

## 2.12 Land Use and Planning

This section identifies the regulatory context and policies related to land use and planning and evaluates whether adoption and implementation of the Cannabis Program would result in impacts to existing land use plans, policies, and regulations. As required by CEQA, this analysis focuses on consistency with policies adopted for the purpose of reducing environmental impacts. The analysis also evaluates whether implementation of the Cannabis Program would result in the physical division of an established community.

Comments on the notice of preparation (NOP) expressed concerns related to land use that pertain to quality-of-life effects associated with physical environmental impacts (including concerns about increased odors, noise, traffic, and light pollution). These impacts are considered throughout this PEIR in each relevant resource section. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.12.1.

**Table 2.12.1 Land Use and Planning Summary of Impacts**

<b>Issue Number</b>	<b>Issue Topic</b>	<b>Project Direct Impact</b>	<b>Project Cumulative Impact</b>	<b>Impact after Mitigation</b>
1	Conflict with Land Use Plans, Policies, or Regulations	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant

### 2.12.1 Existing Conditions

The unincorporated area of San Diego County is located in the southwestern corner of California and encompasses approximately 2.3 million acres. It is bordered by Riverside and Orange Counties to the north; Imperial County to the east; the country of Mexico to the south; and the Pacific Ocean to the west. The following incorporated cities are located in the county (listed from north to south): Oceanside, Vista, Carlsbad, San Marcos, Escondido, Encinitas, Solana Beach, Del Mar, Poway, Santee, El Cajon, La Mesa, Lemon Grove, National City, Chula Vista, Imperial Beach, Coronado, and San Diego. The unincorporated portion of the region is divided into 28 community planning areas, as shown in Figure 1.2.

The common characteristics of the land, from topography to public services, dictate what development patterns are most appropriate for particular portions of the unincorporated San Diego region. On average, the unincorporated areas of the county are more highly constrained, with more rugged terrain, more occurrences of sensitive species, and less opportunities to provide essential services. Because of these constraints, the unincorporated areas generally have a different ratio of land uses than the incorporated cities. A majority of the land in the unincorporated county is open space or undeveloped, whereas the majority of land in the incorporated cities is developed. Within the developed land areas of the unincorporated county, residential, agricultural, and transportation/circulation uses are the predominant land uses. In addition, several large federal, state, tribal, and regional parklands encompass much of the unincorporated county, especially the eastern portion.

The most developed communities in the unincorporated county are located along its western boundary and include the CPAs of Spring Valley, Valle de Oro, Lakeside, Ramona, and San Dieguito, as well as the North County Metro Subregion. These areas, located primarily within the San Diego County Water Authority boundary, have generally been provided with public facilities and services, such as water, sewer, roads, and schools, before other areas of the unincorporated county and, therefore, have been able to sustain growth at a more rapid rate. Because public facilities and services are more difficult and costly to construct and provide farther to the east, development has been sparse in that region.

## **2.12.2 Regulatory Framework**

### **2.12.2.1 *Federal***

No federal plans, policies, regulations, or laws related to land use are applicable to the project.

### **2.12.2.2 *State***

#### **State Planning and Zoning Laws**

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of city or county land outside its boundaries that, in the city's or county's judgment, bears relation to its planning. Cities typically identify a "sphere of influence" in their general plans; these are areas outside the city boundaries that comprise the probable future boundary and service area of the city. The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area.

The State Zoning Law (Government Code Section 65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific zone district, are required to be consistent with the general plan.

Local general plan policies and zoning ordinances developed consistent with state planning and zoning laws are summarized below as they relate to the project.

### **2.12.2.3 *Local***

#### **2011 San Diego County General Plan**

##### ***San Diego County General Plan Policies***

The General Plan goals and policies related to land use and planning that are applicable to the Cannabis Program are identified in the following sections.

- **Policy LU-7.1: Agricultural Land Development.** Protect agricultural lands with lower-density land use designations that support continued agricultural operations.

- **Policy LU-12.4: Planning for Compatibility.** Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas. Require context sensitive Mobility Element road design that is compatible with community character and minimizes visual and environmental impacts: for Mobility Element roads identified in Table M-4, an LOS D or better may not be achieved.
- **Policy COS-6.2: Protection of Agricultural Operations.** Protect existing agricultural operations from encroachment of incompatible land uses by doing the following:
  - Limiting the ability of new development to take actions to limit existing agricultural uses by informing and educating new projects as to the potential impacts from agricultural operations.
  - Encouraging new or expanded agricultural land uses to provide a buffer of non-intensive agriculture or other appropriate uses (e.g., landscape screening) between intensive uses and adjacent non-agricultural land uses.
  - Allowing for agricultural uses in agricultural areas and designing development and lots in a manner that facilitates continued agricultural use within the development.
  - Requiring development to minimize potential conflicts with adjacent agricultural operations through the incorporation of adequate buffers, setbacks, and project design measures to protect surrounding agriculture.
  - Supporting local and state right-to-farm regulations.
  - Retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process.
- **Policy COS-6.4: Conservation Easements.** Support the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural lands.

