



March 4, 2020

Elizabeth Moreno
Cannabis Planner
Humboldt County Planning Department
3015 H Street
Eureka, CA


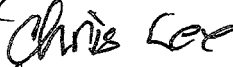

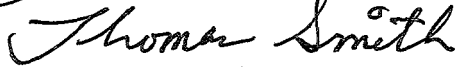


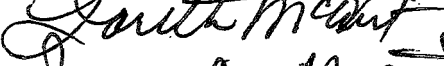










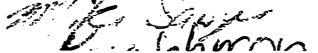

Subject Rocci Costa Grow Permit

Elizabeth the following is a signed petition opposing the Costa permit. The letter was signed by forty one residents living on the unpaved section of Warren Creek Road and the feeder roads Blackberry Lane and Cedar Hill. We would like our petition added to the packet for the Planning Commissioners.

Thank you,


Mike Zeppegno









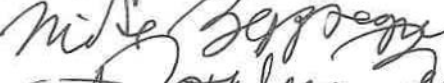

The following signatures are of neighbors on the unpaved portion of Warren Creek Road, Cedar Hill Lane and Blackberry Lane opposing the application of Rocci Costa for a commercial marijuana cultivation operation. Application Number: PLN-12176-CUP, on property known as 1734 Warren Creek Road.

Printed name	Signature	Address
Kathleen Lee		1088 Warren Creek Road
Chris Lee		"
Susan Smith		1116 Warren Creek Rd
Thomas Smith		1116 Warren Creek Rd
ROBIN KINZER		180 Blackberry Lane
David Kinzer		180 Blackberry Lane
Horroth McCurtain		640 Cedar Hill Lane
James C. McCurtain		" " " "
MICHAEL FIELDS		1102 WARREN CREEK ROAD
LYNNIE HERRIGAN		1102 WARREN CREEK ROAD.
Suzanne R. Burke		545 Cedar Hill Ln.
Russell R. Burke		545 Cedar Hill Ln.
Ros BORGES		1143 WARREN CREEK.
Mark DUSSEL		280 Cedar Hill Ln
		535 Cedar Hill Ln Arcata
John Lima		535 Cedar Hill Ln Arcata
		400 Cedar Hill Ln
		1117 Warren Creek

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Printed name	Signature	Address
William L. Abler	William L. Abler	1200 Warren Creek Road
Patricia Ehlert Abler	Patricia Ehlert Abler	1200 Warren Creek Road
Lyle Schmidt	Lyle M. Schmidt	1236 Warren Creek Road
Jason Simas	Jason Simas	320 Cedar Hill Lane
GAYE AYTON	Gaye Ayton	1746 Warren Creek Rd.
WM B. AYTON	WM B. Ayton	1746 Warren Creek Rd.
Rick Steele	Rick Steele	160 Blackberry Lane
Marcile Doney	Marcile Doney	1712 Warren Creek Rd.
Margna S. Weburg	Margna S. Weburg	1712 Warren Creek Road
Donald H Weburg	Donald H Weburg	1342 1715 AAY LN McMurtreville (WEBURG TRUST)

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Printed name	Signature	Address
Frank Lovio		890 Warren Creek Rd. Arcata CA 95521
Terry Wingenbach		915 Warren Creek Rd Arcata CA 95521
Suzanne Collins		1002 Warren Creek Rd Arcata CA 95521
Quincy Collins		" "
Forrest Stampler		932 Warren Creek Rd Arcata 95521
Debbie Stampler		932 Warren Creek Rd
Claudia Lima		535 Cedar Hill Ln Arcata
Vic Aubin		1002 Warren Creek Rd Arcata
Mike Zeppigno		1740 Warren Creek Rd, Arcata
Kathleen Zeppigno		1740 WARREN CREEK RD Arcata

The following signatures are of neighbors on the unpaved portion of 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.

Printed name

Signature

Address

Breck S. Davis



536 Warren Creek Rd.



MARCIA DAVIS

536 Warren Creek Rd.

signed on and
page 1

~~Mike Zippaghi~~



~~1740 Warren Creek Rd~~

Julie Dusek



280 Cedar Hill Ln.

Ms. Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department

10 January 2020

Re: Costa Cannabis Application.

During a recent social gathering of Warren Creek Road neighbors, a number of individuals expressed reluctance to write letters protesting the Costa application for fear of targeted retaliation against them. Likewise, to punish the neighborhood at large, Mr. Costa has threatened to grow a smelly garlic crop if his cannabis application is denied. Thus, we are writing this anonymously out of concern for our own safety, having been openly threatened by an armed Costa tenant (as reported via 911).

The patently false representation of the condition of Warren Creek Road in Costa's application; his ultra-aggressive pursuit thereto; and the well-documented history of fires, 911 calls and unlawful activities by a series of hostile, aggressive and sometimes gun-toting tenants of his property suggest a more nefarious motive to his plans. To wit, many of us suspect that he intends to use his grow license as a cover for a methamphetamine operation (like the one there that burned down some years ago).

Besides providing a haven for criminal activity in an otherwise peaceful community, this raises the additional concern that yet another meth fire on the Costa property during the now-lengthy California fire season could threaten other properties.

The various residents of the Costa property, their disrespectful behavior towards their neighbors, and their unlawful behavior have long been the bane of our community. As one of the last relatively safe neighborhoods in the County, we beseech you to deny this application and protect us from this blight.

Signed,

An Anonymous Warren Creek resident

Planning Commission
County of Humboldt
3015 H Street
Eureka, CA 95501

December 14, 2019

Re R. Costa Application for Marijuana Cultivation, APN 516-211-025

This is our second letter expressing dismay of any consideration of a commercial marijuana business at the end of Warren Creek Road, an unpaved, residential, privately maintained road. After reading the recent road evaluation report from Green Road Consulting, we feel we must write.

The narrowness of the road has been documented in the report, but actually it is a 1 or 1-1/2 lane road (narrower than narrow).....neighbors pull to the side to allow passage. The neighbors contribute money for gravel to fill the potholes and for a yearly dust control application. The labor and tractors are provided as a neighborly gesture of good will. We cannot have a commercial enterprise degrading an already fragile road. Regardless of Green Road Consulting reporting, potholes abound during the rainy months. They must have viewed the road on a dry day after holes were filled!

Another concern we have that is not a physical condition of the road is the noise of increased traffic and the smell of marijuana, green or dried, wafting throughout our neighborhood. For the County to knowingly approve a business that will emit these objectionable smells seems to condone pollution. Such businesses belong in industrial areas, not residential.

We have looked at the photos taken by Green Road Consulting. There are no photos of the blind curves on West End and Warren Creek Rd or the area just east of Water District Park 4 which is strictly a one-lane road with only one small turn-out to allow other cars to pass. There is also no photo of the beginning of Warren Creek Rd where it turns east from West End Road. There is a picture of the area just before the turn -- lots of room. But it doesn't show the lack of visibility down West End Road, necessitating someone making a left turn onto Warren Creek to come to a stop before turning down the one lane road (Warren Creek) with a blind curve in the middle. Perhaps it would be reasonable for members of the Planning Commission to actually drive out here and take a look. We can't understand how the consulting company could have overlooked these.

We strongly object to the proposed commercial undertaking on our private road and urge the Planning Commission to deny the request. There are many locations which are designated for such a business. How could this degradation of our neighborhood be considered?? Please. This is just wrong.

Sincerely,



Thomas and Susan Smith
1116 Warren Creek Road
Arcata, CA
707-822-6167, susansmith116@gmail.com

To: Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department

From: Bill and Gaye Ayton
1746 Warren Creek Road
Arcata, CA 95521

13 January 2020

Reference: Costa, APN 516-211-025.

As long-time residents of Warren Creek Road, we join the virtually unanimous body of neighbors vigorously protesting the above-referenced application.

Others have documented in detail how a grow would create odor and light pollution, overload utilities, possibly pollute the adjoining Mad River, and negatively impact the quality of life in our historically quiet, harmonious neighborhood, in which the norm has been for residents (whether landowners or renters) to cooperate in maintaining the road and deal with power outages and other common challenges. Accordingly, we wish to emphasize but two key points:

- It is clear to all that the fragile, one-lane easternmost portion of Warren Creek Road (from 1146 to the entrance to the Costa property) is neither wide enough nor sound enough to accommodate the increase in commercial traffic from the proposed grow. In particular, owing to the inevitable formation of large water-filled potholes during the annual rainy season—despite the ongoing efforts of residents who volunteer their machinery, manual labor and/or monies for its maintenance—*the road is almost impassable for many months of the year.*
- It is noteworthy that neither Rocci Costa nor any of his tenants have ever helped maintain said road. Given the history of unlawful activities there and disturbances of the peace, there is good reason to suppose that allowing a commercial grow there would impose *an unfair additional burden on our neighborhood.*

In summary, we feel strongly that the negative effects of such an operation on the local environment, the peace, safety and quality of life in our relatively crime-free neighborhood plus the additional burden on County fire, law enforcement and other agencies would more than offset any new tax revenues. Thank you for considering our concerns.

January 12, 2020

RE: Rocci Costa Cannabis Permit (SMELL)

Elizabeth and Planning Department,

In our last letter, we spoke briefly about The Smell of Cannabis/SKUNK emanating from Rocci Costa's (and ??? Ms. Avila's) proposed Cannabis Farms at the end of Warren Creek Road.

But, there are numerous other reasons why NO one on Warren Creek Road or visitors to Warren Creek Road would want to smell cannabis/skunk for most of the year.

1. Real SKUNKS stink BAD! It is a foul nasty smell, any day and all day long. When a skunk gets run over in the road you can smell it a long way away. Cannabis Skunk smell is no better. Just drive by West End Road "Cannabis Park" and you can obtain proof first hand.

2. Smells travel, it floats with the breeze, and wafts wherever a breeze sends them... so besides those who live next to the grow, it will affect those of us who are either up wind or down wind. We sleep with our windows open all year long. It is very likely we will no longer get to smell the scent of pine trees, but rather Skunk Weed.

3. Numerous neighbors walk Warren Creek Road, with their children, their dogs, or just for the love of taking a nice walk in the country. The Weburges have granted access to many of the neighbors to go through their gate to get to the river. This means having to go through the Cannabis Grow with the nasty smell of skunk, not to mention the possible threatening gestures coming from the inhabitants of the Costa property.

4. We feel that if this cannabis permit is issued, there is a distinct probability that property values along the Warren Creek Road will be adversely affected. There are many possible reasons for this negative impact, poor road conditions, unfamiliar visitors speeding on the road, not to mention the possibility of potentially violent crime that all too often frequents grow sites. Sellers would have to do full disclosure regarding the type of activities that are in their community.

5. Our Annual 4th of July Parade has always gone down to the end of Warren Creek Road and we turn the hay wagon around at Weburges intersection. The stench of Skunk will be at full power as we parade down the country road next to Warren Creek Farms. Incredibly sad to think our wonderful Annual Parade would be marred by the horrific smell of Skunk WEED.

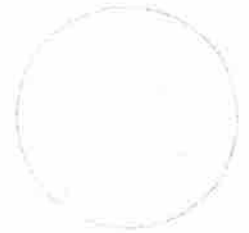
6. Big question: Would any of you on the planning commission like to live next to a skunk smelling Cannabis grow, or live along the road leading to the grow with a significant volume of “transient traffic” coming and going, all related to Marijuana? We highly doubt it.

Please consider our deep concerns and feeling regarding Costas Cannabis permit. Warren Creek Road is NOT suitable for a commercial grow, this is a lovely country rural neighborhood, and we wish to keep it this way. The closeness of the inhabitants of this neighborhood is likened to that of a small cul-de-sac where everybody knows each other and work together to aid and assist each other when help is needed.

Dave and Robin Kinzer

Elizabeth Moreno
Planner, Planning, & Building
Department

January 8, 2020



Also for consideration by the Planning Commission

Dear Elizabeth

Thank you for your communication with us regarding the ongoing status and developments of the Costa Cannabis permit appeal. We wish to submit to you and the Planning Commission Board the following questions and comments regarding the many inconsistencies and/or inaccuracies of the permit request and evaluative reports submitted to date.

1. Functional Capacity (vehicle count) on Warren Creek Road

Two road/traffic counts have been completed by Green Road Consultants. The first count was only for a 24 hour period and the counter placement indicated highly inaccurate numbers. The second placement was only for less than two days. Both counts do not reflect the true amount of traffic as local schools, including Humboldt State University were not in session. One of the neighbors put up a game camera a couple of years ago at the intersection of Warren Creek Road and Blackberry Lane, and he obtained a count of 84 cars passing the camera in a 24 hour period. This count from a reliable source showing no bias is certainly in contrast with Green Road Consultants suspect traffic counts.

The Green Roads Consultants stated on page 18 of their report that the Costa's will have customers visiting the nursery site. How can anyone estimate any sensible number of "Customers" who may visit the site? The Green Report goes on to state that the resident traffic combined with related cannabis traffic should not exceed 40 to 50 vehicle trips per day. This is a large assumption when one considers that the Reports submitted road vehicle count is very tenuous in its accuracy due to the counts short duration and the low frequency time of year.

The "Green Road Consultants Road Evaluation Report" also did not consider the impact of the increased traffic that will occur along West End Road. There are also narrow and blind spots along West End Road.

Additionally, portions of Warren Creek and West End Roads are designated on the Humboldt County web page as a County designated hiking and bicycle trail. We who live along the West End and Warren Creek Roads are especially aware of the bicyclists who frequently use these roadways and we drive accordingly. We seriously doubt workers and customers who would visit the proposed Costa Cannabis would have the same safety considerations.

2. Surface condition of Warren Creek Road (private/gravel section)

The report filed by the Green Road Consultants stated on page 20 “The condition of these roads is adequate to support commercial cultivation operationsas well as the unrelated commercial cannabis nursery”. Green’s road engineer neglected to mention that there are three culverts that are currently failing within the first 0.41 of a mile from the beginning of the gravel. One of the culverts has eroded the root system of an adjacent tree which has since fallen taking a section of the road with it. In our opinion these culverts will continue to erode Warren Creek Road along this section. All three of the culverts have water cavitations under them.

