

ORDINANCE NO. 2112

AMENDING SECTION 313-4 OF THE HUMBOLDT COUNTY CODE  
BY REVISING THE PROVISIONS OF THE QUALIFIED ZONE FOR  
PROPERTY IN THE LOWER REDWAY AREA

**The Board of Supervisors of the County of Humboldt ordain as follows:**

Paragraph 1. ZONE AMENDMENT. Section 313-4 of the Humboldt County Code is hereby amended by revising the language of the Qualified Zoning Ordinance that applies to the property described in Exhibit A. The properties are also shown on the Garberville Redway Benbow Alderpoint Community Plan Zoning Map No. 1 of 2 on file at the Humboldt County Planning and Building Department.

Paragraph 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in this section are hereby made applicable to the property described in Paragraph 1 in accordance with Humboldt County Code Section 315-6 which authorizes restriction of the R-1 zone regulations by application of the "Q" (Qualified Combining) Zone.

Paragraph 3. PURPOSE OF QUALIFICATION. The purpose of the special restrictions and regulations herein imposed on the property described in Paragraph 1 is:

- a. To protect redwood trees greater than twelve inches (12") in diameter at breast height (four and one half feet above the ground) while allowing for the maintenance and development of permitted uses.

Paragraph 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the Zone regulations of the Humboldt County Code Section 314-24(a) and (b) shall be allowed on the properties described in Paragraph 1 consistent with the following limitations:

- a) Other Regulations. In addition to the regulations of Section 314-24(c), the following shall also apply:
  - 1) A Special Permit shall be required for the removal of any redwood greater than twelve inches (12") in diameter at breast height (dbh).
  - 2) The removal of any redwood greater than twelve inches (12") dbh shall be limited to 1) removal of trees within the physical footprint of a permitted building where there are no other feasible locations on the property which would allow for the trees to remain upon construction of the building, or 2) removal of trees upon demonstration that such a tree, due to damage or disease is in imminent danger of falling, thus creating an immediate hazard. (Driveways, and off street parking areas, on-site sewage disposal systems shall not be considered part of the physical footprint of a permitted building.)
  - 3) Such removal shall not precede Health Department sewage disposal clearance.

4) Prior to removal of the tree or trees, the applicant shall consult a registered professional forester and his or her recommendations for the removal are to be followed to the satisfaction of the Planning Director, in conjunction with the recommendation of the California Department of Forestry, the Department of Fish and Game (where habitat concerns may exist), and other referral agencies as determined appropriate by the Planning Director.

5) In addition to the noticing requirements for Special Permits contained in Section 317-40.4 et seq of Humboldt County Code (Noticing Requirements), Notice of Application and/or Notice of Intent to Approve the Special Permit shall be provided to all property owners and occupants within 300 feet of the property. Also for those applications for Special Permits in the Lower Redway R-1-B-3-Q Zoning District on properties south of the centerline of Briceland Road, all property owners in the Lower Redway R-1-B-3-Q Zoning District south of the centerline of Briceland Road shall be notified. And for those Special Permit applications on properties north of the centerline of Briceland Road in the Lower Redway R-1-B-3-Q Zoning District, all property owners in the Lower Redway R-1-B-3-Q Zoning District north of the centerline of Briceland Road shall be notified.

6) No cutting or removal activities conducted pursuant to an approved Special Permit shall be commenced until and unless the completed Record of Action for the approved Special Permit, or facsimile thereof, is posted conspicuously upon the property, in such a manner as to allow reasonable inspection by the public for a period of not less than ten (10) calendar days.

7) Cutting or removal activities pursuant to an approved Special Permit shall be limited to the hours between 8:00 AM to 5:00 PM, Monday through Friday, unless other hours and/or days of operation are specifically authorized in the Special Permit.

8) The location of redwood trees greater than 12" dbh in the physical footprint of the building, driveway, off street parking areas or on-site sewage disposal or reserve areas may be considered a "practical difficulty" and "exceptional circumstance" for the review of applications for variances pursuant to Section 317-26 et seq. of Humboldt County Code).

9) Cutting and removal of dead branches of redwoods for non-commercial purposes to protect public health, safety and welfare as demonstrated in writing to the satisfaction of the Planning Director shall be allowed without the need for a Special Permit.

