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AREA CODE 707

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March 4, 2021



County of Humboldt
Planning and Building Dept.
Attn: John Ford
3015 H Street
Eureka, CA 95501

Re: RISING GOAT LLC/WATER RIGHTS HOLDERS OF THE OVERLAND
SUBDIVISION;

Dear Mr. Ford:

Enclosed please find an appeal filed on behalf of the Water Rights Holders of the Overland Subdivision pertaining to the Rising Goat LLC project. My clients are primarily concerned about the impact of the water diversion on their own supply as they are convinced that a competent hydrogeology report will reveal a connection between the well and their source.

I understand that a hydrogeology study is pending, but this appeal is filed to preserve my clients' rights as the potential impact of a lack of a summer forbearance could be devastating to them if all of the water is from a single source. We would have no objection to the hearing being held after the hydrogeology report is available.

Please do not hesitate to call me to discuss the matter further and thank you for your attention to it.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP


Eric V. Kirk

EVK/dw
encl.
cc: Client



PLANNING APPLICATION FORM
Humboldt County Planning Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3792

INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit all items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)

Business Name: RISING GOAT LLC
 Contact Person: PAUL SOARES
 Mailing Address: PO BOX 624
 City, St, Zip: GARBERVILLE CA 95542
 Telephone: _____ Alt. Tel: _____
 Email: _____

AGENT (Communications from Department will be directed to agent)

Business Name: WATER RIGHTS HOLDERS OF THE OVERLAND SUBDIVISION
 Contact Person: SUSAN JACOBSEN
 Mailing Address: PO BOX 3457
 City, St, Zip: REDWAY CA 95560
 Telephone: (707) 923-1495 Tel: (707) 223-1495
 Email: coyotebuttes@gmail.com

OWNER(S) OF RECORD (If different from applicant)

Owner's Name: PAUL SOARES
 Mailing Address: 798 LIGHTHOUSE AVE
 City, St, Zip: MONTEREY CA 93940
 Telephone: _____ Alt. Tel: _____

Owner's Name: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Alt. Tel: _____

LOCATION OF PROJECT

Site Address: 1400 ROSS ROAD
 Community Area: GARBERVILLE CA

Assessor's Parcel No(s): 223-101-004
 Parcel Size (acres or sq. ft.): _____

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons?
 YES NO

SECTION II

PROJECT DESCRIPTION

Describe the proposed project (attach additional sheets as necessary):

SEE ATTACHMENT



SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

ATTORNEY FOR Applicant Signature

3/14/21 Date

If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

 Owner of Record Signature

 Date

 Owner of Record Signature

 Date

PLN-2021-17060

This side completed by Planning Staff

Checklist Completed by: _____ Date: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION



Item	Received	Item	Received
<input type="checkbox"/> Filing Fee of \$ _____	<input type="checkbox"/>	<input type="checkbox"/> Architectural Elevations	<input type="checkbox"/>
<input type="checkbox"/> Fee Schedule (see attached, please return completed fee schedule with application)	<input type="checkbox"/>	<input type="checkbox"/> Design Review Committee Approval	<input type="checkbox"/>
<input type="checkbox"/> Plot Plan 12 copies (folded if > 8½" x 14")	<input type="checkbox"/>	<input type="checkbox"/> CEQA Initial Study	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 12 folded copies (Minor Subd)	<input type="checkbox"/>	<input type="checkbox"/> Exception Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 18 folded copies (Major Subd) [Note: Additional plot plans/maps may be required]	<input type="checkbox"/>	<input type="checkbox"/> Joint Timber Management Plan	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map/Plot Plan Checklist (complete & return with application)	<input type="checkbox"/>	<input type="checkbox"/> Lot Size Modification Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Floor Plan	<input type="checkbox"/>	<input type="checkbox"/> Military Training Route (see County GIS)	<input type="checkbox"/>
<input type="checkbox"/> Division of Environmental Health Questionnaire	<input type="checkbox"/>	<input type="checkbox"/> Parking Plan	<input type="checkbox"/>
<input type="checkbox"/> On-site sewage testing (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Plan of Operation	<input type="checkbox"/>
<input type="checkbox"/> On-site water information (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Preliminary Hydraulic & Drainage Plan	<input type="checkbox"/>
<input type="checkbox"/> Solar design information	<input type="checkbox"/>	<input type="checkbox"/> R1 / R2 Report (Geologic/Soils Report, 3 copies with original signatures)	<input type="checkbox"/>
<input type="checkbox"/> Chain of Title	<input type="checkbox"/>	<input type="checkbox"/> Reclamation Plan, including engineered cost estimate for completing reclamation	<input type="checkbox"/>
<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current <input type="checkbox"/> Creation	<input type="checkbox"/>	<input type="checkbox"/> Accessory Dwelling Unit Fact Sheet	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Title Report (<u>two copies</u> , prepared within the last six months prior to application)	<input type="checkbox"/>	<input type="checkbox"/> Variance Request Justification	<input type="checkbox"/>
		<input type="checkbox"/> Vested Right Documentation/Evidence	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>

