

March 7, 2021

Members of the Board of Supervisors

Subject: Rocci Costa Appeal to the Board of Supervisors Permit PLN-12176-CUP. Public Hearing Scheduled for March 16, 2021.

At the August 25<sup>th</sup> meeting of the Board of Supervisors the agenda item for hearing Mr. Costa's appeal of the Planning Commission's denial of his Conditional Use Permit was heard by the Board. After all the public testimony Supervisor Wilson made a motion which was approved by all of the Board members. The motion asked that the Costa family and the Warren Creek neighbors meet to see if they could resolve their conflicts. Director Ford agreed to facilitate this meeting. Both parties agreed to meet.

On September 9<sup>th</sup> we met at Ron Borges's house on Warren Creek Road. There were six local residents representing the Warren Creek community, the Costa family, and two of their consultants. The County was represented by Director Ford and Elizabeth Moreno from the planning staff. The meeting was very cordial as we explored options that could maybe work for both sides. After much discussion the Costa's elected to transfer their permit application to an alternative site in Honeydew. We agreed to support their decision. A requirement for us was the creation of a covenant agreement that would bar the land owner Rodney Costa, or any subsequent owner to this piece of property from commercially cultivating any cannabis on parcel APN: 516-211-025. We were informed by the Planning staff that this agreement was signed on March 1<sup>st</sup>.

As a community we really appreciate the efforts of the Costa family to work with us to come up with a solution that would be a win-win for both parties. We also appreciated Director Ford's facilitation of our meeting and the insightful information presented by Elizabeth Moreno.

We hope the Board will see fit to approve the permit for the Costa's Honeydew operation.

Respectfully,

Mike Zeppegno 707-616-0016

Kathleen Lee 707-822-6169 (more member signatures on next page)

John Murray 707-822-5204

Myrna Weburg 707-822-0731

Ron Borges 707-834-0764

Michael Fields 707-223-0265

## Hayes, Kathy

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**From:** Cara Cordoni <caracordoni@gmail.com>  
**Sent:** Monday, March 8, 2021 3:55 PM  
**To:** Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Bass, Virginia; Madrone, Steve; COB; mbushnell@gmail.com  
**Subject:** Fwd: Rocci Costa #PLN-12176-CUP  
**Attachments:** J Ford reneighor meeting failure.pdf; short timeline.pdf; Zeppenegno.pdf

Forwarding on behalf of the Costas

----- Forwarded message -----

**From:** Laura Costa <[minervacirca2013@gmail.com](mailto:minervacirca2013@gmail.com)>  
**Subject:** Rocci Costa #PLN-12176-CUP  
**Date:** March 8, 2021 at 3:51:11 PM PST  
**To:** [RBohn@co.humboldt.ca.us](mailto:RBohn@co.humboldt.ca.us), [mbushnell@co.humboldt.ca.us](mailto:mbushnell@co.humboldt.ca.us)  
[mike.wilson@co.humboldt.ca.us](mailto:mike.wilson@co.humboldt.ca.us) [vbass@co.humboldt.ca.us](mailto:vbass@co.humboldt.ca.us) [smadrone@co.humboldt.ca.us](mailto:smadrone@co.humboldt.ca.us)  
[cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us) [mbushnell@gmail.com](mailto:mbushnell@gmail.com)  
**Cc:** Brian Shields <[sixriversdevelopment@gmail.com](mailto:sixriversdevelopment@gmail.com)>

March 8, 2020  
Costa Appeal

Dear Supervisors,

As directed by The BOS, we participated in a community meeting on 09-09-2020 with John Ford as the moderator. We were told not record the meeting, or I would provide the transcript for you.

One critical part of the agreement that John Ford negotiated is a public apology from the Warren Creek community for the slander and untruths used against The Costa Family in The Planning Commission Chambers, The BOS Chambers, the Zoom meetings, the print media, and the social media platforms.

I have, this very morning, asked John Ford to address this personally, as his staff are resistant to comply with the terms he negotiated that day.

Recording the covenant with The County, seems premature when the other part of the negotiation has been firmly dismissed by the planner.

If our land was environmentally sensitive, if it was a native ancestral site, if it was a toxic dump, if it was old growth Redwood, I could see the rush to filing the covenant, but this covenant is being used purely to appease the reefer madness of very few, and move a family off their own agricultural land.

