

ATTACHMENT G

Kim Shafer 18CEU-349 APN

210-162-010

1. Recent Site History
2. Notice Documents August 2018
 - 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. No Contact Warning Letterre
4. Satellite Imagery
5. Notice Documents August 2021
 - 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
6. Abatement Review
7. Notice of Administrative Civil Penalty Assessment with Proof of Service

Parcel Boundaries and Cultivation Site Reference Map: APN 210-162-010-000; FR-B-5(40)

The screenshot displays the Humboldt County Internal Web GIS interface. At the top, the header includes the logo and text "Humboldt County Internal Web GIS", "Planning & Building Department", and navigation links for "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 rectangular area in the center is shaded in a semi-transparent red color, indicating cultivation. A "Query" window is open on the left side of the map. The window has a title bar with "Query" and a close button. It contains a "QUERIES" section with "Options" and "APPLY" buttons. Below this, it says "Specify parameters for this task :". A text input field is labeled "Assessor's Parcel Number contains" and has the value "210-162-010-000". Below the input field, the text "017-031-001" is displayed. There are two checkboxes: "Use spatial filter to limit features" (unchecked) and "Add result as operational layer" (checked). A note below the second checkbox states: "With this option checked, results will be kept on the map until the 'Clear Results' button is clicked." At the bottom of the window is a "Clear Results" button. The bottom of the map interface shows a scale bar, coordinates "40.3879 -123.5822 Degrees", and a footer with logos for "NRCs, NWI, CDFW, FRAP, FEMA, USGS, Humboldt County GIS, USDA FSA, Esri, HERE, Garmin, iPC" and the "esri" logo.

Approximately 7,038 sq. ft. of cultivation in 2018

Recent Site History APN: 210-162-010-000

Cultivation Site 2010



June 16, 2010

Recent Site History APN: 210-162-010-000

Cultivation Site 2016



June 3, 2016

Recent Site History APN: 210-162-010-000

Cultivation Site 2018



February 8, 2018

Recent Site History APN: 210-162-010-000

Cultivation Site 2018



Jul 14, 2018 22:00:39 UTC
SkySat Collect (0.8 m)
78 % area coverage

July 14, 2018



CODE ENFORCEMENT UNIT
COUNTY OF HUMBOLDT

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

August 10, 2018

Kim Shafer
P.O. Box 92
Mad River, CA 95552

Re: Service of a Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty; Kim Shafer; Sway Back Road, Bridgeville, CA 95526; APN: 210-162-010-000

To Kim Shafer:

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:

- 331-28: *Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes*
- 314-55.4: *Violation of the Commercial Medical Marijuana Ordinance*

Consequently, the Code Enforcement Unit has elected to record a ***Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty*** against your property.

Please note that these recorded Notices may hinder the property owner's ability to sell or refinance the property. The Notices also states 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 \$10,000 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.

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:

Sway Back Road, Bridgeville, CA 95526

Assessor's Parcel Number:

210-162-010-000

To Owner:

Kim Shafer
P.O. Box 92
Mad River, CA 95552

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 **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.

APN: 210-162-010-000

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.

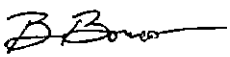
NOTICE IS FURTHER GIVEN that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

- 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: August 10, 2018

ATTACHMENT A

CONDITIONS CONSTITUTING A VIOLATION

Code Section	Nature of Violation	Corrective Action Required
<input type="checkbox"/> 331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Remove all unpermitted structures with a nexus to cannabis cultivation, including applying for and obtaining a demolition permit when necessary. Apply for and obtain permits for any unpermitted structures without a nexus to cannabis cultivation
<input type="checkbox"/> 314-55.4	Violation of the 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 and implement a restoration plan.

ATTACHMENT B LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter of Section 12 and the Southeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 5 East, Humboldt Base Meridian.

EXCEPTING THEREFROM all coal and other minerals, together with the right to prospect for, mine and improve the same, as reserved by the United States of America, in Patent recorded July 12, 1937, in the office of the County Recorder of Said County.

