

## **SUPPLEMENTAL INFORMATION #1**

For Planning Commission Agenda of:  
February 4, 2021

<input type="checkbox"/>	Consent Agenda Item	
<input checked="" type="checkbox"/>	Continued Hearing Item	<b>No. G-1</b>
<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 not included in the staff report for the hearing:

1. Letter from the Overland Subdivision Neighborhood dated January 19, 2021 expressing concern regarding the project and its potential impact on adjacent water users. The neighborhood is concerned regarding the screening intervals of the well being connected to adjacent springs and creeks that provide water for adjacent properties and the neighbors are requesting the Planning Commission require substantial water storage for the project.

Staff's examination of the well log indicates that there are three screening intervals, one of which is above a clay layer that might provide some hydrologic connection to nearby surface water systems. Staff is recommending a condition of approval (COA #4) that would require the application to either seal off this upper screen or provide a hydrogeologists analysis demonstrating no surface water connection from the upper screen.

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