

## Parcel Boundaries and Areas of Interest Reference Map:

APN: 107-051-009-000; Property Zoned: AE (Agriculture Exclusive Zone) TPZ (Timber Production Zone)

The screenshot displays the Humboldt County Internal Web GIS interface. The top navigation bar includes the Humboldt County logo, the text "Humboldt County Internal Web GIS", and links for "Planning & Building Department", "WebGIS Portal", "Comments", "Help", and "Legend Key". A search bar on the left contains the text "Parcel APN, or Location". The main map area shows an aerial view of a forested area with yellow parcel boundaries. A large red-shaded area is labeled "Area of Interest B.", and two smaller yellow-shaded areas are labeled "Area of Interest A.". A "Query" window is open in the center-left, displaying the following information:

**Query** [Close]

**Options** Results

Number of features found: 1

APN: 107-051-009-000  
Owner Name: Hulse Colin W  
Situs Address:  
Situs City:

[Clear Results]

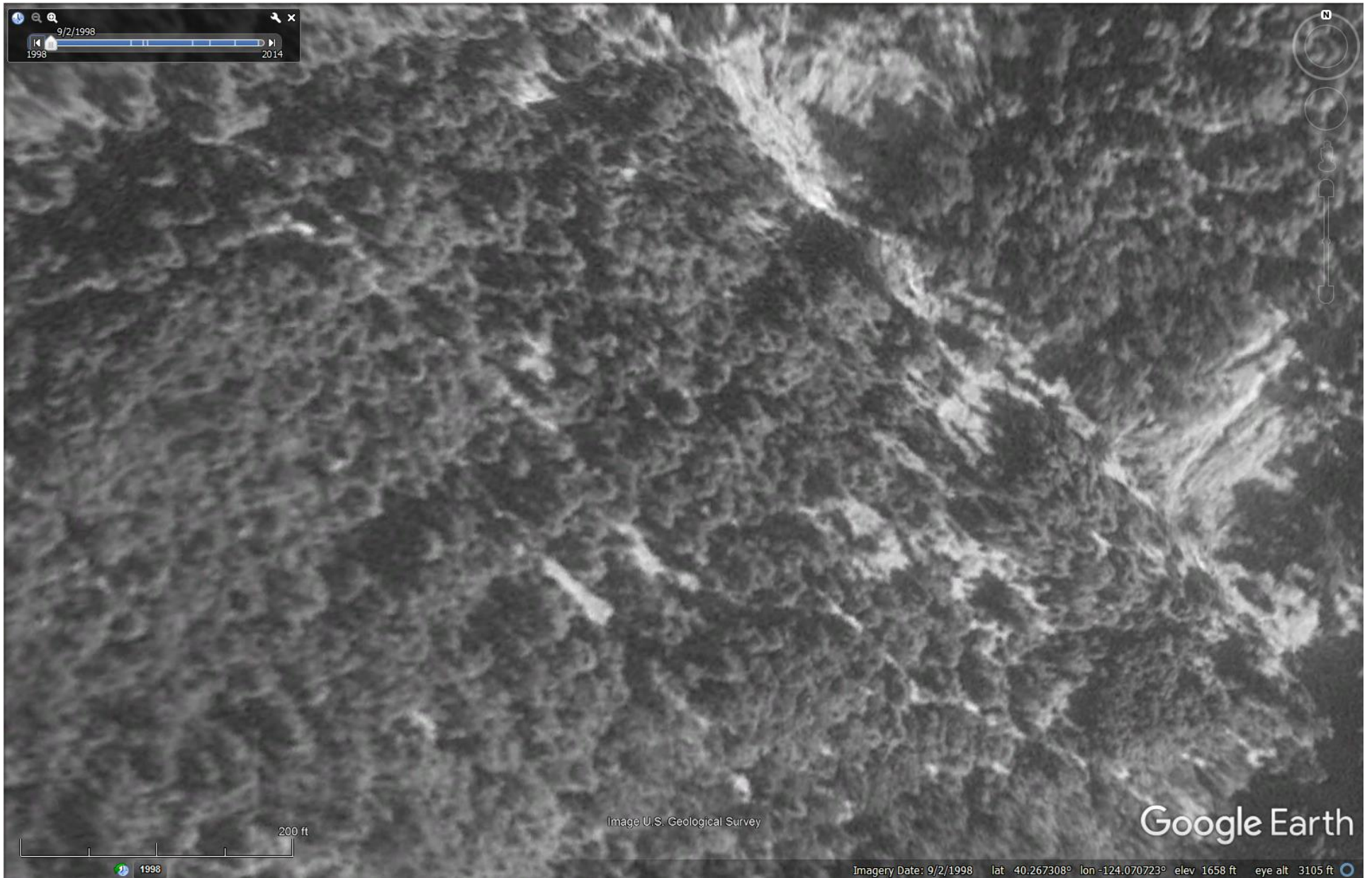
At the bottom left, there are navigation controls and a scale bar showing "40.2586 -124.0903 Degrees". At the bottom right, the text "USDA FSA | Hum" is visible.

**Both Areas of Interest**

**1998 – 2009**

**Aerial Site History APN: 107-051-009-000**

**Both Areas of Interest 1998**



**September 2, 1998**

**Aerial Site History APN: 107-051-009-000**

**Both Areas of Interest 2004**



**October 13, 2004**

**Aerial Site History APN: 107-051-009-000**

**Both Areas of Interest 2005**



**June 11, 2005**

**Aerial Site History APN: 107-051-009-000**

**Both Areas of Interest 2009**



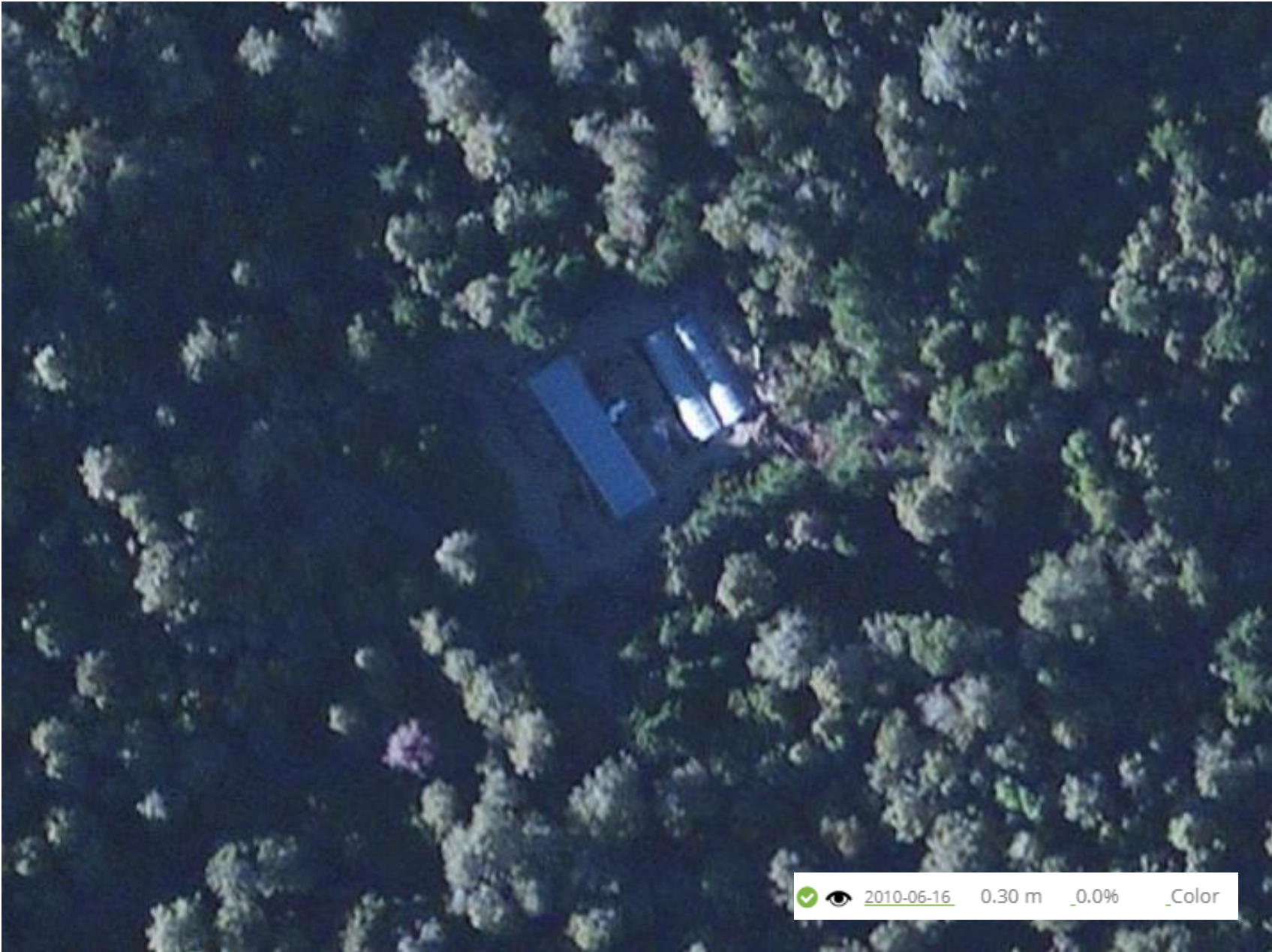
**May 24, 2009**

**Area of Interest A.**

**2010 – 2017**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2010**



**June 16, 2010**



**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2011**



**April 12, 2011**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2012**



**August 23, 2012**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2014**



**May 28, 2014**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2015**



✓ 2015-08-31 0.50 m 0.0% Sharpened

**August 31, 2015**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2015**



**September 18, 2015**

**Aerial Site History APN: 107-051-009-000**

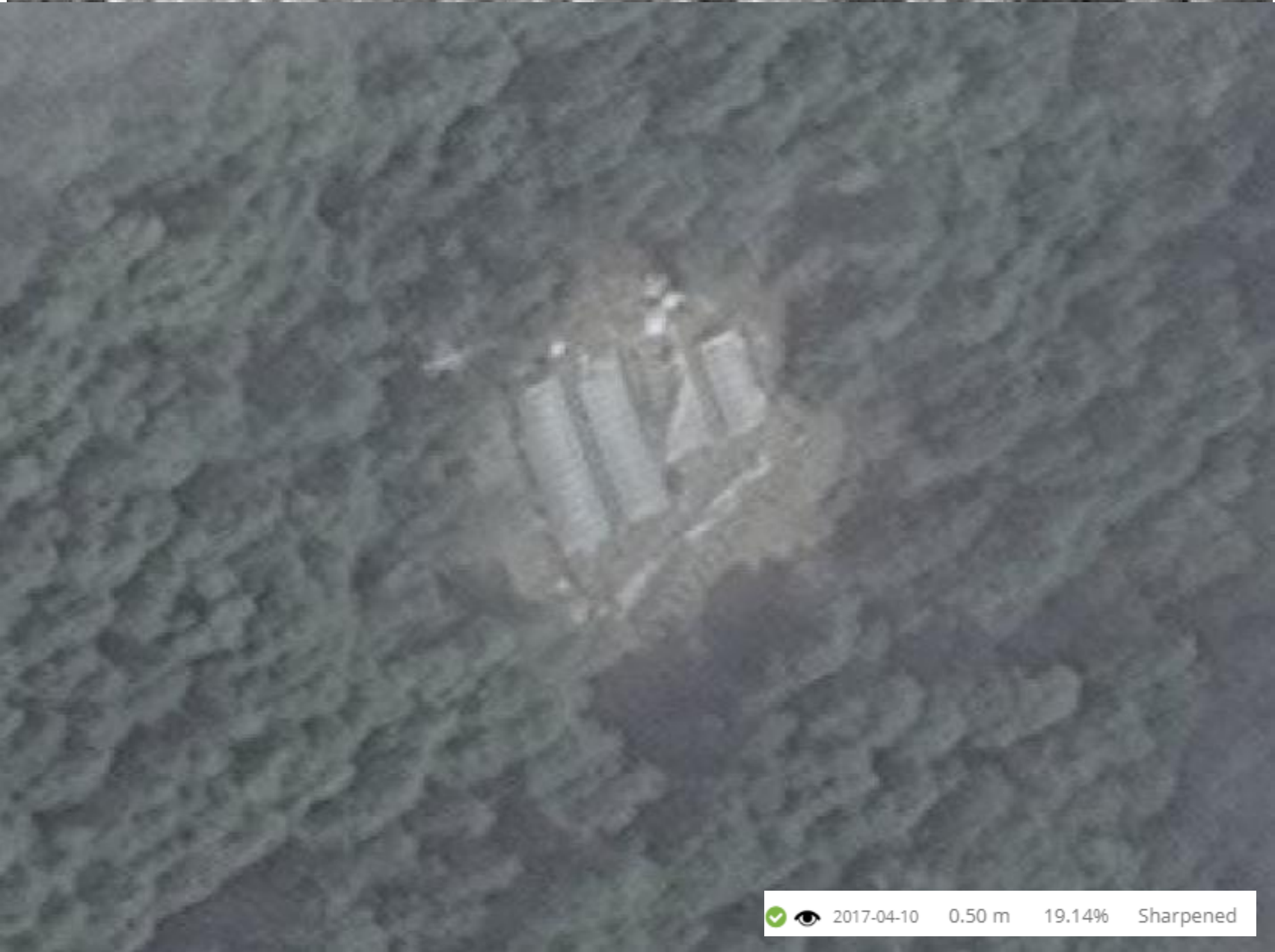
**Area of Interest A 2016**



**June 27, 2016**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest A 2017**



**April 10, 2017**

Aerial Site History APN: 107-051-009-000

Area of Interest A 2017



June 4, 2017



**Area of Interest B.**

**2010 – 2017**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest B 2010**



✓ 2010-06-16 0.30 m \_0.0% \_Color

**June 16, 2010**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest B 2011**



**April 12, 2011**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest B 2012**



**August 23, 2012**

**Aerial Site History APN: 107-051-009-000**

**Area of Interest B 2014**



**May 28, 2014**

Aerial Site History APN: 107-051-009-000

Area of Interest B 2015



August 31, 2015

Aerial Site History APN: 107-051-009-000

Area of Interest B 2015



September 18, 2015

Aerial Site History APN: 107-051-009-000

Area of Interest B 2016



✓ 2016-06-27 0.50 m 0.06% Sharpened

June 27, 2016



Aerial Site History APN: 107-051-009-000

Area of Interest B 2017



June 4, 2017

EXHIBIT "F": Evidence for Violations Cited

*Grading without Permits (H.C.C. 331-14)*

Grading without Permits (H.C.C. 331-14)

**Grading –2009 Sites**

2005 NAIP (National Agriculture Imagery Program) Aerial Image Mosaic  
USDA/FSA - Aerial Photography Field Office, 2005, USDA-FSA-APFO NAIP MrSid  
Mosaic, Salt Lake City, Utah: National Agriculture Imagery Program

