and Stakeholder Feedback

2 Zoning Ordinance Amendments

3 Final Program Environmental Impact Report

4 Permitting & Fees

5 Staff Recommendations

Overview of Program Components



Stakeholder Feedback

Environmental Feedback

- Control odors
- Minimize environmental impacts
- Limit cultivation

Ordinance Feedback

- Add/remove sensitive uses and buffers
- Add safeguards to address cultivation overconcentration and proximity to homes

Broader Program Feedback

- Public health concerns
- Public safety concerns about consumption at temp events and lounges

6 CPSG Comment Letters

- Bonsall
- Fallbrook
- Hidden Meadows
- Rainbow
- Valley Center
- Warner Springs

Zoning Ordinance Amendments

Existing Conditions

Five existing cannabis licenses in a nonconforming status

Board directed a moratorium on any new cannabis licenses

Draft amendments would repeal ban and allow new cannabis licenses

Overview of Draft Zoning Ordinance Amendments

Allowed Uses



- Cultivation (outdoor, indoor, mixed-light)
- Retail (storefront, non-storefront, consumption lounge)
- Temporary events
- Manufacturing
- Distribution
- Testing
- Microbusiness

Standards



- **Development Standards:** 600-foot buffer from schools, day cares, and youth centers in certain agricultural, commercial, and industrial zones
- **Performance Standards:** Apply to all facilities to address lighting, fencing, noise, odor, water usage, biological and historical resources, and more
- **Activity-Specific Standards:** Applies to certain facilities to address unique impacts

Final Program Environmental Impact Report

Program Environmental Impact Report



Purpose: Potential streamlined environmental review for individual projects

Public Review Period: 60 days (Jan 30 – March 31, 2025).

Comments accepted via email, mail, website, and at public meetings



The PEIR analyzes five **Project Alternatives**. The Proposed Project is identified as Alternative 2, which aligns with state standards and the January 2021 Board Direction



Significant and Unavoidable Impacts for Proposed Project (Alt 2): Aesthetics, Noise, Air Quality (Odor), Groundwater, Utilities & Service Systems (Water Supply), and Transportation

Permitting & Fees

Local Land Use Permit Pathways

Zoning Verification Permit (Ministerial)*

- Retail
- Manufacturing
- Distribution
- Testing
- Outdoor Cultivation (<5,000 sq ft)

*Must meet specific zoning criteria

Deposit-based starting at \$5,400

Administrative Permit (Discretionary)

- Microbusiness
- Retail with Consumption Lounge
- Indoor Cultivation
- Mixed-Light Cultivation
- Outdoor Cultivation (>5,000 sq ft)
- All projects that do not meet ministerial criteria

Deposit-based starting at \$9,500

Local Licensing & Fees

Must obtain a state and local business license, and state background check

Fee for staff cost for processing license applications and inspections to ensure compliance with Regulatory Code

Three phased approach to minimize financial burden on applicants

\$23,000-\$26,000 for new facilities depending on business type

\$19,756 for annual license renewals

Recommendations

Staff Recommendations

Make a recommendation to the Board of Supervisors to:

1. Adopt the California Environmental Quality Act Findings of Fact, the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations. Certify the Final Program Environmental Impact Report.
2. Adopt the amendments to the Zoning Ordinance to allow for the permitting of new cannabis facilities in the unincorporated area.



County of San Diego

Socially Equitable Cannabis Program Final Environmental Impact Report and Zoning Ordinance Amendments

Planning Commission Hearing

April 10, 2026

Agenda Item #1



Planning Commission Hearing Report

Date:	April 10, 2026	Case/File No.:	PDS2021-POD-21-001; PDS2022-ER-22-00-002
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Socially Equitable Cannabis Program
Time:	9:00 a.m.	Location:	Unincorporated Area
Agenda Item:	#1	General Plan:	Various
Appeal Status:	N/A	Zoning:	Various
Applicant/Owner:	County of San Diego	Community:	All
Environmental:	Final Program Environmental Impact Report	APNs:	Various

A. OVERVIEW

This is a request for the County of San Diego Planning Commission (Commission) to provide a recommendation to the County of San Diego Board of Supervisors (Board) on the Socially Equitable Cannabis Program (SECP), which includes amendments to the County of San Diego Zoning Ordinance and the certification of the Final Program Environmental Impact Report (PEIR) to allow for the licensing and permitting of new cannabis facilities in the unincorporated area. Following January 14, 2026 (3) Board direction, the draft SECP under consideration today reflects cannabis regulations that would align with State law and PEIR Alternative 2, which would allow a range of commercial cannabis uses, including cultivation, manufacturing, distribution, testing, microbusinesses, retail, consumption lounges, and temporary cannabis events. Consistent with minimum State requirements, local regulations would require all cannabis facility types to incorporate a 600-foot buffer from schools, day cares, and youth centers.

On January 27, 2021 (4), the Board directed the Chief Administrative Officer (CAO) to develop the SECP to allow for the establishment of new cannabis facilities in the unincorporated area in alignment with State requirements, which mandates that all facilities be located outside of a 600-foot buffer from sensitive uses including schools, daycares, and youth centers. On June 9, 2021 (2), the Board directed the CAO to develop a PEIR to analyze the environmental effects of permitting new cannabis facilities. On June 15, 2022 (7), the Board expanded its direction to incorporate additional measures into the SECP that go beyond the minimum State requirements; however, at the January 14, 2026 (3) hearing, the Board reaffirmed its original direction to proceed with regulations mirroring State requirements.

The SECP includes the Social Equity Program, which is led by the Office of Equity and Racial Justice (OERJ) and directed by the Board on January 27, 2021 (4). The goal of the Social Equity Program is to ensure that those negatively or adversely impacted by cannabis criminalization be provided the opportunity to successfully participate in the regulated cannabis market. On April 30, 2024 (31), the Board directed an equity license limit, which would allow for a total of 25 storefront retail licenses within the unincorporated county, however, did not create a limit for other cannabis use types. Additionally, the Board directed that Social Equity applicants would receive a 3-year headstart to apply for a cannabis facility before applications would open to the general public.

Public input on the SECP varied. Several Community Planning and Sponsor Groups (CPSGs) expressed concerns about potential environmental impacts, as well as insufficient buffer requirements from residential uses to cultivation facilities. Some CPSGs opposed the SECP altogether. While not considered as an impact under the California Environmental Quality Act (CEQA), some commenters raised concerns regarding potential public health effects and safety impacts to local communities. Conversely, social equity applicants, the Farm Bureau, and industry advocates supported minimum buffer requirements to ensure the availability of suitable locations for cannabis facilities and safe access to cannabis. All PEIR public comments and their responses can be found in Attachment A.

Today, staff requests that the Commission make a recommendation to the Board on the certification of the Final PEIR and the consideration of Zoning Ordinance amendments, reflective of the latest Board direction. While recommendations on the amendments to the Code of Regulatory Ordinances and the Social Equity Program are not requested from the Commission, the Commission can provide input which will be shared with the Board. Following the Commission's recommendation and input, staff will return to the Board in summer 2026 for the consideration of the entire SECP including the Zoning Ordinance and Code of Regulatory Ordinances amendments, certification of the Final PEIR, permitting and licensing fees, and the codification of the Social Equity Program. At that hearing, the Board will have the ability to reconsider any program features in light of the Commission's recommendation, final environmental review and additional stakeholder feedback.

B. STAFF RECOMMENDATIONS

This is a request for the Planning Commission to consider the Socially Equitable Cannabis Program (SECP) and related information and make the following recommendations to the Board of Supervisors (Board):

1. Adopt the California Environmental Quality Act Findings of Fact which include the findings regarding significant effects of the SECP, the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations, as well as certify the Final Program Environmental Impact Report, dated March 2026, on file with Planning & Development Services as Environmental Review Number PDS2022-ER-22-00-002, and find that it was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines (Attachment A).

2. Adopt the amendments to the Zoning Ordinance to allow for the permitting of new cannabis facilities in the unincorporated area: AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO COMMERCIAL CANNABIS REGULATIONS (POD-21-001) (Attachment B [Clean] and Attachment C [Strikeout/Underline]).

C. BACKGROUND

In 2016, California Proposition 64 decriminalized recreational cannabis for adults over 21 years of age. There are five existing nonconforming cannabis facilities with valid Operating Certificates in the unincorporated area. On March 15, 2017 (2) and March 22, 2017 (6), the Board of Supervisors (Board) amended and repealed the County of San Diego (County) Zoning Ordinance related to medical and non-medical cannabis facilities within the unincorporated area. This included a moratorium on the establishment of new cannabis facilities. Following the State's legalization of adult-use cannabis, local governments with land use authority were empowered to decide how to regulate commercial cannabis in their communities. The Board has taken several steps to establish a safe, equitable, and environmentally responsible cannabis industry in the unincorporated area.

On January 27, 2021 (4), the Board directed the Chief Administrative Officer (CAO) to develop the Socially Equitable Cannabis Program (SECP) to allow for the establishment of new cannabis facilities in the unincorporated area. The Board directed the CAO to develop the SECP in accordance with State requirements, which mandates that all facilities be located outside of a 600-foot buffer from State-defined sensitive uses including schools, day cares and youth centers.

On June 15, 2022 (7), the Board expanded its direction to analyze additional measures into the SECP that go beyond the State minimum requirements. This direction was in response to community concerns that were raised, intended to address potential impacts that cannabis facilities could have on unincorporated communities.

On June 9, 2021 (2), the Board directed the CAO to develop a Program Environmental Impact Report (PEIR) to analyze the environmental effects of permitting new cannabis facilities. The Board intended to create a streamlined and accessible licensing and permitting system by providing a comprehensive upfront environmental review. This would allow for more cannabis business ownership opportunities with lower barriers to entry to open a cannabis facility, while still evaluating and protecting environmental resources. The PEIR evaluated five project alternatives at an equal level. The alternatives differed by the definition of sensitive uses, buffer distances and allowed facility types. Public comments were accepted on the Draft PEIR from January 30 to March 31, 2025. The Final PEIR including responses to public comments were made available to the public in March 2026 and can be found in Attachment A.

Planning & Development Services (PDS) leads three of the four components that make up the SECP including: 1) proposed regulatory requirements, including amendments to the County Zoning Ordinance and the Code of Regulatory Ordinances, 2) proposed licensing and permitting structure and procedures, and 3) a PEIR to analyze potential environmental impacts from the program. Today staff are seeking a

recommendation from the Commission to the Board on the certification of the Final PEIR and consideration of the Zoning Ordinance amendments.

The Office of Equity and Racial Justice (OERJ) leads the fourth component of the draft SECP, which is the Social Equity Program. The Social Equity Program is aimed to promote fair access to the cannabis industry for those who have been impacted by cannabis-related criminalization and the War on Drugs. Today staff will provide an update for the Commission's awareness on the Board's preliminary guidance from January 14, 2026 (3) regarding the Community Equity Contribution Program.

On October 17, 2025, staff provided an informational presentation to the Planning Commission (Commission). Although a formal recommendation was not requested, the Commission was given the opportunity to provide input on the SECP. Staff shared potential changes that could be made to the SECP based on public feedback, which served as the foundation for the program options later shared with the Board in January 2026.

On January 14, 2026 (3), staff requested Board direction on three decision points. The decision points included: (1) land use regulation, (2) whether to retain or remove temporary events and onsite consumption lounges in the draft SECP for further consideration, and (3) the establishment of a Community Equity Contribution Program (led by OERJ). The Board directed the CAO to move forward with a program that allows all cannabis facility types and requires a 600-foot buffer from schools, day cares, and youth centers to cannabis facilities, consistent with the January 27, 2021 (4) Board direction and State regulations. The Board also directed to retain temporary events and onsite consumption lounges as part of the SECP and to continue to develop the Community Equity Contribution Program. The Board also directed the CAO to draft amendments to the Code of Regulatory Ordinances to rely on the State Background Check for receiving a cannabis business license. Following the latest Board direction, the SECP would align with State law and PEIR Alternative 2, which allows a range of commercial cannabis uses, including cultivation, manufacturing, distribution, testing, microbusinesses, retail, consumption lounges, and temporary cannabis events. All cannabis facility types would require a 600-foot buffer from schools, day cares, and youth centers to cannabis facilities. The SECP will be brought forward for Board consideration in summer 2026.

Staff are seeking a recommendation from the Planning Commission (Commission) to the Board regarding the certification of the Final PEIR and consideration of the Zoning Ordinance amendments. While the amendments to the Code of Regulatory Ordinances and the Social Equity Program are not within the purview of the Commission, they are presented for awareness and context. Any input from the Commission will be shared with the Board. Following the Commission's recommendation, staff will return to the Board in summer 2026 for the consideration of the entire SECP including the Zoning Ordinance and Code of Regulatory Ordinances amendments, certification of the Final PEIR, permitting and licensing fees, and the codification of the Social Equity Program. At that hearing, the Board will have the ability to reconsider any program features in light of the Commission's recommendation, final environmental review and additional stakeholder feedback.

D. PUBLIC INPUT

To solicit feedback from diverse stakeholders on the development of the Socially Equitable Cannabis Program (SECP) and its components, staff conducted robust public engagement and outreach. Since the Board of Supervisors (Board) directed the development of the SECP in 2021, County of San Diego (County) staff has conducted over 285 outreach meetings, including:

- Outreach events with the General Public
- Community Planning and Sponsor Group (CPSG) meetings
- Meetings with County technical advisory and stakeholder groups
- Focus group meetings with interested individuals
- Consultation meetings with tribal governments during the California Environmental Quality Act (CEQA) process (required under Assembly Bill 52)
- Coordination meetings with regulatory and local government agencies

A public engagement webpage for the SECP on the Engage County of San Diego platform serves as a centralized online resource for the public to stay informed and engaged with the development of the SECP. The webpage provides a range of materials and tools covering topics such as the Social Equity Program, regulatory requirements, licensing and permitting, Program Environmental Impact Report (PEIR) analysis, frequently asked questions, meeting materials, and more. A separate SECP CEQA webpage is also available to guide the public on the environmental review process and stay informed about the circulation and status of the PEIR.

Draft PEIR and Draft Ordinances Public Comment Period

A Notice of Availability (NOA) of the Draft PEIR and draft ordinances was released for a 60-day public comment period on January 30, 2025, to March 31, 2025. The draft ordinances reflected the January 27, 2021 (4) Board direction, which required 600-ft buffers from cannabis facilities to schools, daycares, and youth centers. The draft ordinances would allow for all cannabis facility types including cultivation, manufacturing, distribution, testing, microbusinesses, retail, consumption lounges, and temporary cannabis events.

During the public comment period, staff received 357 public comments from 215 unique commenters. Commenters included various individuals, organizations, CPSGs, and regulatory agencies. Staff held five public meetings to receive comments, including three virtual public meetings and two in-person open house workshops at the County of San Diego Lakeside Library Branch and the County of San Diego Valley Center Library Branch. Copies of the Draft PEIR were made available at 12 unincorporated County libraries and electronically on the County's CEQA webpage and the SECP's Engage County of San Diego webpage.

Through outreach efforts, several CPSGs expressed concerns about potential impacts on wildlife, light pollution, and air quality. CPSGs were in opposition to cultivation facilities, specifically outdoor and mixed-light cultivation, since those can potentially have increased odor impacts due to challenges in odor control. CPSGs also noted that existing buffer requirements may be insufficient to protect residential uses from cultivation facilities and their potential overconcentration, which could intensify odor, lighting, water usage, and other related impacts. Several CPSGs were in opposition to the SECP altogether and supported PEIR

Project Alternative 1: No Project – Retention of Current Cannabis Regulations. While not considered as an impact under CEQA, many public commenters raised concerns about the public health effects of cannabis and potential health and safety impacts to local communities of allowing consumption lounges and temporary cannabis events.

Conversely, social equity applicants, the Farm Bureau, and industry advocates supported PEIR Project Alternative 2: Proposed Project – Cannabis Program Consistent with State Regulations. This alternative reflected the Board’s January 27, 2021 (4) direction to require 600-foot buffers from schools, daycares, and youth centers. They emphasized that increasing buffers could reduce the availability of suitable locations for cannabis facilities and create additional barriers. They also expressed support for ensuring safe access to cannabis. Public comments on the Draft PEIR and draft ordinances with responses to comments can be found in Attachment A, Chapter 9.

E. DISCUSSION

Board Direction Following the Public Comment Period

Following the public comment period for the Draft Program Environmental Impact Report (PEIR) and draft ordinances, staff led an additional phase of outreach on the Socially Equitable Cannabis Program (SECP) with Community Planning and Sponsor Groups (CPSGs), social equity applicants, and the Farm Bureau, discussing potential revisions to the Zoning Ordinance to be presented to the Board of Supervisors (Board). On January 14, 2026 (3), staff presented the Board with three program options that incorporated a range of feedback received from stakeholders. While all three program options included the same main regulations and safeguards, such as odor control, lighting standards, water use requirements, and security, they differed by the definition of sensitive uses, buffer distances, separation requirements, and allowed facility types.

During that hearing, public input varied. Several CPSGs expressed concerns about potential impacts on wildlife, light pollution, and air quality, as well as insufficient buffer requirements from residential uses to cultivation facilities. Some CPSGs opposed the SECP altogether. While not considered as an impact under the California Environmental Quality Act (CEQA), some commenters raised concerns regarding potential public health effects and safety impacts to local communities. Conversely, social equity applicants and industry advocates supported minimum buffer requirements to ensure the availability of suitable locations for cannabis facilities and safe access to cannabis.

The Board reviewed the options and selected a program which allows all cannabis facility types, including retail, consumption lounges, cultivation, manufacturing, distribution, testing, temporary events, and microbusinesses. It also requires a 600-foot buffer from schools, day cares, and youth centers to cannabis facilities, consistent with the January 27, 2021 (4) Board direction and State regulations. This option would provide the lowest barriers to market entry by ensuring sites available for cannabis facilities are not limited by additional buffers beyond the State-mandated distances and sensitive uses

The draft Zoning Ordinance amendments presented to the Planning Commission reflects the Board’s selection to mirror State law and the inclusion of consumption lounges and temporary cannabis events. Staff

will return to the Board in summer 2026 for the consideration of the SECP. The Board will have the ability to reconsider any program features in light of the Commission’s recommendation, final environmental review and additional stakeholder feedback.

Program Components for Planning Commission Recommendation

The Commission is requested to provide a recommendation to the Board of Supervisors (Board) on the adoption of amendments to the Zoning Ordinance and the certification of the Final PEIR for the SECP.

Amendments to the County of San Diego Zoning Ordinance

Overview of Standards

The draft Zoning Ordinance amendments reflect the Board’s direction from January 27, 2021 (4) and January 14, 2026 (3) and are consistent with State standards. The draft amendments define development standards, performance standards, and activity-specific standards. These standards ensure that cannabis facilities are located in compatible areas and designed to limit community and environmental impacts. The draft amendments would allow for retail, consumption lounges, cultivation, manufacturing, distribution, testing, temporary events, and microbusinesses. Cannabis facilities would be required to conform to the County General Plan and any applicable specific plans and master plans, as well as comply with all applicable zoning and regulatory standards and state regulations.

Development standards define the allowed zoning, location requirements, signage and parking standards for cannabis facilities. They would limit cannabis facilities to certain agricultural, commercial, and industrial zones and establish a 600-foot buffer from schools, day cares, and youth centers, as shown below:

CANNABIS ACTIVITY TYPE	ZONE		
	Agricultural (A70 & A72)	Commercial (C35, C36, C37, C38 & C40)	Industrial (M50, M52, M54, M56 & M58)
Retail (including Consumption Lounges)		•	•
Cultivation	•		
Manufacturing			•
Distribution			•
Testing			•
Microbusiness	•	•	•
Temporary Events		•	•

A maximum of two cannabis facility types would be allowed per legal lot. Cannabis uses would not be permitted within residential structures, trailers, or recreational vehicles. The draft amendments define the number of parking spaces required for each facility and require that cannabis signage is not designed to be attractive to youth among other signage standards.

The draft amendments also set performance standards applicable to all cannabis facility types. These relate to lighting, fencing, noise, historic resources, biological resources, odor, vehicle miles traveled, and water usage, among others. The draft amendment also incorporates the mitigation measures into the performance standards that were prepared as part of the Program Environmental Impact Report.

Activity-specific standards are proposed and would apply to certain facility types to address potential impacts that could occur based on their unique operational activities. For example, cultivation would have certain impacts that are not anticipated at other facilities. Activity-specific standards for cultivation include a requirement for processing of the cannabis plants be conducted indoors to reduce odor impacts. Additionally, greenhouses would be required to be shielded with blackout curtains to reduce nighttime light escape. These activity-specific standards are crafted to ensure that appropriate measures are proposed to address the range of impacts from the different facility types.

Local Land Use Permit Requirements

The draft Zoning Ordinance amendments define which type of permit a cannabis facility would need to obtain through local land use permit requirements. Facilities could either be processed ministerially with a Zoning Verification Permit or as a discretionary project, which would require an Administrative Permit. Facilities that could be processed with a Zoning Verification Permit include outdoor cultivation that is 5,000 square feet or less in canopy area, distribution, manufacturing, testing laboratories, and retail (storefront and non-storefront). To qualify for this permitting pathway, these facilities must meet specific zoning criteria. For example, if a Special Area Designator applies to the property, or a clearing or grading permit is needed, this would trigger a discretionary review. Other reasons that a discretionary review would be required are if sensitive biological resources occur on the property, the project would substantially decrease groundwater supplies, or if the property could not meet one of the screening criteria in the *County of San Diego's Transportation Study Guidelines*. A Zoning Verification Permit is approved by the Director of Planning & Development Services (PDS). If any of these criteria cannot be met, the facility would require an Administrative Permit.

Facilities that would require an Administrative Permit include indoor cultivation, mixed-light cultivation (greenhouses), outdoor cultivation greater than 5,000 square feet in canopy area, microbusinesses, consumption lounges, and all other facilities that do not meet the criteria to be processed ministerially. This permit type is approved by the Director of PDS.

To operate, all future cannabis facilities would be required to obtain a state cannabis license, undergo a state background check as part of the local Cannabis Business License issuance process, obtain a local Cannabis Business License and local land use permit, and comply with any additional review or approvals required by State resource agencies and affiliated local departments.

The proposed amendments to the Zoning Ordinance and Code of Regulatory Ordinances (reflecting PEIR Alternative 2 – The Proposed Project) were released with the Draft PEIR for public review (Attachment A,

Appendix B of this Staff report). Public comments were accepted on the draft ordinances from January 30 to March 31, 2025.

Final Program Environmental Impact Report

The SECP includes the preparation of a PEIR, as required by the California Environmental Quality Act (CEQA). The Final PEIR, including responses to comments, was made available to the public in March 2026.

