

## 2.3 Agricultural and Forest Resources

This section identifies the regulatory context and policies related to agricultural resources, describes the existing agricultural conditions of the program area (unincorporated area of the county subject to the Cannabis Program), and evaluates the potential agricultural resources impacts resulting from adoption and implementation of the proposed Cannabis Program. The existing agricultural and forest resources characteristics are described, and the relationship between the proposed project and existing plans and policies is addressed. The potential loss of agricultural resources is also addressed.

Responses to the notice of preparation (NOP) and during the scoping meeting regarding agricultural and forest resources addressed concerns related to the loss of agricultural land. These comments are addressed below. Comments pertaining to requests for organic cannabis production are associated with the proposed Cannabis Program and not the analysis of physical environmental impacts associated with the implementation of the Cannabis Program. 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 2.3.1.

**Table 2.3.1 Agricultural and Forest Resources Summary of Impacts**

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs	Alternatives 1–5: No impact	Alternatives 1–5: No impact	Alternatives 1–5: No impact

### 2.3.1 Existing Conditions

#### 2.3.1.1 *Agricultural Resources*

San Diego County contains 4,031 farms, covering an area of approximately 179,330 acres. Of these farms, approximately 68 percent are between 1 and 9 acres. San Diego County produces more than 200 different agricultural products, including strawberries, apples, avocados, livestock, and floriculture products (National Agriculture Statistics Service 2022). Table 2.3.2, presented at the end of this section, provides an overview of area of crops in the county.

#### Important Farmland

The California Department of Conservation (DOC) classifies farmlands based on a system that combines technical soil ratings and current land use as part of the Farmland Mapping and Monitoring Program (FMMP). Descriptions of the FMMP categories are presented in Table 2.3.3, presented at the end of this section. The categories of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are defined by CEQA as “Important Farmland.” Table 2.3.4 and Figure 2.3.1, presented at the end of this section, identify the extent of farmlands in the county.

### 2.3.1.2 *Forestry Resources*

The US Forest Service (USFS) defines a forested area as “forest land” if it is at least 1 acre in size and at least 10-percent occupied by forest trees of any size or formerly had such tree cover and is not currently developed for non-forest use. Non-forest uses may include cropland, pasturelands, residential areas, and other land uses. Forest land also includes transition zones, which are “areas located between heavily forested and non-forested lands that are at least 10 percent stocked with forest trees and forest areas adjacent to urban and built-up lands.”

Most federal forest land is managed as the National Forest System, which includes the following:

- national forest lands reserved from the US public domain;
- national forest lands acquired through purchase, exchange, donation, or other means;
- national grasslands; and
- other lands, waters, or interests administered by USFS or designated for administration through USFS as part of the system.

The California Public Resources Code (PRC) Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. “Timberland” is land owned by the federal government and designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Sections 51112 and 51113(h) of the California PRC define “Timberland Production Zone” as land used for growing and harvesting timber and compatible uses.

As identified in Section 2.5, “Biological Resources,” there are approximately 24,735 acres of forest habitat in the unincorporated area of the county outside of state-, federal-, and tribal-owned lands (Figure 2.5.1). The county does not include lands zoned specifically for forest land, timberland, or timberland production. However, lands that are managed by USFS and included within the Cleveland National Forest are located within the unincorporated county, including portions of Alpine, Central Mountain, Jamul-Dulzura, Julian, Mountain Empire, North Mountain, and Pendleton–De Luz. While the Cleveland National Forest lands are under the jurisdiction of USFS, the private lands adjacent to and surrounding the Cleveland National Forest lands are under the County’s jurisdiction.

## 2.3.2 **Regulatory Framework**

### 2.3.2.1 *Federal*

#### **Federal Insecticide, Fungicide, and Rodenticide Act**

Pesticides are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act by the US Environmental Protection Agency (EPA). This includes labeling and registration of pesticides as to how they may be used. EPA delegates pesticide enforcement activities in California to the California Department of Pesticide Regulation (CDPR), under the California

Code of Regulations (CCR) Title 3 and the California Food and Agriculture Code. CDPR registers pesticides for use in California and licenses pesticide applicators and pilots, advisors, dealers, brokers, and businesses.