GPS: 40.2677, -124.0711



GPS: 40.2665, -124.0702



0 50 100 200 Feet



Coordinate System: WGS 1984 UTM Zone 10N  
Projection: Transverse Mercator  
Datum: WGS 1984

Site\_2009\_A

GPS: 40.2677, -124.0711

Site\_2009\_B

GPS: 40.2665, -124.0702



0 50 100 200 Feet



Coordinate System: WGS 1984 UTM Zone 10N  
Projection: Transverse Mercator  
Datum: WGS 1984

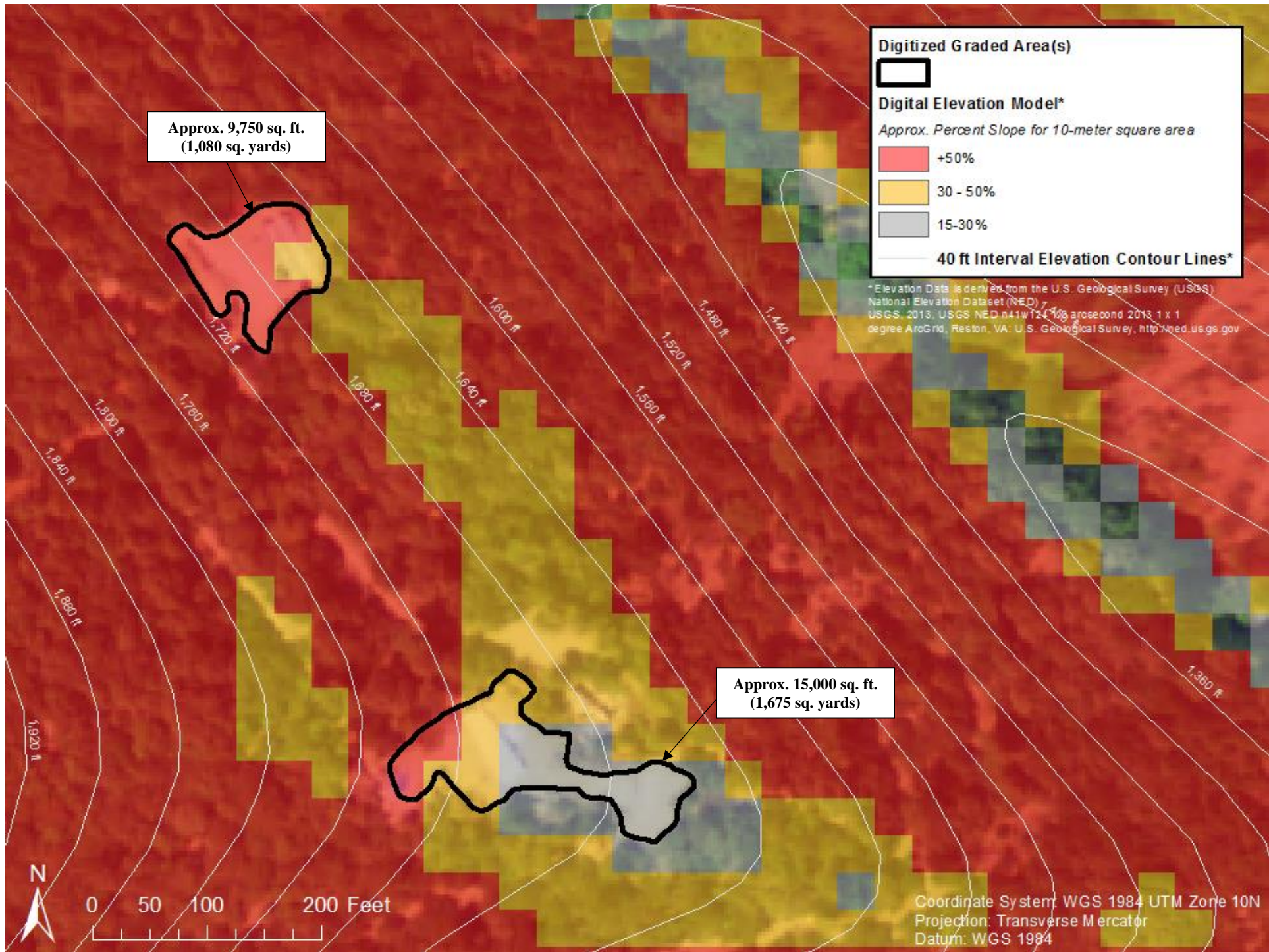


EXHIBIT "F": Evidence for Violations Cited

*Construction of Building/Structure in Violation of Building,  
Plumbing and/or Electrical Codes (H.C.C. 331-28)*

Structures - Site A.



**Approx. Structure  
Measurements (sq. ft.)**

1. 902.12
2. 741.85
3. 559.08
4. 463.28
5. 911.38
6. 925.59
7. 720.64
8. 1,066.38

Structures - Site B.





Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical  
Codes (H.C.C. 331-28)

**Structures – Site A.**



**Information**  
Number of Points :  
This Line : 57.19 ft  
Total Lines : 127.36 ft  
This Area : 741.85 ft<sup>2</sup>  
Total Area : 741.85 ft<sup>2</sup>

**Information**  
Number of Points : 4  
This Line : 12.53 ft  
Total Lines : 71.06 ft  
This Area : 559.08 ft<sup>2</sup>  
Total Area : 559.08 ft<sup>2</sup>

**Information**  
Number of Points :  
This Line : 63.88 ft  
Total Lines : 145.11 ft  
This Area : 902.12 ft<sup>2</sup>  
Total Area : 902.12 ft<sup>2</sup>

**Information**  
Number of Points : 4  
This Line : 39.17 ft  
Total Lines : 90.65 ft  
This Area : 463.28 ft<sup>2</sup>  
Total Area : 463.28 ft<sup>2</sup>

**Information**  
Number of Points : 4  
This Line : 15.91 ft  
Total Lines : 88.75 ft  
This Area : 911.38 ft<sup>2</sup>  
Total Area : 911.38 ft<sup>2</sup>

Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical  
Codes (H.C.C. 331-28)

**Structures – Site B.**

Information  
Number of Points : 4  
This Line : 11.61 ft  
Total Lines : 85.83 ft  
This Area : 720.64 ft<sup>2</sup>  
Total Area : 720.64 ft<sup>2</sup>



Information  
Number of Points : 4  
This Line : 19.59 ft  
Total Lines : 92.91 ft  
This Area : 1066.38 ft<sup>2</sup>  
Total Area : 1066.38 ft<sup>2</sup>



Information  
Number of Points : 4  
This Line : 15.85 ft  
Total Lines : 90.16 ft  
This Area : 925.59 ft<sup>2</sup>  
Total Area : 925.59 ft<sup>2</sup>



**COUNTY OF HUMBOLDT**  
CODE ENFORCEMENT  
UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

**2017-022596**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 6

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: kl Total: \$0.00  
Dec 15, 2017 at 02:32:26

\*\*\* CONFORMED COPY \*\*\*

# AMENDED NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

**Address of Affected Property:**  
Brinks Drive, Humboldt County, CA

**Assessor's Parcel Number:**  
107-051-009

**Owner:**  
COLIN W HULSE  
1841 COUNTY Lane  
EUREKA, CA 95501

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

**YOU HEREBY ORDERED to ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

**NOTICE IS FURTHER GIVEN** that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a nuisance exists on the affected property must be prepared using the form attached hereto as "Attachment C – Code Enforcement Appeal Hearing Request Form."

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

**NOTICE IS FURTHER GIVEN** that the date of the Code Enforcement Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Code Enforcement Appeal Hearing is served.

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

**NOTICE IS FURTHER GIVEN** that the costs of the required abatement may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

**NOTICE IS FURTHER GIVEN** that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

**FOR THE HUMBOLDT COUNTY CODE ENFORCEMENT UNIT:**

Signature: 

Title: Investigator

Name: Brian Bowes

Date: 12-14-17

# ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

<b>County Code</b>	<b>Description</b>	<b>Corrective Action</b>
331-14	Grading Without Permits	Apply for and obtain permits
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits
314-55.4	Violation of Commercial Medical Marijuana Ordinance	a) Apply for and obtain a permit from the Planning Division; and/or b) Cease commercial medical marijuana cultivation operations and remove all supporting infrastructure.

**ATTACHMENT B**  
**LEGAL DESCRIPTION**

The Southeast Quarter of Section 28, in Township 2 South, Range 1 East, Humboldt Meridian.



CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:

Brinks Drive, Humboldt County, CA

Assessor's Parcel Number:

107-051-009

To: Humboldt County Code Enforcement Unit

3015 H Street

Eureka, California 95501

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a nuisance exists on the affected property]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I understand, and agree, that if I fail to appear at the place and time set for the requested appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PROOF OF SERVICE**

STATE OF CALIFORNIA )

) ss

COUNTY OF HUMBOLDT )

I, LACY MITCHELL, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Planning and Building; 3015 H Street, Eureka, CA 95503; that on December 11, 2017, I served a true copy of **AMENDED NOTICE TO ABATE NUISANCE**;

\_\_\_\_\_ By placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

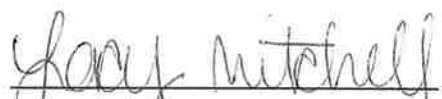
XX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below with return receipt requested: (First Class & Certified Mail)

Colin Hulse  
1841 County Lne  
Eureka, CA 95501

\_\_\_\_\_ by personally posting a copy thereof on the premises located at:

I declare under penalty of perjury that the foregoing is true and correct,

Executed on the 11th day of December, 2017 in the City of Eureka, County of Humboldt, State of California.

  
Lacy Mitchell, Legal Office Assistant



**COUNTY OF HUMBOLDT**  
CODE ENFORCEMENT  
UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

# **NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY**

[Humboldt County Code §352-7]

**Address of Affected Property:**  
Brinks Drive, Humboldt County, CA

**Assessor's Parcel Number:**  
107-051-009

**To:**  
COLIN W HULSE  
1841 COUNTY Lane  
EUREKA, CA 95501

**NOTICE IS HEREBY GIVEN** that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "violation" pursuant to Humboldt County Code Section 352-3(t).

**YOU HEREBY ORDERED** to **CORRECT** or **OTHERWISE REMEDY** said violation within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

**NOTICE IS FURTHER GIVEN** that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Violation" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of **Ten Thousand Dollars (\$10,000.00)** will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

**NOTICE IS FURTHER GIVEN** that each calendar day the violation occurs, continues or exists between the date on which the civil administrative penalty is imposed and the date on which the violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth (90th) calendar day.

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

**NOTICE IS FURTHER GIVEN** that an appeal of the Code Enforcement Unit's determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty must be prepared using the form attached hereto as "Attachment C – Administrative Civil Penalty Appeal Hearing Request Form," and signed under penalty of perjury.

**NOTICE IS FURTHER GIVEN** that, upon receipt of an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in Humboldt County Code Section 352-9.

**NOTICE IS FURTHER GIVEN** that the date of the Administrative Civil Penalty Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Appeal Hearing is served.

**NOTICE IS FURTHER GIVEN** that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

Within ten (10) calendar days after the service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed; or

Within twenty (20) calendar days after the service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in California Government Code Section 53069.4(b)(1)-(2); or

Within ten (10) calendar days after the service of the Humboldt County Superior Court's decision regarding the hearing officer's imposition of the final administrative civil penalty, if the Court finds in favor of the Code Enforcement Unit.

**NOTICE IS FURTHER GIVEN** that the final administrative civil penalty, along with any and all administrative costs and/or attorney fees associated therewith, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgement lien governed by the California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in the California Code of Civil Procedure Sections 683.110 et seq.

**NOTICE IS FURTHER GIVEN** that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from which the initial civil administrative penalty is imposed.

**For the Humboldt County Code Enforcement Unit**

Signature: 

Title: Planner, Code Enforcement

Name: Brian Bowes

Date: 10-18-17

# ATTACHMENT A

## CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action
331-14	Grading Without Permits	Apply for and obtain permits to develop and implement a restoration plan
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits to develop and implement a restoration plan
314-55.4	Violation of Commercial Medical Marijuana Ordinance	a) Cease commercial medical marijuana cultivation operations and remove all supporting infrastructure and b) Apply for and obtain permits to develop a restoration plan and implement restoration plan

## **ATTACHMENT B LEGAL DESCRIPTION**

the following described property in the unincorporated area of , County of **Humboldt**, State of **California**:

### **TRACT "A"**

**All that portion of Section 28, Township 2 South, Range 1 East, Humboldt Meridian, described as follows:**

**Parcel 5, as shown on Parcel Map No. 2062, on file in the Office of the County Recorder of Humboldt County, California, in Book 18 of Parcel Maps, Pages 48, 49 and 50, and as corrected by Certificate of Correction recorded August 30, 1983 in Book 1711, Page 971, Humboldt County Official Records.**

**EXCEPTING THEREFROM all the coal and other minerals, in the Southeast Quarter of the Northwest Quarter of said Section 28 with the right to prospect for, mine and remove the same as reserved by the United States in Patent to Arthur B. Clark recorded March 30, 1926 in Book 24, Page 62 of Patents.**

**ALSO EXCEPTING THEREFROM all oil, hydrocarbon substances and minerals in and under said premises, together with the right to enter thereon for the purpose of exploration and development thereof, as reserved in Deed from Joseph Kopf and Emilie Kopf, husband and wife, recorded October 21, 1955 in Book 363, Page 5, Official Records, Serial No. 16934.**

### **TRACT "B"**

**PARCEL ONE**

Southeast

~~Southwest~~ Quarter of Section 28, in Township 2 South, Range 1 East, Humboldt Meridian.

**EXCEPTING THEREFROM** all coal and other minerals in said land, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862) as reserved by the United States Patent to Albert Johnson, recorded May 18, 1923 in Book 23 of Patents, Page 311.

**ALSO EXCEPTING THEREFROM** all oil, hydrocarbon substances and minerals in and under said land, together with the right to enter thereon for the purposes of exploration and development thereof and removal of same. Being the same as reserved by Joseph Kopf, et ux, by Deed recorded October 21, 1955 in Book 363, Page 5, Humboldt County Records.

**ALSO EXCEPTING THEREFROM** all oil, hydrocarbon substances and minerals in and under said land, together with the right to enter thereon for the purposes of exploration and development thereof and removal of same. Being the same as reserved by Sound Lumber Company, a corporation, by Deed recorded May 22, 1958 in Book 490, Page 308, Humboldt County Official Records.

#### **PARCEL TWO**

A non-exclusive pipe line easement for the purpose of transporting water over a strip of land 5 feet in width together with the "right to take water from a tributary of Dry Creed". The North line of said pipe line easement is described as follows:

**BEGINNING** at a point on the South line of Section 27, Township 2 South, Range 1 East, Humboldt Meridian, a distance of 5 feet Westerly from the Southeast corner of the Southwest Quarter of said section and thence along said South line Easterly 150 feet, more or less to a tributary of Dry Creek.

