
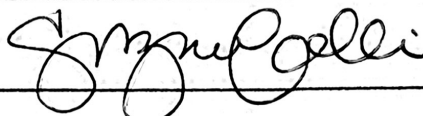
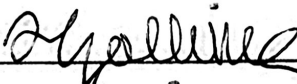
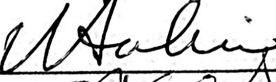
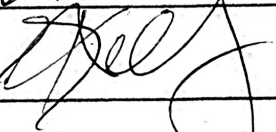
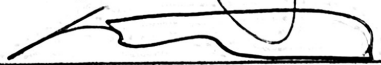
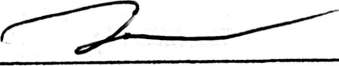
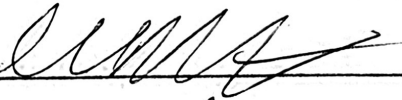


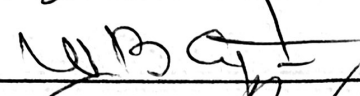

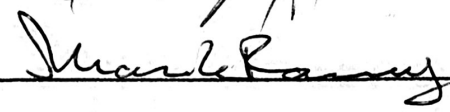
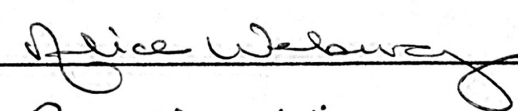


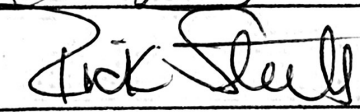
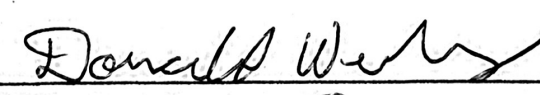

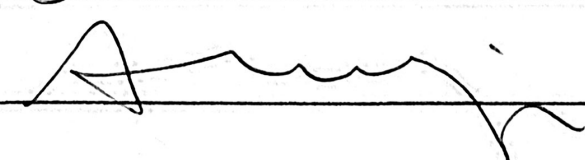


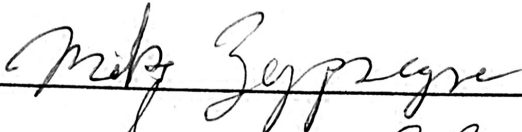
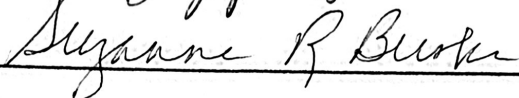
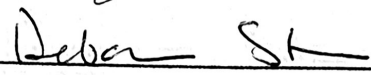
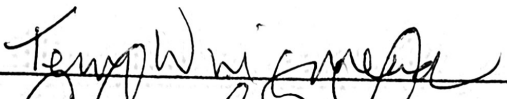

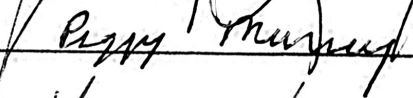
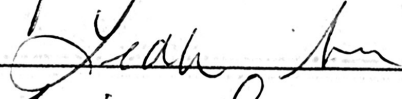

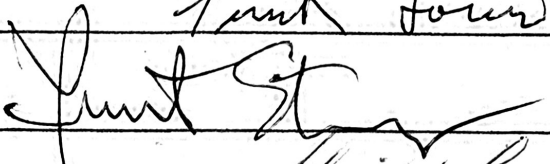
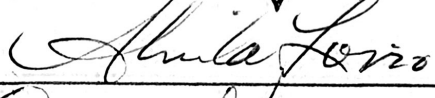
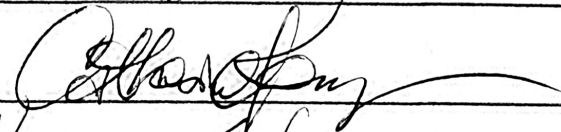

The following signatures are of neighbors on Burlwood, Warren Creek Road, Cedar Hill Lane and Blackberry Lane opposing the application of Rocci Costa for a commercial marijuana cultivation operation. Application Number: PLN-12176-CUP, on property known as 1734 Warren Creek Road. Signatures gathered October 5 – October 10, 2021.

Printed name	Signature	Address
CAROL ANN AUBIN		1002 Warren Creek Rd. Arcata, CA 95521
SUZANNE COLLINS		1002 Warren Creek Rd. Arcata CA 95521
Colbie Collins	Colbie Collins	1002 Warren Creek Rd Arcata CA 95521
Quincy Collins		1002 Warren Creek Rd Arcata CA 95521
VICTOR AUBIN		1002 Warren Creek Rd ARCATA CA 95521
Shar-Lo Kelly		1002 Warren Creek Rd Arcata, CA 95521
Nest Winnacott		1129 Burlwood Ln Arcata CA 95521
Margaret Winnacott		1129 Burlwood Ln Arcata CA 95521
Blair Winnacott		1129 Burlwood Ln Arcata CA 95521
ROBERT CANNON	Robert Cannon	1102 BURLWOOD LN. ARCATA CA 95521
Diana Minton	Diana Minton	1102 Burlwood Lane Arcata CA 95521
JUSTIN GARWOOD		1128 BURLWOOD LANE ARCATA, CA 95521

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Printed name	Signature	Address
Lyke Schmidt		1236 WARREN CREEK RD.
WMB AYTON		1746 WARREN CREEK RD
GAYE AYTON		1746 WARREN CREEK RD
Marcile Raney		1712 Warren Creek Rd
Alice Weburg		868 Warren Creek Rd.
Paul Giuntoli		1264 Warren Cr Rd.
Carla <del>Luigi</del> Giuntoli		1264 Warren Cr Rd
Rick Steep		160 Blackberry Ln.
Donald Weburg		1712 WARREN CREEK RD.
Samuel Sinn		1712 Warren Creek Rd.
Amethyst Weburg Sinn		1712 Warren Creek Rd

