



# Santa Barbara County in an Uproar over Cannabis Odors

From Carpinteria to Santa Ynez Valley, Lawsuits, Public Hearings, and Civic Protests Complain About the Smell Emitting from Greenhouses and Fields

By Nick Welsh | Published June 6, 2019

*Photo: Paul Wellman*

If County Supervisor Das Williams led more with his nose and less with his chin, perhaps he'd be getting more love in his own hometown. Carpinteria, the cozy coastal community which Williams represents, has become ground zero for this year's most hotly disruptive news story – the unintended consequences of legalizing cannabis, and the stink it is causing, both in the air and on the ground.

But it's not only Carpinteria. Almost all corners of Santa Barbara County are in an uproar.

About a month ago, an angry, disparate group of activists – from the very north to the southern tip of the county – came together to form the Santa Barbara Coalition for Responsible Cannabis Cultivation. Singularly missing

from their roster are any actual pot cultivators, but there are plenty of Santa Ynez Valley vintners, who worry that the skunk-like scent of cannabis wafting from nearby cannabis fields will destroy the economic viability of their wine tasting rooms and avocado orchards. Besides odious odors, the coalition also has a laundry list of complaints, including round-the-clock generator noise, late-night lights, new fences, barking guard dogs, and security personnel, some of whom are reportedly armed.

A couple of formidable former county officials and at least one big-money philanthropist are behind the group, which has already filed one lawsuit. And beginning this week, members of the coalition will be embarking on a campaign of house-to-house political warfare, challenging every one of the 16 land-use permits the county has issued to the cannabis industry.

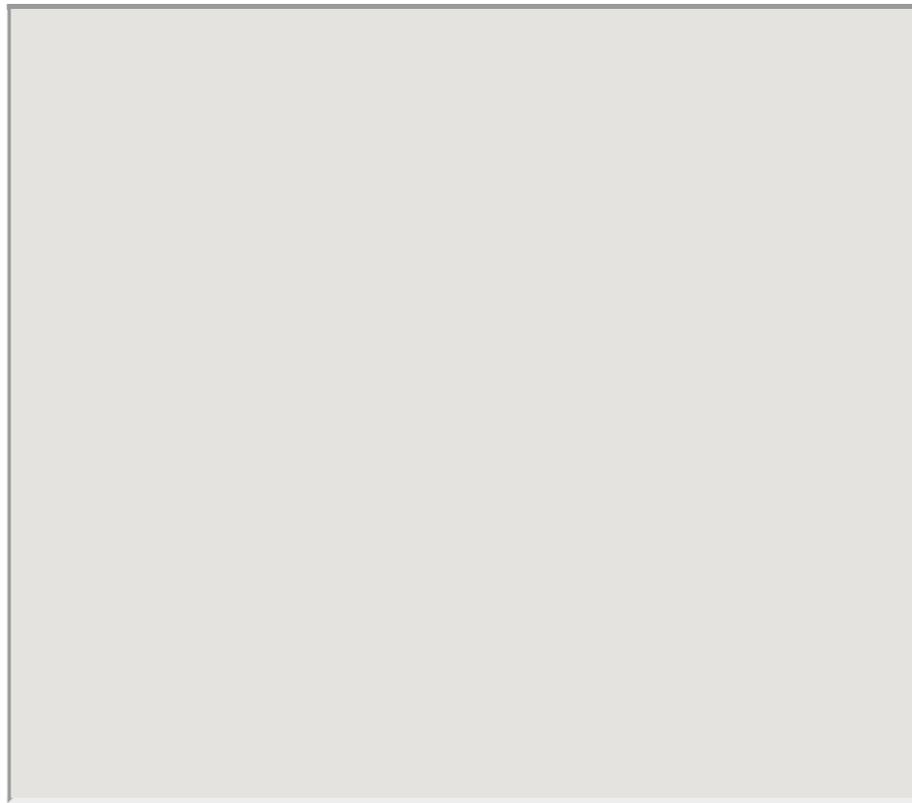
First District Supervisor Williams, who has lived in Carpinteria for six years, is known for his brash legislative style. But is it fair to say he could have cooled the intensity of this public outrage if only he had shown more sympathy when the cannabis critics first began complaining? After all, Williams is only one of five supervisors. But there's a reason he and North County supervisor Steve Lavagnino are unofficially dubbed the "Doobie Brothers." They are behind the record-setting speed with which the county's new cannabis ordinance was approved.