#### **PARCEL THREE**

A non-exclusive easement for ingress and egress over a strip of land 50 feet in width located within the Southwest Quarter of Section 22 and the Northwest Quarter of Section 27, Township 2 South, Range 1 East, Humboldt Meridian, the center line of which is described as follows:

**COMMENCING** at the Southwest corner of Section 22, Township 2 South, Range 1 East, Humboldt Meridian;  
thence North 2 degrees 37 minutes East 2216.81 feet to a point which is the intersection of the Mattole Road (Country Road Number F3D010) and an existing road. Said point being the true point of beginning;  
thence traversing the approximate following center line:  
Continue North 74 degrees East 332.3 feet;  
thence South 69 degrees 30 minutes East, 296.6 feet;  
thence South 61 degrees 45 minutes East, 298.8 feet;  
thence South 60 degrees 30 minutes East, 108.1 feet;  
thence North 85 degrees East, 136.7 feet;  
thence South 52 degrees 15 minutes East, 230.9 feet;  
thence South 13 degrees 45 minutes East, 241.4 feet;  
thence North 76 degrees East, 180.2 feet;  
thence South 47 degrees East, 295.8 feet;  
thence South 51 degrees 30 minutes East, 158.1 feet;  
thence South 15 degrees East, 204.2 feet;  
thence South 71 degrees 30 minutes East, 237.5 feet;

thence South 47 degrees 30 minutes East, 90.1 feet;  
thence South 29 degrees West, 298.0 feet;  
thence South 5 degrees East, 65.2 feet;  
thence South 42 degrees 30 minutes East, 276.6 feet;  
thence South 5 degrees 30 minutes West, 96.6 feet;  
thence South 31 degrees 15 minutes East, 145.4 feet;  
thence due South 249.8 feet;  
thence South 53 degrees 45 minutes West 279.4 feet;  
thence South 83 degrees West, 160.8 feet;  
thence South 42 degrees 30 minutes West, 104.1 feet;  
thence South 24 degrees 30 minutes West, 480.9 feet;  
thence South 29 degrees East, 133.2 feet;  
thence South 78 degrees 45 minutes East, 299.0 feet;  
thence South 35 degrees East, 298.5 feet;  
thence South 80 degrees East, 145.1 feet;  
thence South 20 degrees East, 141.9 feet;  
thence South 60 degrees West 176.8 feet;  
thence South 31 degrees 30 minutes West, 219.3 feet;  
thence South 41 degrees 15 minutes West, 164.0 feet;  
thence South 75 degrees 15 minutes West, 198.7 feet;  
thence South 2 degrees 45 minutes West, 155.7 feet;  
thence South 12 degrees 15 minutes West, 210.1 feet;  
thence South 13 degrees 30 minutes East, 570.7 feet;  
thence South 8 degrees East, 59.7 feet;  
thence South 35 degrees 45 minutes West, 66.3 feet;  
thence South 0 degrees 15 minutes West, 155.0 feet;  
thence South 19 degrees 30 minutes West, 353.1 feet;  
thence South 3 degrees 15 minutes West, 201.4 feet;  
thence South 4 degrees 15 minutes East, 135.5 feet;  
thence South 21 degrees West, 217.1 feet;  
thence South 27 degrees West, 101.9 feet;  
thence South 9 degrees 15 minutes East, 295.4, feet;  
thence South 9 degrees East, 92.1 feet;  
thence South 13 degrees 30 minutes West, 137.0 feet;  
thence South 11 degrees East, 176.8 feet;  
thence South 57 degrees West 381.6 feet;  
thence South 14 degrees 15 minutes West, 105.4 feet;  
thence South 16 degrees East, 241.0 feet;  
thence South 35 degrees 30 minutes East, 142.0 feet;  
thence South 15 degrees 45 minutes West, 130.7 feet;  
thence North 64 degrees 15 minutes West, 101.8 feet;  
thence North 51 degrees 15 minutes West, 173.2 feet;  
thence South 67 degrees 45 minutes West, 224.6 feet;  
thence South 35 degrees 15 minutes West, 201.1 feet;  
thence South 20 degrees 30 minutes West, 101.7 feet;  
thence South 35 degrees West, 98.5 feet;  
thence South 0 degrees 15 minutes West, 104.6 feet;  
thence South 16 degrees 30 minutes West, 145.0 feet;  
thence South 17 degrees 30 minutes East, 287.6 feet;  
thence South 10 degrees 45 minutes West, 76.3 feet;  
thence South 51 degrees 45 minutes West, 239.5 feet;  
thence North 56 degrees 30 minutes West, 443.2 feet;  
thence North 33 degrees 15 minutes West, 251.4 feet;



thence North 7 degrees 15 minutes West, 452.9 feet;  
thence North 63 degrees 45 minutes East, 259.3 feet;  
thence North 17 degrees East, 149.4 feet;  
thence North 15 degrees 45 minutes West, 104.5 feet;  
thence North 47 degrees East, 245.6 feet;  
thence North 1 degree 45 minutes East, 159.7 feet;  
thence North 45 degrees West, 127.3 feet;  
thence South 14 degrees 30 minutes East, 201.8 feet;  
thence South 52 degrees 15 minutes West, 273.3 feet;  
thence South 11 degrees 15 minutes West, 196.7 feet;  
thence North 88 degrees 30 minutes West, 274.1 feet;  
thence South 13 degrees West, 295.4 feet;  
thence South 12 degrees 30 minutes West, 230.9 feet;  
thence South 20 degrees 15 minutes East, 245.7 feet;  
thence South 14 degrees 15 minutes West, 199.6 feet;  
thence South 46 degrees East, 293.9 feet;  
thence South 43 degrees 30 minutes East, 251.7 feet;  
thence South 3 degrees 15 minutes West, 207.6 feet;  
thence South 49 degrees East, 113.6 feet;  
thence South 11 degrees East, 162.3 feet;  
thence South 38 degrees 30 minutes East, 151.0 feet;  
thence North 72 degrees 45 minutes East, 215.3 feet;  
thence South 19 degrees West, 85.3 feet;  
thence South 83 degrees 45 minutes West, 244.4 feet , more or less, to the South line of the Northwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 1 East, Humboldt Meridian, and this being the terminating point of said easement.

**EXCEPTING THEREFROM** tht portion thereof lying Southerly of the Northerly line of Parcel One above described.

**PARCEL FOUR**

**A non-exclusive right of way for ingress, egress and utilities being the same as graned to Doyle Metheny and Gwendolyn Metheny by Easement Deed recorded November 10, 1998 as Instrument No. 1998-29183-4, Humboldt County Official Records.**

**ATTACHMENT C**  
**CODE ENFORCEMENT APPEAL HEARING REQUEST FORM**

**Address of Affected Property:**  
Brinks Drive, Humboldt County, CA

**Assessor's Parcel Number:**  
107-051-009

**To:** Humboldt County Code Enforcement Unit  
3015 H Street  
Eureka, California 95501

Pursuant to Humboldt County Code Section 352-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a violation has occurred or exists on the above-referenced property and/or the amount of the proposed administrative civil penalty.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]: \_\_\_\_\_

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[Brief statement of the material facts that the requesting party claims support the contention that a violation has not occurred, and/or does not exist, on the affected property, if applicable]: \_\_\_\_\_

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[Brief statement of the material facts that the requesting party claims support the contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable]: \_\_\_\_\_

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[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative penalty]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**PROOF OF SERVICE**

STATE OF CALIFORNIA )

) ss

COUNTY OF HUMBOLDT )

I, LACY MITCHELL, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Planning and Building; 3015 H Street, Eureka, CA 95503; that on October 18, 2017, I served a true copy of **NOTICE TO ABATE NUISANCE; AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE PENALTY;**

\_\_\_\_\_ By placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

XX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below with return receipt requested: (First Class & Certified Mail)

Colin Hulse  
1841 County Lane  
Eureka, CA 95501

\_\_\_\_\_ by personally posting a copy thereof on the premises located at:

\_\_\_\_\_ by placing a true copy of thereof in the designated place at Court Operations to the attorney/parties named below.

\_\_\_\_\_ by fax or electronic mail

I declare under penalty of perjury that the foregoing is true and correct,

Executed on the 18th day of October, 2017 in the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Lacy Mitchell, Legal Office Assistant

**COMPLIANCE AGREEMENT  
BY AND BETWEEN  
COUNTY OF HUMBOLDT  
AND  
COLIN HULSE**

This Compliance Agreement (“Agreement”) entered into this day of February \_\_\_\_, 2018 by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as “COUNTY,” and Colin Hulse, as owner, beneficial owner, tenant or occupier of, or other person or entity who has allowed a violation to occur on the property described as Assessor’s Parcel Number 107-051-009 located on Brinks Drive in the Community of Honeydew, California (“Subject Property”), hereinafter referred to as “RESPONSIBLE PARTY,” is made upon the following considerations:

**RECITALS:**

**WHEREAS**, on or about October 16, 2017, COUNTY, by and through the Humboldt County Planning and Building Department – Code Enforcement Unit (“Code Enforcement Unit”) opened **Code Enforcement Case Number 17CEU-330** in response to complaints of alleged nuisances and/or other violations of local, state and/or federal law (“Violations”) that had occurred and/or existed on the Subject Property; and

**WHEREAS**, after examination of the Subject Property, the Code Enforcement Unit determined that the following Violations had occurred and/or existed on the Subject Property:

Construction without permits; and

Grading without permits; and

A violation of the Commercial Medical Marijuana Ordinance.

**WHEREAS**, on or about October 20, 2017, the Code Enforcement Unit served RESPONSIBLE PARTY with a Notice of Violation and Proposed Administrative Civil Penalty (“Notice of Violation”) and a Notice to Abate Nuisance pertaining to the Violations that had occurred and/or existed on the Subject Property; and

**WHEREAS**, the above-referenced Notice of Violation notified RESPONSIBLE PARTY that a daily administrative civil penalty in the amount of **ten thousand dollars per day** (\$10,000 per day) would be imposed on the Subject Property for a period of up to ninety (90) calendar days, if the required corrective action or actions set forth therein were not completed within ten (10) calendar days after service thereof; and

**WHEREAS**, COUNTY has incurred Administrative Costs, as defined by Humboldt County Code Section 352-3(a), in the amount of **two hundred forty nine dollars and twenty cents (\$249.20)** as of the Effective Date of this Agreement; and

**WHEREAS**, RESPONSIBLE PARTY hereby acknowledges, for purposes of entering into this Compliance Agreement and settlement of claims and for no other reason, but reserving the right to contest referred to in Paragraph 2 (F) (“Stay of Appeal Rights”) that the Violations set forth in the above-referenced Notice of Violation have occurred and/or exist on the Subject Property; and

**WHEREAS**, RESPONSIBLE PARTY hereby accepts full responsibility, without condition, for making the required corrections and/or repairs set forth in the above-referenced Notice of Violation; and

**WHEREAS**, in exchange for RESPONSIBLE PARTY's promise to settle and resolve, as set forth herein, the Violations that occurred and/or existed on the Subject Property on or before October 21, 2017, COUNTY is willing to stay enforcement and collection of the above-referenced daily administrative civil penalty; and

**WHEREAS**, in the event RESPONSIBLE PARTY does not correct the Violations that have occurred and/or exist on the Subject Property within the timeframes set forth herein, and COUNTY does not extend the time allowed to resolve such Violations, the above-referenced daily administrative civil penalty will be enforced to the fullest extent allowed by law; and

**WHEREAS**, COUNTY and RESPONSIBLE PARTY desire to enter into an agreement which sets forth each party's rights and obligations regarding the settlement and resolution of the Violations that have occurred and/or exist on the Subject Property; and

**WHEREAS**, RESPONSIBLE PARTY acknowledges and agrees that this Agreement only applies to the daily administrative civil penalties imposed pursuant to the above-referenced Notice of Violation pertaining to the Violations that occurred and/or existed on the Subject Property on or before October 21, 2017; and

**WHEREAS**, RESPONSIBLE PARTY acknowledges and agrees that nothing set forth herein shall be deemed to waive or reduce any applicable permit fees, including, without limitation, double fees, or administrative civil penalties imposed after October 21, 2017; and

**WHEREAS**, RESPONSIBLE PARTY acknowledges and agrees that this Agreement only relates to Violations that occurred and/or existed on the Subject Property on or before October 21, 2017; and

**WHEREAS**, RESPONSIBLE PARTY acknowledges and agrees that nothing set forth herein shall preclude COUNTY from investigating and enforcing any and all new Violations that occur and/or exist on the Subject Property after October 21, 2017.

**NOW THEREFORE**, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto mutually agree as follows:

**AGREEMENT:**

**1. INCORPORATION OF RECITALS:**

The foregoing recitals are hereby incorporated into this Agreement by reference as if fully set forth below.

**2. RIGHTS AND OBLIGATIONS OF RESPONSIBLE PARTY:**

By executing this Agreement, RESPONSIBLE PARTY, for itself, and its assignees and successors in interest, agrees as follows:

**A. Monetary Settlement of Penalties and Costs.**

1. RESPONSIBLE PARTY shall pay the sum of **Ten Thousand Dollars (\$10,000.00)** per the payment plan timeline set forth as follows, in settlement of the above-referenced administrative civil penalty:

25% Down Payment due within 7 days of the Effective Date of this Agreement	\$ 2,500.00
5 monthly installment payments	\$ 1,500.00

Balance to be paid in full 6 months after the Effective Date of this Agreement.

2. RESPONSIBLE PARTY shall pay the sum of **two hundred forty nine dollars and twenty cents (\$249.20) within 7 days of the Effective Date of this Agreement**, in settlement of the above-referenced Administrative Costs incurred prior to the Effective Date of this Agreement.
  3. RESPONSIBLE PARTY acknowledges and agrees that COUNTY will incur Administrative Costs subsequent to the Effective Date of this Agreement to administer this Agreement including but not limited to inspection and verification for compliance. Accordingly, RESPONSIBLE PARTY agrees to pay a **Not To Exceed** amount of **four thousand five hundred dollars (\$4,500)** within **twenty-one (21) calendar days** of receiving COUNTY's invoice for Administrative Costs COUNTY incurred subsequent to the Effective Date of this Agreement.
  4. RESPONSIBLE PARTY shall be jointly and severally liable for all amounts listed in Section 2.A.
- B. Corrective Actions.** RESPONSIBLE PARTY shall take all of the following corrective actions, in accordance with the timeframes set forth herein, in order to abate the Violations described in the above-referenced Notice of Violation on or before **one year after the Effective Date of this Agreement:**

1. Apply for and obtain a demolition permit, if required, for the unpermitted hoop houses and/or greenhouses located on the Property. The structures, soil containers and soil must all be removed no later than eight weeks after the Effective Date, including any necessary erosion control work. All of the solid waste generated by this cleanup must be disposed of in the proper manner and care must be taken to ensure that nutrients in the waste soil do not leach into a watercourse.
2. Submit a restoration plan, designed by a qualified professional, to remediate the graded areas within twelve weeks of the Effective Date. All areas that have been graded without permits must be returned to an area that is environmentally stable based on the restoration plan and recommendations by the qualified professional. The qualified professional may determine that an area would have a greater negative environmental impact if restored to natural contours/vegetation. Apply for and obtain any permit(s) required for the water infrastructure and storage. The water infrastructure must be included in the restoration plan. If the water infrastructure and/or storage is not permitted, it must be removed from the Property.
3. Submit a complete application for all of the permits, at a minimum of a grading permit, required to complete the restoration plan within twelve weeks of the effective date. All

work required by these permit(s) must be completed within one year of the issuance of the permit. The tool shed must be permitted or removed from the Property.