### **2.3.2.2 State**

#### **Farmland Mapping and Monitoring Program**

DOC has the primary responsibility for reporting statewide farmland data and trends. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are the lands most suitable for agriculture and often are referred to collectively as Important Farmland. DOC FMMP categorizes and maps Important Farmland every 2 years based on information from local agencies. In addition, counties may, at their discretion, establish criteria for the designation of Farmland of Local Importance and consider other lands in their jurisdiction as important agricultural lands.

#### **California Land Conservation Act of 1965**

The California Land Conservation Act of 1965, better known as the Williamson Act, created a program that counties can use to prevent viable agricultural land from being converted to urban uses. It involves providing tax incentives to property owners to keep their land in agricultural production. The act provides an arrangement wherein private landowners voluntarily restrict their land to agricultural and compatible open space uses under a contract with the county, known as a land conservation contract or Williamson Act contract, in exchange for property tax relief.

The Williamson Act contract is an enforceable restriction on land and is binding on successors to both the landowner and the local government. The minimum term for a contract is 10 years, and the contract is automatically renewed annually unless one of the parties gives advanced notice of nonrenewal. Contracts may be canceled immediately, terminating the restriction on agricultural uses, only if the local legislative body finds that termination or canceling of the contract would be consistent with the act and in the public interest.

#### **Cannabis as an Agricultural Product**

Business and Professions Code Section 26060(a) defines medical and adult-use commercial cannabis as an agricultural product.

#### **California Department of Pesticide Regulation Guidance**

Detailed implementing regulations for the CDPR pesticide regulatory program are codified in CCR, Title 3, Division 6. CDPR oversees state pesticide laws, including pesticide labeling and is vested by EPA to enforce federal pesticide laws in California. CDPR also oversees the activities of the county agricultural commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally. These regulations consist of permitting requirements and limitations on the use of “restricted” pesticides (pesticides considered to be dangerous to human health or the environment if not used correctly) and nonrestricted pesticides that may require permitting or must be handled consistent with the pesticide’s specifications.

State law allows CDPR to place controls on restricted pesticides, limiting their use to trained individuals and to times and places approved by the county agricultural commissioners.

CDPR assesses potential dietary (food and drinking water), workplace, residential, and ambient air exposures and considers both the exposure pathway (the course a pesticide takes from its source to the person), as well as the exposure route (how the pesticide enters the body). CDPR's human health risk assessments include hazard identification, dose-response assessment, exposure assessment, and risk characterization. These components of risk assessment are then incorporated into a risk characterization document. Hazard identification determines if there are toxic effects caused by a pesticide. The dose-response assessment identifies the amount of pesticide at which these effects occur. The exposure assessment determines the amount of pesticide that people are exposed to during a specific period (short-, intermediate-, and long-term) and in what situations (work, home, and outdoor environments). The exposure assessment also identifies who is most vulnerable, such as farmworkers, children, or women of childbearing age. Risk characterization determines the exposure levels at which harmful effects will not be caused. Exposure Assessment Documents and risk characterization documents undergo external peer review by scientists at the Office of Environmental Health Hazard Assessment and EPA.

In addition, CDPR oversight includes:

- licensing of pesticide professionals,
- site-specific permits required before restricted-use pesticides may be used in agriculture,
- strict rules to protect workers and consumers,
- mandatory reporting of pesticide use by agricultural and pest-control businesses,
- environmental monitoring of water and air, and
- testing of fresh produce for pesticide residues.

The regulations require employers of pesticide workers to provide protective clothing, eyewear, gloves, respirators, and any other required protection and to ensure that protective wear is worn according to product labels during application. The regulations also require that employers provide field workers with adequate training in pesticide application and safety; communicate pesticide-related hazards to field workers; ensure that emergency medical services are available to field workers; and ensure adherence to restricted-entry intervals between pesticide treatments (CCR, Title 3, Section 6764). CDPR requires that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of commercial cannabis complies with Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations (CCR, Title 3, Section 6000 et seq.).

### ***Pesticide Use in Commercial Cannabis Cultivation***

Cannabis pests vary according to cultivar (variety), whether the plants are grown indoors or outdoors, and where the plants are grown geographically. Pesticides legal for use on commercial cannabis must have active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Residue tolerance requirements are set by EPA

for each pesticide on each food crop and define the amount of pesticide residue allowed to remain in or on each treated crop with “reasonable certainty of no harm.” Some pesticides are exempted from the tolerance requirements when they are found to be safe. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil.

### **California Public Resources Code**

“Agricultural land” is defined in PRC Section 21060.1 as “prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.”