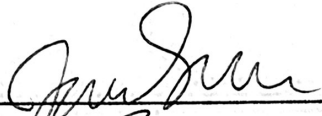
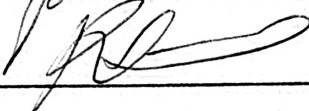
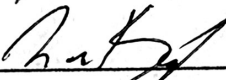
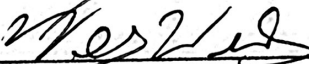



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Printed name	Signature	Address
Mike Zeppagna		1740 Warren Creek Rd
Suzanne R. Burke		545 Cedar Hill Ln.
Deborah Stamper		932 Warren Creek Rd
Terry Wingenbach		915 Warren Creek Rd
Claudia Lima		535 Cedar Hill Ln Arcata
Peggy Murray		850 Warren Creek Rd Arcata
Leah Stamper		932 Warren Creek Rd
Frank Lovio		890 Warren Creek, Arcata
Forrest Stamper		932 Warren Creek Rd Arcata
Sheila Lovio		890 Warren Creek Rd, Arcata
Catherine Kenyon		873 Burlwood Ln. Arcata
KEITH SCHNEIDER		873 BURLWOOD LN. ARCATA

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	<u>Printed name</u>	<u>Signature</u>	<u>Address</u>
1	Russell Burke	R. B. Burke	545 CEDAR HILL LN, ARCATA
2	Susan Smith	Susan Smith	1116 Warren Creek Rd, Arcata
3	Thomas A. Smith	Thomas A. Smith	1116 Warren Creek Rd, Arcata
4	John MURRAY	John Murray	850 Warren Creek Rd, ARCATA
5	Lori Sawyer	Lori Sawyer	400 Cedar Hill Lane Arcata
6	Kathleen Zeppigno	Kathleen Zeppigno	1740 WARREN CR ROAD. Arcata CA
7	Michael Sawyer	Michael Sawyer	400 cedar hill Ln Arcata
8	Julie Dusel	Julie Dusel	280 Cedar Hill Lane.
9	Mark Dusel <sup>0430</sup>	Mark Dusel	280 Cedar Hill Lane
10	Ron Burgess	Ron Burgess	1143 WARREN CREEK RD.
11	LYNNE HARRIGAN	Lynne Harrigan	1102 WARREN CREEK RD
12	MICHAEL FIELDS	Michael Fields	1102 Warren Creek Rd.

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Printed name	Signature	Address
Jamie Sherlock		1638 Warren Creek Rd
Ross Hopkins		1638 Warren Creek Rd
Jennifer Kertz		1636 Warren Creek Rd.
Wes Winters		1836 Warren Creek rd
Dennis Johnson		1636B Warren Creek Rd
Becky Riley		1636B Warren Creek Rd
Myrna S Webber		1800 Warren Creek Rd 1712 Warren Creek Rd





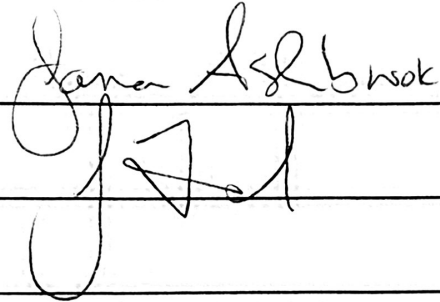
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**Printed name**

**Signature**

**Address**

Jana Ashbrook





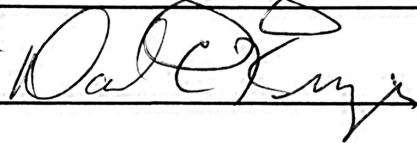
1035 warren creek rd.

John Filaci

1035 warren creek rd



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Printed name	Signature	Address
Jeffrey Kinzer		838 14th st Arcata CA
Robin C Kinzer		180 Blackberry Ln
David C. Kinzer		" " "

(3)

## **Yandell, Rodney**

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**From:** Luke Besmer <lukebesmer@gmail.com>  
**Sent:** Wednesday, September 29, 2021 3:43 PM  
**To:** Yandell, Rodney  
**Subject:** Lauri and Rocci Costa Cultivation Application Comment

Hello Rodney,

I just wanted to give Rocci and Laura a good recommendation for their cultivation license. I have known Rocci for several years and he is the type of person you want to be moving forward in the cannabis industry. For what it's worth, they have my endorsement.

Kind Regards,

Luke Besmer

## Yandell, Rodney

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**From:** Kathleen Bryson <kbryson@humboldtjustice.com>  
**Sent:** Tuesday, October 12, 2021 2:44 PM  
**To:** Yandell, Rodney  
**Cc:** Kathleen Bryson  
**Subject:** LAURA COSTA

Hello Ryan,

I have known Laura Costa for over 10 years. Our kids both went to St Bernard's.

She has been a good friend and is fierce advocate for Veterans. Laura is intelligent and community focused.

I think that whatever project she takes on, she brings integrity and positivity to it. I hope that you will take into consideration her good character and grant her the permit she seeks.

Sincerely,

**Kathleen Bryson**  
**Attorney at Law**  
**732 Fifth St., Suite C**  
**Eureka, CA 95501**  
**Phone: 707-268-8600**  
**Fax: 707-268-8686**



This message is intended for the receipt and use of the designated recipient(s) only. This message, including attachments, is private, and may contain attorney-client, attorney-work product privileged matter. All privilege and/or privacy rights are asserted and reserved.

Thursday, October 14, 2021  
APN 516-211-025  
PLN 12176 CUP  
Roc Squatch Farm

To Whom It May Concern:

My name is Nancy Cavanaugh, I have lived in the city of Eureka since 2006. I am a homeowner, a taxpayer, a retired RN, a Board member of the Humboldt Botanical Gardens, a past Board member of Miranda's Rescue and I have worked as a volunteer for the Humboldt County Elections Office in every election since moving here.

I am writing this declaration in defense of the Costa family's denied Land Use Permit for Roc Squatch Farm on Warren Creek Road. I was present at the Planning Departments meeting pre-COVID and appalled at the character assassination of this family. While I understand and support that neighbors and the public have a due process right to provide comment to the decision makers of land use and permits, I am reasonably certain that the intent of this public right was not to provide a free-for-all forum for subjective, groundless and undocumented lies.