4. Immediately remove all commercial quantities of cannabis or cannabis products from the Property.

C. **Receipt of Applicable Permits.** RESPONSIBLE PARTY shall apply for and receive, at its own expense, any and all applicable local, state and/or federal permits prior to taking the corrective actions set forth herein. RESPONSIBLE PARTY shall respond to any and all requests for information necessary to process permit applications within **ten (10) business days** after receipt of such request. All permits issued pursuant to the terms and conditions of this Agreement shall be picked up from the COUNTY within **five (5) business days** after the issuance thereof.

D. **Consent to Inspection.** RESPONSIBLE PARTY shall permit COUNTY and any other duly authorized local, state and or federal agencies to conduct any and all inspections of the Subject Property that may be required to determine whether RESPONSIBLE PARTY is complying with the terms and conditions of this Agreement.

E. **Property Transfers.** RESPONSIBLE PARTY will not sell, transfer, mortgage, lease or otherwise dispose of the Subject Property until the corrective actions set forth herein are completed or until the Responsible Party first furnishes the grantee, transferee, mortgagee or lessee with a true and correct copies of the above-referenced Notice of Violation and this Agreement. RESPONSIBLE PARTY shall provide COUNTY with a signed and notarized statement from the grantee, transferee, mortgagee or lessee which acknowledges the receipt of true and correct copies of the above-referenced Notice of Violation and this Agreement, and full acceptance of the responsibility, without condition, for taking the corrective actions set forth herein.

F. **Stay of Appeal Rights.** RESPONSIBLE PARTY hereby stays, throughout the term of this Agreement, its right to pursue the Administrative Civil Penalty Appeal Hearing and/or Code Enforcement Appeal Hearing before a COUNTY appointed hearing officer in order to determine whether the Violations set forth in the above-referenced Notice of Violation and Notice to Abate Nuisance actually occurred and/or existed on the Subject Property and/or the reasonableness of the amount of the administrative civil penalty that was requested.

G. **Effect of Noncompliance.** In the event that RESPONSIBLE PARTY fails to comply substantially with the terms and conditions of this Agreement, the above-referenced administrative civil penalty in the amount of **ten thousand dollars (\$10,000) per day** will continue to accrue until the ninety day period expires or the violations are abated, according to proof. At this point in time the administrative penalty, as well as any unpaid portion of the Administrative Costs incurred by COUNTY during the investigation of the Violations set forth in the above-referenced Notice of Violation will become immediately due and payable.

3. **RIGHTS AND OBLIGATIONS OF COUNTY:**

By executing this Agreement, COUNTY, for itself, and its assignees and successors in interest, agrees as follows:

A. **Stay of Enforcement and Collection Actions.** COUNTY shall not take any enforcement or collection actions regarding the administrative civil penalty imposed pursuant to the above-referenced Notice of Violation. However, in the event RESPONSIBLE PARTY fails to abide by the terms of this Agreement, COUNTY shall be entitled to take any and all appropriate enforcement and/or collection actions pursuant to Chapters 1 and 2 of Division 5 of Title III of the Humboldt County Code.

B. **Release of Violations.** Upon RESPONSIBLE PARTY's completion of all the corrective actions required hereunder and payment of all amounts listed in Section 2.A. and all applicable permit and/or inspection fees, COUNTY shall dismiss the above-referenced Notice of Violation and Notice to Abate Nuisance and issue a Release of Notice of Violation and Proposed Administrative Civil Penalty and Release of Notice to Abate Nuisance to RESPONSIBLE PARTY.

4. **TERM:**

This Agreement shall begin upon execution by both parties ("Effective Date") and shall remain in full force and effect until **one year after the Effective Date of this Agreement**, unless sooner terminated or extended as provided herein.

5. **TERMINATION:**

COUNTY may immediately terminate this Agreement, upon notice, if RESPONSIBLE PARTY fails to comply with the terms of this Agreement within the time limits specified herein, or violates any ordinance, regulation or other law applicable to its performance herein.

6. **NOTICES:**

Any and all notices required to be given pursuant to the terms and conditions of this Agreement shall be in writing and either served personally or sent by certified mail, return receipt requested, to the respective addresses set forth below. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

COUNTY: Humboldt County Code Enforcement  
Attention: Bob Russell  
3015 H Street  
Eureka, California 95501

RESPONSIBLE PARTY: Colin Hulse  
1841 County Lane  
Eureka, CA 95501

7. **CONFIDENTIAL INFORMATION:**

In the performance of this Agreement, each party hereto may receive information that is confidential under local, state or federal law. Each party hereby agrees to protect all confidential information in conformance with any and all applicable local, state and federal laws, regulations, policies, procedures and standards.



8. **NUCLEAR FREE HUMBOLDT COUNTY ORDINANCE COMPLIANCE:**

By executing this Agreement, RESPONSIBLE PARTY certifies that it is not a Nuclear Weapons Contractor, in that RESPONSIBLE PARTY is not knowingly or intentionally engaged in the research, development, production or testing of nuclear warheads, nuclear weapons systems or nuclear weapons components, as defined by the Nuclear Free Humboldt County Ordinance. RESPONSIBLE PARTY agrees to notify COUNTY immediately if it becomes a Nuclear Weapons Contractor as defined above. COUNTY may immediately terminate this Agreement if it determines that the foregoing certification is false or if RESPONSIBLE PARTY subsequently becomes a Nuclear Weapons Contractor.

9. **INDEMNIFICATION:**

A. **Hold Harmless, Defense and Indemnification.** RESPONSIBLE PARTY shall hold harmless, defend and indemnify COUNTY and its agents, officers, officials, employees and volunteers from and against, any all claims, demands, losses, damages, liabilities, expenses and costs of any kind or nature, including, without limitation, reasonable attorneys' fees and other costs of litigation, arising out of, or in connection with, RESPONSIBLE PARTY's negligent performance of, or failure to comply with, any of the duties and/or obligations contained herein, except such loss or damage which was caused by the sole negligence or willful misconduct of COUNTY.

B. **Effect of Insurance.** Acceptance of the insurance required by this Agreement shall not relieve RESPONSIBLE PARTY from liability under this provision. This provision shall apply to all claims for damages related to the performance of RESPONSIBLE PARTY's performance of the duties and obligations set forth in this Agreement regardless of whether any insurance is applicable or not. The policy limits pertaining to the insurance required hereunder shall not act as a limitation upon the amount of indemnification or defense to be provided by RESPONSIBLE PARTY hereunder.

10. **INSURANCE REQUIREMENTS:**

Without limiting the indemnification obligations set forth herein, RESPONSIBLE PARTY will obtain or maintain in full force and effect, at its own expense, any and all insurance policies required by law. RESPONSIBLE PARTY will ensure that any and all hired subcontractors have the appropriate insurance for the services provided.

11. **RELATIONSHIP OF PARTIES:**

It is understood that this Agreement is by and between two (2) independent entities and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or any other similar association. RESPONSIBLE PARTY shall be solely responsible for the acts or omissions of its agents, officers, employees, assignees and subcontractors.

12. **COMPLIANCE WITH APPLICABLE LAWS:**

RESPONSIBLE PARTY agrees to comply with any and all local, state and federal laws, regulations, policies and procedures applicable to the performance of the duties and/or obligations set forth herein.

13. **PROVISIONS REQUIRED BY LAW:**

This Agreement is subject to any additional local, state and federal restrictions, limitations, or conditions that may affect the provisions, terms or conditions of this Agreement. This Agreement shall be read and enforced as though all legally required provisions are included herein, and if for any reason any such provision is not included, or is not correctly stated, the parties agree to amend the pertinent section to make such insertion or correction.

14. **REFERENCE TO LAWS AND RULES:**

In the event any law, regulation, policy or procedure referred to in this Agreement is amended during the term hereof, the parties agree to comply with the amended provision as of the effective date of such amendment.

15. **SEVERABILITY:**

In the event any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

16. **ASSIGNMENT:**

RESPONSIBLE PARTY shall not delegate its duties nor assign its rights hereunder, either in whole or in part, without COUNTY's prior written consent. Any assignment by RESPONSIBLE PARTY in violation of this provision shall be void, and shall be cause for immediate termination of this Agreement.

17. **AGREEMENT SHALL BIND SUCCESSORS:**

All provisions of this Agreement shall be fully binding upon, and inure to the benefit of, the parties and to each of their heirs, executors, administrators, successors and permitted assigns.

18. **WAIVER OF DEFAULT:**

The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

19. **NON-LIABILITY OF COUNTY OFFICIALS AND EMPLOYEES:**

No official or employee of COUNTY shall be personally liable for any default or liability under this Agreement.

20. **AMENDMENT:**

This Agreement may be extended and/or modified at any time during the term of this Agreement upon the mutual consent of both parties; said extensions/modifications may not be unreasonably withheld in order for work to be completed by third party licensed professionals whose ability to commit to and complete work is beyond RESPONSIBLE PARTY's control. No supplement, modification, waiver, extension or termination of this Agreement or any provision hereof shall be binding unless executed in writing by the parties in the same manner as this Agreement.

**21. JURISDICTION AND VENUE:**

This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder, or relating hereto, shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to California Code of Civil Procedure Sections 394 or 395.

**22. SUBCONTRACTS:**

RESPONSIBLE PARTY shall remain legally responsible for the performance of all terms and conditions of this Agreement, including corrective actions performed by third parties under subcontracts.

**23. ATTORNEYS' FEES:**

COUNTY and RESPONSIBLE PARTY shall each bear their own costs and attorneys' fees. However, if either party commences any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any provision of this Agreement, the prevailing party in said action or proceeding shall be entitled to recover court costs and reasonable attorneys' fees, including the reasonable value of services rendered by the Humboldt County Counsel's Office, to be fixed by the court, collection costs, and such recovery shall include court costs and attorneys' fees on appeal, if applicable. As used herein, "prevailing party" means the party who dismisses an action or proceeding in exchange for payment of substantially all sums allegedly due, performance of provisions allegedly breached, or other considerations substantially equal to the relief sought by said party, as well as the party in whose favor final judgment is rendered.

**24. SURVIVAL:**

The duties and obligations of the parties set forth in Section 7 – Confidential Information and Section 9 – Indemnification shall survive the expiration or termination of this Agreement.

**25. CONFLICTING TERMS OR CONDITIONS:**

In the event of any conflict in the terms or conditions set forth in any other agreements in place between the parties hereto and the terms and conditions set forth in this Agreement, the terms and conditions set forth herein shall have priority.

**26. INFORMED CONSENT:**

RESPONSIBLE PARTY has had the opportunity to be represented by independent legal counsel of their own choice, and this Agreement was prepared with the joint input of all parties. RESPONSIBLE PARTY further acknowledges that this Agreement was executed freely and voluntarily and with the opportunity for RESPONSIBLE PARTY to receive the advice of independent legal counsel. RESPONSIBLE PARTY is fully aware of its contents and its legal effect.

**27. NO REPRESENTATION NOT CONTAINED HEREIN:**

Each party acknowledges that no other party, nor any agent or attorney of any party, has made any promise, representation or warranty whatsoever, express or implied, not expressly contained herein, concerning the subject matter hereto so as to induce it to execute this Agreement; and each party acknowledges that it has not executed this Agreement in reliance on any promise, representation or

warranty not contained herein.

**28. INTERPRETATION:**

This Agreement, as well as its individual provisions, shall be deemed to have been prepared equally by both of the parties hereto, and shall not be construed or interpreted more favorably for one party on the basis that the other party prepared it.

**29. INDEPENDENT CONSTRUCTION:**

The titles of the sections, subsections and paragraphs set forth in this Agreement are inserted for convenience of reference only, and shall be disregarded in construing or interpreting any of the provisions of this Agreement.

**30. ENTIRE AGREEMENT:**

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties. Any and all acts which may have already been consummated pursuant to the terms and conditions of this Agreement are hereby ratified.

**31. AUTHORITY TO EXECUTE:**

Each person executing this Agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement. Each party hereto represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized.

[Signatures on following page]

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement as of the day, month and year below written:

**TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:**

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
- (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR TREASURER.

**Colin Hulse:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**COUNTY OF HUMBOLDT:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Bob Russell, Deputy Director  
Humboldt County Planning and Building Department

**NOTE TO NOTARY PUBLIC:** If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF HUMBOLDT)

On \_\_\_\_\_ before me, \_\_\_\_\_, a

Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)



**COUNTY OF HUMBOLDT**  
**CODE ENFORCEMENT UNIT**  
3015 H Street

Eureka, California 95501  
(707) 476-2429

# **NOTICE OF ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING**

[Humboldt County Code §352-9]

**Address of Affected Property:** Brinks Drive, Honeydew, CA 95545

**Assessor's Parcel Number:** 107-051-009-000

To: Colin Hulse  
1841 County Lane  
Eureka, CA 95501

**NOTICE IS HEREBY GIVEN** that the Humboldt County Code Enforcement Unit has received a timely request for a Administrative Civil Penalty Appeal Hearing regarding its determination that a nuisance exists on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment A – Legal Description."

**NOTICE IS FURTHER GIVEN** that a Administrative Civil Penalty Appeal Hearing regarding the Code Enforcement Unit's determination that a nuisance exists on the affected property will be held by a County appointed hearing officer on **April 12 2019, at 9:00 a.m., in Conference Room A** of the Humboldt County Courthouse, 825 Fifth Street, Eureka, California 95501, for the purpose of hearing testimony and considering evidence concerning the alleged Violation and/or the amount of the proposed administrative civil penalty and any other matters that the hearing officer deems pertinent.

**NOTICE IS FURTHER GIVEN** that you may be represented by legal counsel, present testimony and cross-examine the Code Enforcement Investigator and other witnesses at the Administrative Civil Penalty Appeal Hearing.

APN: 107-051-009-000

**NOTICE IS FURTHER GIVEN** that the hearing officer may take official notice of any fact which may be judicially noticed by the courts of the State of California, either before or after the conclusion of the Administrative Civil Penalty Appeal Hearing.

**NOTICE IS FURTHER GIVEN** that the hearing officer shall have the authority to issue subpoenas for orders to appear and produce documents at the Administrative Civil Penalty Appeal Hearing upon the showing of reasonable necessity by the requesting party.