“Forest land” is defined in PRC Section 12220(g) as “land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”

“Timberland” is defined in PRC Section 4526 as “land, other than land owned by the federal government and land designated by the Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.”

“Timberland Production Zone” is defined in Government Code Section 51104(g) as “an area which has been zoned pursuant to section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, ‘timberland preserve zone’ means ‘timberland production zone.’”

### **California Government Code**

The following California Government Code definitions are applicable to the project:

- Government Code Section 51104(g) defines “timberland production zone” (TPZ) as an area that has been zoned pursuant to Section 51112 or 51113 and that is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses. Compatible uses are defined under Government Code Section 51104(h) and include the construction and maintenance of electric transmission facilities.
- Government Code Section 51112 identifies situations that would warrant a decision that a parcel is not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.
- Government Code Section 51113 allows the opportunity for a landowner to petition that his or her land be zoned timberland production.
- Government Code Section 51201(c)(5) defines “prime agricultural land” as land that has returned from the production of unprocessed agricultural plant products with an annual gross value of not less than \$200 per acre for 3 of the previous 5 years.

### **Z'berg-Nejedly Forest Practice Act of 1973**

The Z'berg-Nejedly Forest Practice Act of 1973 (FPA) (PRC Sections 4511–4517) established the California Board of Forestry and Fire Protection, whose mandate is to protect and enhance the state's unique forest and wildland resources. This mandate is carried out through enforcement of the California Forest Practice Rules (CCR; Title 14; Chapters 4, 4.5, and 10). The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on nonfederal lands in California. Additional rules enacted by the California Board of Forestry and Fire Protection are also enforced to protect forest and wildland resources.

### **Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976**

According to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act (Government Code Sections 51110–51119.5), enacted in 1976, counties must provide for the zoning of land used for growing and harvesting timber as TPZs. A TPZ is a 10-year restriction on the use of land and replaced the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ is restricted to growing and harvesting timber and to compatible uses approved by the county. In return, taxation of timberland under a TPZ is based only on such restrictions in use.

### **California Timberland Productivity Act of 1982**

The California Timberland Productivity Act of 1982 (California Government Code Sections 51100–51104) identifies the benefits of the state's timberlands and acknowledges the threat of timberland loss through land use conversions. The law identifies policies intended to preserve timberland, including policies to maintain an optimum amount of timberland, discourage premature conversion, discourage expansion of urban land uses into timberlands, and encourage investments in timberland. The law establishes TPZs on all qualifying timberland, which is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses. The law also provides that timber operations conducted in a manner consistent with forest practice rules (pursuant to the FPA) shall not be or become restricted or prohibited because of any land use in or around the locality of those operations.

### **California Forest Practice Rules**

The California Forest Practice Rules of 2012 define the timber harvest activities regulated under CCR; Title 14; Chapters 4, 4.5, and 10, and under the FPA (PRC, Division 4, Chapter 8). CAL FIRE is the enforcing agency responsible for ensuring that logging and other forest harvesting activities are conducted in a manner that preserves and protects fish, wildlife, forests, and streams.

Before any harvesting activities occur, landowners must prepare a timber harvest plan (THP) that outlines the timber proposed for harvesting, the methods of harvesting, and the steps that will be taken to prevent damage to the environment. THPs are required to be prepared by Registered Professional Foresters. When a timberland owner proposes to carry out a project that would result in timberland being converted to a nontimber growing use, the owner must secure a Timberland Conversion Permit from CAL FIRE. Projects that would result in the conversion of less than 3 acres of timberland may qualify for an exemption from this provision.

## **CAL FIRE Forest Legacy Program**

The Forest Legacy Program protects environmentally important forest land threatened with conversion to non-forest uses. Protection of California's forests through this program ensures that they continue to provide such benefits as sustainable timber production, wildlife habitat, recreation opportunities, watershed protection, and open space. Intact forests also contribute substantially to the storage and sequestration of carbon. Under this competitive grant program, CAL FIRE purchases or accepts donations of conservation easements or fee title of productive forest lands to encourage their long-term conservation. The primary tool that CAL FIRE uses to conserve forest lands in perpetuity is permanent Working Forest Conservation Easements. These easements restrict development and conversion on a property and protect forest values by concentrating on sustainable forest practices that provide economic value from the land and encourage long-term land stewardship.

