

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
January 21, 2021

- | | | |
|-------------------------------------|------------------------|----------------|
| <input checked="" type="checkbox"/> | Consent Agenda Item | |
| <input type="checkbox"/> | Continued Hearing Item | No. C-7 |
| <input type="checkbox"/> | Public Hearing Item | |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Re: Rising Goat Limited Special Permit

Record Number: PLN-2020-16188
Assessor Parcel Number: 223-101-004
1400 Ross Road, Garberville area

Attached for the Planning Commission's record and review are public comments and staff response that was not included in the staff report for the hearing:

1. Revised water use information from the applicant. This information does not substantially change the analysis or recommendations made in the staff report.
2. Additional public comments submitted after the date of the staff report.

McClenagan, Laura

From: mrypresid@aol.com
Sent: Tuesday, January 19, 2021 3:38 PM
To: Johnson, Cliff; Meynell, Karen; Ryan, Meghan
Subject: Rising Goat Limited...urgent change in Water Use
Attachments: SCAN0027.PDF

Gentlepersons:

Please see attached. The water used at each phase is shown below. Please note that the well produces 1,080,000 gallons of water per *month* operating at 100% efficiency (25 GPM). ALL CALCULATIONS ARE BASED UPON USING THE WELL AT AN OPERATING EFFICIENCY OF 50% (12.5 GPM) a well water total production of 540,000 per month.

	Water Used	At 50% efficiency the well produces per month	% of total water available per month at 50% efficiency used
Phase 1	160,500		
gallons	540,000	29.7%	
Phase 2	204,000		
gallons	540,000	37.8%	
Phase 3	249,600		
gallons	540,000	46.2%	

The difference from the original submittal is that drip system is used and calculations submitted were not based upon the use of drip system. As seen above, the well has the ability to produce over 1.0 million gallons per month. In an abundance of caution, the calculations are based upon a well operating at 50% efficiency, which in this case is 540,000 gallons per month. e.g. in Phase 1, the well operating at 50% efficiency of the water possible to produce, needs only 29.7% of possible production for growing the Cannabis crop.

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

From: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
To: mrypresid@aol.com <mrypresid@aol.com>; Meynell, Karen <KMeynell@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>
Sent: Tue, Jan 19, 2021 12:30 pm
Subject: RE: Excise Taxes - Rising Goat Limited.

Received thanks Paul!

Cliff

From: mrypresid@aol.com <mrypresid@aol.com>
Sent: Tuesday, January 19, 2021 11:38 AM
To: Meynell, Karen <KMeynell@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Ryan, Meghan <mryan2@co.humboldt.ca.us>
Subject: Re: Excise Taxes - Rising Goat Limited.

Gentlepersons:

Would one of you please confirm receiving the \$26,000 for the Excise Taxes for the 2019 and 2020 crops.

Thank you.

Rising Goat Limited

Paul F. Soares, CFO

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

From: Meynell, Karen <KMeynell@co.humboldt.ca.us>

To: mrypresid@aol.com <mrypresid@aol.com>

Sent: Wed, Jan 13, 2021 8:16 am

Subject: RE: Excise Taxes - Rising Goat Limited.

What is this payment for? Do you know? Is it taxes?

From: mrypresid@aol.com <mrypresid@aol.com>

Sent: Wednesday, January 13, 2021 7:56 AM

To: Meynell, Karen <KMeynell@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Subject: Excise Taxes - Rising Goat Limited.

Gentlepersons:

We are expecting a refinance to close on Friday, January 15, 2021. Based upon that outcome, I am sending a check for the entire \$26,000 to you by overnight mail today. Please see attached.

SEE USPS Tracking #EJ 372 943 886 US; Overnight Mail.

Thank you.