## **Red Shirts and Clothespins**

The issue blew up last Thanksgiving when the popular social media website Nextdoor Carpinteria all but melted down with complaints about the penetrating stench of cannabis rippling out of Carp greenhouses. By January, angry Carpinterians, wearing red shirts and carrying symbolic clothespins, stormed the supervisors' chambers, demanding relief. Williams was singled out for personal vilification. Never one to shy away from a fight, Williams launched a verbal counterattack against one particularly outspoken critic. And from the dais, no less. As a rule, elected officials who operate at the retail level—such as county supervisors and city councilmembers—don't do that.

So it is perhaps understandable that Williams opted not to attend a special meeting convened by the Carpinteria City Council on May 28 to discuss cannabis woes. To be fair, the meeting posed a lose-lose proposition for Williams, a political pro who combines a preacher's fervor with a policy wonk's granularity. Over the past 16 years, Williams, a liberal Democrat and an environmental flag-waver, has gotten himself elected first as a Santa Barbara city councilmember, then as a state assemblymember, and now, in 2017, as the Santa Barbara supervisor. Recently, he took out papers indicating he plans to run for reelection in 2020. (His critics in the anti-cannabis front have already been trolling for candidates to run against him.) Or he could decide to run for state Senate when Hannah-Beth Jackson's term expires a year from now. So if Williams showed up at the Carpinteria council's cannabis fest, he'd have found himself assigned the unhappy role of human piñata.

The numbers surrounding Santa Barbara's cannabis industry are changing all the time. They fluctuate almost daily and, like all "facts," are subject to bitter dispute. For example, state stats indicate there are 42 acres of cannabis under cultivation in Carpinteria. But such metrics depend on how one defines "canopy." Is it the bushes themselves or the buildings they inhabit? If you assume the latter, Carpinteria has closer to 200 acres in the cannabis permit pipeline. But Carpinteria, it turns out, has a cap of 186 acres. So where does that leave us? In the county, one must first secure the necessary land-use permits. Then one can apply for the necessary business license. Only one operator has achieved both feats.



*This map shows locations of cannabis greenhouses in Carpinteria with pending permits (red dots). | Source: [County of Santa Barbara \(https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91\)](https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91)*

<b>Total Temporary Licenses, Santa Barbara County:</b> 928	<b>Land-Use Permit Applications Filed:</b> 153
<b>Total Temporary Licenses, Humboldt County:</b> 773	<b>Land-Use Permits Approved:</b> 16
<b>Total Temporary Licenses, State of California:</b> 2,858	<b>Land-Use Permits Issued:</b> 9
<b>Total Number of Individual Operations:</b> 52	<b>Land-Use Permits Appealed:</b> 5
<b>Total Acreage:</b> 174.33 acres*	<b>Business License Applications Filed:</b> 15
(*This assumes 42 acres in Carpinteria rather than 200)	<b>Business Licenses Approved:</b> 1

Williams first said he didn't attend the meeting due to confusion over the timing. He then said he didn't want to get "derailed" from the important issues that made him run for office in the first place: environmental sustainability, climate change, public safety. He stressed his willingness to meet with anyone – "I'm showing my face all the time," he said – just as long as they're serious about "solving problems and finding solutions." Too many of his critics, he worried, "are just looking to fight."

If the debate over cannabis becomes at times poisonously personal, there's no shortage of theories why. A spokesperson for the cannabis industry blames post-traumatic stress disorder. The Carpinteria Valley did come within a hair's width from being wiped out during last year's debris flow, but that doesn't explain the hotbeds of discontent boiling over in the Santa Ynez Valley and the scenic Tepusquet Canyon outside Santa Maria.

## **The Psychology of Smell**

Smell is a strange and powerful thing. Humans, it turns out, don't experience smell the same way we experience the other four senses. Smell bypasses the part of the human brain that governs rational thought, where the other four senses are first processed. Instead, smell goes directly to a part of the brain governing emotions and memory. Consequently, smell wields a profound effect on mood and behavior. But because humans lack the same detailed and descriptive vocabulary where smell is concerned, it's hard to talk about. And what can't be put into words is hard to acknowledge.

Smell is also notoriously subjective. Different people can experience the same odors at the same location completely differently. Once experienced, a smell memory can be easily retriggered, and the brain reaction is not necessarily proportional to the stimuli. Unlike sound and light, there are no agreed-upon metrics by which units of smell can be measured and recorded.

