



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT
MEMORANDUM**

TO: County Board of Supervisors

FROM: Mona Miyasato, County Executive Officer
Lisa Plowman, Director of Planning and Development

DATE: March 8, 2024

RE: Cannabis Odor Abatement Compliance Monitoring in Santa Barbara County

1.0 Introduction

During the Board of Supervisors hearing on November 28, 2023, the Board of Supervisors (BOS) directed the County Executive Office (CEO) to work with the Planning and Development Department (P&D) to return with a Departmental item that addresses the following:

- a. Successes and challenges of cannabis odor abatement in the inland and coastal areas;
- b. How cannabis growers are moving through tiers in Odor Abatement Plans (OAPs);
- c. Whether cannabis growers in North County are compliant with OAPs; and
- d. Staffing for processing cannabis permits and enforcement.

P&D coordinated with the CEO in the preparation of this memorandum, which summarizes the status of cannabis odor abatement compliance monitoring, outlines successes and challenges, and identifies plans for continued monitoring and data collection. Staff will return to the BOS on April 23, 2024, with a Departmental Item to fully address the above request. In addition, the Departmental Item will include a briefing on OAP compliance and OAP inspection findings, operator-initiated changes to OAPs, and a summary of odor monitoring and data collection.

2.0 Odor Abatement Plan Compliance Monitoring

There are 108 cannabis sites with approved entitlements in Santa Barbara County. Cannabis sites in the Coastal Zone are primarily indoor cultivation operations located within greenhouses, and sites in the inland area are primarily outdoor cultivation operations. Thirty-two cannabis sites are required to implement an OAP.

All 27 approved sites in the Coastal Zone are required to implement an OAP. In the Coastal Zone, OAPs are required for cannabis sites that include cultivation, nursery, manufacturing, processing, microbusiness, and/or distribution permits, however, no OAP shall be required within the Agricultural II (AG-II) Zone District, unless a Conditional Use Permit is required.

Five of the 81 approved sites located in the inland area are required to implement an OAP. In the inland area, OAPs are required for cannabis sites that include cultivation, nursery, manufacturing, microbusiness, and/or distribution permits. No OAP shall be required within the Agricultural II (AG-II) Zone District, unless the subject property is adjacent to an Existing Developed Rural Neighborhood or Urban Rural boundary or the cultivation exceeds 51% of the subject lot area.

To meet Article II Coastal Zoning Ordinance (CZO) and Land Use and Development Code (LUDC) requirements, OAPs must be certified by a professional engineer/certified industrial hygienist and must prevent odors from being experienced within residential zones. P&D compliance staff monitor compliance with these approved OAPs.

Below is a discussion of successes and challenges that P&D staff have identified while implementing the cannabis odor abatement compliance monitoring program. Additionally, each challenge is followed by a brief response that describes how the department is addressing the issue.

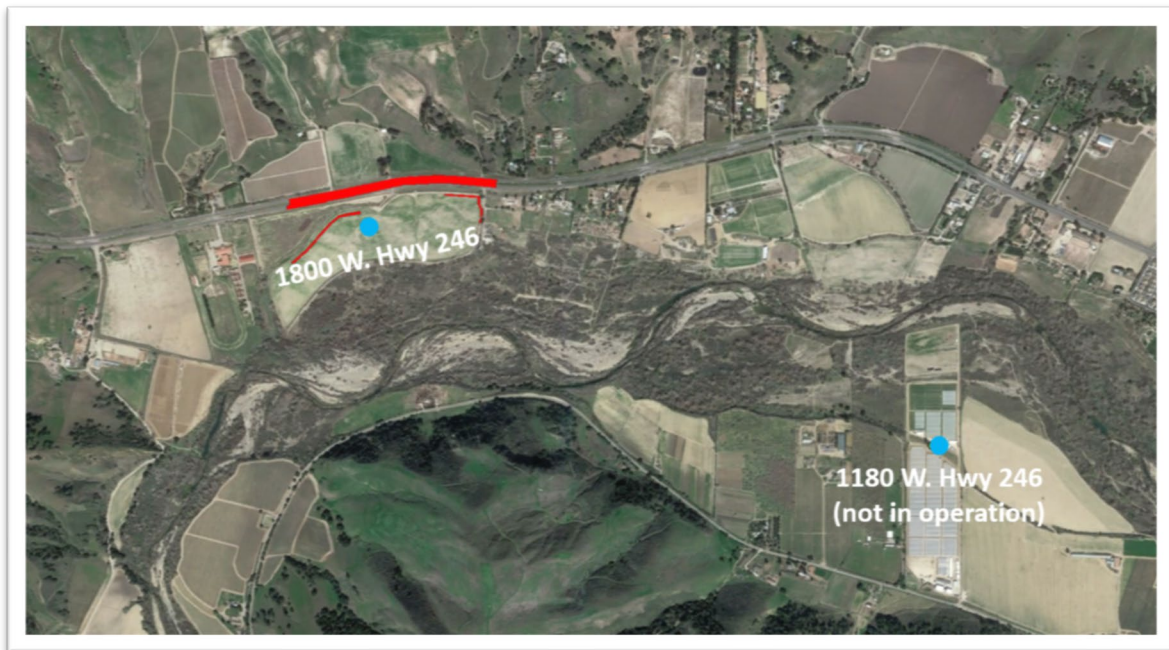
2.1 Status Update on Cannabis Permitting, Compliance, and Monitoring

