

ATTACHMENT A

Gess #CE20-0471

APN 315-082-004

1. Inspection Report - Law Enforcement Warrant 2/20/2020
2. Notice Documents
 - a. Cover Letter for Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty
 - b. Notice of Violation and Proposed Administrative Civil Penalty
 - c. Notice to Abate Nuisance
 - d. Proof of Service for Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty
3. Timeline
4. Notice of Administrative Civil Penalty Assessment with Proof of Service

**County of Humboldt Code Enforcement Unit
Inspection Notes**

Inspector: Branden Howton	Date: 20 Feb 2020
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PROPERTY DETAILS	
Type of Inspection: Warrant	Main Agency: HCSO
Property Name(s): Bryce Gess (10/18/18)	APN(s): 315-082-004-000
Address/Area: 1668 Thelma St. Fortuna, CA 95540	Zoning: TPZ; AE
Owner/history: C & M Humboldt Development (2/27/18) Lanaie and Rhett Baker (4/28/10)	

Planning & Building Records	
Permits: 2018-15162 LLA 46157-NA (Withdrawn) Permit existing AOB Residence (1760 ft ²), Shop (4100 ft ²), Cabin (2100 ft ²), 3 Fuel Storage Tanks, 5 Ag Exempt Storage buildings w/ electrical Remove: Greenhouse (1800 ft²)	CE Case: 17CEU-73 (prior) Judgement against Rhett Baker in Court Case The People of the State of California V Rhett Baker awarded P&B 2,500.00 in "agency costs". This was applied against an invoice created in OnTrack for 30K. Copy of the Judgement is in his file.

INSPECTION DETAILS	
Meet up: Horse Mountain Parking Lot	Time: 0800
Other Agencies: CDFW, DA	
Directions: 299 to USFA Route 1 (Titlow Hill Road) to USFS 4N32 to Parcel at end of Roadway	

SUMMARY

In support of Law enforcement Operations on February 20th, 2020, at approximately 09:40, I accompanied the Humboldt County Sheriff's Office on a Search Warrant for parcel number 315-082-004-000, located near US Forest Service Route 1, Willow Creek, CA. Other agencies on scene were the California Department of Fish and Wildlife (CDFW) and Humboldt County District Attorney's Office. Once the area was secured for entry, I entered the property from the North and conducted a site inspection on behalf of Humboldt County Code Enforcement, where I verified and documented violations of unpermitted cannabis cultivation, unpermitted buildings, unpermitted grading, and unpermitted sewage disposal systems.

Upon arriving on property, I proceeded to document the unpermitted structures on the property. In "Building A", a pier and post, single-story wooden structure, I verified an ongoing unpermitted indoor cannabis cultivation operation. I found approximately 1,200 ft² of 3' – 4' foot tall flowering cannabis plants, electrical wires and cords leading to both lights and fans, and a water heater feeding into a plastic 165-gallon tank being used to mix liquid nutrients for the cannabis cultivation. Located on the Northwest side of Building A, partitioned from the rest of the building, is a room set-up for the drying and processing of cannabis. I found many metal drying lines hanging from eye hooks with some spanning the ceiling, electrical outlets, fans, and a dehumidifier. Outside Building A, on the Southeast corner, I found a pile of empty soil bags, cardboard boxes, and empty plastic containers.

In "Building B", a single-story foam insulated metal building on concrete slab, I verified an unpermitted indoor cannabis cultivation operation. I found approximately 2,000 ft² of 3½' – 4' foot tall flowering cannabis plants, electrical wires and cords leading to both lights and fans, ventilation ducting, heaters and dehumidifiers hanging from ceiling cross bar members, a small electrical water pump connected to a large water tank being used to mix nutrients for the cannabis cultivation, and a variety of containers filled with the different nutrients sitting on the ground around the water tank. To the West of Building B is a set of three (3) green propane tanks placed on solid footers and appears piping feeds both Building B and the Main Residential unit on the property.

In "Building C", a single-story foam insulated metal building on concrete slab, I verified an unpermitted indoor cannabis cultivation operation. I found approximately 450 ft² of 2' - 3½' foot tall flowering cannabis plants, electrical wires and cords leading to both lights and fans, ventilation ducting, as well as, heaters and dehumidifiers hanging from ceiling cross bar members. In the adjoining area I found a small electrical water pump connected to a large water tank being used to mix nutrients for the cannabis cultivation, a variety of containers filled with the different nutrients sitting on the ground around the water tank. In the room alongside these two areas were a connected water heater, pallets of soil, fuel cans and other cultivation materials, electrical wire (12-2), and an area used to field dress a deer. Located on the South side of Building C is a green propane tank which feeds the building.