Smell was the main topic of conversation at last Tuesday's Carpinteria City Council meeting – smell and the county's apparent lack of interest in it. Joan Esposito, a longtime resident and a former professional hell-raiser on behalf of kids with dyslexia, blamed cannabis odors for migraine headaches and

asthma attacks. Even with the aggressive odor-control systems touted by the industry and Supervisor Williams, Esposito said, "It still stinks." Charlotte Brownlee, representing Cate School, the elite prep school located near Lion's Park, said there are five greenhouses located within a mile of their campus: "We continue to suffer from noxious, persistent odors." And another woman described how her throat started to constrict after she drove through a curtain of fumes around Padaro Lane on her way home one night.

*Carpinteria Vice Mayor Al Clark (left) accused the county of treating the city residents like "guinea pigs," and Councilmember Gregg S. Carty said: "I hope Das Williams is watching on TV. I don't see him in the audience."*

*Photo: **Paul Wellman***

Councilmember Al Clark, the old man of the mountain with more than 20 years seniority, said Carpinterians were being treated like "guinea pigs." "We're experiencing reported health complaints while we're waiting for something to happen," he said. That "something" was a regulatory and enforcement scheme that is supposed to address the so-called bad actors. Councilmember Gregg Carty said, "I hope Das Williams is watching on TV. I don't see him in the audience."

A handful of cannabis growers did show up, braving the sea of rolling eyeballs as they sought to put the industry's best face forward. Council chair Wade Namura frequently found himself forced to remind those in attendance to be respectful. But not all 20 of those making public comments took heed. Scott Van Der Kar, a longtime avocado rancher, sarcastically noted that he hadn't realized he was allergic to cannabis smells until Sophie Van Wingerden, a third-generation greenhouse farmer and a main player in the Carpinteria cannabis industry, walked by. Then, he said, his eyes began to water and his throat began to constrict.

Though the Carpinteria meeting was only supposed to be informational, the City Council voted unanimously to take some kind of action on June 17. Just what action remains to be seen. More letters? And if so, to whom? An official resolution? Another threatened lawsuit?

# A Hot, Steaming Mess

Carpinteria and the rest of Santa Barbara County are experiencing the collective, localized whiplash inflicted when state voters attempted – three years ago – to overturn 90 years of just-say-no federal drug laws. Back in 1937, the federal government effectively outlawed cannabis by taxing it into oblivion. Then in 1970, the United States government declared marijuana a dangerous drug with no redeeming medical virtues – on par with heroin. In 1996, however, Californians, in opposition to the federal laws, voted to decriminalize pot for medicinal purposes. And then, in November 2016, the state voted overwhelmingly to legalize weed for the sheer euphoric, recreational fun of it.

Ever since, it's been a hot, steaming mess.

The unintended consequence of this initiative has been a case study in hyperactive incoherence and operational dysfunction. While California growers are reportedly producing eight times more legal product than state consumers can ingest, 380 of 540 cities and counties are refusing to allow retail outlets to open shop within their borders. No wonder the price of cannabis has been in perpetual freefall. Two years ago, the price per pound hovered above \$2,000; today, it's closer to \$500.

Some alarmed state legislators have pushed desperate remedies; one proposed bill, for example, would mandate local governments to approve one retail outlet for every six licensed liquor stores in their jurisdiction. Late last week, that bill died in committee. Meanwhile, the industry is calling for tax relief. State taxes and fees are tough enough, they say, but those exacted by cities and counties are killers. This high cost of doing business, they claim, puts the legal cannabis industry at a serious competitive disadvantage with black-market operators.

*Sofia Van Wingerden (left) a third-generation greenhouse farmer, praised the industry, while Maureen Foley Claffey, who has been complaining about her neighbor's next-door cannabis grow, is now taking her case to the planning commission.* Photo: **Paul Wellman**

Even in Santa Barbara County, one of the few California counties to embrace cannabis, the only city to have retail outlets is Lompoc, an agricultural town once famous for flower fields but currently in the depths of fiscal despair. (Santa Barbara is on the verge of opening two retail dispensaries, and Goleta is allowing six. When these open remains a long way down the road, as are the eight that might be allowed in unincorporated Santa Barbara.) Worse is the bottleneck stopping up the supply chain because California only has a very small number of laboratories able to test if cannabis products are pesticide-free – a critical component, since the state’s initiative promised it would be. To date, there is not one such lab operating in Santa Barbara County, though an application is pending in Goleta.