The Costa family, the *real* Costa family, are civic minded, community conscious citizens whose family roots go back to the 1900's. When I first moved to Eureka, the Costa's were among the first people I met. They had 2 children in school, Laura Costa got me interested in helping her kids and their school build Homecoming Floats, support the Music Department and help at baseball games. I was thankful for the opportunity; my kids were grown and on their own. Laura knew what I needed.

It was at the Costa's that I met GrandMa Nita. Not a blood relative, but family just the same. Nita was a widow, about 85 when I met her and lived in the Costa home. At the age of 90, Nita fell, broke her hip and could no longer stay at the Costa home. She needed supervised care, and received the very best at Redwood R&R. It was the Costa family that made it financially possible for Nita to be there.

Laura and Rocci Costa have always been people I could count on. When we lost power for several days a few years back, I had just returned from the grocery store. I called the Costa's to see if they had an extra ice chest. Rocci Costa came over within the hour and brought a generator. Not a drop of milk was lost. When my water heater blew up on a weekend and there wasn't a plumber to be found, Rocci Costa was there, with a plumber friend. Crises diverted.

Over the years, I have witnessed many selfless acts: having their children's birthday parties 'present free', having their children's guests bring a bag of dog or cat food for a visit to Miranda's rescue. Laura and I would collect wood kindling, bundle it and sell it at her son's Babe Ruth Baseball games to help them raise money for jerseys and equipment that not every kid could afford.

In more recent years, Laura Costa underwent a mastectomy, right around the time of the pre-COVID Planning Commission meeting. I remember comments from several Warren Creek dissenters that it was a lie and a means of evoking sympathy from those at the hearing. As a retired nurse, I was appalled at the brutal callousness of these 'righteous citizens'.

As we continue to develop a fair, rational and equitable means to allow the permit process to continue, we cannot allow biased hate dictate how our government is run. Not in Humboldt County, not anywhere.

Thank you in advance for allowing me to voice *my* concerns.

Respectfully,  
Nancy J. Cavanaugh

## Yandell, Rodney

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**From:** Lelehnia DuBois <lelehnia.lele.dubois@gmail.com>  
**Sent:** Friday, October 15, 2021 7:58 AM  
**To:** Yandell, Rodney  
**Subject:** In support of the Costa's

To whom it may concern,

Cannabis legalization has the opportunity to lower crime rates and elevate our quality of life here in Humboldt County. In order for those positive benefits to happen, the cannabis Industry needs to be more inclusive of the previous existing medical farms. Pre prop 64 we stated that we had over 10,000 cannabis farms. Now we have approximately 12% of those farms legal under prop 65. Until the policy can reflect our communities needs, the public servants hired to uphold the new policies should be ensuring that all those that do qualify and are able to engaged are given the same privileges as any other law abiding citizen, like due process. The Costa's were not given that privilege. How do we convince the other 78% our communities that cannabis licenses and legalization works, when our own county is still treating people trying to enter the new system like criminals by not allowing the the same privileges as a typical citizen?

Please give the Costas this same privilege.

With Respect,  
Lelehnia DuBois

--  
With Respect,  
Lelehnia DuBois  
707.672.4254  
[www.lelehnriadubois.com](http://www.lelehnriadubois.com)  
@humboldtgrace  
#humboldtkindness



October 11, 2021

Dear Humboldt County Board of Supervisors,

I want to state that I am in opposition to the Costa appeal for commercial cannabis grow at the end of Warren Creek Road. I was part of the neighborhood group that met with the Costa's and planning director Ford. We thought we reached an agreement and, in fact, when it was brought before the board of supervisors, that agreement was confirmed and a there was a covenant signed that the property in question could never be used for a commercial grow.

Now here it is again. Did all of those agreements mean nothing? This is ridiculous. You know it and we know it. We stand with each other as neighbors, as individuals who share a common belief that this project, for the myriad reasons stated, is not right for this place (something you all and the planning commission agreed with). And now, in true Kafkaesque fashion, it seems that we must revisit it. We remain united in our opposition.

And I am sure there will be testimony from cannabis advocates, who do not live here, know none of us, do not know this road, and many, probably don't even know the Costa's. At the last public hearing all kinds of insinuations were hurled at the people on this road. It was almost suggested that we have a monthly neighborhood "We don't like the Costa's meeting", where after our ritual viewing of Reefer Madness, we discuss ways to mess up the Costa's lives. That again, is ridiculous. You know it and we know it. We wish everyone well. We are just opposed to this project.

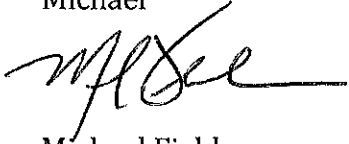
I am very aware that the cannabis issue as a whole is complex and there are all kinds of passionate viewpoints within and without the County government. I am writing you as one of many people who live on Warren Creek Road; A road we privately take

care of, in a neighborhood we deeply care about, who stand together in opposition to this project. It is my deepest hope that this appeal is denied.

Thank you for your consideration.

All the best

Michael

A handwritten signature in black ink, appearing to read 'M. Fields', with a long horizontal flourish extending to the right.

Michael Fields

1102 Warren Creek Road

Arcata, Ca. 95521

***"OUT OF THE SHADOWS AND INTO THE LIGHT"***

***LONGSHADR PRODUCING GROUP***

***WWW.LONGSHADR.COM***



## Yandell, Rodney

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**From:** Dante Hamm <dante@greenroadconsulting.com>  
**Sent:** Wednesday, October 13, 2021 5:23 PM  
**To:** Yandell, Rodney  
**Subject:** PLN-12176 Roc Squatch Farm

Hi Rodney,

It has come to my attention that this project is going before the board of supervisors on 10.28.21. Though I have not been heavily involved in this project our office has assisted with this application.

I have interacted with Rocci Costa and his family in both a professional and casual setting and I would like to speak to the neighbor allegations against Rocci and his family.

When I have interacted with Rocci and his family, they have been perfectly polite, pleasant, and cordial. Based on my interactions with them I would be shocked to find out that any allegations pertaining to violence or threatening violence are true or have not been completely fabricated.

I have been in this industry for over four years now and I have met my fair share of bad apples. People who I would suspect are prone to impulsive and violent tendencies.