TOGETHER WITH AND SUBJECT TO that certain Declaration of Grant and Reservation of Easement by the Bank of California, N.A., recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

A.P. No. 210-162-10 and
210-163-18

ATTACHMENT C
CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:
Sway Back Road, Bridgeville, CA 95526

Assessor's Parcel Number:
210-162-010-000

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]: _____

[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 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: _____



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:

Sway Back Road, Bridgeville, CA 95526

Assessor's Parcel Numbers:

210-162-010-000

Owners:

Kim Shafer
P.O. Box 92
Mad River, CA 95552

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.

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.

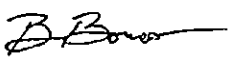
NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits 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: August 10, 2018

ATTACHMENT A

CONDITIONS CONSTITUTING A NUISANCE

Code Section	Nature of Violation	Corrective Action Required
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Remove all unpermitted structures with a nexus to cannabis cultivation, including applying for and obtaining a demolition permit when necessary. Apply for and obtain permits for any unpermitted structures without a nexus to cannabis cultivation
314-55.4	Violation of the 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 and implement a restoration plan.

**ATTACHMENT B
LEGAL DESCRIPTION**

The Southwest Quarter of the Southwest Quarter of Section 12 and the Southeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 5 East, Humboldt Base Meridian.

EXCEPTING THEREFROM all coal and other minerals, together with the right to prospect for, mine and improve the same, as reserved by the United States of America, in Patent recorded July 12, 1937, in the office of the County Recorder of Said County.

TOGETHER WITH AND SUBJECT TO that certain Declaration of Grant and Reservation of Easement by the Bank of California, N.A., recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

A.P. No. 210-162-10 and

210-163-18

ATTACHMENT C

CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:
Sway Back Road, Bridgeville, CA 95526

Assessor's Parcel Number:
210-162-010-000

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 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, Warren Black, 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 August 10, 2018, 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:

_____ 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 the steel gate entering to premises located at:
Sway Back Road, Bridgeville, CA 95526
APN: 210-162-010-000; GPS 40.413714, -123.586663

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

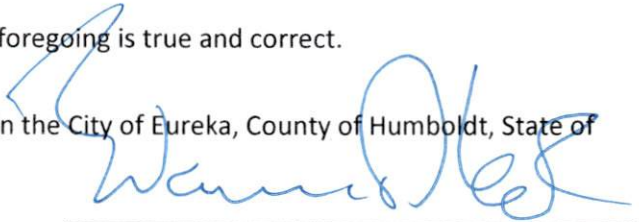
_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

_____ 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 13st day of August, 2018, in the City of Eureka, County of Humboldt, State of California.



Warren Black, Planning & Building Department

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 August 13th I served a true copy NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE 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 and Cert.)

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

**Kim Shafer
P.O. Box 92
Mad River, CA 95552**

_____ 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 13 day of August, 2018, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant

November 26, 2018



County of Humboldt
Planning & Building
Department
3015 H Street
Eureka, CA 95501

NOTICE OF FAILURE TO CONTACT

Kim Shafer
P.O. Box 92
Mad River, CA 95552

APN: 210-162-010-000

On August 10, 2018 a **Notice to Abate Nuisance** and **Notice of Violation** was served and filed in the Office of the Humboldt County Code Enforcement with Building and Planning, pursuant to section 351-14 of the Humboldt County Code, regarding conditions constituting a nuisance on or about the real property situated in the County of Humboldt, State of California.

This letter is to inform you that you have failed to make contact on the Notice to Abate Nuisance and/or Notice of Violation and Proposed Administrative Civil Penalty within 15 days from the date of service indicated, and that civil fines and penalties are being accrued. You may call (707) 268-3733, or e-mail wblack2@co.humboldt.ca.us.

Should you further fail to address these violations, we will commence next steps to formally assess administrative and civil penalties.

Thank you for your cooperation in this matter.

COUNTY OF HUMBOLDT:


By: Inspector Brian Bowes
Humboldt County Planning and Building Department

Date: 11-26-18

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 November 27th 2018 I served a true copy NOTICE OF FAILURE TO CONTACT.

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 and Cert.)