A PEIR is used to inform public agency decision makers and the public of the significant environmental effects of a project, identify ways to mitigate or avoid the significant effects, and describe a range of alternatives to the project that could attain most of the basic objectives of the project while substantially lessening or avoiding any of the environmental impacts. The PEIR is intended to allow for a more simplified environmental review process while still ensuring the protection of environmental resources. Individual SECP applicants may qualify for streamlined CEQA review if their project activities fall under what was analyzed in the PEIR.

CEQA requires that a PEIR analyze project alternatives which differ from the proposed project. These alternatives must avoid or lessen the proposed project's environmental impacts while achieving most of the project objectives. The Final PEIR evaluated five project alternatives at an equal level, with Alternative 2 considered as the Proposed Project. The Final PEIR weighed the impacts of the other alternatives against the Proposed Project. The alternatives differ by their definition of sensitive uses, buffer distances, allowed facility types, and the allowed maximum outdoor cultivation area. The PEIR project alternatives can be used as a starting point for decision making and allow stakeholders to consider different approaches to the project.

Significant and Unavoidable Impacts

The Final PEIR found that adoption of the Proposed Project (Project Alternative 2) could result in certain significant and unavoidable environmental impacts, which can be found in Attachment A, Statement of Overriding Considerations (SOC). On January 14, 2026 (3), the Board selected to mirror State law which is consistent with PEIR Alternative 2. The Final PEIR identified that Alternative 2 could cause significant and unavoidable impacts to aesthetics, air quality (odor), groundwater, adequate water supplies, temporary construction-related noise, and transportation (vehicle miles traveled). Most environmental impacts are anticipated to occur from cultivation activities. Mixed-light cultivation consumes significant electricity for growing. Additionally, odor is more difficult to control when cannabis is grown outdoors or within a greenhouse (mixed-light) which regularly vents to maintain an optimal growing environment. Since significant environmental impacts were identified in the Final PEIR, the Board must adopt an SOC at the time of program approval.

Mitigation Monitoring Reporting Program.

The Final PEIR includes a Mitigation Monitoring and Reporting Program (MMRP) (Attachment A), which is required because the PEIR identified potentially significant impacts. Mitigation measures have been identified to reduce most of those impacts to a less-than-significant-level. The purpose of the MMRP is to ensure that

adopted mitigation measures are implemented and documented. The MMRP outlines each measure, timing, and the party responsible for ensuring the measure is carried out.

These mitigation measures are referenced and incorporated into the draft Zoning Ordinance amendment. The measures would be required for future projects during the permit application review process. For example, certain mitigation measures would require submitting reports such as biological resources assessment, vehicle miles traveled analysis, or a groundwater report.

Program Components for Planning Commission Awareness

Overview

The SECP also includes amendments to the County Code of Regulatory Ordinances and a Social Equity Program. While recommendations on the amendments to the Code of Regulatory Ordinances and the Social Equity Program are not requested from the Commission, the Commission can provide input which will be shared with the Board in summer 2026.

Amendments to the County Code of Regulatory Ordinances

The draft SECP includes proposed updates to the County of San Diego Code of Regulatory Ordinances. The proposed updates to the Code of Regulatory Ordinances would create a new cannabis permitting system that would allow existing and new medicinal and/or adult-use cannabis facilities to obtain a County operating permit. The proposed updates to the Code of Regulatory Ordinances outline new licensing regulations which include requirements for license application, facility operation, and enforcement parameters with associated fees. Also included are updated guidelines for renewals, transfers, suspensions, and revocations, and PDS oversight responsibilities for cannabis businesses. As part of the Board's direction to establish a safe, equitable, and well-regulated cannabis industry in the unincorporated area, the SECP includes enforcement provisions intended to ensure cannabis businesses operate in compliance with County and State requirements. These provisions are intended to support County oversight, address documented violations, and respond to community concerns related to cannabis facility operations.

The enforcement framework includes administrative remedies and license-related actions, such as corrective measures, suspension, revocation, and renewal denial, as appropriate. These tools are intended to provide the County with the ability to ensure ongoing compliance, maintain program integrity, and protect public health and safety as cannabis facilities become eligible for permitting and licensing in the unincorporated area.

Social Equity Program

The Office of Equity and Racial Justice (OERJ) is responsible for development, implementation, and monitoring of the Social Equity Program, which is a core component of the Socially Equitable Cannabis Program. The goal of the Social Equity Program is to ensure that those negatively or adversely impacted by cannabis criminalization be provided the opportunity to successfully participate in the regulated cannabis market (California Cannabis Equity Act). The Social Equity Program includes different types of assistance to

support eligible applicants and may include investing back into impacted communities. If the SECP is adopted by the Board, for the first 3 years, applications would only be open to eligible participants of the Social Equity Program. Other Social Equity Program components include requiring a minimum 50% of storefront retail dispensaries to be reserved for social equity applicants (with a ceiling, or cap, of 25 total storefront retail dispensaries Countywide) and the inclusion of a Community Equity Contribution Program (CECP). The CECP would allow cannabis businesses that provide a community benefit such as improvement of parks, community art or murals, tree planting, microgrants, community gardens, acknowledgement placard/sign, bike racks and local staff hiring to apply for and receive rebates or grants based on the payment status of their cannabis taxes.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The attached amendments to the County of San Diego Zoning Ordinance and final Program Environmental Impact Report (PEIR) of the Socially Equitable Cannabis Program (SECP) have been reviewed in compliance with the California Environmental Quality Act (CEQA). The SECP Final PEIR dated March 2026 is on file with Planning & Development Services (PDS). The Final PEIR determined that adopting the attached amendments to the Zoning Ordinance could potentially result in significant and unavoidable impacts for the following environmental areas: aesthetics, air quality (odor), groundwater, adequate water supplies, temporary construction-related noise, and transportation (vehicle miles traveled).

G. ATTACHMENTS

Attachment A – CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and Final Program Environmental Impact Report

Appendix A1 – Final PEIR: Notice of Preparation and Comments Received

Appendix A2 – Final PEIR: Public Review Ordinances - Proposed Amendments to the San Diego County Zoning Ordinance and Code of Regulatory Ordinances for Cannabis Uses (October 2024 version)

Appendix A3 – Final PEIR: Air Quality, Greenhouse Gas, and Energy Modeling

Appendix A4 – Final PEIR: Noise Measurement Data and Modeling Calculations

Appendix A5 – Final PEIR: Letter A6 Attachments – Proposed Amendments to the San Diego County Zoning Ordinance and Code of Regulatory Ordinances for Cannabis Uses and Mitigation and Monitoring Reporting Plan

Appendix A6 – Final PEIR: Letter I34 Attachment – Los Angeles Times Article

Appendix A7 – Final PEIR: Letter PM 104 Attachment – Los Angeles Times Article

Attachment B – AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO COMMERCIAL CANNABIS REGULATIONS (POD-21-001) – CLEAN

Attachment C – AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO ZONING ORDINANCE RELATED TO COMMERCIAL CANNABIS REGULATIONS (POD-21-001) – STRIKEOUT/UNDERLINE

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VINCE NICOLETTI, DIRECTOR

ATTACHMENT A – CEQA Findings,
Statement of Overriding Considerations,
Mitigation Monitoring and Reporting
Program, and Final Program Environmental
Impact Report

**COUNTY OF SAN DIEGO SOCIALLY EQUITABLE CANNABIS
PROGRAM**

**STATE CLEARINGHOUSE NUMBER 2023090330
ATTACHMENT A**

March 2026

CEQA FINDINGS

- a. Certify that the Final Program Environmental Impact Report (Final PEIR) dated March 2026 on file with Planning & Development Services has been completed in compliance with CEQA and the State CEQA Guidelines, that the Final PEIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained therein before approving the project, and that the Final PEIR reflects the independent judgment and analysis of the Board of Supervisors.
- b. Adopt the findings concerning mitigation of significant environmental effects pursuant to CEQA Guidelines section 15091 (Sections II, III, and IV, below).
- c. Adopt the Statement of Overriding Considerations pursuant to State CEQA Guidelines section 15093 (Section VII, below).
- d. Adopt the Decision and Explanation Regarding Recirculation of the Final PEIR pursuant to State CEQA Guidelines Section 15088.5(e) (Section V, below).
- e. Adopt the Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines section 15091(d) (Attachment A).

**FINDINGS PURSUANT TO STATE CEQA GUIDELINES SECTIONS
15088.5, 15090, 15091 AND 15093**

COUNTY OF SAN DIEGO SOCIALLY EQUITABLE CANNABIS PROGRAM

MARCH 2026

ATTACHMENT A

**CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS FOR THE COUNTY
OF SAN DIEGO SOCIALLY EQUITABLE CANNABIS PROGRAM
SCH #2023090330**

I. INTRODUCTION

The following Findings are made for the County of San Diego Socially Equitable Cannabis Program (Cannabis Program, or Project), which is being considered for approval based on consideration of the alternatives, Project objectives, Project benefits, environmental impacts, stakeholder input received during public review, a Planning Commission informational item, and other community engagement, and numerous other factors. The Cannabis Program would establish a licensing and permitting system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. The Cannabis Program consists of three main components: (1) Social Equity Program, (2) Cannabis Ordinance amendments, and (3) a cannabis licensing and permitting system. The Cannabis Program, as described in detail in the Final Program Environmental Impact Report (PEIR), will be presented to the decision markers for adoption.

The environmental impacts of the Cannabis Program are addressed in the Final PEIR dated March 2026, which is incorporated by reference herein.

The Final PEIR prepared for the Cannabis Program consists of three components:

- (A) Programmatic evaluation of the physical environmental impacts anticipated to result from implementation of the Cannabis Program and a reasonable range of alternatives;
- (B) Summary of Changes to the Draft PEIR, Comment Letters and Responses to Comments on the Draft PEIR; and
- (C) Technical Appendices to the Final PEIR.

The Final PEIR evaluated the following environmental areas of potential concern: (1) Aesthetics; (2) Agricultural and Forest Resources; (3) Air Quality; (4) Biological Resources; (5) Cultural and Paleontological Resources; (6) Energy; (7) Geology, Soils, and Mineral Resources; (8) Greenhouse Gas Emissions and Climate Change; (9) Hazards and Hazardous Materials; (10) Hydrology and Water Quality; (11) Land Use and Planning; (12) Noise; (13) Population and Housing; (14) Public Services; (15) Transportation; (16) Tribal Cultural Resources; (17) Utilities and Service Systems; and (18) Wildfire.

The County of San Diego (County) Board of Supervisors (Board) concurs with the conclusions in the Final PEIR that the Project will result in environmental impacts that are significant and unavoidable, even with the implementation of mitigation measures. For these significant and unavoidable impacts, overriding considerations exist to approve the Project (Sections III and VII, below).

The California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et. seq.*) and the State CEQA Guidelines (Title 14, California Code of Regulations, §15000 *et. seq.*) require that no public agency shall approve or carry out a project for which an EIR identifies one or more significant environmental effects unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale and facts supporting each finding.

The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR (CEQA, Section 21081[a]; Guidelines, Section 15091[a]).

For each significant effect identified for the Cannabis Program, one of the above three findings applies. Therefore, the discussion of significant impacts, and mitigation measures where possible, are organized below by finding rather than by environmental subject area.

II. POTENTIALLY SIGNIFICANT EFFECTS WHERE MITIGATION IS AVAILABLE TO REDUCE IMPACTS TO LESS THAN SIGNIFICANT (CEQA GUIDELINES SECTION 15091(A)(1))

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the County Board finds that, for each of the following significant effects identified in the Final PEIR, changes or alternatives have been required in, or incorporated into, the Cannabis Program which mitigate or avoid the potentially significant effects on the environment. The potentially significant effects and mitigation measures are stated fully in the Final PEIR. These findings are explained below and are supported by substantial evidence in the record of proceedings.

To the extent these findings conclude that mitigation measures identified in the Final PEIR are feasible, the County hereby binds itself to implement those measures. These findings are not merely informational, but also constitute a binding set of obligations upon the County and responsible agencies that take effect upon the County's adoption of the resolutions certifying the Final PEIR and approving the Cannabis Program.

In adopting these findings, the County concurrently adopts a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code Section 21081.6. This MMRP is designed to ensure the Cannabis Program complies with the feasible mitigation measures identified below during implementation of the Cannabis Program and is incorporated herein by this reference.

A. Biological Resources

1. Significant Effect: Special-Status Plant and Wildlife Species:

The proposed Cannabis Program would result in potentially significant direct and indirect impacts on special-status plant and wildlife species (See Final PEIR Section 2.5 *Biological Resources, Issue 1*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:**M-BI.1-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources**

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County under the program if the application includes ground disturbance, vegetation removal, and/or grading. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ:

Reconnaissance-Level Survey

- A reconnaissance-level survey for biological resources shall be conducted by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*) prior to any staging or development activities. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. A qualified biologist would:
 - hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university;
 - be knowledgeable in relevant species life histories and ecology;
 - be able to correctly identify relevant species and habitats;
 - be knowledgeable about survey protocols;
 - be knowledgeable about state and federal laws regarding the protection of special-status species; and
 - have experience with CDFW's CNDDDB and Biogeographic Information and Observation System (BIOS).

The reconnaissance-level survey shall include the following elements:

- Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plants; special-status wildlife; rare, narrow endemic plant and animal species; critical populations of sensitive plant species; sensitive habitats (e.g., federally protected wetlands, waters of the state, riparian habitat, sensitive natural communities); invasive plant species; and regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data, including vegetation mapping data, the San Diego MSCP, the BMO, and database searches of the CNDDDB, the CNPS Inventory of Rare and Endangered Plants of California, and the USFWS Inventory for Planning and Consultation.
- Prior to the reconnaissance-level survey, the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e., cultivation) that would be exempt under the San Diego County MSCP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the San Diego MSCP and BMO, and the tier level of vegetation on the project site ("List of San Diego County Vegetation Communities and Tier Levels within the San Diego MSCP").

- The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the San Diego MSCP and BMO for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ and Section 86.504 (Administrative Process and Evaluations; Environmental Initial Study) of the BMO.
- The biologist shall provide a report to the applicant and San Diego County Planning & Development Services with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use. The type of report will depend on the type of permit (i.e., ministerial, discretionary) and the size of the project, at the discretion of the County.
- If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant shall not be subject to additional biological resources protection measures.
- If special-status plants, special-status wildlife, habitat suitable for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then additional mitigation measures would apply.

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ. County staff will review each project application and determine whether the project is in conformance with the MSCP and South County Subarea Plan and what is necessary (e.g., revisions, mitigation) for conformance with the MSCP plan and South County Subarea Plan.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use (during the initial biological survey described in M-BI.1-1), and the biologist determines that project activities may result in adverse effects on these species, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP, South County Subarea Plan, and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterflies HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP or South County Subarea Plan that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees through purchase of mitigation credits, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.

- If species covered under the San Diego MSCP or South County Subarea Plan that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP and South County Subarea Plan can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the South County Subarea Plan, potential impacts on species covered under the South County Subarea Plan shall be addressed outside of the mitigation structure of the South County Subarea Plan and through implementation of the measures described below.

Special-Status Species Not Covered under the San Diego County MSCP

If species not covered under the San Diego MSCP or South County Subarea Plan are determined to be present or likely to be present within the proposed activity footprint of the cannabis use that is not exempt from participation in the MSCP, the applicant shall apply additional mitigation measures consistent with state and local requirements. This measure applies to all species not currently covered under the South County Subarea Plan. Should any of these species become subsequently covered under the North County Plan, East County Plan, or Butterflies HCP, the previous measure shall apply.

M-BI.1-3: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation for Plant Species Not Covered under the San Diego MSCP

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development activities associated with cultivation and noncultivation activities and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

A qualified botanist would:

- be knowledgeable about plant taxonomy;
- be familiar with plants of the region, including special-status plants and sensitive natural communities;
- have experience conducting floristic botanical field surveys as described in the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;
- be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at <http://vegetation.cnps.org/>); and

- be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.
- If special-status plants are not found, the botanist shall document the findings in a report to CDFW, USFWS, the County, and the applicant, and no further mitigation will be required.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-status species listed under CESA) or if compensatory mitigation would be required (for special-status plants with a CRPR of 1 or 2, and/or on the County of San Diego sensitive plant List A or List B). Impacts on these special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio (up to a 3:1 ratio), considering acreage as well as function and value. Success criteria for preserved and compensatory populations will include the following requirements:
 - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
 - Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
 - plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
 - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
 - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.
 - Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by the County, and CDFW.
- If special-status plant species are found that have a CRPR of 3 or 4 and/or are on the County of San Diego sensitive plant List C or List D, the qualified botanist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species and shall prepare a report that contains evidence supporting the conclusion.

- If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these plant species, the botanist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
- If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species, the botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. Impacts on these special-status plant species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-4: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This measure shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation shall be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council.

- The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species shall be removed from the site to the extent practicable using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use and shall be cleaned before entering the site to reduce the risk of introducing invasive plant species.

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status amphibians are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be

assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.

- If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.
- Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status reptiles are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur.

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.
- Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.
- If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-7: Conduct Preconstruction California Spotted Owl Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if California spotted owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur.

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If a qualified biologist determines that the project site contains or is adjacent to habitat suitable for California spotted owls during the initial biological survey (see M-BI.1-1), the qualified biologist will determine whether a documented California spotted owl nesting occurrence is present within 0.25 miles of a project site by reviewing California spotted owl occurrence data in the CNDDDB and contacting biologists from adjacent public lands (e.g., US Forest Service land), as applicable, to obtain any recent survey and occurrence data for California spotted owl that have not been made publicly available (e.g., in the CNDDDB).
- If a nesting occurrence is determined to be present or if nesting habitat suitable for California spotted owl as determined by a biologist during the initial biological survey (see M-BI.1-1) is present within or within 0.25 miles of a project site, then the following measures will be followed:
 - Protocol-level surveys for California spotted owl will be conducted by a qualified biologist within a 0.25-mile radius surrounding the project site prior to any construction or staging activities where a documented nest or nesting habitat is present within 0.25 miles of the project site. Surveys for California spotted owl will be conducted pursuant to the *Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas* (US Forest Service 1993) or any protocol subsequently developed by USFWS should the species be listed.
 - If California spotted owls are determined to be absent within 0.25 miles from the site, then further mitigation is not required.
 - If nesting California spotted owls are identified during protocol-level surveys and determined to be present within 0.25 miles of the project site, then it is presumed that cultivation and noncultivation activities, including development and operation, could result in take of California spotted owls through habitat modification or disturbance. Therefore, if California spotted owls are determined to be present within 0.25 miles of the project site, proposed cultivation and noncultivation activities will not be permitted.

M-BI.1-8: Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if burrowing owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for burrowing owls is determined to be present on the site during the initial biological survey (see M-BI.1-1), a qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the cultivation or noncultivation site using survey methods described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of 4 surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least 1 survey should be conducted between February 15 and April 15, and the remaining surveys should be

conducted between April 15 and July 15 and at least 3 weeks apart. Because burrowing owls may recolonize a site after only a few days, 1 of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.

- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant, the County, and CDFW, and no further mitigation shall be required.
- If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The protection buffer shall be adjusted if, during consultation with the County and CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 1,640 feet (500 meters). There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to the County and CDFW is implemented so that burrowing owls are not adversely affected.

M-BI.1-9: Conduct Preconstruction Special-Status Nesting Raptor Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status raptors are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for loss of nesting raptors, tree and other vegetation removal activities shall occur only during the nonbreeding season (September 1 through January 31), if feasible.
- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. The survey radius for American peregrine falcon, bald eagle, and golden eagle shall be a minimum of 0.5 miles from the proposed development area boundary. The survey radius for Swainson's hawk and white-tailed kite shall be a minimum of 0.25 miles from the proposed development area boundary. The survey radius for all other raptor species shall be a minimum of 500 feet from the

proposed development area boundary. The surveys shall be conducted between February 1 and August 31.

- If nesting special-status raptors are determined to be absent, then further mitigation is not required.
- If active nests are identified during preconstruction raptor surveys, then impacts on nesting raptors shall be avoided by establishing appropriate buffers around the nests. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Typical buffer sizes are 0.5 miles for American peregrine falcon, bald eagle, and golden eagle; 0.25 miles for Swainson's hawk and white-tailed kite; and 500 feet for other raptor species. No activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal) shall be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of their occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

M-BI.1-10: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status birds are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for disturbance to or loss of special-status birds or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 15 through January 31), if feasible.
- Because coastal California gnatcatcher is a resident species and may be present year-round, there is no reliable season during which all impacts on non-nesting coastal California gnatcatchers could be avoided. Coastal California gnatcatcher is listed under ESA, and USFWS requires protocol-level surveys to determine presence or absence of the species, and these surveys must be conducted by a Section 10(a)(1)(A) permitted biologist. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys. Furthermore, the San Diego County HLP Ordinance requires issuance of a take permit for coastal California gnatcatcher pursuant to the Special 4(d) Rule under ESA for projects that would directly or indirectly affect any coastal sage scrub habitat types. For the same reasons, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat (see M-BI.5-1).

- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or vegetation or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for special-status and common nesting birds on the site and within 1,000 feet of the site. The surveys shall be conducted no more than 3 days before construction begins.
- Surveys will follow established protocols, where these protocols exist (e.g., surveys for least Bell's vireo will follow the protocols in *Least Bell's Vireo Survey Guidelines* [USFWS 2001]).
- Because the nests of least Bell's vireo, southwestern willow flycatcher, and other riparian nesting birds are small and difficult to find, occupancy of habitat suitable for this species will be determined by a qualified RPF or biologist familiar with the life history and calls of these species. If least Bell's vireos, southwestern willow flycatcher, or other riparian nesting birds are observed calling, exhibiting territorial displays, carrying nest materials, carrying prey, or other signs of breeding behavior, the habitat will be considered occupied.
- If no active nests are found during focused surveys, then further mitigation is not required.
- If nests associated with species listed under both CESA and ESA or only under ESA (i.e., California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) are found during surveys, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. No-disturbance buffers for these species shall be at least 1,000 feet.
- If active nests of species not listed under ESA are located during the preconstruction surveys, the biologist shall notify CDFW. If deemed necessary by CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a no-disturbance buffer, the size of which shall be determined by the qualified biologist in consultation with CDFW. No-disturbance buffers shall be a minimum of 100 feet from the nest to avoid disturbance, depending on the species identified, until the nest is no longer active. No-disturbance buffers surrounding tricolored blackbird colonies shall be a minimum of 500 feet.