Paul F. Soares

CFO

Rising Goat Limited

WATER USE

GALLONS AVAILABLE

	Per min	Per Hour	Per Day	Per month
Well produces	25	1500	36,000	1,080,000
At 80% Efficiency	20	1200	28,800	864,000
At 50% Efficiency	12.5	750	18,000	540,000

PHASE 1

	Total Sq Ft 10,000		Monthly Avg Gal Per Sq Ft
	Gal/Day	Gal/Mo	
January	-	-	-
February	-	-	-
March	100	3,000	0.3
April	200	6,000	0.6
May	500	15,000	1.5
June	1,000	30,000	3.0
July	1,000	30,000	3.0
August	1,000	30,000	3.0
September	850	25,500	2.6
October	500	15,000	1.5
November	200	6,000	0.6
December	-	-	-
Total Use of water for the Season		160,500	

~~*~~ Percentage of Water Pumped used by Cultivation site at 50% Well Efficiency

Per:	Month	Season - 9 months
Available Water at 50% Efficiency	540,000 gallons	4,860,000 gallons
Projected Water Use	30,000 gallons (largest monthly use)	160,500 gallons
Percent of Water Available Used	5.56%	3.30%

% of Pumped Water used at 50% efficiency ^{well}

(AFTER IMPLEMENTING DRIP IRRIGATION)

PHASE 2

	Total Sq Ft 15,000		Monthly Avg Gal Per Sq Ft
	Gal/Day	Gal/Mo	
January	-	-	-
February	-	-	-
March	150	4,500	0.3
April	200	6,000	0.4
May	1,000	30,000	2.0
June	1,200	36,000	2.4
July	1,200	36,000	2.4
August	1,200	36,000	2.4
September	1,200	36,000	2.4
October	500	15,000	1.0
November	150	4,500	0.3
December	-	-	-
Total		204,000	

Percentage of Water Pumped used by Cultivation site at 50% Well Efficiency

Per:	Month	Season - 9 months
Available Water at 50% Efficiency	540,000 gallons	4,860,000 gallons
Projected Water Use	47,250 gallons (largest monthly use)	204,000 gallons
Percent of Water Available Used	8.75%	4.20%

% of pumped water used at 50% well efficiency.

	Total Sq Ft <i>Phase 3 - 18,000</i>		Monthly Avg Gal Per Sq Ft
	Gal/Day	Gal/Mo	
January	-	-	-
February	-	-	-
March	180	5,400	0.2
April	240	7,200	0.2
May	1,200	36,000	1.2
June	1,400	42,000	1.4
July	1,400	42,000	1.4
August	1,400	42,000	1.4
September	1,400	42,000	1.4
October	900	27,000	0.9
November	200	6,000	0.2
December	-	-	-
Total		249,600	

Percentage of Water Pumped used by Cultivation site at 50% Well Efficiency

Per:	Month	Season - 9 months
Available Water at 50% Efficiency	540,000 gallons	4,860,000 gallons
Projected Water Use	42,000 gallons (largest monthly use)	249,600 gallons
Percent of Water Available Used	7.78%	5.14%
<i>% of pumped water used at 50% well efficiency</i>		

Overland Subdivision
January 19, 2021

Humboldt County Planning Commission
Rising Goat Limited Special Permit
PLN-2020-16188
Agenda Item # 7, Jan. 21, 2021

Dear Mr. Ford,

This is the third letter written by Sue Jacobsen concerning the special permit sought by Rising Goat LLC. She originally wrote it representing herself and husband, Paul, but it has been edited to include the community affected by Rising Goat LLC.

We agree with Mr. Soares that it is unfortunate that he has come to the end of a long, expensive process and now is faced with complaints about his plans. Why was he not informed previously of our concerns? It seems the residents of the neighborhood where the farm is located are the last to be informed of his plans. Yes, we have concerns and they are valid. We live here. His business activities will impact our daily lives and yet we were the last to be informed of what those plans are. Apparently an EIR was done in May of 2018. However we were never informed. So we were not able to make comments at that time.

This proposal seems rather ambitious for the size and location of the property. The Spring and Fall growing cycles will need quite a bit of supplemental power, so the generator use will be more than planned. Those of us who live here know that those short days are often overcast, so solar is not reliable. Maybe three growing cycles is too much?

Our main problem with this plan is the stated water needs. His statement of use seems clear enough. This coming Summer they will need to pump 1500 or more gallons per day during the driest months of the year. In the following Summers they plan to pump 1800 or more gallons per day during those months. That is a lot of water to suck out of the water table at that time of year. In conversations with other growers, they indicated he is probably underestimating the gallons needed for the size of the grow.

