

Thursday, March 19, 2020

From Cara Cordoni, Asherah Consulting  
on behalf of  
Rocci Costa, RocSquatch Farms

This is an Appeal of the decision of the Planning Commission on March 5, 2020 per Roc Squatch Farms

- APN 516-211-025,
- Permit PLN-12176-CUP
- APPS 12176

### **Grounds for Appeal**

“The person filing the appeal shall state specifically why the decision of the Planning Commission is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Planning Commission.” - Appeals of Planning Commission Actions

### **Overview**

There were multiple errors of discretion during the hearing on March 5th which obscured the facts:

1. Rocci Costa is a 4th generation Blue Lake family man. He is a father of 3 adult children. He is raising his 5 year old granddaughter with his wife of 27 years in their Eureka home. He is seeking a permit for a small organic family farm to be run by his 21 year old son and himself.
2. Rodney Costa is Rocci's brother and is the owner of the parcel. The brothers signed a letter of intent which begins at the time a permit is secured. Rocci Costa has not had control or responsibility for the parcel to date. Concerns of Public Safety are addressed by implementing a permitted and secured farm.
3. A 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. Many of those who live on Warren Creek Road have encroached on the road right of way. Most of them do not know the Applicant.

## Errors of Discretion

4. Commissioner Levy's closing statement referred to stewardship and responsibility of the land being "a little bit fuzzy". [Planning Commission Regular Meeting Video Timestamp: 3:11:36].
  - a. There is nothing fuzzy about who is responsible for the land. There is no evidence or data to support this supposition. There are very specific laws and regulations regarding who is in control of and accountable for a parcel.
  - b. There are 3 Costa brothers involved: 1 owner (Rodney), 1 previous guest tenant (Robin) via family caretaking arrangement without lease, 1 prospective tenant (Rocci), the Applicant.
    - 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.  
\*see parcel ownership records as per application\*; see PC Supplemental #1 3.05.2020 pg. 18 [Exhibit A ]
    - ii. As per the requirements of the 1.0 application in Dec 2016, there is no current lease. There is a letter of intent to begin a lease once a permit is approved. Rodney is responsible for the previous negligence and Rocci is bringing solutions and improvements, including evicting the squatter in 2017.
5. Error of Discretion: Characterizing the allegations made by the neighbors as factual and substantiated.
  - a. Commissioner Levy "I don't think this is so much about the cannabis itself, ... as it is about a history of bad blood, bad faith, threats, violence, poor land management choices made on the behalf of this property." [Planning Commission Regular Meeting Video Timestamp: 3:10:58]
  - b. Neighbor complaints of threats and violence are unsubstantiated and unassociated with the Applicant.
    - i. Fire Department Contact Facts
      1. Negative Fire Dept contacts are pre-2012, over 8 years ago and well before the permitting process began in 2016 per the Arcata Fire District letter on Page 80 of the March 5th Hearing Agenda. The Applicant was not involved or responsible for these incidents.
      2. Other contact in 2018 was a call per a controlled legal burn per Page 80 of the March 5th Hearing Agenda.

- ii. Negative Police contacts in 2017 were motivation to pursue eviction of squatters.
    - 1. Vincent Edward Thomas was squatting on the parcel and the police came out twice regarding domestic violence between his partner and himself. See police contact records: Page 81 of the March 5th Hearing Agenda
    - 2. The Applicant pursued squatter eviction as soon as the decision was made to pursue a permit. He attempted to negotiate with the individual and eventually pursued legal eviction. [Exhibit B]
    - 3. There are no additional records of calls to the police to date.
  
- 6. Error of Discretion: Undefined consequent effects on surrounding landowners led Commission to consider “historical context” in the decision making process.
  - a. Levy begins, “Personally, I bristle when I hear it implied that all of those wholesome family friendly community values are threatened by cannabis per se.... It’s a prejudice that rubs me the wrong way as it seems there is a burden being placed on one crop that is not being placed on any others. [Planning Commission Regular Meeting Video Timestamp: 3:10:18]
  - b. Levy contradicts himself by applying theoretical consequent effects that in his earlier statement cause him to “bristle”, “In cases where there .....[are] consequent side effects of having to meet it that would have disadvantages on other property owners...it’s appropriate to consider the historical context.” [Planning Commission Regular Meeting Video Timestamp: 3:11:45]
  - c. Consequent effects 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.
  - d. Consequent effects are an unsafe road, as clarified by Public Works.
  