## **State Water Resources Control Board Order WQ 2023-0102-DWQ**

Attachment A (General Requirements and Prohibitions) of the State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Section 1, General Requirements and Prohibitions) includes the following requirements (terms) for state-licensed cultivation sites related to agriculture and forestry resources:

1. Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:
  - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. section 1344) permit from the United States Army Corps of Engineers and a CWA section 401 (33 U.S.C. section 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis Cultivation General Order).
  - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
  - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
  - All applicable requirements of the California Department of Fish and Wildlife (CDFW).

- All applicable requirements of CAL FIRE, including the Board of Forestry.
  - California Environmental Quality Act and the National Environmental Policy Act.
2. If applicable, cannabis cultivators shall obtain coverage under all of the following:
- The State Water Board’s Construction Storm Water Program and any successors, amendments, or revisions thereto when applicable.
  - Activities performed in areas subject to CCR, title 14, chapter 4. Forest Practices (Forest Practice Rules) shall be implemented consistent with the permitting, licensing, and performance standards of the Forest Practice Rules, and the Requirements of this Policy, whichever is more Stringent.
7. A California Licensed Timber Operator (LTO) shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.
30. In timberland areas, cannabis cultivators shall not remove commercial tree species or other vegetation within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (e.g., aquatic insects) prior to obtaining all applicable permits required from CAL FIRE, CDFW (i.e., [Lake and Streambed Alternation] LSA Agreement), and/or the Regional Water Board Executive Officer.

**California Code of Regulations: California Department of Cannabis Control Medicinal and Adult-Use Commercial Cannabis Regulations**

CCR, Title 4, Division 19 includes standards related to the use and allowable levels of pesticides for cannabis, which are summarized below. Pesticide use is addressed in Section 2.10, “Hazards and Hazardous Materials.”

***CCR, Title 4, Section 15011(a)(12)***

All cultivator license types except processors require a signed attestation that states the commercial cannabis business shall contact the appropriate county agricultural commissioner regarding requirements for legal use of pesticides on cannabis prior to using any of the active ingredients or products included in the pest management plan and shall comply with all pesticide law.

***CCR, Title 4, Section 15719: Residual Pesticide Testing***

A licensed laboratory is required to analyze representative samples of cannabis and cannabis products to determine whether residual pesticides are present. A list of pesticides is divided into two categories and provided along with their action levels. The sample shall be deemed to have passed the residual pesticides testing if both or the following conditions are met: (1) the presence of any residual pesticide listed in Category I identified in section 15719 are not detected, and (2) the presence of any residual pesticide listed in in Category II in section 15719 does not exceed the indicated action levels.

***CCR, Title 4, Section 16307: Pesticide Use Requirements***

Licensed cultivators are required to comply with all applicable pesticide statutes and regulations enforced by CDPR. For all pesticides that are exempt from registration

requirements, licensed cultivators are required to follow specific pesticide application and storage protocols.

### 2.3.2.3 *Local*

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

The General Plan policies related to agricultural resources and applicable to the Cannabis Program include the following:

- **Policy LU-7.1: Agricultural Land Development.** Protect agricultural lands with lower-density land use designations that support continued agricultural operations.
- **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 Code of Regulatory Ordinances, Sections 63.401 through 63.407, Agricultural Enterprises and Consumer Information Ordinance**

This ordinance is similar to the State Right to Farm Act. The ordinance defines and limits the circumstances under which agricultural enterprise activities, operations, and facilities will constitute a nuisance. The ordinance recognizes that the commercial agricultural industry in San Diego County is a significant element of the county's economy and a valuable open space/greenbelt resource for county residents. The ordinance establishes a procedure whereby prospective purchasers of property are notified in writing of the inherent potential conditions associated with agricultural operations found throughout the unincorporated area. These conditions include noise, odors, dust, insects, rodents, and chemicals. The application of this ordinance is not to be construed to in any way modify or abridge the state law set out in the Right to Farm Act relative to agricultural nuisances.

### **County of San Diego Board of Supervisors Policy I-38, Agricultural Preserves**

The Board of Supervisors (Board) Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, known as the Williamson Act. In 1965 the State Legislature added to the Government Code Section 51200 et seq., which authorizes the County to establish Agricultural Preserves. Policy I-38 identifies criteria for the establishment, modification, and disestablishment of an Agricultural Preserve, including processing requirements, application fees, and hearing requirements. The policy also establishes a minimum size for an Agricultural Preserve, requires that each preserve establish minimum ownership sizes that landowners must meet to be eligible for a contract, requires the application of zoning regulations, establishes eligibility criteria for filing an application for an Agricultural Preserve and contract with the County, and establishes criteria to cancel a contract including cancellation by eminent domain.