Most of the greenhouses in the Carpinteria Valley are not within the City of Carpinteria, which has never been cannabis-friendly. It always worried that the county, which has jurisdiction over the Carp Valley, would not provide enough protection for city residents. This might explain why, even though California law allows adults the right to grow six cannabis plants for their own personal use, Carpinteria city law requires that they be grown indoors and no retail storefront dispensaries are allowed.

Earlier on, in fact, the Carpinteria council had given serious thought to suing the county over the cannabis ordinance and had set aside funding for just such an effort. Although nothing would come of such saber-rattling, city administrators testified at public hearings and submitted reams of protesting letters. The city has, however, indicated an openness to locating a cannabis lab and a distribution center in the industrial park section of town located on the mountain side of the freeway.

And the \$64-billion question remains, as it always has, what to do with all the cannabis cash its growers and retailers are hoping to earn. Federally insured banks are naturally gun-shy about accepting revenues generated from a federally prohibited product. To help navigate all this confusion, a new cottage industry has emerged populated by lobbyists, political consultants, \$800-an-hour attorneys, land-use agents, and commercial real estate speculators. It’s enough to make anyone want to take a bath.

# Big Tree in the Forest

The State of California gave counties the option of passing their own rules to regulate and tax the cannabis industry. Santa Barbara County, already home to a massive, quasi-underground medicinal cannabis business, jumped in headfirst. In a series of votes, the county supervisors opened their arms to the new incarnation of an old industry. By bringing the “gray market” operators out of the shadows and into compliance, the supervisors maintained they could create a safer, saner industry for consumers, while generating the tax revenues, as much as \$25 million a year, needed to eradicate the criminal element and black-market operators.

When the dust of legalization settles, it's all but certain Santa Barbara will be the tallest tree in the forest when it comes to cannabis cultivation. Right now, Santa Barbara has the most temporary and provisional licenses of any county in the state by far. In fact, Santa Barbara County has roughly 32 percent of all the provisional licenses California has issued.

*Graham Farrar (left) one of the best faces forward for the cannabis industry, confronts a sea of rolling eyes, while Anna Carrillo, who continues to birddog the cannabis process like no one else on behalf of the Carpinteria Valley Association, is far from happy with the results.* *Photo: Paul Wellman*

Many of these are for greenhouses along Highway 192 that until only a few years ago were sprouting gerbera daisies for global beautification. But when that market disappeared, cannabis emerged. Today, Carpinteria Valley is home to 25 greenhouse cannabis operations.

For champions of the new industry, cannabis means, among other things, economic vitality and lots of high-paying new jobs that pay considerably better than tourist-trap wages. It means fewer big 16 wheelers rumbling through the Carpinteria Valley, laden with daisies. It means less pesticides being used, and cleaner, safer cannabis products, properly labeled for potency and strain. At the Carpinteria council meeting, Graham Farrar, a major greenhouse operator,

talked wistfully about riding his bike through Goleta's lemon orchards as a kid, only to grow up and see them replaced by condos. Cannabis, he said, could save agriculture in Carpinteria from a similar fate.

But there's a hitch. Greenhouses are hot inside, and hot air rises. As that happens, the rich, ripe aromas blooming inside these cannabis plantations escape out rooftop vents and fan out everywhere the winds blow.

## Getting it Right

Since 2018, Carpinteria residents have filed 166 complaints with various county officials about the intrusions by cannabis odors. Given how unclear it's been which government agency was responsible for processing such complaints, that number does not reflect the magnitude of the problem. The real question now is: Has it gotten better or worse, and how effective is the technology to neutralize fugitive smells before they can escape?

In Carpinteria, the possibility of odor control appears to be technically feasible. Many greenhouses there have been fitted with an expensive odor-neutralization system created by Byers Scientific out of Bloomington. It shoots vapors infused with essential oils 10 feet above the greenhouse roof lines at speeds of 106 miles per hour and costs about \$150,000 to install and about \$15,000 a month to operate. However, the precise number of greenhouses fitted with odor-control systems is hard to come by. The City of Carpinteria says it doesn't know how many of the 25 greenhouses now operating have odor-control systems installed. The county says there are 33 greenhouses with applications; of those, they claim 15 are currently under cultivation and 14 have odor-control systems. Mark Byer of Byers Scientific claims he has 95 percent of Carpinteria's market of odor-control systems.

