



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Districts 2&4

Department No.:

For Agenda Of: January 14th, 2025

Placement: Departmental

Estimated Time: 1 Hour

Continued Item: No

If Yes, date from:

Vote Required: 3/5

TO: Board of Supervisors

FROM: Supervisor Laura Capps, 2nd District
Supervisor Bob Nelson, 4th District
Contact Info: Chris Henson, Chief of Staff, 2nd District, 805-568-2191
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SUBJECT: Cannabis Odor Abatement: Proposed Amendments to Chapter 50 and Chapter 35, Article II of the County Code

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:

On January 14th, 2024:

That the Board of Supervisors:

- a) Direct the CEO's Office to draft necessary amendments to Chapter 50 of the County Code, specifically to integrate mandatory multiple technology carbon filtration odor control measures such as carbon scrubbers or equivalent effective technology in mixed light cannabis cultivation operations;
- b) Direct the Planning Department to introduce changes to require Multi-Technology Carbon Filtration in mixed-light cannabis cultivation operations throughout the County of Santa Barbara for consideration to the Santa Barbara County Planning Commission as part of their discussion on odor abatement and enforcement, which is currently scheduled for January 22, 2025;
- c) Determine that these actions do not constitute a project under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15378(b)(5); and
- d) Provide any additional direction to staff, as appropriate.

Summary:

This Board letter proposes amendments to the County's cannabis regulations to address ongoing concerns about odor impacts on surrounding communities. The proposed changes aim to improve odor control measures once and for all for mixed-light cannabis cultivation operations while providing a reasonable timeline for implementation and a process for operators facing legitimate challenges. The goal is to usher in a new chapter of Santa Barbara County's cannabis program by significantly reducing:

- 1) the negative impacts on the community;
- 2) the time and money spent by neighbors, operators, and county staff on litigation and appeals.

Background:

In April 2024, the Board received a comprehensive report on cannabis odor abatement in Santa Barbara County. Concerns persist about the effectiveness of current odor control measures in mixed-light cannabis cultivation operations. Some Board members expressed interest in mandating more robust technologies, such as carbon scrubbers, to further mitigate odor impacts.

While the current system relies heavily on community members reporting cannabis odors, it is important to emphasize that the primary responsibility for mitigating these odors should rest with the cannabis operators. The onus for controlling and preventing odor emissions should not fall on neighbors and residents who are impacted by these odors.

This principle is particularly significant in light of the fact that not a single one of the 3,700 odor complaints filed by Carpinteria Valley residents with the county since mid-2018 has ever been "verified" or enforced by county staff.

The inability to verify these complaints stems from the difficulty in pinpointing which specific operation within the clusters of valley greenhouses is responsible for the odor. Without verification, the county cannot require any individual operation to install better odor control technology.

This situation highlights a challenge in the current odor control and enforcement system. It places the burden on residents to report odors while simultaneously making it nearly impossible for these reports to result in meaningful action. Cannabis operators, as the source of these odors, should be proactively implementing and maintaining effective odor control measures rather than relying on a complaint-driven system that has proven ineffective in practice.

Moving forward, it is crucial to explore alternative approaches that shift the responsibility for odor control more directly to the cannabis operators. This could involve more stringent odor control requirements, regular and independent odor monitoring, or implementing technologies that can more accurately identify the sources of cannabis odors in areas with multiple operations.

The Santa Barbara County Planning Commission is scheduled to discuss issues related to cannabis within the California Coastal Commission's Coastal Zone on January 22, 2025. Given the new iteration of the County Board of Supervisors, it is believed this discussion will provide direction for deliberations.

Discussion:

The proposed amendments aim to enhance odor control measures for cannabis operations in Santa Barbara County while providing a balanced approach to implementation. The key components of these amendments include:

Mandatory Multi-Technology Carbon Filtration (MTCF):

Multi-Technology Carbon Filtration refers to a sophisticated air purification system that combines the use of activated carbon with two or more additional technologies to enhance its filtering capabilities. This definition captures the essence of a hybrid system that leverages the strengths of various purification methods of what is commonly referred to as “carbon scrubbers or equivalent.”

All mixed-light cannabis cultivation operations would be required to install and maintain Multi-Technology Carbon Filtration odor control technology. This requirement would apply to both new and existing operations, ensuring a consistent standard throughout the industry.

MTCF Implementation and Site-Specific Considerations:

The ratio of scrubbers to cannabis cultivation area should be determined on a site-specific basis, informed by a thorough review conducted by county staff. Factors such as the size of the cultivation area, the facility's layout, and local environmental conditions all play a role in determining the optimal number of scrubbers needed. County approved experts shall develop odor plan standards based on Multi Technology Carbon Filtration to assess each site individually to recommend an appropriate scrubber-to-cultivation ratio that ensures effective odor mitigation while considering the operation's unique characteristics. This tailored approach allows for more efficient and targeted odor control, potentially reducing unnecessary costs for operators while still meeting community odor reduction goals.

Cannabis operators would be required to sign an affidavit of commitment to properly use and maintain their MTCF as part of the Cannabis Business License.

12-Month Implementation Timeline:

Following the Board's adoption of the amendments to Chapter 50, Chapter 35, and Article II, cannabis operators would have a 12-month period to comply with the new requirements. This timeline provides a reasonable adjustment period for businesses to plan, budget, and install the necessary equipment.

Amortization Period for Existing Operations:

For cannabis operators currently using different odor control technologies, a 12-month amortization period would be provided upon adoption of the amendments. This permits these businesses to transition to the new requirements while mitigating potential economic impacts.

Extension Process:

An extension process would be established to address legitimate challenges faced by operators in meeting the 12-month compliance deadline. This process would allow operators to request time extensions based on specific circumstances, such as:

- Equipment supply chain delays
- Power infrastructure upgrades needed from utility providers
- Other unforeseen challenges preventing timely compliance

Board Oversight:

The Board of Supervisors would serve as the decision-maker for extension requests, ensuring proper oversight of the implementation process and allowing for case-by-case consideration of unique circumstances.

These proposed changes aim to strike a balance between addressing community concerns about cannabis odors and recognizing the operational realities faced by cannabis businesses. The 12-month compliance period and the amortization period for existing operations and the extension process provide flexibility while still moving towards improved odor control standards.

These amendments, by mandating more effective odor control technology and establishing a clear timeline for implementation, represent a significant step towards reducing odor impacts on surrounding communities. The extension process acknowledges that some operators may face legitimate challenges in meeting the deadline, allowing for a fair and reasonable approach to enforcement.

The Board's role in reviewing extension requests ensures appropriate oversight and accountability in the implementation process. This approach allows for consideration of site-specific factors and unforeseen circumstances while maintaining the overall goal of improved odor control throughout the county.

Fiscal and Facilities Impacts:

Costs associated with developing and implementing these amendments are included in the Planning and Development Department's current budget. Cannabis operators would bear the costs of installing new or improved odor control equipment.

Conclusion:

The proposed amendments represent a significant step forward in addressing cannabis odor concerns in Santa Barbara County. By mandating advanced odor control technology, establishing clear compliance mechanisms and reasonable implementation timelines, these measures will mitigate community impacts and ensure a balanced approach to cannabis regulation.

The Board directs staff to make the necessary amendments to Chapter 50 and return to the Board, and introduce these changes to Chapter 35 to the Planning Commission for their consideration and return with recommendations for final Board approval.

Special Instructions:

Attachments:

Authored by: Chris Henson, Chief of Staff, 2nd District
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