### ***County of San Diego Community Plan and Subregional Plan Updates***

Each Community Planning Area (CPA) has a community or subregional plan except Otay, Pendleton/De Luz, and County Islands, which are CPAs without organized planning or sponsor groups. Each community plan or subregional plan supplements the County's General Plan by focusing on a specific planning area. The County has regularly revised and amended various community plans and subregional plans since adoption of the General Plan to maintain consistency.

### ***San Diego County Regulatory Ordinance***

The San Diego County Code of Regulatory Ordinances (Regulatory Code) is a compilation and codification of most of the regulatory ordinances of the County of San Diego. The Regulatory Code contains provisions for licenses, business regulations, and business taxes; public safety, morals, and welfare; public property; regulation of buildings, mobile home and special occupancy parks, and trailer coaches; health and sanitation; highways and traffic; zoning and land use regulations; and construction codes and fire code.

## **Zoning Ordinance**

The San Diego County Zoning Ordinance (Zoning Ordinance) is the primary way that the County administers the General Plan. The General Plan identifies general land use designations, whereas the Zoning Ordinance identifies specific uses and development standards within these land use designations. Development is required to comply with the Zoning Ordinance.

### **2.12.3 Analysis of Project Impacts and Determination of Significance**

#### **2.12.3.1 Thresholds of Significance**

According to Appendix G of the State CEQA Guidelines, a land use impact is considered significant if implementation of the Cannabis Program would do any of the following:

- physically divide an established community; or
- cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

#### **2.12.3.2 Issues Not Discussed Further**

##### **Physically Divide an Established Community**

Implementation of the project would not result in or require any change in land use designations. New licensed commercial cannabis facilities would be required to be located in zones where commercial cannabis cultivation sites are an allowable use, as identified in Table 1.1 and described in Chapter 1, “Project Description, Location, and Environmental Setting.” In addition, operation of commercial cannabis cultivation facilities within the unincorporated area would not introduce any major infrastructure (e.g., new freeways, bridges, train routes, etc.) or other uses that would result in the physical division of established communities. Therefore, this issue is not discussed further.

Implementation of the proposed Cannabis Program under each of the 5 alternatives, including construction of subsequent commercial cannabis uses, would introduce land disturbance and buildings; however, implementation of the Cannabis Program would require cannabis sites to meet County building and site design standards. Cannabis cultivation and noncultivation sites may include buildings that range in size from 1,000 square feet to over 140,000 square feet that are similar in scale to buildings commonly used in agricultural, commercial, and industrial activities (barns, equipment storage, greenhouses, processing facilities, and temporary agricultural shade or crop structures).

Cannabis cultivation uses would include fencing along the perimeter of the cultivation site that may be noticeable to the public (further analysis of the visual impacts of cannabis uses is located in Section 2.2, “Aesthetics”). These features would not create new barriers or physical features (e.g., new highways or land use types that would obstruct existing public access and movement) that could physically divide an established community because construction and operation would be contained on parcels permitted for cannabis uses. New licensed commercial cannabis facilities would be required to be located in zones where commercial cannabis cultivation sites are an allowable use, as identified in Table 1.1 and described in

Chapter 1, “Project Description, Location, and Environmental Setting.” Therefore, this issue is not discussed further.

### **2.12.3.3 Approach to Analysis**

Evaluation of potential land use impacts of the project is based on review of the County’s planning documents in relation to the implementation of the proposed Cannabis Program.

### **2.12.3.4 Issue 1: Conflict with Land Use Plans, Policies, and Regulations**

#### **Guidelines for Determination of Significance**

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Cannabis Program adopted for the purpose of avoiding or mitigating an environmental impact.

#### **Impact Analysis**

As described in Chapter 1, “Project Description, Location, and Environmental Setting,” the proposed Cannabis Program consists of 3 main components: (1) Social Equity Program, (2) cannabis ordinance amendments, and (3) a cannabis licensing and permitting system.

The proposed amendments to the Zoning Ordinance and Regulatory Code, provided in Appendix B, would expand the allowable cannabis uses in the county to include storefront retail, non-storefront retail, consumption lounges, cultivation, manufacturing, distribution, microbusiness, testing laboratory, and temporary events. These commercial cannabis uses, as well as associated performance standards, are summarized below. Cannabis facilities would be required to conform to the General Plan, any applicable specific plans, master plans, and design requirements, as well as comply with all applicable zoning and regulatory standards and state regulations. The proposed Zoning Ordinance amendments include performance standards that incorporate environmental protection measures that are based on General Plan policies and Regulatory Code requirements. These include the following referenced sections. Sections 2.1 through 2.19 of this PEIR contain further analysis of the proposed Cannabis Program’s consistency with County policies and regulations.