3. Five acre minimum qualification for a Cannabis growing permit.

Does the proposed cannabis grow site meet the five acre minimums for a permitted grow? What is the **exact** acreage of the Costa property, as both the Public Notice paperwork for the September hearing and the Cultivation and Operations Plan say the property is “Approximately” either 5.0 or 5.01 acres respectively. The use of the term “Approximately” either indicates that nobody really knows how many actual acres this parcel has or this is an evasion of this minimum standard.

4. Warren Creek Road Organic Farm

We have yet to see any mention of concerns regarding the probable contamination of the Certified Organic Farm adjacent to Coata’s proposed cannabis grow site. This farm has been in existence for many years and would most assuredly lose its certification should a non certified organic farm growing any type of crop is allowed to exist on this property.

5. Odor

It is well known that cannabis grows and processing plants have a noticeable odor not unlike that of a skunk. A skunk emits such an obnoxious odor in order to protect itself from predators, therefore why would anyone be ok with such a smell being present at their place of residence on a permanent basis.

6. Weburg right of way

The Weburg’s have been generous to allow neighbors keys to their gate located at the very end of Warren Creek Road, which happens to pass through the proposed Costa permit area. We have a key to that gate and utilize it to inspect a neighbor’s eastern fence line which contains his cattle. The condition of the fence is only observable from the river bar due to a heavy accumulation of brush. We have also inspected the river bar for illegal cannabis grows which have existed in the past, one of which resulted in a brush fire requiring Cal Fire to bomb it with retardant. Our children utilized this access a number of years ago and were confronted by someone living on this property who threatened them with a baseball bat. Apparently they had something to hide.

7. Most recent inspection and report by Public Works

The most recent report filed by Public Works was to evaluate the functional capacity of the road. They “determined that there are several areas where additional turnouts would improve the functionality of the road **by increasing the invisibility between turnouts.**” The Publics Works is quite revealing of the inadequacy and bias of the Green Road Consultants report in that they stated on page 20, the last bullet: “No significant safety problems were identified at the time of the site inspection, **such as low-visibility pinch points**, tree scarring, overhanging vegetation, eroding road edges, etc.”

This conflict of opinion from a county commission (Public Works) brings suspicion to the accuracy of the entire Green Road Consultants Road Report.

8. Further confusion regarding the permit request

The original permit request submitted by Mr. Costa was for “A Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation on a parcel approximately 5 acres in size.” To begin with this is two parcels. Also, the request for the permit was for a single parcel (Assessor’s Parcel Number (APN) 516-211-025. **However**, Mr. Costa’s current appeal to the Planning Department’s original decision lists two separate parcels under consideration designated by the Green Road Consultants report. They state on page 2 that: “An assessment of the proposed farm on APN 516-211-025 and the proposed cannabis nursery on APN 516-241-024 should not have any deleterious effect on road safety...”

How does an appeal to an original request for a permit allow the applicants to change significant facts (ie. APN #s) within their new request and engineers report? Once again we have conflicting information and inconsistent facts submitted to the Planning and Building Department. Simply due to this confusion and misinformation the permit should be permanently denied.

9. “Flood Zone” Leggitt Creek and Watersheds

Curious if anyone had done an environmental study regarding the distinct probability that any chemicals applied to the cannabis plants will eventually enter Leggitt Creek which drains directly into the Mad River. Also it’s not a matter if it will flood, just when.

10. **In conclusion**, we simply recommend and request that the Planning & Building Department re-affirm this previous and informed denial of the permit to allow commercial cannabis grow on the Rocci Costa property. An overwhelmingly majority of long term residents of the private portion of Warren Creek Road are **NOT** in favor of allowing Mr. Costa a permit to operate a commercial cannabis grow and processing plant. To date, no one we now who is aware of Mr. Costa's request is in favor of awarding this permit. In our opinion, he has not proven to not be a good steward of his land, or a respectful neighbor as he has had nothing but a stream of squatters, transients and "renters", generating calls to the sheriff and fire departments.

Thank you for your patience and diligence in reading this letter

Dave and Robin Kinzer

A handwritten signature in blue ink, appearing to read "Dave & Robin C. Kinzer". The signature is stylized and cursive.

Sheriff and Arcata Fire Reports for 1734 Warren Creek Road, Blue Lake, CA.

We also went to Blue Lake Fire 1/8/20, but given it's a volunteer fire department there was no one in the office.

We also went to CHP and inquired if they could pull up any calls to the above address. He said he their system was unable to gather information using addresses. He did suggest contacting the Sheriff's SWAT team.

Subject: Warren Creek Road

From: Becky Schuette <bschuette@arcatafire.org>

Date: 11/25/2019, 2:53 PM

To: kinzers5@gmail.com

1734 Warren Creek Rd
Blue Lake, CA

Good afternoon,

I was finally able to spend some time researching the address on Warren Creek Road that you had inquired about on November 7th. I checked both the old records program and our new one and a check of both the list of names and the address, I came up with only three responses by Arcata Fire, as far back as our report systems go, 2004.

Incident 07-9000082 on January 18, 2007 for an auto aid response for a building fire.

Incident 11-0001330 on March 18, 2011 for a structure fire, dual response with Blue Lake Fire.

In both those incidents, Blue Lake Fire was the primary agency with our assistance.

The last one found was on February 6, 2018, incident 18-0001028 for a legal controlled burn and it does not appear that Blue Lake responded to this one.

Since the address does land just outside our District response area, you might get further with a check of the Blue Lake Fire responses.

Please let me know if you need anything further.

Thank you.

--

Becky Schuette

Business Manager

Arcata Fire District

2149 Central Avenue

McKinleyville CA, 95519

[\(707\) 825-2000](tel:(707)825-2000)

www.arcatafire.org

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HUMBOLDT COUNTY SHERIFF'S OFFICE

Page 1

Location History for 1734 Warren Creek Rd

10/29/2019

Date	Event #	Deputy	Description
02/17/2017	Case 201700813	Hwang, Meghan	245(A)(1) PC: ADW NOT FIREARM, 273.5(A) PC
03/30/2017	Case 201701512	Helm, Matthew	273.5(A) PC: INF CORP INJ:SPOUSE/COHAB
08/20/2019	Person		THOMPSON, VINCENT EDWARD> SECOND ADDRESS

Assault + w/
- deadly
weapon

Domestic Assault

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Friday, December 13, 2019 2:40 PM
To: Moreno, Elizabeth
Subject: Costa Property on Warren Creek Road

Categories: Blue Category

Hi Elizabeth and Planning Board members,

Thank you for helping us negotiate our concerns regarding Costa's Road Evaluation Report for his Proposed Cannabis permits.

I am just starting to read the Green Road Engineering report done by R. Collins, and have so many questions and thoughts, but I wanted to get out a preliminary response before continuing to read more..

I am not eloquent with words like other folks, but just want to express my frustration and concerns.

We are located at the top of Blackberry Lane. The entrance to Blackberry lane is exactly where Warren Creek Road turns to the left therefore numerous cars consistently come up our very steep single lane driveway as the result of poor directions given to people attempting to find properties at the end of the Warren Creek Road. In November we had 4 huge tree trimming service vehicles, one with a trailer, come up our steep hill. We had to open out gate to allow them to turn around and go back down to Costa's Property as they were intending to complete work for him. Any increase in traffic on Warren Creek Road will most assuredly impact the approach to our home in a negative manner.

So, here are my thoughts, and concerns and questions so far....

* First off, I didn't realize there were 2 parcels with 2 different permits? I thought Costa was asking for a conditional use permit for 8,000 sq ft of new mixed light cultivation and 2,000 sq. feet of new outdoor cannabis cultivation on parcel number APN: 516-221-025?

Currently, I see on this report that APN: 516-211-025, wants a "proposed farm" (Mr. Costa) and APN: 516-241-024 wants a proposed cannabis nursery (Ms Avila)? Is Ms. Avila part of Mr. Costa's original permit, or is this a new permit request somewhere else on Warren Creek Road?

* To begin, I rolled my eyes at the comment about only 1 pothole, and that was located at Costa's property entrance, or by the photo, it looks like this is on Mr. Costa's private road?...seriously, this is an inaccurate statement. Mr. Costa does not have the only pot hole on Warren Creek Road.

The gravel portion of Warren Creek Road is a nightmare with HUGE potholes most all winter and spring, much of this is because of the already increased traffic. Most people who do not live along our road drive much too fast endangering the homeowners walking along this country lane. Currently the road is in "decent" condition solely do to the diligence of those homeowners who volunteer their time, equipment and money to make repairs.

(It would be a great idea for county planners to drive ALL the way out Warren Creek Road to the Costa Property in question and see for yourselves what the conditions are.

* John Murray pointed out the location of the traffic counter. We are extremely puzzled why the engineer chose this location, we feel the intention was to mislead the commission or he simply did not thoroughly evaluate the status of the

road as to the actual traffic that currently travels all of this road day and night. A twenty-four hour study in no way gives an accurate assessment of the current traffic on Warren Creek Road.

Sadly for us, it feels like this report is biased. There are incomplete and incorrect assessments regarding the true facts about increased traffic, road conditions and safety issues along ALL of Warren Creek Road.

* R. Collins further indicates the paved road is two lanes and "with room for two-way traffic"?

1. Anyone driving Warren Creek Road knows that when you are turning East from West End to Warren Creek, first of all that turn is now a blind turn, as you can not see oncoming West End Road traffic

2. As you head East down the steep hill, it is one-way with a blind corner. Numerous times over the years we have started down that hill only to find a school bus hidden in the blind section starting to come up the hill.

3. Also it is a one-way road under the trestle

4. A very narrow blind section next to park 4

5. One-way road next to the house East of Park 4

6. One-way road over the old railroad tracks, 50 yards beyond the house mentioned in #5.

7. Blind corner at what we call "Groby's Corner" where many people who don't know the road cut off on-coming vehicles.

8. A few more "One-lane portions" on the gravel road, One is right where the paved portion turns to gravel, and at least 2 or 3 more locations down the remaining gravel road.

Nowhere, that I can tell, does the engineer point out the words "blind corner" or One-lane. He does use the word "Narrow Section", but really should have been more clear to say single lane.

This is a far I have have read, so I know I will have more questions and concerns about this report.

As we continue to study the report further I'm sure more questions will arise.

Again, thank you **so much** for taking the time to listen.

Of course the questions and concerns, for now, only cover this road report. WE have **NUMEROUS** other concerns regarding the Costa property "Farm and Nursery" Cannibas business, located out on a lovely 100 year old neighborhood private country road...

Robin and Dave Kinzer

180 Blackberry Lane off Warren Creek Road

Moreno, Elizabeth

From: Carol Aubin <cataubin@hotmail.com>
Sent: Thursday, December 19, 2019 8:31 PM
To: Moreno, Elizabeth; Mike Zeppego
Cc: The Kinzers; Bill Ayton; Kathleen Zeppego; Myrna Weburg; John Murray; Debbie Stamper; Ron Borges; Kathy Lee; Bronkall, Bob; Johnson, Cliff
Subject: Re: Costa Proposal and Correspondence with Elizabeth Moreno

To; Elizabeth Moreno, from Victor and Carol Aubin. We are particularly concerned that the Green Consult. report has grossly misrepresented the physical condition of the road as well as the amount of traffic using both gravel and asphalt portions. Numerous pinch points and blind corners are not mentioned. One blind corner of the gravel section is ninety degrees, is one lane and no turnouts are available for over two hundred feet either direction. The asphalt portion, with its four pinch points is already hazardous most days of the year due to the water district establishing a disc golf course and subsequent heavy traffic, particularly at the slot by Lehman's and the S turn passing under the trestle. Just before the gravel portion drops down onto the river plain are two blind corners made worse by a slumping creek crossing. We have lived on this road since 1971 and are concerned that travel on the road may become more hazardous. We would like to meet with you as soon as possible to view the road and to discuss options.

From: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>
Sent: Thursday, December 19, 2019 4:53 PM
To: Mike Zeppego <zkayaker1@gmail.com>
Cc: The Kinzers <kinzers5@gmail.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppego <zpainter@suddenlink.net>; Myrna Weburg <myrna325@aol.com>; John Murray <jellis.murray@gmail.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Ron Borges <ron@bettendorfrucking.com>; Kathy Lee <katmlee@suddenlink.net>; Bronkall, Bob <BBronkall@co.humboldt.ca.us>; Carol Aubin <cataubin@hotmail.com>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: Costa Proposal and Correspondence with Elizabeth Moreno

Hi all,

I just wanted to update you all that I will be out of the office from 12/20-30/19 for the Holidays. However, keep sending your concerns to me and I will do my best address them when I come back to the office. Mike, I will also answer the points you made below. If there something that you immediately need assistance in, please contact my supervisor Cliff Johnson, he is cc'ed here.

Happy Holidays,

Elizabeth Moreno
Planner II
Cannabis Services Division
Planning and Building Department
707.445.7245

-----Original Message-----

From: Mike Zeppegno <zkayaker1@gmail.com>

Sent: Saturday, December 14, 2019 12:47 PM

To: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>

Cc: The Kinzers <kinzers5@gmail.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppegno <zpainter@suddenlink.net>; Myrna Weburg <myrna325@aol.com>; John Murray <jellis.murray@gmail.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Ron Borges <ron@bettendorfftrucking.com>; Kathy Lee <katmlee@suddenlink.net>; Bronkall, Bob <BBronkall@co.humboldt.ca.us>; Carol Aubin <cataubin@hotmail.com>
Subject: Re: Costa Proposal and Correspondence with Elizabeth Moreno

Perfect thank you.

I wanted to set the record straight on one of the items I listed in my note to you. In the item about the condition of the road when Green Consulting took their photos I said that Costa had not contributed one dime to the repair of the road. This is true for the section of the road from the paved section to the intersection with Cedar Hill Road. The maintenance on this section is coordinated by two land owners. One living on this stretch and the other living on Cedar Hill road. This is not true for the next stretch of the road that goes from the intersection of Cedar Hill to the Costa property and is funded and maintained by people living on this section. This has always been coordinated by one individual living on this section. Yesterday he told me that Rocci Costa's brother Robin has contributed to repairs on this section of the road from time to time.

Last point which I know others have pointed out is Green Consulting should be required to redo their traffic count . Positioning their equipment where they did only captured the traffic of the 7 residences at the end of the road. In my opinion at a minimum the counter should have been positioned where the paved road ends and the gravel road begins. However, in order to be accurate like what was stated in John Murray's note to you, the best place for the ADT device would have been at the intersection of West End Road and Warren Creek Road. An accurate account of cars traveling through the one way and blind sections of the paved road seems to me to be critical in evaluating road traffic on all of Warren Creek road.

