



COUNTY OF HUMBOLDT

For the meeting of: 4/8/2025

File #: 25-459

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Continuation of a Hearing for Revocation of a Conditional Use Permit for Kernan Construction for 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 15, 2025; and
3. Direct the Clerk of the Board to provide a certified Board Order to the Planning and Building Department to be included with the notification of decision to the appropriate parties.

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

This item follows a public hearing that was originally scheduled on Dec. 3, 2024 to consider 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 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 is that the northern yard has been subject to significant flooding from storm events and the permit holder has a history of constructing unpermitted improvements to alter the flow of flood waters. It has been acknowledged that the cause of some of this flooding has been an undersized culvert under the county road at Noisy Creek, which can back up and cause water to spill outside the channel of Noisy Creek just above the subject property. The unpermitted improvements include a water impoundment reservoir and stormwater protection berms, and a series of check dams constructed in a drainage swale on the south side of the property. Some of these improvements have resulted in a Notice of Violation (NOV) from the North Coast Regional Water Quality Control Board (NCRWQCB).

Shortly before the hearing, the permit holder presented the county with a proposal that included contributing to the replacement of the Noisy Creek culvert. Negotiations regarding this continue, however, the permit holder is continuing to work with the NCRWQCB to address the NOV and it has not yet been determined whether the permit holder will be permitted to continue to direct water to

the drainage swale on the south side of the property. Any settlement with the permit holder would need to ensure that the drainage problems surrounding the site are resolved to the satisfaction of all parties, and without this determination from the NCRWQCB on the drainage swale this resolution cannot proceed. Therefore, the Planning and Building Department is recommending that this item be continued to the meeting of April 15, 2025, which should provide enough time to allow for such a determination.

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; Feb. 4, 2025
File No.: 24-1533; 25-144