



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

Submitted on:
(COB Stamp)

Department Name: Planning and Development (P&D)
Department No.: 053
Agenda Date: October 21, 2025
Placement: Departmental Agenda
Estimated time: 45 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Lisa Plowman
Contact: Errin Briggs, Deputy Director
SUBJECT: California Coastal Commission's conditional certification of an amendment to the Local Coastal Program regarding the Cannabis Odor Ordinance Amendments

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive notice of the California Coastal Commission's conditional certification of an amendment to the County's Local Coastal Program (LCP) (Coastal Commission Case No. LCP-4-STB-25-0017-1 Part D);
- b) Adopt a resolution acknowledging receipt of the California Coastal Commission's conditional certification with modifications, accepting and agreeing to the suggested modifications, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified LCP, and adopting the LCP Amendment with the four suggested modifications (Attachment B);
- c) Determine that the Board's action is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15265 (Attachment C); and
- d) Direct the Planning and Development Department to transmit the adopted resolution to the Executive Director of the California Coastal Commission.

Summary Text:

Consider accepting the California Coastal Commission's (CCC) conditional certification of the Cannabis Odor Ordinance Amendments (Case No. 24ORD-00012) as an amendment to the County's certified Local Coastal Program (LCP).

Discussion:

On March 18, 2025, the Board adopted the Cannabis Odor Ordinance Amendments (Ordinance No. 5244), which amended Article II, the Coastal Zoning Ordinance (CZO) to clarify existing cannabis odor control regulations by revising development standards and Odor Abatement Plan (OAP) procedures, implementing a 12-month compliance period, and establishing an odor threshold in the Coastal Zone to more efficiently identify, evaluate, and enforce cannabis-related nuisance odors. The Board authorized staff to submit Ordinance No. 5244 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program (LCP) on March 18, 2025. The Coastal Commission considered this amendment at their September 11, 2025, hearing and conditionally certified the amendment with four suggested modifications (Attachment A). In the Coastal Commission letter, language approved by the Coastal Commission to be modified is shown in ~~double-strikeout~~ for deletions and double underline for insertions. Additional information regarding the Coastal Commission's action, including the Coastal Commission staff report and suggested modifications, are set forth in Exhibit 1 to the Coastal Commission staff report dated August 28, 2025 (Attachment D).

The Coastal Commission's conditional certification will expire on March 11, 2026, six months following the date of the Coastal Commission's action on September 11, 2025, unless prior to that date the Board acts to accept the modifications. The Board may choose to accept or reject the suggested modifications.

If the Board chooses to accept the modifications, then following receipt of a Board resolution acknowledging and accepting the Coastal Commission's suggested modifications, the Coastal Commission's Executive Director will make a determination that the County's action is legally adequate to satisfy any specific requirements set forth in the Coastal Commission's certification order and report this determination to the Coastal Commission at its next regularly scheduled public meeting. If the Coastal Commission does not object to the Executive Director's determination, then notice of the certification will be filed with the Secretary of the Resources Agency, and the certification will be deemed final and effective. While unlikely, if a majority of the Coastal Commission members object to the Executive Director's determination and find that the County's action does not conform to the provisions of the Coastal Commission's action to certify the amendment to the County's LCP, then the Coastal Commission will review the County's action in a subsequent public hearing as if it were a re-submittal.

Once the amendment receives final certification from the Coastal Commission, the amendment as modified will become effective and will be incorporated into the County's certified LCP.

The Board has the following options if it does not accept the suggested modifications:

- Adopt amendments to the suggested modifications and re-submit the amended Cannabis Odor Ordinance Amendments for certification as a new LCP amendment.
- Reject the modifications without adopting any amendments to the suggested modifications and request that the Coastal Commission not certify the LCP amendment.
- Allow the Coastal Commission's certification with the suggested modifications to expire by taking no action prior to March 11, 2026.

Background:

Coastal Commission Modifications Summary

On September 11, 2025, the Coastal Commission conditionally certified LCP Amendment LCP-4-STB-25-0017-1 Part D (Cannabis Odor) with four suggested modifications, which are summarized below. The Planning and Development Department reviewed and is amenable to the Coastal Commission's suggested modifications as they do not present significant policy and textual changes to the LCP amendment. Based on the analysis below, staff recommends that your Board adopt the attached resolution (Attachment B) acknowledging receipt of the Coastal Commission's certification with the suggested modifications and adopting the LCP amendment with the suggested modifications.

Suggested Modification 1

Modify proposed language to establish a specific implementation deadline for existing commercial cannabis operators to come into compliance with the cannabis odor threshold and revised Odor Abatement Plan (OAP) requirements.