M-BI.1-11: Conduct Preconstruction Crotch's Bumble Bee Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if bumble bees are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before implementation of ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for Crotch's bumble bee following the guidance in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Results of the habitat assessment shall be submitted to the

applicant, the County and CDFW before initiating ground-disturbing activities. If the area of proposed new development activities contains habitat suitable for Crotch's bumble bee (e.g., nesting habitat, foraging habitat, overwintering habitat), the following measures shall be followed:

- To avoid impacts on nesting Crotch's bumble bee, cultivation and noncultivation activities shall not occur in habitats suitable for this species from April through September (i.e., flight season) if feasible.
- Focused surveys for Crotch's bumble bees shall be conducted following the guidance in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Crotch's bumble bee presence may also be assumed. If Crotch's bumble bees are determined to be absent during focused surveys, then further mitigation is not required. If Crotch's bumble bees are detected during focused surveys or presence is assumed, the following measure shall be implemented:
 - If Crotch's bumble bees are detected during review and surveys or presence is assumed, the qualified biologist shall contact CDFW for coordination regarding avoidance and mitigation. Avoidance and mitigation measures may include seasonal avoidance or physical avoidance of nest or overwintering sites.

M-BI.1-12: Conduct Preconstruction Special-Status Butterfly Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status butterflies are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To avoid impacts on overwintering monarch butterflies, new development related to cultivation and noncultivation activities shall not occur in monarch overwintering sites (Xerces Society 2018) and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a previously undetected monarch overwintering site is found by a qualified biologist, cultivation and noncultivation activities shall be prohibited in the overwintering site and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a qualified biologist determines that habitat suitable for overwintering monarchs is present on a site, a qualified biologist familiar with monarchs and monarch overwintering habitat will conduct focused surveys for monarch colonies in these areas between October 1 and March 31 and will identify any colonies found within the treatment area. Any identified colonies shall be avoided as described above. If no overwintering colonies are found, further mitigation to protect overwintering monarchs will not be required.

- Quino checkerspot butterfly is associated with coastal sage scrub habitats. Pursuant to M-BI.5-1, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat, which would help maintain habitat function and avoid impacts on this species.
- Established survey protocols for federally listed butterfly species, including *Quino Checkerspot Butterfly Survey Guidelines* (USFWS 2014), *Survey Guidelines for the Laguna Mountains Skipper* (USFWS 2004), and *Hermes Copper Butterfly Survey Protocol* (USFWS 2024b), require surveyors to have recovery permits for these species pursuant to Section 10(a)(1)(A) of ESA. If monarch butterfly is listed, a similar protocol and similar permit requirements may be established. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys for the project. Therefore, if habitat suitable for special-status butterflies is determined to be present on a site during the initial biological survey (see M-BI.1-1), before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct an additional habitat assessment to determine whether (1) the project site is within the limited range of any federally listed butterfly species and (2) the project site contains the microhabitat features suitable for these species (e.g., vegetation and habitat type, host plant availability, food plant availability). Surveys to determine host plant and food plant availability shall be conducted during the typical bloom period for these species to increase the chances of detecting the plants, if present.
- Because surveys (i.e., capture surveys) for nonfederally listed butterfly species (i.e., Thorne's hairstreak, wandering skipper, alkali skipper [*Pseudocopaeodes eunus eunus*], Harbison's dun skipper [*Euphyes vestris harbisoni*], Hilda greenish blue [*Plebejus saepiolus hilda*], peninsular metalmark [*Apodemia virgulti peninsularis*], two-tailed swallowtail [*Papilio multicaudata*], yucca giant-skipper [*Megathymus yuccae*]) could result in take of federally listed species where the ranges of these species overlap, this above protocol shall also apply to these species.
- If habitat for special-status butterflies is determined not to be present on a project site by the qualified biologist, a report shall be prepared by the qualified biologist and submitted to the County for approval. If approved, then further mitigation is not required.
- If habitat potentially suitable for Thorne's hairstreak, wandering skipper, alkali skipper, Harbison's dun skipper, Hilda greenish blue, peninsular metalmark, two-tailed swallowtail, yucca giant-skipper, or monarch (if the species is not listed under ESA at the time of the survey) and habitat for federally listed butterfly species is not present on the project site, then the host plants for the nonfederally listed species shall be avoided and retained on the project site.
- If habitat suitable for Quino checkerspot, Laguna Mountains skipper, Hermes copper, or monarch (if the species is listed under ESA at the time of the survey) is present on a project site, the habitat will be considered occupied, and because these species are listed under ESA, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species and potential edge effects, then the application shall be denied.

M-BI.1-13: Conduct Habitat Assessment for Special-Status Terrestrial Invertebrates and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status terrestrial invertebrates are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for special-status terrestrial invertebrates (non-butterflies) is determined to be present on the site during the initial biological survey (see M-BI.1-1), the following measures shall apply.
 - If special-status terrestrial invertebrate species are found that are in the County of San Diego sensitive animal Group II (i.e., all non-butterfly terrestrial invertebrate species that could occur in the program area), the qualified biologist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species and shall prepare a report that contains evidence supporting the conclusion.
 - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these species, the biologist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
 - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species, the biologist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site that shall be reflected in application materials to the County. Impacts on these special-status invertebrate species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-14: Avoid Special-Status Fairy Shrimp Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status fairy shrimp are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If vernal pool habitat suitable for special-status fairy shrimp is determined to be present on a site during the initial biological survey (see M-BI.1-1), a no-disturbance buffer will be implemented surrounding all vernal pool habitat, the size of which will be determined by a qualified biologist, and the project will be redesigned to completely avoid this habitat. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.

M-BI.1-15: Conduct Preconstruction Bat Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status bats are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further mitigation will be required.
- If special-status bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the County and CDFW by the qualified biologist subject to the review and approval of the County in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest that is large enough to prevent disturbance to the colonies during hibernation or while females in maternity colonies are nursing young.

M-BI.1-16: Conduct Preconstruction Survey for Special-Status Rodents and Rabbits and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status rodents and rabbits are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct focused surveys for kangaroo rat burrows or burrow complexes, rodent burrows (i.e., for pocket mice and grasshopper mice), woodrat nests, and jackrabbit nests no more than 14 days prior to development and staging activities associated with cultivation and noncultivation activities.
- If rodent burrows suitable for Pacific pocket mouse are found on a site within the limited range of the species (i.e. near Escondido Creek and the San Dieguito River) or kangaroo rat burrows and burrow complexes suitable for Stephen's kangaroo rat are found on a site within the limited range of this species (i.e., the northern half of the county) (CWHR 2024b), the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.
- While these burrows may be associated with other mouse or kangaroo rat species that are not listed under ESA, live trapping surveys would be required to determine the species, which could result in take of ESA-listed species. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys.

- If rodent burrows outside of the range of Pacific pocket mouse and not associated with kangaroo rats, woodrat nests, or jackrabbit nests are detected during focused surveys, a no-disturbance buffer would be established around the burrow, the size of which would be determined by the qualified biologist to prevent burrow collapse and disturbance from cultivation and noncultivation development activities, and no project activities would occur within this buffer.

M-BI.1-17: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if American badgers are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys of grassland or agricultural habitats within the site to identify any American badger burrows/dens. These surveys shall be conducted no more than 30 days prior to the start of construction.
- If occupied burrows are not found, further mitigation shall not be required.
- If occupied burrows are found, impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

M-BI.1-18: Conduct Preconstruction Southern California Ringtail Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if southern California ringtails are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development related to cultivation and noncultivation activities occurring within the southern California ringtail nesting season (April 15 through June 30), including tree or shrub removal, a qualified biologist shall conduct pre-construction surveys of all habitat suitable within the site and shall record sightings of individual ringtails, as well as potential dens.
- If individuals or potential or occupied dens are not found, further mitigation will not be required.
- If ringtails are detected or if potential dens of this species are detected, an appropriate method shall be used by the qualified biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices, such as a fiber optic scope, may be utilized to determine occupancy. If no ringtail occupies the potential den, the entrance will be temporarily blocked so that

no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.

- If a den is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a buffer the size of which shall be determined by the qualified biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the den is unoccupied as determined by a qualified biologist in coordination with CDFW.

M-BI.1-19: Conduct Preconstruction Mountain Lion Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if mountain lions or signs of mountain lions (e.g., scat, prints) are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If potential nursery den habitat suitable for mountain lions is determined to be present on the site during the initial biological survey (see M-BI.1-1) within 7 days before commencement of development related to cultivation and noncultivation activities, a qualified biologist with familiarity with mountain lion and experience using survey methods for the species will conduct focused surveys in nursery den habitat suitable for the species adjacent to (i.e., within 2,000 feet of) the site to identify any potential mountain lion nurseries, as property access allows. Surveys will be conducted during dawn or dusk to increase the likelihood of detecting mountain lions.
- If no signs of a mountain lion nursery are found, then further mitigation would not be required for this species.
- If signs of a mountain lion nursery are found during surveys, further investigation will be required to determine if a mountain lion nursery is present. No staging or construction activities will occur in the area while further investigation is occurring. Survey methods will include the use of trail cameras, track plates, hair snares, and/or other noninvasive methods. Surveys using these noninvasive methods will be conducted for 3 days and 3 nights to determine whether a nursery may be present.
- If a nursery is known to occur in the area or further signs of a nursery are detected based on the surveys described above (e.g., lactating adult females or cubs on camera, repeated detections of an adult female in the area, growls or calls from cubs), a no-disturbance buffer of at least 2,000 feet will be implemented for a minimum of 10 weeks. Staging and construction activities will not occur within this buffer during this time to avoid disturbance of mountain lion nurseries or injury or mortality of young. CDFW will be notified of the nursery and buffer location.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to directly or indirectly adversely affect special-status plant and wildlife species. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 through M-BI.1-19 would reduce

potentially significant program-level and cumulative impacts on special-status plant and wildlife species to a less-than-significant level because special-status plant and wildlife species would be identified through reconnaissance-level and focused or protocol-level surveys (as applicable), avoidance measures would be implemented to prevent impacts on these species, and appropriate permitting or compensation would be obtained or provided for impacts on special-status species that cannot be avoided. These measures would reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

2. Significant Effect: Riparian Habitat and Other Sensitive Natural Communities:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in direct and indirect impacts on riparian habitat, sensitive natural communities, and oak woodlands (See Final PEIR Section 2.5 *Biological Resources, Issue 2*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-BI.2-1: Identify, Avoid, and Protect Riparian Habitat, Sensitive Natural Communities, and Oak Woodlands or Provide Compensation:

As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions, Terms 10 and 37), San Diego County shall require applicants to demonstrate compliance with the following measures for the protection of riparian habitat, sensitive natural communities, and oak woodlands from proposed cultivation and noncultivation activities:

- For cultivation and noncultivation activities that could disturb riparian habitat, sensitive natural communities, or oak woodlands, the application shall include a report prepared by a qualified biologist that summarizes the potential presence of any of these sensitive resources as identified during the biological survey conducted under M-BI.1-1. Furthermore, the qualified biologist shall perform a protocol-level survey following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) of the site before the start of any development or staging related to cultivation or noncultivation activities. Sensitive natural communities shall be identified using the best means possible, including keying them out using the most current edition of *A Manual of California Vegetation* (including updated natural communities data at <http://vegetation.cnps.org/>) or referring to relevant reports (e.g., reports found on the VegCAMP website).
- All sensitive habitats identified during the protocol-level survey described above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist before development or staging activities associated with cannabis activities begin. Grading, excavation, other ground-disturbing activities, and vegetation removal shall not occur in these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or

weedy species. Periodic inspections during construction shall be conducted by the qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.

- Impacts on habitat, including sensitive habitats, on the site shall be subject to mitigation ratios described in the MSCP and BMO (County of San Diego 2010a; see M-BI.1-2) as well as habitat mitigation ratios described in the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement – Biological Resources* (County of San Diego 2010b).
- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction by CDFW, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.
- In consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of riparian habitat through removal of nonnative species, where appropriate, and planting of additional native riparian plants to increase the cover, continuity, and width of the riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement, as required under Section 1602 of the Fish and Game Code and SWRCB Order WQ 2023-0102-DWQ.

The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall identify the following information:

- compensatory mitigation sites and criteria for selecting these mitigation sites;
- in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- monitoring protocol, including schedule and annual report requirements (compensatory habitat shall be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80-percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period, or dead and dying trees shall be replaced and monitoring continued until 80-percent survivorship is achieved;

- corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

If the report documents that site development cannot avoid adverse effects on sensitive natural communities or oak woodlands, in consultation with CDFW, the applicant shall compensate for permanent loss of these habitats such that no net loss of habitat function occurs as follows:

- restoring sensitive natural community habitat function within the project site (e.g., using locally collected seed or cuttings);
- restoring degraded sensitive natural communities outside the project site at a sufficient ratio to offset the loss of habitat function (at least 3:1 for sensitive natural communities with an S1 or S2 rank, and at least 1:1 for other sensitive natural communities); or
- preserving existing sensitive natural communities of equal or better value to the sensitive natural community affected through a conservation easement at a sufficient ratio to offset the loss of habitat function (at least 3:1 for coastal prairie and at least 1:1 for other sensitive natural communities).

The applicant shall prepare and implement a Compensatory Mitigation Plan that includes the following elements:

- For preserving existing habitat outside the project site in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The applicant will provide evidence in the plan that the necessary mitigation has been implemented or that the applicant has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
- For restoring or enhancing habitat within the project site or outside the project site, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
- The following success criteria would be required to maintain habitat function for preserved and compensatory populations:
 - The extent of occupied area and density of plants associated with the sensitive natural community (number of plants per unit area) in compensatory habitats would be equal to or greater than the affected occupied habitat.

- Compensatory and preserved sensitive natural communities would be self-producing. Populations would be considered self-producing when (1) plants associated with sensitive natural communities reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding, and (2) reestablished and preserved habitats contain an occupied area and density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in direct and indirect impacts on riparian, sensitive natural communities, and oak woodlands. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 and M-BI.2-1 would reduce potentially significant program-level and cumulative impacts on riparian habitat, sensitive natural communities, and oak woodlands to a less-than-significant level because these resources would be identified through reconnaissance-level and focused surveys, avoidance measures would be implemented to prevent removal or degradation of the habitats, and appropriate permitting and compensation would be required for impacts on these resources. This would reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

3. Significant Effect: State and Federally Protected Wetlands:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in direct and indirect impacts on state and federally protected wetlands (See Final PEIR Section 2.5 *Biological Resources, Issue 3*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-BI.3-1: Identify State or Federally Protected Wetlands and Avoid These Features:

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- The application shall include a report prepared by a qualified biologist that includes a summary of sensitive resources, including wetlands, streams, and rivers, that were identified during the biological survey conducted under M-BI.1-1.
- If the report documents that state or federally protected wetlands are present, a delineation of these resources, including wetlands that would be affected by the project, shall be prepared by a qualified biologist. The delineation shall be submitted to the County and the San Diego RWQCB.
- If, based on the delineation, it is determined that fill of any state or federally protected wetlands would result from implementation of the project, then the applicant shall modify the proposed project to avoid these resources by providing a buffer of at least 100 feet

around these features. Depending on site features, a buffer of greater than 100 feet may be required. Buffer size shall be determined in consultation with CDFW and the San Diego RWQCB.

- Cannabis cultivation and noncultivation activities would be subject to Term 3 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires operations to comply with Fish and Game Code Section 1602. When cultivation or noncultivation activities would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance in areas that are under Section 1600 et seq. jurisdiction.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in direct and indirect impacts on state and federally protected wetlands. Therefore, the project would result in a potentially significant impact on these resources. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 and M-BI.3-1 would reduce potentially significant program-level and cumulative impacts on state and federally protected wetlands to a less-than-significant level because wetlands would be identified through reconnaissance-level surveys and wetland delineation surveys, and wetlands would be avoided through project redesign. These measures reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

4. Significant Effect: Wildlife Movement Corridors and Nursery Sites:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to interfere with resident or migratory wildlife movement corridors or impede the use of native wildlife nursery sites (See Final PEIR Section 2.5 *Biological Resources, Issue 4*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs:

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement..

- Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
- Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife, as well as interruption of wildlife movement corridors. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:
 - Minimize interruption of wildlife movement corridors by limiting fencing to the shortest length necessary, and properly siting fencing location such that established wildlife movement corridors are avoided.
 - Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
 - Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than 6 feet tall).
 - Allow smaller wildlife to pass under easily without injury or entrapment.
- Upon review of project-specific fencing design, the County and qualified biologist will require revisions to site plans if the proposed fencing design and/or location would result in impacts on wildlife movement.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

M-BI.4-2: Retain Wildlife Nursery Habitat and Implement Buffers to Avoid Wildlife Nursey Sites:

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If after implementation of M-BI.1-1, a qualified biologist determines that wildlife nursery sites are present within a proposed project site, the following measures shall be implemented prior to and during construction of a project:

- A qualified biologist will identify the important habitat features of the wildlife nursery and, prior to commencement of project activities (e.g., ground disturbance, vegetation removal, staging), will mark these features for avoidance and retention during project implementation to maintain the function of the nursery habitat.

- A no-disturbance buffer will be established around the nursery site if project activities are required while the nursery site is active/occupied. The appropriate size and shape of the buffer will be determined by a qualified biologist based on potential effects of project-related habitat disturbance, noise, visual disturbance, and other factors but will typically be a minimum of 100 feet. No project activity will commence within the buffer area until a qualified biologist confirms that the nursery site is no longer active/occupied. Monitoring of the effectiveness of the no-disturbance buffer around the nursery site by a qualified biologist during and after project activities may be required. If project activities cause agitated behavior of the individual(s), the buffer distance will be increased or project activities modified until the agitated behavior stops. The qualified biologist will have the authority to stop any project activities that could result in potential adverse effects on wildlife nursery sites.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to interfere with resident or migratory wildlife movement corridors or impede the use of native wildlife nursery sites. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1, M-BI.4-1, and M-BI.4-2 would reduce potentially significant program-level and cumulative impacts on resident or migratory wildlife movement corridors and native wildlife nursery sites to a less-than-significant level because regional linkages, wildlife movement corridors, and wildlife nursery sites would be identified during reconnaissance-level surveys, wildlife-friendly building and fencing design would be required for all proposed activities, and native wildlife nursery sites would be protected and retained. These measures would reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

5. Significant Effect: Conflict with Local Policies and Ordinances:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to conflict with local policies and ordinances, specifically the Habitat Loss Permit (HLP) Ordinance (See Final EIR Section 2.5 *Biological Resources, Issue 5*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-BI.5-1: Prohibit Cultivation and Noncultivation Activities in Coastal Sage Scrub Habitat:

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If after implementation of M-BI.1-1 and M-BI.2-1, a qualified biologist determines that a proposed cultivation or noncultivation site contains coastal sage scrub habitat, the project shall be designed such that direct and indirect impacts on this habitat would not occur as confirmed by the qualified biologist and the County. If the project cannot be redesigned to

completely avoid direct and indirect impact on coastal sage scrub habitat, then the application will be denied, and cultivation and noncultivation activities will not be permitted on the site.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to conflict with local policies and ordinances, specifically the HLP Ordinance. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measure M-BI.5-1 would reduce potentially significant program-level and cumulative impacts related to local policies and ordinances to a less-than-significant level because cultivation and noncultivation activities would be prohibited in coastal sage scrub habitat, thereby preventing conflict with the HLP Ordinance. This would reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

B. Cultural and Paleontological Resources

1. Significant Effect: Cause a Substantial Adverse Change in the Significance of a Historical Resource:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in substantial adverse changes to the significance of historical resources (See Final PEIR Section 2.6, Cultural and Paleontological Resources, *Issue 1*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations.
- The applicant shall identify structures that are proposed to be removed or modified as part of the commercial cannabis site operations and the age of these structures. For all historic-age (over 45-years in age) buildings and structures, projects involving interior alterations, the addition of rooftop solar, or routine maintenance work, do not need evaluation of eligibility by an architectural historian in a historic report.
- For projects that involve modifications to structures over 45 years, excluding interior alterations, the addition of rooftop solar, or routine maintenance work, the applicant shall have the structure evaluated to determine their eligibility for listing on the National Register of Historic Places, California Register of Historical Resources, or County local official register of historic resources. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional

Qualification Standards and is listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b). To qualify as a ministerial project, the evaluation must conclude that no historical resources are present or that the project would not result in a substantial adverse change to the significance of historical resources.

- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural or built-environment resource is not feasible, additional mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

Facts in Support of the Findings:

Cultivation and noncultivation activities associated with the proposed Cannabis Program would have the potential to result in direct and indirect impacts on riparian, sensitive natural communities, and oak woodlands. Therefore, the project would result in a potentially significant impact to historical resources. Compliance with Term 21 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-8.1 and the identified mitigation M-CR.1-1 would reduce impacts to a less-than-significant level. Thus, this impact would be less than significant under project and cumulative conditions.

C. Energy

1. Significant Effect: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency:

The operation of future cannabis cultivation sites and noncultivation of the proposed Cannabis Program would have the potential to conflict with the County's Climate Action Plan (See Final PEIR Section 2.7 *Energy*, Issue 2).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-EN.2-1: Implement the Requirements of the County's Climate Action Checklist:

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

Facts in Support of the Findings:

The operation of future cannabis cultivation sites and noncultivation of the proposed Cannabis Program would have the potential to conflict with the County's Climate Action Plan. Therefore, the project would result in a potentially significant impact related to a conflict with a state or local plan for renewable energy or energy efficiency. Implementation of Mitigation Measure M-EN.1-1 would require future cannabis cultivation sites and noncultivation uses to comply with the measures of the CAP Checklist, which would include prohibiting the use of natural-gas-

powered appliances through all-electric development or achieving Tier 2 status as set forth by the CALGreen Code Appendix A5 Nonresidential Voluntary Measures. This measure would ensure that new development under the Cannabis Program would be consistent with the CAP (i.e., the local plan for renewable energy and energy efficiency). Therefore, with mitigation, this impact would be less than significant under project and cumulative conditions.

D. Greenhouse Gas Emissions

1. Conflict with the San Diego County Climate Action Plan:

Implementation of the proposed Cannabis Program would result in potentially significant impacts due to conflicts with the County's Climate Action Plan (See Final PEIR Section 2.9 *Greenhouse Gas Emissions and Climate Change, Issue 1*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-GC.1-1: Implement the Requirements of the County's Climate Action Checklist

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

Facts in Support of the Findings:

Implementation of the proposed Cannabis Program would result in potentially significant impacts due to conflicts with the County's Climate Action Plan. The implementation of Mitigation Measure M-GC.1-1 would require compliance with the CAP and would address this impact would be sufficient to reduce the impact to less-than-significant under project and cumulative conditions. Therefore, with mitigation, this impact would be less than significant.