### **Purchase of Agricultural Conservation Easement Program**

The Purchase of Agricultural Conservation Easement (PACE) Program is an agricultural conservation program that promotes the long-term preservation of agriculture in the county. Under the PACE Program, agricultural property owners are compensated for placing a perpetual easement on their property that limits future uses to agriculture. As a result, the agricultural land is preserved, and the property owner receives compensation, making the land's continued use for agriculture more viable. The County's Board adopted revised PACE Program Guidelines to expand the properties eligible to participate in the PACE Program on March 3, 2021. Properties must meet the following eligibility criteria to apply for the expanded program:

- (1) The property has had active agriculture for at least 2 years immediately prior to application.
- (2) The property must be zoned A70 (Limited Agriculture), A72 (General Agriculture), RR (Rural Residential), S90 (Holding Area), or S92 (General Rural). The PACE Program also includes a mitigation bank and credit component, which allows PACE Program lands to be utilized as off-site mitigation for agricultural impacts resulting from private development projects.

### **County of San Diego Board Policy I-133, Support and Encouragement of Farming in San Diego County**

In 2005, the Board adopted Policy I-133 to establish the County's support of agriculture. The policy recognizes the Board's commitment, support, and encouragement of farming in San Diego County through the establishment of partnerships with landowners and other stakeholders to identify, secure, and implement incentives that support the continuation of farming as a major industry in the county. The intent is to develop and implement programs designed to support and encourage farming in San Diego County.

### **San Diego County Department of Agriculture, Weights and Measures Pesticide Regulation Program**

The County of San Diego Department of Agriculture, Weights & Measures Pesticide Regulation Program (PRP) protects human health and the environment by regulating pesticide

use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. In addition to monitoring activities, PRP conducts outreach to raise industry and public awareness of pesticide safety laws and regulations supporting increased regulatory compliance. Inspectors conduct numerous outreach events to local industry members, including fieldworkers, pesticide applicators, pest control advisors, and businesses. The PRP also conducts outreach to the public to educate residents on safe use and storage of registered household pesticides and cleaning agents. This program's monitoring responsibilities involve inspecting agricultural operations, pest control businesses, pesticide dealers, and pest control advisors. The PRP is also responsible for investigating all pesticide-related illnesses and complaints that occur in the county and implementing appropriate corrective actions when noncompliance is found. Depending on the severity of the noncompliance, there are various potential actions, such as issuing administrative civil penalties, issuing warning letters, prohibiting harvest of a crop that contains illegal residues, and referring cases for license suspension or revocation, or civil prosecution.

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

#### **2.3.3.1 *Thresholds of Significance***

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a significant adverse effect related to agricultural resources if it would:

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use;
- conflict with existing zoning for agricultural use or a Williamson Act contract;
- conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));
- result in the loss of forest land or conversion of forest land to non-forest use; or
- involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

#### **2.3.3.2 *Issues Not Discussed Further***

##### **Forest Resources**

The county does not include lands zoned specifically for forest land, timberland, or timberland production. However, lands that are managed by USFS and included within the Cleveland National Forest are located within the unincorporated county. Lands managed by USFS are not zoned for agricultural, commercial, or industrial uses where cannabis facilities could be developed and operated. Thus, there would be no potential for conflict with forest land or timberland or conversion of forest land to non-forest uses. Potential impacts to forest habitat are addressed in Section 2.5, "Biological Resources." This impact is not discussed further.

### **2.3.3.3 Approach to Analysis**

The impact analysis below evaluates whether adoption and implementation of the Cannabis Program under each of the 5 alternatives could result in significant impacts to important farmland and agricultural operations in the county. The analysis below includes an evaluation of typical cannabis cultivation and noncultivation practices and whether they could result in the loss of farmland or conflict with adjacent agricultural operations. This analysis is based on cultivation and noncultivation use assumptions for each of the 5 alternatives described in Table 1.4. The threshold questions related to loss of farmland and conflicts with agricultural zoning and land conservation are related and therefore combined as Issue 1 in the analysis below. Thresholds related to forest land are not discussed further, as discussed above.