- 7. Error of Discretion: Consider whether commitments to agencies have been met.
  - a. Levy states that, “I don’t know how you can not consider the context of whether commitments to the County, to other agencies, to neighbors have been met or haven’t. [Planning Commission Regular Meeting Video Timestamp: 3:12:18] and “...already problems or borderline problems trying to meet the requirements of the ordinance...” [Planning Commission Regular Meeting Video Timestamp: 3:11:45]
  - b. All commitments asked were met and have continued to be met.

- i. One example of ongoing success in meeting conditions is, Condition 9, on Page 5 of the March 5th Staff Report is for Notification of Lake or Streambed Alteration to be submitted to the Department of Fish and Wildlife and a copy to the Planning Department. The Applicant met that condition on March 4th, 2020 per Exhibit C
  - ii. Aspersions of character on a family member are not a basis to question the commitment of the Applicant.
  
- 8. Error of Discretion: Questioning the Ability of the Applicant to meet commitments.
  - a. Commissioner Levy states that based on the “history associated . . . not inclined to trust that the commitments we’re requiring could be met.” [Planning Commission Regular Meeting Video Timestamp: 3:13:07]
  - b. Rocci Costa has not been responsible for the history of the site, and applying complaints from previous unassociated tenants sets terrible precedent for cannabis farms coming into compliance from unregulated operation.
  - c. Rocci Costa has met all of the requirements set forth.
  
- 9. Error of Discretion: Zoning - What is Residential Ag?
  - a. Commissioner Newman states, “because of the neighbors...it seems that area has become more of a residential one than agricultural, without me looking at any maps at all, without seeing the zoning.” [Planning Commission Regular Meeting Video Timestamp: 3:08:45]“
    - i. The parcel in question is 5 acres of RA (Residential Agricultural) zoned land. See Map Exhibit D. The neighbor to the North is a 95 acre organic vegetable farm with no residence. The parcel to the East is owned by the Weburg’s and is 20 acres of undeveloped land with no house. The two 5 acre parcels to the South each have one home. The parcel to the West is 40 acres with one house.
    - ii. The Warren Creek RA, Residential Agriculture area, has been described by neighbor’s Dave and Robin Kinzer as a “cul-de-sac”. (Page 69 March 5th Hearing).
      - 1. The Kinzer’s live over half a mile away from the Applicant on Blackberry lane which is more residential.
      - 2. The Warren Creek Flats, by comparison, are not a ‘neighborhood’ nor a cul-de-sac: it is a rural agriculture zone of approximately 300 acres, not including The Blackberry

- Lane community. If rezoned it would likely be included in the 1200 acre adjacent agricultural zone (Exhibit D 1)
- iii. By the estimate of one neighbor, William Abler, the Blackberry Lane community consists of 150 acres and 70 homes.
    - 1. The 150 acre area referred to by the majority of neighbors, west of Blackberry Lane, (Exhibit D 2) does resemble a rural extension of Arcata, however it is zoned Residential Agriculture
    - 2. It is half a mile away from the Applicant parcel.
    - 3. The 150 acres, starting at Blackberry Lane and ending on the other side of the 20 acre parcel adjacent the applicant, represents 17 parcels. There are no more than 34 permitted dwellings max, with an actual estimate closer to 15.
    - 4. The 300 acre section east of Blackberry Lane resembles the more traditional rural agriculture community that is expected in a flat fertile zone, and is also appropriately zoned RA, Residential Agriculture, especially the flat 'dry farm' zone of which The Costa farm is located.
  - iv. Neighborhood vs Rural Residential: The most current data on Arcata household sizes is from 2013: Using a multiplier of 2.3 people per home (up from the 2.1) the 70 homes would represent 161 residents on the 150 acres they claim to represent. This is a ratio of 1.0733 persons per acre which does not constitute the density of a "cul-de-sac.
  - v. If those parcels have 1.25 dwellings (21.25 homes on the 17 parcels) at the generous Arcata multiplier of 2.3 residents per dwelling, that works out to 49 people on the 150 acres nearest the parcel, a ratio of 3 acres per person or 13.1 residents per square mile in our RA Zone, as opposed to 1,900 in Arcata.
  - vi. In comparison Eureka has a population density of 2,800 persons per square mile, a square mile is 640 acres, making the multiplier 4.375, for comparison sake. For the 150 acres the neighbors claim for their 70 homes. The 161 residents of those suggested 150 acres therefore are distributed at a rate of 685 persons per square mile. Their assessment of their rural neighborhood has the density of a rural neighborhood, per their calculations.
  - vii. In comparison, people per square mile:
 

The Warren Creek Flats... 150 acres east of Blackberry Lane	13 people
The Blackberry Lane Community, 150 acres west of Blackberry Lane	685 people
Korbel ..... A similar area east of Blue Lake	1 person

Willow Creek	55 people
Blue Lake	2,000 people
Arcata	1,900 people
Eureka	2,800 people

- viii. The majority of the neighbors who attended the March 5th meeting and who submitted letters of concern are over half a mile away, and are indeed in a more residential area around Blackberry Lane. See Exhibit E: Neighbors by address and proximity to the parcel.