There are five properties below the Rising Goat Farm that have recorded riparian water rights to the two tributaries that flow from this and the neighboring property year round. There are four spring parcels on the adjoining property that provide water to 10 other properties in the neighborhood. These springs were deeded to properties in the neighborhood decades ago when the county permitted the development of the Overland Subdivision. The spring water users have maintained their appropriative water rights with the State Water Resources Board since 1990. Our water rights predate the permit for his well by quite a bit. This water is for domestic use. We are using it to drink and cook and bathe and grow some food. The weather has been very dry most winters for more than 15 years now. We have to use care in order to make sure each household gets a share of the available water in the driest months.

For this reason we have grave concerns about the plans for increasing the size of production on the Rising Goat Farm. There has been little activity there in the years since their well went in, so we have yet to experience what can happen to our springs and creeks when they begin pumping such amounts. We are here at this late date in the process to let you know we need that hydrological study done, or they need to practice forbearance. We can not go through the dry months with the threat of our household water being sucked away to water their crops.

The elevation of the Springs is about 50 feet below the elevation of their well. Just about at the level where they hit water. The distance to the springs from the well is around 370 feet. That would seem to be within the zone of influence caused by the cone of depression when they are pumping.

In attachment 4.A of the plan, section F. Water, on p. 11 number 35, it clearly states: “The well is taking from shallow jurisdictional subsurface stream flows from an unconfined aquifer ...”. That means it is a diversion. It is the same source from which the aforementioned creeks and springs receive water. Our water rights are valid. The Salmonid Restoration Foundation states clearly that if a well takes water from an underground stream then it is considered a diversion like any other stream diversion. The State of California Doctrine of Reasonable Use states clearly that a water right owner may use the water *as long it doesn't interfere with neighboring users*. In fact, the Reasonable Use Law actually says *wells pumping from groundwater are limited to an amount that does not unduly interfere with other users*. **We feel strongly the hydrological study will reveal that the well driller is correct and they are diverting from a subsurface stream in the same network as the creeks and springs draw from.**

At this time the well has not been used consistently at the levels they will require for the amount of plants they will have. The data does not exist yet. However, the amount Rising Goat proposes to pump from the aquifer during the driest months of the year will probably cause a hardship on 15 property owners in the neighborhood. We have no data on how long the soils in the cone of depression will take to recharge. We know that clay soils take longer to recharge than other soils. Their well driller's report indicates that it is in clay soil. In any case, we are not in a position to risk this operation removing the amount of water they propose to pump daily during the driest months of the year. We do know from experience that the water table goes down markedly in June and then again in late August. It is because of this that we have learned to work together to make sure our neighbors can receive their share of the available water. *We are not sucking water out of the ground. We are taking it from naturally occurring springs and creeks. We are careful not to dry out the ground around the springs in order to maintain the water table, so we can continue to receive water.* The Rising Goat Farm folks have not considered that their water needs might dry out the surrounding land over the cone of depression to such a degree that it interferes with others water rights, as well as creating a drier more fire prone zone. It seems that the only way to be sure this project won't take much needed water from their neighbors is to have them forebear in May, June, July, August, September, and October or until the rains start.

Mr. Soares seems unaware of how many farms practice this method in order to maintain the watersheds in these hills. There are several examples of tank farms within sight of their property.

We, the spring holders, feel strongly that requiring forbearance for this project is the only way to

protect the water needs and rights of the properties in the neighborhood.

Please require that Rising Goat Farm forebears water for their Summer agricultural needs and that they do not use the well during the Summer months for their agricultural needs.

Signed by the springholders of Overland Subdivision:

Sue and Paul Jacobsen - residents here for 40 years

Lauris Phillips and Jay Peltz - spring holders since 2000

Arleen Olson - spring Holder since 1990

Michael and Carolyn Eldridge

Shirley Hillman

Manuel and Pam Parsons

Alleluja Rose

Bonnie Blackberry

Steve and Geri Keller - riparian