Mike

> On Dec 13, 2019, at 4:52 PM, Moreno, Elizabeth <EMoreno@co.humboldt.ca.us> wrote:

>

> Mike,

>

> Emails will be best as we can document them and place them in the Staff Report. I will address them as soon as possible.

>

> Best,

>

>

> Elizabeth Moreno

> Planner II

>

> Cannabis Services Division

>

> Planning and Building Department

>

>

>

> 707.445.7245

>

>

>

>

> -----Original Message-----

> From: Mike Zeppegno <zkayaker1@gmail.com>

> Sent: Thursday, December 12, 2019 1:21 PM

> To: Moreno, Elizabeth <EMoreno@co.humboldt.ca.us>

> Cc: The Kinzers <kinzers5@gmail.com>; John Murray <jellis.murray@gmail.com>; Ron Borges <ron@bettendorfrucking.com>; Debbie Stamper <debbie.stamper@humboldt.edu>; Don & Myrna Weburg <myrna325@aol.com>; Bill Ayton <billayton@suddenlink.net>; Kathleen Zeppegno <zpainter@suddenlink.net>

> Subject: Costa Proposal

>

> Hi had a chance to look over the report you sent me yesterday. Have not had the time for a through study of the proposal. I did leave you a voice mail this am. I got to thinking that it is probably easier for you if I just send you a list of some of the questions my neighbors and I have. I am sure there will be more questions as everyone does their due diligence to study the report.

>

> Thanks for all your help.

>

> Mike Zeppegno

> 707-616-0016

>

> 1. Now that you have received the report from Rocci what is the process?

>

> 2. How do you evaluate his report with your earlier findings that the road was not suitable for commercial traffic?

>

> 3. How do you reconcile the findings you found and his statement that he only has to repair one pot hole? Point of references the photos taken for the report could not have been staged any better as they were taken right after our neighborhood had the road rocked and graded. We then paid to have the road sprayed to keep the dust down this past summer.. Incidentally the Costa's did not contribute one dime to this repair project. If you were to drive the road now you would see what a sham their photos are. Also you should check their info on number of turnouts and visibility.

>

> 4. How long will it take you and your staff to make a recommendation and when would we see the application going to the Planning commissioners?

>

> 5. I notice the consulting group stated that only neighbors in short proximity to the Costa property would be notified. As you know from the hearing in September all the neighbors along Warren Creek and the feeder roads wanted to be notified as we are all impacted. All parties help fund the improvements to the gravel part of the road. What will your direction be on this issue?

>

> 6. How much time do we have to send you letters?

>

December 29, 2019

Elizabeth Moreno
Planning and Building Department
Planning Division
County of Humboldt
3015 H Street, Eureka, CA 95501



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

My name is Kathleen Zeppegno and I am writing to address why the proposal for a legal cannabis production should not be granted.

I have lived in my home on Warren Creek road with my husband Michael Zeppegno for over 22 years. Many of the neighbors have been established here for generations. The intent to move to this particular place was because it offered; unlimited beauty, a safe environment, and clean air. This is only a partial list of the many benefits that we have experienced by living in this rural environment. The proposal from Rocci Costa to establish a commercial cannabis operation will change and compromise the community on many levels.

His actual proposal of what plans and guidelines he will follow to obtain the permit are just words on paper. The reality of this commercial grow, and its impact on neighbors and the environment, will only be realized after it is up and running. Then it will be too late. After researching about other legal grows in Salem Oregon, and Sonoma California, I discovered that there were many residents living near these grows that said their lives have been affected dramatically, and not for the better. This was an eye opener. I could see similar consequences occurring here, to our neighbors and land, if this proposal is approved. In the following I will show why this plan is not viable. I will address the inequities of the situation. How this project really only benefits Rocci and his counterparts with high gains and profits. While on the other hand, homeowners will inherit the problems that were created and have to deal with the aftermath for years to come.

Foul Odors and Pungent Smells

It is a fact that cannabis plants can have strong offensive smells. It can cause sensitive individuals to suffer from sore throats, and nausea when outdoors. Since my cancer treatment I cannot be exposed or be in situations where noxious smells exist because I become ill. Offensive odors of cannabis plants will keep many indoors avoiding this aggravation.

A New York Times article December 19, 2018 reported on complaints from individuals dealing with these foul smells. "as results of stench, residents in Sonoma County, north of San Francisco, are suing to ban cannabis operations from their neighborhoods. Mendocino, farther north, recently created zones banning cannabis cultivation. A sheriff deputy there says, "the number #1 complaint is the stench". Residents Grace and Robert Guthrie live on rural land

outside the town of Sebastopol, California. Their neighbors grow pot commercially. They have been seriously affected by the odors from the plant. Mr. Guthrie states, "I can't be outside more than 30 minutes at peak odor times when the cannabis buds are flowering and the wind sweeps the smell onto his property. The windows are constantly closed. We are trapped inside."

The issue of noxious smells from plants and how this would be dealt with was not included in Rocci's proposal.

Artificial Light and Noise from Fans

Mr. Costa said he will use lights and fans. We now live in a very quiet place. The addition of machines that would change this environment from a quiet habitat to the introduction of noise and light is not acceptable. Noise, no matter how low in volume, will still register as an intrusion. This introduction of artificial noise and additional light changes the atmosphere of peaceful rural living. We do not have street lights and the charm of living here is to be within nature that provides natural light without the intrusion of artificial factors.

Water

As stipulated Mr. Costa said that he will dry farm. Again, as stated above, these are merely words. Who is to say that he would revert to using water? And as of today, I am not aware of any hydrology studies being done on his well or groundwater in the area. Since we are in a drought phase many neighbors are dealing with low well water. Huge consumption of water from a grow could deplete already nearby ground water resources available to the neighborhood. How can we be sure that his water use will remain as proposed? The only way to make sure that Rocci strictly adheres to his water proposition is that water use be evaluated during the peak growing season. This would include monitoring and recorded findings by an official State or County employee. The report of the findings then would be released to the neighbors. This would be mandatory. This step is necessary due to the drought we are experiencing and the hardship that could be brought on to residents if their water supply is jeopardized.

Safety and Security

There have been reports of criminal elements tied to cannabis grows. Newspaper reports of cannabis related break-in, robberies, and violence are not uncommon. The Costa family over the years has had some individuals living on their land that have caused problems for the neighbors. Reported incidents of domestic violence, belligerent and violent behavior toward neighbors, and fires caused alarm.

So, with the current proposal there are also issues to be considered around the safety of residents due to the past history of disturbances. How can we be sure that the workers, some strangers, who will be driving out on a daily basis, with no allegiance to our community, be trustworthy and respect the neighbors? Will there be discernment and reasonable judgement in hiring? Will reputable workers with a much higher criteria be selected? How can the

residents be assured that they are not facing similar altercations from which they experienced in the past?

Road Condition and Maintenance

According to the Green Road Consulting report the only repair to the road that Rocci needs to address and fix is only one pothole. This is not in any way a true evaluation.

The road leading to his land is a one-way gravel road that is maintained by the residents. In the winter the maintenance on the road is ongoing because rain creates deep potholes that we are currently experiencing. At this point it cannot withstand more traffic. If you approve the permit there will be at least 4 additional vehicles, driving two times a day on a road that is currently in bad shape and in need of major repair. Also, besides road deterioration there are several blind spots where the road width is narrower, thus with increased traffic presenting a new challenge to the overall safety of the drivers.

Decrease in Home Values

Residents in Sonoma County and Salem Oregon living next to legal commercial cannabis farms have experienced home devaluations due to many of the reasons listed above. Likewise, people in this area who have invested thousands of dollars in their homes and property over many years could face the same problem. It is unconscionable to think that one property owner, Rocci Costa, could be given the right to develop a controversial project with many known and unknown negative consequences. Yet one of the most dramatic repercussion would be for the homeowners to lose the much-added value in their investment because of this development.

In conclusion, I want to thank you for reviewing my letter and for seriously taking into consideration the objections which were sited about the current proposal for a commercial cannabis grow on Warren Creek Road.

Sincerely,
Kathleen Zeppegno

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Saturday, January 04, 2020 10:16 AM
To: Moreno, Elizabeth
Subject: Rocci Costa cultivation proposal on Warren Creek Road

Categories: Purple Category

Ms. Moreno,

My husband Tom and I live at 1116 Warren Creek Road, on the corner of Cedar Hill and Warren Creek. We'd like to thank you and other Planning Department personnel for coming out to see first-hand the road and neighborhood situation here. It is thorough of you and can give you so much better understanding than our letters.

Tom and I have written two letters (with the required 14 copies), the last of which was hand delivered to the Planning Department before Christmas. I truly hope these have found their way with other neighbors' communication to the packet that is prepared for upcoming meetings.

As you know, chief concerns are traffic, odor, and whatever personnel he might envision would be on the site of the proposal. Previous tenants there have been very difficult --- I don't have first hand knowledge, so I can't give testimony, but I have certainly heard about incidents from neighbors.

This is a quiet rural neighborhood. Most residents have been here many years (32 for us!) Your visit to observe what we're worried about is so appreciated.

Susan Smith

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Saturday, January 04, 2020 10:56 AM
To: Moreno, Elizabeth
Subject: Fwd: Refuge

Categories: Purple Category

----- Forwarded Message -----

Subject: Refuge
Date: Sat, 4 Jan 2020 08:44:48 -0800
From: William Abler <ehlert-abler@sbcglobal.net>
To: kinzers5@gmail.com

As it is the only place in the country that has a stable, moderate climate year-round, the North Coast is bound to be a refuge for rare or endangered species. These might include plants and small animals, especially insects and spiders, but also possibly small vertebrates such as salamanders. Warren Creek Road is especially isolated, and is an ideal location for such a refuge. The less industrial farming that is practiced here, the greater its potential as a possible refuge. If we can solve the climate crisis, these living things will migrate outward to re-populate the country.

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Tuesday, January 07, 2020 4:07 PM
To: Moreno, Elizabeth
Subject: Re Costa proposal on Warren Creek Rd

Categories: needs atten!

Hello. We have read the latest memo from the Deputy Planner. He says Mr Costa would have to construct the 7 turnouts shown on the map. Who owns those properties? Not sure of easement rights or ownership. It seems that it's private property. ???

Thank you. Tom and Susan Smith, 1116 Warren Creek Rd, Arcata, CA 95521

Moreno, Elizabeth

From: Kathleen Zeppegno <kathleenzeppegno@gmail.com>
Sent: Thursday, January 09, 2020 12:23 PM
To: Moreno, Elizabeth
Subject: Questions

Categories: Purple Category

Dear Elizabeth,

I am very concerned. I have a sense that when the codes were drawn up for legal grows that rights seemed to favor the growers. Somehow the rights of the residents were overlooked with no real guidelines on how they would be assured that their rights as homeowners would be protected. The only way to establish a this would be a legal document that would first address the hazards of an industrial grow in their area, and then would state what protection the neighbors were entitled to.

Hazards:

Road unsafe in blind spots and narrow one way lanes

Artificial light

Introduction of noise from fans

Unbearable odor

Criminal behavior with the influx of strangers

If any of these elements are disturbing the peace and safety of the established neighborhood then it would be clear no permit would be issued.

Enforcements diligently undertaken if grow is passed.

How are the rights and safety of residents protected?

An assurance, how undertaken? That vehicles do not exceed original number.

An assurance, that chemicals and pesticides do not contaminate certified organic farms nearby

That past history of criminal activity on the proposed site would negate the permit for a grow.

Assurance, the use of water is monitored monthly.

Roads to property are clear of blind spots with no exceptions.

A legal document stating residents rights would be drawn up. If there was just one infringement then the grow would be refused or shut down if it was in operation. If the grower neglected his contract, as to odor, water, use of chemicals passing on to a certified organic farm, noise and lights, then he would be shut down for good.

Thank you again for making this a serious concern. Could you please tell me what regulations and protection for rural residents is now in place. Maybe it is time to employ a lawyer who could draft such a proposition for the good of all.

Kathleen Zeppegno

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 09, 2020 12:46 PM
To: Moreno, Elizabeth
Subject: 4th of July warren creek road

Categories: Purple Category

Hello Elizabeth here are just a few pictures from our annual Fourth of July parade on Warren Creek Rd. If you look at the sign I believe it says the 32nd annual parade?

I might send a few more especially if I find the one that is down by the Costa parcel.

We always go to the Weburg's and turn around in that little intersection. If Costa is allowed to have a cannabis farm, the entire drive warren creek farms, Which is half of the parade route will which is half of the parade route and smell like skunk weed

Again this is another piece of the puzzle while this cannabis permit should not be issued on this decade old established rural neighborhood

robin and Dave Kinzer











Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 09, 2020 12:53 PM
To: Moreno, Elizabeth
Subject: WARREN CREEK ROAD PICTURES

Categories: Purple Category







Sent from my iPhone

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Thursday, January 09, 2020 7:15 PM
To: Moreno, Elizabeth
Subject: Back again

Categories: Purple Category

Hi. We know you don't have time to respond to all the email sent by concerned neighbors on Warren Creek Rd re the Costa proposal, but we understand you are open to receiving comments and questions.

A couple days ago we wrote about concerns with how turnouts could be constructed on private property.

And now we're wondering how the smell of open cultivation and processing will impact our neighborhood. That odor wafts with any breeze. Surely it will be carried beyond the confines of any proposed acreage. Neighbors regularly walk the road because it is essentially a peaceful country lane. We are so fortunate to live here in this environment. The idea of marijuana odors and increased use of this privately maintained road by potential employees and customers is truly sad to contemplate. We just can't think the proposal would meet with Planning Dept approval.

Thanks again for listening. This is such an important issue for our neighborhood.