**NOTICE IS FURTHER GIVEN** that the Administrative Civil Penalty Appeal Hearing shall be subject to the requirements set forth in California Government Code Section 11513, as may be amended from time to time.

**NOTICE IS FURTHER GIVEN** that the Administrative Civil Penalty Appeal Hearing shall be recorded (i.e. audio, video and/or stenographic) in order to maintain a record of the proceedings.

**NOTICE IS FURTHER GIVEN** that the costs associated with transcribing a recording of the Administrative Civil Penalty Appeal Hearing shall be borne by the party or parties requesting such transcription.

**NOTICE IS FURTHER GIVEN** that the hearing officer may, upon request of either party, or upon the hearing officer's own motion, continue the Administrative Civil Penalty Appeal Hearing for good cause shown.

**NOTICE IS FURTHER GIVEN** that, upon the conclusion of the Administrative Civil Penalty Appeal Hearing, the hearing officer may terminate the administrative civil penalty proceedings or impose an administrative civil penalty and order payment thereof in accordance with the requirements and time limits set forth in the Finding of Violation and Order of Imposing Administrative Civil Penalty.

**NOTICE IS FURTHER GIVEN** that you may contest the Hearing Officer's imposition of a final administrative civil penalty by filing a request for judicial review in the Humboldt County Superior Court within twenty (20) calendar days after service of the Finding of Violation and Order of Imposing Administrative Civil Penalties.

**NOTICE IS FURTHER GIVEN** that, if a request for judicial review of the Hearing Officer's decision is not filed with the Humboldt County Superior Court within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty, the final administrative civil penalty, along with any and all Administrative Costs and/or Attorney's fees associated therewith, may become a lien against the Property on which the Violation occurred or exists which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et. seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

**NOTICE IS FURTHER GIVEN** that an additional Notice of Violation can be served upon you as set forth in Chapter 2, Division 5, Title III of Humboldt County Code, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty.

Signature: B. Bowes

Title: Investigator

Name: Brian Bowes

Date: 3-26-2019



**ATTACHMENT A  
LEGAL DESCRIPTION**

The Southeast Quarter of Section 28, in Township 2 South, Range 1 East, Humboldt Meridian

APN: 107-051-009-000

CALIFORNIA HEARING OFFICERS, LLP  
PO Box 279560  
Sacramento, CA 95827  
Telephone: 916-306-0980

**COUNTY OF HUMBOLDT  
CODE ENFORCEMENT UNIT**

In the matter of:	)	Case Number 17CEU - 0330
Brinks Drive,	)	
Honeydew, California 95545	)	<b>FINDING OF NUISANCE AND ORDER OF</b>
	)	<b>ABATEMENT AND FINDING OF</b>
(APN 107-051-009-000)	)	<b>VIOLATION AND ORDER IMPOSING</b>
	)	<b>ADMINISTRATIVE CIVIL PENALTY</b>
	)	
Property of:	)	
Colin W. Hulse	)	Nuisance Abatement and
_____	)	Administrative Civil Penalty Appeal

**I. INTRODUCTION**

This matter was heard on April 12, 2019, before Wraymond Plummer, Hearing Officer for the California Hearing Officers LLP,<sup>1</sup> in Sacramento, California, and via WebEx video conference in Eureka, California. The purpose of this hearing was to decide whether to uphold the December 14, 2017, Amended Notice to Abate Nuisance<sup>2</sup> and the October 18, 2017, Notice of Violation and Proposed Administrative Civil Penalty issued by the County of Humboldt (County), and to review the requested administrative civil penalty. The Amended Notice to Abate states that conditions at Brinks Drive, Honeydew, California (Property), constitute a nuisance and orders the nuisance be abated (Exhibits K - O). The Notice of Violation and Proposed Administrative Civil Penalty states that conditions constituting violations exist on the Property and warned that a daily administrative penalty would be imposed for failure to timely abate those violations.

**II. APPEARANCES**

John Nguyen, Deputy County Counsel, Bob Russell, Deputy Director of Planning and Buildings, and Brian Bowes, Code Enforcement Investigator, appeared on behalf of Humboldt County. Appellant and Property Owner Colin W. Hulse was not present at the hearing. The Hearing Officer received documentary evidence from Mr. Nguyen, and testimony from Mr.

<sup>1</sup> Humboldt County Code Section 351-8(i) authorizes the Humboldt County Board of Supervisors to appoint a Hearing Officer pursuant to California Government Code Section 27720.

<sup>2</sup> On October 18, 2017, the County served the Property Owner with a Notice to Abate Nuisance dated October 18, 2017. That notice included a four-page detailed legal description of the Property as found on the Grant Deed; the December 14, 2017, amended notice only simplified the legal description of the Property and did not modify the content or action timeframes included in the October 18, 2017, notice (Exhibits K, O).

Russell and Mr. Bowes. The County offered Exhibits A-Y,<sup>3</sup> all of which were admitted as evidence. After receiving all documentary evidence and testimony, the record was closed and the matter submitted for decision.

### III. JURISDICTION

Code Enforcement Appeal Hearings are authorized by Humboldt County Code (HCC) section 351-11.<sup>4</sup> Upon the conclusion of the Code Enforcement Appeal Hearing, the Hearing Officer shall determine whether or not a Nuisance exists on the affected Property, and, if so, shall order each Owner of the affected Property to abate such Nuisance within ten (10) calendar days after service of a “Finding of Nuisance and Order of Abatement,” or such longer period which the Hearing Officer finds reasonable (HCC section 351-12). The Finding of Nuisance and Order of Abatement may be combined with a Finding of Violation and Order Imposing Administrative Civil Penalty. (351-12). HCC section 352-12 authorizes the Hearing Officer to affirm, reduce or suspend the proposed administrative civil upon a finding of violation. (HCC section 352-12)

The County of Humboldt, Planning and Building Department (Department), has found that conditions on the Property constitute a public nuisance as defined in Title 3, Division 5, Chapter 1, section 351-3 of the Humboldt County Code. Those findings resulted in the October 18, 2017, and December 14, 2017, Notices issued by the Department pursuant to HCC sections 351-7<sup>5</sup> and 352-7.<sup>6</sup>

On October 18, 2017, the Department issued a Notice to Abate Nuisance via USPS first class and certified mail to the Property Owner at the address found on the last property tax assessor inquiry (Exhibits 16-19, 108-118). The Notice to Abate was posted on the Property on October 19, 2017, by Jeff Conner, Code Enforcement Investigator (Exhibit 118). The Notice to Abate stated that nuisance conditions on the Property exist and the property owner must abate the nuisance within ten (10) days after service of this notice to abate nuisance. (Exhibit 120).

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<sup>3</sup> The Exhibits are labeled A-Y and are page numbered 1-291; references herein will be by letter and or page number.

<sup>4</sup> The County has brought these nuisance proceedings pursuant to Title 3 of California Government Code, Section 25845, not as a Building Code violation. Accordingly, the matter is appropriately heard by this hearing officer and outside the requirements of review of the Humboldt County Building Code Board of Appeals (HCC 331-11(a)(2)). See also, *Lippman v. City of Oakland*, 19 Cal. App. 5th 750 [State Housing Law Violations must be heard by a local appeals board].

<sup>5</sup> HCC 351-7. Whenever the Code Enforcement Unit determines that a public Nuisance exists on any Property within the unincorporated area of Humboldt County, the Code Enforcement Unit shall prepare, and serve upon each Owner, Beneficial Owner, Occupier and/or any other person in charge or control of the affected Property, a “Notice to Abate Nuisance” as set forth in this Chapter. The Notice to Abate Nuisance may be combined with a Notice of Violation and Proposed Administrative Civil Penalty issued pursuant to the provisions of this Division.

<sup>6</sup> HCC 352-7. Whenever the Code Enforcement Unit determines that a Violation has occurred, the Code Enforcement Unit shall prepare, and serve upon each Responsible Party, a “Notice of Violation and Proposed Administrative Civil Penalty,” as set forth in this Chapter. The Notice of Violation and Proposed Administrative Civil Penalty may be combined with a Notice to Abate Nuisance issued pursuant to the provisions of this Division.

On October 18, 2017, the Department also issued a Notice of Violation and Proposed Administrative Civil Penalty via USPS first class and certified mail to the Property Owner at the address found on the last property tax assessor inquiry (Exhibits 16-19, 119-129). The Notice of Violation and Proposed Administrative Civil Penalty was posted on the Property on October 19, 2017, by Jeff Conner, Code Enforcement Investigator (Exhibit 129). This Notice of Violation and Proposed Administrative Civil Penalty stated that several conditions on the property constitute a violation of State of California and/or Humboldt County Code. The Notice stated that if corrective action was not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of ten thousand dollars (\$10,000.00) will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5. (Exhibit 120)

Both the Notice to Abate and Notice of Violation and Proposed Administrative Civil Penalty included the conditions that the Department found constituting a nuisance, the County Codes alleged violated, a description of the alleged violations, and the corrective action needed to abate the nuisance (Exhibits 110, 122). Both notices also contained a legal description of the Property (Exhibits 112-115, 123-125), and a Code Enforcement Appeal Hearing Request Form (Exhibits 116, 127).

On December 14, 2017, the Department issued an Amended Notice to Abate Nuisance via USPS first class and certified mail to the Property Owner at the address found on the last property tax assessor inquiry (Exhibits 16-19, 143). The Amended Notice to Abate Nuisance included the conditions that the Department found constituting a nuisance, the County Codes alleged violated, a description of the alleged violations, and the corrective action needed to abate the nuisance, and a Code Enforcement Appeal Hearing Request Form. The amended notice also contained an updated legal description of the Property (Exhibits 140-143).

The Property Owner completed a Code Enforcement Appeal Hearing Request Form dated December 12, 2017; the Hearing Request form was received by the County on December 14, 2017 (Exhibit 145).

On May 17, 2018, the County sent the Property Owner a letter requesting confirmation that he wished to proceed with scheduling of an appeal hearing rather than entering into a Compliance Agreement with the County (Exhibit 159). The appeal hearing was subsequently set for April 12, 2019, at 9:00 a.m. in Conference Room A at 825 Fifth Street, Eureka, California, 95501 (Exhibit 174). The Department issued a Notice of Code Enforcement Appeal Hearing on March 26, 2019, via USPS first class and certified mail to the Property Owner at the address found on the last property tax assessor inquiry (Exhibits 16-19, 173-178). This certified letter was sent via first class certified mail (Exhibits 177-178). The Notice of Code Enforcement Appeal Hearing was also posted on the Property on March 27, 2019, by Branden Howton, Code Compliance Officer (Exhibits 179-183).

On March 26, 2019, the Department also issued a Notice of Administrative Civil Penalty Appeal Hearing via USPS first class and certified mail to the Property Owner at the address found on the last property tax assessor inquiry (Exhibits 16-19, 184-194). The Notice of Administrative Civil Penalty Appeal Hearing was also posted on the Property on March 27, 2019, by Branden Howton, Code Compliance Officer (Exhibit 190-194).

The Hearing Examiner concludes that the efforts made by the County to notify the Property Owner of the alleged violations on the Property in the Notice to Abate Nuisance, Amended Notice to Abate Nuisance, and Notice of Violation and Proposed Administrative Civil Penalty, as well as the date and time of the hearing in the Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing were adequate pursuant to HCC sections 351-6, 351-8, 352-4, and 352-8.

#### **IV. STANDARD OF PROOF**

Notices to abate and the hearing procedures arising therefrom are addressed in HCC Title 3, Division 5, and Chapter 1. At the hearing, the County bears the initial burden of proof to show that a public nuisance exists. (351-12). Because no other evidentiary standard is specified in the HCC for nuisance abatement hearings, the burden of proof requires proof by a preponderance of the evidence (California Evid. Code section 115).

#### **V. ALLEGATIONS**

The Notice to Abate alleged the following violations:

1. HCC section 331-14: Grading without permits
2. HCC section 331-28: Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes
3. HCC section 314-55.4: Violation of Commercial Medical Marijuana Ordinance

#### **VI. BACKGROUND**

The Property is located in a heavily wooded mountainous area in Humboldt County (Exhibits 161, 169-172, 183-185). Bob Russell, Deputy Director, Planning and Buildings, Humboldt County testified that the Department is tasked with actively enforcing code violations in Humboldt County. The Property is located in a cluster of 40 other properties that have been cited for violations, and are in an area that is active in both permitted and unpermitted cannabis cultivation (Exhibit page 79).

Appellant Colin Hulse (Property Owner) did not appear at the appeal hearing, and presented no testimony or evidence. However, the Property Owner did submit the Code Enforcement Appeal Hearing Request Form that raised a purported defense of prior existing condition to the allegation of grading without permits, stating, "I believe this property was logged in the 1940s. Logs, decks, roads and logging related development existed. Any maintenance or reclamation development occurred during lessee's term and prior to purchase. There is no plumbing or electrical violation in the storage shed. Code 314-55.4 was not violated. No electrical, no plumbing." (Exhibit page 145). All testimony and documentary evidence presented at the hearing was presented by the County and was uncontested to the extent it was inconsistent with the Code Enforcement Appeal Hearing Request Form filed by Mr. Hulse.

Mr. Russell testified that there are several common methods of cannabis cultivation and photographic and satellite examples of these cultivation techniques are depicted in Exhibit G (Exhibits 58-77). Mr. Russell testified that the examples Example G does not have any photographs of the Property, which is subject to this hearing.

Humboldt County Code Enforcement Investigator Brian Bowes testified largely following his April 6, 2019, written report (Exhibits 103-105), which was introduced as evidence and states:

On October 18, 2017, the Code Enforcement Unit served a Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty to Colin Hulse for the following violations of Humboldt County Code existing on Assessor Parcel Number: 107-051-009 (“Subject Parcel”): construction of building/structure in violation of building, plumbing and/or electrical codes (H.C.C. 331-28), grading without permits (H.C.C. 331-14), and a violation of commercial medical marijuana ordinance (H.C.C. 314-55.4). [Exhibit 109].

#### CONTEXT OF NOTICES SERVED

In addition to the notices served to Mr. Hulse, forty-one (41) other properties in the same geographic vicinity (the area surrounding Panther Gap and Mattole Roads outside of the community of Honeydew) were also served with a Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty on October 18th, 2017 for a violation of the County’s commercial medical marijuana ordinance and related County code violations. [Exhibit 79]. Determination of the existence of the above-mentioned violations on this property, as well as violations on the other properties served, was based on visual interpretation of recent high-resolution satellite imagery of the property, an analysis of relevant Geographic Information Science (G.I.S.) data, and research into the records of the Humboldt County Planning and Building Department for any relevant permits obtained for development on the property. [Exhibit page 21-57]. This geographic area was chosen for satellite/G.I.S. analysis of potential unpermitted cannabis cultivation related code violations based on the relative prevalence of commercial cannabis cultivation in the area as seen in Humboldt County Planning and Building Department records of cannabis cultivation registrations as part of the legal permitting process which began in 2016. [Exhibit 59].