10. Attacks on Character: Public Comments were non-factual, hearsay, unsubstantiated and unmanaged. The unfounded allegations are hurtful and have no place in policy making.

- a. "Neighbors" are unfamiliar with the Applicant and have conflated negative experiences in the area with the Applicant. There is no factual substantiation of their allegations.
- b. Myrna Weburg spoke "Laura Costa states that she attempted to reach out to me via email at the request of planner Elizabeth Moreno and that she did not receive a response. I did not see nor can I find an email from Laura." [Planning Commission Regular Meeting Video Timestamp: 2:07:40]
  - i. On or about October 25th, 2019, County Planner Elizabeth Moreno told Laura Costa, Rocci's wife, that the neighbors had questions about the revised farming plan. She gave Laura Myrna Weburg's email address and asked her to contact Myrna.
  - ii. On October 30, 2019, Laura Costa sent an email to Myra and copied Elizabeth Moreno. Elizabeth responded to the email, validating that she received it. No bounced email or failure to deliver error was received for the Weburg email address - Exhibit F
- c. Responses to initial neighbor concerns were provided to Planner Elizabeth Moreno within 2 days of her request. The Applicant has taken concerns seriously and responded promptly. Elizabeth was unable to provide the responses to the neighbors in January 2020 due to technical challenges. The lack of communication with the neighbors was not the intent of the Applicant.
- d. Responses to additional neighbor concerns were provided via email to Planner Elizabeth Moreno and neighbors on February 4th, 2020. We asked that they be provided to the Planning Commission. They were not included in the updated Staff Report on March 5th, but were in SUPPLEMENTAL INFORMATION #1

- e. Who are the Costas? A History of the Costa family in Blue Lake since 1888 - see Exhibit G.
- f. Who is Rocci Costa? - See Exhibit H.
- g. What is Roc Squatch Farm? - See Exhibit I

### **Clarifications**

1. On Getting the Road Engineered:
  - a. Having had a challenging and expensive three years coming up on Sept 2019, the Applicant was concerned that he was being asked to hire an engineer for the road without having a clear understanding as to whether his permit application was likely to be approved once he did so.
  - b. There had been misguidance in the 3 year process: For example, he had enrolled in the Water Board only to spend 5 thousand dollars unnecessarily for a well that could not be used and three years he could not farm.
  - c. On receiving clear guidance from the Planning Committee that the road engineering was essential and approval with conditions was likely, he immediately acted on his commitments, hiring a local professional firm.
2. Number of Employees:
  - a. The intention is for Rocci and his son, Rocci, to be the 2 full time employees supplemented by 2-4 contracted employees during seasonal planting and harvest. Contracted employees would car-pool minimizing trips on the road.
  - b. The Application erroneously states that there will be 0 employees based on a misunderstanding of what constitutes an "employee". Additional professional guidance since then has clarified the definition and requirements for employees.

### **Creating Positive Relations with Neighbors**

The Applicant would like to establish relations with the neighbors and has taken the following steps to do so:

1. The Applicant would like to participate in a public meeting hosted by the Planning Commission, with Public Works and the neighbors. The intention of the meeting is to bring the community together, meet Rocci Costa and his family and address concerns about the placement of turnouts and road improvements. Director Ford offered to coordinate such a meeting once the threat of COVID19 has passed.
2. An email was sent to the neighbors per participating in and/or assisting with the organization of a road association - Exhibit J. The Applicant would like to pursue win/win solutions to improving the road with the neighbors.

**Conclusion:**

The Applicant, Rocci Costa, has taken all steps to meet the requirements of the Planning Department and applicable ordinances. He is of good character and good intent and the Board of Supervisors would be justified in granting him a permit for his small family farm.



## **List of Exhibits**

Exhibit A - SUPPLEMENTAL INFORMATION #1, March 5th, Page 18

Exhibit B - Notice of Restoration (Eviction of Squatters)

Exhibit C - Department of Fish and Wildlife: "No Lake or Streambed Alteration Agreement Needed" - March 4, 2020

Exhibit D - Neighborhood map

Exhibit E - Partial List of Neighbors and their proximity to the Applicant

Exhibit F - Laura Costa email to Myra Weburg and Elizabeth Moreno

Exhibit G - Who are the Costas? A History of the Costa family in Blue Lake since 1888

Exhibit H - Who is Rocci Costa?