Susan and Tom Smith
1116 Warren Creek Rd

Moreno, Elizabeth

From: marcile raney <marcile525@gmail.com>
Sent: Friday, January 10, 2020 12:17 PM
To: Moreno, Elizabeth
Subject: Costa's proposed cannabis grow

Categories: Purple Category

Elizabeth,

I am writing on behalf of the Weburg family trust with objections to Costa's proposed cannabis grow at 1734 Warren Creek Road, Arcata . My family owns the properties 1712 Warren Creek Rd and 1800 Warren Creek (at the dead end). These are my main areas of concern:

- 1) Warren Creek Road itself ends at our river property. We have allowed friends and neighbors access through our property to reach the river and hiking trails on our property, and have no intention of limiting that use. My family and our friends have unrestricted use of this road, which is not just a simple right of way, but the end of Warren Creek Road itself. I realize I just repeated myself, but this needs to be clear: Costa's plan to move or obstruct the road is not at all acceptable. My father made this very clear to Costa while he was alive and our stance has not changed. I do not believe it is legal to block or move a private road or easement.
- 2) Traffic on Warren Creek Road will be negatively affected. Industrial traffic at the end of the road would put pedestrians, our pets, and other motorists at risk. Costa seems to have no vested interest in neighborhood or neighbors . Warren Creek road is very narrow with multiple blind corners. The dirt portion of the road is subject to wear and tear. It was graded and all potholes were filled less than 6 months ago, and is already full of potholes. It simply cannot sustain commercial traffic.
- 3) Smell and other pollution. I am highly sensitive to environmental pollution and odors. I in no way want to have to suffer through the nauseating odor of a cannabis grow. It literally makes me ill. There is no way to contain this type of pollution. It would seriously impact our ability to enjoy our property.
- 4) Crime. With cannabis comes crime and the potential for home invasions of neighboring properties. This is a big concern. We are a sparsely populated area with no police protection.
- 5) Property value. As stated earlier, we own the property at the end of the road adjacent to Costa's property. A grow there would make building a house or raising a family on that property out of the question. It would potentially negatively affect our property value and ability to use it as we wish.
- 6) Costa has been attempting to bully and intimidate my 80 year old mother. Other members of my family have been reluctant to get involved for fear of retaliation.
- 7) This is a quiet idyllic area. 3 generations of Weburg's grew up here, 4 generations living and enjoying

this area. I can't imagine what it will be like to walk my great nephew and niece past this type of operation.

Thank you for your attention to this matter,

Sincerely,

Marcile (Weburg) Raney

7075997464

Sent from my iPhone

Moreno, Elizabeth

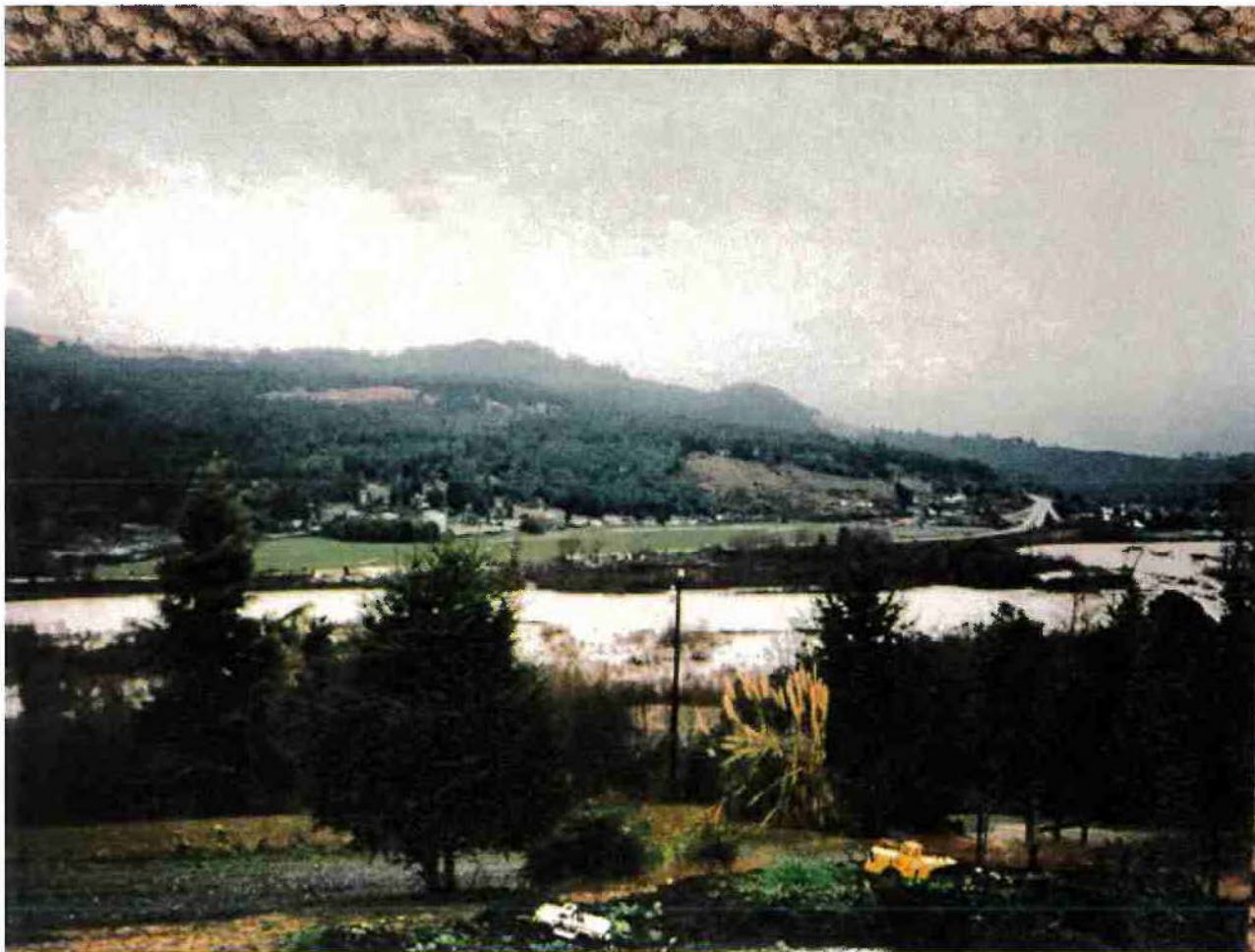
From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Friday, January 10, 2020 2:49 PM
To: Moreno, Elizabeth
Subject: Costa flood zone

Categories: Purple Category

Hello Elizabeth, here are a couple pictures taken in about 1995 showing when the river was a little bit high but it definitely was not as high as it can get. Costa's property is to the lower right of the pictures.

When the river tries to go bank to bank you would not see any of the grassland down below. It's still hard for us to imagine that he would be allowed to do a cannabis grow with all the chemicals so close to Leggett Creek and the mad River watershed. Plus his property is flood zone.

Thank you again for taking the time to talk with us yesterday. Take care, Robin and Dave Kinzer





Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Sunday, January 12, 2020 12:49 PM
To: Moreno, Elizabeth
Subject: Warren creek road 4th of July

Categories: Purple Category

Hello Elizabeth this picture was taken a number of years ago showing our parade down along the farm land. You can get a good idea of how brushy the area becomes in the summer and this is just the beginning of summer. It really does make for a narrow road with poor visibility.

Robin Kinzer



Sent from my iPhone

Moreno, Elizabeth

From: jana ashbrook <janaashbrook@gmail.com>
Sent: Monday, January 13, 2020 9:11 AM
To: Moreno, Elizabeth
Subject: Re: Warren Creek Road Permit Requests

Categories: Purple Category

To: Elizabeth Moreno, Humboldt County Planning Department and appropriate colleagues

Re: Costa and Neighboring Permit Requests on Warren Creek Road

I am writing as a resident of Warren Creek Road to raise concerns about the permit requests for marijuana commercial and retail business on Warren Creek Road. I am very concerned about road/access suitability, road safety, and offensive smells.

Our family has resided at 1035 Warren Creek Road since 2011. Over these years, we have come to understand how this unique residential area functions. I am writing to share my observations, as they may not be observable from a shorter visit.

We reside on the private road section of Warren Creek and collectively pay for and maintain our private gravel road here, since the county road ends near the intersection of Burlwood Lane. The private road is primarily single lane and is a rough gravel road, it develops potholes very easily. Our neighbors volunteer their time and equipment to get fresh gravel down frequently to deal with our dozens of potholes that have to be taken care of. The proposed business would need to utilize the entire private road section for employee and customer access.

We have two small children, age 1 and 5, and our family takes frequent walks along the private road. Many of our neighbors also walk and jog on the road. When we are out walking and a car approaches we step to the side of the road to allow the to pass, as so much of the area is one lane and there is not room for both walker and the car. When driving we slow for our neighbor joggers.

When we drive in or out, to or from town, we are very slow and cautious because of the many blind curves that occur at the narrow one-lane portions of the road both on the private and county road sections of Warren Creek Road. The neighbors know the road and how to take it slow and safe. We can usually tell when a driver is unfamiliar with the area because they don't know the one lane road safety habits. There are half a dozen or more places I pull over if another car is approaching just between my house and West End Road. The residents are slow and smooth with each other, but I have had near collisions with guests barreling around a blind curve.

One of my biggest area of concern on Warren Creek Road is the first section of road between West End Road and the frisbee golf park. There can be many guests traveling this section coming to or from the frisbee golf park. We have had many near collisions on this section because the park guests don't always have familiarity with how to safely get through both the one lane train tressel bridge area, or the blind curve one-lane hill to West End Road that is also too narrow for two cars to pass through at the same time. What happens on that hill is that drivers will wait at the top for the car to come up. The problem is that there is only room for one or two cars to wait to go down that first Warren Creek Road hill before I that traffic blocks West End Road. At the bottom of that hill, cars will also wait if they see a car coming down the hill. There are only three or so spots to wait at the bottom of the hill before being stopped on the road in a position vulnerable to another car approaching around the train-tressel underpass blind curve. I have had many days where

drivers didn't catch that there was a car coming up or down that hill. In those cases one of the drivers backs up to let the other pass. It's a very tricky maneuver.

We often limit our driving in and out of Warren Creek Road around dusk because dusk is often when the park guests get on the road to go home. We have observed enough drinking and smoking as part of the park culture that we know there is a level of intoxication in many of the guests driving away from the park and heading out through those one lane with blind curve sections.

Another traffic issue is that on days that the park has closed its parking lot for maintenance we have observed determined park guests parking all along the side of the road near the park, further impeding residents.

Even when the park's parking lot is open there are dozens of days in the warm spring, summer, and fall days where guests are flocking to the park (or other random spots on Warren Creek Road) for the river access. On these days guest will park all along the road making any two lane areas one lane driving areas. There are no driving lines or shoulder lines on Warrn Creek Road, so the whole situation on the road can get really messy as is.

Our additional concern is the skunk like offensive smell. When our family takes walks, we walk to the farm and the end of the road. I imaging this will not be possible any longer due to smells and safely.

Our family invested in our property because of the remote privacy and fresh air. We would no longer be safe on our road with the new traffic. We fear all of the property values in our private road community would decline due to the smells and traffic.

Best regards,
Jana Ashbrook
1035 Warren Creek
Resident (2011-Present)

Moreno, Elizabeth

From: Michael Zeppegno <zkayaker1@gmail.com>
Sent: Wednesday, January 15, 2020 8:57 AM
To: Moreno, Elizabeth
Cc: Johnson, Cliff
Subject: Fwd: New Report From Green Road Consuling

Elizabeth thanks for your time yesterday and for forwarding the report. Much appreciated. I read over the report for the second time. I wanted to point out some info that I think is very misleading. They state the ADT numbers for 3 locations on the road. The first closest to West End was 619. The second which was located where the paved road ends was 216. The next section which is the area Public Works is asking for turnouts had a road count of 26. In their summary on road count they claim the increased traffic will only be raised by 3 percent of the total 619.

However it is actually a 50 percent increase on the most vulnerable part of the road where they quote traffic will go up by 14 vehicles. Their ADT count for this section of road was 26 vehicles and they claim the number will only increase by 14. At 14 this is a 50+ percent increase in the traffic on this section. How can we be sure this number is accurate? In their report how do we know what their customer traffic is going to be?

Their statement about there already being commercial traffic out here is also misleading. The timber operation they are referring to is located up Cedar Hill Road. None of this traffic turns to the right on Warren Creek and goes to the end of the road. Secondly, the mobile mechanic they refer to did live at the end of the road. He died many years ago. On service trucks we do get deliveries from propane vendors. Many of us upgraded our tank capacity to 500 gallons so that we would have less truck traffic per per year on our road. From personal experience we are on a 7-8 week cycle during the winter and a longer period during the summer. This effort was designed to conserve our road.

One last thing on road count. Green Road made a statement that the vehicle traffic they counted may be higher than normal because of the holidays. This is bunk. It is less traffic during this period as kids are not in school, people are on vacation, numbers at the disc golf park are greatly reduced with HSU being on Winter break

We do not have a road association. As discussed when you came out the community has always worked very well together to repair both sections of the gravel road. Raising money was an issue many years ago as we did things kind of piece meal. This has all changed. The section from the paved Section to Cedar Hill has the benefit of being worked on by two neighbors that have heavy equipment like a road grader and tractors.

The section from Cedar Hill to the end of the road is maintained by neighbors along this stretch. We also used to do things piecemeal here as well. However, people are willing to put up more money for this section and we have contracted with Alves for their work. This past summer we spent \$3000 to work on this section of road. We are currently waiting on dryer weather to do more grading and adding. 3 truck loads of road base.

The thing that is amazing to me is the Costa proposal is asking us to organize a maintenance association and to pay for the repairs specified by Public Works. What a bargain for us living on this section of the road road. We fund the repairs, we see wear and tear go up 50 percent resulting in more frequent repairs, and Rocci gets his grow. What a win win for him.

I am asking you to pay particular attention to what Marcile Weburg said in her letter about the access through the Costa property.

One other question has any agency or your department looked at water issues? His site is in a flood plane and is very close to Legit Creek and the Mad River. We do know that Mercer Fraser's two proposals for cannabis operations across the River from us was slammed by the local water district. Don't we have the same potential risk with Costa's operation?

Can you tell me a little bit more what is an open air cultivation?

Thanks,

Mike

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 15, 2020 5:42 PM
To: Moreno, Elizabeth
Subject: Culvert on gravel road warren creek
Attachments: IMG_0161.MOV

Hi Elizabeth I was looking at the green report, first edition page 19 standard three. It indicates that a report was "Conducted by a licensed engineer". They state "Drainage features were evaluated to ensure adequate design functionality and performance of culverts and other discrete drainage systems and developed conclusions regarding compliance and conformance with best management practices for the defined road system" this is one of three culverts where the water does not run through the culvert because the culvert is rotten. It is running underneath. Of curiosity I wonder if in fact this is a false statement and if a license engineer actually did come out and examine the road. They also missed the part where a good portion of the road washed away last winter because of a culvert that failed, saturated the trees roots in the tree came down and took the road with it.