**Kim Shafer
P.O. Box 92
Mad River, CA 95552**

_____ 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 27 day of November, 2018, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant

210-162-011-000



210-162-010-000

planet_08/2021

210-165-005-000



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

Certified Mailing No.:

August 19, 2021

Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

Re: Service of a Notice to Abate Nuisance & Notice of Violation and Proposed Administrative Civil Penalty; Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas; APN(s): 210-162-010-000

To Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas:

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;</i>
	<i>Facilities/Activities in Violation of the Commercial Cannabis Land Use Ordinance</i>

The **Notice to Abate Nuisance** states 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 proposes an **administrative civil penalty in the amount of \$20,000.00 per day** for a period of ninety days. **The administrative civil penalty will begin to accumulate ten days after the Notice is served if required corrective actions are not completed.** The Notices list options that may be taken by you and/or the property owner in response to these Notices.

To discuss these documents and the required actions available to you, please feel free to call or email Code Enforcement Liaison Officer Warren Black at phone # 707-441-2636 or email WBlack2@co.humboldt.ca.us

Sincerely,

A handwritten signature in blue ink that reads "B Bowes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Government Code § 27383

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

Assessor's Parcel Number:

210-162-010-000

To Owner:

Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

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 **Twenty Thousand Dollars (\$20,000.00)** 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

APN: 210-162-010-000

(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 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: August 19, 2021

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 6,824 square feet of cultivation.	4	\$10,000.00
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 (4) greenhouse/hoop-house structures facilitating commercial cannabis activity and constructed contrary to the provisions of Humboldt County Code.	4	\$10,000.00

ATTACHMENT B LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter of Section 12 and the Southeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 5 East, Humboldt Base Meridian.

EXCEPTING THEREFROM all coal and other minerals, together with the right to prospect for, mine and improve the same, as reserved by the United States of America, in Patent recorded July 12, 1937, in the office of the County Recorder of Said County.

TOGETHER WITH AND SUBJECT TO that certain Declaration of Grant and Reservation of Easement by the Bank of California, N.A., recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

A.P. No. 210-162-10 and
210-163-18

ATTACHMENT C
ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING
REQUEST FORM

Address of Affected Property:

Assessor's Parcel Number:

210-162-010-000

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]:

[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: _____



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

Government Code § 27383

NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

Assessor's Parcel Numbers:
210-162-010-000

Owners:
Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

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: 210-162-010-000

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: August 19, 2021

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 6,824 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 (4) greenhouse/hoop-house 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 when applicable.

ATTACHMENT B LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter of Section 12 and the Southeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 5 East, Humboldt Base Meridian.

EXCEPTING THEREFROM all coal and other minerals, together with the right to prospect for, mine and improve the same, as reserved by the United States of America, in Patent recorded July 12, 1937, in the office of the County Recorder of Said County.

TOGETHER WITH AND SUBJECT TO that certain Declaration of Grant and Reservation of Easement by the Bank of California, N.A., recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

A.P. No. 210-162-10 and
210-163-18

ATTACHMENT C

CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:

Assessor's Parcel Number:

210-162-010-000

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: _____ Telephone Number: _____

Address: _____ City, State: _____

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: _____ Date: _____

Name: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, DANIELA PARADA, 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 August 04, 2021 I served a true copy **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE 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 and Cert.)

**Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552**

_____ 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 28 day of July, 2021, in the City of Eureka, County of Humboldt, State of California.

Daniela Parada
Daniela Parada - Code Enforcement Legal Office Assistant

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 August 23, 2021, 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:

_____ 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:

APN: 210-162-010-000; GPS 40.41359, -123.58667

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

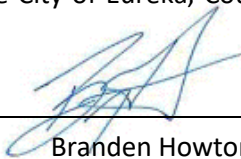
_____ by placing a true copy in the County’s Mailroom designated to the attorney named below:

_____ 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

Address of Affected Property:

Assessor's Parcel Number:

210-162-010-000

To Owner:

Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt described in "Attachment B – Legal Description," which are in violation of Humboldt County Code. Such conditions exist to an extent that constitute a violation of Humboldt County Code Section 352-3(t).

YOU ARE HEREBY ORDERED to **CORRECT** or **OTHERWISE** remedy the conditions described in "Attachment A – Conditions Constituting a Violation" within ten (10) calendar days after service of this Notice of Violation and pay the associated Civil Penalty.