10) Waiver of Procedures For Emergencies. The procedural requirements of this Paragraph may be waived by the Planning Director to permit cutting redwoods greater than twelve inches (12") dbh in an emergency defined as:

a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

(i) Petitions for waiver of Procedures. A petition for waiver of the procedural requirements for necessary emergency work shall be petitioned for by letter to the Planning Department or, if time does not allow, by phone or in person. The following information shall, when feasible to do so, be provided with the petition:

(I) The location, nature and cause of the emergency,

(II) The remedial, protective or preventative work required to deal with the emergency, and

(III) The circumstances during the emergency that appear to justify the waiver of procedural requirements, including the probable consequences of failing to take immediate corrective action

(ii) Proceedings for Waiver of Procedures The Planning Director shall verify the existence and nature of the emergency and, insofar as time allows, the facts relied upon by the petitioner The Planning Department shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency

(iii) Criteria for Waiver of Procedures The normal procedural requirements for obtaining a Special Permit may be waived, and an emergency Special Permit may be conditionally or unconditionally granted, only if the Planning Director makes all of the following findings

(I) An emergency exists that requires action more quickly than permitted by strict adherence to procedural requirements,

(II) Public comment received on the emergency action proposed, if any, has been reviewed and considered,

(III) The emergency action would be consistent with the policies of the adopted County General Plan and the regulations of this zoning ordinance

(IV) The proposed work can and will likely be completed within thirty (30) days, unless otherwise specified by the Planning Director, and

(iv) Special Permit Required Following the issuance of an emergency Special Permit, application shall be made for the required Special Permit in accordance with the other applicable provisions of this Paragraph

Paragraph 5 PENALTIES FOR NON-COMPLIANCE Cutting and/or removal of redwood trees greater than 12" dbh conducted without first obtaining approval of the Planning Director as specified in Paragraph 4 are inconsistent with the County General Plan, the Lower Redway R-1-B-3-Q Zoning District and pose a threat to public health, safety and welfare, and are therefore prohibited

a Any violation of any of the provisions of the zoning restrictions listed above in Paragraph 4 shall be declared to be a public nuisance and shall be subject to injunction and abatement as such


b Any nuisance as defined in Paragraph 5 a) above may be abated through the procedures provided for in Humboldt County Code Sections 351-11 through 351-44 The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure, or any other remedies provided by the laws of California or the Code of the County of Humboldt

- c. Any person, whether a principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of the zoning restrictions listed above in Paragraph 4, shall be guilty of a misdemeanor.
- d. In addition to any other orders issued by the Board of Supervisors, pursuant to Humboldt County Code Section 351-22, upon the conclusion of the hearing before the Board, the Board shall order the following penalties upon any person who violates any provisions of the zoning restrictions listed above in Paragraph 4:
- 1) An administrative penalty will be assessed which is equal to twice the current stumpage value of the cut tree(s), and twice the current stumpage value of any tree(s) damaged by the cut, as determined by the average of independent appraisals made by three Registered Professional Foresters, one selected by the owner, one selected by the Humboldt County Planning Director, and one selected by the owners of lots adjacent to the harvested trees. The costs of such appraisals will be paid by the owner of the parcel with the harvested tree(s).
  - 2) The monies collected for the administrative penalties listed above in Paragraph 5.d.1) shall be deposited in the Humboldt County General Fund for the purpose of code compliance.

This ordinance shall become effective thirty (30) days after the date of its passage.


PASSED, APPROVED, AND ADOPTED this 13th day of February, 1996, on the following vote, to wit:

AYES: Supervisors: Dixon, Heider, Fulkerson, Neely, and Kirk  
NOES: Supervisors: None  
ABSENT: Supervisors: None

  
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Chairman of the Board of Supervisors of the  
County of Humboldt, State of California.

(SEAL)

LORA FREDIANI  
Clerk of the Board of Supervisors  
of the County of Humboldt, State  
of California.

By   
February 13, 1996

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967 Consolidated Case Number 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit.

February 28

All in the year 19 95

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,  
this 29 day of February, 1996

Andreas Arnold  
Signature

this space is for the County Clerk's Filing Stamp

Proof of Publication of

Summary of ordinance

**SUMMARY OF ORDINANCE**

On February 13, 1996, the Humboldt County Board of Supervisors adopted Ordinance No. 2112, which amends the Q-Zone Ordinance (Section 313 of the Humboldt County Code) affecting property in the Lower Redway area shown on the attached map marked Exhibit A, to not permit removal of redwood trees more than twelve inches (12") in diameter at breast height unless a) they are within the physical footprint of a permitted building, there are no other feasible locations on the property which would allow the trees to remain, or b) in an emergency situation, the tree(s) are threatened to the health, safety, or welfare of the public or property. The ordinance amendments will also 1) clarify that a Special Permit is necessary for the removal of such trees; 2) specify the properties to be included in the public noticing for such Special Permits; 3) establish procedures to allow for cutting redwood trees in emergency situations. The new zone will become effective thirty (30) days from the date of approval. The names of the Supervisors voting for and against are as follows:

Ayes: Supervisors Dixon, Heider, Fulkerson, Neely, and Kirk  
Nays: Supervisors: None  
Absent: Supervisors: None

A copy of the ordinance is posted in the Office of the Clerk of the Board of Supervisors, 825 Fifth St., Eureka, California.

Lora Fredian  
Clerk of the Board

