

CITY of CARPINTERIA, CALIFORNIA



April 18, 2024

Honorable Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors
c/o Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101

Re: Agenda Item #4 - Briefing on Cannabis Odor Abatement Plan (OAP) Compliance Monitoring

Honorable Chair Lavagnino:

As you are aware, the City has in the past provided comments to both the Santa Barbara County Planning Commission (“Planning Commission”) and Board of Supervisors (“Board”) on the ongoing and persistent presence of malodors as a result of the County’s approval of numerous commercial cannabis cultivation facilities bordering Carpinteria. Since 2018, Carpinterians have filed nearly 3,700 complaints with the County concerning cannabis odors; ample evidence that the existing implementation of odor control requirements, and enforcement thereof, remains ineffectual. Nevertheless, the City believes the County could easily require more rigorous odor control under its existing zoning regulations and/or through limited clarifications to the existing cannabis licensing program regulations.

As discussed within the staff report, it is apparent that the County’s current citizen-driven odor complaint and corrective action system is not effective. Whether submitting a complaint directly to the cannabis operator or through the County, for a citizen to lodge a “valid” complaint, the odor experienced would need to be directly linked to a specific operator, which as detailed within the staff report, can be extremely difficult. Therefore, an approach which mitigates the odor at the source, such as using more effective odor abatement technology within the cannabis operation itself, would not only reduce the impacts on citizens, but would also reduce County staff time in responding to complaints, relying on imperfect odor detection technology, and compiling data to determine trends in identifying odor nuisances which should not have resulted in the first place.

The City has previously argued that the County’s current Article II Coastal Zoning Ordinance (“CZO”) development standards for cannabis odor control (Section 35-144(C)(6)(e)) allows the County Planning and Development Director to designate the use of activated carbon filtration as the current and sole best available control technology (BACT) to mitigate nuisance cannabis odors within the Carpinteria Valley. However, even with more cannabis growers adopting carbon filtration technology for greenhouse cultivation, the County Planning

Department has not consistently required the use of this technology as the current and sole BACT when considering applications for new cannabis operations or when reviewing existing cannabis operations for compliance with CZO regulations. We again ask that the Director identify carbon filtration as the current sole BACT and require its use on all future cannabis permits.

The City urges the Board to take action on the four potential next steps outlined in the staff report, with specific emphasis on requiring the use of carbon filtration technology for all existing and proposed cannabis operations as identified in step number two. However, rather than amending the existing land use development codes with respect to OAPs, which can be a time-consuming process, especially within the Coastal Zone where the County's Local Coastal Plan may require amendments and Certification by the California Coastal Commission; the County has a potentially more direct path through existing provisions within the County's Cannabis Business Licensing program.

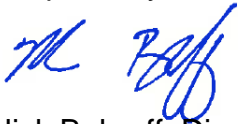
County Code of Ordinances Chapter 50 - Licensing of Cannabis Operations, allows wide discretion for the County Executive Officer ("CEO"), as directed by the Board, to administer and interpret the provisions of Chapter 50 as currently drafted. This discretion allows the CEO to require a cannabis operation to use carbon filtration technology (BACT) when considering a new license or renewal, regardless of the type of odor control system originally considered by the Planning and Development Department during the review process. This authority and discretion aligns with the purpose of Chapter 50 to ... "protect the safety and general welfare of residents..." and to avoid "...conduct that endangers others or causes a public nuisance".

As the Board reviews the effectiveness of the existing cannabis OAP compliance monitoring effort and considers potential next steps, the City offers the following suggestions should the Board chose to amend provisions within Chapter 50. These amendments would reduce ambiguity in the County's application and enforcement of the cannabis development standards, and would help to reduce or eliminate the significant presence of cannabis odors within the Carpinteria Valley:

- 1) Amend Section 50-10(a) to clarify that the CEO has authority to determine the BACT as the science changes and odor control technologies improve over time;
- 2) Amend Section 50-17(d) to clarify that the failure of a cannabis operation to utilize BACT, as determined by the CEO, is grounds for denial; and
- 3) Amend Section 50-259(a)(3) to require the use of BACT as a part of the business license operating requirements.

To be clear, it is the City's position that the County's existing CZO development standards for cannabis odor control already require the use of carbon filtration technology as the current sole best available control technology to mitigate nuisance cannabis odors within the Carpinteria Valley. However, to reduce ambiguity, to provide consistency in language and enforcement within Chapter 50 and the CZO, and to ensure that the purpose and authority of the County's cannabis business license ordinance is fulfilled, the relatively minor amendments to Chapter 50 would result in a substantial positive impact to the residents of the Carpinteria Valley.

Respectfully,



Nick Bobroff, Director
Community Development Department

Cc. Lisa Plowman, Planning Director
City Council Members