NOTICE IS FURTHER GIVEN that, if the required corrective action described in "Attachment A – Conditions Constituting a Violation" is not commenced within ten (10) calendar days after service of this Notice of Violation and the associated Civil Penalty, a daily administrative penalty of **Twenty Thousand Dollars (\$20,000)** shall be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

2021.8.23 07:56

NOTICE IS FURTHER GIVEN that each calendar day the violation described in "Attachment A – Conditions Constituting a Violation" exists between the date on which the civil administrative penalty is imposed and the date the violation is corrected or otherwise remedied shall constitute a separate violation.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

Warren Black
Code Compliance Officer

Phone: (707) 268-2429
Fax: (707) 268-3792

441-2636

3015 H Street
Eureka, CA 95501
wblack2@co.humboldt.ca.us

HUMBOLDT
COUNTY UNIT

11

Government Code § 27383

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

Assessor's Parcel Number:
210-162-010-000

To Owner:
Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

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 **Twenty Thousand Dollars (\$20,000.00)** 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 or continues, a civil penalty shall be imposed and the violation shall be considered a separate violation until the violation is corrected or otherwise remedied.

2021.8.23 07:56

APN: 210-162-010-000

STAPLES

Useful Conversions:

2 tbsp = 1 fluid oz	5 ml = 1 tsp
6 tbsp = 1 cup	15 ml = 1 tbsp
2 cups = 1 pint (16 oz)	30 ml = 1 fluid oz
2 pints = 1 quart (32 oz)	240 ml = 1 cup
4 quarts = 1 gal (3.75 liters)	3750 ml = 1 gal

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

Warren Black
Code Compliance Officer

PLD
T UNIT

11

441-2636

2011 H Street
Eureka, CA 95501
wblack@co.humboldt.ca.us

Government Code § 27353

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

Assessor's Parcel Number:
210-162-010-000

To Owner:
Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

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(1).

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 **Twenty Thousand Dollars (\$20,000.00)** 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 violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth violation.

APH 210-162-010-000

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

Warren Black
Code Compliance Officer

OLDT
T UNIT

01

2011 H Street
Eureka, CA 95501
wblack@co.humboldt.ca.us

Phone: (707) 436-2424
Fax: (707) 768-3192

441-2636

Government Code § 27383

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

Assessor's Parcel Number:
210-163-018-000

To Owner:
Kim Shafer & Sherrie Brewer & Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

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(1).

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 **Twenty Thousand Dollars (\$20,000.00)** 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 violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth violation.

APH 210-163-018-000

J.C. T...
499-1428

2021.8.23 07:56

POSTED

HUNTING

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

Address of Affected Property
Assessment & Parcel Number

J.C. TAYLOR
499-1428

2021.8.23 07:57



2021.8.23 07:57



2021.8.23 07:57

Parcel Boundaries and Cultivation Site Reference Map: APN 210-162-010-000; FR-B-5(40)

Original Notices Served to Property: 8/10/2018

New Notices Served to Property: 8/19/2021

The screenshot displays the Humboldt County Internal Web GIS interface. At the top, the header includes the Humboldt County logo, the text "Humboldt County Internal Web GIS", and navigation 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 central parcel is highlighted in a semi-transparent brown color. A "Query" window is open on the left side of the map, containing the following text: "Specify parameters for this task : Assessor's Parcel Number contains 210-162-010-000 017-031-001". Below this, there are two checkboxes: "Use spatial filter to limit features" and "Add result as operational layer". The "Add result as operational layer" checkbox is checked, and a note below it states: "With this option checked, results will be kept on the map until the 'Clear Results' button is clicked." A "Clear Results" button is located at the bottom of the query window. The bottom of the interface shows a scale bar, coordinates "40.3879 -123.5822 Degrees", and a footer with logos for "NRCs, NWI, CDFW | FRAP, FEMA, USGS | Humboldt County GIS | USDA FSA | Esri, HERE, Garmin, iPC" and the "esri" logo.

