



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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April 12, 2021

Stokes, Hamer, Kirk & Eads, LLP  
Eric V. Kirk  
381 Bayside Road, Ste. A  
Arcata, CA 95521

RE: Rising Goat Limited Appeal Filed by Sue Jacobsen

Dear Mr. Kirk,

Thanks for the discussion this last Thursday between the Rising Goat applicant, yourself and the county. We believe it was very useful for all parties. The county understands that much of the concern from your clients is regarding the interpretation and enforcement Condition #4 as applied to the project by the Planning Commission.

Condition of Approval Number 4 was approved by the Planning Commission and would be in effect if this project was not appealed to the Board of Supervisors. The Board may choose to amend or add conditions, but if the appeal had not been filed or is now withdrawn this condition applies as is and will be enforced. Condition of Approval Number 4 reads as follows:

4. *Prior to operation of any cannabis activity the applicant shall complete one of the following:*
  - a) *Present a report from a qualified hydrogeologist that has been selected and approved by Humboldt County that determines the well and its current screening intervals are not connected to any surface water features, including local springs; or*
  - b) *Cap the existing well and dig a new well which has been demonstrated by a qualified hydrogeologist that has been selected and approved by Humboldt County to not be hydrologically connected to any surface water; or*
  - c) *Receive approval from the Planning Commission of a modification to the permit to require rainwater collection as the source of water.*

What this means is that no cannabis may be grown on the property until one of those three options is met. If none of them can be met, there can be no cannabis grown on the property.

Quite simply, a well will only be allowed to be used for cannabis if a hydrogeologist that the county selects determines that it is not connected to any surface water features or springs. If a hydrogeologist that the county selects cannot confirm that there is NO connection, they may not use the well for cannabis at all and will need to apply for and go back to the Planning Commission to add rainwater as the sole source of water. The rainwater collection will then need to be in place and full of water collected by rainfall before the cultivation may occur.

The county has been in contact with two hydrogeologists so far. One with LACO Associates and one who routinely does work with ICF International, both of whom are environmental and planning consultant

companies. The applicant, Rising Goat Limited, has expressed their desire to pursue option A first, which would be to attempt to utilize the existing well. Both of the certified hydrogeologists that we have been in contact with have stated that a work plan to determine connectivity would be as follows:

- *Perform a literature review of the geology and hydrogeology of the area to determine likely groundwater flow patterns and hydraulic characteristics.*
- *Install a monitoring well near the nearest surface water feature (waterway in the northern portion of the parcel unless any adjacent springs are closer)*
- *Perform an aquifer test to evaluate hydraulic connection and aquifer properties*
- *Evaluate the data and potentially perform some limited modeling to determine the zone of influence of the irrigation well and its connection to the waterway.*
- *If unable to be found to not be connected, explore the possibility of installing a sleeve in the existing irrigation well across the 40 -75 foot interval to prevent groundwater extraction for this zone. If feasible an additional aquifer test would then be conducted to determine connectivity unless the existing data was adequate to determine non-connectivity.*

If these tasks are completed and the well cannot be demonstrated to be disconnected, similar tasks would be required to determine the connectivity of any new well installed under option B of Condition of Approval Number 4. The county will maintain consistent communication with your clients regarding this information.

With the appeal scheduled to be heard on April 20, 2021, the Planning Department intends to recommend that the project be approved as it stands with this condition unaltered. If your clients withdraw the appeal, the condition will similarly remain unaltered. We understand that there was some confusion about this language and are committed to refunding the appeal fee if the appeal is withdrawn on or before Thursday April 16, 2021. This is the date when our staff report and any changes to the agenda of the Board of Supervisors is due.

Please let me know if any further clarification is needed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CJ', with a long, sweeping horizontal line extending to the right.

Cliff Johnson, Supervising Planner