E. Noise

1. Significant Effect: Excessive Long-Term Stationary Noise Levels:

The proposed Cannabis Program would result in potentially significant impacts associated with direct long-term noise levels (See Final PEIR Section 2.11 *Noise, Issue 2*).

Finding:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.

Mitigation Measures:

M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities:

Whenever a cannabis distribution facility is proposed on a parcel within 30 feet (i.e., the distance at which loading activities could exceed county noise standards) of a noise-sensitive land use (residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, passive recreational parks, libraries, or other similar

facilities where quiet is an important attribute of the environment, as defined by the *County of San Diego General Plan* and the *County of San Diego Guidelines for Determining Significance - Noise*), a noise analysis shall be prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and submitted with the permit application. The noise analysis shall be prepared in accordance with *County of San Diego Guidelines for Determining Significance - Noise* and will evaluate the effect of project implementation on nearby land uses and shall identify appropriate measures (e.g., equipment enclosures, equipment location, noise barriers) that reduce noise to acceptable levels as presented in Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2. To meet these standards, noise levels will be modeled from the location of the loading activities to the parcel with the noise-sensitive land use.

Facts in Support of the Findings:

Implementation of Mitigation Measure M-N.2-1 would provide substantial reductions in operational noise associated with loading activities at cannabis distribution facilities by requiring a noise analysis and implementation of noise reduction measures for proposed facilities located within 30 feet of an adjacent land use. In addition, the Cannabis Program proposes amendments to the Zoning Ordinance (Section 6995(f)(4)) and the Regulatory Code (Section 21.2510(5)(A)) that would include noise standards to reduce excessive noise levels associated with cannabis facilities consistent with County General Plan policy and noise regulations. Therefore, permanent operational stationary noise levels associated with operation of the proposed Cannabis Program would be less than significant with mitigation.

III. CEQA GUIDELINES SECTION 15091 FINDINGS FOR POTENTIALLY SIGNIFICANT IMPACTS FOR WHICH FEASIBLE MITIGATION MEASURES OR ALTERNATIVES ARE NOT AVAILABLE (CEQA GUIDELINES SECTION 15091(A)(3))

Pursuant to Section 21081(A) of the Public Resources Code and Section 15091(A)(3) of the State CEQA Guidelines, the County of San Diego Board of Supervisors finds that while changes or alterations have been required in the PEIR that reduce the significant environmental effects on the environment for each of the following significant effects identified in the Final PEIR to the extent feasible, specific economic, legal, social, technological, or other considerations make additional mitigation to fully avoid or minimize impacts infeasible. These findings are explained below and are supported by substantial evidence in the record of proceedings.

In adopting these findings, the County concurrently adopts an MMRP pursuant to Public Resources Code section 21081.6. This MMRP is designed to ensure future projects under the Cannabis Program comply with the feasible mitigation measures identified below during implementation of the Cannabis Program and is incorporated herein by reference.

A. Aesthetics

1. Significant Effect: Substantially Degrade Visual Character or Quality:

Implementation of the proposed Cannabis Program would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that would have the potential to degrade the visual character and quality of existing communities. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities to minimize impacts on visual character and quality. Proposed commercial cannabis

facilities would be reviewed for compliance with regulations in the Regulatory Code that are protective of visual character and quality of existing communities. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the proposed Cannabis Program to change or degrade visual character and quality. (See Final PEIR Section 2.2 *Aesthetics, Issue 2*).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:**M-AE.2-1: Conduct Project-Level Visual Analysis for Cannabis Facilities.**

Each outdoor and mixed-light cannabis facility application that is located within public viewpoints (visible from public roads or other public viewpoints such as parks) shall include a visual analysis, photo simulation, or other appropriate level of review consistent with the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement–Visual Resources* to evaluate the potential for a proposed cannabis cultivation facility to substantially degrade the visual character or quality of public views. If the project site can be demonstrated to be outside of a public view, no further action is required. Potential visual impacts shall be addressed by siting outdoor and mixed-light cultivation facilities outside of public views. If this cannot be achieved, the applicant shall provide the reasoning in writing (e.g., all sites within the property are within public views, the site was previously farmed and selecting a new site would require additional grading, other sites contain sensitive resources, other sites do not contain fertile soils or other suitable conditions for growing cannabis). The siting of outdoor and mixed-light cultivation facilities will be subject to the County's review and approval during the permit application process.

Facts in Support of the Findings:

Implementation of Mitigation Measure M-AE.2-1 would require applicants to site outdoor and mixed-light cultivation facilities outside of public views. However, site-specific conditions may not always allow project proponents to locate agricultural shade or crop structures away from public viewpoints. For example, there may be instances in which all developable sites on a property are within public view or the sites outside of public view contain sensitive resources, require extensive grading, or do not contain fertile soils or other suitable conditions for growing cannabis.

Notwithstanding implementation of existing regulations, proposed Zoning Ordinance amendments, and Mitigation Measure M-AE.2-1, the potential for aesthetics impacts to occur is conservatively identified as significant and unavoidable because aesthetic impacts are subjective, and cannabis uses would continue to have distinctly recognizable visual characteristics compared to other traditional forms of agriculture in the county. For example, agricultural shade and crop structures are not typically used in other traditional forms of agriculture in the county. These structures are commonly used for light deprivation in cannabis cultivation operations throughout the state and are necessary for creating the proper growing conditions and extend the growing season for cannabis plants. Therefore, the direct impact is

significant and unavoidable for the proposed Cannabis Program, and the impact would be cumulatively considerable.

Reference:

Final PEIR Sections 2.2.3.6 and 2.2.7.2 and all other aesthetic related evidence in the administrative record.

B. Air Quality

1. Significant Effect: Result in Emissions of Odors Adversely Affecting a Substantial Number of People:

The proposed Cannabis Program would result in significant odor impacts (See Final PEIR Section 2.4 *Air Quality, Issue 3*).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:

No mitigation available.

Facts in Support of the Findings:

The proposed Cannabis Program would result in significant odor impacts. Compliance with proposed Regulatory Code amendments (Sections 21.2510(6), 21.2525(k), and 21.2528(i)) would provide all feasible measures to address and minimize odor impacts as well as corrective actions for commercial cannabis sites that routinely generate nuisance odor impacts off-site consistent with General Plan Policy LU-2.8. However, it is possible that nuisance odor impacts would occur occasionally before abatement for outdoor and mixed-light commercial cannabis cultivation sites not contained within buildings or greenhouses. There are no feasible mitigation measures for completely avoiding the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. Moreover, these odors could combine with other sources of odors from agricultural activity unrelated to cannabis cultivation. There are no effective mitigation measures to ensure elimination of cannabis odors. Therefore, this impact is significant and unavoidable for project impacts.

Reference:

Final PEIR Sections 2.4.3.6 and 2.4.7.3 and all other air quality related evidence in the administrative record.

C. Hydrology and Water Quality

1. Significant Effect: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge:

The proposed Cannabis Program would result in a less than significant direct impacts to hydrology or water quality (See Final PEIR Section 2.11 *Hydrology and Water Quality, Issue 2*).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:**M-HYD.2-1: Establish No Net Increase in Groundwater Use.**

If it can be demonstrated to the satisfaction of the County that the project would not have a net increase in groundwater production from existing baseline groundwater use in accordance with CEQA, no further action is needed. This documentation shall take the form of a groundwater analysis or memorandum prepared by a California Professional Geologist from the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*.

M-HYD.2-2: Additional Groundwater Use.

If a new or additional groundwater supplies are needed to support a project, a groundwater analysis shall be prepared by a California Professional Geologist on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and provided with the cannabis facility application that is consistent with the *County's Guidelines for Determining Significance and Report Format and Content Requirements: Groundwater Resources*. The analysis shall identify whether groundwater use would be sustainable in accordance with County guidelines and if needed, provide mitigation measures to the extent feasible to reduce potential adverse effects on groundwater. This could include design modifications, such as limiting cultivation or using imported water if available. The groundwater analysis shall be submitted to the County for review and approval as part of the application process.

Facts in Support of the Findings:

Development and operation of cannabis facilities under the proposed Cannabis Program could require groundwater resources as a water supply. The use of groundwater resources could result in reduced groundwater storage, groundwater overdraft conditions, and well interference. These types of impacts are possible throughout the county where there is excessive groundwater use by a single user or due to the unique physical geologic properties affecting the groundwater storage for a particular site (e.g., fractured-rock aquifer conditions). Mitigation Measure M-HYD.2-2 would require applicants to provide a groundwater study or memorandum for review and approval by the County that would address groundwater overdraft, low well yield, and well interference. As appropriate, recommendations to reduce potential adverse effects on groundwater would be implemented by the applicant to reduce impacts. However, establishing sufficient groundwater supplies in fractured-rock aquifer conditions is problematic because storage capacity is generally considered low (County of San Diego 2011). In some instances, wells may derive water from only a few water-bearing fractures. Furthermore, it is difficult to estimate potential production rates for any new wells drilled in fractured-rock aquifers, and wells drilled close together may have substantially different water production rates. This is because water-producing fracture locations are difficult to identify and predict, and fractures intersected by one well may not be intersected by nearby wells. For these reasons, it cannot be stated with certainty that a groundwater analysis could establish or provide sufficient project modifications to eliminate the potential for groundwater overdraft, low well yield, and well interference. Therefore, any use of groundwater resources in the county could contribute to depletion of groundwater supplies where supplies are already

limited or yields of groundwater are low. Consequently, program and cumulative impacts would be significant and unavoidable with the implementation of the proposed Cannabis Program.

Reference:

Final PEIR Sections 2.11.3.5 and 2.11.7.2 and all other hydrology and water quality related evidence in the administrative record.

D. Noise

1. Significant Effect: Excessive Temporary Construction-Related Noise Levels:

The proposed Cannabis Program would result in potentially significant impacts associated with temporary increases in ambient noise during construction (See Final PEIR Section 2.13 *Noise, Issue 1*).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:

M-N.1-1: Incorporate Noise Reduction Measures into Construction Specifications.

Applications for cannabis facilities shall include the following requirements into construction plan specifications/project plans.

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- At no time shall noise levels exceed a community noise equivalent (CNEL) of 60 dBA or 10+ dBA above existing noise levels at any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards could involve the use of the following noise reduction measures or other equally effective measures:
 - Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment) where feasible and consistent with building codes and other applicable laws and regulations.
 - Stationary noise sources, such as generators and pumps, shall be located as far away from noise-sensitive uses as feasible.
 - All construction equipment and equipment staging areas shall be located as far as possible from nearby structures and located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line of site between affected land uses and construction staging areas.
 - Noise monitoring during construction will be conducted, and records of monitoring results shall be maintained by the applicant and provided to the County upon request.

- No less than 1 week prior to the start of construction activities at a particular location, notification shall be provided to nearby land uses (e.g., businesses, residential uses) that are located within 150 feet of the construction site (i.e., based on the construction noise modeling, which is distance at which nearby receptors would experience noise levels exceeding acceptable daytime construction-noise levels).
- For construction activity that would occur within a clear line of sight of off-site noise-sensitive receptors, temporary noise curtains shall be installed as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible, composite material featuring a noise barrier layer bound to sound-absorptive material on one side. The noise barrier layer shall consist of rugged impervious material with a surface weight of at least 1 pound per square foot and be designed to result in a 10-dB reduction at the sensitive receptor location. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971).

Facts in Support of the Findings:

Implementation of Mitigation Measure M-N.1-1 would provide substantial reductions in construction noise levels by including noise reduction measures, such as ensuring proper equipment use; locating equipment away from sensitive land uses; and requiring the use of enclosures, shields, and noise curtains. Although noise reduction would be achieved with implementation of these measures, reductions of the appropriate magnitude may not be achievable under all circumstances with implementation of Mitigation Measure M-N.1-1. Therefore, because it cannot be assured that the applicable noise standards can be met, this impact would remain significant and unavoidable for the proposed Cannabis Program.

Reference:

Final PEIR Sections 2.13.3.4 and 2.13.7.1 and all other noise related evidence in the administrative record.

E. Transportation**1. Significant Effect: Exceed the Threshold for VMT:**

The proposed Cannabis Program would result in a significant direct and cumulative VMT impacts to transportation and circulation plans and programs (See Final PEIR Section 2.16 *Transportation, Issue 2*).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:**M-TR.2-1: Conduct VMT Analysis and Identify VMT Impacts.**

Applications for cannabis facilities shall demonstrate whether the proposed cannabis facility would meet the screening criteria outlined in the *County of San Diego Transportation Study Guidelines, January 2026*, or any subsequent updates to these guidelines, or other State or County regulations that provide clear standards for screening from VMT analysis requirements.

Applications that meet objective screening criteria approved by the County shall not require further VMT analysis.

If the proposed commercial cannabis facility does not meet any of the objective screening criteria, the applicant shall submit a project-level VMT analysis prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The analysis must identify VMT impacts associated with the cannabis facility and determine the significance of project impacts or provide substantial evidence to support a less than significant finding. If project impacts are significant, the project applicant shall reduce project-induced VMT impacts to the extent feasible through implementation of VMT-reducing infrastructure and/or strategies, such as Transportation Demand Management (TDM), or other measures acceptable to the County. TDM measures may include strategies such as ridesharing initiatives (e.g., carpooling), promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. The proposed mitigation is subject to the County's review and approval, and no development shall proceed until the County determines the proposed mitigation is acceptable.

Facts in Support of the Findings:

The proposed Cannabis Program would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that could result in a VMT that exceeds the allowable threshold, if not screened out based on the thresholds identified in Table 2.16.32 of the Final PEIR. Implementation of Mitigation Measure M-TR.2-1 would require measures to reduce commercial cannabis facility VMT that exceed the thresholds. However, it is currently not known at the programmatic level whether all future commercial cannabis facilities could be mitigated to a less-than-significant level due to the lack of details on sizing, location, and related land uses. Without project-level details, it is not possible to determine if all subsequent projects would screen out from a detailed VMT analysis or result in project-generated VMT that is below the applicable threshold. In addition, although implementation of Mitigation Measure M-TR.2-1 would require subsequent project applicants to develop a TDM Plan and implement VMT-reducing strategies, it cannot be guaranteed to what extent people would participate in the TDM Program and choose to use alternative modes of transportation. Therefore, because it is not known to what extent subsequent project VMT may exceed the applicable threshold and how effective Mitigation Measure M-TR.2-1 would be at reducing impacts to below a less-than-significant level, the implementation of the Cannabis Program could have a direct and cumulative significant and unavoidable VMT impact.

Reference:

Final PEIR Sections 2.16.3.5 and 2.16.7.2 and all other transportation related evidence in the administrative record.

F. Utilities and Service Systems

1. Significant Effect: Adequate Water Supplies:

The Cannabis Program would result in potentially significant direct impacts and significant cumulative impacts to water supply (See Final EIR Section 2.18 Utilities and Service Systems, Issue 1).

Finding:

Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or Project alternatives beyond those identified in the Final PEIR. Effects remain significant and unavoidable.

Mitigation Measures:**M-UT.1-1: Obtain a Will Serve Letter to Demonstrate Adequate Water Supply.**

For municipal water use, project applicants shall obtain a will serve letter to provide verification that adequate water supplies are available as part of cannabis facility application submittals.

M-UT.1-2: Implement Water Conservation Measures.

For cannabis facilities proposing new water feature(s), applications shall include details on water conservation measures to be incorporated in the project plan set. Water conservation measures could include installation of water efficient plumbing fixtures and fittings, use of water-efficient landscaping, such as native plants and drip/subsurface irrigation, evaporative barriers on exposed soils and pots, rainwater capture and reuse, recirculated irrigation water (zero waste), soil moisture controls, and recycled water use. This shall include documentation of compliance with all applicable water conservation requirements associated with building features and landscaping.

Facts in Support of the Findings:

Implementation of the proposed Cannabis Program would result in the development of commercial cannabis facilities in some areas of the unincorporated county that would have the potential to increase municipal water demand. The proposed Cannabis Program would expand the extent of allowed commercial cannabis cultivation and noncultivation uses in the county. It is unknown to what extent cultivation uses would obtain water supplies from municipal water districts. Although noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. While mitigation measures have been identified to reduce water demand, they would not offset increases in total water demand. Therefore, water demand associated with the proposed Cannabis Program would be in addition to water demands already identified, thus resulting in a water shortage under normal water year, single dry water year, and multiple dry water year conditions. Therefore, the impact would be significant and unavoidable under project and cumulative conditions.

Reference:

Final PEIR Sections 2.18.3.4 and 2.18.7.1 and all other utility and service system related evidence in the administrative record.

IV. FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that the “range of alternatives in an EIR is necessary to permit a reasoned choice.” Thus, the following discussion focuses on alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the Project, even if the alternative would impede the attainment of some project objectives or

would be more costly. The County's analysis of alternatives is limited to the consideration of projects that could achieve the fundamental Project objectives because an EIR need not study in detail an alternative that is infeasible or that the lead agency has reasonably determined cannot achieve the project's underlying fundamental purpose.

The Final PEIR analyzed the following five alternatives to the Project at an equal level of detail:

- Alternative 1: No Project—Retention of Current Cannabis Regulations
- Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements
- Alternative 3: Cannabis Program with Expanded County Regulations
- Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition
- Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

A comparison of those alternatives is presented in Table 1, below. Analyses of these alternatives are included in the Final PEIR (see Final PEIR Section 4.4). One alternative was considered and rejected, as described in Section 4.3 of the Final PEIR, pursuant to CEQA Guidelines Section 15126.6(c).

These findings contrast and compare the alternatives where appropriate to demonstrate that the selection of the proposed Cannabis Program, while still causing certain unavoidable significant environmental impacts, would result in substantial environmental, planning, public safety, economic, and other benefits. In rejecting the balance of the alternatives that were analyzed in the Final PEIR, the County of San Diego has examined the project objectives and weighed the ability of each of the various alternatives to meet the objectives. The County finds that the proposed Cannabis Program best meets the project objectives while balancing the environmental impacts. The objectives that were adopted by the County, and which set the framework for the Project, are as follows:

- 1) develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis;
- 2) provide consistency with state law and County regulations associated with commercial cannabis operations;
- 3) prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs;
- 4) develop an efficient and user-friendly cannabis licensing and permitting system;
- 5) develop a regulatory program that will assist in protecting public health, safety, and welfare;
- 6) minimize the effects of commercial cannabis activities on sensitive populations and land uses;
- 7) minimize the potential adverse effects of cannabis activities on the environment, natural resources, and wildlife, including wetlands and sensitive habitats, narrow endemic species, and vernal pools, as well as effects on water supply, water quality, and instream flows; and
- 8) develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers.

The following provides a summary of the proposed Cannabis Program (Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements) and each alternative fully analyzed in Chapters 2 and 4 of the Final PEIR. The summary includes rationale as to why the Project is preferred over each of the alternatives and why an alternative has been rejected.

A. Alternative 1: No Project—Retention of Current Cannabis Regulations

1. Description

The No Project Alternative (refer to Section 1.6.1.6 of the Final PEIR, p. 1-19) would consist of not adopting the proposed Cannabis Program and ordinance amendments. The existing five commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed.

2. Finding

Alternative 1, the No-Project Alternative, would not meet any of the project objectives because it would not involve implementation of a socially equitable cannabis program in San Diego County; rather, development and operation of new cannabis facilities would continue to be prohibited. Therefore, the No Project Alternative has been rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3. Facts in Support of the Finding

Alternative 1 would result in similar agriculture impacts, less impacts and would eliminate the significant and unavoidable impacts for aesthetics, air quality, hydrology and water quality, noise, transportation, and utilities and service systems as compared to the Proposed Project. However, Alternative 1 would not meet any of the project objectives because it would not involve implementation of a cannabis program in San Diego County; rather, development and operation of new cannabis would continue to be prohibited. In addition, mitigation measures associated with odors, noise, and other potential effects on public health and safety would not be implemented through this alternative to the extent that they are under the proposed Cannabis Program.

For the reasons set forth above and more fully described in Final PEIR and in the record of proceeding, the Board finds that Alternative 1 is infeasible and undesirable because it fails to meet project objectives related to regulating cannabis cultivation. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the State CEQA Guidelines.

4. References

Final PEIR Sections 1.6.1.6, 4.4, and 4.5; and all other alternatives related evidence in the administrative record.

B. Alternative 3: Cannabis Program with Expanded County Regulations

1. Description

Alternative 3 would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction (Final PEIR Section 1.6.1.6, p. 1-19). With inclusion

of Measures 1 and 2, the definition of “sensitive uses” would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be expanded to 1,000 feet. Measure 3 would expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a sensitive use.

2. Finding

Therefore, the Alternative 3 has been rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3. Facts in Support of the Finding

The development potential under Alternative 3 would be the same as under the Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements; thus, impacts related to development area, operational demand for resources, earth-moving activities, and canopy areas would generally be similar because the potential to affect these resource areas would be the same (though it would have some benefits over the Proposed Project regarding odors impacts from the increased setbacks). As such, Alternative 3 would result in similar impacts as the Proposed Project and would not avoid any significant and unavoidable impacts of the Project.

While Alternative 3 would differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy, this alternative would develop a cannabis program generally consistent with the project objectives. However, this alternative would include additional buffering requirements that would limit the availability parcels for cannabis uses that would be counter to the following project objective that is related to the Cannabis Program’s Social Equity Program:

- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs

In addition, the Board of Supervisors provided direction that the buffer requirements consistent with Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements at their January 14, 2026 hearing.

For the reasons set forth above and more fully described in Final PEIR and in the record of proceeding, the Board finds that Alternative 3 is infeasible and undesirable. The Board also finds that this alternative would not avoid significant and unavoidable impacts of the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the State CEQA Guidelines.

4. References

Final PEIR Sections 1.6.1.6, 4.4, and 4.5; alternatives related response to comments; and all other alternatives related evidence in the administrative record.

C. **Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition**

1. **Description**

Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited and mixed-light and indoor cultivation would be allowed only within a building or greenhouse (Final PEIR Section 1.6.1.6, p. 1-19). This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use.

2. **Finding**

Therefore, the Alternative 4 has been rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3. **Facts in Support of the Finding**

The development potential or commercial cannabis cultivation sites under Alternative 4 would be less than proposed under the Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements. As such, impacts related to development area, operational demand for resources, earth-moving activities, and canopy area would be less compared to the Proposed Project because the potential to affect these types of impacts would be less.

Alternative 4 would eliminate significant impacts to odors associated with Alternative 2. In addition, Alternative 4 would reduce the severity of significant and unavoidable impacts related to hydrology and water quality and water supply compared to Alternative 2. Therefore, Alternative 4 is identified as the environmentally superior alternative in the Final PEIR.

