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

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

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

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

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that have had cannabis programs for a number of years, we conclude that the facts used to generate the entire DEIR were outdated and deficient and we question its accuracy.

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

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

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

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

COMMENTS ON ALTERNATIVE 4

Chapter 4

4.2.1 ATTAINMENT OF PROJECT OBJECTIVES

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

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

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

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

ENVIRONMENTAL IMPACTS OF THE CANNABIS PROGRAM

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

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

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

Additionally, under federal law, cannabis is not legal.

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

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

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

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

DEVELOPMENTAL IMPACTS

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

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

PUBLIC SERVICES

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

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

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

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

Consumer Affairs Website- Deadliest Roads

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

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

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

This program could severely strain already understaffed law enforcement.

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

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

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

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

4.4.1 AESTHETICS, ISSUE 2

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

Impact would be LESS in Alternative 4

4.4.2 AIR QUALITY, ISSUE 3

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

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

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

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

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

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

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

Impact would be LESS in Alternative # 4

4.4.6 UTILITIES AND SERVICE SYSTEMS ISSUE 1: ADEQUATE WATER SUPPLIES

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

4.4.6.3 Impact would be LESS in Alternative # 4

4. 5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

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

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

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

Alternative 2 (The Program)

6- Significant

8- Less than significant

3- Less than significant with mitigation

Alternative 3

16- Similar to Alternative 2/ Program

1- Less

Alternative 4- ENVIRONMENTALLY SUPERIOR

12- Less than Significant

5- Similar to Alternative 2

Alternative 5

16- Similar to Alternative 2/Program

1- Less

COMMENTS ON THE DRAFT REGULATORY CODE AMENDMENT

21.2504 MAXIMUM NUMBER & TYPE OF AUTHORIZED CANNABIS BUSINESSES

Limits on total number of dispensaries in each community

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

Location of Cultivation in A70 & A72

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

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

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

Limits on Cultivation

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

Setbacks

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

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

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

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

21.2508 BUILDING PERMITS AND INSPECTIONS

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

21.2510 APPLICATION SUBMITTAL REQUIREMENTS

(3) SECURITY

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

(5) NEIGHBORHOOD COMPATIBILITY PLAN

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

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

(6) ODOR MITIGATION PLAN

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

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

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

THE WALL STREET JOURNAL

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

21.2520 SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE

(b) What is considered a major violation?

21.2525 GENERAL OPERATING REQUIREMENTS

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

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

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

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

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

(m) Signage and notices

Must comply with Design Standards for retail businesses.

(o) Odor Control

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

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

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

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

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

21.2527 RETAIL HOURS

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

21.2528 CONSUMPTION LOUNGES

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

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

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

Impaired drivers

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

Consumer Affairs Website- Deadliest Roads

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

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

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

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

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

21.2534 TEMPORARY CANNABIS EVENTS

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

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

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

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

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

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

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

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

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

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

21.2537 INSPECTIONS

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

COMPLAINTS

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

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

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

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

COMMENTS ON THE DRAFT ZONING ORDINANCE AMENDMENTS

6129

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

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

6861 NON-CONFORMING

f) Exemptions

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

6995 CANNABIS FACILITIES

f) Performance Standards 1.6.1.4

No generators shall be used except for emergency situations.

g) Activity Specific Standards
2i & 2ii)

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

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

SUMMARY and CONCLUSIONS

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

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

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

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

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

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

FINAL COMMENT

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

ILLEGAL CANNABIS OPERATIONS

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

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

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

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

OTHER REFERENCES

FEDERAL LAW

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

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

CARTELS & HUMAN TRAFFICING

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

ECONOMIC VIABILITY- MAY COST MORE TO REGULATE THAN TAX REVENUE

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

PESTICIDES

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

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

IMPAIRED DRIVERS

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

