

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 26-

Record Number: PLN-2026-19554

Assessor's Parcel Number: 077-072-007

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Robert Scarlett Special Permit.

WHEREAS, Robert Scarlett applied for a Special Permit to allow removal of a 252 foot tall redwood tree that qualifies as an old growth tree; and

WHEREAS, the County Planning Division has reviewed the application and evidence and has referred the application and evidence to reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Planning Division as the Lead Agency has determined that the project qualifies for statutory and categorical exemptions found in Sections 15269 (Emergency Projects) and 15304 (Minor Alteration of Lands) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Special Permit for removal of a mature redwood tree in the lower Redway Q zone area); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 18, 2026, and reviewed, considered, and discussed the application for the Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** Approval of a Special Permit pursuant to Ordinance 2112 for the removal of a hazardous old-growth redwood tree. The tree is approximately 118-inches in diameter and 252 feet in height. Structural defects include a significant cavity with rot present at a height of approximately 200 feet, a large cut at the base of the tree which is a vector for disease and has a root system that is in poor health and adversely impacting

adjacent improvements. The tree is an immediate hazard to improvements, residents and the public.

EVIDENCE: a) Project File: PLN-2026-19554

2. FINDING: CEQA: The requirements of the California Environmental Quality Act have been met as the project is exempt under Sections 15269, which exempts emergency projects and 15304 of the CEQA Guidelines which exempts minor alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature scenic trees except for forestry or agricultural purposes.

EVIDENCE: a) The project is for the removal of a 252-foot-tall mature redwood tree that is in poor health and an immediate hazard to residents and the public and is therefore an emergency.

b) The tree is documented to be in poor health and an immediate hazard by two registered professional foresters and an ISA certified arborist.

c) The tree is not designated as a scenic tree. Although it is located on a major public roadway going through an area of old growth and mature second growth trees, this area has not been designated as a scenic vista.

3. FINDING: The proposed tree removal is in conformance with all applicable policies and standards in the General Plan.

EVIDENCE: a) The property is designated Residential Low Density which is intended primarily for single-family units on individual lots. The project would protect existing residences and residents from harm from the hazard of a falling tree and/or tree limbs.

b) Removal of the tree will not introduce any hazards to the occupants and will instead remove a hazard to existing residences and the public.

c) The tree has been documented by two registered professional foresters and a separate ISA certified arborist who is additionally certified by the ISA in tree risk assessment as being a safety hazard in need of removal. The tree is 252 feet in height and there are five residences within that radius that could be harmed if it were

to fall. In addition, a frequently travelled public roadway, Briceland-Thorne Road is within 40 feet of the tree and both the roadway and drivers utilizing this road are in danger from the tree and/or limbs falling.

- d) According to the California Natural Diversity Database, the area is only mapped as having the likely occurrence on the property is the western bumblebee, which would not utilize the tree as habitat. While mapped critical habitat for marbled murrelet is located nearby, the subject property is on a busy road surrounded by residential uses and over 650 feet away from the mapped habitat area. A nesting bird survey of the tree and surrounding area was completed on May 19, 2026 which found no evidence of nesting birds and the project is conditioned to conduct an additional nesting bird survey no more than 7 days prior to removal of the tree.
- e) The project is conditioned to require an additional survey for nesting birds immediately prior to removal of the tree.
- f) The project was referred to the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. Tribal consultation was performed resulting in no comments.
- g) There are no wetlands, special-status species, or coastal natural resources on the project site as depicted on the County's natural resources GIS database.

4. FINDING: The project is consistent with the purposes of the existing zone in which it is located.

EVIDENCE: a) The property is zoned Residential One Family which allows single family residences as a principal permitted use. Removal of hazard trees within striking distance of the residence protects the principally permitted use which is consistent with the Residential One-Family zone district.

5. FINDING: The project conforms with all applicable development standards and requirements of these regulations.

EVIDENCE: a) The subject parcel has been determined to be eligible for an unconditional Certificate of Subdivision Compliance pursuant to

Section 66499.34 of the Subdivision Map Act due to the issuance of building permit #84-0092A3.

- b) The project is conditioned to require posting of the completed Record of Action on the property for not less than ten calendar days, consistent with the requirements of the Qualified Zone.
- c) In addition to the public noticing requirements of Humboldt County Code, all property owners north of the centerline of Briceland Road in the Lower Redway R-1-B-3-Q zone were notified of this proposed Special Permit, as required by the Qualified Zone.

6. FINDING: The condition of the tree meets the required finding for removal established by the Qualified Zoning ordinance for Lower Redway (Ordinance 2112) because due to damage or disease the tree is in imminent danger of falling, thus creating an immediate hazard.

- EVIDENCE:**
- a) A Registered Professional Forester and Cal-Fire Resource Management Forester submitted a Service Record Report that determined the tree poses a safety hazard to habitable structures.
 - b) A Registered Professional Forester with Hohman and Associates Forestry Consulting conducted a visual and drone inspection of the whole tree and a careful examination of the root zone and concluded that 1) “the tree has a significant cavity with rot present within a 15 foot portion of the tree about 200’ up the tree”, 2) “portions of the bole have now been exposed to elements and can be considered a vector for disease to enter the cambium layer”, and 3) several roots have been cut structurally degrading the foundation of the tree and that “the poor health of the root system is a significant structural defect.” The RPF report declares that the tree is a hazard to the landowner, adjacent owners and the general public.
 - c) An ICA Certified Arborist has documented that the tree has damaged roots, severe damage to the trunk which will facilitate rot and decay, and that the lack of a lower canopy results in an unnatural raised crown and that the tree may be directly exposed to heavy winds during wind events.
 - d) The arborist determined that the poor condition of the tree poses a threat to the community.

- e) The arborist has identified that mitigation options to keep the tree and manage the hazard from it would not be feasible without retaining a high degree of risk.
- f) Due to the identified hazard from the tree the arborist recommends the immediate removal of the tree.

7. FINDING: The removal of the old-growth redwood tree will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) While large redwood trees are considered an important characteristic of the lower Redway community and can be considered to contribute to the general welfare of the public, this must be balanced with the risk to private landowners and the public from falling limbs and potentially from the large tree falling onto residences, power lines or the public roadway.
 - b) The existing tree has structural defects which make it an immediate hazard that could adversely impact the public health, safety and welfare and could be materially injurious to properties and improvements in the vicinity if the tree falls or breaks apart.
 - c) The removal of the hazardous tree is done to protect the public health safety and welfare by removing a hazard.

8. FINDING: The proposed project will not reduce the residential density of this parcel or the surrounding area.

- EVIDENCE:**
- a) The parcel is not included in the 2019 adopted Housing Element Inventory.
 - b) The project is proposing to remove a redwood tree that has been determined to be a hazard to the existing residence and other residences in the vicinity and will have no effect on the County Housing Inventory.

Decision

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Approve the Robert Scarlett Special Permit for removal of the redwood tree, subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **June 18, 2026.**

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department