Thank you I can also send some still pictures and probably will.

Robin Kinzer

Sent from my iPhone

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 15, 2020 5:43 PM
To: Moreno, Elizabeth
Subject: Culvert warren creek road

some pictures of the rotten culvert







Sent from my iPhone

Moreno, Elizabeth

From: Michael Zeppegno <zkayaker1@gmail.com>
Sent: Thursday, January 16, 2020 8:20 AM
To: Moreno, Elizabeth
Cc: Johnson, Cliff
Subject: New Consulting Report

Categories: Purple Category

Elizabeth I read the report for the third time this morning and have some additional questions and comments which are as follows:

I was looking over the traffic volumes as quoted. The number for the outlet at West End was 690. The consultant speculated that this number was high given the holiday. I commented on this in my last note. Let's assume they are right and the number is inflated which I don't believe. In that case given their logic the percentage of the number being over inflated over the 400 for the Category 4 classification would be over 70%. I think the County needs to ask Green Road to redo their ADT monitoring and during what would be a normal traffic period. This study should be longer than 24 hours to get a better sampling of traffic. I think this is required given the comments I made earlier about traffic flows in non holiday times and includes people going to work, kids getting to schools, deliveries being made etc.

In the section on their Traffic Management Plan and Section VII on Recommendations part A. 2 they refer to and have a picture Titled Gravel Road 1.69. They are calling for a turnout here. This is an area that Lyle Schmidt, owner of the land and the road easement, recently cleared removing the old broken fence and the blackberries. He has leased this area to a neighbor who plans on farming this section this spring, and will be enclosing the area with a fence. They are also asking Lyle to move his tractor implements for another turnout.

One last question, in their report near the end they state that their permit cannot be hindered by the condition of Warren Creek Road. If the recommended rocking of turnouts and implementation of our travel plan are carried out as deemed by the Planning Commission. How does this work if because of legal issues like road easements, property titles, and land use like the new farming area these changes cannot be made? What happens then?

Thanks,

Mike

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Saturday, January 18, 2020 10:28 AM
To: Moreno, Elizabeth
Cc: Mike Zeppegno
Subject: Warren Creek Road/Costa Permit

Good morning Elizabeth,

We have a few simple Questions.

On the Green Report and Costa's Evaluation Report, when they talk about "trips" regarding the future estimated Mileage count,

1.What exactly do they mean by "trips" are they referring to 1 way, or round trips?

2. In Rocci's initial report he states that **no employee** will be living on the property. In the recent Green Report they

state that there will be **1 employee** on the property. That being said, employee's have family, they are usually not out there living alone.

Family brings more family and friends, which does increase the estimated "road count". (Was this factored into the proposed vehicle trip count)?

3. Why is the Green Report using the old data from the November 24 hour vehicle count, Rather than setting up a 3 counter, at a location that would have counted Vehicles from Cedar Hill to Costa Property?

This should be considered invalid data for a few reasons.

The count was done during Thanksgiving Vacation Break, and the location of **the counter excluded traffic From Cedar Hill and Blackberry Lane.**

The 1 way count on Blackberry Lane alone would be at minimum 9 vehicles a day, round trip 18. And that is assuming we only go out the road 1 time. (which is NOT THE CASE)

AND, that count was for 24 hours the one in early January was for a slightly longer period of time, maybe 36 to 48 hours?.

We would appreciate if you could clarify exactly what" Trip
or "Trips"Means

Also, is he going to have an employee live on the property or not?

Thank you Elizabeth,

Moreno, Elizabeth

From: Johnson, Cliff
Sent: Wednesday, January 22, 2020 5:30 PM
To: Moreno, Elizabeth
Subject: FW: Warren Creek Road Cannabis Projects: Notifications

Elizabeth, Please include this in the staff report and also forward the Kinzers a copy of the public notice.

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Wednesday, January 22, 2020 4:07 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: Warren Creek Road Cannabis Projects: Notifications

Hi Cliff,

Your name was forwarded to me by Eric Zollner in regards to seeing if you could put us on a list to receive further notifications regarding

the Cannabis Permit Projects on Warren Creek Road. Though our address is 180 Blackberry Lane, we are residents of Warren Creek Road and all that occurs out here in our rural

neighborhood. This goes for folks on Cedar Hill and Burlwood Drive as well.

We are very impacted by the proposed cannabis grow at the end of Warren Creek Road. We continually get traffic up our steep hill (23% grade), from "transient" people asking for the Costa property. (and commercial vehicles, like the 4 huge tree trimming trucks that came up in December).

The reason is, we feel, that Blackberry Lane is referenced in their directions like this? **"turn on Blackberry Lane"**.

Even your current Public Notice is slightly unclear, in that folks likely won't see the word "East" from the intersection of Blackberry Lane....

Do you need us to pay 5.00 to be put on a list to be included with the Warren Creek Road Cannabis Permits. If so we can come down to the office and pay you.

We are deeply concerned about the idea that a permit would be issued to R. Costa for a Cannabis grow, and Ms. Avila. This is an awesome neighborhood, it just doesn't belong here:'

Thank you Cliff

Robin and Dave Kinzer

Moreno, Elizabeth

From: Susan Smith <susansmith116@gmail.com>
Sent: Wednesday, January 22, 2020 4:55 PM
To: Moreno, Elizabeth
Subject: Rocci Costa application

Categories: Purple Category

This is our third email after two letters with the required copies. It is sad that neighbors have to defend their neighborhood.

Again, our chief concerns are the smell of the growing marijuana plants, the people coming and going to the property.... increasing traffic and typically not being careful about walkers and animals, and the increased damage to our unpaved road. Property owners and our road workers shouldn't be required to accommodate Mr Costa.

We urge this permit be denied.

Tom and Susan Smith, 1116 Warren Creek Rd

Moreno, Elizabeth

From: myrna325@aol.com
Sent: Wednesday, January 22, 2020 3:55 PM
To: Moreno, Elizabeth
Subject: Rocci Costa's cannabis grow permit application located at 1734 Warren Creek Road, Arcata, CA.

I am writing again to express my concerns regarding the proposed cannabis grow located at 1734 Warren Creek Road, that is next to our property, 1800 Warren Creek Road. We own two properties that will be negatively impacted if the Costa permit is approved.

Our property at 1712 Warren Creek Road will be impacted in all of the ways that have been documented via emails and letters to you from numerous neighbors and residents of Warren Creek Road, Blackberry Lane, Cedar Hill Road and Burlwood

Drive. The use and enjoyment of our 20 acre property, 1800 Warren Creek Road will suffer the most if the grow is permitted. The grow would be located on the 5 acre parcel directly west of our property line. The issues of our concerns are multifaceted and they will negatively alter the use of our land. > The location of the grow requires them to alter the existing roads that we have used to access our property and the river.

>If the grow is allowed, it will present a dangerous problem as there have been several times that our property has been used without our permission and in spite of locked gates and posted no trespassing signs by people coming from the Mad River. Grows are known to attract people with criminal intent.

>The plan calls for an electric gate that only they and I would have the combination to open. This is unacceptable as it is imperative that family members must have free access at all times. Our select friends and neighbors use our right of way to access the river, hike the hill and pursue other activities. These people have been given keys to unlock the gates. Costa's plan would exclude all of them.

>The smell of an open grow is unacceptable. The plan to put plants next to our fence insures that that we will get the full smell every time we are on our property. We will also be assaulted by the smell when ever we are out doors on our other property and the wind blows from the east.

In conclusion, I strongly share all of the other concerns listed before regarding environmental impact, increased traffic, and strong potential for degrading of our neighborhood that have been detailed in previous correspondence from our family and neighbors.. Thank you, Myrna S. Weburg

The Weburg Family Trust

Moreno, Elizabeth

From: Robin and Dave Kinzer <kinzers5@gmail.com>
Sent: Thursday, January 23, 2020 8:36 PM
To: Moreno, Elizabeth
Subject: Warren creek road

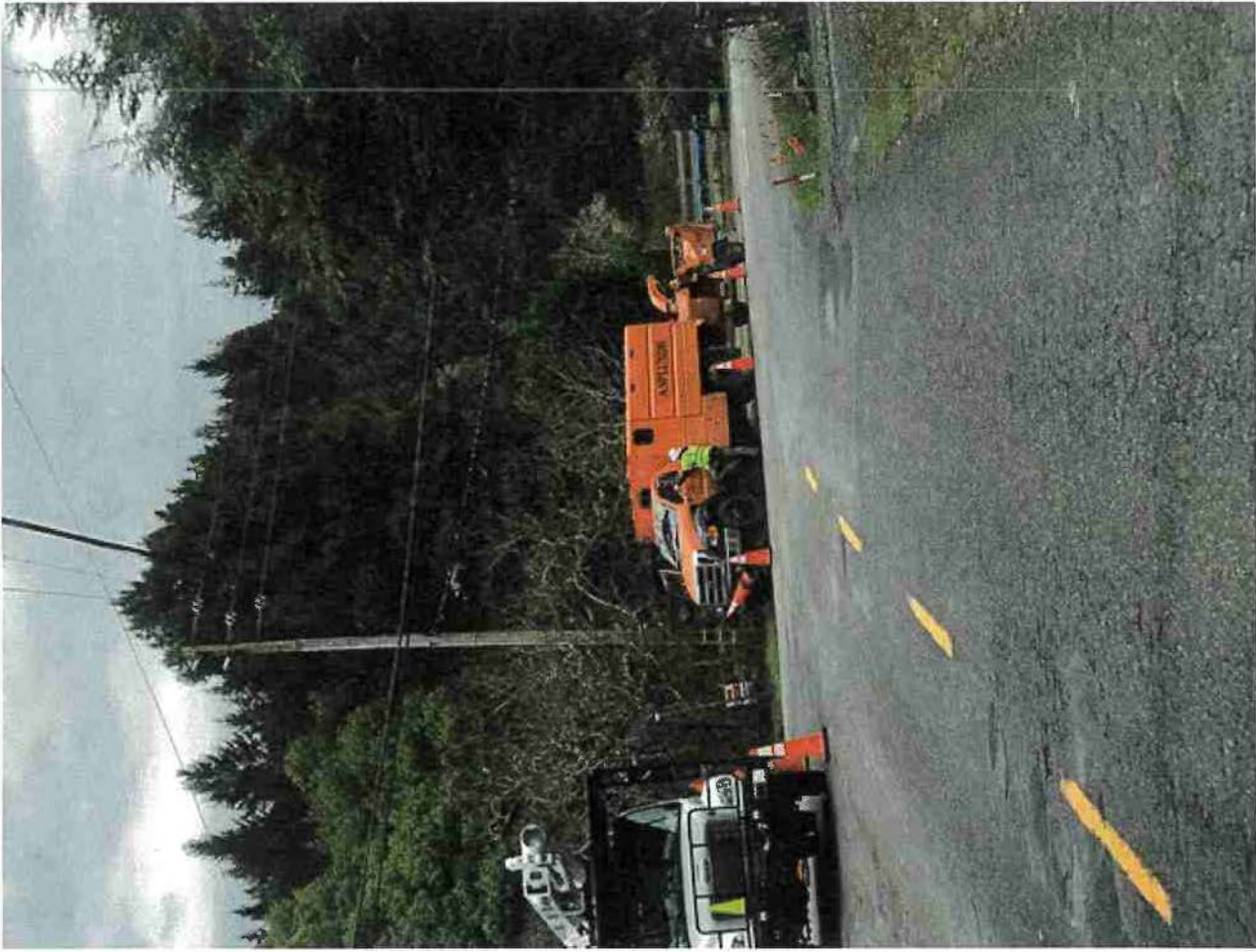
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Elizabeth

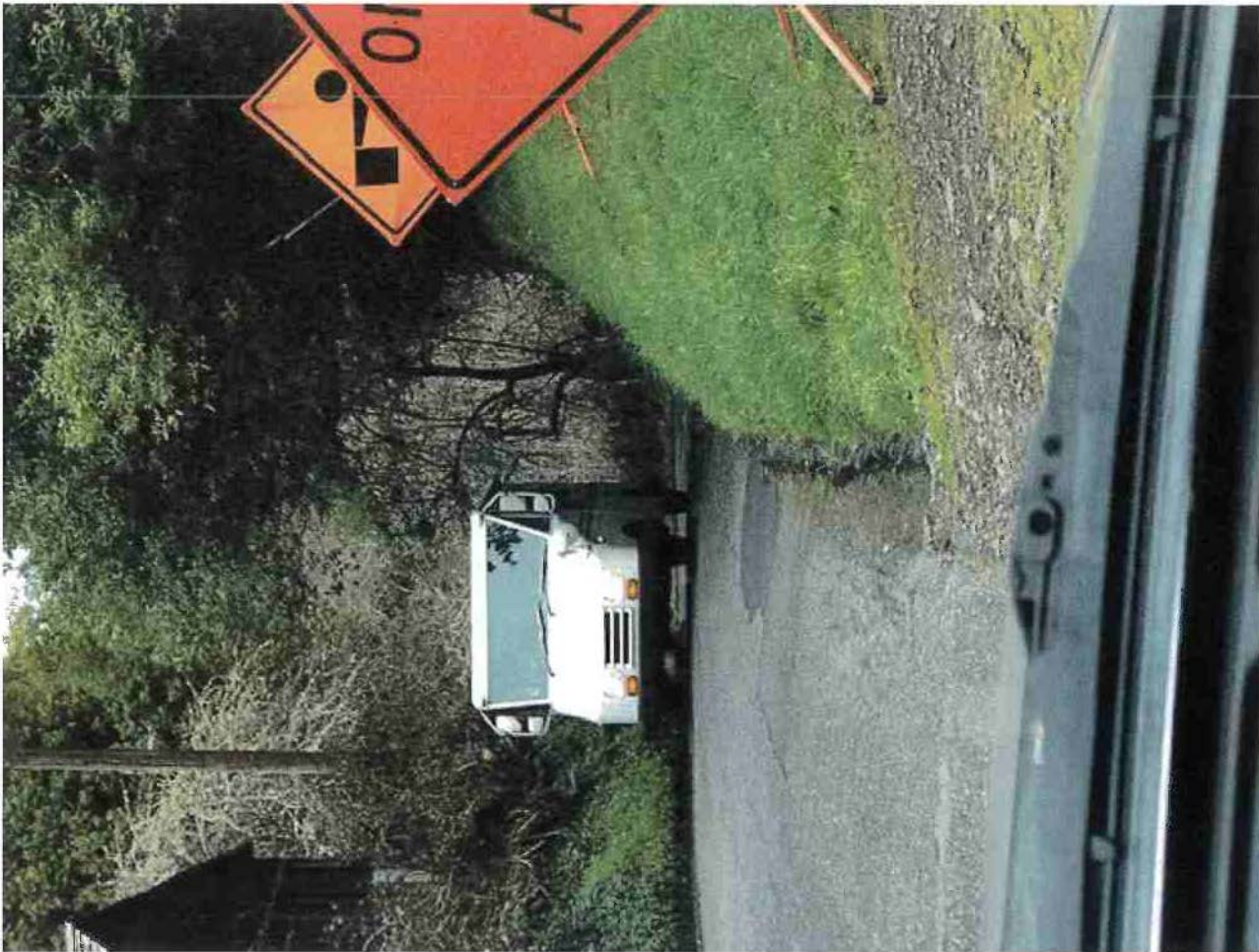
These are just a couple examples of every day driving on west end and warren creek roads. And why adding more commercial traffic to the road continues to increase and impact our safety.