**The new odor-control system  
doesn't mask the smell but  
instead changes the  
fundamental chemistry into  
something that human brains  
don't register as smell.**

According to company chief Marc Byers, these vapors “surf” the same air currents occupied by the odor-producing terpenes associated with cannabis. It doesn't mask the smell, Byers stated; it changes the fundamental chemistry, creating new compounds that the human brain doesn't register as smell. Byers estimated that when his systems first went in, they reduced odor problems by about 80 percent. Since then, he noted, the number of operations and the number of plants have increased, so existing systems will need to be reconfigured. Byers said he's recently hired a “dream team” of experts to conduct the most comprehensive study of Carpinteria's odor issues ever undertaken. Nothing, he stressed, will make the problem go away 100 percent. Smell being so subjective and some residents being so sensitive, he said, some people will smell things that aren't even there.

Industry representatives insist that these high-end odor-control systems are already making a big difference. To critics who insist the county's typical process was short-circuited to benefit the new industry at the public's expense, growers point to the lengthy collaborative public process that resulted in the county's cannabis ordinance. Bad actors had been targeted in numerous law enforcement and eradication raids — 30 to date, involving the destruction of 850,000 plants — which, they stressed, were paid for with funds generated by the new industry. Santa Barbara's regulatory straitjacket, they insisted, was the tightest of any county in the state. If county government was so in the thrall of the new industry, they asked, why has only one cannabis grower been able to obtain the two required licenses? Anecdotally, reports of

the smell remain all over the map. Tracking them down is akin to hunting ghosts. Independent intern Skyler DePaoli, who attended an open house held at the Ever-Bloom greenhouse, said the stretch of road up Cravens Road toward Foothill Road “reeked” of cannabis. But at the greenhouse itself, she said, there was precious little smell. Reports of odor infestations near and around Carpinteria High School – which has long been a target for anti-cannabis outrage – have not evaporated but seem significantly fewer and further in between. John Stineman, who lives within 500 feet of Ever-Bloom, said that for months the greenhouse infused the community with strong, skunk-like odors. Since the odor-control systems have been installed, he said, they’ve been replaced by a more subtle smell reminiscent of burnt leaves.

## **Into the Great Wide Open**

Controlling odors in greenhouses is one thing. But how can odors emitting from a 70-acre cannabis field be contained? It’s a question grape growers and vintners in North County are asking. Leading the charge for the new coalition is Blair Pence, a former developer from Bakersfield who has reincarnated himself as a Santa Ynez vintner on Highway 246. Pence – who grows 50 acres of grapes on his 200-acre ranch – claims he’s now all but totally hemmed in by three nearby grows, ranging in size from 40 to 70 acres. His wife suffers constant headaches from the smell, and they’ve had to move. Though he hasn’t suffered any consequences himself, he smells it all the time, and some of his workers are having problems. Now his tasting room has been compromised by the ambient odors. Since there’s no way to install an odor-control system on a 50-acre field, Pence said, he’s begun filing administrative challenges and appeals against neighbors who’ve converted over to cannabis. Beginning this week, the county’s Planning Commission will begin hearing these appeals.

The front line of attack for Pence and other critics is that they believe many cannabis operators falsely claimed they had been raising cannabis medicinally before January 2016 and thus, under county regulations, are entitled to certain legal privileges not afforded cannabis growers who applied after that time.

When supervisors adopted this plan, the only thing required of these medicinal growers was to sign a one-page affidavit claiming they were cultivating prior to 2016. ( Santa Cruz County, by contrast, requires an eight-page affidavit.)

*Cannabis*

*Photo: Paul Wellman File*

County administrators decided it would take too much time and resources to verify these affidavits, so planners rely on the county sheriff and the District Attorney's Office to do so. To date, the District Attorney has filed six criminal perjury charges against operators who made false claims on their affidavits. Pence and his posse plan to challenge the validity of land-use permits issued to many other cannabis growers.

At the planning commission, this will be a huge, complicated mess.

It is this legal loophole that has many cannabis critics most enraged, even more than the odors or PTSD. They have been told time and time again by Supervisor Williams to have patience in the process. Bad apples will be winnowed out. Growers who make it through will have to comply with the county's strict rules regarding odor control. Those who fail to comply will be shut down. But all this takes more and more time. But many residents are smelling the cannabis now.

In Carpinteria, the clock is ticking for the cannabis growers now applying for their permits. Only 186 acres of cultivation are allowed there, and that ceiling will soon be breached. Delays of the kind Blair Pence intends could prove fatal. On the table are various legislative fixes for cannabis growers. But the political quid pro quo could well be a temporary moratorium on new applications. It's not certain who has the votes to get what. To effectively navigate these waters, Supervisor Williams will need to rely less on his chin and more on his nose.

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