Exhibit I - About RocSquatch Farm

Exhibit J - Email to Neighbors per Road Association

## Exhibit A: SUPPLEMENTAL INFORMATION #1, March 5th, Page 18

### **Specific Neighbor Letter Responses**

Below the Applicant addresses concerns raised in specific letters:

Per Page 65, from An Anonymous Warren Creek Resident

The following history of the property will help clear up some of the valid concerns expressed.

- 1) The property is owned by the Applicant's brother and the Applicant agrees that his brother has not been a good steward of the property. In the past, there were unsavory tenants and eventually squatters on the property. The Applicant and his family pursued and completed the eviction of the squatters at their own expense in 2017. The Applicant had 2 dumpster loads of refuse removed from the property after the eviction. There is additional clean up of the land required, which the Applicant will also complete. A legal permitted farm with regulatory oversight would prevent a repetition of the issues of the past. The Applicant looks forward to continuing to be a positive influence on the property and community.
- 2) The Applicant and his family will farm on this property, either as a permitted cannabis farm or, barring that, as an organic vegetable farm. One way or the other, the Applicant and his family will be cultivating on this property.

Exhibit B: Notice of Restoration (Eviction)

**NOTICE OF RESTORATION**

Rocci Costa, Rodney Costa  
vs.  
Vincent (Vinney) Thompson

Court: Humboldt Superior Court  
Court #: CV170273  
File: 17000760

June 6, 2017

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution of Real Property, the following property was restored to the landlord on:  
1734 Warren Creek Road (Motorhome) Arcata, CA 95521

EVICITION DATE: 6/20/2017

EVICITION TIME: 6:01 AM

Pursuant to Penal Code Sections 419 and 602, any judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after the eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b) (3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CC), if the property is valued at less than \$700.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP).

Sincerely,

WILLIAM F. HONSAL, SHERIFF - CORONER  
Humboldt County Sheriff's Office  
826 - 4th Street  
Eureka, CA 95501  
(707) 445-7335

By: 

Sheriff's authorized agent



Exhibit C:



California Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern Region  
619 Second Street  
Eureka, CA 95501  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



March 4, 2020

Rocci E. Costa  
Roc Squatch Farms  
638 West Sonoma St.  
Eureka, CA 95501  
minveracirca2013@gmail.com

**Subject: No Lake or Streambed Alteration Agreement Needed  
Notification No. EPIMS-04255-R1  
Humboldt County Assessor's Parcel APN 516-211-025**

Dear Rocci E. Costa:

The Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification) submitted on January 9, 2019. The Notification was deemed incomplete on February 12, 2019 and additional information was provided on February 4, 2020. We have determined that your project is subject to the notification requirement in Fish and Game Code Section 1802, including payment of the notification fee.

The Department has also determined that your project as notified will not substantially adversely affect an existing fish or wildlife resource. As a result, you will not need a Lake or Streambed Alteration Agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this letter and your notification with all attachments should be available at all times at the work site.

Please note that if you change your project so that it differs materially from the project you described in your original Notification, you will need to submit a new Notification and corresponding fee to the Department. Your notification includes the following information: water well used for domestic purposes only and located at (lat/long): 40.8898, -124.0230. The diversion rate is limited to 15 gallons per minute. The Notification did not include a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. Given the well is very close to an unnamed tributary of the Mad River and the well is very shallow, it is highly likely this well is diverting Mad River underflow. CDFW strongly encourages the applicant to expand storage capacity to minimize potential impacts of groundwater capture and potential streamflow depletion created by diversion from the well during the dry season.

*Conserving California's Wildlife Since 1870*

## Exhibit C Continued

This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described above. No other projects that may be subject to FGC1602 were disclosed.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Thank you for notifying us of your project.

Sincerely,



Cheri Sarville

Senior Environmental Scientist Supervisor

ec: Allison Mitchell, [allison.mitchell@wildlife.ca.gov](mailto:allison.mitchell@wildlife.ca.gov)

Humboldt County Planning and Building Department  
Cliff Johnson, [CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)



## Exhibit D: Neighborhood Maps

1.