### **2.3.3.4 Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs**

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

According to Appendix G of the State CEQA Guidelines and *the County of San Diego Guidelines for Determining Significance: Agricultural Resources*, the proposed Cannabis Program would have a significant impact if it would convert Agricultural Resources (including, Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance, pursuant to the FMMP of the California Resources Agency), or other agricultural resources, to nonagricultural use. A significant impact would also occur if the Cannabis Program would conflict with a Williamson Act Contract (contract) or the provisions of the California Land Conservation Act of 1965 (Williamson Act). In addition, a significant impact would occur if the Cannabis Program would conflict with existing zoning for agricultural use.

#### **Impact Analysis**

Important farmland (Prime, Farmland of Statewide Importance, and Unique Farmland) has been mapped by the state for San Diego County (see Figure 2.3.1, presented at the end of this section). Commercial cannabis is defined by the state as an agricultural product (Business and Professions Code Section 26060(a)), and therefore, operation of commercial cannabis cultivation sites in agricultural areas of the county would not result in conversion to a nonagricultural use. The commercial cannabis cultivation process involves the same practices as other agricultural products generated currently in the county. These similar practices include:

- cultivation of the crop through a growth medium (soil), light, water, and nutrients; and
- harvesting and processing of the crop for sale.

Consistent with Section 6995(b)(5) of the proposed Zoning Ordinance amendments under the Cannabis Program identifies that cannabis cultivation is considered an agricultural activity as it pertains to Board Policy I-38, "Agricultural Preserves." Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act. In 1965, the State Legislature added Section 51200 et seq. to the Government Code, which authorizes the County to establish Agricultural Preserves. Policy I-38 identifies criteria for the establishment, modification, and disestablishment of an Agricultural Preserve, including processing requirements, application fees, and hearing requirements. The policy also establishes a minimum size for an Agricultural Preserve, requires that each preserve establish minimum ownership sizes that landowners must meet to be eligible for a contract, requires the

application of zoning regulations, establishes eligibility criteria for filing an application for an Agricultural Preserve and contract with the County, and establishes criteria to cancel a contract including cancellation by eminent domain.

In addition, cannabis cultivation facilities that have been in active agriculture for at least 2 years may be eligible for enrollment in the County's PACE Program. As discussed above in Section 2.3.2, "Regulatory Framework," the PACE Program is an agricultural conservation program that promotes the long-term preservation of agriculture in the county by compensating agricultural landowners for placing a perpetual easement on their property that limits future uses to agriculture. As a result, the agricultural land is preserved, and the property owner receives compensation, making the land's continued use for agriculture more viable.

Potential concerns regarding conflicts with adjoining agricultural uses consist of pesticide usage that may adversely affect neighboring agricultural operations. As described in Section 2.3.2, "Regulatory Framework," pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited. Harvested commercial cannabis is required to pass laboratory tests for pesticides. Thus, pesticide use by cannabis cultivation operations are not expected to result in contamination of adjoining agricultural operations.

CDPR places controls on pesticides based on the results of risk characterization studies and documentation that limits their use to trained individuals. As described in Section 2.3.2, "Regulatory Framework," San Diego County's PRP protects human health and the environment by regulating pesticide use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and wind speeds to address pesticide drift from adjacent agricultural operations to reduce the impacts to adjacent land areas (Rasmussen et al. 2011; Egan et al. 2014; Al Heidary et al. 2014). Thus, these requirements and associated controls are effective in avoiding contamination as a result of pesticide drift impacts from adjacent cannabis cultivation operations.

Because cannabis cultivation would be considered an agricultural use, which may be enrolled in a land conservation program, the Cannabis Program would be consistent with General Plan Policy COS-6.2. These policies protect agricultural lands and operations and support dedication of agriculture conservation easements.

As identified in Table 1.1 in Chapter 1, "Project Description, Location, and Environmental Setting," the Cannabis Program noncultivation cannabis uses allowed in agricultural zones (A70 and A72) and are limited to nonvolatile manufacturing, distribution, and non-storefront retail associated with a microbusiness. These uses are considered supportive agricultural activities similar to packing and processing uses allowed in these zones as provided in Sections 2702 and 2722 of the Zoning Ordinance and are not considered development that results in the conversion of agricultural resources or conflicts with existing agricultural operations. These noncultivation uses would also be consistent with General Plan Policy COS-6.2.

**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. These sites are developed and do not consist of agricultural uses. Thus, this alternative would not convert agricultural resources or conflict with zoning or conservation programs.