Section 6995(f) of the proposed Zoning Ordinance amendments provides performance standards for all cannabis facilities:

1. Exterior Lighting. Exterior lighting shall comply with Section 51.201 et seq. of the San Diego County Code of Regulatory Ordinances relating to light pollution. In addition, all exterior lighting shall be operational, full cut-off, shielded, and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Additionally, security lighting shall be motion sensor activated in agricultural zones. [Refer to Sections 2.2, “Aesthetics,” and 2.15, “Public Services,” for additional discussion.]
2. Fencing. All facilities shall comply with Sections 6700–6714 of the Fencing and Screening Regulations, except for Section 6708.b.2, and shall also comply with the additional cultivation specific requirements in Section 6995.q.1.iii. Where necessary,

fencing shall be designed to allow for the movement of wildlife. [Refer to Sections 2.2, “Aesthetics;” 2.5, “Biological Resources;” and 2.15, “Public Services,” for additional discussion.]

3. Noise. All facilities shall comply with the 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. [Refer to Section 2.13, “Noise,” for additional discussion.]
4. Odor. All facilities shall comply with the provisions of Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances relating to Odor Control. The standards of Section 6318 shall not apply. [Refer to Section 2.4, “Air Quality,” for additional discussion.]
5. Water Source. Trucked water shall not be allowed except in case of emergency, as determined by the Director. [Refer to Section 2.11, “Hydrology and Water Quality,” for additional discussion.]

In addition, Section 21.2510 (a) of the Regulatory Code would require all cannabis business applicants to provide the following information or documentation:

- (1) Security. (Refer to Sections 2.2, “Aesthetics,” and 2.15, “Public Services,” for additional discussion.)
- (2) Neighborhood Compatibility Plan. (Refer to Sections 2.2, “Aesthetics;” Section 2.4, “Air Quality;” 2.15, “Public Services;” and 2.17, “Transportation,” for additional discussion.)
- (3) Odor Mitigation Plan. (Refer to Section 2.4, “Air Quality,” for additional discussion.)

The preservation of agricultural lands is discussed in Section 2.3, “Agricultural and Forest Resources.”

### ***Alternative 1: No Project—Retention of Current Cannabis Regulations***

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, Alternative 1 would not result in any changes to existing land uses and would not conflict with land use plans, policies, or regulations.

There would be no land use impact under Alternative 1.

### ***Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements***

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 2 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR

provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 2.

### ***Alternative 3: Cannabis Program with Expanded County Regulations***

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 3 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 3.

### ***Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition***

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 4 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 4.

### ***Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy***

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre. As demonstrated above, adoption and implementation of the Cannabis Program would implement County General Plan policy provisions that address environmental protection. Therefore, Alternative 5 would not conflict with land use plans, policies, or regulations. Sections 2.1

through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 5.

#### **2.12.4 Cumulative Impacts**

The geographic scope of cumulative land use impacts consists of the unincorporated area of San Diego County.

##### ***2.12.4.1 Issue 1: Conflict with Land Use Plans, Policies, and Regulations***

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with land use plan conflicts from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would not result in any changes to existing conditions; thus, there would be no contribution to cumulative land use impacts.

As described above, the proposed Cannabis Program includes performance standards that incorporate environmental protection measures that are based on General Plan policies and San Diego County Code requirements. The Cannabis Program would have no direct or cumulative conflicts with land use plans, policies, or regulations under Alternative 2, 3, 4, or 5.

#### **2.12.5 Significance of Impacts Prior to Mitigation**

##### ***2.12.5.1 Issue 1: Conflict with Land Use Plans, Policies, and Regulations***

Alternative 1 would not result in any new cannabis facilities or operations to be approved within the County, but would allow for expansion of existing facilities and operations to a total of 10,000 square feet of building area for each site. However, this would not result in substantial change to a land use; thus, there would be no land use impacts. The Cannabis Program would not result in potentially significant impacts to land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect under Alternatives 2 through 5. It would not result in significant cumulative impacts associated with land use plans, policies, and regulations.

#### **2.12.6 Mitigation**

##### ***2.12.6.1 Issue 1: Conflict with Land Use Plans, Policies, and Regulations***

No mitigation measures are required.

#### **2.12.7 Conclusion**

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

**2.12.7.1 Issue 1: Conflict with Land Use Plans, Policies, and Regulations**

Under Alternative 1, the Cannabis Program would not be adopted; thus, there would be no conflicts with land use plans, policies, and regulations. The application requirements and performance standards of the Cannabis Program would apply equally to Alternatives 2, 3, 4, and 5. As demonstrated above, adoption and implementation of the Cannabis Program would implement County policy provisions for environmental issues and would not conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant impact under Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

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