



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

October 10, 2023

Kernen Construction
Scott Farley
PO Box 1340
Blue Lake, CA 95525

RE: Notice of Violation Kernen Construction yard, 2350 Glendale Dr., APN 516-141-017 et. al.
Conditional Use Permit/Special Permit (CUP-00-27/SP-00-65)

Dear Scott Farley,

This letter serves as Notice of Violation of the subject CUP/SP as described below and identifies the actions to correct the violations.

The Planning and Building Department (Department) received a complaint on August 22, 2023, alleging that Kernen Construction had been operating outside of the approved days and hours since July 2023, generating excessive equipment/truck noise, and light spilling offsite. On 8/28/2023 the Department sent a letter notifying you of the complaint, which also identified the approved days and hours of operation and the noise threshold, with a required action to ensure that the project is being operated consistent with the approved days and hours of operation and within the noise threshold. The letter also advised you that failure to operate within terms of the approved CUP/SP is a violation and may result in enforcement action.

On 9/28/2023 the Department conducted a site inspection to follow up on the notice of complaint letter of 8/28/2023. During the inspection you stated that there was a three-week period during the summer when Kernen operated outside of the approved days and hours to provide gravel for the Indianola interchange project. Additionally, during the inspection, the Department observed a pond in the North Yard area (APN 516-151-016) that was constructed during winter 2021. The grading permit for the site issued in 2004 does not include the pond. The Department also observed a fence and gate that was placed along the northern boundary of APN 516-151-008.

The Department has verified that work at the site continues outside of the approved days and hours of operation, which is a violation of the CUP/SP.

Required Actions

Completing the following is required to resolve the violations:

1. Immediately operate the project consistent with the approved CUP/SP days and hours of operation, which is from 7:00 am to 5:00 pm Monday through Friday, and from 7:30 am to 5:00 pm on Saturdays. No operations on Sundays or national holidays (CUP/SP COA #9);

AND

2. Within 30 (thirty) days from date of this letter, which is November 10, 2023:
 - a) Submit as-built grading permit application to the Department for the pond in the North Yard at 516-151-016. A Special Permit (SP) from the Department is also required to work within the Streamside Management Area (SMA) of the pond and within the SMA of Hall Creek;

AND

- b) Shield the lights on the metal fabrication shop building consistent with CUP/SP COA B.4 which requires *all new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.*

Additionally, within thirty days from the date of this letter, provide a written statement to the Department verifying the height of the fence along the northern property line of APN 516-151-008. If the height is six feet or less, then there is no action to take. If the height is six feet or greater and you wish to keep it on the property line, a building permit from the Building Inspection Division is required and approval of a Variance is required or, alternately, reduce the height to six feet or less.

Please note failure to respond to this letter and cure the violations may result in the Department issuing a Notice to Abate including daily fines and may also result in additional enforcement action.

If you have questions about this letter, please contact me at (707) 268-3779 or at jdorris@co.humboldt.ca.us.

Thank you,

A handwritten signature in blue ink that reads "Joshua Dorris".

Joshua Dorris
Senior Planner

Enc:
CUP-00-27/SP-00-65 Modification Conditions of Approval
Building Application Form
Grading General Requirements
Planning Application Form

- Note, for Planning and Building Department application submittal requirements and application fees, contact Planning and Building Department at (707) 445-7541 or planningbuilding@co.humboldt.ca.us