There would be no impact on agricultural resources 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 between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under 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 sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under 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 sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under 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 sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under Alternative 5.

### **2.3.4 Cumulative Impacts**

As discussed above, there would be no impacts to agricultural or forest resources associated with the Cannabis Program. Therefore, there would be no contribution to cumulative forest resources. The cumulative setting consists of the unincorporated area of the county.

#### ***2.3.4.1 Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs***

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with direct and indirect conversion of farmland from implementation of the General Plan (County of San Diego 2009).

As discussed above in Section 2.3.3.4, "Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs," commercial cannabis cultivation and supporting noncultivation operations under the proposed Cannabis Program would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

Under Alternative 1 there would be no new cannabis operations; however, existing facilities and operations could expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. These sites are developed and do not consist of agricultural uses. Thus, there would be no contribution to cumulative impacts to agricultural resources. As noted above, the proposed Cannabis Program, in combination with the identified cumulative projects, would not be cumulatively considerable under Alternative 2, 3, 4, or 5.

### **2.3.5 Mitigation**

#### **2.3.5.1 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs***

No mitigation measures are required.

### **2.3.6 Conclusion**

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

#### **2.3.6.1 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs***

Commercial cannabis is defined by the state as an agricultural product (Business and Professions Code Section 26060(a)), and therefore, commercial cannabis cultivation facilities in agricultural areas would not result in conversion to a nonagricultural use. In addition, Section 6995(b)(5) of the proposed Zoning Ordinance amendments under the Cannabis Program identifies that cannabis cultivation is considered an agricultural activity as it pertains to Board Policy I-38 “Agricultural Preserves.” Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act.

Potential concerns regarding conflicts with adjoining agricultural uses consist of pesticide usage that may adversely affect neighboring agricultural operations. As described in Section 2.3.2, “Regulatory Framework,” pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Thus, pesticide use by cannabis cultivation operations are not expected to result in contamination of adjoining agricultural operations.

San Diego County’s PRP protects human health and the environment by regulating pesticide use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and wind speeds to address pesticide drift from adjacent agricultural operations to reduce the impacts to adjacent land areas. Thus, these requirements and associated controls are effective in avoiding contamination as a result of pesticide drift impacts from adjacent cannabis cultivation operations.

Thus, there would be no impacts on agricultural resources. As noted above, the proposed Cannabis Program would have no impacts to agricultural resources under Alternative 1, 2, 3, 4, or 5.

**Table 2.3.2 Existing Extent of Crop Types in San Diego County**

Crop Type	Acres
Nursery and Cut Flowers	11,089
Fruit and Nuts	23,993
Vegetable and Vine Crops	3,122
Field Crops	176,234
Hay, Oat	1,113
Irrigated Pasture	700
Range	173,802
Industrial Hemp and other Field Crops	619

Source: County of San Diego 2022.

**Table 2.3.3 Farmland Mapping and Monitoring Program Mapping Categories**

Category	Considered Important Farmland under CEQA <sup>1</sup>	Definition
Prime Farmland (P)	Yes	Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Farmland of Statewide Importance (S)	Yes	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Unique Farmland (U)	Yes	Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years before the mapping date.
Farmland of Local Importance (L)	No	Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
Farmland of Local Potential	No	Farmland of Local Potential is a designation given to land that is of prime or statewide importance but is not presently irrigated or cultivated.
Grazing Land (G)	No	Land on which the existing vegetation is suited to the grazing of livestock.
Urban and Built-Up Land (D)	No	Land occupied by structures with a building density of at least 1 unit to 1.5 acres or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad, and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other Land (X)	No	Land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing;

Category	Considered Important Farmland under CEQA <sup>1</sup>	Definition
		confined livestock, poultry, or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
Water (W)	No	Perennial water bodies with an extent of at least 40 acres.

<sup>1</sup> Important farmland is defined by CEQA under PRC Section 21060.01 and State CEQA Guidelines Appendix G.