The unchecked public comments have usurped the power of you, our elected officials, to govern our community in a fair and impartial manner.

If we were to insist on a oath in a court of law for the community's negligent misrepresentation of our family, few if any would raise their hand and repeat their charges against us under penalty of perjury. This covenant is not taking care of the land, it is placating a small group of the community, punishing the property, scarring and traumatizing the applicant.

I am extremely concerned at the precedent this will set.

Please insist on the fulfillment of the terms by which the covenant was extracted from us.

Thank you for your time,  
Laura Costa  
707-496-4612

March 7, 2021

Dear Director Ford,

I am in need of your assistance in ensuring that the agreements made in the Sept 9, 2020 meeting with the neighbors are upheld, specifically the apology letter from the neighbors clearing my family of the scandal. I have attempted to work with Elizabeth Moreno, our planner, and her supervisor Cliff Johnson to no avail and am profoundly concerned that this obligation is being disregarded.

As directed by the BOS, I attended the Warren Creek neighborhood meeting with my husband and son, my brother in law Robin, consultants Cara Cordoni and Brian Shields. Elizabeth was in attendance and you moderated, 09-09-2020, The Community admitted to slandering us and communicating claims against us that they knew they could not prove and had no evidence of. They agreed that we were a very nice family with a good project..... but NIMBY..... or in this case "Not on your own AG land"

We agreed to pursue a RRR if we had a receiving spot.

You asked me, specifically, if there was anything that I needed from this deal. I said YES. I said that I wanted, specifically, a public **apology** from the community for running us through the mud without evidence or truth just because they don't want compliant cannabis at the end of the road. My request was very clear that it was a **APOLOGY** to US for the slander....

The representative from the community agreed, nods were seen all around the group.

Apparently the community has changed their mind and Elizabeth and Cliff are supporting their position. Rather than clearing us of a myriad of claims, they have written a thank you letter to yourself and The Planning Department for getting us to leave.

Elizabeth says that it is all we are entitled to.

Why would I have asked for that?

The apology I requested was not to be buried in The Mad River Union as a op/ed gratuity to your office. The Zeppegno's op/ed does nothing to fulfill the obligations set forth in the agreement of the 09-09-2020 meeting, where we were assured our reputation would be cleared, it only reinforces their claims, and sets us up for more problems to come.

**From The Arcata Union : We can, and did, work it out**

".....In addition we would like to thank the Mad River Union for their accurate coverage of the issue in their March 18 and Sept. 25 publications ....."

Kathleen Lee  
Mike Zeppegno  
Arcata

The Zeppengo's are not referring to "accurate coverage" they are referring to their own op/ed letters to the editor, (3-18-2020 and 9-25-2020 in the OPINION section).

They do not mention The Mad River Union's actual article of 03-15-2020, or 09-07-2020, which were actual articles.

This thank you letter is as damaging as everything else, but cleverly rolled into just one page.

As we approach the March 16, 2020 BOS meeting, I am distressed at the responses I have received on this matter from both Elizabeth and Cliff.

Elizabeth told me (email 2-16-2021) that she doesn't think they owe me an apology, because she doesn't think they did anything wrong.

This does not depend on what Elizabeth thinks, You negotiated a deal on our behalf and that deal was specific on clearing our name of the scandal. She took the notes on this and she knows what was said, just like she took the notes about the covenant but refused to alter the document until you got involved.

Cliff told us (email 2-17-2021) that if we insist on a apology that it will make the BOS mad....he "wouldn't recommend it". Why doesn't the BOS want the truth? Why is Cliff threatening us with denial, again?

Why doesn't The Planning Commission get to know the truth? That they were misled in chambers, and they took that information and ruled against a family with it?

I am truly pained to be in this position, but the reputation of myself, my family and loved ones is worth fighting for.

The BOS deserves the truth, The Planning Commission deserves the truth and The greater Humboldt community deserves the truth.

The neighbors deserve to face the truth in the public settings, where they did their damage to the applicant, such as The Planning Commission Chambers, The Supervisors Chambers, the Zoom hearings, local print media and regional social media.

Since the community cannot find the words then perhaps you can.