#### PROPERTY HISTORY AND CANNABIS PERMITTING BACKGROUND

Research of Assessor property records reveal that Mr. Hulse has owned the property since November 7th, 2003 (and replaced the title document in February 19, 2009 to correct an error in the legal description). [Exhibits 9-10]. On December 30th, 2016, Permit Application No. 13220 was filed with the Humboldt County Planning and Building Department for a Conditional Use Permit to legally cultivate commercial cannabis at pre-existing cultivation sites on the property of

22,000 sq. ft. of mixed light cultivation and 1 acre of outdoor cultivation, identified in the application as existing on two clearings at the north end of the property. [Exhibits 81-99]. This project was cancelled by the Planning and Building Dept. on September 16th, 2017 due to inactivity. [Exhibits 100-101]. No permits were issued for cannabis cultivation or any other cannabis related activity on this property.

## VIOLATIONS CITED

Based on an analysis of satellite imagery of the subject property from 1998 – 2017 and interpolated with relevant G.I.S. (Geographic Information Sciences or Systems) data as well as County Planning permit records, the following violations of Humboldt County Code were observed on the subject property: construction of building/structure in violation of building, plumbing and/or electrical codes (H.C.C. 331- 28), grading without permits (H.C.C. 331-14), and a violation of commercial medical marijuana ordinance (H.C.C. 314-55.4).

**331-28: Construction of Buildings/Structures without Proper Permits**  
Humboldt County Code Section 331-28 defines as a violation constituting a public nuisance “any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter”. Humboldt County Code Section 331-11(a)(4) incorporates California Building Code Section 106.2 and states that any structures erected and exceeding a floor area of 120 square feet require a building permit or in special cases an agricultural exemption based on use, zoning, and conformance with required set-backs and other requirements. Research of the Planning & Building Department permit database reveals that no building permits or agricultural exemptions have been applied for or issued for the Subject Property since 1993 (the earliest date that records are available in the County’s electronic record-keeping database).

From the visual interpretation of satellite imagery collected of the Subject Property on April 10, 2017 [Exhibit 35], and June 4, 2017 [Exhibit 36], eight (8) distinct enclosed structures can be identified as existing on the property at two distinct areas located in the north of the 158-acre parcel to be hereinafter referred to as “Structures – Site A.” located around GPS coordinates: 40.2677, -124.0711 and “Structures - Site B.” located around GPS coordinates: 40.2665, -124.0702 which correspond to the same labels on satellite imagery in Exhibit F. [Exhibit 48]. Five of the identifiable enclosed structures exist at Structures - Site A. and range in sizes of approximately 450 to 900 square feet when measured on the georeferenced and orthorectified June 4, 2017 satellite image using G.I.S. software. [Exhibit 50]. Three of the identifiable enclosed structures exist at Structures - Site B. and range in sizes of approximately 700 to 1,000 square feet when measured on the georeferenced and orthorectified June 4, 2017 satellite image using G.I.S. software. [Exhibit 52].

All eight identifiable structures of interest on the property share the same set of key visual signatures and all appear to be nearly identically constructed; however, two of the identifiable structures at Structures – Site A and all three of the identifiable structures at Structures – Site B have their “covers” partially removed giving these structures different but complementary visual signatures than the three fully “covered” structures. Identification of the three visibly covered objects as enclosed structures, discerned from the April – June, 2017 images [Exhibits 35-36], is based on the following interpretative clues: their shapes are rectangular and uniform indicating a man-made as opposed to natural feature, the appearance of shadows at the base of the features indicate height, and the changing in color tone on the visible surface of the features (from a lighter tone, to an extremely bright tone down the vertical center of the feature, and then to a darker tone) is consistent with the expected pattern of light when reflected on a convex enclosure. Identification of the remaining partially covered visible objects as enclosed structures, discerned from the April – June, 2017 images [Exhibits 35-36] is based on the associated tone of the partially obscuring elements on the five rectangular features (bright white and grey colors with reflective qualities) to the neighboring “fully covered” objects described above. The repeating pattern of horizontal thin, bright horizontal tones over a rectangular and uniform brown tone with geometric dots visible inside identify the partially obscured features as the framings and inside contents of a structure and helps to better identify the adjacent and fully covered features.

These key visual signatures can further identify the enclosed structures as consistent with the visual profile of greenhouse/“hoop-house” structures of the type commonly utilized for commercial cannabis production in Humboldt County. The pattern of tones indicating a convex covering and the bright white and grey tones of the covering are consistent with the woven polyester or clear plastic coverings typical used in the construction of these types of greenhouse/“hoop-house” structures; the repeating pattern of horizontal thin, bright horizontal tones (which give a subtle impression of stripes/ribs) are also consistent with the use of plastic PVC pipes commonly used as the framing for greenhouse/“hoop-house” structures used in cannabis cultivation in Humboldt County.

Review of satellite imagery of the property from 1998 – 2017 reveals that all eight greenhouse/“hoop-house” structures identified on the property as of June 2017 were constructed after 1993 (greenhouse structures begin to appear on property from 2010, with a majority of the current configuration of greenhouse structures being constructed after 2015) and hence were constructed without permits or agricultural exemptions. [Exhibits 23-45]. This is a violation of Humboldt County code constituting a public nuisance.

#### 331-14: Grading Without Permits

Humboldt County Code Section 331-14 requires a permit for any grading done exceeding 50 cubic yards of excavation (cut) or fill. Research of the Planning & Building Department permit database reveals that no grading permits have been



applied for or issued for the Subject Property since 1993 (the earliest date that records are available in the County's electronic record-keeping database).

From the visual interpretation of satellite imagery of the subject property from 1998 – 2009, two relatively large tree clearings resulting in exposed bare earth and supporting new structures become evident when comparing 1998, 2004, and 2005 images [Exhibits 23-25] of the property with the next available image of the property collected in 2009. [Exhibit 26]. Based on an analysis of G.I.S. data related to the approximate topography of the property as well as the visual interpretation of land cover change, these two areas of tree cover removal are delineated as grading violations occurring on the property between the years 2005 and 2009 herein referred to as "Site\_A\_2009" located around GPS coordinates: 40.2677, -124.0711, and "Site\_B\_2009" located around GPS coordinates: 40.2665, -124.0702 which correspond to the same labels on satellite imagery in Exhibit F. [Exhibits 46-57].

At Site\_A\_2009, a visible area of dense tree cover in the 2005 satellite image becomes in the 2009 satellite image an area of bare earth (interpreted from the tan tone and smooth texture of the changed area) with new structures erected on parts of the cleared area. This changed area is approximately 9,750 square feet (1,080 square yards) in size when measured on the georeferenced and orthorectified 2009 NAIP (National Agriculture Imagery Program) aerial image using G.I.S. software. [Exhibit 57]. Based on this square area, an excavation or fill exceeding an average of 1 ¾ inches in depth would create more than 50 cubic yards of cut or filled earth material and would require a grading permit. Using G.I.S. software, when the digitized square area of Site\_A\_2009 is analyzed with a Percent Slope Digital Elevation Model (D.E.M.) (a model that uses elevation data derived from the USGS National Elevation Dataset to report the approximate slope for 10-meter square areas) most of the site is approximated to exist on a greater than 50% slope with the remainder of the site approximated to exist on a 30-50% slope. [Exhibit 57].

At Site\_B\_2009, a visible area of dense tree cover in the 2005 satellite image becomes in the 2009 satellite image an area of bare earth (interpreted from the tan tone and smooth texture of the changed area) with new structures erected on parts of the cleared area. This changed area is approximately 15,000 square feet (1,675 square yards) in size when measured on the georeferenced and orthorectified 2009 NAIP (National Agriculture Imagery Program) aerial image using G.I.S. software. [Exhibit 57]. Based on this square area, an excavation or fill exceeding an average of 1 inch in depth would create more than 50 cubic yards of cut or filled earth material and would require a grading permit. [Exhibit 57]. Using G.I.S. software, when the digitized square area of Site\_B\_2009 is analyzed with a Percent Slope Digital Elevation Model (D.E.M.) (a model that uses elevation data derived from the USGS National Elevation Dataset to report the approximate slope for 10-meter square areas) the west portions of the site are approximated to exist on areas

of greater than 50% slope and areas of 30-50% slope while the east portion of the site is approximated to exist on a 15-30% slope. [Exhibit 57].

These two concurrent tree clearings, developed to support structures, and carried out without a legal timber conversion from the state's Department of Forestry (CalFire) can be confidently assessed as exceeding the 50 cubic yard exemption to a required grading permit, and likely greatly exceeds this minimum requirement.

314-55.4: Violation of the Commercial Medical Marijuana Ordinance  
Humboldt County Code Section 314-55.4 requires a local land use permit and state license for cannabis cultivation operations. Commercial medical and/or adult use cannabis activities in the County of Humboldt are prohibited unless the requisite county permits and state licenses are issued and valid. Research of the Planning & Building Department permit database reveals that no cannabis cultivation operation permits have been issued for the property, and as such the property is not eligible for a state license. Research reveals no state license for cannabis activity on the property. An incomplete commercial cannabis cultivation permit application for 22,000 sq. ft. of mixed-light cannabis cultivation and 1 acre of outdoor cultivation was submitted to the Planning and Building Department on December 30, 2016 for this property. [Exhibits 84-99]. An application deposit of \$2,577.45 was paid [Exhibit 95] and a highlighted satellite image depicting the existing cultivation areas was submitted as evidence of the pre-existing and ongoing cannabis cultivation. [Exhibit 91].

The applicant did not adequately advance the permit application beyond its initial incomplete status, and after several notifications from Planning and Building Department, the application was cancelled due to inactivity on September 16, 2017. [Exhibits 100-101]. The continued existence and configuration of commercial greenhouses/"hoop-houses" on this property is consistent with the well-known aerial signature of unpermitted cannabis operations across the county. The fact that a permit application for pre-existing commercial cannabis cultivation on this property was submitted, along with evidence supporting that claim, provides high confidence that the unpermitted development of the property documented was in support of a commercial cannabis cultivation operation and is indeed what the development was being used for without the required permits which is a violation of County code. As a result, a Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty including a Violation of the Commercial Medical Marijuana Ordinance was issued on October 18, 2017, as part of the geographic cluster of properties noticed as described above. [Exhibits 120-128].

Humboldt County Code defines any violation of "applicable local or state laws, regulations, policies, procedures, permits and agreements" related to commercial cultivation of marijuana as a Category 4 Violation mandating daily civil penalties ranging from \$6,000 to \$10,000. In this case, one maximum daily penalty of \$10,000 was proposed for the three violations cited.

In addition to his prepared documentary evidence, Mr. Bowes testified that the County's investigation of the Property included satellite imagery analysis interpolated with GIS data and the County's building and permits records. Mr. Bowes testified he has two to three years of on-the-job experience using GIS satellite imagery and a certificate from Lane Community College, Eugene, Oregon, in Geographic Information Sciences. He has reviewed thousands of permitted and unpermitted cannabis cultivation operation satellite images and has conducted dozens of marijuana grow site inspections. Mr. Bowes testified that the cleared areas A and B on the Property each vastly exceed the 50-cubic-yard volume limit that would require a grading permit.

Mr. Bowes testified, that he was aware of Mr. Hulse's claim that the site was graded prior to his ownership, claiming logging operations dating back to the 1940s may have recontoured the Property. In response to this assertion, Mr. Bowes testified that Mr. Hulse purchased the Property in 2003 and there is satellite evidence showing trees had been removed between 2005 and 2009. Mr. Bowes testified that the grading violation is not reliant solely on the slope profile, but also reliant on the site's square footage. He testified that the tree removal and ground preparation for the hoop-houses would exceed the 50 square yards of material threshold requiring a grading permit.

Mr. Russell testified he has worked with satellite imagery and interpretation for over 30 years; 26 of those years during active military duty where he received training in receiving and interpreting visual satellite imagery on numerous platforms on the local, national and global scale. He worked on satellite systems and design for three years in private industry and 3.5 years in Humboldt County. Regarding GIS and digital mapping, he was formally trained in a number of different technical schools and programs, and received a master's degree in military operations with an emphasis in satellite operations. He has several years' experience with the interpretation of the change in imagery, construction, and common practices across Humboldt County. Based on his training and experience, he testified that the common cannabis cultivation practice in Humboldt County is to place hoop-houses on level surfaces or relatively level surfaces. Very rarely does he see a hoop-house on any appreciable slope. He testified that given the length of time the hoop-houses have persisted on the Property suggests they are constructed on relatively flat surfaces and protected by the trees around them. He testified it would be very difficult to construct hoop-houses on any significant slope. Mr. Russell testified that it would be exceedingly difficult to construct the structures depicted on the Property if the site was not relatively flat. Further, it would take a very experienced equipment operator to remove less than an inch or two of material given the steep slope profile of the Property, the trees, stumps, logs, debris, and other material that would have to be cleared to construct the hoop-houses.

Mr. Russell testified that he reviewed Mr. Bowes' April 6, 2019, Investigative Report, satellite imagery, and testimony, and agrees with Mr. Bowes conclusions.

## **VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **Allegation 1: HCC section 331-14: Grading without permits.**

Section 331-14 of the HCC "sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments and erosion and

sedimentation controls.” For areas that will exceed 50 cubic yards of grading material on any one lot,<sup>7</sup> “no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.” (HCC section 331-14(e)(1)). Grading is defined as, “all grading, filling, land contouring, clearing and grubbing, drainage activities, site preparation, and road building.” (HCC section 331-14(c)(21)). Fill is defined as “a deposit of earth material placed by mechanical means.” (HCC section 331-14(c)(18)). Clearing is defined as “the destruction or removal of vegetation by manual, mechanical, or chemical methods resulting in exposed soils.” (HCC section (c)(9)).

The County bears the burden to prove the fact of the actual existence of a nuisance. (*City of Cosa Mesa v. Soffer* (1992) 11 Cal.App.4th 382, 385).

The Hearing Officer finds that the evidence presented proves by a preponderance of evidence that two distinct sites on the Property have been substantially graded, each in excess of 50 cubic yards. (Exhibits There was no evidence of any grading permits issued for this alteration. The Hearing Officer finds no credible evidence to suggest this grading occurred prior to Mr. Hulse obtaining ownership of the Property in 2003. Even if the grading was done prior to Mr. Hulse’s ownership, California Civil Code section 3483 states, “[e]very successive owner of property who neglects to abate a continuing nuisance upon, or in the use of, such property, created by a former owner, is liable therefor in the same manner as the one who first created it.”

Additionally, the County has proven by a preponderance of evidence that the land was subsequently graded after June 11, 2005, and before May 24, 2009. (Exhibits 23-46, 53-57, 106-107). The process of removing the trees, tree stumps, and leveling the sites for construction are found to have moved more than 50 cubic yards of material at each of the two locations on the Property; therefore, a grading permit is required. (Exhibits 55-57)

As the County has proven by a preponderance of evidence that grading in excess of 50 cubic yards occurred on the Property and that no grading permits were issued for this grading, a violation of HCC section 311-14 is found on the Property.

