



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** November 1, 2022  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:**  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Lisa Plowman, Director, Planning and Development Department  
(805) 568-2086  
Contact Info: Jeff Wilson, Assistant Director, Planning and Development  
Department (805) 568-2085  
**SUBJECT: On-call Professional Services: Agreement with Geosyntec Consultants Inc. for  
Cannabis Odor Monitoring**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:**

As to form: Risk Management

**Recommended Actions:**

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**Auditor-Controller Concurrence:**

As to form: Yes

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached professional services Agreement (Attachment 1) between the County of Santa Barbara and Geosyntec Consultants, Inc. to provide on-call professional services in the area of cannabis odor monitoring and abatement for a period of 3 years, commencing on November 1, 2022 to November 1, 2025 for a base Agreement amount not to exceed \$1,501,100 plus a 10 percent contingency fund of \$150,110.
- b) Approve and authorize the Planning and Development Director, or designee, to:
  - i. Approve up to a 10 percent contingency not to exceed \$150,110 for services or reimbursements each year, for a total contract amount not to exceed \$1,651,210 including the contingency.
  - ii. Approve changes or additions in the services being performed, provided the Agreement does not exceed the base Agreement amount plus 10 percent contingency identified in the Agreement; and

iii. Make immaterial changes in accordance with Section 35 of the Agreement for Services of Independent Contractor.

- c) Determine that the proposed actions do not constitute a “Project” within the meaning of California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(3) and Section 15378(b)(5) of the CEQA Guidelines, because the actions are organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

Planning and Development (P&D) initiated a competitive bid process and issued a Request for Proposal (RFP) in order to provide technical expertise to assist Planning and Development (P&D) permit compliance and enforcement staff in effectively monitoring and evaluating the efficacy of cannabis odor abatement systems for cannabis cultivation operations within the County’s jurisdiction. The RFP specifically identified that the professional services may include the following:

1. Inspecting, testing, and monitoring of cannabis operation odor control systems at installation and/or prior to commencement of the operation.
2. Inspecting, testing, and monitoring cannabis operation’s odor control systems quarterly or as required per condition.
3. Assess proposed changes to the product/substance/method used within the approved odor control systems.
4. Inspect, test, and monitor the cannabis odor control systems at any time the Department receives a complaint that cannabis odor is impacting residential areas.
5. Report results of all inspections, testing, and monitoring to the Department, cannabis cultivation operator, and/or the odor control system operator.

Two firms responded to the RFP, and P&D selected Geosyntec Consultants, Inc. (Geosyntec) to provide planned and on-call professional services to support P&D’s cannabis enforcement and compliance team in evaluating cannabis operations odor abatement systems. Geosyntec will provide inspections, testing, monitoring, reporting services, and recommendations for corrective actions for all aspects of cannabis operations odor control systems.

The Agreement for Services of Independent Contractor (Attachment 1), not to exceed \$1,651,210, including a 10% contingency, is above the \$200,000 cumulative threshold when combined with existing contracts and, therefore, requires the Board of Supervisors approval. Staff recommends the Board of Supervisors approve the Agreement for Services of this Independent Contractor.

**Background:**

On February 27, 2018, the Santa Barbara County Board of Supervisors adopted a series of ordinances, including Ordinance Nos. 5027 and 5028, amending the Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), respectively, to implement development standards, permit requirements, and procedures regarding commercial cannabis activities within the County’s unincorporated area. Section 35.42.075 (Cannabis Regulations) of the LUDC became effective on March 29, 2018 and the California Coastal Commission certified the amendment to Article II on October 10,

2018. As part of the ordinance amendments approved by the Board of Supervisors, a development standard for odor abatement was incorporated into the LUDC and Article II for certain commercial cannabis cultivation projects.

In order to effectively implement and enforce code requirements of the LUDC and Article II and conditions of approval related to odor abatement associated with cannabis cultivation projects, P&D has requested professional services to assist in this area. The professional service will assist in inspecting, testing and monitoring cannabis odor control systems for permitted cannabis operations to ensure compliance with conditions of approval and/or approved Odor Abatement Plan components, County codes, and policies.

P&D has approved approximately 95 cannabis operations with a potential of 50 additional operations in the future. The cannabis operations with required odor abatement plans must have systems that prevent odors from being experienced within residential zones, as determined by the Director of P&D. In addition, conditions of approval regarding the minimization of cannabis odors state that the operator shall maintain the technology/technique or system in good, working condition throughout the duration of the cannabis processing activities. The condition also states that the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to certify that the Odor Abatement System has been installed, operated, and maintained as specified in the approved Odor Abatement Plan.

**Fiscal and Facilities Impacts:**

Budgeted: Yes. These services are currently budgeted in the Permitting Budget Program on page 387 of the County of Santa Barbara Fiscal Year 2022–23 adopted budget.

To effectively direct Contractor activities and control costs, Notices to Proceed would be issued for the project activities that are known or anticipated to occur during the contract time frame, based upon projections developed between Division staff and the Contractor. The Contractor would then invoice monthly for the services provided and the Planning & Development Department would bill the appropriate permittees as part of the normal monthly billing cycle. All costs incurred under this Agreement would be borne completely by those project applicants/owners who receive the Contractor's services, as required by the existing reimbursement agreements between the County and the permittees. Staff would direct and monitor the Contractor's work to ensure timely completion of contract tasks and to monitor and control costs. Additional Notices to Proceed would be issued as necessary, if specific monitoring needs change during the term of the Agreement.

**Key Contract Risks:**

A risk analysis was performed, and the proposed contractual agreement rated a medium risk due to its high complexity, three-year term, limited number of bidders, and high visibility. The recommended Contractor, Geosyntec, will be providing this service for the first time to P&D but has maintained contracts with other County departments. The County has consistently received excellent services from Geosyntec under these contracts. The Agreement indemnifies County agents, officers, and employees from all claims that arise from activities performed under the Agreement and no claims have been made by either the County or Geosyntec under previous County contracts.

**Special Instructions:Attachments:Special Instructions:**

Please forward a duplicate original executed Agreement and a copy of the Minute Order to David Mitchell, P&D Accounting. Please forward one copy of the executed Agreement and one copy of the Minute Order to Jeff Wilson, Assistant Director, Planning and Development Department.

**Attachments:**

Attachment 1 – Geosyntec Contract  
Attachment 2 – Board Contract Summary  
Attachment 3 – Notice of CEQA Exemption

**Authored by:**

Jeff Wilson, Assistant Director, ext. 568-2085