

ATTACHMENT C: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 5244

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES TO ESTABLISH A CANNABIS ODOR THRESHOLD, REVISE EXISTING ODOR REGULATIONS AND DEVELOPMENT STANDARDS REGARDING COMMERCIAL CANNABIS ACTIVITIES.

24ORD-00012

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Subsection f, to Section 35-144U.A.2., Applicability, of Section 35-144U Cannabis Regulations, to read as follows:

- f. The provisions of this code as specified in Section 35-144U.C.6 (Cannabis Odor Threshold) and 35-144U.C.7 (Odor Abatement Plan) shall become operative for all existing cannabis operations within 12 months of adoption by the Board of Supervisors or upon Coastal Commission Certification of the Local Coastal Plan Amendment adopting Sections 35-144U.C.6 and .7 whichever is later.
 - 1) **Implementation.** Existing cannabis cultivation and processing operations shall submit for and obtain approval of a revised Odor Abatement Plan and install the Multi-Technology Carbon Filtration systems within the implementation period described above.
 - 2) **Extensions.** (These provisions are only applicable to 35-144U.C.7 – Odor Abatement Plans) A one-time extension to the 12-month implementation time period for up to 12 months may be allowed. The request for an extension shall be heard by the Board of Supervisors with a recommendation by the Director. A request for an extension must be submitted 90 days prior to the expiration of the 12-month implementation period and approved by the Board of Supervisors. Requests for extensions may include, but not be limited to:
 - a. Supply chain delays
 - b. On-site power supply upgrades
 - c. Off-site power supply upgrades and availability
 - d. Other circumstances as determined by the Director

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Subsection 6 and revise Subsection 7, to Section 35-144U.C, General Commercial Cannabis Activities Development

Standards, to read as follows:

6. **Cannabis Odor Threshold.** Measurements of cannabis odor from commercial cannabis activities shall not exceed four (4) D/T for the duration of a consecutive three-(3) minute period as measured at the property line of a commercial cannabis facility. The operator shall implement corrective actions as determined by the Department if a facility is found non-compliant with the cannabis odor threshold.
 - a. Cannabis odor complaint. The Department will evaluate the following types of cannabis nuisance odor complaints and may require corrective actions to be implemented in response to these complaints:
 - 1) Three complaints (filed with the Department's complaint form) are received from individuals regarding cannabis nuisance odors within a 60-day period and the Department determines cannabis odor measured at the property line equals or exceeds the threshold; or
 - 2) Cannabis odor complaints (filed with the Department's complaint form) are received from five or more individuals in a 24-hour period and the Department determines cannabis odor from the facility exceeds the threshold.
 - b. Violations to cannabis odor threshold. If complaints are received as described in Subsections 35-144U.C.6.a.1 and 2; and the Department detects cannabis odor equal to or in exceedance of the threshold at the property line; the operator shall be notified by the Department of the violation and shall implement the corrective actions as specified below to comply with the cannabis odor threshold.
 - 1) Initial assessment and corrective actions. The operator shall submit a written statement that verifies operational compliance with the approved Odor Abatement Plan (OAP), or actions taken to achieve operational compliance with the approved OAP, the Department shall determine whether corrective actions have resulted in compliance with the cannabis odor threshold at its sole discretion.
 - 2) Diagnostic assessment and corrective actions. If the facility/operator continues to exceed the cannabis odor threshold when complying with the operational requirements of the OAP, the operator shall conduct diagnostic testing of the existing approved OAP equipment and submit a written statement describing the results of the testing and corrective actions taken to eliminate or reduce the cannabis-related nuisance odors. The Department shall determine whether the corrective actions have resulted in compliance with the cannabis odor threshold at its sole discretion.
 - 3) If the operator (or facility) is unable to comply with the cannabis odor threshold following diagnostic testing and development of corrective actions using existing equipment; the operator will conduct an assessment and develop a revised OAP to be re-certified by a California-licensed Professional Engineer, subject to the Department's review and approval, which may require a minor change to the existing Coastal Development Permit or a new Coastal Development Permit.

- c. Clustering of cannabis odor. In the event that neighboring or adjacent operations are identified as exceeding the cannabis odor threshold, these operations shall implement corrective actions to meet the cannabis odor threshold or demonstrate to the satisfaction of the Department that the facility is not responsible for the exceedance.

Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties), which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).

- 7. **Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from exceeding a measurement of four (4) D/T for a duration of a consecutive three (3) minute period as measured at the property line of a commercial cannabis facility. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
- d. A description of all equipment and methods to be used for reducing odors. A California-licensed Professional Engineer must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- e. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:

- 1) **Multi-Technology Carbon Filtration.**

For purposes of this Section, Multi-Technology Carbon Filtration means 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.

- 2) Other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.
- 3) Vapor phase systems shall not be allowed. Existing operations utilizing vapor phase systems shall transition to Multi-Technology Carbon Filtrations in accordance with the implementation timeframe in Section 35-144U.A.2.f.
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:

- 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
 - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
 - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
 - 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.
- g. Odor Abatement Plan equipment shall be equipped with run-time meters. Run-time and downtime data, including reasons for the downtime, shall be provided to the Department annually and upon request to verify the approved equipment is operating in accordance with the approved Odor Abatement Plan.
- h. An Odor Abatement Plan shall be certified by a California-licensed Professional Engineer, indicating the proposed Odor Abatement Plan will mitigate nuisance odors to below the established odor threshold at the operator property boundary.

SECTION 3:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection J to Section 35-144U, Cannabis Regulations, to read as follows:

- J. **Odor abatement and compliance monitoring.** Facilities that require an Odor Abatement Plan or installation of an odor control system shall comply with Section 35-144U.C.6 and the following:

1. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
2. Upon installation, permit compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this section and the approved Odor Abatement Plan quarterly for the first year and annually thereafter for the life of the project for which an Odor Abatement Plan is required.
3. Applicant shall annually provide all necessary documentation to the Department related to monitoring compliance with the Odor Abatement Plan, including but not limited to:
 - a. Contact information that includes a full name, phone number, and valid email address. Applicant shall provide the Department with updated contact information as necessary.
 - b. Downtime data of the operating system and reasons for the downtime, if applicable.
 - c. Record of all complaints received by the operator.
 - d. Maintenance documentation (i.e. carbon filter changeouts and changes to neutralizing solution).

SECTION 4:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-169.20, Minor Changes to Coastal Development Permits for Commercial Cannabis to Section 35-169, Coastal Development Permits to read as follows:

Section 35-169.20 Minor Changes to Coastal Development Permits for Commercial Cannabis Cultivation.

Minor changes to an approved or issued Coastal Development Permit for commercial cannabis cultivation (outdoor, mixed-light, indoor, and nursery) in the AG-I, AG-II, and M-RP zones may be allowed. Such requests shall be processed as follows:

1. The Director may approve a minor change to an approved Coastal Development Permit where the Director determines:
 - a. The minor change does not require additional environmental review;
 - b. The minor change does not substantially deviate from the approved plans and the originally approved permit;
 - c. There is no change in the use or scope of the development;
 - d. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - e. The Coastal Development Permit has not expired; and
 - f. The minor change is exempt from review by the Board of Architectural Review pursuant to Section 35-184.3.

2. Where a minor change of an approved Coastal Development Permit is approved, the permit shall have the same effective and expiration dates as the original permit and no additional public notice shall be required.
3. If the Director determines a proposed change to an approved Coastal Development Permit does not meet the above criteria, a new Coastal Development Permit shall be required.
4. Determinations made pursuant to this Subsection are not subject to Appendix D (Guidelines for Minor Changes to Land Use and Coastal Development Permits) or Appendix B (Substantial Conformity Determination Guidelines).
5. The determination to allow a minor change to an approved Coastal Development Permit for commercial cannabis cultivation is final and not subject to appeal except in accordance with Section 30625 of the Coastal Act.

SECTION 5:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8:

This ordinance and any portion of it approved by the California Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the California Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later and, for all existing cannabis operations, the ordinance shall become operative within 12 months of adoption by the Board of Supervisors or upon Coastal Commission Certification of the Local Coastal Plan Amendment, whichever occurs later; and before the expiration of 15 days after its adoption, it, or a summary of it, shall be published once, together with the names of the members of the Board voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this 18th day of March, 2025, by the following vote:

AYES: Supervisors Lee, Capps, Hartmann, Nelson and Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None



LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 

Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By 

Deputy County Counsel