In "Building D", a pier and post, two-story wooden structure, I verified an ongoing unpermitted indoor cannabis cultivation operation. On the ground floor I found

approximately 1,400 ft² of 2' – 3' foot tall budding cannabis plants, electrical wires and cords leading to both lights and fans, ventilation ducting, and an electrical pump connected to a large vat used for mixing nutrients for the cannabis operation. Around the vat were numerous containers of various types of nutrients. Located on the Southwest side of Building D, partitioned from the rest of the building, is a room set-up for the drying and processing of cannabis. I found many metal drying lines hanging from eye hooks, electrical outlets, fans, a dehumidifier, black trash bags filled with processed cannabis product, green plastic tubs, and dried cannabis leaves and other cannabis plant reminsce covering the floor. Also located on the ground floor, partitioned from the main area of the structure, on the Southeast side of Building D, is a small room containing a water heater feeding this structure. Along this same side of Building D can be seen an 18" inch cut bank created from grading that occurred for construction of Building D.

At time of Warrant, second floor of Building D is only accessible from a ladder. The ladder was placed against the bottom of the sliding glass door of the main room. Outside the sliding glass door, I found open-air electrical wiring. On the second floor was a full Kitchen, Bathroom / Laundry room, and a living area with three (3) mattresses on the floor. Also found on the second floor were numerous green tubs filled with dried and processed Cannabis. I was unable to verify type of Sewage Disposal System in use due to plumbing being underground. I do not have record of Permit for Sewage Disposal.

Alongside Building D, on the Southeast side, is a Conex box used for storage. It does not appear that Conex box is directly tied to cannabis operation. On the back side of Building D were roughly ten (10) pallets of soil bags (Fox Farm Ocean Forest Potting Soil).

The Main Residence on the Property is a two-story, one-bed, one-bath, pier and post wooden structure. Located on the ground floor was the Kitchen, Dining area, wood stove, and Bathroom / Laundry room. The Bedroom is located upstairs and had three (3) beds. The Bedroom has a sperate entryway exiting to the deck. The deck runs along the front side (Southern) of the residence with stairs leading to the upper level. Water heater for this structure is located on the Northern face of the building. I was unable to verify type of sewage disposal system in use due to plumbing being underground. I do not have record of permit for sewage disposal.

South of the Main Residential structure on the property is a graded clearing that is obviously used for vehicle traffic. On the most Southern part of this area were frames and related material commonly used in hoophouse / greenhouse structures. The materials seem to have been sitting for some time in this location. From this area is also a graded road heading South which leads to access area for the graded pond before heading downhill to both "South Flat A" and "South Flat B". The graded pond is approximately 900 ft² in size and of unknown depth. The Northern bank of the pond shows clear signs of deterioration and instability.

"South Flat A" is approximately 4,800 ft² with an 8' foot cut bank on the North side. Located on the Western side of the graded flat are black plastic pots previously used for cannabis

cultivation. They are now overgrown with weeds. Roughly in the middle of South Flat A are a couple piles of plastic debris and wooden fence poles. There are also abandoned waterlines along the cut bank.

“South Flat B” is located directly South and below South Flat A. The cut bank between the two is roughly 20’ feet in height and shows signs of deterioration and instability. South Flat B is approximately 6,000 ft² in size and currently shows no signs of cultivation activity.

On the Eastern side of the South Flats is a creek which was directly affected by the previous unpermitted grading and cannabis cultivation activities.

From the area Northwest of the Residential structure is road leading to a pair of water tanks “Water Tank B” and the two Northern flats. “North Flat A” is Approximately 4,500 ft² in area with many rows of black plastic bags previously used for cannabis cultivation but have since been abandoned and are overgrown with weeds. The cut bank on the North side of the flat is roughly 8’ feet in height.

Located below and to the South is “North Flat B”. North Flat B is approximately 12,500 ft² in size with a roughly 15’ foot cut bank along the Eastern side. The cut bank shows signs of deterioration and instability. Along the base of the cut bank is a small stream. On the Northern slope, between the North flats, were wood braces and abandoned PVC piping typically used in the construction of hoophouse / greenhouse structures for cannabis cultivation.