While Alternative 4 would differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and would prohibit outdoor cannabis cultivation, the alternative would develop a cannabis program generally consistent with the project objectives. However, this alternative would include additional buffering requirements that would limit the availability parcels for cannabis uses that would be counter to the following project objective that is related to the Cannabis Program's Social Equity Program:

- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs

The Board of Supervisors also provided direction that the buffer requirements consistent with Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements at their January 14, 2026 hearing.

In addition, Alternative would be less effective at implementing the following project objective as Alternative 2 because it would limit cannabis cultivation to indoor facilities and would not allow for use of farmland like other crops.

- develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers

For the reasons set forth above and more fully described in Final PEIR and in the record of proceeding, the Board finds that Alternative 4 is infeasible and undesirable. The Board also finds that this alternative would not avoid significant and unavoidable impacts of the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the State CEQA Guidelines.

4. References

Final PEIR Sections 1.6.1.6, 4.4, and 4.5; alternatives related response to comments; and all other alternatives related evidence in the administrative record.

D. Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

1. Description

Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less (Final PEIR Section 1.6.1.6, p. 1-19). This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use.

2. Finding

Therefore, the Alternative 5 has been rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3. Facts in Support of the Finding

The development potential under Alternative 5 would be the same as under Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements; thus, impacts related to development area, operational demand for resources, earth-moving activities, and canopy areas would generally be similar because the potential to affect these resource areas would be the same. As such, Alternative 5 would result in similar impacts as the Proposed Project and would not avoid any significant and unavoidable impacts of the Project.

While Alternative 5 would differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy, this alternative would develop a cannabis program generally consistent with the project objectives. However, this alternative would include additional buffering requirements that would limit the availability parcels for cannabis uses that would be counter to the following project objective that is related to the Cannabis Program's Social Equity Program:

- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs

The Board of Supervisors also provided direction that the buffer requirements consistent with Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements at their January 14, 2026 hearing.

In addition, Alternative would be less effective at implementing the following project objective as Alternative 2 because it would limit cannabis cultivation canopy areas to one acre.

- develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers

For the reasons set forth above and more fully described in Final PEIR and in the record of proceeding, the Board finds that Alternative 5 is infeasible and undesirable. The Board also finds that this alternative would not avoid significant and unavoidable impacts of the project. Therefore, the Board declines to adopt this alternative pursuant to the standards in CEQA and the State CEQA Guidelines.

4. References

Final PEIR Sections 1.6.1.6, 4.4, and 4.5; alternatives related response to comments; and all other alternatives related evidence in the administrative record.

Table 1 Summary of the Environmental Effects of the Alternatives Relative to Those of the Proposed Project

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Aesthetics	Significant and unavoidable	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Agriculture and Forest Resources	No impact	Similar (NI)	Similar (NI)	Similar (NI)	Similar (NI)
Air Quality	Significant and unavoidable (odor impacts only)	Less (LTS, eliminates SU impact)	Less	Less (LTS, eliminates SU impact)	Less
Biological Resources	Less than significant (with mitigation)	Less	Similar	Less	Similar
Cultural and Paleontological Resources	Less than significant	Less	Similar	Less	Similar
Energy	Less than significant (with mitigation)	Less	Similar	Less	Similar
Geology, Soils, and Mineral Resources	Less than significant	Less	Similar	Less	Similar
Greenhouse Gas Emissions and Climate Change	Less than significant (with mitigation)	Less	Similar	Less	Similar

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Hazards and Hazardous Materials	Less than significant	Less	Similar	Less	Similar
Hydrology and Water Quality	Significant and unavoidable (groundwater supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Land Use and Planning	Less than significant	Less (NI)	Similar	Similar	Similar
Noise	Significant and unavoidable (construction noise impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Population, and Housing	Less than significant	Less	Similar	Similar	Similar
Public Services	Less than significant	Less (NI)	Similar	Similar	Similar
Transportation	Significant and unavoidable (vehicle miles traveled impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Tribal Cultural Resources	Less than significant	Less	Similar	Less	Similar
Utilities and Service Systems	Significant and unavoidable (water supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Wildfire	Less than significant	Less	Similar	Less	Similar

Notes: NI = no impact; LTS = less than significant; SU = significant and unavoidable.

Source: Compiled by Ascent in 2025.

V. NO RECIRCULATION REQUIRED

The County of San Diego Board of Supervisors hereby finds that the responses to comments made on the Draft PEIR and any revisions reflected in the Final PEIR merely clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the PEIR under CEQA Guidelines Section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Pursuant to State CEQA Guidelines Section 15088.5(a), “[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

The County recognizes that new information has been added to the PEIR since circulation of the Draft PEIR, but the new information serves simply to clarify, amplify, or correct information already found in the Draft PEIR. It does not rise to the level of “significant new information.”

None of the new information added to the Final PEIR raises important new issues about significant adverse effects on the environment without providing corresponding mitigation to maintain the proper finding that the impact is below the level of significance. The ultimate conclusions about the project’s significant impacts do not change in light of any new information added to the PEIR. Therefore, any new information in the Final PEIR is insignificant for purposes of recirculation, particularly as set forth in Section 15088.5(b) of the CEQA Guidelines.

The County also finds that the Draft PEIR, which includes analysis supported by numerous technical reports and expert opinion, was not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the PEIR. Additional analyses are not required to comply with the requirements of CEQA prior to certifying the Final PEIR for the project. Accordingly, the County finds that recirculation is not required pursuant to CEQA.

In support of the foregoing, it is relevant to point out some of the key policies of CEQA set forth by the Legislature:

“To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21000, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief

explanation as to why those effects are not potentially significant.” Public Resources Code Section 21002.1(e);

“The legislature further finds and declares that it is the policy of the state that:...(f) All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward mitigation of actual significant effects on the environment.” Public Resources Code Section 21003(f).

The CEQA Guidelines (Section 15003) also expressly summarizes some of the key policies under CEQA as recognized by the Courts

“(g) The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. (Bozung v. LAFCO (1975) 13 Cal. 3d 263.)

(i) CEQA does not required technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692)

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.S.* (1993) 6 Cal. 4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553)” See 15003 ((g), (i) and (j)).

Keeping in mind the policies expressed above, the County has provided a good faith effort to analyze the environmental impacts of the Project using sound methodologies with the assistance of experts in environmental analysis. Having given careful consideration to that process and the requirements of CEQA, the County concludes that public comment through a recirculation is not warranted, but that public comments through the public hearing process will be given due consideration.

A. Changes to the Draft PEIR

A complete presentation of changes made to the Draft PEIR subsequent to the public review period has been prepared and is included within the Final PEIR. Revisions to the Draft PEIR include edits made in response to comments received during public review and modifications made to text to make minor, staff-initiated corrections to the PEIR contents. None of the conditions warranting recirculation of the Draft PEIR, as specified in State CEQA Guidelines Section 15088.5 and described above, has occurred. The responses to comments and the addition of information do not result in or show any new significant impacts; there is no increase in the severity of a significant impact identified in the Draft PEIR, following application of existing mitigation; no feasible alternatives have been recommended that would avoid a significant impact, or that the County has refused to adopt; and as to the Draft PEIR adequacy, the County believes the Final PEIR is complete and fully compliant with CEQA.

VI. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES SECTION 15090

The Board of Supervisors certifies that the Final PEIR, dated March 2026, on file with the Department of Planning & Development Services has been completed in compliance with CEQA and the State CEQA Guidelines, that the PEIR was presented to the Board of Supervisors, and that the Board of Supervisors reviewed and considered the information contained therein before approving the Project, and that the PEIR reflects the independent judgment and analysis of the Board of Supervisors, as specified in State CEQA Guidelines Section 15090.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Findings required under CEQA (Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (California Code Regulations, title 14, Section 15000 et seq.) supporting the approval of the Cannabis Program, Alternative 2: Proposed Project – Cannabis Program Consistent with State Requirements conclude that the County's approval of the project would result in significant impacts that cannot be substantially lessened or avoided. Despite these impacts, the County of San Diego Board of Supervisors chooses to approve the Cannabis Program because specific economic, social, and environmental benefits of the project outweigh and override these significant and unavoidable impacts. The County has adopted all feasible mitigation measures with respect to the significant unavoidable environmental impacts listed below. In addition, the County has analyzed a reasonable range of alternatives to the Project. Based on the analysis, the County has determined none of the alternatives is feasible to the Project. Therefore, the County is adopting the Cannabis Program, and sets forth this Statement of Overriding Considerations for its adoption despite the significant and unavoidable environmental impacts identified in the PEIR and noted below:

VIII. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

Final PEIR Section	Subject/Issue
2.2.3.6	Substantially Degrade Visual Character or Quality
2.4.3.6	Result in Emissions of Odors Adversely Affecting a Substantial Number of People
2.11.3.5	Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge
2.13.3.4	Excessive Temporary Construction-Related Noise Levels
2.16.3.5	Exceed the Threshold for VMT
2.18.3.4	Adequate Water Supplies

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the Cannabis Program. Thus, even if a court were to set aside any particular reason or reasons, the Board of Supervisors finds that it would stand by its determination that each reason, or any combinations of reasons, is a sufficient basis for approving the Cannabis Program notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the CEQA Findings Regarding Significant Effects, the Final PEIR, and in the Record of Proceedings.

The County finds that the project would have the following specific economic, social, and environmental benefits:

1. The project develops a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis.
2. The project provides consistency with state law and County regulations associated with commercial cannabis cultivation.
3. The project prioritizes social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs.
4. The project develops an efficient and user-friendly cannabis licensing and permitting system.
5. The project develops a regulatory program that will assist in protecting public health, safety, and welfare.
6. The project minimizes the effects of commercial cannabis activities on sensitive populations and land uses.
7. The project minimizes the potential adverse effects of cannabis activities on the environment, natural resources, and wildfire, including wetlands and sensitive habitats, narrow endemic species, and vernal pools, as well as effects on water supply, water quality, and instream flows.
8. The project develops and implements a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers.
9. The project will provide the following economic benefits:
 - a. State licenses for cannabis businesses require a local permit. Permitting cannabis businesses through the Cannabis Program will help ensure the profitability and sustainability of the local economy from the cannabis industry by enabling local cannabis businesses to participate in the state's regulated cannabis marketplace and will allow the County to retain local land use control. The project provides for an economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local and statewide demand.
 - b. The cannabis industry contribute to the economy further through sales of packages and manufacture products. Cultivation and supply chain uses associated with the cannabis industry are a source of local jobs, purchases of supplies, vehicles, and equipment from local businesses; supports local restaurants; and as regulated, has the potential to increase the tourism industry in San Diego County. The cannabis industry has direct and indirect economic benefits to the local economy, which substantially contribute to the countywide economy. Furthermore, by expanding cannabis opportunities to business owners in the County, investments in agriculture would be further diversified, which would support continued agricultural land uses in the County. That is, agricultural lands converted from one crop type to cannabis cultivation would ensure that the underlying lands remain in agricultural use rather than being converted to a developed use.
10. The project would provide the following environmental benefits (legal and social benefits):

- a. Illegal cannabis cultivation has resulted in serious concerns among regulators, environmentalists, and the general public throughout the State. These concerns have resulted in the desire by many agencies, including the County of San Diego, to develop and implement regulations as well as enforcement activities that address, control, and minimize environmental impacts from cannabis operations.
- b. The proposed Cannabis Program uses state regulations for buffer standards (Business and Professional Code Section 26054(b)). Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers. Furthermore, potential conflicts between cannabis uses and residential uses would be minimizing by separating these land use types.
- c. Mitigation measures included in the EIR include more restrictive conditions than that are not currently required for cannabis activities.

For the foregoing reasons, the County finds that the Project's unavoidable significant environmental impacts are outweighed by these considerable benefits.

X. **STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS**

Project Name: County of San Diego Socially Equitable Cannabis Program

Reference Case Numbers: SCH No. 2023090330

CEQA [Section 21081.6(a)(2)] requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

Custodian:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

31405 Palos Verdes Drive
Escondido, Ca 92026

April 9, 2026

Dear San Diego County Planning Commission,

I am writing to oppose key components of the proposed Cannabis Program—specifically cultivation, distribution facilities, and onsite consumption lounges in unincorporated areas.

I have serious concern that the government should not be in the position of promoting or incentivizing participation in a specific commercial industry—particularly one that carries ongoing public health and safety risks and contributes to the normalization of cannabis use among children and youth. Expanding and legitimizing this industry through targeted programs sends a message that cannabis use is routine and acceptable, which can undermine prevention efforts and increase exposure for younger populations. Public resources would be better directed toward broader economic development initiatives, workforce training, or small business support programs that are accessible to a wider range of residents without reinforcing behaviors that may negatively impact youth development.

The government should be promoting farming for food such as those found at JR Organics in Escondido.

Cannabis cultivation raises serious land-use and environmental concerns. These operations can be resource-intensive requiring high water usage, energy-intensive indoor growing, generate strong and persistent odors, and potential pesticide and waste runoff. It can introduce industrial-scale activity into rural or residential communities. In unincorporated areas with limited infrastructure, this can strain resources and disrupt existing agricultural and residential uses.

Onsite consumption lounges present additional quality-of-life and public safety concerns. These venues may contribute to impaired driving, secondhand smoke exposure, and the normalization of public cannabis use. Placing them in unincorporated areas risks concentrating these impacts in communities that have less local control and fewer enforcement resources.

For these reasons, I urge the County to reconsider permitting cultivation, distribution hubs, and onsite consumption lounges in unincorporated areas.

Sincerely, Caridad Trujillo

CANNABIS LETTER TO PLANNING COMMISSION via PDS April 10, 2026

My name is Stephani Baxter. I am a resident and business owner in Fallbrook, as well as an elected member of the Fallbrook Community Planning Group.

I am writing to formally urge the Planning Commission and Board of Supervisors to halt advancement of the proposed Socially Equitable Cannabis Program (SECP) in its current form.

Recent Board directives regarding the SECP demonstrate that the recommendations of all Community Sponsor Planning Groups (CSPGs) are being disregarded. These groups have invested more than five years conducting research, attending public meetings and webinars, engaging with other jurisdictions, and working collaboratively with County staff to provide informed, thoughtful, and detailed recommendations. The near-total dismissal of this work raises serious concerns about the integrity of the public engagement process.

Expanding cannabis operations into the unincorporated areas poses significant and well-documented risks. Evidence from states such as Colorado, Oregon, Massachusetts, and California shows that the introduction of legal cannabis licensing has not eliminated illicit markets; in many cases, it has coincided with their expansion. This reality directly undermines the stated goals of regulation and instead compounds existing challenges.

The result is increased negative impacts across the more than 500,000 residents and 772,000+ acres of unincorporated County land. Multiple fronts: environmental degradation, public health & safety risks, increased crime, economic strain, and the erosion of community character. These impacts will not remain isolated—they will extend, with spillover negative effects into neighboring cities.

Equally concerning is the environmental risk to groundwater, watersheds, and protected lands. Cannabis cultivation is resource-intensive and often associated with high water usage, fertilizer and pesticide runoff, and soil disturbance. In rural, unincorporated areas that rely heavily on limited groundwater supplies, this raises serious concerns about depletion and long-term sustainability. Runoff containing chemicals and toxins can enter local watersheds, impacting water quality, wildlife habitats, and nearby preserve lands that are critical to the region's ecological balance. These are not speculative risks—they are documented impacts in other jurisdictions that have expanded cannabis cultivation without adequate safeguards.

Public safety risks also extend to transportation. Increased cannabis availability and distribution in rural areas raises the likelihood of impaired driving on narrow, winding country roads that are already challenging and, in many cases, under-equipped for higher traffic volumes. Fallbrook has no ride-share services. This places residents, visitors, and emergency responders at heightened risk and further strains already limited public safety resources.

Just as troubling is the lack of infrastructure to support such a program. Rural communities are already underserved in terms of emergency response, healthcare access, utilities, and law enforcement capacity. Expanding cannabis operations under these conditions will further strain these limited resources, creating broader consequences for the entire County.

Zoning designations such as A70 and A72, which define the rural character of vast portions of the unincorporated area, are fundamentally incompatible with large-scale cannabis cultivation.

CANNABIS LETTER TO PLANNING COMMISSION via PDS April 10, 2026

Introducing such uses into these zones would irreversibly alter the identity and livability of these communities.

Given the substantial body of evidence from other jurisdictions—including documented environmental harm, community disruption, and ongoing legal challenges—it is difficult to understand why the County of San Diego would proceed with a program that presents clear and foreseeable risks.

At minimum, this program should be paused until meaningful consideration is given to the extensive input already provided by CSPGs and affected residents. A decision of this magnitude warrants a transparent, data-driven approach that genuinely incorporates community feedback.

I respectfully urge you to review the submitted comments and recommendations in full and to halt further action on the SECP until these concerns are adequately addressed.

Sincerely,
Stephani Baxter

FALLBROOK COMMUNITY PLANNING GROUP

P.O. Box 1419 Fallbrook, CA 92088

March 27, 2025

Comments on the County of San Diego Socially Equitable Cannabis Program Draft EIR, Regulatory Amendments and Zoning Amendments.

Based on community input, we oppose this project
and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior
Alternative to the “No Project” as cited in the DEIR- Chapter 4.
Therefore, our DEIR comments are on Alternative 4.

There is substantial evidence throughout the DEIR that Alternative 4 is reasonable and feasible and accomplishes the basic objectives of the Social Equity Cannabis Program. Aside from Alternative 1, Alternative 4 is not only the most environmentally superior Alternative, it is also the least damaging to the unique, unincorporated rural lifestyle.

However, from more recent studies, facts and information obtained from municipalities that have had cannabis programs for a number of years, we conclude that the facts used to generate the entire DEIR were outdated and deficient and we question its accuracy.

It is very important to note that even though our second choice would be Alternative 4, there are still many questions and concerns regarding all of the project objectives and the environmental analysis of them. Of particular concern is Cannabis cultivation and temporary Cannabis events. Comments, questions and concerns are discussed further throughout this document.

Alternative 2 “The Program” allows outdoor cultivation, Alternative 4 prohibits it. Data from other municipalities that have had cannabis programs for a number of years, which was not included in this DEIR, as well as new data that is just being discovered, shows that odors, pesticides, water, drainage and other factors from outdoor cultivation have had, and continue to have substantially negative environmental effects. These effects threaten the health and safety of residents, especially growing children. In addition, trends for cultivation licenses in regions like Riverside County show that outdoor cultivation licenses are minimal, thus no real impact to this Program in removing outdoor grows by selecting Alternative 4.

A70 and A72 agriculturally zoned lands where Cannabis cultivation will be allowed in Alternatives 2,3,4,5 are adjacent to residential zones where families live throughout unincorporated San Diego County. Residents who will be subjected to the Cannabis Program in these unincorporated areas should have a major weighted say in deciding whether or not indoor or outdoor cultivation will be allowed,

Objectives in “The Program”, which are consistent with state requirements, appear to be based more on urban areas. Since this Program is in rural areas, these objectives, especially outdoor cultivation, setbacks and sensitive areas, should be adjusted to reflect the rural setting for this Program.

COMMENTS ON ALTERNATIVE 4

Chapter 4

4.2.1 ATTAINMENT OF PROJECT OBJECTIVES

Alternative 4 would develop a Cannabis program generally consistent with the project objectives

However, more research and emphasis needs to be directed toward developing the regulatory program that will assist in protecting public health, safety and welfare, and protecting resources including power and water.

*****See comments in the Regulatory Code Amendment

This program needs to be flexible and be able to adapt to new technologies and changing community needs. (Adaptive regulations)

ENVIRONMENTAL IMPACTS OF THE CANNABIS PROGRAM

A70 and A72 Agriculture Zones as well as other C and M Zones in unincorporated San Diego County are interspersed and are often adjacent to residential areas. Buffer distances as currently listed in all the Alternatives would provide little, if any real protection for residents in terms of odor, traffic, pollution run-off, fire hazards and other adverse effects from Cultivation in these zones.

More up to date studies indicate that Cannabis cultivation, particularly outdoor cultivation does have adverse effects on other crops.

Cannabis cultivation and other Cannabis businesses are different in nature than other agricultural products that are farmed and used by consumers. Cannabis cultivation in particular has more negative environmental impacts than most other agriculture in terms of odor, water usage, security requirements and chemical use. As such, they should have more stringent regulations and inspections.

Additionally, under federal law, cannabis is not legal.

<https://www.reuters.com/legal/litigation/federal-court-dismisses-challenge-cannabis-prohibition-analyzing-canna-2024-07-10/>

<https://www.marijuanamoment.net/feds-say-marijuana-can-be-summarily-seized-from-state-legal-businesses-but-not-if-its-rescheduled/>

How is crop residue disposed of to prevent contamination from pesticides and other chemicals?

<https://www.swansea.ac.uk/media/Environmental-Impacts-of-the-Legalization-of-Cannabis-in-California.pdf>

DEVELOPMENTAL IMPACTS

Related to development area, operational demand or resources, earth moving, etc. (top page 4-4)

Alternative # 4 impacts would be less than the Programs (as stated in the DIER)

PUBLIC SERVICES

The conclusions in the DEIR appear to be inconsistent with studies and information that are just now coming to light based on other areas with Cannabis Programs. More up to date studies need to be conducted.

The unincorporated San Diego County has a total population of over 500,000 residents. While none of the alternatives might require additional law enforcement facilities, hiring only 2 additional code compliance officers would not serve the public in dealing with hundreds of potential complaints that could be generated for theft, noise, odor and other health and safety concerns caused by this Program.

For reference, Santa Barbara County's total population is under 500,000, with their unincorporated population area being approximately 150,000. This is important to know because 4,000 odor complaints have been filed in Santa Barbara County's unincorporated areas. None of these complaints were ever resolved. (Santa Barbara County Code Enforcement)

More impaired drivers could cause more accidents and put greater demands on our fire and paramedic first responders. California is the most dangerous State for freeway driving. One of the deadliest freeways is the I-15. There are no known tests to determine a person's level of impairment.

Consumer Affairs Website- Deadliest Roads

<https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html>

Studies now show that hospital ED visits have increased with the increase in Cannabis use as well, especially in older adults.

<https://pubmed.ncbi.nlm.nih.gov/36622838/#:~:text=Conclusion%3A%20Cannabis%2Drelated%20ED%20visits,medical%20care%20for%20older%20adults>

This program could severely strain already understaffed law enforcement.

Indoor cultivation required in Alternative 4 could help prevent crime associated with outdoor grows. This is evidenced by crimes already faced by current citrus, avocado and other outdoor groves.