This was taken on West End Rd. Today January 23rd. This is a designated bike Route, the difficulty is there are very few places that you can actually pass a bicyclist. What Happens is motorists get impatient and they almost always try to pass the bike rider. When we see a bicyclist coming toward us we have to anticipate that someone is going to try to pass going into our lane, and we have to be aware of a head on collision. This goes for pedestrians as well.



The intersection of West End Road and Warren Creek Road today. The left-hand turn onto Warren Creek Rd coming from Arcata is already very dangerous dealing with oncoming traffic in a blind intersection. The Green Road consultant did not mention this very real danger.



This is a very common scene. Once you turn onto Warren Creek Rd. you have to pay very close attention to people who are coming up through the single lane. What the green road consultants missed was that in the spring summer and fall this road narrows down even more due to encroachment of the brush. As we were waiting for the mail truck we had to hope no one hit us from behind.

People who do not know the road don't always know to Wait if they see a car and they try to get through no matter what!

This was not talked about in detail by the Green Road engineer. All they say is that there is a turn out by the trestle. That really is of no value in this situation.

Yes both West End And Warren Creek Road do have a lot of traffic. Both commercial and residential. As Robin Collins pointed out. He felt there was no reason why the road couldn't handle the commercial Cannabis grow traffic. This is not logical thinking.

Driving these roads has become extremely hazardous, we really truly do not need the addition of Costa and Avilas commercial cannabis grows and customers driving out these roads.

Thank you so much for your time.

Robin and Dave Kinzer.

Sent from my iPhone

Moreno, Elizabeth

From: Mike Zeppegno <zkayaker1@gmail.com>
Sent: Monday, December 30, 2019 1:28 PM
To: Moreno, Elizabeth
Cc: The Kinzers; Bill Ayton; Kathleen Zeppegno; Myrna Weburg; John Murray; Debbie Stamper; Ron Borges; Kathy Lee; Bronkall, Bob; Carol Aubin; Susan&Tom Smith; Marcia and Brock; Sam & Amethyst; Johnson, Cliff
Subject: More Questions and Feedback
Attachments: 12176 Road Evaluation with Highlights.pdf

Categories: Purple Category

Elizabeth welcome back. Hope your vacation was great. While you were away I took the time to re-read the original proposal as well as the new report from Green Road Consulting. I have attached a copy of the Road Evaluation report that I used to highlight areas of concern and post notes to my yellow highlighted areas. I am also including photos I took the last two days of Warren Creek road. My photos give you a picture of what Warren Creek road looks like on both the unpaved and paved portions of the road. I tried to highlight the condition of the road, blind curves or corners, and other impediments to visibility.

I also read through the original proposal Rocci Costa submitted back in March and had a couple of questions:

In a letter Rocci sent you with his proposal he makes this statement: "I understand that to move forward I must "forebear" use of my well until the CDFW makes its determination. In lieu of that information we would like to pursue the CUP, eliminating any other hurdles that may await us."

He then goes on to state that they are now going to dry farm and only need a 10,000 gallon storage tank.

My question is he still pursuing getting approval from CDFW for a water permit?

If you look at his proposal in Section 2.1 the water usage from May -Sept is for 180,000 gallons of water for irrigation.

I called CA Dept of Fish and Wildlife in Eureka on Dec 27th. I wanted to check what the status was on the Costa application for using their well for their grow. I left a voice mail with the person that handles these permits. The VM said with the high volume of calls it may take several days before they get back to me.

Section 2.7 Security Plan

This is interesting as it calls for an electronic gate on the access road to his property. This right of way is owned by the Weburgs. According to the plan only the Costa's and the Weburgs would have the code for this electronic gate. What Costa does not understand is that through the generosity of Don and Myrna many of us living out here have been granted access and have keys to the gate at the entrance to the Weburg's 20 acre parcel by the river. This granting of access by the Weburgs goes back to the late 60s. This electronic gate would have to be approved by Myrna Weburg.

Section 3.6 Plumbing and Septic

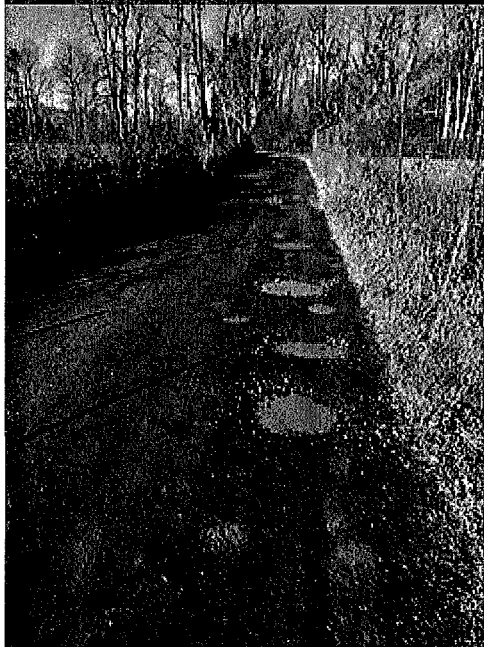
Under this section Costa is required to add another septic tank, toilet and hand washing capability with the construction of the Processing Facility. There currently is a septic tank on site for a single family development. On the issue of plumbing what safe guards are in place about sewage removal from the 2 RVs? How does the County monitor the site to insure all requirements are met by the land owner?

Mike



One and only pot hole identified in Consultant report that needs repairing. This view is of the access road leading to the Costa property.









Images of Warren Creek road going around Warren Creek Farm

Consultant's Report stated that visibility was unimpeded along Warren Creek rd.

This is not true. Please see photos. Visibility gets worse during the spring, summer and fall as the vegetation along the fence enclosing Warren Creek Farm grows to the height of the deer fencing. This vegetation is vital for the farm to be able to keep deer out of the planted fields. Also, the farmed area along the north boundary of the farm is planted with corn. The combination of the vegetation and the corn cuts off road visibility going around this blind corner.

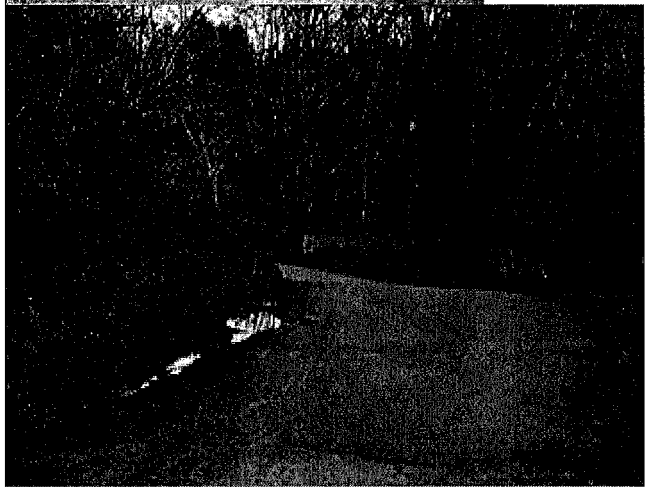
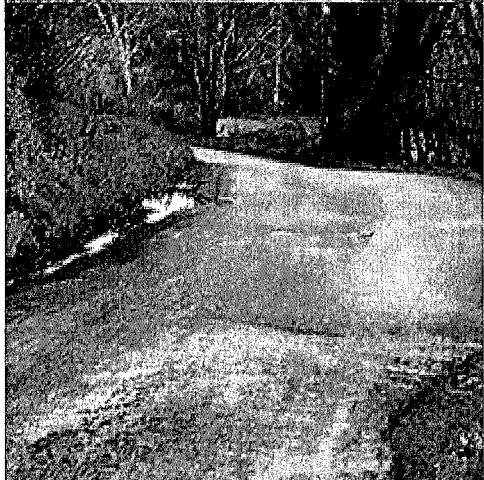
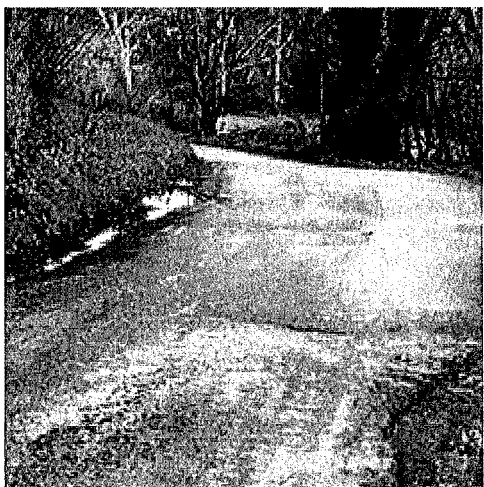




Areas of road showing vegetation on fence and field that will be planted in corn.

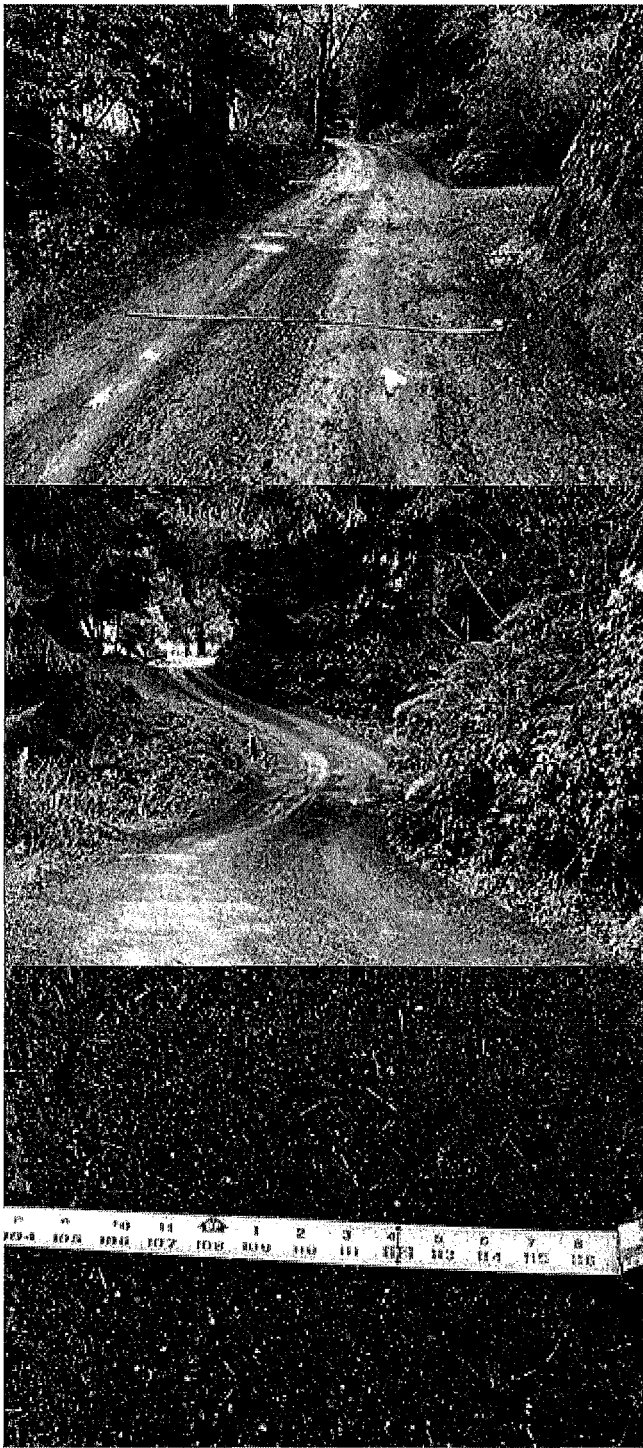
The following photos show more blind corners and pinch points. I measured some of the pinch points and found them to be from 9-11 feet wide.