South of Building D were found accessory structures and equipment directly related to the cannabis operation activities. There were three (3) generators on trailers. Two of the generators were covered with tarps and parked outside a metal framed and foam insulated shed built on a concrete slab. The large yellow generator was running and situated inside the shed at the time of my inspection. Besides the generator operating inside the shed, I also found oil cans, car batteries, oil filters, hoses, and other items associated with upkeep and maintenance of generators. All these items were placed directly on the concrete slab and not properly stored. The operating generator was also leaking oil onto the floor. Near the roll-up door to the right is a power panel being fed from running generator with outlet going into conduit which leaves the structure and immediately heads underground.

The generator shack is partitioned into two (2) spaces. The front half facing the main buildings on the property is where the generator was operating. The back half was being used to store five (5) 55-gallon drums of 15W-40 Engine Oil. I also noted a hand pump attached to one of the drums. It appears that the 55-gallon drums were being used to refill smaller 1-gallon containers making it easier for transport on the property. Near the drums of engine oil were several bags of concrete and a shelving unit with miscellaneous supplies. None of the supplies are worth making special note of.

Immediately West of the generators is an area used for fuel storage. This area consists of three buildings, all wooden construction, with only the most easterly structure having a front facade. Within the structure with the facade was "Fuel Tank A" with an estimated capacity of 10,000-gallons. Fuel Tank A was placed in a portable metal dike (secondary containment basin) and had multiple hoses protruding from the top with no labels as to contents of tank. Some led to other fuel tanks and another led to a fuel filter, which then proceeded into a conduit buried in the ground. Near the fuel filter were many open-air electrical wires, some spliced and some capped off.

"Fuel Tank B" was unlabeled as to contents and has an estimated capacity of 10,000-gallons. Fuel Tank B is located South of Fuel Tank A. These two tanks are connected via hose which is ran through a small pump attached to the top of Fuel Tank B. Fuel Tank B was covered in camouflage netting and placed directly on the ground. I was unable to locate gravel under the tank, used for stability, nor any other erosion control measure to prevent eventual leakage of tank contents.

The remaining three (3) tanks, located West of Fuel Tank A and B, were elevated above portable metal dikes, labeled "Dyed Diesel", and have an estimated capacity of 1,000-gallons each. Only the tank nearest Tank A appears to be in use.

Slightly Northeast of Building D is a set of three (3) white propane tanks. All tanks are on solid footers and connected to a single plumbing line running into the ground. With no other structures nearby, I believe propane tanks feed Building D.

Just Northeast of the white propane tanks is "Well A". The well has a flow meter attached to a waterline and is securely covered with a small plywood platform. I traced waterline to "Water Tank C", which is located on neighboring property. Tank C is located among numerous other tanks owned by neighboring property.

Between Building A and Building D is a small shed enclosing "Well B". The well appears to feed underground waterlines that supply water to the buildings on the property. Immediately West of the shed is a "Water Tank A". The water tank is connected to a hose / water line that is set up in such a way as to possibly feed other large containers. There is equipment on site that would allow for the movement of such containers making them somewhat portable.

Further investigation of property found no permits on record for any structure, grading, sewage disposal, cannabis cultivation, or wells for this property and all structures listed thus far have electricity, run via underground conduit, gas lines plumbed in, and water connections. Due to all utilities being run underground, it is difficult to trace or map utility lines. The two structures with bathrooms also have sewage pipes leading directly into the ground making it equally difficult to determine type and location of septic system, if any, without assistance from another agency or property owner. Unpermitted wells and improper fuel tank containment issues have been reported to Environmental Health.