Rocci and his family do not fit this profile.

To my knowledge Rocci is a hard working individual who has met every requirement the county has set forth for him.

I would hope the board of supervisors can reach some sort of compromise between Rocci and the neighbors.

Dante.

October 13, 2021

From: Dave and Robin Kinzer (Warren Creek Road property owners since 1980)

Frankly, we are stunned that once again we are facing another application from Mr. Rocci Costa for a commercial cannabis grow to be located in the Blue Lake Planning Area, at the terminus of Warren Creek Road on property owned by Mr. Rodney Costa.

On March 4, 2021 Mr. Rodney Costa, signed a covenant that was recorded with county records on March 8, 2021. This registered covenant was designed to prevent any cannabis grow from happening on his Warren Creek property and was a mediated agreement between the residents of Warren Creek and Mr. Rodney Costa. As a caveat to your denial of the permit the Board of Supervisors graciously offered Mr. and Mrs. Rocci Costa, an opportunity to double the square footage of their original proposal, and transfer the permit to a different location more suitable for commercial cannabis grow.

We as a community feel that we were at the very least, misled to believe that the covenant was a legal, registered and binding document. Now we discover that the chair of the Planning department (by his words) can rescind the covenant, in fact he stated "we do this all the time". If this is true then what is the value of any mediated agreement where a signed legal document between land owners and adjacent neighbors is entered into?

The Costa's claim they were unsuccessful in locating any suitable property for their proposed marijuana grow, and thus have appealed your previous decision to deny their originally proposed cannabis grow on Warren Creek Road. Therefore, here we are again facing the prospect that Rocci Costa wants to remove the covenant, and come back to his brothers Warren Creek parcel and establish his original proposed marijuana grow.

Again, we continue to firmly believe that its existence will threaten the safety of Warren Creek residents and adversely affect the sense of community that exists in our neighborhood.

The property in question has a long documented history of allowing squatters and mentally unstable inhabitants to reside there. Over the years these individuals have threatened and intimidated many Warren Creek Road residents. We hope that through your perusal of the entire list of documented incidents that have occurred on Warren Creek Road between 2003 and 2021 you can again understand our misgivings in allowing Mr. Costa's proposed cannabis grow. Additionally, Mr. Costa has stated that he was not responsible for what happened on this property prior to 2017, though he has also stated that he was growing prior to that date. If in fact, he was growing prior to 2017 it is hard to believe he was not aware of at least some of the conflicts occurring during those years. Identification of the individuals who have perpetrated the intimidating threats to our residents is of little importance. What matters is that they are all directly related to the Costa parcel. It appears to us that removal of the squatters and cleanup of the property only occurred after filing for a legal permit to grow Cannabis.

As a personal experience, in 2003 our children upon using the Weburg right of way to access the river bar were confronted and threatened by an unknown resident wielding a baseball bat. Our daughter's boyfriend at the time was a correctional officer for the county and would not allow the person to deny them access using Weburgs property. Because we have been very aware of the continual threatening dynamics on the Costa property, we have been hesitant and fearful to this day to use the Weburg access to the river bar.

This last year, following the Board of supervisors denying the permit, neighbors have noticed a decrease in traffic, and a significant increase with the neighbors enjoying" the road", whether it be walking, bike riding or just standing around socializing.

To date we have no knowledge that any resident of Warren Creek Road has stepped forward and presented an argument to the Planning Commission and the Board of Supervisors in favor of awarding this permit to Rocci Costa for a commercial cannabis grow. During the August 25, 2020 Board of Supervisors meeting much of the support for the Costa's permit was an obvious attempt at "Astroturfing". {"The implication behind the use of the term is that instead of a `true` or `natural` grassroots effort behind the activity in question, there is a `fake` or `artificial` appearance of support"}. We certainly hope that this travesty does not reoccur at this next meeting.

We feel obligated to mention that by Mr. Ford's omissions and minimizing of the most important facts and opinions of our residents he has circumvented the true strength of our objections. In all of the meetings that we and our representatives have attended, not once, that we are aware of, has he mentioned or acknowledged that Warren Creek Roads primary concern revolves around our earnest attempt to maintain the Health and Safety and Welfare of the Warren Creek Road residents. We feel Mr. Ford has clearly diverted this issue to other issues of lesser importance such as road improvements. Because of his behavior throughout this process we as a community believe that we have not been listened to and have not received a fair understanding of our true opinions and objections. It's our opinion that Mr. Ford has not thoroughly presented to you the reasons the Planning Commission originally denied the permit. Their recommendation to you was based on their valid understanding of our concerns. Following a lengthy meeting it was a 3 to 2 vote acknowledging our objections.

To be clear, nothing has changed regarding our reasons for not having commercial cannabis grow on Rodney Costa's property or any property on Warren Creek Road. We are unable to dismiss the more than 20 years of threatening and violent behavior along with poor stewardship of the land and the people who have resided on the property. Because of this past and current history we continue to have little trust or faith that any positive outcomes will be realized if this permit is approved.

I have lived on Warren Creek Road for 44 years and we raised our children here and have strong ties to both the place and the people. But, as a retired political science teacher, I tend to also look at issues, such as the one at hand, through a policy lens. So I would like to present, perhaps, a broader view of the issue.

Cannabis production has long had a distorting effect on the County's economy. With legalization, we have seen even more impact on the economy and, it seems to us, a distortion of local governance. I know that the regulations for permitting cannabis grows were done with the best intentions; as a way to reduce the crime and severe environmental damage of illegal and 215 grows. The growers see them as overly complicated and onerous. However, to communities such as ours, it seems that the Planning Department, an agency whose mission is to neutrally enforce state and local laws and regulations, has been transformed into an agency that actively promotes these projects while essentially dismissing the concerns of the communities affected by them. This was not only evident at our September 30<sup>th</sup> meeting but also from our discussions with other neighborhoods dealing with the same issue. The result for many of us has been a significant loss of faith in the responsiveness of local government.