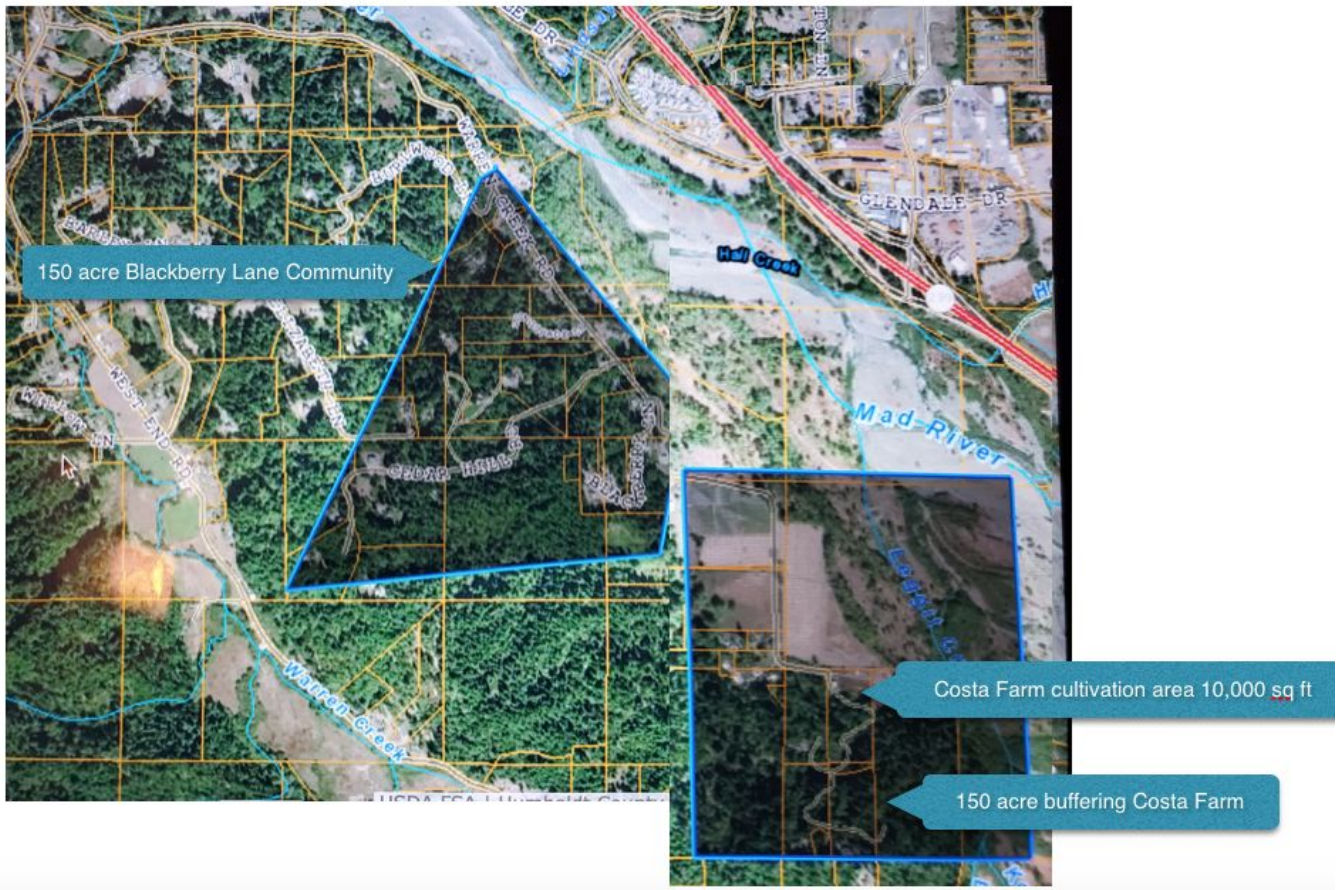


The 150 acre Blackberry Lane Community represents the majority of complaints, which is over 1/2 mile from our agricultural area.

The 300 acre Warren Creek flat AG area, on which the parcel is located, has a population density of 13 people per square mile and is RA.

The 5 acre Roc Squatch Farm is over half a mile to the edge of The Blackberry Lane Community.

2. 150 Acres surrounding Blackberry Lane Community vs 150 acres surrounding the Applicant Parcel



150 acre Blackberry Lane Community determined by neighbor signatures and letters.

150 acres surrounding the Applicant parcel determined by centering the parcel



3.