Locations of Interest 315-082-004-000			
Lat.	Long.	Description	Violation
40.73304	-123.63860	Picture; Building C and Residence	
40.73284	-123.63848	Picture; Building A, Drying Room	
40.73317	-123.63871	Building B; Electrical In	
40.73311	-123.63921	Building C; Metal Building, Single-Story, Cement Slab Indoor Cannabis Cultivation Grow Site; Approx. 450 ft ² of 2'- 3½' tall Flowering Cannabis	314-55.4 331-28
40.73257	-123.63818	Building D; Wooden Building, Two-Story with Covered Deck, Pier and Post; 3 - Bed, 1 - Bath Indoor Cannabis Cultivation Grow Site; Approx. 1400 ft ² of 2'-3' tall Budding Cannabis	314-55.4 331-28 611-3
40.73275	-123.63829	Water Tank A, Water Station	314-55.4
40.73287	-123.63838	Building A; Wooden Building, Single-Story with Covered Deck, Pier and Post; Indoor Cannabis Cultivation Grow Site; Approx. 1200 ft ² of 3'-4' tall Flowering Cannabis	314-55.4 331-28 521-4
40.73278	-123.63835	Picture; Building A	
40.73332	-123.63881	Building B; Metal Building, Single-Story, Cement Slab Indoor Cannabis Cultivation Grow Site; Approx. 2000 ft ² of 3½'-4' tall Flowering Cannabis	314-55.4 331-28
40.73328	-123.63899	Propane Tank (3)	314-55.4
40.73319	-123.63908	Picture; Building C	
40.73298	-123.63912	Frame Storage	
40.73270	-123.63957	Pond	314-55.4
40.73311	-123.63885	Residence; Wooden Building, Two-Story with Covered Deck, Pier and Post; 3 - Bed, 1 - Bath	314-55.4 331-28 611-3
40.73274	-123.63819	Picture; Well Shack; Well B	314-55.4 631-3
40.73266	-123.63815	Picture; Building D	
40.73236	-123.63812	Generator Shack	314-55.4
40.73238	-123.63828	Fuel Storage	314-55.4
40.73264	-123.63802	Propane Tank	314-55.4
40.73273	-123.63782	Well A	314-55.4 631-3
40.73193	-123.63773	Water Tank C	314-55.4
40.73406	-123.64008	Water Tank B	314-55.4
40.73464	-123.64142	North Flat A; Grading Approx. 4,500 ft ² , 8' Cut Bank; Pots remain on site.	314-55.4 331-14

40.73423	-123.64158	North Flat B; Grading Approx. 12,500 ft ² , 15' Cut Bank; Debris remains on site.	314-55.4 331-14
40.73183	-123.64092	South Flat A; Grading Approx. 4,800 ft ² , 6' Cut Bank; Pots remain on site.	314-55.4 331-14 314-61.1
40.73163	-123.64092	South Flat B; Grading Approx. 6,000 ft ² , 20' Cut Bank;	314-55.4 331-14 314-61.1
40.73287	-123.63942	CDFW Finding, SMA violation	FGC 5650
40.73269	-123.63953	CDFW Finding, SMA violation	FGC 1602
40.73256	-123.63871	CDFW Finding, SMA violation	FGC 5650
40.73185	-123.64025	CDFW Finding, SMA violation	FGC 1602
40.73156	-123.64084	CDFW Finding, SMA violation	FGC 5650

VIOLATIONS FOR PARCEL: 315-082-004-000 (Bryce Gess)		
Section	Nature	Count
331-14	Grading Without Permits	8
331-28	Const. of Building/Building in Violation of Building, Plumbing and/or Electrical Codes	5
314-55.4	Violation of the Commercial Cannabis Land Use Ordinance	5,050 ft ²
314-61.1	Development in a Streamside Management Area without a Permit	6
631-3	Unpermitted Well	2
611-3	Unapproved Sewage Disposal System	2
521-4	Improper Storage and Removal of Solid Waste	6

NOTES

Plant Count: 3,636

Processed: 331 pounds (124.86 shake, 206.86 trim)

Persons on Site: Gage Eskra

Friend of Bryce

Know Property Owner through Hunting Activities

States he was invited to the property to hunt deer, although not in season.

Admits to poaching deer (2 x 3 point) 2 weeks earlier.

Other:

4 firearms confiscated on site.

There are reports that unpermitted grading occurred in the form of a road leading off the property to the South and meeting up with the PG & E access road. I have been unable to verify this claim.

CDFW verified five (5) SMA violations. Two (2) 1602 (Grading in SMA), and three (3) 5650 (Sediment into SMA).

At time of inspection, a Lot Line Adjustment (LLA) was being applied for. The applicant was neighboring property. LLA calls for giving land to subject property for reasons unknown.





CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT

3015 H STREET
EUREKA, CALIFORNIA 95501
PHONE: (707) 476-2429 FAX: (707) 268-3792

March 10, 2020

Bryce Gess
1668 Thelma St.
Fortuna, CA 95540

Re: Service of a Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty; Bryce Gess; US Forest Service Route 1, Blue Lake, CA 95525; APN(s): 315-082-004-000

To Bryce Gess:

The Code Enforcement Unit recently inspected your above described property and observed violations of County Code. We are serving you with the attached ***Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty*** for the following violations:

314-55.4.3:	<i>Violation of the Commercial Cannabis Land Use Ordinance</i>
331-28; 314-55.4.3:	<i>Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance</i>
331-14; 314-55.4.3:	<i>Grading without Permits; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance</i>
314-61.1; 314-55.4.3:	<i>Development within a Streamside Management Area; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance</i>
611-3:	<i>Unapproved Sewage Disposal System</i>
521-4:	<i>Improper Storage and Removal of Solid Waste</i>

The Notices state the enforcement actions that can be taken to bring the property into compliance with Humboldt County Codes. Please also note that the attached ***Notice of Violation and Proposed Administrative Civil Penalty*** states that the County propose an administrative civil penalty in the amount of \$43,000 per day for a period of ninety days. The administrative civil penalty will begin to accumulate ten days after the Notice is served. The Notices list options that may be taken by you and/or the property owner in response to these Notices. If you are willing to bring the property into compliance with Humboldt County Codes but believe more than 10 days will be required to complete the work, the County of Humboldt may be willing to enter into a *Compliance Agreement* with the property owner and set an extended time frame to complete the corrective actions.

To discuss these documents and the required actions available to you If you have any questions or concerns about these documents or the code enforcement process in general, please feel free to call me at #707-476-2429 or email me at BBowes1@co.humboldt.ca.us.

Sincerely,

Brian Bowes
Investigator, Code Enforcement Unit

Enclosures:

Notice to Abate Nuisance

Notice of Violation and Proposed Administrative Civil Penalty



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:

US Forest Service Route 1, Blue Lake, CA 95525

Assessor's Parcel Number:

315-082-004-000

To Owner:

Bryce Gess
1668 Thelma St.
Fortuna, CA 95540

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 ARE 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 **Forty-Three Thousand Dollars (\$43,000)** 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.

APN: 315-082-004-000

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 service of this 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 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 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's 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 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.

For the Humboldt County Code Enforcement Unit:

Signature: 

Title: Investigator

Name: Brian Bowes

Date: March 10, 2020

ATTACHMENT A

CONDITIONS CONSTITUTING A VIOLATION

Code Section(s)	Nature of Violation	Conditions Causing Nuisance	Violation Category (1-4)	Proposed Civil Administrative Penalty
314-55.4.3	Violation of the Commercial Cannabis Land Use Ordinance	Unpermitted commercial cannabis operation with approximately 5,050 square feet of cultivation.	4	\$10,000 per day
331-28; 314-55.4.3	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Four accessory structures facilitating commercial cannabis activity and constructed contrary to the provisions of Humboldt County Code.	4	\$10,000 per day
331-14; 314-55.4.3	Grading without Permits; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Development without permits in or around 2009, 2012, 2014, 2015 and 2017 of four graded flats, one graded pond, graded road and graded flats for buildings, respectively, in excess of 50 cubic yards of cut/fill to facilitate commercial cannabis cultivation activity.	4	\$10,000 per day
314-61.1; 314-55.4.3	Development within a Streamside Management Area; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Development in a unmapped Streamside Management Area of one graded pond altering stream; one crossing altering stream; three sediment into stream to facilitate commercial cannabis cultivation activity.	4	\$10,000 per day
611-3	Unapproved Sewage Disposal System	Unpermitted installation of Sewage Disposal Systems.	1	\$1,000 per day
521-4	Improper Storage and Removal of Solid Waste	Multiple areas of piled trash and debris.	1	\$1,000 per day

ATTACHMENT B LEGAL DESCRIPTION

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

The Northwest Quarter of Section 17, Township 4 North, Range 5 East, Humboldt Meridian.

PARCEL TWO:

The right to use the existing road which begins near the Northwest corner of the lands described in Deed recorded December 10, 2008 as Instrument No. 2008-28888-2; and runs
thence in a general Southerly and Southeasterly direction to a point on the South line of said lands.

Also the right to construct and use a road which begins near the Southwest corner of said lands; and runs
thence Northeasterly to a point on the existing road referred to above.

Being the same as reserved in said Deed recorded December 10, 2008.

APN: 315-082-004-000

ATTACHMENT C
ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING
REQUEST FORM

Address of Affected Property:

US Forest Service Route 1, Blue Lake, CA 95525

Assessor's Parcel Number:

315-082-004-000

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 of the amount of the proposed administrative civil penalty for the above-referenced property.