There has been a green rush in our county. But like all such rushes, it will not last forever. Two main problems present themselves: An oversupply with flat demand and water use. With legalization, the amount of cannabis being produced has grown both within California and nationally as legalization spreads across the country. However, this supply is not matched by demand. Estimates of the percentage of regular cannabis users vary from 12% of the US population (Gallup, 2019) to 22% (Yahoo/Marist, 2017). This level of consumption is unlikely to change. Due to increases in production, Humboldt County growers have seen a fall in price of over 60% and the County has responded by providing subsidies and tax holidays to legal growers. The fall in price is locally likely to continue while permits continue to be issued and, while it may well stabilize, it is unlikely to return to previous highs.

And then there is the water issue. Cannabis is a thirsty plant and its cultivation, both illegal and legal, has had a negative impact on our watersheds. In a changing climate with a longer and hotter dry period, these demands will continue to increase and as water tables fall, dry farming, as proposed for this project, will soon become unfeasible.

I would suggest that beyond the question as to whether this appeal for a permit should or should not be granted, the County should be developing a longer term plan for the effects that will result from a decline in the viability of the cannabis industry. While small scale production by those skilled in cultivation will no doubt continue, the days of the disproportionate influence of the industry will likely be over. It would be best for our County if local government not be taken by surprise.

Kathleen Lee

1088 warren Creek Road

## Yandell, Rodney

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**From:** John Murray <jellis.murray@gmail.com>  
**Sent:** Sunday, October 03, 2021 9:03 PM  
**To:** Ford, John; Wilson, Mari; Yandell, Rodney  
**Cc:** Mike Zeppegno; Kathy Lee  
**Subject:** Costa Cannabis permit, Warren Creek Road, APN 516-211-025

I was a participant in the Zoom Meeting of 9/30/21 on this issue. My participation was because I am a long term resident of Warren Creek Road. While many believe hardly anyone lives out here, the road serves about 80 residents and the HBMWD park with frisbee golf and river access. The approximately 40 eastern dwelling units constitute our "neighborhood". I question the need for, and validity of, the planned appeal process as a recorded document exists stating the Costas and any future owner cannot cultivate cannabis on this parcel.

I was taken by surprise when it was announced that the Planning Department was going to "unrecord" that document. When asked how that could be done I was informed the Planning Department did it all of the time.

First of all, I am not an attorney, I am an engineer. I have dealt with recorded documents in my work and I can understand where some recorded items can be rescinded when all parties involved agree. I do not understand how the covenant to restrict cannabis on the Costa parcel falls within that category as it affects all users of Warren Creek Road, especially those in close proximity to the Costa parcel.

The covenant is to "Incentivize, promote, and encourage the retirement, remediation and relocation ("RRR") of existing cannabis cultivation occurring in inappropriate or marginal environmentally sensitive sites". There are two things of note in this entry:

1. The covenant is to get into the relocation program. It does not guarantee success of the relocation.
2. The quoted line is an admission that this is an inappropriate or marginal environmentally sensitive site.

I question the ability of the county to "unrecord" this document and even proceed with a hearing of the Costa appeal as a document has been recorded stating cannabis cannot be grown on this parcel.

Please include this in your Board packet.

Thank you.

John Murray

## Yandell, Rodney

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**From:** Chris O'Connell <chris@aumfilms.org>  
**Sent:** Tuesday, October 12, 2021 12:49 PM  
**To:** Yandell, Rodney  
**Subject:** Roc Squatch Farm

Regarding  
October 11, 2021  
APN 516-211-025  
PLN 12176 CUP  
Roc Squatch Farm

Dear Ryan,

Please allow the Costa family their right to instate a cannabis farm on the land aforementioned.

Thanks,

Chris

Application #PLN-12176-CUP  
Rocci Costa AP #516-211-025

My name is Marcile Raney (nee Weburg). I attended and spoke at the 3/6/2020 Planning Commission meeting. (Statement below) The Planning Commission considered the evidence supporting the negative impact approving the plan would have on the health welfare and safety of this community and voted to deny the project. Nothing about this plan has changed and I stand by what I previously said regarding the negative effect this plan would have on our Warren Creek community.

I grew up at 1712 Warren Creek Road a very short distance from the proposed plan site. My family (Weburg Family Trust) moved out there in 1969 and additionally owns the property bordering the east side of the plan site. To access our eastern property, we pass through the Costa's property via the end of Warren Creek road.

The Costa family has a history of negative relations towards my now deceased father regarding moving the road through their property. My widowed 82 y/o mother Myrna Weburg resides less than 1000 feet of the site. My mother has expressed to me that she felt threatened and intimidated by Rocci Costa. These feelings were exacerbated by his behavior towards her at the September 2019 planning meeting (Witnessed by Sam Sinn and Debbie Stamper) and by his behavior at the 3/5/20 meeting. She is a widow and lives alone. Rocci and Laura Costa have stated that they want to be good neighbors, however, they have never made any overtures of goodwill towards her or any other member of the Weburg family. Since the signing of the covenant banning commercial marijuana cultivation by Rodney Costa, and the Boards passing of resolution 20-31, my mother and I have felt comfortable enough to walk the road to our property bordering the Costas. Those fears have again been awakened and she is again expressing discomfort at being alone at our family home.

I am asking the Board of Supervisors to consider the Planning commission's denial of this plan based on community opposition/conflict and uphold resolution # 21-31 (3/16/21) which allowed for permit for Record Number PLN-12176-CUP to be approved for "Retirement, Remediation and Relocation purposes only" as an "alternative to denial." Additionally, please enforce the covenant barring commercial cultivation of marijuana at parcel 516-211-025. (Recorded on 3/8/2021)

Respectfully,

Marcile Raney

10/11/2020

## Statement to Planning Commission

3/5/2020

I am a registered nurse and I commute from southern Humboldt to Eureka. During my work week I stay 3 to 4 days at the Weburg family home at 1712 Warren Creek road. The house is less than 600 feet away from the proposed site. Our other property at 1800 Warren Creek Road borders the proposed site at the east side. Although zoned for agriculture, this is a Rural residential area populated primarily by young families, professionals, and retirees. A grow in this area puts our safety, health and welfare at risk.

