



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Errin Briggs, Deputy Director, Energy, Minerals, Cannabis & Compliance Division (805) 568-2047

STAFF CONTACT: Corina Venegas-Martin, Planner, (805) 884-6836

DATE: February 12, 2025

HEARING DATE: February 19, 2025

RE: Proposed Cannabis Odor Ordinance Amendments - Update

Summary

On January 29, 2025, staff presented updated directives from the Board of Supervisors regarding the Cannabis Odor Ordinance Amendments to the Commission for their consideration and inclusion in the ordinance update effort. Together with the proposed draft ordinance amendment language initially presented to the Commission on September 25, 2024, the following items are inclusive of the Commission's recommendations from the January 29th hearing.

Coastal Zone standards will:

- Require that operators utilize Multi-Technology Carbon Filtration, or equivalent, in all odor abatement plans (OAP);
- Require that operators phase out the use of vapor phase systems;
- Require OAPs be certified by a California-licensed professional engineer and no longer by a certified industrial hygienist;
- Establish an implementation period of 12-months or upon Coastal Commission certification, whichever is longer, for operators to comply with these new requirements;
- Allow operators to apply for time extensions to the implementation period (see potential options below for consideration); and
- Provide that any changes to existing OAPs to include these new requirements are considered a minor change to the existing land use entitlement.

Definition of Multi-Technology Carbon Filtration

The Commission also directed staff to return with a definition of Multi-Technology Carbon Filtration (MTCF). Staff recommends it be defined as:

Air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration.

Inland Area - Indoor Cultivation and Processing – Odor Abatement Plan Requirements

In addition to the Coastal Zone requirements enumerated above, the Commission also directed the following standards apply to inland cannabis operators and be included in the Land Use & Development Code (LUDC):

- Require commercial cannabis growers with indoor growing and/or processing operations to prepare and implement OAP's utilizing the same requirements currently proposed for the coastal zone.

In order to ensure these OAP's for inland operators are implemented as approved, staff recommends that run time meters be required for any OAP equipment.

Cannabis Odor Thresholds – Options

The Planning Commission may consider the following options in establishing the odor threshold.

1. Nuisance odor from commercial cannabis activities shall not exceed seven (7) D/T for the duration of a consecutive three (3) minute period as measured at the property line of a commercial cannabis facility.
 - *This means that the operation cannot exceed 7 D/T for a consecutive 3-minute time period at the property line as measured with the Nasal Ranger.*
2. Nuisance odor from commercial cannabis activities shall be below seven (7) D/T for the duration of a consecutive three (3) minute period as measured at the property line of a commercial cannabis facility.
 - *This means that operation cannot operate with a level of 7 D/T for a 3-minute time period at the property line. In the event 7 D/T for a consecutive 3-minute time period is measured, the operation would be out of compliance. This also means that the operation would need to operate at a 4 D/T or lower in order to remain below 7 D/T.*

The Planning Commission discussed an alternative of utilizing a lower threshold of 4 D/T. However, a measurement of 4 D/T represents a “faint” or “transient” odor. Transient odors would be difficult for compliance staff to effectively detect in the field because they may not persist over a 3-minute duration or may be affected by fluctuating meteorological conditions. A measurement of 7 D/T represents a “noticeable” or “mild to sustained” odor which allows it to be more effectively detected in the field using the Nasal Tanger tool. For these reasons, staff recommends that the Planning Commission consider option (2) above where an odor threshold reading of 7 D/T for the duration of a consecutive 3-minute period as measured at the property line of a commercial cannabis facility would be considered a violation.

Options for Hardship Extensions to the 12-month implementation period:

The following are potential options for the Commission to consider in regards to granting Hardship Extensions for the 12-month implementation period.

1. The Director may grant one initial extension to the 12-month implementation time period for up to 12 months. Any additional requests for extensions must be submitted to Planning and Development Department 90-days prior to the expiration date and approved by the Board of Supervisors. **OR**
2. Request for a Hardship Extension shall be approved by the Planning Commission and the request shall be submitted to the Planning and Development Department 90-days prior to the expiration date. The Planning Commission may approve one initial extension for up to 12 months. Any additional requests for extensions must be submitted to Planning and Development 90-days prior to the expiration date and approved by the Board of Supervisors. **OR**
3. Requests for a Hardship Extension shall be approved by the Board of Supervisors and the request shall be submitted to Planning and Development Department 90-days prior to the expiration date.

Options for Appeals to the Hardship Extension of the 12-month implementation period

1. **Decision-Maker.** The decision-maker for a hardship determination could be the Planning & Development Director, the County Planning Commission or the Board of Supervisors.
2. **Appealability.** An action for a hardship determination by any of the above decision-makers could either be appealable, or considered final and not subject to appeal.

Justification for Hardship Extensions:

Requests for hardship extensions may include, but not be limited to:

1. Supply chain delays
2. On-site power supply upgrades
3. Off-site power supply upgrades and availability
4. Other hardship circumstances as determined by the Director.

The updated draft ordinance language incorporating the above standards is included with this memo as Attachments C-1 (coastal) and D-1 (inland). The Commission's recommendations on the draft ordinance package will be presented to the BOS on March 18, 2025.

Recommendations and Procedures

Staff recommends that the Commission follow the procedures outlined below and recommend that the Board of Supervisors approve the amendments (Case No. 24ORD-00012) to the Coastal Zoning Ordinance, Article II, and (Case No. 25ORD-00001) to the Land Use & Development Code, based on the ability to make the required findings. The Commission's motion should include the following:

1. Make the required findings for approval (Attachment A), including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendments;
2. Recommend that the Board determine that the coastal amendments (Case No. 24ORD-00012) are exempt from the provisions of CEQA pursuant to Section 15265 (Attachment B-1) and the previously certified PEIR (17EIR-00000-00003 included as Attachment B-2) constitutes adequate environmental review for Case Nos. 24ORD-00011 & 24ORD-00012 and no subsequent environmental impact report or negative declaration is required pursuant to CEQA Guidelines Sections 15162(a); and
3. Adopt a resolution (Attachment C-2) recommending that the Board adopt an ordinance to amend the Coastal Zoning Ordinance, Article II, of Chapter 35, Zoning, of the Santa Barbara County Code.
4. Adopt a resolution (Attachment D-2) recommending that the Board adopt an ordinance to amend the Land Use & Development Code, Chapter 35, Zoning, of the Santa Barbara County Code.

Attachments:

- A. Findings for Approval
 - B-1. Notice of Exemption
 - B-2. Final Program Environmental Impact Report and Board's PEIR Statements of Overriding Considerations <https://www.countyofsb.org/1358/Zoning-Permitting>
 - C-1. Draft Ordinance 24ORD-00012 for Article II Coastal Zoning Ordinance with Changes Shown
 - C-2. Transmittal Resolution
 - D-1. Draft Ordinance 25ORD-00001 for Land Use Development Code with Changes Shown
 - D-2. Transmittal Resolution
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- Cc: Case File (to Planner)
Hearing Support