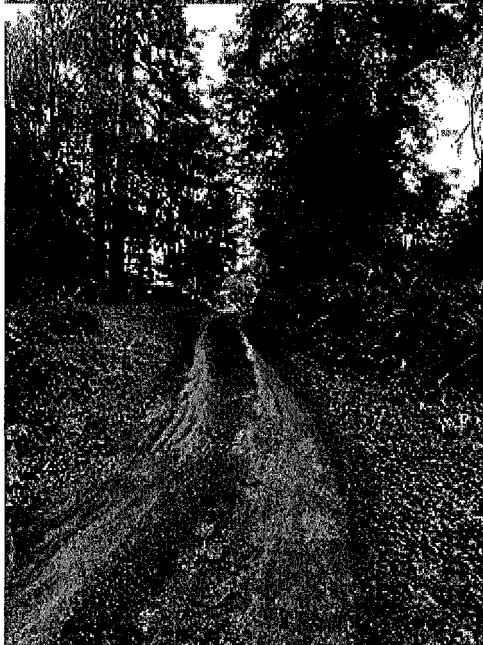
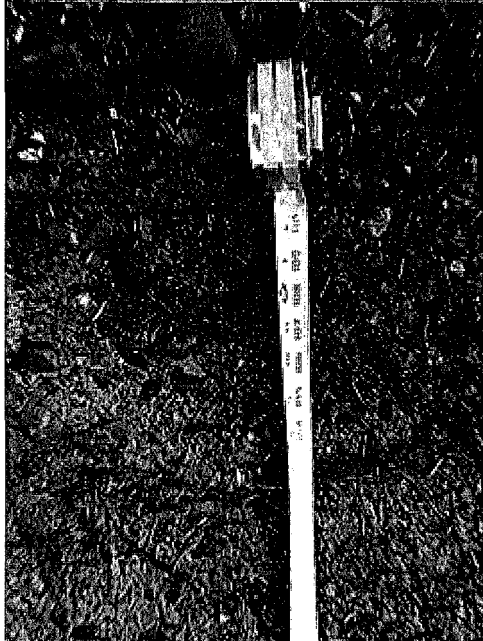


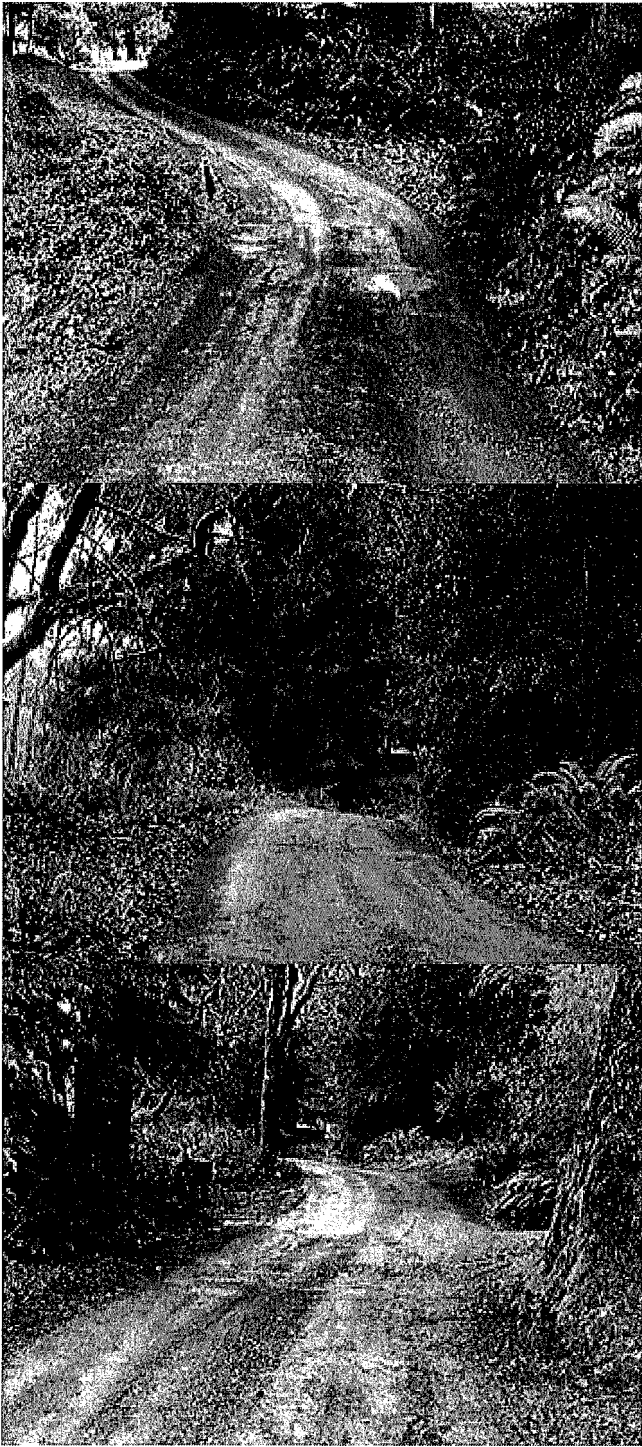












I know you have agreed to come out and look at the road. Because of the discrepancies between our reporting and Green Road Consulting you really need to have a first hand look to see the truth. Can we schedule a meeting for you to come out?

Thanks,

Mike

Moreno, Elizabeth

From: Dave and Robin Kinzer <kinzers5@gmail.com>
Sent: Sunday, February 02, 2020 9:51 AM
To: Moreno, Elizabeth
Cc: Johnson, Cliff; Mike Zeppegno
Subject: Fwd: letter Bill Abler

----- Forwarded Message -----

Subject: Fwd: letter Bill Abler

Date: Sat, 1 Feb 2020 19:35:56 -0800

From: Mike Zeppegno <zkayaker1@gmail.com>

To: Myrna Weburg <myrna325@aol.com>, Debbie Stamper <debbie.stamper@humboldt.edu>, Kathleen Zeppegno <zpainter@suddenlink.net>, Carol Aubin <cataubin@hotmail.com>, Jana Ashbrook <janaashbrook@gmail.com>, Jamie <jsherlock054@gmail.com>, Marcia and Brock <marciafox24@gmail.com>, Marcile Raney <marcile525@gmail.com>, The Kinzers <kinzers5@gmail.com>, John Murray <jellis.murray@gmail.com>, Susan & Tom Smith <susansmith116@gmail.com>, Bill Ayton <billayton@suddenlink.net>, Kathy Lee <katmlee@suddenlink.net>, Sam & Amethyst <samcsinn@gmail.com>, Ron Borges <ron@bettendorftrucking.com>, Wes Winters <Wescwcstc@gmail.com>, Lyle Schmidt <apljuicer@suddenlink.net>.

Bill gave me permission to forward his letter to everyone.

Mike

Begin forwarded message:

From: William Abler <ehlert-abler@sbcglobal.net>

Subject: letter Bill Abler

Date: February 1, 2020 at 7:32:14 PM PST

To: Mike Zeppegno <zkayaker1@gmail.com>

Dear Mike,

Yes, please add me to your mailing list.

Here is my letter, as it stands.

Bill (Abler)

822-8742

COSTA CANNABIS GROW WARREN CREEK ROAD 2020

On the principle that the tall should not be allowed to wag the dog, I submit that the proposed Warren Creek Road cannabis grow will allow one five-acre parcel to transform the entire road from residential to industrial, affecting at least seventy houses on at least 150 acres.

The cannabis grow will be worked by employees and visited by customers whose numbers can only be guessed, and who will see this residential road as a commercial highway, where speed and efficiency are the top priority. Any resident who walks on the road, and this includes children, will be at increased risk from traffic. Since the proposed grow is at the end of the road, the entire road will be affected.

People living on Warren Creek Road will breathe cannabis vapor constantly, placing their health at permanent risk, and possibly making their residences unlivable. Developmental concerns place children at even greater risk.

A cannabis grow will be worth a lot of money. Along with employees and customers, would-be thieves will travel the entire length of Warren Creek and West End roads, placing all residents at risk. The grow itself will require guards who will be suspicious of all passers-by, even families with children, creating a hostile environment.

Once a commercial operation is established on Warren Creek Road, it will open the way to further commercial development.

On the principle that the tail should not be allowed to wag the dog, I submit that one property should not be allowed, in effect, to change an entire residential and wildlife region into a potentially unlivable industrial zone.
2 minutes

respectfully submitted,

William L. Abler
1200 Warren Creek Road
Arcata CA 95521
(707) 822-8742
ehlert-abler@sbcglobal.net

To whom it may concern,

I have reason to believe that that the property owner of 1734 Warren Creek road , Arcata is and has been cultivating cannabis without a permit/while in process of getting a permit.. Additionally there are multiple abandoned vehicles on property potentially polluting ground water.

Multiple piles of used dirt and broken open black plastic bags on property encroaching on neighbor's fence. These piles of dirt are un-protected from the weather and potentially leeching pesticides into nearby creek and subsequently the Mad River- upstream of Arcata's pump stations.

He has taken down neighboring fencing, possibly to use neighbors river access as they have a locked gate on their fence.

Large piles of debris on property, including tubing, pipes , and plastic.

Clearing of trees and removal of neighbors fence in a separate area. To whom it may concern,

I have reason to believe that that the property owner of 1734 Warren Creek road , Arcata is and has been cultivating cannabis without a permit/while in process of getting a permit.. Additionally there are multiple abandoned vehicles on property potentially polluting ground water.

Multiple piles of used dirt and broken open black plastic bags on property encroaching on neighbor's fence. These piles of dirt are un-protected from the weather and potentially leeching pesticides into nearby creek and subsequently the Mad River- upstream of Arcata's pump stations.

He has taken down neighboring fencing, possibly to use neighbors river access as they have a locked gate on their fence.

Large piles of debris on property, including tubing, pipes , and plastic

Clearing of trees and removal of neighbors fence in a separate area.

Grading of field in prep for up coming grow.

Presence of motor home parked on premises for worker's residence.

Potentially un-permitted metal building.

Odor of marijuana at site

I would like to remain anonymous as the property owner and his tenants are known to be aggressive and have threatened or tried to bully members of the neighborhood.

Thank you.

Moreno, Elizabeth

From: Wayne Justmann <waynejustmann@mac.com>
Sent: Sunday, February 02, 2020 3:41 PM
To: Moreno, Elizabeth
Subject: Support letter for the Costas

On Feb 1, 2020, at 7:25 PM, Wayne Justmann <waynejustmann@mac.com> wrote:

To whom it may concern,

It is with deep respect that I write a letter of support for the Costa family, Rocky, Laura and son Rocky. I have had the pleasure of visiting them in their home in Eureka, and was impressed with their family unit, that extended to visitors like myself.

I have been a leader in the medical cannabis community, and continue to be active, on the federal, state, and local level at this time. I played an important role in the development of California state proposition 215 in 1996 that allowed for the possession and cultivation of cannabis for individuals with a doctor's recommendation.

In addition, my advocacy for medical cannabis allowed me to be the first individual in the United States to be recognized to use medical cannabis by a governmental agency (San Francisco Department of Public Health).

In my almost 30 years of advocacy for the medical use of cannabis, it has been imperative to associate with responsible and transparent growers that have provided cannabis to sick and dying individuals. It has been the Costas who have stepped forward during difficult times to share their compassion for those in need.

In my almost 10 years of sharing a friendship with this warm and generous family, I have found them to be of tremendous character and high principles. They continue to demonstrate a desire to reach out for any need they might satisfy.

Their honesty and transparency allow for a complete dialogue relating to any business in which they may participate. Their reputation in the cannabis community is one of highest respect and regards, and their leadership is strong and necessary. Your community will continue to be properly served by allowing the permitting process to proceed to a successful conclusion of unanimous support.

Respectfully yours,

Wayne Justmann
655 Hyde Street. Apt.7
San Francisco, California
94109

On Feb 1, 2020, at 6:23 PM, Laura Costa <minervacirca2013@gmail.com> wrote:

Dear Wayne and Jeff,

As I said on the phone I am in need of a letter that speaks to not only my personal character, but that of my son and and my husband also.

Rocci and I are in the final stages of trying to permit a small "Mom and Pop" farm on our family property in Blue Lake Ca.

The neighbors, who are suffering from reefer madness, are scattered through this agricultural belt and have gone so far as to suggest that we are getting a cannabis farm so we can hide a meth lab! It's fucking ludicrous. They have described us as dangerous.

Wayne,

Of course introduce yourself. Don't be afraid to toot your horn, and offer a genuine assessment of my friendship and advocacy for yourself and the others you know have benefited from the generosity and friendship of The Costa Family. Please mention that you have been to my home and it was warm and hospitable.

Jeff,

I am so grateful to be able to ask you to speak on behalf of the Peron Family.

Your family has spent decades fighting for patients cannabis rights and support of farmers. This may seem like a small farm to the rest of the corporate cannabis world, but it's our small farm and it is our dream for our little family and our children, you know them all.

Speak honestly about your brothers love for the plant and the farmers that brought it this far, and among those many farmers are The Costa Family.

Please mention that in his senior years I helped take good care of Dennis, keeping him active and engaged in the cannabis community and traveled with him often when he needed assistance.

The neighbors statements are very damning to our character, I need you to help shine a different light on it.

Thank you both, Time is of the essence

Moreno, Elizabeth

From: Jeff Peron <jeffperon58@gmail.com>
Sent: Monday, February 03, 2020 8:47 PM
To: Moreno, Elizabeth; Laura Costa; Cara Cordoni
Subject: Reference Letter for the Costa Family

To: Elizabeth Moreno

I would like to introduce myself: I am Jeffrey Peron, brother of Dennis Peron, the author of the Compassionate Use Act, Proposition 215. I am also the father of a twenty-two-year-old son with Autism.

My brother Dennis introduced me to Laura Costa some time ago. My family and their family have come to be good friends. Laura was very helpful to our family in the twilight of my brother's life. She helped him stay active and engaged in the cannabis community traveling with him often when he needed assistance. The entire Costa family was there for us; they are some of the kindest and most compassionate people I know with good family values. My wife, Jill, and I have been to their lovely and welcoming Victorian home in Eureka, California. Laura invited Jill for a respite. Jill was brought to the Costa family reunion, Sunday family brunches, had tea parties with Thalia (Laura and Rocci's then 2-year old granddaughter) and was even permitted to cuddle with Bella (a "hot dog" dog) on the couch at night!

My family, led by my brother Dennis, spent decades fighting for cannabis rights and supporting small family farmers including the Costas. Research is showing that cannabis products can help many conditions. It is true that cannabis products will not work in all cases, but neither do the traditional pharmaceuticals currently being used. Modern medicine has an arsenal of drugs. Most traditional pharmaceuticals can be safe and therapeutic when used correctly. Even so when misused and in some cases, dispensed correctly, they can trigger medical emergencies. The chance of any cannabis product triggering a medical emergency is low.

The enactment of AUMA brings us to the dawn of a new era. Stereotypically, cannabis users are said to be lazy and unmotivated. But the truth is we are doctors, engineers, businesspeople, your neighbors and your friends. Many cannabis users choose to stay in the closet about their cannabis use for fear of having the stereotype stamp on them. But now we have corporate players and big money investors entering the cannabis industry. These corporations are not always known for being good neighbors and tend to squeeze out mom and pop farms like the Costas and small business.

We can choose to support corporate America with their alcohol, tobacco and opioids or we can choose to enact some social change now.

Please feel free to contact me if you have any questions.