Section 351-3(f) defines a nuisance to be, in relevant part, “[a]ny use of buildings or Property that is contrary to the provisions of the ordinances of the County of Humboldt.” Therefore, pursuant to HCC section 351-3, the violation constitutes a public nuisance; if the Property Owner does not voluntarily complete the abatement as ordered, the nuisance shall be abated by the County.

## **Allegation 2: 331-28: Construction of Buildings/Structures without Proper Permits**

Humboldt County Code Section 331-28 defines a violation constituting a public nuisance as “[a]ny building or structure erected, constructed, enlarged, altered, repaired, moved,

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<sup>7</sup>331-14(d)(2)(I) provides an exception to grading permit requirement for less than 50 cubic yards. This exemption applies to “[a] fill less than 1 foot (0.3 m) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (0.9 m) in depth, which is not intended to support structures, does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage course nor encroach upon a wetland.”

improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter.” Section 331-11(a)(4) incorporates California Building Code Section 106.2 and states that any structures erected and exceeding a floor area of 120 square feet require a building permit or in special cases an agricultural exemption based on use, zoning, and conformance with required set-backs and other requirements.

The Property is zoned AE (Agriculture Exclusive) TPZ (Timber Production Zone). The Hearing Officer finds that the County has proven by a preponderance of evidence that there were numerous hoop-house structures erected on the Property after 2003 when Mr. Hulse took ownership of the Property. (Exhibits 23-45, 48, 50, 52). Hoop-house structures are structure that are erected and constructed and are therefore within the provisions of HCC section 331-28 requiring a permit. Additionally, the evidence established by a preponderance of evidence that the structures on the property ranged in size from approximately 700 to 1,000 square feet. (Exhibits 48, 50, 52). Section 331-11(a)(4) incorporates California Building Code Section 106.2 and requires a building permit or agricultural exemption for any structures erected and exceeding a floor area of 120 square feet. No building permits or agricultural exemptions have been applied for or issued for the Property since 1993.

Accordingly, a violation of HCC section 331-28 is found on the Property since the Property had numerous structures erected or constructed without a permit, and a violation of HCC section 331-11(a)(4) is found on the Property since those structures exceed a floor area of 120 square feet, which requires a building permit under California Building Code Section 106.2. These violations constitute a public nuisance under HCC section 331-28. If the Property Owner does not voluntarily complete the abatement as ordered, the nuisance shall be abated by the County.

### **Allegation 3: 314-55.4: Violation of the Commercial Medical Marijuana Ordinance**

Section 314-55.4 of the HCC requires a local land use permit and state license for cannabis cultivation operations. Commercial medical and/or adult use cannabis activities in the County of Humboldt are prohibited unless the requisite county permits and state licenses are issued and valid.

No Humboldt County cannabis cultivation operation permits have been issued for the Property, and no state license permits for cannabis activity have been issued for the Property.

The Property Owner filed a commercial cannabis cultivation permit application with the County on December 30, 2016, requesting “existing cultivation [of] 22,000 sf mixed light [and] 1 acre of outdoor” cannabis cultivation. (Exhibit 88). This application was endorsed by the Property Owner on December 30, 2016, and was so declared as true and correct under penalty of perjury, under laws of the State of California. (Page 86). In this application, the Property Owner submitted a map showing where he had “existing – proposed areas” of cannabis cultivation (Exhibit 91). The County submitted this as proof that the Property Owner had an ongoing cannabis cultivation operation, and was requesting a permit for pre-existing and ongoing cannabis cultivation. The Property Owner included a satellite image with his application showing where he was cultivating cannabis. This area is the same area where the hoop-houses are visible

in the County's satellite imagery, and the subject of this alleged violation. The hoop-houses on the Property are consistent with the Property Owner's assertion in his cannabis cultivation permit application that he was cultivating cannabis, and are consistent with the methodology and well-known aerial signature of unpermitted cannabis operations used by other cannabis cultivation operations in Humboldt County. (Exhibit F).

The Property Owner presented no evidence to contradict his earlier declaration of cultivation of cannabis, or that he discontinued the cultivation of cannabis since his declaration was filed.

The County has proven by a preponderance of evidence that the hoop-houses were used to cultivate cannabis.

Accordingly, a violation of HCC section 314-55.4 is found. Per HCC section 314-55.2.8.1,<sup>8</sup> any violation of the Humboldt Medical Marijuana Land Use ordinance constitutes a public nuisance; therefore, the violation under HCC section 314-55.4 constitutes a public nuisance per se under HCC section 314-55.2.8.1. If the Property Owner does not voluntarily complete the abatement as ordered, the nuisance shall be abated by the County.

#### **VIII. ADMINISTRATIVE PENALTY**

Paragraph (1) of California Government Code section 53069.4(a) provides that the legislative body of a local agency [County] may, by ordinance, make a violation of its ordinance subject to an administrative fine or penalty. "The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties. Where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in subdivision (b) of Section 25132<sup>9</sup> and subdivision (b) of Section 36900." Paragraph (2) of section 53609.4(a) states that "[t]he administrative procedures set forth by ordinance adopted by the local agency pursuant to paragraph (1) shall provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety."

Accordingly, the County has established by ordinance the administrative procedures that govern the imposition, enforcement, collection, and administrative review by the County of those

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<sup>8</sup> HCC 314-55.2.8.1 "Any violation of this Section shall be unlawful and constitute a public nuisance per se and be subject to injunction, abatement, or any other remedy available to the County as provided by all applicable provisions of law, including the specialized abatement process as provided for in this Code."

<sup>9</sup> Government Code section 25132(a) provides, "[v]iolation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action." Government Code section 25132(b)(1) limits the fine of infraction code violations to \$100 for a first violation. Since the Property Owner did not attend the hearing or raise an objection that the HCC civil penalty of \$6,000 to \$10,000 per day is excessive, this issue has not been raised and is not addressed here.

administrative fines or penalties. The County has set forth its administrative fines and procedures in HCC Section 352-5, HCC section 352-6 and HCC 352-3.

Per HCC section 352-5(a) “[a]ny and all Violations may be subject to an administrative civil penalty of up to ten thousand dollars (\$10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day up to and including the ninetieth (90th) calendar day.” Additionally, “(e)ach calendar day that a Violation occurs, continues or exists between the Imposition Date and the Completion Date shall constitute a separate Violation up to the ninetieth (90th) calendar day” pursuant to HCC section 352-56(c).

Per HCC section 352-6, “[t]he amount of the administrative civil penalty to be imposed shall be set by the Code Enforcement Unit or the court according to the following schedule:

- (1) Category 1 Violations shall be subject to an administrative civil penalty of one dollar (\$1.00) to one thousand dollars (\$1,000.00) per calendar day.
- (2) Category 2 Violations shall be subject to an administrative civil penalty of one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00) per calendar day.
- (3) Category 3 Violations shall be subject to an administrative civil penalty of three thousand dollars (\$3,000.00) to six thousand dollars (\$6,000.00) per calendar day
- (4) Category 4 Violations shall be subject to an administrative civil penalty of six thousand dollars (\$6,000.00) to ten thousand dollars (\$10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day.”

Per HCC section 352-6, the Code Enforcement Unit or the court is given discretion to determine the category and/or amount of civil penalties which vary from \$1-\$10,000 per day per violation. HCC section 352-3(h) limits violations of the commercial cultivation of marijuana violations to category 4 offenses, stating, “[c]ategory 4 Violations shall include, but not be limited to, the commercial cultivation of marijuana in Violation of any applicable local or state laws, regulations, policies, procedures, permits and agreements.”

The Notice of Violation and Proposed Administrative Civil Penalty, dated October 18, 2017, clearly states that if the required corrective actions are not commenced, prosecuted and completed within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of ten thousand Dollars (\$10,000.00) will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5. (Exhibits 120-121)

The violations were not corrected since the service of the Notice to Abate in October, 2017, the maximum fines for one violation would total \$10,000 per day for 90 days, or \$900,000. The County is instead requesting a penalty of \$10,000 for 15 days, or a penalty of \$150,000.

Section 352-6 states, “[i]n determining which Violation category a Violation should be placed, and the amount of the administrative civil penalty to be imposed, the Code Enforcement Unit or the court shall consider, without limitation, all of the following factors:

- (1) The severity of the Violation's impact on the health, safety and/or general welfare of the public, including, without limitation, the type and seriousness of the injuries or damages, if any, suffered by any member of the public.
- (2) The number of complaints received regarding the Violation at issue.
- (3) The willfulness and/or negligence of the Responsible Party. In assessing the degree of willfulness and/or negligence, all of the following factors shall be considered:
  - A. How much control the Responsible Party had over the events which caused the Violation to occur.
  - B. Whether the Responsible Party took reasonable precautions against the events which caused the Violation to occur.
  - C. Whether the Responsible Party knew, or should have known, the impacts associated with the conduct which caused the Violation to occur.
  - D. The level of sophistication of the Responsible Party in dealing with compliance issues.
- (4) The number of times in which the Responsible Party has committed the same or similar Violations in the previous three (3) years.
- (5) The amount of administrative staff time which was expended in investigating or addressing the Violation at issue.
- (6) The amount of administrative civil penalties which have been imposed in similar situations.
- (7) The efforts made by the Responsible Party to correct the Violation and remediate the impacts thereof."

The evidence presented shows that the conduct resulting in the violations involved illegal grading and removal of trees without requisite permits, the construction of unpermitted structures, and the cultivation of illegal marijuana. This willfully cultivated marijuana does not have a legal sales or distribution mechanism, and therefore constitutes a significant impact on the safety and general welfare of the public due to the illicit nature of the land use and resultant narcotic trafficking and sales. Additionally, the possible detriment to the forest and stream health due to the potential for erosion, runoff, and discharge of chemicals used in the cultivation process is significant. Mr. Hulse, as sole the landowner, knew the land use activity was illegal and required permit as evidenced by his application for continued cannabis cultivation filed with the County on December 30, 2016. The illegal cultivation appears to have been conducted for numerous years based on the satellite evidence of hoop-house construction and Mr. Hulse's own declaration of cannabis cultivation.

The County has expended a large amount of administrative staff time which was expended in investigating or addressing the violation at issue. Additionally, there have been no efforts by the Property Owner to correct the violations cited as evidenced by the hoop-house structures are still on the Property, the unpermitted grading is not corrected, and the Property



Owner's failure to enter a Compliance Agreement by and with the County of Humboldt to address the violations. (Pages 147-157 and 159).

The Hearing Officer recognizes the authority to set the civil penalty for a category 4 violation between \$6,000 and \$10,000 per day pursuant to HCC section 352-6, with a maximum allowable civil penalty under the ordinance of \$10,000 per day for up to 90 days, or \$900,000. The County has instead requested a civil penalty of \$150,000. The hearing officer finds this amount of \$150,000, which is 17% of the maximum allowable civil penalty for the cannabis violation, is reasonable and appropriate given the factors in HCC section 352-6 as outlined above. Therefore, a civil penalty of \$150,000 is appropriate and therefore imposed and furthers the stated purpose, intent and scope of the County's civil penalty ordinance to "penalize Responsible Parties for . . . Violations." (HCC section 352-2(a)). Section 352-2(b)(1) states that the County adopted this administrative civil penalty procedure to "protect the public health, safety and welfare of the communities and citizens in the County of Humboldt" and to "provide a method to penalize Responsible Parties who fail or refuse to comply with the provisions of the Humboldt County Code and other ordinances adopted by the County of Humboldt, or conditions on entitlement set forth in permits and/or agreements issued or approved by the County of Humboldt." (HCC section 352-2(b)(3)).

#### **IX. COSTS**

Section 352-11 of the HCC authorizes the hearing officer to hear testimony of the estimated cost of Abatement. HCC section 351-4(c) defines Administrative Costs as "[a]ny and all costs related to staff time expended in the performance of enforcement activities authorized under this Chapter, including, but not necessarily limited to: conducting site inspections and investigations; preparing summaries, reports and notices; attending meetings and hearings; and any and all other communications, correspondence and document preparation related to enforcing the provisions of this Chapter."

The County has requested costs as follows: \$2,798.92. Although not itemized, the County did submit an exhibit packet of 291 pages that contained substantial work that was specific to the Property subject to this appeal. Accordingly, the requested amount is reasonable.

1. Administrative Costs: \$2,798.92.
2. Costs of the Hearing Officer.

The Hearing Officer finds these requested costs to be reasonable; therefore, costs in the amount of \$2,798.92 plus the costs of the Hearing Officer will be awarded to the County.

#### **X. FINDINGS OF NUISANCE AND ORDER OF ABATEMENT AND FINDING OF VIOLATION AND ORDER IMPOSING ADMINISTRATIVE CIVIL PENALTY**

1. The County's Amended Notice to Abate dated December 14, 2017, is upheld.
2. Administrative fines in the amount of \$150,000.00 are awarded to the County. Payment in full is due within 90 calendar days of service of this Findings of Nuisance and Order of

Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty (Order).

3. . If payment of fines is not made within 90 calendar days of service of this Order, the amount may be lodged as a lien on the Property.
4. Costs in the amount of \$2,798.92 are awarded to the County. Payment in full is due within 90 calendar days of service of this Order. If payment of costs is not made within 90 calendar days of service of this Order, the amount may be lodged as a lien on the Property.
5. The Property Owner is ordered to pay the costs of the Hearing Officer. Payment in full is due within 90 calendar days of notice by the County to the Property Owner of Hearing Officer costs. If payment of costs is not made within 90 calendar days of notice by the County, the amount may be lodged as a lien on the Property.
6. The Property Owner is ordered to Apply for and obtain a demolition permit for all structures on the Property that have a nexus to marijuana cultivation. The structures, soil containers and soil must be removed as soon as possible, but no later than three (3) weeks after service of this Order. All solid waste generated by cleanup must be disposed of in a proper manner and in accordance with best management practices.
7. The Property Owner is ordered to submit a restoration plan, designed by a qualified professional, to return graded areas to native contours/vegetation within eight (8) weeks of the Hearing Date. The work required by the restoration plan must be completed within one year of the issuance date of the permit(s) required to complete the plan.
8. The Property Owner is ordered to submit a complete application for all applicable permits required to complete the restoration plan within eight (8) weeks of the Hearing Date. All work required by these permit(s) must be completed within one year of the issuance of the permit.
9. The Property Owner is ordered to immediately remove all commercial quantities of marijuana or marijuana products from the Property.
10. The Property Owner is ordered to remove and properly dispose of all water infrastructures that supported marijuana cultivation, including spring boxes, cisterns, water tanks, bladders, and water lines within 30 days of the date of service of this order.
11. Appellant shall be notified of his Judicial Review of Finding of Violation and Order Imposing Administrative Civil Penalty rights under Humboldt County Code Section 352-13, which states, “(a) Pursuant to California Government Code Section 53069.4(b)(1)-(2), an Appellant may contest the Hearing Officer’s imposition of a final administrative civil penalty by filing a request for judicial review in the Humboldt County Superior Court within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty. The Appellant shall serve a copy of the request for judicial review of the Finding of Violation and Order Imposing Administrative Civil Penalty upon the Code Enforcement Unit either in person or by first class mail. (b) If the Humboldt County Superior Court finds against the Appellant, the Code Enforcement Unit may proceed to collect the administrative civil penalty as set forth in this Chapter. (c) The failure to file a request for judicial review of a Finding of Violation and Order Imposing Administrative Civil Penalty in accordance with the

requirements set forth in California Government Code Section 53069.4(b)(1)-(2) shall constitute a waiver of the right to contest the Hearing Officer's decision."