[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]: _____

[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]: _____

[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]: _____

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination of the amount of the proposed administrative civil penalty for the above-referenced property.]:

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: _____



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

NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

US Forest Service Route 1, Blue Lake, CA 95525

Assessor's Parcel Numbers:

315-082-004-000

Owners:

Bryce Gess
1668 Thelma St.
Fortuna, CA 95540

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 ARE 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.

APN: 315-082-004-000

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: March 10, 2020

ATTACHMENT A

CONDITIONS CONSTITUTING A NUISANCE

Code Section(s)	Nature of Violation	Conditions Causing Nuisance	Corrective Action Required
314-55.4.3	Violation of the Commercial Cannabis Land Use Ordinance	Unpermitted commercial cannabis operation with approximately 5,050 square feet of cultivation.	Cease all commercial cannabis cultivation operations and remove all cannabis and infrastructure supporting commercial cannabis including water infrastructure and power sources.
331-28; 314-55.4.3	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Four accessory structures facilitating commercial cannabis activity and constructed contrary to the provisions of Humboldt County Code.	Remove all structures with a nexus to cannabis cultivation and constructed in violation of Humboldt County Code, including applying for and obtaining a demolition permit.
331-14; 314-55.4.3	Grading without Permits; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Development without permits in or around 2009, 2012, 2014, 2015 and 2017 of four graded flats, one graded pond, graded road and graded flats for buildings, respectively, in excess of 50 cubic yards of cut/fill to facilitate commercial cannabis cultivation activity.	Submit and obtain approval for a restoration plan that provides for the remediation of the graded area(s). Obtain all permits required for approved restoration plan, complete the approved work, and pass a final inspection.
314-61.1; 314-55.4.3	Development within a Streamside Management Area; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance	Development in a unmapped Streamside Management Area of one graded pond altering stream; one crossing altering stream; three sediment into stream to facilitate commercial cannabis cultivation activity.	Remove impermanent materials from waterway. If applicable, submit and obtain approval for a restoration plan to remediate development in Streamside Management Area. Obtain all permits needed for restoration, complete the approved work, and pass a final inspection.
611-3	Unapproved Sewage Disposal System	Unpermitted intallation of Sewage Disposal Systems.	Apply for & receive permit from Department of Environmental Health (DEH) for sewage disposal system; or, cease use and implement in discussion with DEH a plan to properly remove sewage disposal system.
521-4	Improper Storage and Removal of Solid Waste	Multiple areas of piled trash and debris.	Contain & dispose of all solid waste properly.

ATTACHMENT B LEGAL DESCRIPTION

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

The Northwest Quarter of Section 17, Township 4 North, Range 5 East, Humboldt Meridian.

PARCEL TWO:

The right to use the existing road which begins near the Northwest corner of the lands described in Deed recorded December 10, 2008 as Instrument No. 2008-28888-2; and runs

thence in a general Southerly and Southeasterly direction to a point on the South line of said lands.

Also the right to construct and use a road which begins near the Southwest corner of said lands; and runs thence Northeasterly to a point on the existing road referred to above.

Being the same as reserved in said Deed recorded December 10, 2008.

APN: 315-082-004-000

ATTACHMENT C

CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:

US Forest Service Route 1, Blue Lake, CA

Assessor's Parcel Number:

315-082-004-000

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 violation has occurred or 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, 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 Marth 9th, 2020 I served a true copy **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED CIVIL PENALTY.**

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.)

Bryce Gess
1668 Thelma St.
Fortuna, CA 95540

_____ 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 09 day of March 2020, 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 Humboldt County Planning and Building Department; 3015 H St., Eureka, California; that on March 10, 2020, I served a true copy of **NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES & 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:

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

5491 ST HWY 36, Carlotta, CA 95528
APN: 206-101-019-000; GPS 40.5450, -124.0569

_____ by personally posting a true copy thereof on gate allowing access to property:

_____ 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 10th day of March 2020, in the City of Eureka, County of Humboldt, State of California.