FOR INTERNAL USE

<input type="checkbox"/> Ag. Preserve Contract <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission <input type="checkbox"/> Design Review <input type="checkbox"/> Inland <input type="checkbox"/> Coastal <input type="checkbox"/> Determination of Legal Status <input type="checkbox"/> Determination of Substantial Conformance <input type="checkbox"/> Extension of _____ <input type="checkbox"/> Fire Safe Exception Request	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> General Plan Petition <input type="checkbox"/> Information Request <input type="checkbox"/> Modification to _____ <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Preliminary Project Review <input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission H.C.C. § _____ <input type="checkbox"/> Subdivision <input type="checkbox"/> Parcel Map <input type="checkbox"/> Final Map <input type="checkbox"/> Exception to the Subdivision Requirements	<input type="checkbox"/> Reclamation Plan <input type="checkbox"/> Surface Mining Permit <input type="checkbox"/> Surface Mining Vested Right Determination <input type="checkbox"/> Timber Harvest Plan Information Request <input type="checkbox"/> Use Permit H.C.C. § _____ <input type="checkbox"/> Variance H.C.C. § _____ <input type="checkbox"/> Zone Reclassification <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
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Application Received By: _____ Date: _____ Receipt Number: _____

General Plan Designation: _____

Plan Document: _____

Land Use Density: _____

Zone Designation: _____

Coastal Jurisdiction Appeal Status: Appealable Not Appealable

Preliminary CEQA Status:

Environmental Review Required

Categorically Exempt From Environmental Review: Class _____ Section _____

Statutory Exemption: Class _____ Section _____

Not a Project

Other _____

By and through their spokesperson Sue Jacobsen, the Water Rights Holders of the Overland Subdivision hereby appeal portions of the Decision and Conditions of Approval pertaining to the Rising Goat Limited permit number PLN-2020-16188 dated February 19, 2021 following the Humboldt County Planning Commission hearing of February 18, 2021 which generated Resolution 21-30 upon which the Decision and Conditions of Approval is supposed to be based, because they will be directly affected by potential negative impact should the Conditions of Approval be inadequately clear and effective.

The appeal pertains to the "permitted well" mentioned in the Notice of Planning Commission Decision Description, and which appellants are certain is connected to their own downstream water supply which has senior priority. Applicants request mandatory forbearance of draws from the well from May 15 to October 31 of each year in order to protect their water supply, and to reduce the size of the area allowed for cultivation to address drought and low flow conditions which will be aggravated by diversions for irrigation as reserved by the County of Humboldt in Section 28 of the Revised Recommended Conditions of Approval - Attachment 1 to the above-mentioned Notice. Appellants dispute the Decision's consistency with the State Water Resources Control Board Cannabis Cultivation Policy, dated October 17, 2017 for which the ascertaining of the project's aquatic base flow is required under the Policy's Groundwater Requirements (Pages 11 and 12). Seasonal forbearance is required in watersheds in which there is high surface water-groundwater connectivity or close proximity to streams. Appellants request that the County exercise its authority pursuant to section 55.4.5.10 of the Cannabis Ordinance revisions passed on May 8, 2018



The appeal further seeks clarification in the Conditions of Approval for compliance with section 55.4.6.3.2 of the Cannabis Ordinance revisions passed on May 8, 2018.

Additionally, appeal is sought for the lack of clarity with regard to compliance with section 55.4.6.3.1 of the Cannabis Ordinance revisions passed on May 8, 2018 requiring that "electricity (for the project) must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for

Energy Use." Appellants are concerned about noise pollution from frequent use of a fuel-based generator and the potential for mishandling of diesel fuel and oil impacting appellants' water supply and other environmental interests.



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PROOF OF SERVICE

I am employed in the County of Humboldt, State of California. I am over the age of 18 and not a party to the within action. My business address is 381 Bayside Road, Arcata, California 95521.

On March 4, 2021, I served the **PLANNING APPLICATION FORM/APPEAL** on the below-named individual(s) by serving in the following manner:

- [BY MAIL]** By placing said envelope(s) for collection and mailing with the United States Postal Service.
- [BY PERSONAL SERVICE]** By causing said documents to be hand-delivered this same date.
- [BY FAX & U.S. MAIL]** By electronic mail to the fax numbers listed below and then placing said envelopes for collection and mailing with the United States Postal Service.

County of Humboldt
Planning and Building Dept.
Attn: John Ford
3015 H Street
Eureka, CA 95501

Humboldt County Board of Supervisors
825 Fifth Street
Rm. 111
Eureka, CA 95501



I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2021, at Arcata, California.

DONNA WEISSE