



Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 19, 2025

RE: 2024 Cannabis Ordinance Amendments; 24ORD-00011, 24ORD-00012

Hearing on the request of the County of Santa Barbara Planning and Development Department (P&D) for the County Planning Commission (CPC) to consider the following:

1. An ordinance (Case No. 24ORD-00012) to amend the Santa Barbara County Coastal Zoning Ordinance, Article II, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C-2.
2. Determine that ordinance Case No. 24ORD-00012 is exempt from the provisions of CEQA pursuant to Section 15265 of the State Guidelines for the Implementation of CEQA, and pursuant to Section 15162(a), after considering the PEIR that the Board of Supervisors (Board) certified on February 6, 2018, no subsequent environmental impact report or negative declaration shall be required because no:
 - (a) Substantial changes are proposed which require major revisions of the PEIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects;
 - (b) Substantial changes have occurred with respect to the circumstances under which the ordinance is undertaken which require major revisions of the PEIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant effects; or
 - (c) New information of substantial importance concerning the ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received which shows that any of the results described in CEQA Guidelines Section 15162(a)(3)(A) through (C) would occur. (Continued from 09/25/24, 11/06/24 and 01/29/25)



Dear Honorable Members of the Board of Supervisors:

At the Planning Commission special hearing of February 19, 2025, Commissioner Cooney moved, seconded by Commissioner Parke and carried by a vote of 5 to 0 to recommend that the Board of Supervisors:

1. Make the required findings for approval (Attachment A of the staff memorandum dated February 12, 2025), 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 of the staff memorandum dated February 12, 2025) and the previously certified PEIR (17EIR-00000-00003 included as Attachment B-2 of the staff memorandum dated February 12, 2025) 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);
3. Adopt a resolution (Attachment C-2 of the staff memorandum dated February 12, 2025) 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, as revised at the hearing; and
4. Adopt a resolution (Attachment D-2 of the staff memorandum dated February 12, 2025) recommending that the Board adopt an ordinance to amend the Land Use & Development Code, Chapter 35, Zoning, of the Santa Barbara County Code, as revised at the hearing.


Revisions to the staff recommendations were as follows:

- Revise the odor threshold to “below seven (7) D/T.” So that an operation cannot operate with a level of 7 D/T for a 3-minute time period at the property line.
 - Commissioner Parke moved, seconded by Commissioner Cooney and carried by a vote of 4-1 (Bridley no)
- Require hardship extensions be approved by the Director and if appealed, by the Planning Commission and if appealed further, by the Board.
 - Commissioner Parke moved, seconded by Commissioner Bridley and carried by a vote of 3-2 (Cooney and Martinez no)
- Allow for additional extensions beyond the initial, to start at the expiration of the previous extension.
 - Commissioner Parke moved, seconded by Commissioner Reed and carried by a vote of 3-2 (Cooney and Bridley no)

- The CPC did not make a recommendation for a decision-maker or appeal process for additional extensions. In a motion to require additional extensions be approved by the Director and if appealed, by the Planning Commission.
 - Commissioner Martinez moved, seconded by Commissioner Cooney, the motion failed by a vote of 2-3 (Bridley, Parke and Reed no)

- In a motion to require additional extensions be approved by the Director and if appealed, by the Board of Supervisors.
 - Commissioner Martinez moved, seconded by Commissioner Bridley, the motion failed by a vote of 2-3 (Cooney, Parke and Reed no)

Sincerely,

Signed by:

E14298CA0C9A4A2...

Jeff Wilson
Secretary to the Planning Commission

cc: Jeff Wilson, Assistant Director
Corina Venegas-Martin, Planner

Attachments: **Attachment A – Findings**
 Attachment C2 – Resolution
 Attachment D2 - Resolution

JW/dmv

**ATTACHMENT A: FINDINGS FOR APPROVAL
CASE Nos. 24ORD-00011 and -00012**

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 CEQA GUIDELINES EXEMPTION FINDINGS PURSUANT TO SECTION 15265 ADOPTION OF COASTAL PLANS AND PROGRAMS

CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review. The proposed Coastal Zoning Ordinance (Article II) amendment affects portions of the County within the Coastal Zone and constitutes an amendment to the County's Local Coastal Program. Therefore, the proposed Article II amendment is statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15265.