Branden Howton, Code Compliance Officer

Case: CE20-0471
APN: 315-082-004-000
Property Owner(s): Bryce Gess

Violations Cited [notices served 03.09.2020]:

314-55.4.3:	Violation of the Commercial Cannabis Land Use Ordinance
331-28; 314-55.4.3:	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance
331-14; 314-55.4.3:	Grading without Permits; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance
314-61.1; 314-55.4.3:	Development within a Streamside Management Area; Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance
611-3:	Unapproved Sewage Disposal System
521-4:	Improper Storage and Removal of Solid Waste

Case History:

Action	Date
Bryce Gess is Deeded Property	10/18/2018
HCSO warrant served	2/20/2020
NTA and NOV Served	3/10/2020
Mr. Gess makes contact with CEU	3/18/2020
10 Days Expired	3/21/2020
90 Days Expired	6/19/2020
"Notice of Administrative Civil Penalty Assessment" Served	



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:

Assessor's Parcel Number:

315-082-004-000

Owner:

Bryce Gess
1668 Thelma St
Fortuna, CA 95540

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Three Million Seven Hundred Eighty Thousand Dollars (\$3,780,000.00)** 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 **Three Million Seven Hundred Eighty-One Thousand Five Hundred Seventy-Two Dollars and thirteen cents (\$3,781,572.13)** 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: 315-082-004-000

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.

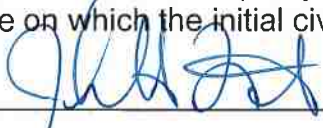
NOTICE IS FURTHER GIVEN that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors and issue a Notice of Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County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

Title: Director, Planning & Building Dept.

Name: John Ford

Date: 8/18/2021

ATTACHMENT A LEGAL DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

The Northwest Quarter of Section 17, Township 4 North, Range 5 East, Humboldt Meridian.

PARCEL TWO:

The right to use the existing road which begins near the Northwest corner of the lands described in Deed recorded December 10, 2008 as Instrument No. 2008-28888-2; and runs
thence in a general Southerly and Southeasterly direction to a point on the South line of said lands.

Also the right to construct and use a road which begins near the Southwest corner of said lands; and runs
thence Northeasterly to a point on the existing road referred to above.

Being the same as reserved in said Deed recorded December 10, 2008.

APN: 315-082-004-000

ATTACHMENT B ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§314-55.4.3	Agency Assistance on Law Enforcement Search Warrant	
§331-28; 314-55.4.3	11.75 Staff Hours Driving Mileage Cost	\$ 1,290.59
§331-14; 314-55.4.3	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement	
§314-61.1; 314-55.4.3	2.25 Staff Hours Grant Deed Cost Certified Mailing Cost Driving Mileage Cost	\$ 281.54
§611-3: §521-4		Total Cost \$ 1,572.13

ATTACHMENT C

ACTIONS REQUIRED TO IMPOSE ADMINISTRATIVE CIVIL PENALTY

Violation(s)	Nature of Actions Taken To Impose Administrative Civil Penalty	Date
§314-55.4.3 §331-28; 314-55.4.3 §331-14; 314-55.4.3 §314-61.1; 314-55.4.3	Agency Assistance on Law Enforcement Search Warrant	February 20, 2020
§611-3 §521-4	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement	March 10, 2020

ATTACHMENT D
ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL
HEARING REQUEST FORM

Address of Affected Property:

Assessor's Parcel Number: 315-082-004-000

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]:

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination of the amount of the proposed administrative civil penalty for the above-referenced property.]:

Name: _____ Telephone Number: _____

Address: _____ City, State: _____

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, 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 Humboldt County Planning and Building Department; 3015 H St., Eureka, California; that on August 20, 2021, 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:

_____ by personally posting a true copy thereof on gate allowing access to property:

APN: 206-101-019-000; GPS 40.73199, -123.63805

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

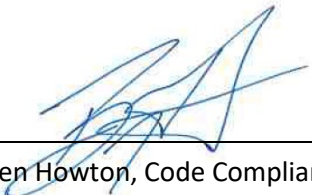
_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

_____ 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 23rd day of August, 2021, in the City of Eureka, County of Humboldt, State of California.



Branden Howton, Code Compliance Officer

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, DELILAH MOXON, 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 Department; 3015 H St., Eureka, California; that on August 24, 2021, 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:

**Bryce Gess
1998 Thelma St.
Fortuna, CA 95540**

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

_____ by personally posting a true copy thereof on gate allowing access to property:

_____ 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 24th day of August, 2021, in the City of Eureka, County of Humboldt, State of California.


Delilah Moxon – Administrative Services Manager