- Added Section 35-144U.A.2.f shall be modified 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 commercial cannabis operations on March 18, 2026, within 12 months of adoption by the Board of Supervisors or upon Coastal Commission's Certification of the Local Coastal Plan Amendment LCP-4-STB-25-0017-1 Part D, adopting Sections 35-144U.C.6 and .7 whichever date is later.

1) **Implementation.** Existing cannabis cultivation and processing operations shall submit a request to the Department for a minor change to their approved or issued Coastal Development Permit, consistent with Section 35-169.11, to ~~and~~ obtain approval of a revised Odor Abatement Plan and install the Multi-Technology Carbon Filtration systems before March 18, 2026 ~~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 of ~~to the 12-month~~ implementation time period ~~described above may be allowed 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

Discussion: To ensure all existing commercial cannabis operators comply with the updated cannabis odor control regulations, the proposed amendment language requires full compliance with the proposed changes—including any necessary OAP revision and the installation and operation of carbon filters—within a 12-month timeframe following the Board’s adoption or upon Coastal Commission certification, whichever is later. While supportive of the intent, Coastal Commission staff found the proposed implementation timeline of one year following the Board’s adoption or upon Commission certification to be vague and does not clearly define a compliance deadline for existing operators.

Suggested modification 1 recommends establishing a specific implementation deadline for compliance and incorporates a deadline of March 18, 2026, which aligns with the County’s suggested timeline of one year after Board of Supervisors approval of the proposed Ordinance No. 5244, which the Board adopted on March 18, 2025, or following the Coastal Commission’s certification of the subject amendment, whichever date occurs later.

Suggested Modification 2, 3, and 4

- Renumbers the subsections of Section 35-144U.C as shown below, including: renumbering Subsection 6 to 7; and renumbering Subsection 35-144U.C.7.e.3 to Subsection f. Further, Subsections 35-144U.C.7 f through h will be renumbered accordingly for consistency.

~~6~~7. Odor Abatement Plan.

...

~~f.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.”

- Renumber new Section 35-144U.J to 35-144U.I and modify to provide clarity as follows:

~~“I.1.~~ **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 (Cannabis Odor Threshold) and Section 35-144U.C.7 (Odor Abatement Plan) 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, ~~Department 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.”

- Renumber new Section 35-169.20 for clarification as follows:

~~Section 35-169.20–11~~ **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 provided that the changes materially conform with the approved or issued permit. Such requests shall be processed as follows:

1. The Director may approve a minor change (e.g., Odor Abatement Plan and odor control systems) to an approved or issued Coastal Development Permit where the Director determines:

...

2. Where a minor change of an approved or issued 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.

...

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 accept~~ in accordance with Section 30625 of the Coastal Act.

Discussion: Suggested modifications 2, 3, and 4 are necessary renumbering and clarifications to Article II, the CZO text that further the intent and implementation of the LCP, ensure internal consistency and avoid ambiguity.

Environmental Review

On March 18, 2025, the Board determined that the preparation and adoption of the Cannabis Odor Ordinance Amendments LCP amendment is exempt from environmental review pursuant to CEQA Guidelines Sections 15265 (Attachment C).

As further explained in Attachment C, consistent with Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission.

In addition, the four Coastal Commission suggested modifications to the Cannabis Odor Ordinance Amendments do not present any new information or proposed changes that will alter the Notice of Exemption that the Board accepted on March 18, 2025 (Attachment C). Therefore, the Board should find that a new environmental document is not required, and the Article II, CZO amendments do not require subsequent environmental review.

Fiscal and Facilities Impacts:

Funding for this ordinance amendment is budgeted in P&D's Long Range Planning Budget Program on page 321 of the County of Santa Barbara Fiscal Year (FY) 2025-26 Adopted Budget. There are no facilities impacts.

Special Instructions:

P&D will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the signed resolution, and minute order, to P&D, attention: Corina Martin. The ordinance shall not be sent to Municode for codification until requested by P&D staff.

Attachments:

Attachment A – Coastal Commission Action Letter, Santa Barbara Local Coastal Program Amendment Case No. LCP-4-STB-25-0017-1-Part D (Cannabis Odor), dated September 26, 2025

Attachment B – Board of Supervisors Resolution to accept the Coastal Commission’s certification of the Local Coastal Program amendment with modifications

Attachment C – Notice of Exemption, dated March 18, 2025

Attachment D – Coastal Commission Staff Report, dated August 28, 2025

Contact Information:

Corina Martin
Planner
martinc@countyofsb.org