The DEIR states that because Cannabis would be considered an agricultural use and it would not have an impact on agricultural resources. (Chapter 4, bottom page 4-4) , However, if food crops are replaced by cannabis for financial incentives, it could affect our local production and availability of food crops further driving up food costs.

As previously discussed, recent studies indicate that outdoor Cannabis cultivation does have adverse effects on other crops. For example, it has recently been observed that the odor from Cannabis can be so strong that it can permeate the skin of the grapes being grown close by and alter their flavor. Indoor cultivation would help eliminate these negative impacts.

Pesticide overspray, pollution, chemical usage, drainage and odors from outdoor Cannabis cultivation could have detrimental impacts on adjacent open space, conservancy lands, parks and agricultural or natural resources.

4.4.1 AESTHETICS, ISSUE 2

The impact would be significant and unavoidable in Alternative 2 (The Program)

Impact would be LESS in Alternative 4

4.4.2 AIR QUALITY, ISSUE 3

The impact would be significant and unavoidable in Alternative 2- The Program.

Impact would be LESS in Alternative 4 because all spraying would be indoors. Alternative 4 would result in the LEAST emissions of odors from pesticides (overspray), chemicals and Cannabis plants, adversely affecting substantial number of people.

Other municipalities that allow outdoor grows have suffered significant environmental impact due to odors. For example, children in Santa Barbara County at times have been unable to play outdoors at recess due to odors.

https://enewspaper.latimes.com/infinity/article_share.aspx?guid=5de42829-8623-4ff9-88af-35f90aa5bb97

Additionally, Alternative 4 with the 1,000 foot buffer would also help to ensure that the concentration of cultivation sites in any given area is minimal. Although not mentioned in the impact analysis, this helps to ensure that VOCs from concentration of cultivation sites, or impact from increased use of nitrogen fertilizers impacting air quality are minimized compared to Alternative 2.

4.4.3 HYDROLOGY AND WATER QUALITY, Issue 2 Substantial Decrease in Groundwater Supplies or Interfere Substantially with Groundwater Recharge

The impact would be significant and unavoidable in Alternative 2 (The Program)

Impact would be LESS in Alternative # 4

4.4.6 UTILITIES AND SERVICE SYSTEMS ISSUE 1: ADEQUATE WATER SUPPLIES

The impact would be significant and unavoidable in Alternative 2 (The Program)

4.4.6.3 Impact would be LESS in Alternative # 4

4. 5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 4 is the environmentally superior alternative as stated in the DEIR.

TABLE 4.1 (pp 4-13-4-14)

Summary of the Environmental Effects of Alternative 4 relative to those of the proposed project

Alternative 2 (The Program)

6- Significant

8- Less than significant

3- Less than significant with mitigation

Alternative 3

16- Similar to Alternative 2/ Program

1- Less

Alternative 4- ENVIRONMENTALLY SUPERIOR

12- Less than Significant

5- Similar to Alternative 2

Alternative 5

16- Similar to Alternative 2/Program

1- Less

COMMENTS ON THE DRAFT REGULATORY CODE AMENDMENT

21.2504 MAXIMUM NUMBER & TYPE OF AUTHORIZED CANNABIS BUSINESSES

Limits on total number of dispensaries in each community

The regulatory program/zoning needs to establish limits on the total number of dispensaries/lounges in each community. It is recommended that this be based on the population of each unincorporated community. For example, 1 dispensary per 20,000 residents.

Location of Cultivation in A70 & A72

The regulatory program/zoning needs to establish not only the location of grows within the A70 and A72 Zones but establish a limit on the total number of grows allowed in each unincorporated

Community. Cultivation adjacent to residential areas has the potential to destroy a town's residential areas, neighborhoods and rural way of life.

A remediation program should be required as part of licensing and permitting for Cannabis cultivation. This requirement would ensure that when Cannabis cultivation operations on a property cease, the property is cleared of any trash and pesticides and remaining buildings are not left in disrepair. See more under 21.2510 APPLICATION SUBMITTAL REQUIREMENTS

Limits on Cultivation

There should be a limit on the total number of acres for cultivation in the entire unincorporated San Diego County as well as in each Community or Planning area.

Setbacks

Setbacks should be a minimum of 1,000 ft from sensitive areas which should include residences, schools, daycare, churches, parks, and any areas or businesses that cater to families, especially children.

d) Limits on the maximum number of retail storefront uses in any one Planning Area or unincorporated communities are essential so that one community doesn't take the brunt of these retail dispensaries and consumption lounges and the associated traffic, law enforcement needs and other environmental impacts.

e) There must be limits on the maximum total number of non-storefront retail Cannabis businesses. Without these limits the consequences could be devastating to entire communities and their residents and businesses, especially those that are adjacent to or near Cannabis cultivation and other non retail Cannabis businesses. Example: A70 and A72 Zoning is interspersed throughout residential zones in the unincorporated San Diego County. With no limits, this could cause irreparable harm to the health and safety of children, adults and animals with odors, traffic, lights, noise, pollution and crime and other environmental impacts. Residents could conceivably no longer be able to enjoy the peace and tranquility of their rural lifestyle due to these environmental impacts.

f) Modification of the maximum number of Cannabis business licenses should never be increased.

21.2508 BUILDING PERMITS AND INSPECTIONS

Must be subject to Design Standards where there is a B Designator.

21.2510 APPLICATION SUBMITTAL REQUIREMENTS

(3) SECURITY

b) Light plans must ensure that they not only comply with any dark sky ordinances, but also do not disrupt any nearby residents from enjoying the beauty of the nighttime stars.

(5) NEIGHBORHOOD COMPATIBILITY PLAN

How would this function? Who with knowledge of the neighborhood will review? Will neighbors have input?

Any Cultivation/grows on A70 and A72 should have 24-hour on-site security.

(6) ODOR MITIGATION PLAN

How will this be enforced? Will APCD be involved? Neighbors or community members should be involved in a quarterly review. Quarterly reviews should be publicly posted ahead of the review and the results published after.

(E) How will the Director or their designee determine if the Cannabis business is following procedures established by the licensee? Quarterly, unannounced inspections should be required. How will inspectors access to locked properties be handled?

Additionally, a remediation program which includes a “remediation” bond should be required as part of licensing and permitting for Cannabis cultivation. This program would ensure that when Cannabis cultivation operations on a property cease, the property is cleared of any trash, pesticide and remaining buildings are not left in disrepair. Once cultivation has ceased, all grow houses and associated materials (lights, fans, irrigation, pots, tables, trash, PVC piping, landscape fabric, tarps, etc) must be disassembled and stored out of sight or properly disposed of within 90 days of operations ending. A post-inspection would determine compliance.

THE WALL STREET JOURNAL

https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

21.2520 SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE

(b) What is considered a major violation?

21.2525 GENERAL OPERATING REQUIREMENTS

(d) This contradicts the San Diego County’s Live Well Program “Smoke is Smoke” and no smoking ordinances. Secondhand Cannabis smoke contains cancer causing chemicals. Some of these chemicals are in higher amounts than in tobacco.

<https://www.cdc.gov/cannabis/health-effects/secondhand-smoke.html>

<https://www.uclahealth.org/news/article/secondhand-marijuana-smoke-what-are-the-risks-to-your-health>

<https://no-smoke.org/secondhand-marijuana-smoke-fact-sheet/>

(j) This is not realistic. How will businesses be responsible for safely controlling loitering without having to call already understaffed Law Enforcement if the loiterers do not comply?

(m) Signage and notices

Must comply with Design Standards for retail businesses.

(o) Odor Control

Code Compliance should be available 24 hours a day to investigate odor complaints in real time. Unannounced inspections should take place quarterly or more often for particular business if there have been any complaints about that business.

In other municipalities with Cannabis Programs, odors and odor complaints have been shown to be nearly impossible to control. Please see previous information under Air Quality.

www.coastalview.com/news/county-planners-support-tough-odor-controls-for-all-cannabis-greenhouses/article

<https://www.independent.com/2025/01/15/the-coming-crackdown-on-greenhouse-cannabis/>

<https://www.independent.com/2025/03/12/public-invited-to-community-forum-on-cannabis-odor-in-carpinteria/>

21.2527 RETAIL HOURS

Closing time of 8:00 pm is a more reasonable time. In rural communities, there are very few businesses that stay open late into the night. Having an earlier closing time could help prevent crime. Additionally, unincorporated, rural roads are dark and often windy. Impaired drivers would make them even more dangerous than they already are.

21.2528 CONSUMPTION LOUNGES

(f) What measures will be used to determine if a patron is impaired?

Many of the rural unincorporated communities in San Diego County do not have ride share services for consumers who would be impaired after consuming Cannabis products. Consumption Lounges should be prohibited in areas that do not have a minimum number of full time ride share services such as Uber or Lyft. Consumption lounges should close at 8:00pm.

Are Consumption lounges liable for impaired patrons? Will there be training for bud tenders?

Impaired drivers

<https://aaafoundation.org/development-and-validation-of-messaging-to-deter-cannabis-impaired-driving/>

Consumer Affairs Website- Deadliest Roads

<https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html>

Consumption Lounges should be prohibited from selling or allowing sampling of any injectable cannabis products.

[https://www.sfgate.com/cannabis/article/california-injectable-cbd-gets-fda-warning-20219801.php?utm_campaign=CMS%20Sharing%20Tools%20\(Premium\)&utm_source=share-by-email&utm_medium=email](https://www.sfgate.com/cannabis/article/california-injectable-cbd-gets-fda-warning-20219801.php?utm_campaign=CMS%20Sharing%20Tools%20(Premium)&utm_source=share-by-email&utm_medium=email)

c.xii What will be the maximum occupant load for the designated cannabis smoking room?

21.2529- 2533 WHEN WILL THESE SECTIONS BE AVAILABLE FOR COMMENTS?

21.2534 TEMPORARY CANNABIS EVENTS

The number of temporary Cannabis events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility local businesses and residents from being unduly disrupted by crowds, traffic, noise, odors and other negative factors of temporary events being held on so many dates throughout the year.

Neighbors or businesses within a 1,000 ft radius should be notified when applicants apply for permits so that they can comment during the review process.

Because of the rural nature of San Diego County's unincorporated areas, sound, noise, lights and other environmental impacts carry much further of a distance than in an urban area. Because of this, large outdoor events should end at dusk. This would also help prevent accidents caused by attendees (whether they're impaired or not), who are driving on dark often narrow and windy rural roads. For example, the Fallbrook Avocado Festival ends at 5:00 PM to help prevent nighttime accidents caused by drivers unfamiliar with Fallbrook's rural roads.

The maximum number of attendees should be limited to a reasonable number. Will the licensees be required to have special event training for their staff?

How would the odor and other effects of large amounts of secondhand Cannabis smoke be mitigated for surrounding neighbors and businesses?

Outdoor smoking contradicts the smoking-room requirements of The Program.

Temporary events could have significantly negative environmental impacts on rural roads that were not designed to handle large increases in traffic associated with numerous events. Traffic control plans, law enforcement, noise and other requirements/regulations are needed.

Temporary events should not be allowed in communities that do not have sufficient full time ride share services.

In addition to the regulations for Temporary Cannabis Events that are listed in this section, these events should also be subject to all the other regulations that are required for other temporary community events.

No Temporary Events should be allowed on rural roads that do not have multiple routes of egress for emergencies, similar to any MUP requirements as defined in the Fire Code.

21.2537 INSPECTIONS

Inspections should be unannounced and quarterly. There should never be any reduced inspections.

COMPLAINTS

Hiring two extra Code Compliance Officers will not be sufficient. Currently Code Compliance is understaffed and cannot efficiently and effectively handle the complaints they already receive.

Subsequent iterations of the regulatory codes should include weighted comments from Community Planning and Sponsor Groups and the Public who live in the unincorporated areas of San Diego County.

The Industry Oversight Committee should also include representatives from Community Planning Groups and Sponsor Groups.

Changes to the current noise regulations and ordinance need to be revised for this program. While noise levels from Cannabis cultivation may not exceed the maximum decibels, they can still be annoying and disruptive to the peace and tranquility of residents who live adjacent to grows. Further, barking from guard dogs protecting Cannabis grows could not only be disturbing to nearby residents and businesses, but could also be a danger to families, especially children if these dogs get out of their secure areas. Nuisance barking is already a problem in rural communities and the noise regulations do not address this satisfactorily.

COMMENTS ON THE DRAFT ZONING ORDINANCE AMENDMENTS

6129

The number of Temporary Cannabis Events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility of temporary events being held by many different licensees on so many dates throughout the year that local businesses and residents could be unduly disrupted by crowds, traffic, noise, odors and other negative factors.

Event facilities with Major Use Permits or who operate by right should be included in the total limit of 6 times a year for licensees who use these facilities for temporary Cannabis events.

6861 NON-CONFORMING

f) Exemptions

Just like any other business, exterior building modifications or additions should not be exempt from any Design Standards if subject to B Designator.

6995 CANNABIS FACILITIES

f) Performance Standards 1.6.1.4

No generators shall be used except for emergency situations.

g) Activity Specific Standards
2i & 2ii)

Cannabis cultivation setbacks between adjacent parcels, based on residence versus vacant parcel lend themselves to significant issues for both licensee and neighbor if owner of vacant parcel decides to develop adjacent vacant parcel. To avoid these potential issues, it is recommended that all setbacks, independent of adjacent parcel being vacant or developed be set at least 300 ft from the lot line.

2vi.) Given all Cannabis processing must be performed in an enclosed structure, also implies that now odor mitigation must be managed and a new permit with APCD acquired to monitor and enforce such odor mitigation efforts.

SUMMARY and CONCLUSIONS

We note that other municipalities which for years have allowed Cannabis cultivation have found it to be extremely problematic with devastating impacts on their communities. As a result, they are now revising their programs. Because of this, cultivation should be removed from any of the Alternatives until further up to date analyses, reliable studies and information can be obtained.

***** Special attention should be given to a recent “Landmark” Ruling in a Class Action Suit in Carpinteria where the Class prevailed for nuisance odor of “pervasive smell of pot” invading their properties.**

<https://www.independent.com/2025/03/06/landmark-ruling-certifies-a-class-action-against-valley-crest-for-nuisance-odor-in-carpinteria-valley/>

Additionally, we conclude that this Project and the environmental impacts will affect all property owners, residents and businesses in the unincorporated San Diego County. Public notices should have been sent out to all of them, informing them about this Project and the DEIR. Public Notice of this Project and the DEIR was deficient.

We recommend that the DEIR also be revised to include a more thorough and up to date analysis of these topics and their negative environmental impacts on the unincorporated San Diego County Communities:

1. The effects and impacts to our rural roads and infrastructure.
2. The negative effects from impaired drivers who have visited cannabis lounges and temporary events.
3. The negative environmental effects of Cannabis cultivation on utilities, rural aesthetics and surrounding residents and businesses.
4. The negative impacts of outdoor temporary events.
5. The negative environmental effects of Cannabis cultivation odors.
6. Negative effects on other crops.
7. Negative effects on law enforcement, first responders and public services.

FINAL COMMENT

Before proceeding any further, the entirety of the County of San Diego Socially Equitable Cannabis Program and Project should be paused, and be reevaluated based on current comparative program failures and court rulings in other Counties, Cities and States. For example, the idea that legal Cannabis businesses will help prevent illegal Cannabis businesses, appears to be flawed.

ILLEGAL CANNABIS OPERATIONS

The idea that legal cannabis businesses will help prevent illegal cannabis business appears to be flawed. https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

According to NBC News 2022, 70-80% of MJ sold in state-LEGAL dispensaries in Calif was produced and grown ILLEGALLY (SOURCE: <https://learnaboutsam.org/wp-content/uploads/2023/04/2023-Report.pdf>)

Siskiyou County Sheriff, "We have definitive proof of illegal, toxic pot going to a Los Angeles ``dispensary".

<https://www.ganjingworld.com/video/1g8ntrevb523T6Ky2i0Ptv06e1oilc>

OTHER REFERENCES

FEDERAL LAW

Federal law (21 USC § 860) is clear: no alcohol, drugs of ANY kind are to be sold, grown, manufactured, or processed within 1000 feet of a school facility or club.

All setbacks/buffers should be a minimum of 1,000 ft for the protection of residences and businesses.

CARTELS & HUMAN TRAFFICING

https://www.latimes.com/california/story/2023-05-05/california-weed-regulators-confront-human-trafficking?utm_id=96600&sfmc_id=2400471

ECONOMIC VIABILITY- MAY COST MORE TO REGULATE THAN TAX REVENUE

<https://pasoroblesdailynews.com/grand-jury-finds-legal-cannabis-has-not-been-economically-viable-for-slo-county/193704/>

PESTICIDES

<https://www.latimes.com/california/story/2024-12-19/california-weed-cleanup>

GRAND JURY INDICTS 51 IN EAST VILLAGE OPEN AIR DRUG MARKET CRACKDOWN
LOCAL – fox 5 kusi – April 25, 2024

IMPAIRED DRIVERS

<https://fox5sandiego.com/news/local-news/grand-jury-indicts-51-in-east-village-open-air-drug-market-crackdown/> <https://www.forbes.com/sites/dariosabaghi/2025/03/19/nearly-85-of-cannabis-users-drive-the-same-day-they-consume-survey-finds/>



April 9, 2026

SENT VIA EMAIL:

PDS.PlanningCommission@sdcounty.ca.gov

San Diego County Planning Commission
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Support for Socially Equitable Cannabis Program and Requested Revisions to Temporary Cannabis Events

Dear Chair and Members of the Planning Commission:

This Law Office represents licensed cannabis businesses throughout California and specifically within the San Diego region. Since 2014, I've had the pleasure of assisting various types of cannabis businesses obtain licensed and permits throughout the State of California. The purpose of this correspondence is to provide my support for the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events.

After reviewing the PEIR, it's clear that several of the County's proposed Cannabis Event restrictions are far more burdensome than the State's framework. I respectfully urge the Planning Commission to revise the cannabis event regulations as outlined below.

I. Temporary Cannabis Event Restrictions

The proposed County event regulations deviate from State law in several key respects and could be broadened to comply more with common sense. Therefore, respectfully request the following revisions:

Event Locations. The County limits events to *private property* in specified commercial and industrial zones (C35, C36, C37, C38, C40, M50, M52, M54, M56, M58) and prohibits events at cannabis facilities. Restrictions like these will undoubtedly create unnecessary barriers for this industry. State law expressly allows events at county fair venues, district agricultural association events, and any venue approved by a local jurisdiction.¹

¹ 4 CCR § 15601(e)

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The State's only venue prohibition as to where a Temporary Cannabis Event cannot be held at, is a premises licensed for the sale of alcohol or tobacco—not cannabis facilities.² Hosting events at cannabis facilities should be allowed. Cannabis facilities are already subject to rigorous regulatory oversight and are well-suited to host such events.

Furthermore, the County should expand eligible locations to include agricultural zones (consistent with the County's agritourism policies and how wine and farm events are already treated), as well as include County-owned properties such as fairgrounds and community venues, and licensed cannabis facilities that are already subject to rigorous regulatory oversight.

Annual Event Cap. The proposed limit of six (6) events per lot, per year is arbitrary and conflicts with the State's framework. The DCC imposes no annual cap. Instead, the DCC provides the following structure which demonstrates that the State affirmatively contemplates organizers hosting far more than six events annually:

Planned Operations (Number of Operations)	Fee per License
0-5 events annually	\$3,000
6-10 events annually	\$5,000
11-20 events annually	\$9,000
Greater than 20 events annually	\$20,000

The County's proposed cap penalizes organizers who have invested in higher-tier State licenses. I urge the County to eliminate or substantially increase this proposed cap of six (6) events per lot, per year.³

Duration and Hours. The DCC allows Cannabis Events for up to four (4) consecutive operational days with no distinction between event days and setup/breakdown days.⁴ The County's proposal to limit operations to two of the four days effectively cuts the permitted event period in half.

Permitting Process. Requiring discretionary permits for each event creates unnecessary delays. The State already requires applications 60 days in advance⁵, and the State's comprehensive regulations under §§ 15601–15603 address security, sales controls, consumption rules, waste management, and enforcement. A ministerial Zoning Verification Permit for events meeting all County requirements would be more efficient and consistent with the ministerial pathway already proposed for retail, distribution, and small-scale cultivation. The County should adopt the State's full four-day operational window and consider expanding event hours of operation to be more in line with that of a licensed retailer.

Informational Events and Non-Retail Participation. The County should expressly recognize that informational or educational cannabis events with no sales and consumption do not require

² 4 CCR § 15601(f)

³ 4 CCR § 15014(d)

⁴ 4 CCR § 15601(c)

⁵ 4 CCR § 15601(d)

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licensing, consistent with 4 CCR § 15604. The County should also ensure its regulations accommodate non-retail licensee participation in events as authorized under 4 CCR § 15603.1.

III. Conclusion

I respectfully request that the Commission direct staff to: (1) expand eligible locations to include agricultural zones, County-approved properties, and licensed cannabis facilities (2) eliminate or substantially increase the six-event annual cap; (3) extend event duration and hours to match State regulations; (4) adopt a ministerial permitting process for qualifying events; and (5) recognize informational events consistent with State law.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kelly Hayes".

Law Office of Kelly M. Hayes, APC
Kelly M. Hayes, Esq.

From: [Arthur Rodriguez](#)
To: [LUEG_PDS.PlanningCommission](#)
Subject: [External] Public Comment – SECP (Socially Equitable Cannabis Program) – April 10, 2026 – Opposition (Fallbrook)
Date: Saturday, March 28, 2026 7:31:49 AM

Please include this email as a public comment for the April 10, 2026 Planning Commission hearing (SECP).

Dear Planning Commission Members,

I am writing to express strong opposition to the proposed Socially Equitable Cannabis Program (SECP), particularly as it applies to Fallbrook and other unincorporated rural communities.

Fallbrook is predominantly zoned for Rural Residential (RR) and Agricultural (A70 and A72) uses, with only limited commercial corridors. These zoning designations were established to support low-density living, agricultural activity, and a quiet rural lifestyle—not high-traffic retail, distribution, or consumption-based businesses.

The proposed SECP, especially under Program Option A, does not adequately account for how these uses interact within Fallbrook’s unique land-use pattern.

First, the 600-foot buffer from sensitive uses is insufficient in a rural context. In Fallbrook, homes, small farms, and informal community spaces are interspersed across large and irregular parcels. Families with children are not limited to areas formally designated as “sensitive uses.” As a result, a cannabis facility could be located in close proximity to residential properties and family environments while still technically complying with state minimum standards. This creates a gap between regulatory compliance and real-world community impact.