Please see the Notice of Exemption (Attachment B-1 to the County Planning Commission Staff Memo, dated February 12, 2025) for more information.

1.2 SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

CONSIDERATION OF SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR00000-00003 (State Clearinghouse No. 2017071016) (Link to the PEIR provided in Attachment B-2 to the County Planning Commission Staff Memo, dated February 12, 2025, and incorporated herein by reference) along with the proposed County Land Use and Development Code (LUDC) and Article II amendments (Proposed Project), which are an activity within the scope of the PEIR. Establishing a cannabis odor threshold and revising existing development standards for odor control will not have any environmental impacts, and no new environmental document is required pursuant to CEQA Guidelines Section 15162. The proposed revisions to the existing OAP requirements, establishing an odor threshold, and clarifying the odor complaint and operator violation processes provides the County decision makers, and Planning and Development Department staff with additional tools to more efficiently identify, evaluate, and enforce cannabis-related nuisance odors in the inland area and Coastal zone.

The Proposed Project is within the scope of the PEIR, and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, the previously certified PEIR, and any public comments received, the Planning Commission finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously

identified significant effects on the environment, and there is no new information of substantial importance pursuant to State CEQA Guidelines Section 15162 warranting the preparation of a new environmental document for the Proposed Project.

1.3 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board located at 123 East Anapamu Street, Santa Barbara, CA 93101. The Final PEIR is located online at <http://cannabis.countyofsb.org/zones.sbc>.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.104.060 of the County LUDC, the following findings shall be adopted by the Board of Supervisors in order to approve a text amendment to the County LUDC:

In compliance with Article II Section 35-180.6, the Coastal Zoning Ordinance, the following findings shall be adopted by the Planning Commission in order to approve a text amendment to Article II:

2.1 The request is in the interests of the general community welfare.

The Planning Commission finds that the Proposed Project is in the interest of the general community welfare because the amendments will require additional measures to more efficiently identify, evaluate and enforce cannabis-related odors for all commercial cannabis cultivation in the Coastal Zone and indoor cannabis operations in the inland area. Establishing a cannabis odor threshold, revising existing OAP requirements, and clarifying the odor complaint and operator violation processes provides the County decision makers, and Planning and Development Department staff with additional tools to more efficiently identify, evaluate, and enforce cannabis-related nuisance odors in the inland and Coastal Zone. The clarifications to the existing OAP regulations will improve permit compliance procedures and provide operators with a streamlined permit process to improve their odor abatement technologies with minor revisions to existing Coastal Development Permit in the Coastal Zone and Conditional Use Permit /Land Use Permit in the inland area. Further, the proposed changes to Article II will clarify the violation process for cannabis odor threshold exceedance and improve the odor complaint process to help staff better identify odor nuisances through a revised complaint form. The proposed changes to the inland area will clarify existing OAP regulations and incorporate development standards to improve odor nuisances. Therefore, this ordinance is consistent with the Coastal Land Use Plan and the Comprehensive Plan, including the Community Plans, the requirements of State planning and zoning Laws, the LUDC and Article II.

2.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, the LUDC and Article II.

The Board of Supervisors adopted the LUDC and Article II cannabis regulations to establish standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of, and in compliance with, State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult-use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.

As further discussed in the County Planning Commission Staff Memo, dated February 12, 2025, the Planning Commission finds that the ordinance amendment is consistent with adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of Article II, the Coastal Zoning Ordinance that these ordinance amendments would not be revising. Therefore, the Proposed Project would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, the LUDC and Article II.