Over the past 20 years since the Costas purchased that property there have been numerous incidents with their tenants involving threats to our neighbors, friends and relatives walking through our easement past their property, The applicant lays blame at other family members, but some of these incidents have been within the period since the beginning of their permit process, leading me to question the veracity of this claim. Prior to his passing, my dad has had run- ins with members of the Costa family who tried to intimidate and bully him into moving our easement. More recently, Rocky attempted to intimidate my 80-year-old mother at the planning meeting last September.

Our fences have been taken down in multiple areas bordering Costa's property, opening our otherwise gated property to foot and vehicle access through our property to and from the river bar on the east side.

Increased crime in areas of marijuana cultivation is well known throughout the county and one of the major factors in local drug related violence. We cannot afford to minimize this risk as we are in a rural area and rely on our already overtaxed sheriff's department for law-enforcement.

In addition to security issues, a grow here will potentially affect my health. I am highly sensitive to noxious odors and suffer from allergies and asthma. If I am exposed for even a short period of time, I experience nausea, headaches, and respiratory symptoms including stuffy nose, sneezing and coughing. I have experienced these symptoms merely being in proximity of people working in cannabis cultivation. It will be impossible to spend any time on our neighboring property during growing season due to proximity and odor of the open grow. Despite the applicants claims to the contrary, during the summer months the wind frequently blows from the east towards our family home. It will be impossible to spend any time outside without being assailed by the odor of a large outdoor grow

My final area of concern is property value and quality of life. No one wants to live or buy property next to what many people believe to be drug dealers. Despite its legal status, marijuana is a drug of abuse, and most people do not want to raise children or retire near this type of environment. Approving this project will have a negative impact on the entire neighborhood and affect our safety and security as well as enjoyment of our properties.

Thank you for your time and consideration.



I am writing this letter because of the Costa Appeal. I raise my own meat for my family of 5 it is not the most cost effective but I believe it is the healthiest way for my family to live. We feed them organic food which is really expensive. And spend lots of time taking care my animals. On the morning of June 5 I woke up to find out my entire meat chicken flock had been killed by a dog that came from the Costas' property I Caught the dog running out of the fenced in area where it had massacred my entire flock. I had spoken with their tenant and she had said her dog got out. She agreed to pay us for the damage. We asked for only a fraction of what it cost us. The dog killed 35 chickens we asked for \$25 dollars a chicken we only received \$250. It is very disappointing. She also drove through our fence accidentally. I would also like to add that Rocci Costa has made me feel very intimidated by asking me where I live multiple different times as I was by myself gardening with my little girls.

Jamie Sherlock

Members of the Board of Supervisors  
Application #PLN-1276-CUP (appeal)  
Rocci Costa AP# 516-211-025

October 14<sup>th</sup>, 2021

To the Planning Commission and Board of Supervisors of Humboldt County in regards to the reconsideration of the Costa's proposed cannabis permit on Warren Creek Road:

Please be reminded that the Planning Commission and the Board's existing findings (under Resolution 21-31) was that this conflict between this community (which is a Community Plan Area) and this proposed commercial cannabis project, was already resolved 5-0 by the Board in favor of relocating it elsewhere.

Both entities reached the same conclusion that under the provisions of the zoning laws for the Blue Lake Planning Area this permit is not compatible with the zoning laws for this area. They also agreed that allowing this grow does jeopardize the health, safety, and welfare of our community.

We are expecting this latest appeal will be denied based on the same findings that you Planning Commission, and Planning Staff made with their recommendation to the Board of Supervisors to deny the Costa appeal.

Why? Because a modification of the planned permit is not a modification of the Costa's track record or reputation at this particular parcel. Their original permit was declined because allowing this grow does jeopardize the health, safety, and welfare of our community - not due to concerns about road maintenance, odor, or size.

This paragraph is a statement about the intimidating and frightening interaction that occurred between Rocci Cost and myself, Myrna Weburg, and Debbie Stamper at the Planning Commission meeting on 9/5/2019. I supported Myrna Weburg and Debbie Stamper by standing at the podium to read their letters in opposition to Costa's Cannabis Cultivation permit/plan. After reading their letters I returned to my seat next to Myrna & Debbie. Rocci Costa sat a couple rows in front of us. At the conclusion of the meeting, Rocci turned to us and aggressively stated "I'm going to move your road anyway!". The words, body language and tone that Rocci Costa directed to us left the three of us feeling threatened and intimidated.

If the permit is approved, we do not believe that Rocci and his family would collaborate with the owners of the parcels immediately adjacent to the Costa property on issues that impact all of us. Rather, based on Rocci's statement, we expect that the Costa's will take action without regard to others directly impacted. Thus, putting our families in the position of needing to file formal complaints and take legal action against the Costa's in order to regulate their actions and find common ground.

In addition, Costa's parcel on Warren Creek Road is not 'isolated'. The Costa parcel has neighbors immediately adjacent. In fact, the neighbors, and my family in particular regularly pass directly through Costa's parcel via our easement to access and use our land.

The Weburg family will continue to live on our land for generations to come. This property is our family's homestead. It's our right to live here without fear of serious health, safety and welfare concerns brought in by the Costas and their proposed cannabis grow.

Thank you,

Samuel Charles Sinn

Members of the Board of Supervisors  
Application #PLN-1276-CUP (appeal)  
Rocci Costa AP# 516-211-025

October 14<sup>th</sup>, 2021

Dear Members of the Board,

My name is Amethyst Weburg Sinn. I am writing to respond to Mr. Costa's appeal (again). Please note that in March 2021, Rodney Costa (property owner) signed a covenant that no commercial cannabis grow would be allowed on the Warren Creek property and resolution passed and signed by the Board allowing the Rocky and Laura Costas to move to a more appropriate site as an alternative to denying their permit at Warren Creek.

I was present at the planning commission meeting on March 5th, 2020 and the zoom meeting on August 25th, 2020. I spoke on behalf of our Warren Creek neighbor; Kathleen and I spoke on behalf of myself and the Weburg family. I stand behind everything that was said by myself, my family and my neighbors. My concerns and issues with this proposed application have not changed.

I would like to point out that the Board's existing findings (under Resolution 21-31) was that this conflict between this community (which is a Community Plan Area) and this proposed commercial cannabis project, was already resolved 5-0 by the Board in favor of relocating it elsewhere.