12. Pursuant to HCC section 351-12(b), "[a] Finding of Nuisance and Order of Abatement issued by the Hearing Officer shall be final in all respects. Any appeal of the Hearing Officer's Finding of Nuisance and Order of Abatement shall be governed by California Code of Civil Procedure Section 1094.6, as such section may be amended from time to time."

Dated: May 9, 2019



Wraymond Plummer  
Hearing Officer  
California Hearing Officers, LLP

## CA Government Code § 53069.4. Violation of ordinance of local agency subject to administrative fine or penalty; Appeal of order

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### (a)

(1) The legislative body of a local agency, as the term "local agency" is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties. Where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in Section 25132 and subdivision (b) of Section 36900.

### (2)

(A) The administrative procedures set forth by ordinance adopted by the local agency pursuant to this subdivision shall provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety.

(B) Notwithstanding subparagraph (A), the ordinance adopted by the local agency pursuant to this subdivision may provide for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis. This subparagraph shall not be construed to apply to cannabis cultivation that is lawfully undertaken pursuant to Section 11362.1 of the Health and Safety Code.

(C) If a local agency adopts an ordinance that provides for the immediate imposition of administrative fines or penalties as allowed in subparagraph (B), that ordinance shall provide for a reasonable period of time for the correction or remedy of the violation prior to the imposition of administrative fines or penalties as required in subparagraph (A) if all of the following are true:

(i) A tenant is in possession of the property that is the subject of the administrative action.

(ii) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis.

(iii) The rental property owner or agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the illegal cannabis cultivation.

### (b)

(1) Notwithstanding [Section 1094.5 or 1094.6 of the Code of Civil Procedure](#), within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with this section regarding the imposition, enforcement, or collection of the administrative fines or penalties, a person contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the local agency's file in the case shall be received in evidence. A proceeding under this subdivision is a limited civil case. A copy of the document or instrument of the local agency providing notice of the violation and imposition of the administrative fine or penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the local agency by the contestant.

(2) The fee for filing the notice of appeal shall be as specified in Section 70615. The court shall request that the local agency's file on the case be forwarded to the court, to be received within 15 days of the request. The court shall retain the fee specified in Section 70615 regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the local agency in accordance with the judgment of the court.

(3) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(c) If no notice of appeal of the local agency's final administrative order or decision is filed within the period set forth in this section, the order or decision shall be deemed confirmed.

(d) If the fine or penalty has not been deposited and the decision of the court is against the contestant, the local agency may proceed to collect the penalty pursuant to the procedures set forth in its ordinance.

## California Code of Civil Procedure § 1094.6. Time limits for review

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(a) Judicial review of any decision of a local agency, other than school district, as the term local agency is defined in [Section 54951 of the Government Code](#), or of any commission, board, officer or agent thereof, may be had pursuant to [Section 1094.5](#) of this code only if the petition for writ of mandate pursuant to such section is filed within the time limits specified in this section.

(b) Any such petition shall be filed not later than the 90th day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision, or for a written decision or written findings supporting the decision, in any applicable provision of any statute, charter, or rule, for the purposes of this section, the decision is final on the date it is announced. If the decision is not announced at the close of the hearing, the date, time, and place of the announcement of the decision shall be announced at the hearing. If there is a provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this section on the date that reconsideration is rejected. If there is a provision for a written decision or written findings, the decision is final for purposes of this section upon the date it is mailed by first-class mail, postage prepaid, including a copy of the affidavit or certificate of mailing, to the party seeking the writ. Subdivision (a) of [Section 1013](#) does not apply to extend the time, following deposit in the mail of the decision or findings, within which a petition shall be filed.

(c) The complete record of the proceedings shall be prepared by the local agency or its commission, board, officer, or agent which made the decision and shall be delivered to the petitioner within 190 days after he has filed a written request therefor. The local agency may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the local agency or its commission, board, officer, or agent, all written evidence, and any other papers in the case.

(d) If the petitioner files a request for the record as specified in subdivision (c) within 10 days after the date the decision becomes final as provided in subdivision (b), the time within which a petition pursuant to [Section 1094.5](#) may be filed shall be extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record, if he has one.

(e) As used in this section, decision means a decision subject to review pursuant to [Section 1094.5](#), suspending, demoting, or dismissing an officer or employee, revoking, denying an application for a permit, license, or other entitlement, imposing a civil or administrative penalty, fine, charge, or cost, or denying an application for any retirement benefit or allowance.

(f) In making a final decision as defined in subdivision (e), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section. As used in this subdivision, "party" means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license, or other entitlement has been revoked or suspended, or whose application for a permit, license, or other entitlement has been denied; or a person whose application for a retirement benefit or allowance has been denied.

(g) This section shall prevail over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

**Proof of Service**

I, Lynette McPherson, am over 18 years of age and not a party to this action. I am employed in the county where the mailing took place.

My business address is P.O. Box 279560, Sacramento, California, 95827, which is located in the County of Sacramento.

On **May 9, 2019**, I served the following document(s) by email and via USPS by enclosing it in an envelope and depositing the sealed envelope with the United States Postal Service with the first-class postage fully prepaid:

**FINDING OF NUISANCE AND ORDER OF ABATEMENT AND FINDING OF VIOLATION AND ORDER IMPOSING ADMINISTRATIVE CIVIL PENALTY**  
**Colin W. Hulse**  
**Property Address: Brinks Drive, Honeydew, CA 95545**  
**APN: 107-051-009-000**  
**Case No.: 17CEU-0330**

Addressed to:

**Humboldt County**  
**Planning and Building Code Enforcement**  
**3015 H. St.**  
**Eureka, CA 95501**

Via Email:

**Delilah Moxson** [dmoxon@co.humboldt.ca.us](mailto:dmoxon@co.humboldt.ca.us)  
**Tasheena Evenson** [tevenson1@co.humboldt.ca.us](mailto:tevenson1@co.humboldt.ca.us)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Lynette McPherson  
Paralegal



**COUNTY OF HUMBOLDT**  
CODE ENFORCEMENT UNIT  
3015 H Street  
Eureka, California 95501  
(707) 476-2429

# **NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT**

[Humboldt County Code §352-15]

**Address of Affected Property:**

Brinks Dr, Honeydew, CA 95545

**Assessor's Parcel Number:**

107-051-009-000

**Owner:**

Colin Hulse  
1841 County Lane  
Eureka, CA 95501

**NOTICE IS HEREBY GIVEN** that a final administrative civil penalty in the amount of **One Hundred Fifty Thousand Dollars (\$150,000.00)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 352-3(t), has occurred or exists on the above-referenced property situated in the County of Humboldt, State of California, as described in "Attachment A – Legal Description."

**NOTICE IS FURTHER GIVEN** that the Code Enforcement Unit will seek to levy an administrative civil penalty assessment against the property on which the violation occurred or exists in the amount of **One Hundred Fifty-Seven Thousand Five Hundred Thirty-Eight Dollars and Ninety-Two Cents (\$157,538.92)** in order to collect the administrative civil penalty and recover the administrative costs and/or attorney's fees, as described in "Attachment B – Account of Costs Incurred," associated with the actions taken by the Code Enforcement Unit to impose the administrative civil penalty, as described in "Attachment C – Actions Required to Impose Administrative Civil Penalty."

**NOTICE IS FURTHER GIVEN** that you may file with the Code Enforcement Unit an objection to the proposed assessment that is limited to the amount of the administrative civil penalty, and/or the amount of the administrative costs and/or attorney's fees associated therewith, within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

APN: 107-051-009-000

**NOTICE IS FURTHER GIVEN** that an objection to the proposed assessment, must be prepared using the form attached hereto as "Attachment D – Administrative Civil Penalty Assessment Appeal Hearing Request Form," and signed under penalty of perjury.

**NOTICE IS FURTHER GIVEN** that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors and issue a Notice of Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County Code Section 352-17.

**NOTICE IS FURTHER GIVEN** that the date of the Administrative Civil Penalty Assessment Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served.

**NOTICE IS FURTHER GIVEN** that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding an Administrative Civil Penalty Assessment Appeal Hearing, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of this Notice of Administrative Civil Penalty Assessment.

**NOTICE IS FURTHER GIVEN** that the final administrative civil penalty assessment, as approved by the Humboldt County Board of Supervisors, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

**NOTICE IS FURTHER GIVEN** that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from the date on which the initial civil administrative penalty is imposed.

Signature:   
Name: John Ford

Title: Director  
Date: 10/17/2019



# ATTACHMENT A LEGAL DESCRIPTION

the following described property in the unincorporated area of , County of **Humboldt**, State of **California**:

## **TRACT "A"**

**All that portion of Section 28, Township 2 South, Range 1 East, Humboldt Meridian, described as follows:**

**Parcel 5, as shown on Parcel Map No. 2062, on file in the Office of the County Recorder of Humboldt County, California, in Book 18 of Parcel Maps, Pages 48, 49 and 50, and as corrected by Certificate of Correction recorded August 30, 1983 in Book 1711, Page 971, Humboldt County Official Records.**

**EXCEPTING THEREFROM all the coal and other minerals, in the Southeast Quarter of the Northwest Quarter of said Section 28 with the right to prospect for, mine and remove the same as reserved by the United States in Patent to Arthur B. Clark recorded March 30, 1926 in Book 24, Page 62 of Patents.**

**ALSO EXCEPTING THEREFROM all oil, hydrocarbon substances and minerals in and under said premises, together with the right to enter thereon for the purpose of exploration and development thereof, as reserved in Deed from Joseph Kopf and Emilie Kopf, husband and wife, recorded October 21, 1955 in Book 363, Page 5, Official Records, Serial No. 16934.**

## **TRACT "B"**

### **PARCEL ONE**

**ATTACHMENT B  
ACCOUNT OF COSTS INCURRED**

<b>ADMINISTRATIVE COSTS</b>		
<b>Violation(s)</b>	<b>Nature of Cost Incurred</b>	<b>Amount</b>
§331-14	<b>Satellite Inspection of Property</b>  <div style="text-align: right;">2.5 Staff Hours</div>	<b>\$ 282.50</b>
§331-28 §314-55.4	<b>Preparation and Service of Notice to Abate Nuisance &amp; Notice of Violation by Posting, by Mail, and Legal Advertisement</b>  <div style="text-align: right;">1.5 Staff Hours Grant Deed Cost Certified Mailing Cost Driving Mileage Cost Legal Advertisement Cost</div>	<b>\$ 336.22</b>
	<b>Drafted and Sent Proposed Compliance Agreement</b>  <div style="text-align: right;">0.5 Staff Hours</div>	<b>\$ 41.50</b>
	<b>Preparation and Service of Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing by Posting and by Mail</b>  <div style="text-align: right;">1.5 Staff Hours Certified Mailing Cost Driving Mileage Cost</div>	<b>\$ 126.20</b>
	<b>Preparation and Attendance for Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing</b>  <div style="text-align: right;">17.5 Staff Hours</div>	<b>\$ 2,012.50</b>
	<b>Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty by California Hearing Officer Wraymond Plummer</b>  <div style="text-align: right;">Hearing Officer Services</div>	<b>\$ 4,740.00</b>
		<b>Total Cost</b> <b>\$ 7,538.92</b>

**ATTACHMENT C  
ACTIONS REQUIRED TO IMPOSE  
ADMINISTRATIVE CIVIL PENALTY**

<b>Violation(s)</b>	<b>Nature of Actions Taken To Impose Administrative Civil Penalty</b>	<b>Date</b>
§331-14	Satellite Inspection of Property	October 10 – 13, 2017
§331-28 §314-55.4	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement	October 18, 2017
	Drafted and Sent Proposed Compliance Agreement	February 25, 2018
	Preparation and Service of Notice of Code Enforcement Appeal Hearing and Notice of Administrative Civil Penalty Appeal Hearing by Posting and by Mail	March 27, 2019
	Preparation and Attendance for Code Enforcement Appeal Hearing and Administrative Civil Penalty Appeal Hearing	April 12, 2019
	Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty by California Hearing Officer Wraymond Plummer	May 9, 2019

**ATTACHMENT D**  
**ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL**  
**HEARING REQUEST FORM**

**Address of Affected Property:** Brinks Dr, Honeydew, CA 95545

**Assessor's Parcel Number:** 107-051-009-000

**To:** Humboldt County Code Enforcement Unit  
3015 H Street  
Eureka California, 95501

Pursuant to Humboldt County Code Section 352-17, I am requesting a hearing to contest the amount of the administrative civil penalty assessment proposed to be levied against the property on which the violation occurred or exists in order to collect the final administrative civil penalty and recover the administrative costs and/or attorney's fees associated with the actions taken by the Humboldt County Code Enforcement Unit to impose the administrative civil penalty.

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the administrative penalty, and/or the administrative costs and/or attorney's fees associated therewith, are inappropriate under the circumstances of this case]:

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[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative civil penalty assessment]:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

PROOF OF SERVICE

STATE OF CALIFORNIA    )  
                                  ) ss.  
COUNTY OF HUMBOLDT )

I, TASHEENA EVENSON, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on October 21<sup>st</sup> 2019 I served a true copy **NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.**

XXX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Cert.)

**Colin Hulse  
1841 County Lane  
Eureka, CA 95501**

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant at the premises located at:

\_\_\_\_\_ by personally posting a true copy thereof on the premises located at:

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County's Mailroom designated to the attorney named below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of October 2019, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant II

PROOF OF SERVICE

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT )

I, Branden Howton, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is County of Humboldt Planning & Building Dept.; 3015 H Street, Eureka, California; that on October 21, 2019, I served a true copy of NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT.

\_\_\_\_\_ by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

\_\_\_\_\_ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

X\_\_\_\_\_ by personally posting a true copy thereof on a gate allowing access to property:  
**Brinks Dr, Honeydew, CA 95545**  
**APN: 107-051-009-000; 40.273831, -124.078204**

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

\_\_\_\_\_ by placing a true copy in the County's Mailroom designated to the attorney named below:

\_\_\_\_\_ by fax as set forth below:

\_\_\_\_\_ by electronic service as set forth below:

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on this 23 day of October, 2019, in the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Branden Howton, Code Compliance Officer