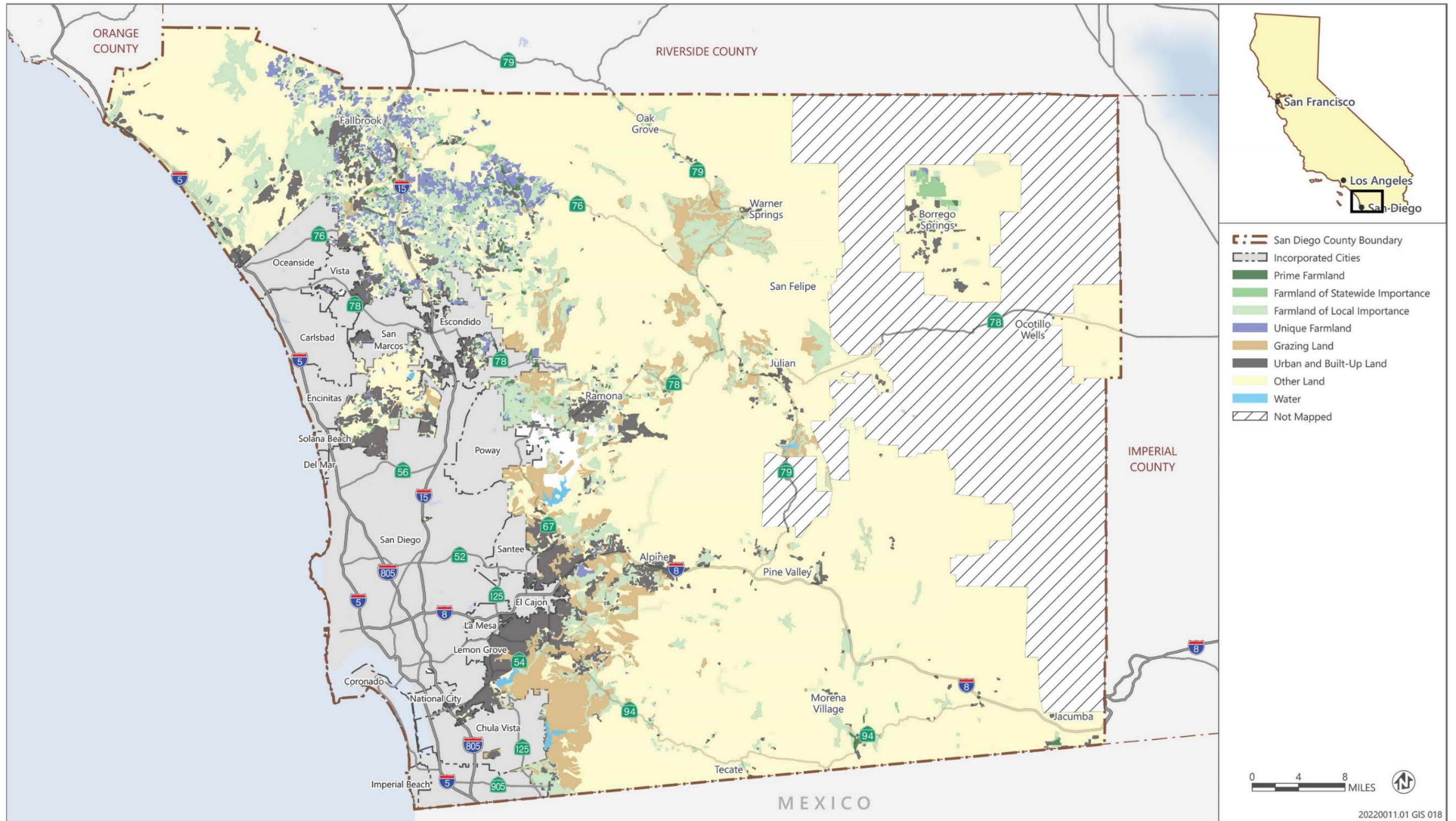
Source: DOC 2024.

**Table 2.3.4 Important Farmland Acreages in San Diego County (2020)**

Farmland Type	Acres	Percent of Total County Lands
Prime Farmland	4,973	0.2
Farmland of Statewide Importance	6,850	0.3
Unique Farmland	38,271	2
Farmland of Local Importance	159,917	7
<b>Total Important Farmland</b>	<b>210,011</b>	<b>9</b>
Grazing Land	126,886	6
Urban and Built-Up Land	367,034	17
Other Land	1,451,344	67
Water	24,589	1
<b>Total</b>	<b>2,179,864</b>	<b>100</b>

<sup>1</sup> Acreages from DOC are round and differ from County GIS data.

Source: DOC 2020.



Sources: Data downloaded from SanGIS in 2021 and the California DOC FMMP in 2018; adapted by Ascent in 2024.

Figure 2.3.1

Farmland Classification