Sincerely

Jeffrey Peron

Jeffperon58@gmail.com

415 779-2686



BOISE STATE UNIVERSITY

COLLEGE OF HEALTH SCIENCES

Center for Health Policy

February 3, 2020

To whom it may concern:

I write this letter today to recommend Rocci Costa in his application for a Cannabis Conditional Use Permit (Application Number: 12176). I have had the privilege to build a relationship with Rocci over the past 15 years. In these many years, he has served as a mentor and adult figure in my life, an educator, and more importantly, a genuine friend of mine. Rocci has been exceedingly supportive in my efforts to obtain my master's degree and become not only a Research Associate but also an Adjunct Professor at Boise State University. Through his continuous support, I have successfully achieved both of those goals of mine. As a first-generation college student, it was incredibly important that I had support around me as I navigated academics blindly without experience. I feel very indebted to Rocci for being an integral part of that support system, and for being a champion in my pursuit of a higher education.

An irrefutable characteristic of Rocci is his sincere passion around medical marijuana and helping those who will benefit from its use. It is infrequent to meet an individual who has pure and true passion. People go their entire lives seeking out their passion in life and what they want to do with their lives. Rocci embodies his passion and his deep desire to help others, and to make a difference in the lives of those around him. We need more people who truly want to make an impact and a difference on the world as Rocci does. We are desperate for people who want to make a difference in the lives of those around them and in their community.

As a Research Associate for Boise State University's Center for Health Policy, holding a Master of Health Science degree, and being an adjunct professor in the Department of Psychological Science, I am well informed about the research around medical marijuana. I am also aware of the significant medical benefits of cannabis. As well, as the potential downsides. While I, personally, do not use cannabis, I am certainly an advocate for its medical uses. The undeniably promising research along with the anecdotal evidence of its medical benefits excites me as a researcher and as a health professional.

When I think about Rocci, I think about him as an endearing husband, a selfless father, an incomparable grandparent to a young granddaughter he and his wife, Laura, adopted, and as a devoted friend. I strongly advocate for the acceptance of Rocci's application for a Cannabis Conditional Use Permit in Humboldt County, CA because I undoubtedly know the benefit he will have on both a macro-level and a micro-level with his passion for medical marijuana and the endeavors of helping those in need.

Sincerely,

Tyrin Stevenson, MHS
Research Associate/Adjunct Professor
Center for Health Policy/Department of Psychological Sciences

Moreno, Elizabeth

From: Nancy Cavanaugh <ncavana@gmail.com>
Sent: Tuesday, February 04, 2020 12:15 PM
To: Moreno, Elizabeth
Subject: Costa Conditional Use Permit

Ms. Moreno,

I have had the pleasure of knowing Laura and Rocci Costa since moving to Eureka in 2006. We first became acquainted over "Babe Ruth Baseball" at Redwood Acres. Their son played, my son coached, Laura and I did fund raising and worked in the snack bar.

They have always impressed me as good consciousness neighbors, aware of their surroundings and keeping their neighborhood safe for their own family and families around them. When I met "Grandma Nita", who lived with them, I was surprised to learn that "Grandma" was actually the lady next door, not a blood relative, but family just the same, elderly, widowed, and unable to live alone. She lived in the Costa home as family until she required more nursing care and supervision. Today she lives at a local retirement home, the Costa's cover her expenses.

Over the years, Laura, Rocci and I have supported numerous not-for-profit organizations in Humboldt, Miranda's Rescue, Humboldt Botanical Gardens, Raven House and Sisters of Perpetual Indulgence to name a few.

These are people who care for the community in which they live. They are life long residents, not opportunists arriving to make a fast dollar. They respect the land, the people and they respect the law.

I highly endorse the Costa's in their Permit Process.

N.J. Cavanaugh

Moreno, Elizabeth

From: Nancy Cavanaugh <ncavana@gmail.com>
Sent: Tuesday, February 04, 2020 12:29 PM
To: Moreno, Elizabeth
Subject: Costa Land Use Permit



To Whom It May Concern:

I have known the Costa's for well over 15 years. Their constant support to Miranda's Rescue makes it possible for us to continue our work in caring for animals. As life-long residents of Humboldt County, they truly encompass a love and respect for the community. I would not hesitate to recommend their application for a Conditional Use Permit.

Thank you,
Shannon Miranda

Moreno, Elizabeth

From: mary engle <missmare1@yahoo.com>
Sent: Tuesday, February 04, 2020 1:31 PM
To: Moreno, Elizabeth
Subject: Re: Conditional Land Permit

February 4, 2020

To whom it may concern:

My name is Mary Engle, and I am writing this in reference to a conditional land permit for Rocci and Laura Costa.

I have known the Costas for approximately 10 years. In that time I would describe their character, individually and as a couple as people that are here to serve their community and the residents of Humboldt.

Through their generous actions, I have witnessed their selflessness for elderly, helping house veterans that are down on their luck and also the care for their grandchildren.

They truly are champions of all their causes, and should be given the assistance required to continue their excellent work.

Thank You,

Mary Engle

Moreno, Elizabeth

From: Katherine Terry <terry-byrd@sbcglobal.net>
Sent: Tuesday, February 04, 2020 4:28 PM
To: Moreno, Elizabeth
Subject: Costa Family

Sent from my iPad

Dear Ms. Moreno and Planning Commission,

I am a lifelong resident of Humboldt County and a retired Special Education teacher of more than 25 years for Rohnerville school District.

I have know Laura Costa since she was four years old, a quintessential child of the sixties. I saw her as a shy teenager and later as a young adult traveling the world. I attended her wedding to Rocco and observed them building a solid , dependable family who were kind and compassionate in all of their dealings with others.

I advise the Planning Commission to approve their request for a conditional use permit for their farm.

Thank you,

Katherine Byrd Terry
297 Valley
Fortuna, CA 95540
(707) 725-5845

Moreno, Elizabeth

From: Pebbles Trippet <pebblestrippet@gmail.com>
Sent: Wednesday, February 05, 2020 11:20 PM
To: Moreno, Elizabeth
Cc: Cara Cordoni
Subject: Rocci Costa's Blue Lake Project permit application

Dear Elizabeth Moreno,
Humboldt Planning Dept

This is a letter of support and recommendation for Rocci Costa's Blue Lake Project cannabis permit application. There is no known down side for the county, were this cannabis permit to be approved, enabling the project to grow and serve the needs of their patients, keeping neighborhood relations respectful through compliance.

I've known the Costa family for years through mutual advocacy of medical cannabis under Prop 215. After several prosecutions and appeals for marijuana transportation convictions, I eventually won my challenge to the marijuana laws for lack of medical access, overturning my felony conviction for transportation of two pounds of medical leaf (P v Trippet), which also set the quantity standard for what is legally allowed: the amount "reasonably related" to one's medical condition.

I've stayed with the Costas at their Eureka home for days at a time, being fed and well taken care of, allowing me to get to know their character in a close setting. They have a principled approach to life as well as their approach to growing cannabis, according to guidelines issued by the county and in keeping with the health needs of those they serve. They have a high standard of humanitarianism through fund-raising and sharing their home and medicine with those most in need, especially military veterans, who've been damaged by PTSD, as well as other ailments, seen and unseen.

As Dennis Peron became increasingly ill, he was invited by the Costas to come to their home, where he was guaranteed a restful healing environment. He spent days with them and saw them often in his final months.

Dennis Peron's undying belief in this family's kindness tells you what you need to know as you consider granting a permit for Rocci Costa's Blue Lake Project. (See appendix: Tokin' Female Interview with Laura Costa, Skunk Magazine Jan 2019.)

Just as Dennis was won over, I too have been won over to the family's intent to do the right thing in the right way for all concerned. They will be respectful neighbors since they are dedicated to doing things for the greater good.

If granted a permit, I believe the Costa's project can emerge as an ethical and environmental model with neighborhood support.

For this reason, I wholeheartedly recommend granting approval for a permit.

Respectfully,
Pebbles Trippet
cc/Cara Cordoni

707-877-3300
pebblestrippet@gmail.com

Moreno, Elizabeth

From: tom pender <tptpender178@gmail.com>
Sent: Thursday, February 13, 2020 11:37 AM
To: Moreno, Elizabeth
Subject: Letter of Recommendation Rocci Costa.

It is my pleasure to write a letter of support for Rocci in regards to his new business venture. I have known Rocci since he was a student at McKinleyville high school. I volunteered to coach wrestling when Rocci was on the team. I had a 35-year career in education at the Northern Humboldt school district which includes teaching, coaching, and school administration. I have witnessed Rocci coach wrestling at Arcata high school as well as St. Bernards. He has always conducted himself in a professional manner and has had a positive influence on many of our students in this area. I feel Rocci is an honest hardworking person who would do a great job in conducting his business by the guidelines and policies set forth by your organization. I strongly support Rocci and his family's bid to conduct his new business venture. If you need further information do not hesitate to contact me. 707-616-8969

Sincerely Tom Pender

Board of supervisors

To: Humboldt County Board of Supervisors,

From: David and Robin Kinzer
180 Blackberry Lane, Warren Creek Road
Arcata, Ca 95521

Subject: Response to Rocci Costa's Appeal of the Decision of the Planning Commission to deny a Conditional Use Permit to commercially grow cannabis at the terminus of Warren Creek Road.

Date: August 2, 2020

We wish to thank you for taking time out of your busy schedules to review Mr. Rocci Costa's appeal and Warren Creek Road neighbors responses to the appeal of the March 5, 2020 Planning Commission denial of a commercial cannabis permit for Rocci Costa.

We believe that the County Planning commission, did in fact, follow their charge and performed due diligence in listening to, and reviewing our community concerns regarding this proposed Discretionary Permit.

What follows is a detailed rebuttal to the appeal in which "Error of Discretion" is repeatedly cited.

Mr. Costa's Appeal

The appeal's opening statement states; **"there were multiple errors of discretion during the hearing on March 5th 2020 which obscured the facts"** and goes on to discuss Rocci Costa's family history. It is unclear how Mr. Costa's family history relates to an abuse of discretion by the planning commission.

On a side note, the appeal states that Rocci Costa's family has lived in their Eureka home for 27 years. However in the March 5th 2020 planning commission meeting Rocci emphatically stated "We've lived in Blue Lake all our lives".

Mr. Rocci Cost'a Appeal

- I. **(Page 1; item #2). "Rocci Costa has not had control or responsibility for the Parcel to date".**

The appeal document, submitted on March 19, 2020, on page 10 states;
"The applicant and his family pursued and completed the eviction of the squatters at their own expense in 2017."

While, Mr. Rocci Costa has not had complete control of or responsibility for the negative incidents that have occurred relative to this property, he has acknowledged that he has been associated with activities on the parcel. In a statement to the Planning Commission in 2019 he made reference to an unpermitted grow he supervised on the property.

- II. **(Page 1; item #3). "The majority of the complaints both written and in person were by a few neighbors, most of whom are half a mile to over a mile away from the proposed site. A large number of them do not live on Warren Creek Road."**

- .
- This statement is incorrect. Of the 20 individuals who spoke at the Planning Commission Hearing or submitted statements to the Planning Commission, 14 have Warren Creek Road addresses and 4 live on feeder roads, and one plans to build on property adjacent to the Costa Property.

- III. **(Page 2; item # 4, b, i). "Confusion over 'Mr. Costa' has led the commission to attribute Rodney's lack of stewardship with Rocci's fitness to uphold the responsibilities of a permitted farm. This confusion was intentionally cultivated by a vocally opposed minority."**

By his own statement, Mr. Costa became involved with this property in 2017. As can be seen from the letters and oral statements from neighbors a variety of incidents of intimidation and threats have occurred since that date. While Mr. Costa may not be responsible for those incidents, they did occur during the time he was associated with the property. We concur with Commissioner Levi's opinion that the responsibility of the land being "a little bit fuzzy" and find that opinion to be a valid one.

To further clarify, there is no confusion that the incidents did occur and there certainly was not any coercion or joint effort by the neighbors to mislead the Planning Commission or the Board of Supervisors regarding these incidents.

- IV. **(Page 2; item 5, a.). “Neighbor complaints of threats and violence are unsubstantiated and unassociated with the Applicant”.**

Mr. Costa claims that Commissioner Levi made another “error of discretion” when he stated “I don’t think this is about cannabis itself.... As it is about bad blood...”

Those who spoke of negative interactions with individuals associated with the property gave first-hand (Not hearsay) accounts of the incidents that occurred.

- V. **(Page 3; item 6) The appeal claims an “error of discretion” with regards to the statement that “Undefined consequent effects led Commission to consider Historical context” in the decision making process.**

It is our position that taking into account past behavior (historical context) is a valid facet in decision making as it can be a predictor of future behavior. We believe that Mr. Levi is certainly within his discretionary right when taking into account a Historical View of the documented incidents that have occurred with the inhabitants of the proposed grow site. Based on the documented history of this property we feel we are justified with our concerns about the possible continuance of overtly aggressive behaviors on the part of the curators of the proposed cannabis grow.

- VI. **(Page 3; item 6, c). Under item “c”, the appeal states that the consequent affects of denial are “status quo”, which all parties recognize as actively harmful to the character of the neighborhood.”**

i. “Unmonitored parcel has already drawn squatters, will continue to do so.”

It is the responsibility of property owners to manage their property in a responsible manner that doesn't negatively affect the surrounding community. To place that responsibility on the surrounding community if a permit is denied would appear to confirm and acknowledge poor management of the property in the past.

VII. **(Page 4; item; a. ii.) "The Warren Creek RA, Residential Agriculture area has been described by neighbor's Dave and Robin Kinzer as a 'cul-de-sac'".**

Our statement actually read: "This is a lovely country neighborhood, and we wish to keep it this way. The closeness of the inhabitants of the neighborhood is likened to that of a small cul-de-sac where everybody knows each other and work together to aid and assist each other when help is needed."

The appeal seeks to create new designations of neighborhoods in our community. There has never been any neighborhood described as "The Blackberry Lane Community." Blackberry Lane is a short spur road up a hill to two properties, one of which is ours.

Conclusion

Once again we thank you for taking the time to review this and the many other letters from the residents of Warren Creek Road who oppose granting a permit to commercially grow cannabis in what is predominantly our residential neighborhood. It is our sincere hope that the Board of Supervisors will uphold the decision of the planning commission.