2.3 The request is consistent with good zoning and planning practice.

The Planning Commission finds the Proposed ordinance amendments are consistent with good zoning and planning practices because the amendments provide additional tools and clarifications to existing regulations that will improve cannabis odor control systems, which serves to minimize potential adverse impacts on people, communities, and the environment. As discussed in Finding 2.2, above, the ordinance amendments are consistent with the Comprehensive Plan, LUDC, Article II, and good zoning and planning practice. Therefore, the proposed ordinances amendments are consistent with sound zoning and planning practices to regulate land uses.

ATTACHMENT C-2: ARTICLE II COASTAL ZONING ORDINANCE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT THE BOARD OF) RESOLUTION NO. 25 - 02
SUPERVISORS ADOPT AN ORDINANCE AMENDING ARTICLE)
II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER) Case No.:
35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY) 24ORD-00012
AMENDING DIVISION 7, GENERAL REGULATIONS, AND)
DIVISION 11, PERMIT PROCEDURES; TO ESTABLISH A)
CANNABIS ODOR THRESHOLD, REVISE EXISTING CANNABIS)
ODOR REGULATIONS AND DEVELOPMENT STANDARDS)
REGARDING COMMERCIAL CANNABIS FACILITIES.)

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Santa Barbara County Board of Supervisors (Board) adopted the Santa Barbara Coastal Land Use Plan.
- B. On July 19, 1982, by Ordinance 3312, the Board adopted Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code.
- C. On February 27, 2018, by Ordinance 5028, the Board adopted Article II, the CZO, amendments to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities.
- D. On October 10, 2018, the California Coastal Commission approved Local Coastal Program Amendment LCP-4-STB-18-0039-1-Part C, with suggested modifications.
- E. On October 22, 2018, by Resolution 18-272, the Board acknowledged receipt of the California Coastal Commissions Resolution of conditional certification, and the Board agreed to issue Coastal Development Permits for the total area included in the certified Local Coastal Program and adopt the Local Coastal Program Amendment with the suggested modifications.
- F. On July 9, 2019, the Board adopted Ordinance No. 5085 (Case No. 19ORD-00002) amending Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code related to commercial cannabis activities.
- G. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00012) amending Division 7, General Regulations, and Division 11, Permit Procedures; of the CZO of Chapter 35, Zoning, of the Santa Barbara County Code to establish a cannabis odor threshold,

and revise existing cannabis odor regulations and development standards regarding commercial cannabis activities.

The proposed CZO amendment is attached hereto as Attachment C-1 and is incorporated by reference.

- H. The proposed CZO amendment is consistent with the Santa Barbara County Comprehensive Plan, including all community and area plans, and the requirements of the State planning, zoning, and development laws.
- I. The proposed CZO amendment is in the interest of the general community welfare since it will establish a cannabis odor threshold and revise existing cannabis odor regulations to reduce odor impacts from cannabis operations in the coastal zone.
- J. This County Planning Commission has held a duly noticed public hearing, as required by GC Section 65854, on the proposed CZO amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
 - 2. In compliance with the provisions of GC Section 65855 and County Code 2-25.2, the County Planning Commission recommends that the Board, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff memo dated February 19, 2025, and with the following revisions recommended by the County Planning Commission at the February 19, 2025 hearing:
 - a. Revise the odor threshold to “below seven (7) D/T.” So that an operation cannot operate with a level of 7 D/T for a 3-minute period at the property line.
 - b. Require extensions be approved by the Director and if appealed, by the Planning Commission and if appealed further, by the Board.
 - c. Allow for additional extensions beyond the initial, to start at the expiration of the previous extension. The County Planning Commission did not make a recommendation for a decision-maker or appeal process for additional extensions.
 - 3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855 and County Code Section 2-25.2.
 - 4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above-mentioned action by the County Planning Commission.
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PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 19th day of February, 2025, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

ABSTAIN:

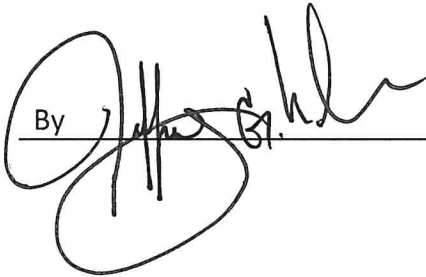
ABSENT:



LAURA BRIDLEY, CHAIR
SANTA BARBARA COUNTY
COUNTY PLANNING COMMISSION

ATTEST:

JEFF WILSON
SECRETARY TO THE COMMISSION

By 

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By 
DEPUTY COUNTY COUNSEL

ATTACHMENT C-1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

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-000012

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) The Director may grant one initial extension to the 12-month implementation time period (above) for up to 12 months. Any additional requests for extension must be submitted 90 days prior to the expiration 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
 - 3) **Extension Appeals.** The Director’s action on an extension may be appealed to the Board of Supervisors.
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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 equal 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. 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 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 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).

67. 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 being measured at seven (7) D/T for a duration of a consecutive three (3) minute period as measured at the property line of a commercial cannabis facility ~~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 ~~or a Certified Industrial Hygienist~~ 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) Vapor phase systems. 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 which 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 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 upon request to verify the approved equipment is operating in accordance with the approved Odor Abatement Plan. ~~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.~~
- 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. ~~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 35-144U.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 Professional Engineer or a Certified Industrial Hygienist. 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:

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:
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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 accept 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 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.

Cannabis Odor Ordinance Amendments
Case Nos. 24ORD-00012
County Planning Commission
February 19, 2025
Attachment C-1 – Page 8

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

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTACHMENT D-1: LAND USE & DEVELOPMENT CODE ORDINANCE RESOLUTION

RESOLUTION OF THE COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING THAT THE BOARD OF) RESOLUTION NO. 25 - 03
SUPERVISORS ADOPT AN ORDINANCE AMENDING)
SECTION 35-1, THE COUNTY LAND USE AND) Case No.:
DEVELOPMENT CODE OF CHAPTER 35, ZONING, OF THE) 24ORD-00011
SANTA BARBARA COUNTY CODE, BY AMENDING 35.4,)
STANDARDS FOR SPECIFIC LAND USES; TO REVISE)
EXISTING CANNABIS ODOR REGULATIONS AND)
DEVELOPMENT STANDARDS REGARDING COMMERCIAL)
CANNABIS FACILITIES.)

WITH REFERENCE TO THE FOLLOWING:

- A. In 2015, in response to challenges regarding the regulation of the medical marijuana industry, Governor Brown signed into law the Medical Cannabis Regulation and Safety Act (MCRSA), which increased regulation of medical marijuana across the State of California.
- B. On November 8, 2016, the voters of the State of California enacted Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act, also known as the Adult Use of Marijuana Act (AUMA) (sections 11018 *et seq*, 11357, 11358, 11359, 11360, 11361 *et seq*, and 1362 *et seq*, of the Health and Safety Code, Division 10 of the Business and Professions Code, and Part 14.5 (commencing with section 34010) of Division 2 of the Revenue and Taxation Code). The AUMA established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including nonmedical marijuana products, for use by adults 21 years and older, and to tax the growth and retail sale of marijuana for nonmedical use.
- C. On June 27, 2017, Governor Brown signed the “Cannabis Trailer Bill” (SB 94) into law, which further clarified by AB 133 (2017). The bill consolidated State statutes that had been enacted through the MCRSA and AUMA, under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). MAUCRSA established methods for collecting taxes and reconciling the two laws, restructured the Bureau of Medical Cannabis Control as the Bureau of Cannabis Control, and consolidated authority that was previously intended to be dispersed among several state agencies.
- D. MAUCRSA created a licensing system whereby the State issues licenses to individuals and businesses authorizing them to cultivate, manufacture, test, distribute, and sell medicinal and adult-use cannabis.