I am asking you to issue a statement a WEEK prior to the March 16th BOS hearing and open the meeting with a statement from The Planning Department that explains how our family was successfully slandered and criminalized by the community to suit the desires of just a few. The Planning Department should make a statement and a sincere effort not to let this happen in the future. You should recognize that our Jr Planner failed us on multiple occasions and that your office intends to do better for applicants, working harder to insure fairness and honesty in the chambers and offer a better trained staff.

The formal apologies should go:

1. To The Costa Family, who's only mistake was wanting to use their AG land in accordance with the laws laid forth in November of 2016 with Proposition #64, including

The Five Year One Acre cap and expecting they could do so under the 1.0 guidelines with support from The County of Humboldt.

2. To The Planning Commission and The BOS for the system that allowed them to make decisions based on untruths and unmoderated slander.
3. To The Community, everyone of us that depends on a fair and just system.

Mr Ford, I imagine that you have some professional relationships and personal pastimes you enjoy. The friendship and respect of your peers is likely of great value to you, so I will expect that you can appreciate the gravity of my situation. As a member of The Roots Elders Council I was horrified to hear from Pebbles Trippet, (The Trippet Standard, 1996) that another Elder had spoke to a Commissioner.... who had assured him that there was ample evidence that all the claims they made were not only true, but the tip of the iceberg if we were approved, and my standing on The Elders Council was questioned..... My lifetime of service is now questioned and challenged because of the policies of your department, and the personal bias of the planner, Elizabeth Moreno, as profoundly exhibited in her email on 2-16-2020, "They didn't do anything wrong".... The neighbors knowingly mislead our elected officials and slandered my family mercilessly, that is wrong on every level, and illegal.

John, the Roots Elders Council are my generational peers. I want this set right.

Please use your position to address our local officials on this scandal against my family and our character.

Please let me know how you wish to proceed so I may plan accordingly.

Laura Costa  
707 496 4612

**Here is a short recap of last year:**

01-16-2020 We are billed, and we pay in full.

01-16-2020 Elizabeth logs hours for answering q's to the public. What Q's? Why didn't I get cc'd, why didn't I find out what their concerns were?

01-21-2020 Friday. We meet with EM, discuss our deadline of the following Monday. Discussed what we need to complete for the submittal to her on Monday. Discussed that we would work all weekend and have it to her by the deadline on Monday.

01-22-2020 A Saturday, Elizabeth logs 4 hours against us as "final edits" (This was before the covid quarantines, why was she logging hours on a Saturday when she knew full and well that our packet would come to her on Monday?)

01-24-2020 Monday, our deadline, before our packet comes, she logs another 5 hours against us, "finalize SR"

01-24-2020 after a long weekend and great expense to prepare our documents for Elizabeth by our deadline, we submit.....on time in the afternoon.

01-25-2020 Elizabeth logs 3 hours against us to review our "late submittal", and finalize her SR again.....why did she do that before our deadline?

01-26-2020 Elizabeth logs 3 hours to "revise staff report", this is the same work she did previous to our deadline, so we have to pay again.

01-30-2020 A different planner, Rodney, logs one hour for a site visit, why didn't I get a report? Please explain. It takes a full hour to go to the farm round trip from Eureka, what did he do?

02-03-2020 Elizabeth logs time for emails and calls, I have no record of emails on that date, who did they go to?

02-05-2020 Elizabeth logs hours to finalize presentation for 02-06

02-06-2020 Planning commission meeting cancelled, at the time of the next meeting I am at UCSF for surgery

02-07-2020 Elizabeth logs hours for the "Presentation"....what presentation?

The Planning Commission meeting was **cancelled**.....so who got a presentation?

02-27-2020 Elizabeth bills us for emailing a concerned neighbor. Why was I not cc'd?

02-28-2020 Elizabeth bills us for emails again.....I have no record of emails on that date, who did they go to?

03-06-2020 Planning Commission denies us due to public comment fiasco, I am absent

03-19-2020 We file our appeal, even if we lose, we'll have the chance to clear ourselves

04-22-2020 We are billed, (a Wednesday) they want a check, not cash, Cliff writes a long letter, but doesn't tell me how much the bill is



04-27-2020 (a Monday) I ask how much?

04-28-2020 (a Tuesday) I ask how much? Suzanne helps out, I take a check. We pay in full

Two months later.....we were quite patient. A neighborhood meeting was attempted, but we were told that they would not agree to meet. Since the Planning Commission had already met their demands of denial, they had no need to negotiate.