Generally, P&D has found that cannabis operations are compliant with the equipment and system components outlined within their OAPs. Additional status updates and progress related to the cannabis odor abatement compliance monitoring program are listed below:

- On November 1, 2022, the BOS approved a contract with Geosyntec Consultants (Geosyntec). Geosyntec provides technical assistance to P&D with inspecting and monitoring odor abatement systems.
- Geosyntec has conducted 47 odor abatement inspections at 23 cannabis sites, including recurring quarterly inspections at 18 sites.
- During the odor abatement inspections, all of the 23 sites were operating their odor abatement systems.
- Geosyntec developed a template for inspections that includes specific assessment areas to be evaluated (more detail on assessment areas will be provided in April).
- Cannabis operators are continuing to make adjustments to their operations related to production of cannabis crops as well as revising their OAPs to increase efficiencies in the implementation of their OAPs (e.g., modifying the standard operating procedures, changing the size of filters and/or fans, reconfiguring the location of technology, and/or adding a new technology).
- In addition, P&D staff has been trained to use a Nasal Ranger and is deploying staff to collect Dilution to Threshold (D/Ts) data to assist with data-driven decisions related to

odor detection and the effectiveness of odor abatement systems (more data is needed and will be provided in April).

- Geosyntec is also deploying a Nasal Ranger during odor abatement plan inspections to collect data and measure D/Ts levels.
- Geosyntec has detected and documented the presence of both onsite and offsite cannabis odor and neutralizer solutions odor at 23 sites. Currently, Geosyntec is mapping locations where odor was observed. Aerial Images 1 and 2 below are examples of mapped odor locations.



Aerial Image 1. Locations of cannabis odor, in red, detected during an OAP inspection in the Buellton area. Approved cannabis operations are shown with a blue dot.



Aerial Image 2. Locations of cannabis odor, in red, and odor neutralizer solution, in yellow, detected during OAP inspections in the Carpinteria area. Approved cannabis operations are shown with a blue dot.

- The number of odor complaints filed with P&D in the Coastal Zone has decreased from 1,244 complaints in 2021 to 387 complaints in 2023. The number of complaints filed with P&D in the inland area has decreased from 48 in 2021 to 18 in 2023. To date, no complaints have been filed in 2024.
- Four sites have a condition of approval to implement regenerative carbon scrubbers (also known as photocatalytic oxidizers, molecular scrubbers, and/or carbon scrubbers) and are in process of complying with the condition of approval subject to the availability of the units to be procured, obtaining building permits, and ensuring the power capacity for the units is available.
- All formerly legal nonconforming sites have approved land use entitlements and those with required odor abatement plans have enabled P&D to initiate monitoring and compliance of the odor abatement systems.

2.2 Current Challenges and Issues with Odor Abatement Monitoring and Compliance

- OAP components for each cannabis operation vary with respect to technology, complaint response, and/or maintenance procedures, which causes the review and enforcement of OAPs to be time-consuming.