Second, the introduction of cannabis retail, microbusinesses, and especially on-site consumption lounges is incompatible with existing Rural Residential and Agricultural zoning intent. These uses introduce increased traffic, longer dwell times, and commercial activity levels that are more appropriate for urbanized areas—not rural communities with limited infrastructure and enforcement capacity.

Third, there are legitimate concerns regarding property values. Fallbrook attracts residents specifically seeking a rural, low-density environment. The placement of cannabis businesses within or near these zones risks altering buyer perception, reducing desirability, and undermining long-term property investment in the area.

Finally, this program establishes a precedent that will shape future land use decisions. Once cannabis facilities are permitted within agricultural and rural residential zones, it becomes significantly more difficult to limit expansion or prevent similar uses from being introduced. This is not a temporary policy decision—it is a structural shift in how these zones are interpreted and utilized.

I respectfully urge the Planning Commission to:

- Recognize the incompatibility of cannabis retail and consumption uses within RR, A70, and A72 zones

- Reevaluate buffer requirements to reflect actual rural land-use patterns, not just state minimums
- Consider excluding high-impact uses such as retail storefronts and consumption lounges from rural communities like Fallbrook
- Evaluate the potential negative effects on property values and long-term community stability
- Avoid setting a precedent that fundamentally alters the intent of agricultural and rural residential zoning

Fallbrook's character is defined by its rural landscape, low-density development, and family-oriented environment. Policy decisions of this magnitude should reflect and preserve those qualities—not override them.

Respectfully,
Arthur Rodriguez

Planning Commission Hearing

Meeting Time: 04-10-26 09:00

eComments Report

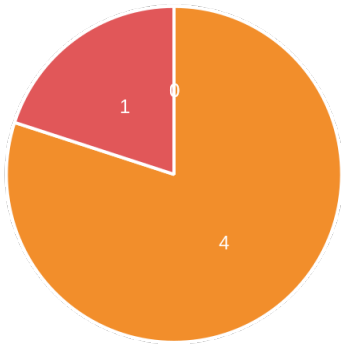
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Planning Commission Hearing	04-10-26 09:00	15	5	0	4	1

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (0%) Oppose (80%) Neutral (20%)
No Response (0%)



Planning Commission Hearing

04-10-26 09:00

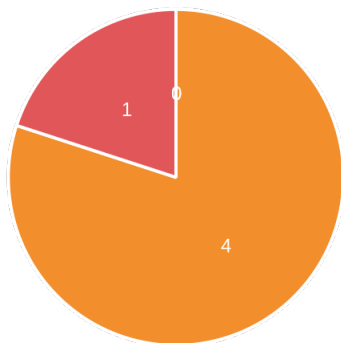
Agenda Name	Comments	Support	Oppose	Neutral
D. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction, but not an item on today's Agenda.	1	0	0	1
1. Socially Equitable Cannabis Program Final Program Environmental Impact Report; PDS2021-POD-21-001, PDS2022-ER-22-00-002; Proposed conformance with California Environmental Quality Act (CEQA) – (D. Elkurdi)	4	0	4	0

Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (0%) Oppose (80%) Neutral (20%)
No Response (0%)

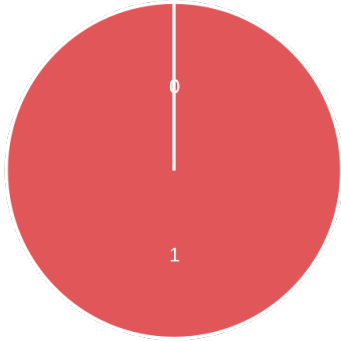


Agenda Item: eComments for D. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction, but not an item on today's Agenda.

Overall Sentiment

Support (0%) Oppose (0%) Neutral (100%)

No Response (0%)



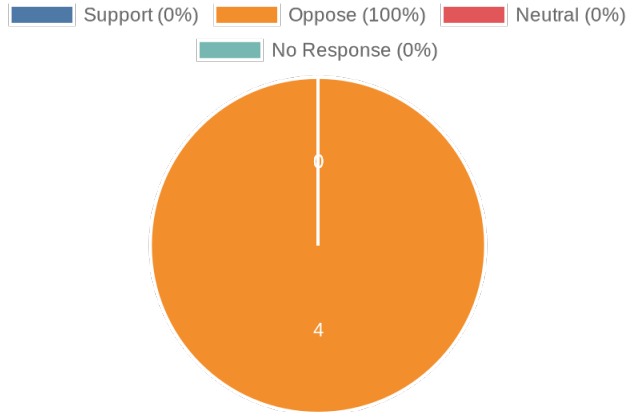
How Howard

Location: 93114, San diego
Submitted At: 3:00pm 03-30-26

How can people rename Ceaser Chavez Holiday, his name on public building (if any). He can't defend himself. Are people taking the word of certain persons about his actions long ago. Think of the children involved his family

Agenda Item: eComments for 1. Socially Equitable Cannabis Program Final Program Environmental Impact Report; PDS2021-POD-21-001, PDS2022-ER-22-00-002; Proposed conformance with California Environmental Quality Act (CEQA) – (D. Elkurdi)

Overall Sentiment



J Taylor

Location: 92004, Borrego Springs
Submitted At: 8:02am 04-09-26

I'm against it for the following reasons: Cannabis dispensaries have to be well lit all night for security. Borrego Springs is a dark sky community. Cannabis dispensaries require 24 hour security because they attract thieves. Cannabis is a gateway drug which leads to drug addiction. Cannabis causes psychosis in young adults. Driving while "high" on cannabis in Borrego Springs would be extremely dangerous. Banner Grade and Montezuma road are curvy, narrow and steep. It is proven that cannabis users can't negotiate carved roads. Cannabis cultivation requires water which is limited in Borrego Springs. Water in Borrego Springs is controlled by statewide water adjudication. Cannabis cultivation smells like dead skunks. Borrego Springs residents and wildlife would suffer from the well-known stench. Cannabis is an invasive species that could impact the fragile, sensitive wild flower blooms, native habitat. State law requires cities to vote on Cannabis in their town.

Lynne Malinowski

Location: 92028, Fallbrook
Submitted At: 3:37pm 04-08-26

As a resident of the unincorporated area of the County, with our 500,000+ population whose planning and sponsor groups oppose this program as approved by the BoS at their January meeting, I also am opposed. We live and have agricultural businesses where the impacts of this program will be harshly felt. The problems cited in other California jurisdictions will be replicated here. Despite being fairly warned, the 3 supervisors who do not represent the vast unincorporated County made the decision to vote against our interests, and truthfully, that of the County itself. Please reverse this path towards the least restrictive options for this program. Save the County money it doesn't have, save our lifestyles and businesses.

TheHonorableEve Nasby

Location: 91935, JAMUL

Submitted At: 9:58pm 04-07-26

My opposition to the SECP is based on documented environmental, public health, and safety concerns specific to rural Jamul. We rely on private wells. Cannabis cultivation peaks in water demand when groundwater recharge is lowest. The SECP's Environmental Impact Report includes no Jamul-specific hydrological analysis—a material omission for a community dependent on a limited aquifer. A 2023 study of 6.9 million individuals found up to 30% of schizophrenia cases among young men attributable to cannabis use. The SECP includes no analysis of rural mental health capacity to absorb increased demand. Legalization has not eliminated illegal cultivation in rural Ca. Our limited law enforcement leaves us vulnerable to water theft, unregulated pesticide use, and criminal activity. Reject Program Option A. Require hydrological studies, expanded buffers, and prohibitions on outdoor cultivation, consumption lounges, and assessments of enforcement and public health capacity before permit approval

Elenor Thompson

Location: 92024, Encinitas

Submitted At: 7:43am 04-04-26

Please do not allow the Socially Equitable Cannabis Program to advance. This problematic program has no place in SD County's unincorporated areas; the residents and county Sponsor Groups have spoken out against it; and it poses significant and unsurmountable public safety hazards for the public and our public safety officers (Sheriff, fire, ambulances). In Borrego Springs, we have CA state water adjudication, so cannabis cultivation should be banned, not allowed. There is not water for this!!! Plus, we are a remote, dark sky protected community. County Supervisors should be focused on other forms of economic development for this small group of people they are seeking to employ, and focus on reducing the size of government, not adding more ridiculous and destructive programs of this kind. Do not support the EIR. P.S. Have Sabellico recuse himself for his puppetry supporting this, made evident at his Oct. 17, 2025 appointment (Hour 1:30)

FALLBROOK COMMUNITY PLANNING GROUP

P. O. Box 1419
Fallbrook, CA 92088

Open Letter to the San Diego County Board of Supervisors

Terra Lawson- Remer District 3/Chair
Monica Montgomery Steppe- District 4/Vice Chair
Paloma Aguirre, District 1/Chair ProTem
Joel Anderson, District 2
Jim Desmond, District 5

March 16 2026

There are over 500,000 residents in the County's unincorporated areas. County Planning Groups are elected by those residents to represent them and advise the County on land use issues. Sponsor Groups are appointed for the same purpose. So it was shocking when the will of these residents was completely ignored at the January 14, 2026 meeting of the Board of Supervisors.

At this meeting the Socially Equitable Cannabis Program was presented to the Supervisors by Staff for their direction on three options in the Draft Environmental Report (DEIR). There was also a fourth option which was to discontinue the Program.

Planning and Sponsor Groups have consistently voiced opposition to this Program, which is being forced on all of the unincorporated areas in the County of San Diego.

This program would give those who have convictions and were affected by the war on drugs preferential treatment and grants to start cannabis businesses in the unincorporated areas. It would allow outdoor cultivation, labs, dispensaries, consumption lounges, events and other cannabis related businesses in the entire unincorporated San Diego County.

During lengthy public testimony, documented safety, health and environmental impacts were presented based on CEQA and the County's own DEIR. The purpose of CEQA is to prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures.

None the less, the majority of Supervisors not only directed Staff to develop the option that according to their own Draft Environmental Impact Report would have the most environmental impacts, but disregarded the overwhelming opposition to this Program from the residents who will suffer the environmental and safety impacts that this Program will bring.

To be clear, the opposition is not about marijuana itself. It is not about using marijuana. This is legal in the state of California. Most of the Planning Groups are not opposed to dispensaries. This is about two separate issues. 1. Equity for those affected by the war on drugs and 2. Land use and the negative environmental impacts on the residents who live in some of the most beautiful land in our State. Land use and the negative impacts are our concerns.

The opposition is about the land use issues which would allow outdoor marijuana grows; large commercial cultivation close to residential areas. The extremely harmful environmental impacts have been documented in other regions which have legalized cannabis cultivation. It is also about the potential rise in crime, health and safety issues that have also been well documented, as well as the dangers that consumption lounges and events (impaired drivers) will bring to the rural and semi rural towns.

Planning Groups supported a reasonable alternative that would only allow indoor cultivation to help environmental and health concerns; greater buffers/setbacks with more sensitive locations like parks, trails and churches. It would remove the consumption lounges and events which are the most damaging to public safety (impaired drivers). Incredibly, the majority of Supervisors completely ignored this alternative. This reasonable compromise would substantially lessen the programs land use and safety impacts and would meet most of the basic program's objectives.

However, it appeared that the majority of Supervisors had already made their decision and their only concern was for those affected by the war on drugs, not the residents who live in the areas that will be affected.

Supervisors, there is still time to revise your direction and establish your goal of a Socially Equitable Cannabis Program. We are not being unreasonable. We are simply asking for more environmental and public health and safety guardrails to protect the half a million residents, especially the most vulnerable children and seniors who live in the beautiful unincorporated San Diego County.

Respectfully,

Fallbrook Community Planning Group
Fallbrookplanninggroup@gmail.com
www.fallbrookplanninggroup.org

From: [JIM MENDELSON](#)
To: [LUEG, PDS.PlanningCommission](#)
Subject: [External] E-Comment for the April 10, 2026 SECP Agenda Item
Date: Monday, April 6, 2026 6:36:40 PM

Dear San Diego Community Planning Commission,

I am a resident of a SD County Unincorporated Area. I am aware you have been tasked by the SD County BOS to provide a recommendation on the proposed SECP.

From the outset in 2021 I have been clearly opposed to this action which appears to be clearly based on capital considerations:

- 1) Money from taxes and fees - which does not appear to be a profitable reality in other jurisdictions/states where recreational marijuana use has been legalized; and
- 2) Political capital from using social equity (in place of meritocracy) for preferential treatment in licensing of those who have been affected by the war on drugs - the criminalization of marijuana. On close analysis, this goes well beyond individuals penalized for infractions/misdemeanors for simple possession to also favor felons convicted of moral turpitude crimes of marijuana sales, transportation, furnishing to minors, etc.. Do we really want to license former state prisoners for these key positions of responsibility, or is this an attempt to garner potential votes in place of common sense?

It appears that all are taking a blind eye to the clearly established evidence of the psychotic impacts of cannabis usage; as well as ignoring the environmental and safety impacts that will be fostered on our unincorporated communities. What other benefit to these 50,00 residents is there other than those who elect to use marijuana products will have them more accessible than their nearest *In & Out*?

I emphatically urge you to listen and not ignore the Community Planning Groups from each of the affected unincorporated communities. In the strongest possible terms I ask you to recommend the County BOS not certify the PEIR finding and adopt Alternative 1 (no project).

If you do not consider the welfare and best interests of the residents concerned, as described by the local Community Planning Groups in lieu of the politics involved and take this course of action, I ask that you recommend the adoption of Program Option C in lieu of Option A.

Thank you for allowing me to submit my input.

R/

Jim Mendelson

Fallbrook Resident
PO Box 1030
Fallbrook 92088
949.210.9967

From: [Peggy Brown](#)
To: [LUEG, PDS.PlanningCommission](#)
Subject: [External] Cannabis in Unincorporated SD County
Date: Thursday, April 2, 2026 5:03:24 PM

San Diego County Planning Commission:

I live in Fallbrook, and have concerns about the broad range of cannabis operations you seem poised to impose on us. I know that our Planning Group spent many many volunteer hours trying to fine-tune a proposal which would accommodate the reality of voter-approved legal cannabis while also protecting our environment, children, safety and peaceful enjoyment of our homes.

Sadly, the fruits of their labor were tossed to the side as the Board of Supervisors majority considered only their favored community: those previously convicted of drug use violations.

No one wants to deny former offenders a second chance. But we fear that the extensive opportunities that cannabis might provide to those few will be environmentally damaging through water quality and soil erosion and will pollute the air we breathe. Our unincorporated areas do not have the resources to deal with increased crime which could result.

Another unintended result could easily be an attracting of farm labor away from food production to this higher-priced product. Fresh local food will move further out of reach as costs continue to escalate in San Diego County.

My request is that the work of the Planning Groups be taken seriously, actually read and considered, for the sake of all of us living in the unincorporated areas.

Thank you,

Peggy M. Brown

From: [Lianne Lange](#)
To: [LUEG, PDS.PlanningCommission](#)
Subject: Re: [External] Cannabis
Date: Tuesday, April 7, 2026 10:53:33 AM

On Tue, Apr 7, 2026 at 10:52 AM Lianne Lange <liannela23@gmail.com> wrote:

Thank you for response. I would love for you to pass on my views which is spelled out below

Many thanks

Lianne Lange

To: Valley Center Board of Supervisors / Planning Group

From: Lianne Lange

Date: 7th April 2026

Subject: Strong Opposition to Proposed Cannabis Cultivation in Valley Center

Dear Members of the Board and Planning Group,

I am writing to express my vehement opposition to the establishment of cannabis farming within the unincorporated community of Valley Center. As a resident who moved here specifically for the rural lifestyle and peaceful atmosphere, I believe that introducing industrial-scale cannabis cultivation is not "progress" for our society, but rather a direct threat to the health, safety, and character of our town.

My opposition is based on several critical concerns that directly impact our quality of life:

- **Public Health and Air Quality:** Cannabis cultivation is known to emit biogenic volatile organic compounds (BVOCs) and strong odors that can significantly degrade local air quality. For residents suffering from asthma and other respiratory conditions, these emissions and potential airborne allergens like cannabis dust and mold spores present a genuine health risk.
- **Crime and Public Safety:** The high value of cannabis crops makes these facilities targets for criminal activity, including theft, burglary, and even violent crime. There is significant concern that such operations will attract an element that is incompatible with a family-oriented rural community, increasing the burden on our local law enforcement.
- **Impact on Property Values:** While some studies suggest commercial land values might rise for investors, the presence of large-scale grows can negatively impact residential property values due to nuisances like odor, increased traffic, and perceived safety risks. Many neighbors fear being "priced out" or seeing their most significant investment devalued by industrial operations next door.
- **Preserving our Rural Identity:** People move to Valley Center to escape industrial and urban congestion. Large-scale cultivation—often involving high-intensity lighting, security fencing, and heavy water usage (up to 6 gallons per plant daily)—destroys the "backcountry" feeling we have worked so hard to preserve.

The residents of Valley Center have repeatedly voiced their desire to keep our community free of this industry. I urge you to listen to these voices and reject any

proposals for cannabis farming that would compromise our environment and the future of our families.

Sincerely

Lianne Lange

Contact: liannela23@gmail.com

Phone: 858-220-1735

On Tue, Apr 7, 2026 at 9:41 AM LUEG, PDS.PlanningCommission
<PDS.PlanningCommission@sdcounty.ca.gov> wrote:

Good afternoon,

Thank you for your comment. For ways to voice your opinion or participate in the upcoming hearing for April 10th, please view the attached participation instructions! You can also email your opinion/comments to this email, and I will forward them to staff and the Commission on your behalf.

Georgina Gaines, Planning Commission Secretary
Planning & Development Services
O: (858)505-6445 |C: (619) 517-4193
SanDiegoCounty.gov | News Updates | Engage

-----Original Message-----

From: Lianne Lange <liannela23@gmail.com>

Sent: Sunday, April 5, 2026 8:39 AM

To: LUEG, PDS.PlanningCommission <PDS.PlanningCommission@sdcounty.ca.gov>

Subject: [External] Cannabis

I want my vote to count AGAINST any cannabis farming in Valkey Center. How do I go about making my vote count ?

Lianne Lange

Sent from my iPhone

From: [steve](#)
To: [LUEG, PDS.PlanningCommission](#)
Cc: [STEVE BROWN](#)
Subject: [External] Cannabis Proposal
Date: Thursday, April 2, 2026 1:48:26 PM

My name is Stephen Brown. I am a resident of Fallbrook and I am an elected member of the Fallbrook Community Planning Group. I am contacting you regarding the cannabis program proposed for the unincorporated areas of San Diego. Members of the Fallbrook Community Planning group spent months if not years carefully reviewing the cannabis proposal directed by the BOS and carefully drafted modifications to the proposal to protect public safety, be environmentally sound, and minimize negative impact on the community. It appears that the BOS totally ignored the constructive recommendations made by the group. The Fallbrook Planning Group historically has tried to work with PDS and tyhe BOS to seek compromise rather than categorically object to projects under consideration. We would ask the same of the PDS and the BOS. I am personally very opposed to any accommodation for previous violators the laws in place at the time. It is like someone getting absolved and rewarded for having gotten a speeding ticket when the speed limits were educed to 55 mph because the law has changed and the speed limit is now 65mph. The fact is that the law that existed was violated and people were punishe3d accordingly. I respectfully request that you review the recommendations submitted by the Fallbrook Community Planning Group and consider adopting them in recognition of the desires of the affected communities and their voting constituents.

Stephen Brown



Valley Center Community Planning Group

P.O. Box 127
Valley Center, CA 92082

Dori Rattray - Chair
Seat 3

drattray524@aol.com

Lisa Adams - Vice Chair
Seat 6

lisa.adams.valleycenterca@gmail.com

James Garritson - Secretary
Seat 12

vc@garritson.com

Chris Barber
Seat 11

chris.barber1959@gmail.com

Michelle Bothof
Seat 1

busybrunette@protonmail.com

Vlad Ciupitu
Seat 8

vc Ciupitu@gmail.com

Susan Fajardo
Seat 14

sfajardo247@gmail.com

Delores Chavez Harnes
Seat 5

dee.valleycenter@gmail.com

Mary Hodson
Seat 13

mhodsonvalleycenter@gmail.com

Steve Hutchinson
Seat 2

hutchisonsm@gmail.com

Karen Lieber
Seat 7

klieber.vccpg@gmail.com

Bob Littlejohn
Seat 9

robert.g.littlejohn@gmail.com

Dr. Matt Matthews
Seat 4

LaVonne Norwood
Seat 10

lavonnenorwood@gmail.com

Tom Stinson
Seat 15

tomjstinson51@gmail.com

March 23, 2026

To The San Diego County Board of Supervisors
Terra Lawson- Remer District 3/Chair
Monica Montgomery Steppe- District 4/Vice Chair
Paloma Aguirre, District 1/Chair ProTem
Joel Anderson, District 2
Jim Desmond, District 5

Dear San Diego County Board of Supervisors,

There are over **500,000** residents in the County's unincorporated areas. County Planning Groups are elected by those residents to represent them and advise the County on land use issues. Sponsor Groups are appointed for the same purpose. So it was shocking when the will of these residents was completely ignored at the January 14, 2026 meeting of the Board of Supervisors.

At this meeting the Socially Equitable Cannabis Program was presented to the Supervisors by Staff for their direction on three options in the Draft Environmental Report (DEIR). There was also a fourth option which was to discontinue the Program.

Planning and Sponsor Groups have consistently voiced opposition to this Program, which is being forced on all of the unincorporated areas in the County of San Diego.

This program would give those who have convictions and were affected by the war on drugs preferential treatment and grants to start cannabis businesses in the unincorporated areas. It would allow outdoor cultivation, labs, dispensaries, consumption lounges, events and other cannabis related businesses in the entire unincorporated San Diego County.

During lengthy public testimony, documented safety, health and environmental impacts were presented based on CEQA and the County's own DEIR. The purpose of CEQA is to prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures.

None the less, the majority of Supervisors not only directed Staff to develop the option that according to their own Environmental Impact Report would have the most environmental impacts, but disregarded the overwhelming opposition to this Program from the residents who will suffer the environmental and safety impacts that this Program will bring.

Continued on page two



Valley Center Community Planning Group

P.O. Box 127
Valley Center, CA 92082

March 23, 2026

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Seat 15

tomjstinson51@gmail.com

Continued from page one:

To be clear, the opposition is not about marijuana itself. It is not about using marijuana. This is legal in the state of California. Most of the Planning Groups are not opposed to dispensaries.

This is about two separate issues. 1. Equity for those affected by the war on drugs and 2. Land use and the negative environmental impacts on the residents who live in some of the most beautiful land in our State.

The opposition is about the land use issues which would allow marijuana grows; large commercial cultivation close to residential areas. The extremely harmful environmental impacts have been documented in other regions which have legalized cannabis cultivation. It is also about the potential rise in crime, health and safety issues that have also been well documented, as well as the dangers that consumption lounges and events (impaired drivers) will bring to the rural and semi rural towns.