07-01-2020 Elizabeth calls, leaves a message about scheduling a BOS hearing in August, this alarms us as we have not yet had a Neighbor Meeting.

07-15-2020 Cara sends email with 4 questions regarding a appeal update.

07-22-2020 EM responds, a full week later without addressing any of our questions, and not offering any information either

07-23-2020 Cara raises more concerns about Elizabeth's performance, asks for an appeal update, Cliff responds same day.

08-03-2020 Elizabeth phones Rocci,

08-04-2020 I ask her for a recap, as it seems his recollection of the call was lengthy.

08-06-2020 I ask Suzanne in the Planning Department office to track down the information, because EM does not respond

08-06-2020 EM finally responds but does not offer a sufficient recap of the call.

08-27-2020 EM concedes to set up the neighborhood meeting as requested

09-09-2020 Neighbor meeting as per the BOS. Apologies to The Costa Family for the slander is agreed on. Costa's agree to a very specific covenant, restricting commercial cannabis, but not putting the land in moratorium.

**Neighbors seem genuinely apologetic.**

Two months later.....

11-04-2020 EM sends us a stock covenant, (two month delay) gives us one week to return it, although she was at the meeting and knew the details as per J Ford, she refuses to alter the stock document.

11-04-2020 Em states that she is working on a list of items for the relocation site, and she will send it over, we have never received such a email

11-09-2020 Brian Shields asks questions, EM answers 11 days later.

11-12-2020 I raise concerns about the wording of the covenant, I ask for more than a few days to return it, since it has taken her 8 weeks to prepare (a stock form), I felt she was rushing us terribly

11-18-2020 EM answers the 11-9 email, threatens us with denial, ignores the wording as promised by J Ford

11-24-2020 I plead with EM about the wording of the covenant

12-01-2020 EM tells us we cannot go forward unless we sign it

12-15-2020 EM tells us that we must sign the stock covenant, says there is no alternative, threatens us with denial again

One month later....

01-13-2021 After Brian Shields goes to John Ford, EM provides a revised covenant

02-16-2021 EM editorializes about the intentions of the neighbors public statement, saying she doesn't think we deserve an apology.

02-17-2021 Cliff threatens us with denial if we pursue the truth with The BOS, he said he "wouldn't recommend it" . Why is that? Mad at who? Wouldn't they be more upset at a coverup?

Between April and July there was no progress at all, we were very patient.

It took over two months for us to get a stock covenant out of our planner, during which time we were again treated badly and with bias, and then another month to get a revised covenant after needing to go directly to you for help, and this is far from the first time we have had to come to you, and had to pay twice for the work.

Costa Appeal

Re: Scandalous accusations toward the applicant.

The neighbors agreed to make a public statement clearing my family from the scandal. When I asked Elizabeth about the letter from the community, this is what she provided:

**From The Arcata Union : We can, and did, work it out**

Over the past year, our community on Warren Creek Road has been dealing with the challenge of a Cannabis Permit application for a 10,000 square foot project on a five acre parcel at the end of our narrow, unpaved road. It was the overwhelming consensus of residents that this project would result in significant, negative outcomes for our close-knit community.

Last March, the Planning Commission responded to our concerns by denying the permit. The applicant appealed to the Board of Supervisors, who on Aug. 25 asked that the parties meet to try to resolve the issue. As a result of that meeting, the applicants agreed to move the project to Southern Humboldt.

We would like to express our appreciation to the Costa family for being willing to listen to our concerns and accept that the project was unacceptable to our community and to Planning Department Director John Ford for facilitating the meeting. **In addition we would like to thank the Mad River Union for their accurate coverage of the issue in their March 18 and Sept. 25 publications** and for giving our community a voice in the process.

Kathleen Lee

Mike Zeppegno

Arcata

The Zeppegno's are not referring to "accurate coverage" they are referring to their own op/ed letters to the editor, (3-18-2020 and 9-25-2020 in the OPINION section).

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**This Thank You letter is as damaging as everything else, but cleverly rolled into just one page.**

02-16-2021 Email from Elizabeth editorializes about the intentions of the neighbors public statement, saying she doesn't think we deserve an apology.

02-17-2021 Email Cliff threatens us with denial if we pursue the truth with The BOS, says "I wouldn't recommend it". Why don't they want to know? Wouldn't they be upset at a coverup?