Action: In collaboration with Geosyntec, P&D is exploring options to standardize the OAPs and their implementation. This standardization may occur over time as OAPs are amended or revised. A consistent format for OAP information will assist in the review, implementation, and monitoring of systems.

- Ongoing and continuous OAP updates and revisions make quarterly odor inspections obsolete if the OAP is in the process of being modified.

Action: P&D reviews and processes changes to OAPs in a timely manner and coordinates with cannabis operators to adjust inspection schedules when feasible to facilitate inspections of the revised OAP.

- Complaints are received outside of inspection hours that odor abatement systems are not operating on an ongoing basis as required by OAPs.

Action: P&D compliance staff requests records of runtimes for OAP systems and conducts unannounced inspections to monitor whether systems are on and operational.

- Approvals of cannabis permits continue to be appealed.

Action: Appeals of cannabis permits delayed the approval and implementation of nonconforming cannabis operations. Cannabis operators are discouraged from voluntarily revising their OAPs due to the chance of an appeal being filed. P&D continues to strive to process appeals of cannabis operations in a timely manner.

- Delays in building permits can slow the implementation of new odor abatement systems. In addition to other processing factors, new legislation requires the Division to prioritize the review of building permits related to housing projects, which can slow the review of other building permit types.

Action: Building and Safety has developed and is implementing a process improvement plan. Since October of 2023, the timelines for the intake and issuance of permits have decreased and are now within acceptable timeframes. The contract amounts for outside plan check services have increased which has reduced plan check reviews timelines.

- Private agreements between the Santa Barbara Coalition for Responsible Cannabis and cannabis operators are separate from P&D enforcement of OAPs and LUDC and CZO regulations.

Action: P&D does not enforce the private agreement or its terms, unless some of the terms are mirrored in the OAP. P&D continues to enforce permit conditions, including terms in the OAPs, as well as compliance with the LUDC and the CZO.

- Some cannabis operations have a tiered complaint-response program in their OAP that may require installation of best available control technology (BACT). However, that level of tiered response has not been triggered at any cannabis operations, because respective complaints have been low or non-existent.

Action: P&D enforces compliance with OAPs that have adaptive management tiered response systems. In the event that a tiered response is required, P&D will work with the cannabis operator to monitor compliance with the necessary actions (such as conducting a BACT analysis or installing a new odor technology). To date, there has not been a documented occurrence requiring an operator to significantly change their approved system as outlined in their adaptive management program.

- There is support for the use of regenerative carbon scrubbers (also known as carbon filters, photocatalytic oxidizers, and/or molecular scrubbers), but operators are resistant to install these systems due to installation cost and/or lack of adequate electrical capacity.

Action: P&D processes applications for modifications to OAPs and coordinates with cannabis operators to facilitate installation of new technology when requested.

- Identifying the source of odor is challenging due to various factors such as temperature, topography, surface structures, meteorological data, and proximity to other operations.

Action: P&D will continue to deploy staff to use a Nasal Ranger to quantify odors at cannabis sites and in residential zones, but several of these factors are difficult to address.

3.0 Plans for Continued Compliance Monitoring and Data Collection

As discussed above, Geosyntec is collecting data during each odor inspection. This data helps P&D staff determine general areas and/or specific cannabis sites to target for continued monitoring and data collection. Staff has completed the Nasal Ranger testing and training with Geosyntec, and are qualified to measure cannabis odor with the Nasal Ranger near cannabis operations and affected residential zones. P&D will use this data to record baseline odor content in the air as well as an average odor intensity at each cannabis site. Additionally, this data will help P&D better understand the effectiveness of odor abatement technology. This will enable P&D to identify and measure increased odor and use data to guide decisions regarding improvements in odor control systems.

As stated previously, the CEO and P&D will provide a Board Agenda Letter for the April 23, 2024 hearing to provide a detailed response to the requests above. This allows additional time for P&D to gather data related to the deployment of the Nasal Rangers by staff in concert with OAP inspections. It is anticipated that by April staff will have a sufficient baseline of odor measurements in specific geographic areas to present to the BOS for discussion.