Planning Groups supported a reasonable alternative that would only allow indoor cultivation to help environmental and health concerns; greater buffers/setbacks with more sensitive locations like parks, trails and churches. It would remove the consumption lounges and events which are the most damaging to public safety (impaired drivers). Incredibly, the majority of Supervisors completely ignored this alternative.

It appeared that these three Supervisors had already made their decision and their only concern was for those affected by the war on drugs, not the residents who live in the areas that will be affected.

Supervisors, there is still time to revise your direction and establish your goal of a Socially Equitable Cannabis Program. We are not being unreasonable. We are simply asking for more environmental and public health and safety guardrails to protect the half a million residents, especially the most vulnerable children and seniors who live in the beautiful unincorporated San Diego County.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dori Rattray', written in a cursive style.

Dori Rattray - Chair
Valley Center Community Planning Group

Planning Commission Hearing

Meeting Time: 04-10-26 09:00

eComments Report

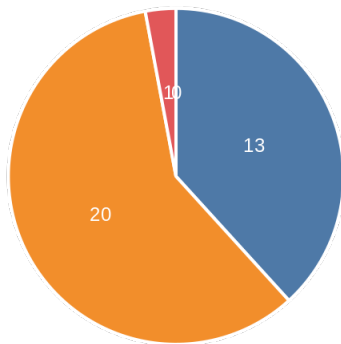
Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Planning Commission Hearing	04-10-26 09:00	15	34	13	20	1

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Support (38%) Oppose (58%) Neutral (2%)
No Response (0%)



Planning Commission Hearing

04-10-26 09:00

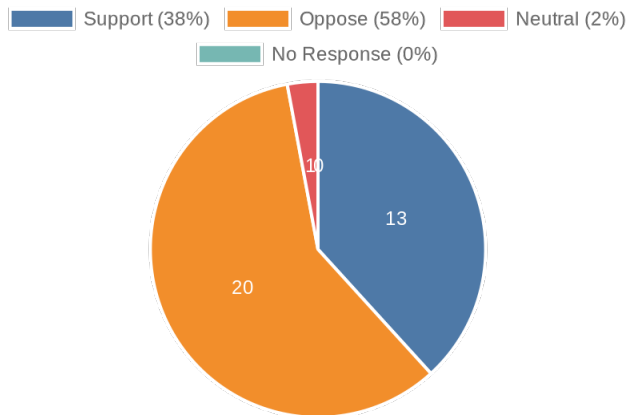
Public Correspondence

Agenda Name	Comments	Support	Oppose	Neutral
D. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction, but not an item on today's Agenda.	1	0	0	1
1. Socially Equitable Cannabis Program Final Program Environmental Impact Report; PDS2021-POD-21-001, PDS2022-ER-22-00-002; Proposed conformance with California Environmental Quality Act (CEQA) – (D. Elkurdi)	33	13	20	0

Sentiments for All Agenda Items

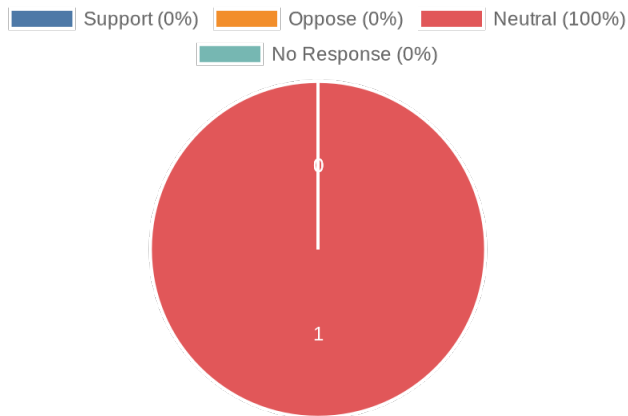
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for D. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction, but not an item on today's Agenda.

Overall Sentiment



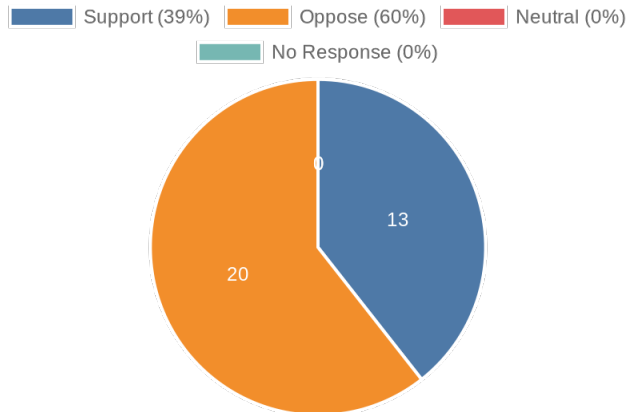
How Howard

Location: 93114, San diego
Submitted At: 3:00pm 03-30-26

How can people rename Ceaser Chavez Holiday, his name on public building (if any). He can't defend himself. Are people taking the word of certain persons about his actions long ago. Think of the children involved his family

Agenda Item: eComments for 1. Socially Equitable Cannabis Program Final Program Environmental Impact Report; PDS2021-POD-21-001, PDS2022-ER-22-00-002; Proposed conformance with California Environmental Quality Act (CEQA) – (D. Elkurdi)

Overall Sentiment



Leilani Francisco

Location: 91913, chula vista
Submitted At: 7:41am 04-10-26

My family and I have been lifetime residents of San Diego county and we are in favor SEC. I support the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events. Specifically, the Planning Commission should direct staff to:

- (1) expand eligible locations to include agricultural zones, County properties, and licensed cannabis facilities;
- (2) eliminate or substantially increase the six-event annual cap;
- (3) extend event duration and hours to match State regulations;
- (4) adopt a ministerial permitting process for qualifying events; and
- (5) recognize informational events consistent with State law.

These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

Jael Francisco

Location: 91913, Chula Vista
Submitted At: 7:37am 04-10-26

My family and I have been lifetime residents of San Diego county and we are in favor SEC. I support the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events. Specifically, the Planning Commission should direct staff to:

- (1) expand eligible locations to include agricultural zones, County properties, and licensed cannabis facilities;
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Andrea Thompson

Location: 92028, Fallbrook
Submitted At: 7:15am 04-10-26

The existing 5 cannabis facilities are sufficient for the County. The unincorporated areas don't have infrastructure or services for cannabis expansion. It will strain the rural areas. Impaired driving on winding roads - no ride share services. Cultivation in rural neighborhoods will destroy the character and the smell alone will decrease property values, really hurting the people who already live here. Other jurisdictions have been devastated by similar programs. County needs to learn from others mistakes and SAY NO to harming our beautiful unincorporated area and it's 500,000 residents

Jose Alvarez

Location: 92102, San Diego
Submitted At: 3:10am 04-10-26

I support the Socially Equitable Cannabis Program. I also request the Commission direct staff to revise the Regulatory Code for Temporary Cannabis Events. Specifically, I ask the County to: (1) expand event locations to include Agricultural Zones and other properties the County approves as permissible; (2) allow events at licensed cannabis facilities, which are already subject to rigorous regulatory oversight and well-suited to host events; and (3) expand the number of events allowed per calendar year and operational days per event to align with the State's regulatory framework and support economic viability of cannabis events in San Diego County. These revisions would strengthen the program, create greater opportunities for local businesses and communities, and bring the County's regulations into closer alignment with the Department of Cannabis Control's framework. Cannabis has been proven to be a net positive to health, that is fact. Thank you for your consideration.

Greg Doud

Location: 92028, Fallbrook
Submitted At: 11:24pm 04-09-26

The SECP process has been a disappointing endeavor for the unincorporated communities, who in good faith and effort, have put forth countless and meaningful/fair suggestions and supporting data about the programs definitions which have seem to been ignored in favor of the financial beneficiaries. Data from similar programs in California that face significant financial, environmental and legal challenges failed to persuade our BOS. The FEIR explicitly identifies Option 4 as the superior alternative. Yet, the BOS voted to advance Option A based on policy objectives for social equity and market access. The BOS is sacrificing unincorporated residents quality of life. How can any future effort put forth by the county that requests community input be taken seriously if our voices are simply ignored. Do the right thing, and show that real considerations and evaluation of ALL feedback is taken into consideration when you make your recommendation to the Board.

Theresa PolettoDerry

Location: 92028
Submitted At: 10:37pm 04-09-26

I am totally opposed to allowing cannabis growers in unincorporated areas of San Diego County. Don't ruin rural communities with an industry that is incompatible with our cultural standards.

Sarah Anaraki

Location:
Submitted At: 10:10pm 04-09-26

I support the measure. It will help cannabis users, safe access instead of having to drive to other neighborhoods it would also give tax money to the needed areas.

Barbara Gordon

Location:
Submitted At: 9:07pm 04-09-26

I am opposed to the Socially Equitable Cannabis Program. The impacts of more marijuana in the back country will be significant. Marijuana growers use pesticides and fertilizers that contaminate soil and drain water resources. Cultivation and processing of marijuana generate significant order and waste. I urge you to listen to the planning groups and the community who are not asking for nor do they want more marijuana businesses.

Carol Shrider

Location: 92028, Fallbrook
Submitted At: 8:57pm 04-09-26

I oppose cannabis growers in the unincorporated area of San Diego County in and around Fallbrook. It would be totally inconsistent with our rural & residential community.

Orolie Gubser

Location: 92028, Fallbrook
Submitted At: 8:40pm 04-09-26

I oppose the growing of cannibus in the rural area of Fallbrook

Kelly McCormick

Location:
Submitted At: 7:51pm 04-09-26

As a public health educator and youth mentor, I urge you to give weight to planning groups in the unincorporated areas that have voted to oppose this measure. As representatives of their communities, their voices should matter. Land use choices can have profound consequences on community safety, health, and culture.

Madison Rapp

Location:
Submitted At: 7:49pm 04-09-26

I am against the Socially Equitable Cannabis Program. We have to look at the real-world outcomes. In states like Colorado, Oregon, and here in California, expanding cannabis licensing has not eliminated illegal markets—it has often expanded them. That means more problems, not fewer. In unincorporated areas like Fallbrook, the impacts are especially concerning: strain on limited law enforcement and emergency services, increased impaired driving on rural roads without rideshare options, and serious environmental risks to groundwater and watersheds. Our rural zoning and infrastructure were never designed to support this kind of industry, and the consequences will not stay contained—they will affect neighboring communities as well. I urge you to reject this and prioritize the long-term health, safety, and character of our communities.

Kathy Giovannetti

Location: 92028, Fallbrook
Submitted At: 7:47pm 04-09-26

This is a no-go for me and my friends and family. We need to be firm on what is right, not cave to the whims of those who want choice, even when it's wrong. NO!

Young Milton

Location: 92028
Submitted At: 7:06pm 04-09-26

I oppose the SECP proposal and related amendments. Evidence from other jurisdictions indicates cannabis expansion rarely eliminates illicit markets and instead often heightens public safety risks, especially in rural settings with limited infrastructure. Impacts include greater road dangers, strained emergency services, enforcement burdens, and localized nuisances/violence—without proportional benefits in many cases.

Cheryl Hurley

Location: 92028, Fallbrook
Submitted At: 6:36pm 04-09-26

The existing 5 cannabis facilities are sufficient for the County. the unincorporated areas don't have infrastructure or services for cannabis expansion. It will strain the rural areas. Impaired driving on winding roads- no ride share services. Cultivation in rural neighborhoods will destroy the character. Other jurisdictions have been devastated by similar programs. County needs to learn from others mistakes and SAY NO to harming our beautiful

unincorporated area and it's 500,000 residents

Public Correspondence

Lori Hunt

Location: 92061, Pauma Valley
Submitted At: 6:20pm 04-09-26

Honorable Planning Commissioners:

I oppose the SECP proposal and related amendments.

I understand a cannabis project is being proposed in Valley Center, and these amendments could make that possible. With my background in city management and community development, along with eight years volunteering at a drug coalition and currently substitute teaching in local schools, I strongly believe this type of project is not appropriate for our rural northern San Diego County communities.

While I recognize the need for county revenue, these amendments could open the door to projects that create extenuating circumstances such as strain small water and sewer district systems, increase public safety needs and concerns, and negatively impact precious public and essential services.

Rural families and children deserve thoughtful protection. PLEASE

Please vote no on the SECP amendments.

Hung Tran

Location:
Submitted At: 6:03pm 04-09-26

My family and I have been lifetime residents of San Diego county and we are in favor SEC. I support the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events. Specifically, the Planning Commission should direct staff to:

- (1) expand eligible locations to include agricultural zones, County properties, and licensed cannabis facilities;
- (2) eliminate or substantially increase the six-event annual cap;
- (3) extend event duration and hours to match State regulations;
- (4) adopt a ministerial permitting process for qualifying events; and
- (5) recognize informational events consistent with State law.

These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

Ann Riddle

Location: 92106, San Diego
Submitted At: 5:44pm 04-09-26

As a home owner in unincorporated SD County, I oppose County's Socially Equitable Cannabis Program. Our Planning Groups do not want them. Only the out of town 'addiction for profit' pot businesses will benefit, the young adults and families that live out here, will not . Pot products are primarily highly concentrated THC items that created hallucinatory and intoxicated experiences. Why would we normalize that existence for our residents. Why would we want to spend precious County funds on something else that is smoked or vaped or dabbed, creating poor health outcomes. Is this County about good health or favoring and underwriting a business that brings poor health outcomes.

Lori Francisco

Location: 92126, San Diego
Submitted At: 4:53pm 04-09-26

My family and I have been lifetime residents of San Diego county and we are in favor SEC. I support the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events. Specifically, the Planning Commission should direct staff to:

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These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

Melissa Caruso

Location: 92126, San Diego
Submitted At: 4:38pm 04-09-26

Use this

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These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

Chris Warner

Location: 92110
Submitted At: 4:28pm 04-09-26

I support the Socially Equitable Cannabis Program and encourage the Planning Commission to support staff's recommendations. I also request the Commission direct staff to revise the Regulatory Code for Temporary Cannabis Events. Specifically, I ask the County to: (1) expand event locations to include Agricultural Zones and other properties the County approves as permissible; (2) allow events at licensed cannabis facilities, which are already subject to rigorous regulatory oversight and well-suited to host events; and (3) expand the number of events allowed per calendar year and operational days per event to align with the State's regulatory framework and support economic viability of cannabis events in San Diego County. These revisions would strengthen the program, create greater opportunities for local businesses and communities, and bring the County's regulations into closer alignment with the Department of Cannabis Control's framework. Thank you for your consideration.

kathie morris

Location:
Submitted At: 4:14pm 04-09-26

We are in opposition of the SECP. To many unknown, understudied variables for small unincorporated areas to handle. Such as : Crime, lights, smell, water use, noise, emergency personal in the event of an emergency, extra cars/trucks on our roads, etc. Please take into consideration your local elected officials who have done extensive research and agree that this will not be feasible for our town. At the very minimum halt this from moving forward until further studies can be done.

Trevor L

Location: 92114, San Diego
Submitted At: 3:53pm 04-09-26

The proposed Socially Equitable Cannabis Program is a smart and balanced step forward for San Diego County, especially with the level of review required under the California Environmental Quality Act. It creates a clear, regulated path for cannabis businesses, which helps reduce illegal operations that often cause more environmental damage and operate without oversight. At the same time, it puts real protections in place for things like water use, air quality, and neighborhood safety. What makes this program especially important is its focus on social equity—giving people who were disproportionately affected by past cannabis laws a fair chance to participate in the legal market. Overall, it's a practical approach that supports local economic growth while still taking environmental and community concerns seriously.

Stephani Baxter

Location: 92028, Fallbrook
Submitted At: 3:47pm 04-09-26

Halt advancement of the SECP in its current form. The County's recent direction disregards over five years of thorough research and public input from Community Sponsor Planning Groups, undermining the integrity of the public process. Evidence from other jurisdictions shows cannabis expansion often fails to eliminate illicit markets and instead brings increased environmental harm, public safety risks, and strain on already limited rural infrastructure, EMS, law enforcement and Code Compliance. In unincorporated areas, these impacts—including odor, noise nuisances, pollution, threats to groundwater, increased impaired driving on rural roads, and incompatibility with A70 and A72 zoning—would irreversibly damage community character, economy and resources. At minimum, this program should be PAUSED to allow for a transparent, data-driven reassessment that meaningfully incorporates community input before moving forward.

Katie Poponyak

Location: 92024, Encintas
Submitted At: 3:07pm 04-09-26

I have worked in the far reaches of the unincorporated parts of San Diego County visiting group homes and foster youth. The residents of all of those communities Planning Groups have told the Supervisors they do not want marijuana businesses or farms. They don't want the smell, the crime, water hoarded or the intoxicated drivers on their narrow twisty roads. The only folks pushing this are trying to make a quick buck and taking advantage of a community that they do not live in.

Joshua Caruso

Location: 92126, San Diego
Submitted At: 2:56pm 04-09-26

I support the Socially Equitable Cannabis Program and encourage the Planning Commission to support staff's recommendations. I also request the Commission direct staff to revise the Regulatory Code for Temporary Cannabis Events. Specifically, I ask the County to: (1) expand event locations to include Agricultural Zones and other properties the County approves as permissible; (2) allow events at licensed cannabis facilities, which are already subject to rigorous regulatory oversight and well-suited to host events; and (3) expand the number of events allowed per calendar year and operational days per event to align with the State's regulatory framework and support economic viability of cannabis events in San Diego County. These revisions would strengthen the program, create greater opportunities for local businesses and communities, and bring the County's regulations into closer alignment with the Department of Cannabis Control's framework. Thank you for your consideration.

Gregory Goodwin

Location:
Submitted At: 2:15pm 04-09-26

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These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

Barry Herzberg

Location: 92116, San Diego
Submitted At: 1:22pm 04-09-26

I support the Socially Equitable Cannabis Program and encourage the Planning Commission to support staff's recommendations. I also request the Commission direct staff to revise the Regulatory Code for Temporary Cannabis Events. Specifically, I ask the County to: (1) expand event locations to include Agricultural Zones and other properties the County approves as permissible; (2) allow events at licensed cannabis facilities, which are

already subject to rigorous regulatory oversight and well-suited to host events; and (3) expand the number of events allowed per calendar year and operational days per event to align with the State's regulatory framework and support economic viability of cannabis events in San Diego County. These revisions would strengthen the program, create greater opportunities for local businesses and communities, and bring the County's regulations into closer alignment with the Department of Cannabis Control's framework. Thank you for your consideration.

Kelly Hayes

Location: 92103, San Diego
Submitted At: 12:50pm 04-09-26

As a licensed attorney, I've worked with many cannabis businesses throughout California but specifically within the San Diego Region. I support the County's Socially Equitable Cannabis Program and request further revisions be made to the County's Ordinance related to Temporary Cannabis Events. Specifically, the Planning Commission should direct staff to:

- (1) expand eligible locations to include agricultural zones, County properties, and licensed cannabis facilities;
- (2) eliminate or substantially increase the six-event annual cap;
- (3) extend event duration and hours to match State regulations;
- (4) adopt a ministerial permitting process for qualifying events; and
- (5) recognize informational events consistent with State law.

These revisions would strengthen the program, lower barriers to entry, and bring the County into alignment with the State's comprehensive regulatory framework. Thank you for your time and consideration.

J Taylor

Location: 92004, Borrego Springs
Submitted At: 8:02am 04-09-26

I'm against it for the following reasons: Cannabis dispensaries have to be well lit all night for security. Borrego Springs is a dark sky community.

Cannabis dispensaries require 24 hour security because they attract thieves.

Cannabis is a gateway drug which leads to drug addiction.

Cannabis causes psychosis in young adults.

Driving while "high" on cannabis in Borrego Springs would be extremely dangerous. Banner Grade and Montezuma road are curvy, narrow and steep. It is proven that cannabis users can't negotiate carved roads.

Cannabis cultivation requires water which is limited in Borrego Springs. Water in Borrego Springs is controlled by statewide water adjudication.

Cannabis cultivation smells like dead skunks. Borrego Springs residents and wildlife would suffer from the well-known stench.

Cannabis is an invasive species that could impact the fragile, sensitive wild flower blooms, native habitat.

State law requires cities to vote on Cannabis in their town.

Lynne Malinowski

Location: 92028, Fallbrook
Submitted At: 3:37pm 04-08-26

As a resident of the unincorporated area of the County, with our 500,000+ population whose planning and sponsor groups oppose this program as approved by the BoS at their January meeting, I also am opposed. We live and have agricultural businesses where the impacts of this program will be harshly felt. The problems cited in other California jurisdictions will be replicated here. Despite being fairly warned, the 3 supervisors who do not represent the vast unincorporated County made the decision to vote against our interests, and truthfully, that of the County itself. Please reverse this path towards the least restrictive options for this program. Save the County money it doesn't have, save our lifestyles and businesses.

TheHonorableEve Nasby

Location: 91935, JAMUL
Submitted At: 9:58pm 04-07-26

My opposition to the SECP is based on documented environmental, public health, and safety concerns specific to rural Jamul. We rely on private wells. Cannabis cultivation peaks in water demand when groundwater recharge is lowest. The SECP's Environmental Impact Report includes no Jamul-specific hydrological analysis—a material omission for a community dependent on a limited aquifer. A 2023 study of 6.9 million individuals found up to 30%

of schizophrenia cases among young men attributable to cannabis use. The SECP includes no analysis of rural mental health capacity to absorb increased demand. Legalization has not eliminated illegal cultivation in rural Ca. Our limited law enforcement leaves us vulnerable to water theft, unregulated pesticide use, and criminal activity. Reject Program Option A. Require hydrological studies, expanded buffers, and prohibitions on outdoor cultivation, consumption lounges, and assessments of enforcement and public health capacity before permit approval

Elenor Thompson

Location: 92024, Encinitas

Submitted At: 7:43am 04-04-26

Please do not allow the Socially Equitable Cannabis Program to advance. This problematic program has no place in SD County's unincorporated areas; the residents and county Sponsor Groups have spoken out against it; and it poses significant and unsurmountable public safety hazards for the public and our public safety officers (Sheriff, fire, ambulances). In Borrego Springs, we have CA state water adjudication, so cannabis cultivation should be banned, not allowed. There is not water for this!!! Plus, we are a remote, dark sky protected community. County Supervisors should be focused on other forms of economic development for this small group of people they are seeking to employ, and focus on reducing the size of government, not adding more ridiculous and destructive programs of this kind. Do not support the EIR. P.S. Have Sabellico recuse himself for his puppetry supporting this, made evident at his Oct. 17, 2025 appointment (Hour 1:30)