

ATTACHMENT D: LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT

ORDINANCE NO. 5245

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE (LUDC), OF CHAPTER 35, ZONING, OF THE COUNTY CODE TO AMEND ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; TO REVISE EXISTING ODOR REGULATIONS AND DEVELOPMENT STANDARDS REGARDING COMMERCIAL CANNABIS ACTIVITIES.

Case No. 24ORD-00011

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

SECTION 1:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Subsection f, to Section 35.42.075.A.2, Applicability, of Section 35.42.075, Cannabis Regulations, to read as follows:

- f. The provisions of this code as specified in Section 35.42.075.C.6 (Odor Abatement Plan) shall become operative for all existing indoor cannabis operations within 12 months of adoption by the Board of Supervisors adopting Section 35.42.075.C.6.
 - 1) **Implementation.** Existing indoor cannabis 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 Section 35.42.075.C.6 – 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:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection 6, Odor Abatement Plan of Section 35.42.075.C, General Commercial Cannabis Activities Development Standards, to read as follows:

6. **Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, indoor processing or cultivation, 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 in AG-II zoning, unless it is adjacent to an EDRN or Urban Rural boundary, indoor processing or indoor cultivation, or the cultivation area exceeds 51% of the subject lot area (gross). The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. 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, is 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) Vapor-phase systems for outdoor cannabis cultivation and processing. Vapor-phase systems must comply with the following:
 - (a) The resulting odors must be odor-neutralizing, not odor-masking.
 - (b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - (c) Use of these systems must have supporting documentation to demonstrate that the systems meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.

- (3) Other odor controls systems that provide equivalent or greater odor control measures than Multi-Technology Carbon Filtration or project siting practices that demonstrate effectiveness in controlling odors.
 - (4) Vapor phase systems shall not be allowed in existing indoor operations, including indoor processing. Existing indoor operations utilizing vapor phase systems shall transition to Multi-Technology Carbon Filtrations in accordance with the implementation timeframe in Section 35.42.075.A.2.
- 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 responding to 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 operation 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 from being experienced within residential zones, as determined by the Director.

- i. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35.42.075.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a California-licensed Professional Engineer. 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).

SECTION 3:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection I, Limitations on Cannabis Harvesting Activities, of Section 35.42.075.D.1, Cultivation, to read as follows:

- I. **Limitations on cannabis harvesting activities.** In order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure with a certified Odor Abatement Plan in compliance with Section 35.42.075.C.6 above, or (2) include techniques and/or equipment (e.g., the use of freeze drying techniques/equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes Multi-Technology Carbon Filtration.

SECTION 4:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Subsection I, to Section 35.42.075, Cannabis Regulations, to read as follows:

- I. **Odor abatement and compliance monitoring.** Facilities that require an Odor Abatement Plan or installation of an odor control system shall comply with Section 35.42.075.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 5:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6:

Except as amended by this Ordinance, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

This Ordinance shall take effect 30 days from the date of its passage and shall become operative for all existing indoor cannabis operations within 12 months of adoption by the Board of Supervisors; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, 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

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LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 
Deputy Clerk

A handwritten signature in blue ink, appearing to read 'Sheila LaGuerra', is written over a horizontal line.

APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By 
Deputy County Counsel

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