The Applicant parcel is well within a 1,200 acre Agricultural belt



Exhibit E: Neighbors by address and proximity to Parcel

<b>Name</b>	<b>Address</b>	<b>Distance to parcel</b>
Marcile Raney	1712 Warren Creek	.1 mile
Myrna Weburg	1712 Warren Creek	.1 mile
Mike Zeppegno	1740 Warren Creek	South corner
Kathleen Zeppegno	1740 Warren Creek	South corner
Gaye Ayton	1746 Warren Creek	½ acre between
Wm B Ayton	1746 Warren Creek	½ acre between
Lyle Schmidt	1236 Warren Creek	.5 miles
David Kinzer	180 Blackberry Lane	.6 mile
Robin Kinzer	180 Blackberry Lane	.6 miles
David Kinzer	180 Blackberry Lane	.6 miles
Ron Borges	1143 Warren Creek	.6 miles
William Abler	1200 Warren Creek	.6 miles
Patricia Ehlert-Abler	1200 Warren Creek	.6 miles
Rick Steele	160 Blackberry Lane	.6 miles
Jana Ashbrook	1035 Warren Creek	.7 mile
Michael Fields	1102 Warren Creek Road	.7 miles
Lynnie Horrigan	1102 Warren Creek Road	.7 miles
Chris Lee	1088 Warren Creek Road	.7 miles
Susan Smith	1116 Warren Creek Road	.7 miles
Thomas Smith	1116 Warren Creek Road	.7 miles
Kathleen Lee	1088 Warren Creek Road	.7 miles
Forrest Stamper	932 Warren Creek	.8 mile
Debbie Stamper	932 Warren Creek	.8 mile
Julie Dusel	280 Cedar Hill	.8 mile
Mark Dusel	280 Cedar Hill Ln	.8 miles
Frank Lovio	890 Warren Creek	.9 mile
Terry Wingbenbach	915 Warren Creek	.9 mile

Suzanne Collins	1002 Warren Creek	.9 mile
Quincy Collins	1002 Warren Creek	.9 mile
Vic Aubin	1002 Warren Creek	.9 mile
Mike Sawyer	400 Cedar Hill Ln	.9 miles
Jason Simas	320 Cedar Hill Lane	.9 miles
Suzanne Burke	545 Cedar Hill Lane	1.1 miles
Russell R Burke	545 Cedar Hill Lane	1.1 miles
Cuma	535 Cedar Hill Ln	1.1 miles
John Lima	535 Cedar Hill Ln	1.1 miles
Claudia Lima	535 Cedar Hill	1.1 miles
Loretta McCurtain	640 Cedar Hill Lane	1.1 miles
James McCurtain	640 Cedar Hill Lane	1.1 miles
Brock S Davis	536 Warren Creek Road	1.4 miles
Marcia Davis	536 Warren Creek Road	1.4 miles
Donald H Weburg	1342 Otis Rax Ln, Mckinleyville	

# Exhibit F: Laura Costa Email to Myrna Weyburg with Elizabeth Moreno copied, and Elizabeth's response

A

Begin forwarded message:

**From:** Laura Costa <[minervacirca2013@gmail.com](mailto:minervacirca2013@gmail.com)>  
**Subject:** Costa Permit  
**Date:** October 30, 2019 at 2:38:09 PM PDT  
**To:** [myrna325@aol.com](mailto:myrna325@aol.com)  
**Cc:** "Moreno, Elizabeth" <[emoreno@co.humboldt.ca.us](mailto:emoreno@co.humboldt.ca.us)>

Myrna S. Weyburg  
1712 Warren Creek Rd  
October 30, 2019

Dear Neighbor,

I'm writing on behalf of the Costa family, of which I am a member. We have been pursuing a single 10,000 square foot permit since December 2016. Since our initial filing we have determined to dry farm instead of building raised irrigated beds, otherwise nothing has changed.

We are working with Green Road Engineering to assess the county road as required by the planning dept.

We understand you may have questions or concerns and we would like to address them directly. Do you have any unanswered questions about our plans or property? We are happy to reply to written questions or to schedule a call or meeting. We would hope to have good relations with all our neighbors if possible.

If we are not able to obtain a cannabis permit, we will still qualify for 3,000 square feet to grow 99 medical plants for patients. We will move the access road either way as it is so detrimentally positioned for farming, running through the flat and so far from the property line. We will also plant a food forest of fruit trees and vegetables to provide for our families and possibly a small farmer's market supply.

We look forward to hearing from you and coming to an amicable understanding of each other's concerns and working together to find solutions.  
Please reach out directly, or through Elizabeth, perhaps it is all much a do about nothing?  
Thank You

Laura Costa  
707.498.4812

B

**From:** "Moreno, Elizabeth" <[EMoreno@co.humboldt.ca.us](mailto:EMoreno@co.humboldt.ca.us)>  
**Subject:** RE: Costa Permit  
**Date:** October 31, 2019 at 5:12:08 PM PDT  
**To:** Laura Costa <[minervacirca2013@gmail.com](mailto:minervacirca2013@gmail.com)>

Laura, I don't understand this email. Are you intending to change the project to 3,000 SF?  
Let know,



Elizabeth Moreno  
Planner II  
[Cannabis Services Division](#)  
[Planning and Building Department](#)  
707.445.7245