Abatement Review APN: 210-162-010-000

2018; Prior to 8/10/2018 Notices Served



July 14, 2018

Abatement Review APN: 210-162-010-000

2018; 5 Days After 2018 Notices Served



August 15, 2018

Abatement Review APN: 210-162-010-000

2018; 2 Months After 2018 Notices Served



October 26, 2018

Abatement Review APN: 210-162-010-000

2019; 1 Year After 2018 Notices Served



August 3, 2019

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



May 25, 2020

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



July 10, 2020

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



July 28, 2020

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



July 29, 2020

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



August 29, 2020

Abatement Review APN: 210-162-010-000

2020; 2 Years After 2018 Notices Served



October 12, 2020

Abatement Review APN: 210-162-010-000

2021; 3 Years After 2018 Notices Served



March 13, 2021

Abatement Review APN: 210-162-010-000

2021; 3 Years After 2018 Notices Served



July 4, 2021

Abatement Review APN: 210-162-010-000
2021; 21 Days After 8/19/2021 Notices Served



August 30, 2021

Abatement Review APN: 210-162-010-000

2021; 1 Month After 2021 Notices Served



September 13, 2021

Abatement Review APN: 210-162-010-000

2021; 1 Year After 2021 Notices Served



June 21, 2022



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:

210-162-010-000

Owner:

Kim Shafer, Sherrie Brewer, Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** 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 **Nine Hundred Thousand Eight Hundred Twenty-Four Dollars and fifty-six cents (\$900,824.56)** 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: 210-162-010-000

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.

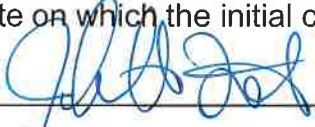
NOTICE IS FURTHER GIVEN that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors and issue a Notice of Administrative Civil Penalty Assessment Appeal Hearing as set forth in Humboldt County 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, Planning & Building Dept.
Date: 10/21/2021

ATTACHMENT A LEGAL DESCRIPTION

The Southwest Quarter of the Southwest Quarter of Section 12 and the Southeast Quarter of the Southeast Quarter of Section 11, Township 1 South, Range 5 East, Humboldt Base Meridian.

EXCEPTING THEREFROM all coal and other minerals, together with the right to prospect for, mine and improve the same, as reserved by the United States of America, in Patent recorded July 12, 1937, in the office of the County Recorder of Said County.

TOGETHER WITH AND SUBJECT TO that certain Declaration of Grant and Reservation of Easement by the Bank of California, N.A., recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

A.P. No. 210-162-10 and

210-163-18

ATTACHMENT B ACCOUNT OF COSTS INCURRED

ADMINISTRATIVE COSTS		
Violation(s)	Nature of Cost Incurred	Amount
§314-55.4.3 §331-28; 314-55.4.3	Satellite Inspection of Property <div style="text-align: right;">1.5 Staff Hours</div>	\$ 163.50
	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement <div style="text-align: right;">0.94 Staff Hours Grant Deed Cost Certified Mailing Cost Driving Mileage Cost Legal Advertisement Cost</div>	\$ 310.35
	Preparation and Service of No Contact Warning Letter by Mail <div style="text-align: right;">0.5 Staff Hours Certified Mailing Cost</div>	\$ 48.60
	Satellite Inspection of Property <div style="text-align: right;">1.5 Staff Hours</div>	\$ 172.50
	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement <div style="text-align: right;">0.94 Staff Hours Grant Deed Cost Certified Mailing Cost Driving Mileage Cost Legal Advertisement Cost</div>	\$ 129.61
		Total Cost \$ 824.56

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	Satellite Inspection of Property	August 3, 2018
§331-28; 314-55.4.3	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement	August 10, 2018
	Preparation and Service of No Contact Warning Letter by Mail	November 26, 2018
	Satellite Inspection of Property	July 12, 2021
	Preparation and Service of Notice to Abate Nuisance & Notice of Violation by Posting, by Mail, and Legal Advertisement	August 19, 2021

ATTACHMENT D ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:

Assessor's Parcel Number: 210-162-010-000

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, Roman Dylan Fierro, 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 November 1, 2021, I served a true copy of **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 and Cert.)

Kim Shafer, Sherrie Brewer, Joseph R & Jade F Thomas
PO Box 92
Mad River, CA 95552

_____ 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 a 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 1st day of November 2021, in the City of Eureka, County of Humboldt, State of California.

