

CITY of CARPINTERIA, CALIFORNIA



September 19, 2024

Vincent Martinez, Chair
Santa Barbara County Planning Commission
c/o Planning and Development, Hearing Support
123 E. Anapamu Street,
Santa Barbara, CA 93101

Re: Agenda Item #2 – 2024 Cannabis Ordinance Amendments

Dear Chair Martinez and Planning Commissioners:

The City of Carpinteria (“City”) appreciates the opportunity to review and comment on the proposed Cannabis Ordinance Amendments. The City is encouraged to see the County of Santa Barbara (“County”) taking these important steps to improve the process by which cannabis-related nuisance odors would be controlled, monitored and enforced.

As you are no doubt 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; providing more than ample evidence that the existing implementation of odor control requirements, and enforcement thereof, is ineffectual.

The odor study findings summarized in the staff report provided to the Planning Commission demonstrate that the existing cannabis facilities that employ carbon filtration systems for odor control provide the most effective method of reducing nuisance odors. As such, the City continues to believe the use of activated carbon filtration should be designated the current best available control technology (BACT) to mitigate nuisance cannabis odors within the Carpinteria Valley for both processing odor control **and** cultivation odor control. An approach which mitigates the odor at the source, such as using the most effective odor abatement technology within the cannabis operation itself, would not only reduce the impacts on residents of the Carpinteria Valley, but would also reduce County staff time in responding to complaints, and reliance on imperfect odor detection and measuring technology to identify odor nuisances which should not have resulted in the first place.

Given the importance of implementing a viable and enforceable solution to the long-standing cannabis nuisance odor impacts on residents of the Carpinteria Valley, the City calls for a more methodical approach which allows for additional time for community input and discussion. The proposed ordinance amendments appear to be a step in the right direction; however, this approach has provided a very limited time for review and comment, and seemingly little (or no) outreach to the residents of the Carpinteria Valley whom are most impacted by your decision. At a minimum, the Commission should consider continuing the hearing on this matter to a future hearing date to allow additional time to review

the proposed ordinance amendments and for additional public comments to be provided to the Commission.

However, should the Commission decide to proceed with the proposed ordinance amendments, the City provides the following comments:

- Staff Report Section 5.3.1, Applicability. **The City supports staff's recommended effectuation of ordinance amendments upon Coastal Commission certification.** This approach is most protective of the public health, safety and welfare, and obligates cannabis operators to take immediate actions to demonstrate or gain compliance with the adopted cannabis odor threshold.
- Staff Report Section 5.3.2, Cannabis Odor Threshold. The City appreciates the County's intention to define and establish an objective cannabis odor threshold and supports this approach in concept. The City also supports the proposed change to measure compliance with said threshold at the property line. However, having reviewed the results and recommendations of the Geosyntec Final Technical Memo, the City differs on where the contemplated threshold should be set. According to the summary of ambient odor measurements collected, approximately 75% of the sampled measurements fell at or below 2 D/T (classified as "faint or transient odor"), however County staff is recommending setting the threshold at 7 D/T, classified as "mild to sustained" odor levels.

The staff report suggests the intent of establishing an odor threshold is to be at least as protective as the current requirement to prevent cannabis odors from being experienced in residential zones. Noting the close proximity of many of the existing cannabis operations to residential zones, both within the City and County, **the City recommends the more restrictive threshold of 2 D/T as more closely meeting the intent of the existing odor standard and meaningfully reducing existing nuisance odors.** Allowing cannabis operations to regularly emit odors at levels up to a "mild or sustained" odor (i.e., 7 D/T) could end up being less protective for nearby sensitive receptors. As further reason to advocate for a more restrictive threshold, the Geosyntec study lists a number of other entities that have adopted odor thresholds of 5 D/T or less for wastewater treatment plants, despite the fact that such facilities are often located in industrial areas physically separated and buffered from residential uses. The proximity of residential areas to cannabis operations in the coastal zone merits a more protective threshold.

- Staff Report Section 5.3.3, Corrective Actions. The proposed complaint thresholds appear reasonable so long as the reporting party is not expected to be able to pinpoint the exact cannabis operator alleged to be in violation of the odor threshold in order to be accepted as a legitimate complaint or acted upon by County compliance staff. Many of the licensed cannabis operations in Carpinteria are clustered together in several locations such that it is often impossible for the general public to identify which operator(s) are contributing to experienced odors in a given area.

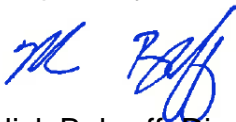
With respect to the proposed 3-tiered escalating corrective actions, the City would simply request that the required written statement of compliance for tier 1 corrective actions and the diagnostic assessment for tier 2 corrective actions be required to be

prepared by a qualified independent third party rather than the facility/operator themselves. Likewise, a timing component should be included (e.g., within 30 days) for when the corrective actions must be completed and submitted to County staff.

- Staff Report Sections 5.3.4, Odor Abatement Plan and 5.3.5, Odor Abatement and Compliance Monitoring. **The City supports the recommended requirements for equipping OAP equipment with run-time meters, requiring operators to submit run-time data to County staff, and requiring OAPs to be certified by a qualified and licensed professional. Likewise, the City supports requirements for ongoing annual compliance inspections and annual submittal of compliance monitoring information to the County.** All of the above proposed changes serve to improve accountability and ensure compliance over the lifetime of permitted cannabis operations.
- Staff Report Section 5.3.6, Minor Changes to Coastal Development Permits for Commercial Cannabis Cultivation. It is understood that the intent of this proposed amendment is to facilitate a streamlined permitting process to allow for operators to amend or revise their OAPs with improved odor abatement systems. Having reviewed the proposed ordinance language, **City staff believes the scope of changes allowable under a Minor Change determination is sufficiently narrow and clearly defined, such that we find no exception to this proposed change.**

The City appreciates the County's efforts to improve the current cannabis permitting process and welcomes the opportunity to continue to collaborate with the County on this important matter.

Respectfully,



Nick Bobroff, Director
Community Development Department

Cc. Lisa Plowman, Planning Director
Corina Venegas-Martin, Planner
City Council Members