The Weburg family will continue to live on our land for generations to come. I grew up on Warren Creek Road and my husband and I have plans to build a house and live on my grandparents property. This property is our family's homestead. It's our right to live here without fear of serious health, safety and welfare concerns brought in by the Costas and their proposed cannabis grow.

Sincerely,

Amethyst Weburg Sinn

Date: October 7, 2021

To: Humboldt County Board of Supervisors

From: Thomas and Susan Smith  
1116 Warren Creek Road  
Arcata, CA 95521

Re: PLN-2021-17430 Rocci Costa modification to a Conditional Use Permit

We are Tom and Susan Smith, residents of Warren Creek Road for 33 years, living  $\frac{3}{4}$  of a mile from the Costa property. Last year we wrote to the Planning Commission with our objections to the commercial grow, as did most neighbors.

Once again we voice our objection to the cannabis grow, but truly with frustration and bewilderment that our neighborhood is having to revisit an issue that was resolved by the Planning Commission, the Board of Supervisors, and by a signed and recorded Covenant disallowing any marijuana cultivation on that property. When such a process is followed and legally resolved, surely all participants are to believe in that process and the outcome. It is shocking to have this be reopened and to be told that the Covenant could be revoked. Further, it seems we are being expected to understand that the votes of the Planning Commission and Board of Supervisors were not binding. How can this be?

All objections were enumerated last year as part of this legal process. There is no need to restate them as the Board has that information. Additionally, Mike Zeppegno and Kathy Lee of our community have a summary timeline of incidents to remind the Board of the many safety incidents. Our quality of life and safety in our community are paramount to this issue, as they were a year ago, and which was acknowledged in the voting process by both the Planning Commission and the Board of Supervisors as a result of the public hearings.

## Yandell, Rodney

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**From:** Gail Whitty <gailwhitty@prodigy.net>  
**Sent:** Wednesday, October 13, 2021 1:28 PM  
**To:** Yandell, Rodney  
**Subject:** support

I support what Laura Costa and her family want to do with their land.

Gail Whitty  
Michael Whitty

October 11, 2021

Members of the Board of Supervisors

Subject: Rocci Costa Re-location Appeal Permit PLN-12176-CUP

On September 17<sup>th</sup> I received a call from Cliff Johnson advising me that the Costas had filed an appeal. This was a shock to me and our community. We had thought that with the Board's resolution on March 16<sup>th</sup> this matter was over. Cliff also said they were scheduling a Zoom call on September 30 for a dialog on this appeal.

It is important to note that my receiving a call from Cliff Johnson on September 17<sup>th</sup> advising me that the Costas had filed an appeal was a shock to me and our community. At the meeting last Thursday John Ford said the covenant could be revoked. When asked by John Murray if this had been reviewed by the County Counsel John said no. My question is where in either the County Code or State Law does it give John Ford the power to make this decision?

At the Zoom meeting held on September 30 and attended by John Ford, members of the Costa family, and people from our community John stated that our objection to the Costa's permit was based on two things: the cannabis odor, and our narrow one lane road. This is not true. At the meeting that John facilitated in Sept of 2020 at Ron Borges's house one of the first things he said that it was his understanding that our main objection to the Costa permit was based on our road and the required road improvements.

My response to John was the road was not our number one objection. The most important issue was many in our community felt unsafe and fearful given the long history of incidents related to the Costa property. To be clear the road is an issue as it is important to us that we not widen it or create turnouts. We feel strongly that the road is safer being kept as a one lane road around Warren Creek Farm. At this same meeting John stated that the Covenant Agreement we had negotiated for could be revoked. When asked by John Murray if this had been reviewed by the County Counsel John said no. My question is where in either the County Code or State Law does it give John Ford the power to make this decision?

I want to point out that this is not a NIMBY exercise by our Community. It is a "It Did Happen in My Back Yard" response to years of ugly incidents involving the Costas and people they allowed to live on, or use this property. These incidents did not go away in 2017 when Rocci took over management of the property from his brother. I have included a document that provides a chronology of all of the incidents at the Costa property spanning the period from 2003-2021. Our Community stands by what is reported in this chronology.

At the August 25, 2020 hearing with the Board of Supervisors the Board asked us to meet with the Costas to see if we could come up with a compromise. A couple weeks after this hearing we met at Ron Borges house on Warren Creek Road It was a cordial meeting facilitated by Director Ford. We made our position clear that our community would not support the Costa proposal for a 10,000 square foot grow. As stated above we confirmed that our objection was based on the health, safety, and welfare, of our community. Ford asked the Costas about an alternative site they apparently had been looking at in Honeydew. The conversation shifted to would this be a viable option for the Costas? John then explained that our community would have to consent to allowing the Costa's to transfer their permit to another location via the RRR process. In return we would get a signed covenant agreement stating that neither the present landowner or subsequent owners be allowed to have a commercial grow on this property. Bottom line, this is the agreement that was confirmed at our meeting.

We are expecting this latest appeal will be denied based on the same findings that your Planning Commission, and Planning Staff made with their decisions to deny this appeal. Both entities reached the same conclusion that under the provisions of the zoning laws for the Blue Lake Planning Area this permit is not compatible with the zoning laws for this area. They also agreed that allowing this grow does jeopardize the health, safety, and welfare of our community.

After the March 16<sup>th</sup> Resolution we started to see an increase in the number of people that were walking the length of Warren Creek road from Burlwood Lane to the base of the hill near the Costa property. The foot traffic volume has grown through the summer. The reason for this increase is people feel safer. Here is an example of the feedback received over the past several months:

"We add our thanks and appreciation for all the work that led to this. Walking down the road this morning brought a feeling of tranquility and stability that has been missing during this long legal involvement. We have our space back!"