R.D. Fierro

Roman Dylan Fierro – Administrative Analyst

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 29, 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 a gate allowing access to property:

''

APN: 210-162-010-000; GPS 40.41363, -123.58666

_____ 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 02 day of November 2021, in the City of Eureka, County of Humboldt, State of California.

Branden Howton, Code Compliance Officer

Address of Affected Property:

Assessor's Parcel Number:

210-162-010-000

Owner:

Kim Shafer, Sherrie Brewer, Joseph R & Jad
Po Box 92
Mad River, CA 95552

NOTICE IS HEREBY GIVEN that a final
Hundred Thousand Dollars (\$900,000.00) has
Enforcement Unit's determination that a violation
3(t), has occurred or exists on the above-referenc
of California, as described in "Attachment A – Leg

NOTICE IS FURTHER GIVEN that the Code
civil penalty assess against the property on wh
Nine Hundred Thousand Eight Hundred Twenty-
order to collect the administrative civil penalty and
fees, as described in "Attachment B – Account of Cos

2021.10.29 07:50

STAPLES



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:
210-162-010-000

Owner:
Kim Shafer, Sherrie Brewer, Joseph R & Jade F Thomas
Po Box 92
Mad River, CA 95552

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** 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(f), 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 **Nine Hundred Thousand Eight Hundred Twenty-Four Dollars and fifty-six cents (\$900,824.56)** in order to collect the administrative civil penalty, and to 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.

APR 210-162-010-000

2021.10.29 07:50



COUNTY OF HUMBOLDT
CODE ENFORCEMENT
UNIT
3015 H Street
Eureka, California 95501
(707) 476-2400

NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

(Humboldt County Code §502-10)

Address of Affected Property:

Assessor's Parcel Number:
010-160-010-000

Owner:
Don Brink, Maria Brink, Joseph R & Jane F. Thomas
Po Box 89
Mad River, CA 95540

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 502-10, has occurred or exists on the above-described property located in the County of Humboldt, State of California, as described in Attachment A - Violation 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 **Nine Hundred Thousand Eight Hundred Fifty Nine Dollars and Ninety Six Cents (\$900,859.56)** in order to collect the administrative civil penalty and recover the administrative costs which become a debt, as described in Attachment B - Amount of Civil Penalty Imposed upon the amount owed by the Code Enforcement Unit to enforce the administrative civil penalty, as described in Attachment C - Action Proposed to Enforce Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an objection to the proposed assessment that is based on the amount of the administrative civil penalty, which the amount of the administrative civil penalty will be determined through a hearing on (1) whether that civil penalty is in the Notice of Administrative Civil Penalty Assessment.

APN: 010-160-010-000



COUNTY OF HUMBOLDT
CODE ENFORCEMENT
UNIT
3015 H Street
Eureka, California 95501
(707) 476-2400

NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT

(Humboldt County Code §502-10)

Address of Affected Property:

Assessor's Parcel Number:
010-160-010-000

Owner:
Don Brink, Maria Brink, Joseph R & Jane F. Thomas
Po Box 89
Mad River, CA 95540

NOTICE IS HEREBY GIVEN that a final administrative civil penalty in the amount of **Nine Hundred Thousand Dollars (\$900,000.00)** has been imposed based on the Humboldt County Code Enforcement Unit's determination that a violation, as defined by Humboldt County Code Section 502-10, has occurred or exists on the above-described property located in the County of Humboldt, State of California, as described in Attachment A - Violation 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 **Nine Hundred Thousand Eight Hundred Fifty Nine Dollars and Ninety Six Cents (\$900,859.56)** in order to collect the administrative civil penalty and recover the administrative costs which become a debt, as described in Attachment B - Amount of Civil Penalty Imposed upon the amount owed by the Code Enforcement Unit to enforce the administrative civil penalty, as described in Attachment C - Action Proposed to Enforce Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an objection to the proposed assessment that is based on the amount of the administrative civil penalty, which the amount of the administrative civil penalty will be determined through a hearing on (1) whether that civil penalty is in the Notice of Administrative Civil Penalty Assessment.

APN: 010-160-010-000



J.C. TALON
499-1428

2021.10.29 07:50



2021.10.29 07:50



2021.10.29 07:50