

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

**STATE CLEARINGHOUSE NUMBER 2023090330
ATTACHMENT A**

May 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).

ATTACHMENT A

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

COUNTY OF SAN DIEGO SOCIALLY EQUITABLE CANNABIS PROGRAM

MAY 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 makers 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.

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- 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 Nursery 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 substantial adverse changes to the significance of historical resources. 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
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

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
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 opinions, 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 require 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, Ssection 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 the unincorporated areas of 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 contributes to the economy further through sales of packaged and manufactured 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 the unincorporated areas of 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 minimized by separating these land use types.
 - c. Mitigation measures included in the EIR include more restrictive conditions than are 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