Susan and Tom

At the Zoom meeting with John Ford and the Costas John agreed with Laura that proper procedures had not been followed by the Planning Department. If this was the case why was this issue not raised at the three prior hearings? We also heard a claim from Laura that they did not receive all the documents. When asked what documents, no one was able to answer this question. The other issue that has come up a couple of times is Laura's complaint that she was unable to attend the March 5 Planning Commission meeting because of a health issue. She said she felt that they were not prepared for this meeting. She also said they could not get supporters to come to the March 5 meeting due to the short notice. It needs to be pointed out that the original date for this hearing was February 6<sup>th</sup> at 6 PM. At 4PM on the 6<sup>th</sup> Elizabeth Moreno called me to let me know that three of the Commissioners were sick, thus they did not have a quorum and the meeting was being canceled.

At the meeting on the 5th of March we had twenty people from our community get up and speak, and another 15 members of our community were asked by our first speaker to stand up and be recognized in support of our speakers. Bottom line is all parties had ample time to be prepared for the March 5 meeting.

### **Costa Property Timeline of Reported Incidences**

Costa's statement in their Appeal Document to the Board of Supervisors after the Planning Commission denied their Permit on page 9 states: Appellants Assertions: The Attack on Character: Public Comments were non- factual, hearsay, unsubstantiated and unmanaged. As stated previously our community stands by what we presented.

**2021- June 5:** Costa's tenant's uncontrolled dog killed 35 of a neighbor's chickens. The following is a statement from the owner of the chickens: "I woke up to find that my entire flock of chickens had been killed by a dog coming from the Costa's property. I spoke with the tenant and she said her dog got out. She agreed to pay for the damages. We asked for only \$25 per chicken a fraction of what it costs us. We only received \$250. It is very disappointing. She also accidentally drove through our fence. I would like to add that this spring and one other occasion I felt intimidated when Rocky stopped on the road and asked me where I live? I was by myself with my little girls in our garden. " (She is referring to the land she leases for her garden and livestock)

**2020: March 5 Planning** Commission Hearing. Rocci turned to the audience, addressing the Warren Creek Road neighbors in an accusatory manor he yelled that he had never seen us at the Blue Lake Grange Pancake breakfasts. By all accounts no one understood the point of this outburst or accusations. The Planning Chair interrupted Rocci and told him to address the Commissioners not the audience.

**2019-August 20** Sheriff Office Responds to call on Costa property and dealt with Vincent Edward Thompson. Sheriff's Case file does not list case number only lists name of person.

**2019-Summer-Goat Incident.** Goats allowed to be tethered on Costa property break loose and enter neighbor's house causing \$500 in window damages. Earlier another neighbor had called Rocci to inquire if he knew who owned the goats. A few hours later Robin Costa and the owners of the goats show up. The neighbor directs the three of them to go down the hill as the goats had left his property. Owners of goats and Robin Costa arrive and accuse neighbors of freeing the goats. Owner's anger escalates into an ugly scene that comes very close to a physical altercation. Neighbor did not report the incident to the Sheriff. All of this was witnessed by another neighbor.

(The neighbors chose to remain anonymous for fear of retribution)

**2019-September** Board Meeting: After the meeting Rocci Costa approached Myrna Weburg (then 80 years old), and with a threatening tone he said, "I will move that road." He was



referring to Myrna's 50 foot right of way that runs through the Costa property and connects with the parcel of land owned by the Weburg Trust. Myrna told her family that his intimidation scared her, and that she worried about her safety since she lives close to the Costa property. Debbie felt intimidated and has not attended any of the subsequent hearings. She did send a letter to the Board for the hearing on Sept 25, 2020 and signed her letter.

(Incident witnessed by Debbie Stamper and Sam Stinn)

**2018-February 6<sup>th</sup>** Blue Lake Fire Department responded to a 911 call regarding a fire burn that was of concern on the Costa property. Incident number 18-0001028 for a legal controlled burn. A neighbor driving home at night saw the fire and drove onto the Costa property to see what was happening and if they could help. A woman brandishing a weapon appeared and yelled for the person to get off the property, which they did. At this point they called 911. The dispatcher asked the person if they were safe and away from the person brandishing the weapon. The person responded that they were in a safe spot.

(Incident reported anonymously out of fear of retribution.)

**2017** Squatters Vince and his girlfriend living in RV on Costa property prove to be real nuisance for our community. Sheriff's office called on more than one occasion for domestic violence. There were numerous incidents with community members over the entire period this couple were tenants on the Costa property

**2017-February 17<sup>th</sup>:** Humboldt County Sheriff's Department Case number 201700813 "AWD not fire arm.

**2017-March 30<sup>th</sup>**-Humboldt County Sheriff's Department Case number 201701512 Domestic assault

**2016-Summer-** Dinner guests accidentally turned into the Costa property. They were yelled at with obscenities and threats by people at Rocci's grow site.

**2016-Summer-** Another wrong turn this time by an HSU student we had hired for garden work. He was met with angry comments and abusive racial slurs. He was badly shaken by the encounter. He begged us not to call the sheriff as he felt being a black person in Arcata he may be a target. We did not make the call. He also said given the situation he would not be available for any future work.

(Incidents reported by Mike and Kathleen Zeppugno)

**2016-Spring-** A Pitt bull, followed by very large man, seemingly on drugs", enters pregnant neighbor's yard. He came from the direction of the Costa's property. While dog is running wildly about and out of control the man begins screaming at her to get his dog. Neighbor felt threatened and unsafe by his unrestrained and erratic behavior. Being alone she had difficulty in getting him to leave.

(Neighbor chose to be anonymous because of her fear of the assailant)

**2011-March 18<sup>th</sup>** - Arcata Fire Department incident 11-0001330 for a structure fire dual response with Blue Lake Fire Department.

**2007-January 18<sup>th</sup>**- Arcata Fire Department incident 07-9000082 for an auto aid response for a building fire

**2003:-** Kinzer children using Weburg's River Access were threatened by tenant running at them with a baseball bat.

The Costas claim they want to be good neighbors. In the past 18 years throughout all the turmoil, which has been reported in this document there has never been one contact from Rodney Costa or Rocci Costa to the neighbors of Warren Creek Road in the form of apologies, or to make amends. They have never accepted responsibility for the violence, and creation of fear that was created on their property , and the spillover and reverberations experienced by the neighbors in various encounters. This pattern of disregard for the safety of our community has to be stopped now.

Respectfully,

Mike Zeppegno  
707-616-0016