



# COUNTY OF HUMBOLDT

For the meeting of: 2/4/2025

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File #: 25-144

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**Vote Requirement:** Majority

**SUBJECT:**

Continuation of Public Hearing to Consider Revocation of Conditional Use Permit for Kernan Construction which Authorized a Rock Aggregate Processing and Materials Storage and Handling Yard Facility

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Accept public comment on the continuation; and
2. Continue the hearing to the meeting of April 8, 2025.

**STRATEGIC PLAN:**

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities

Strategic Plan Category: 9999 - Core Services/Other

**DISCUSSION:**

**Executive Summary**

Staff is requesting a continuance of this item to allow more time to develop a resolution. This item was continued from the meeting of Dec. 3, 2024 when the Board of Supervisors considered revocation or modification of an approved Conditional Use Permit (CUP-00-27) for a rock aggregate processing and materials storage and handling yard because the permit has been exercised contrary to the terms and conditions of approval and of the Humboldt County Code, and the use for which the permit was granted has been conducted as to be a nuisance. The recommendation at that time was to modify the permit to eliminate the use of the northern yard area, consisting of APNs 516-151-08 and 516-151-016, and add operational conditions to the southern yard located on APN 516-141-017. The primary reason for this recommendation was the permit holder has a history of constructing unpermitted improvements. The unpermitted improvements include: the original grading of the site, a water impoundment reservoir, a stormwater protection berm, and a series of check dams constructed in a drainage swale along the south side of the property. The check dams constructed in the swale is a subject of investigation by the North Coast Regional Water Quality Control Board (NCRWQCB) to determine if this was done in waters of the state.

Prior to the hearing, the permit holder presented the county with a proposal that included contributing to the replacement of the Noisy Creek culvert. This is complicated because if county funds are used in the replacement of this culvert then prevailing wage will be a requirement of the work. There are some other ideas being explored, that are not adequately vetted. A second concern is the determination of the NCRWQCB. If the swale with the check dams is determined to be a regulated water body then it cannot be used for water quality protection, as it needs to be protected from sediment-laden runoff. This may affect the way the northern yard can be used because the water quality improvements will need to be redesigned. Staff is recommending that this item be continued

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to the meeting of April 8, 2025, which should provide enough time to develop a solution for the culvert and obtain a determination from the NCRWQCB.

**SOURCE OF FUNDING:**

There is no identified funding source for this action. This is funded by the General Fund Contribution to department operations.

**FINANCIAL IMPACT:**

There is no identified funding source for this action. This is funded by the General Fund Contribution to department operations.

**OTHER AGENCY INVOLVEMENT:**

California Department of Fish and Wildlife  
North Coast Water Quality Control Board

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Board Discretion

**ATTACHMENTS:**

None

**PREVIOUS ACTION/REFERRAL:**

Meeting of: Dec. 3, 2024  
File No.: 24-1533