**From:** Laura Costa <[minervacirca2013@gmail.com](mailto:minervacirca2013@gmail.com)>  
**Sent:** Wednesday, October 30, 2019 2:38 PM  
**To:** [myrna325@aol.com](mailto:myrna325@aol.com)  
**Cc:** Moreno, Elizabeth <[EMoreno@co.humboldt.ca.us](mailto:EMoreno@co.humboldt.ca.us)>  
**Subject:** Costa Permit

Myrna S. Weyburg  
1712 Warren Creek Rd  
October 30, 2019

Dear Neighbor,

I'm writing on behalf of the Costa family, of which I am a member. We have been pursuing a single 10,000 square foot permit since December 2016. Since our initial filing we have determined to dry farm instead of building raised irrigated beds, otherwise nothing has changed.

We are working with Green Road Engineering to assess the county road as required by the planning dept.

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We look forward to hearing from you and coming to an amicable understanding of each other's concerns and working together to find solutions.  
Please reach out directly, or through Elizabeth, perhaps it is all much a do about nothing?  
Thank You

## Exhibit G

### Who are the Costas? A History of the Costa family in Blue Lake since 1888



Jack & Emma MacPhearson

The community of Blue Lake was settled by people including Jack and Emma MacPhearson, Rocci Costa's Paternal Great-Grandparent. They came to Humboldt County in 1888, and settled in Blue Lake in 1900, making the current Costa family children sixth generation Blue Lake.

The MacPhearson's fourth child, Rocci Costa's maternal Grandmother Merle MacPhearson, was born the same month that Blue Lake was incorporated, April 1910. Merle

was recognized throughout her lifetime as Blue Lake's first baby, and she was celebrated often as The Grand Marshall of the Blue Lake parades. Merle graduated from Arcata High School and Humboldt State University before

eloping to marry Homer Clark, Rocci Costa's maternal

grandfather. They too would live their lifetimes in Blue Lake where Homer was not only the barber and the bartender but the US Postmaster as well.

Merle and Homer had three daughters, Mary, Janice and Joan, Rocci Costa's mother, who would marry the youngest of Louis and Ezaura Costa's nine children. Ownership of the Blue Lake Post Office is still in the family in 2020. Merle and Homer Clark's home is also still owned by Rocci Costa and his brothers, as are the beauty shop and adjacent offices. Merle Clark died at 99, just two weeks before her 100th birthday, and Blue Lake's Centennial.



Merle MacPhearson



Merle and Homer Clark

In 1909 Rocci Costa's paternal grandfather Louise F. Costa, a hard working Portuguese dairy man, met, courted and married Ezaura Miranda, a young woman who had traveled alone from Europe for a better life. She was working as a cook's helper in the Blue Lake Hotel and she had a unquestionable reputation. She and Louis built a successful dairy business and had nine children, all home births in Blue Lake.

Their children grew up to be valuable members of the community, four of their sons served in WWII, concurrently, a great sacrifice for any family to make. Rocci Costa's father, Fred was the youngest of those children.



Louise F. and Ezaura Costa, wedding day, 1909



Costa Family, 1910

## Exhibit F - Continued

### Who are the Costas? A History of the Costa family in Blue Lake since 1888

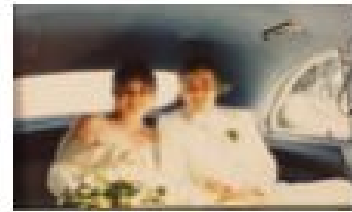


In 1960 Louis and Ezzaura Costa retired and sold their Costa Dairy to Blue Lake, and it is now home to Blue Lake School. When Ezzaura died there were over 500 people at her funeral.

Rocci's parent's Fred Costa and Joan Clark were married in 1952. After serving in WWII Fred worked with his brother at Costa Trucking until they sold the business in 1989. They settled in Fieldbrook where Rocci was raised with his four older brothers. Rocci attended McKinleyville schools and College of the Redwoods, where he earned a spot on the wrestling team and represented the USA in Japan on a wrestling exchange trip. Rocci went on to coach wrestling at St Bernard's High School, and to assist at Arcata Youth Wrestling. Rocci became a skilled carpenter and worked on many commercial and residential projects in Humboldt and Mendocino Counties.

## Exhibit H: Who is Rocci Costa?

In 1992 Laura Parker and Rocci Costa were married poolside at The Carson Mansion. Laura's father, Ray Parker was a local electrical contractor. Both the Parker Electric and Costa Trucking Families were well rooted in Humboldt County for many generations. Laura's family history in Blue Lake complimented the more historic Clark and Costa Families who were firmly established in Blue Lake since the mid 1800's.



