



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Fax: (707) 268-3792 Phone: (707) 445-7541

October 24, 2024

Bedrock Investments LLC
Attn: Scott Farley
PO Box 384
Blue Lake, CA 95525

Kernan Construction
Attn: Scott Farley
PO Box 1340
Blue Lake, CA 95525

RE: Notice of Potential Conditional Use Permit Revocation, CUP-00-27, APN 516-141-003, 516-141-005, 516-141-017, 516-151-016

Dear Mr. Farley,

On October 10, 2023, the Planning and Building Department issued a Notice of Violation to Kernan Construction for operating outside of the approved hours of operation, unshielded lighting, and for constructing a large pond or water impoundment feature on the property without permits. The required action in this NOV was to submit for a grading permit application within 30 days, which was November 10, 2023. After a follow up inspection, it was determined that there was additional unpermitted grading that occurred in the north yard for the construction of a drainage channel and check dams, and you were advised to include these features in a grading permit application. It is now October 24, 2024, over a year from the issuance of the NOV, and a complete grading permit application has still not been submitted.

Further, it has recently come to our attention that Kernan Construction graded a large berm along the eastern and southern boundaries of the northern yard property. This grading was also done without permits and appears to have involved grading and vegetation removal within a Streamside Management Area. This unpermitted grading activity corresponds to complaints from the community about work outside of the authorized hours of activity and with heavy vibrations.

The placement of the berm was discussed at a public meeting where you were instructed to not do any work until you had applied for and received a permit for that grading. The location of the berm is not in a location where stockpiling of material was contemplated or allowed. The placement of a berm in an area subject to flooding affects the flow of floodwaters and can cause upstream flooding. This poses

a danger to the public health, safety and welfare. Placement would have been addressed in the permit process.

The continued operation outside of the hours of operation is a violation of the Conditional Use Permit. Further, you have not turned in testing results showing the soils that you have received and stored on site are clean, this too is a violation of the conditions of approval. The fact that you have now installed improvements in an area subject to flooding without the benefit of a grading permit and without allowing the Floodplain Administrator to evaluate the impacts of placement of the pond and the berm in areas subject to flooding poses a potential impact to the public health, safety and welfare. This is considered a nuisance under the Humboldt County Code.

Humboldt County Code section 14.2 reads, in part, as follows:

14.2.1 Grounds for Revocation. A development permit or variance may be revoked or modified by the Board of Supervisors after a Public Hearing, upon finding that:

. . .

14.2.1.2 The permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, Code section, law or regulation.

14.2.1.3 The use for which the permit or variance was granted is so conducted as to be a nuisance.

Based upon the fact that activities on the site have been conducted in violation of the permit and activities on site have been conducted in violation of County Code, the Condition Use Permit for the northern yard is being scheduled for a Revocation Hearing before the Board of Supervisors on December 3, 2024. Attached to this letter is a Notice of Public Hearing for that Board of Supervisors Meeting. Please contact me at (707) 445-7541 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John H. Ford', with a stylized flourish at the end.

John H. Ford
Director of Planning and Building

Enc. Notice of Public Hearing
October 10, 2023 Notice of Violation