- E. MAUCRSA allows the County to adopt and enforce local ordinances and licenses to regulate or prohibit cannabis activities within the local jurisdiction. (Business and Professions Code Section 26200.)
- F. On February 6, 2018, the Board of Supervisors certified the final Program Environmental Impact Report (17EIR-00000-00003) for the Cannabis Land Use Ordinance and Licensing Program, adopted a Statement of Overriding Consideration, and adopted changes to the County's zoning ordinances to regulate cannabis.
- G. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County, to recommend that the Board adopt an ordinance (Case No. 24ORD-00011) amending Article 35.4, Standards for Specific Land Uses; of the LUDC of Chapter 35, Zoning, of the Santa Barbara County Code to revise existing cannabis odor regulations and development standards regarding indoor commercial cannabis activities.

The proposed LUDC amendment is attached hereto as Attachment D-2 and is incorporated by reference.

- H. The proposed LUDC amendment is consistent with the Santa Barbara County Comprehensive Plan, including all community and area plans, and the requirements of the State planning, zoning, and development laws.
- I. The proposed LUDC amendment is in the interest of the general community welfare since it addresses issues raised by the community related to cannabis odor and will revise existing cannabis odor regulations for indoor commercial cannabis activities in the inland area.
- J. The Final Program Environmental Impact Report (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the recommended amendments. The recommended amendments are within the scope of the program EIR approved earlier, which adequately describes the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(c)(2).
- K. This County Planning Commission has held a duly noticed public hearing, as required by GC Section 65854, on the proposed LUDC amendment at which hearing the proposed amendment was explained and comments invited from the public.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
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2. In compliance with the provisions of GC Section 65855, the County Planning Commission recommends that the Board, following the required noticed public hearing, approve and adopt the above-mentioned recommendation of this County Planning Commission, based on the findings included as Attachment A of the County Planning Commission staff memo dated February 12, 2025, and with the following revisions recommended by the County Planning Commission at the February 19, 2025 hearing:
 - a. Require extensions be approved by the Director and if appealed, by the Planning Commission and if appealed further, by the Board.
 - b. Allow for additional extensions beyond the initial, to start at the expiration of the previous extension. The County Planning Commission did not make a recommendation for a decision-maker or appeal process for additional extensions.
3. A certified copy of this Resolution shall be transmitted to the Board in compliance with GC Section 65855.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above-mentioned action by the County Planning Commission.

PASSED, APPROVED, AND ADOPTED by the County Planning Commission of the County of Santa Barbara, State of California, this 19 day of February 2025, by the following vote:

AYES: Cooney, Bridley, Parke, Reed, Martinez

NOES:

ABSTAIN:

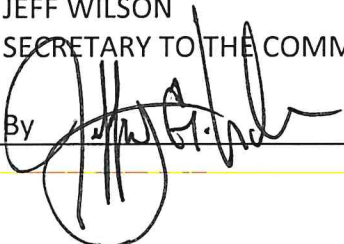
ABSENT:



LAURA BRIDLEY, CHAIR
SANTA BARBARA COUNTY
COUNTY PLANNING COMMISSION

ATTEST:

JEFF WILSON
SECRETARY TO THE COMMISSION

By 

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By 

DEPUTY COUNTY COUNSEL

Cannabis Odor Ordinance Amendments
Case No. 24ORD-00011
County Planning Commission
Hearing Date: February 19, 2025
Attachment D-1 – Page 4

Attachment D-1: Land Use & Development Code Amendment, Case No. 24ORD-00011

ATTACHMENT D-1: LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT

ORDINANCE NO. _____

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.** The Director may grant one initial extension to the 12-month implementation time period (above) for up to 12 months. Any additional requests for extension must be submitted 90 days prior to the expiration 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
 - 3) **Extension Appeals.** An extension approved by the Director may be appealed to the Board of Supervisors.

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 ~~or a Certified Industrial Hygienist~~ 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) ~~Activated carbon filtration systems~~ 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. 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.~~

- (32) 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.
 - (3) Vapor phase systems shall not be allowed. 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. ~~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.~~ 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 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.
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- h. 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 ~~or a Certified Industrial Hygienist~~. 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 ~~which utilizes best available control technology~~, 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 measures than Multi-Technology Carbon Filtration ~~as could be achieved using an enclosed structure which utilizes best available control technology~~.

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:
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- 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 and be in force 30 days from the date of its passage; 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 _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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