Laura and Rocci have resided at their Eureka home for 27 years with dreams of eventually moving to the Blue Lake house. They currently live a beautiful restored Victorian that has been in Laura's family since 1966 and where they raised 3 children. Over 10 years Rocci and Laura hosted approximately 80 international exchange students in their home through Humboldt State University. They remain friends with many of those students who are all around the world.

Rocci and Laura also 'adopted' their neighbor, Nida Hicks, as a 'grandparent' to their children, including moving her into their family home when her husband, Leonard Hicks, a World War II veteran, died. Nida, who is now 96, lived with the Costas until her needs became too great for them and they moved her to a private care facility, where they continue to support her financially and emotionally.

Rocci and Laura have two adult children and a grandchild at home, and another daughter, son-in-law, and granddaughter at USN Base Point Mugu.

Rocci and his family have supported the Blue Lake and Fieldbrook Volunteer Fire Departments and their respective Granges since their inception. Rocci regularly attends the monthly Grange breakfast in Blue Lake and is well respected and appreciated there.

Rocci Costa is committed to the Earth and environment which he recognizes his children will inherit. He's proud to have raised a conscientious gardener, his son and protegee. The younger Rocci is a skilled builder and gardener, most recently mastering the skill of home made organic plant supplements and pest/ wildlife deterrents.

### Reference

"Where's The Lake" Stories of Blue Lake and the Mad River Valley, c2014

## Exhibit I: About Roc Squatch Farm

*Roc Squatch Farms is intended to be a strong and silent spot at the end of the road, tucked quietly away at the edge of the forest. The farm is 80% wooded, 20% farm, a perfect place for a Guardian Sasquatch watching over our daily lives, our valley, our farms, our roads, our river, our families.*

*We see the Sasquatch as a spirit animal for our farm and our farming practices. Always having the environment as our primary concern and having a strong but silent personality. We feel especially grateful the parcel that is Roc Squatch Farms is diverse with both a prime agricultural flat for farming, and a hillside of timber and beautiful valley views, perfect for a family home ....or a Sasquatch.*

*The flood plains of Humboldt County's '58 and '64 deluge offer one of the most unique micro-systems in the world for cannabis cultivation. In combination with Humboldt County's temperate rainforest climate the sky and the soil are a perfect match for cannabis. The parcels on the flood plains have been traditionally undesirable for cannabis farms, since they were so exposed, but legalization provides for our farmers to seek out the best farm property. Roc Squatch farms is grateful to have access to such a piece of agricultural land, and the ability to put it to service.*

*The Costa family are not just long time Humboldt residents, we were born here, our children and grandchildren were born here, as were our parents and grandparents, and great-grand parents. Our family believes strongly in sustainable agriculture, environmental conservation, and community support.*

*Our ideal vision is to have a family home for our multigenerational family with vegetables and flowers next to our small permitted cannabis cultivation.*

*As we have navigated the permit process amid the ever changing rules and regulations we fell witness to the blossoming Dry Farm Industry. We have been especially influenced by Sunshine Johnston, Sunboldt Farms, and Chrystal Ortiz, Highwater Farms, both located on the flood plains of Holmes. We recognized our property as being a perfect candidate for this environmentally sensitive option for compliant cannabis cultivation, with a farming method we can be proud of.*

*Our desire is to have a minimal effect on the environment, a maximum effort of stewardship, a positive effect on the community, a beneficial impact on the local economy and a friendly and productive relationship with our neighbors, as we have had from our current home of 27 plus years in Eureka.*

## Exhibit J: Letter to neighbors to form a road association

Warren Creek Road Neighborhood Road Association Inbox x



**Cara Cordoni** <cara@asherahconsulting.com>

Mon, Feb 3, 12:29 PM



to kinzers5, billayton, zpainter, myrna325, jellis.murray, debbie.stamper, ron, katmlee, BBronkall, cataubin, CJohnson, zkayaker1, susansmith116, marcile525, janaashbrook, Laura, Elizabeth

Good Afternoon,

I am writing on behalf of Rocci Costa and Roc Squatch Farms which, as you know, is pursuing a cannabis permit at the end of Warren Creek Road.

As requested by the Planning Department, we are reaching out regarding joining or forming a road association for the maintenance and improvement of the road.

We understand that there are a couple of informal maintenance agreements between neighbors and have contributed through Robin Costa, Rocci's brother, on more than one occasion.

While Rodney Costa has owned the property for 20 years, he has not lived on site or participated extensively in the local community. Rocci and his family look forward to improving the conditions of the property and road, as well as getting to know each of the neighbors.

We look forward to hearing back from you as to how we can work together to form a road association or join an existing association.

Thank you,  
Cara Cordoni

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