



COUNTY OF HUMBOLDT

For the meeting of: 6/18/2026

File #: 26-641

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Robert Scarlett Special Permit
Assessor Parcel Number (APN) 077-072-007
Record No.: PLN-2026-19554
Redway area

A Special Permit for the removal of a hazardous, mature old-growth redwood tree within the lower Redway Q Zone area (Ordinance 2112). 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 a root system that is in poor health and has been adversely affected by adjacent improvements.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Attachment 1), which does the following:
 - a. Finds the Planning Commission has determined the project is exempt from further environmental review pursuant to Sections 15269 and 15304 of the State CEQA Guidelines; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Robert Scarlett Special Permit subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is in the Redway area, on the northwest corner of the intersection of Briceland-Thorne Road and Oakridge Drive, on the property known as 20 Oakridge Drive.

Present General Plan Land Use Designation: Residential Low Density (RL)

Present Zoning: Residential One-Family with a B-3 Combining Zone specifying a minimum lot size of 20,000 square feet and a Qualified (Q) Combining Zone requiring redwood trees to be protected from removal.

Environmental Review: The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15269 (Emergency Projects) and 15304 (Minor Alterations to Land Use) of the CEQA Guidelines.

State Appeal: The proposed project is NOT appealable to the California Coastal Commission.

Major Concerns: Q Zone Compatibility.

Monitoring Required: None.

Executive Summary: This project is a request for a Special Permit pursuant to Ordinance 2112 for the removal of a hazardous, mature old-growth redwood tree within the lower Redway Q Zone area. 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 a root system that is in poor health and adversely impacting adjacent improvements.

Protections for redwood trees in the lower Redway area were first established under Ordinance 1803 and then further protected in Ordinance 2112 by the Board of Supervisors (Attachment 4). Ordinance 1803 requires cutting of old growth redwood trees to be limited to that necessary for the site of the building. Ordinance 2112 further required approval of a Special Permit for the removal of any redwood greater than 12 inches in diameter at breast height and limited it 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.*

In this instance, the tree is proposed to be removed per section 2 of this ordinance. A Registered Professional Forester from Cal-Fire, a Registered Professional Forester hired by the property owner, and an International Society of Arboriculture (ISA) Certified arborist have all documented that the tree is an immediate hazard to residences and the public.

Background

In 2021 a stand of redwood trees was removed on a residentially owned parcel in the Eureka area and within a county Streamside Management Area without county permits and a code enforcement case was opened. This led to comments and discussion with RPF's on the County Forestry Review Committee, and with the local Cal-Fire office and the County was informed that Section 4516.5 of the California Public Resources Code (PRC) prohibits the County from regulating timber removal. This section of the PRC states that:

Individual counties may recommend that the board adopt rules and regulations for the content of timber harvesting plans and the conduct of timber operations to take account of local needs.

And:

Except as provided in subdivision (e), individual counties shall not otherwise regulate the conduct of timber operations, as defined by this chapter, or require the issuance of any permit or license for those operations.

The Planning and Building Department was informed that the County had no authority to regulate timber removal because the Board of Forestry had not adopted the Humboldt County regulations. This was staff's understanding between 2022 and present.

In December of 2025 CalFire issued a Notice of Exemption for removal of redwood trees that were deemed hazardous within 150 feet of the house on the subject site. In the Registered Professional Forester's report on the condition of the trees, he recommended the property owner check with the County to determine if there were permits required prior to initiating removal. The property owner did check with the county and was told that no permit would be required for the removal of those hazardous trees. Four of the trees were removed based on this information.

The community saw this and raised issues about how the Q-Zone could not be enforced. In response staff began reviewing the regulatory framework related to the relationship between the County Zoning and the Forest Practices Act. Until clarity could be achieved, Planning and Building staff have been instructed to not sign or consent to any CalFire exemption where a county permit is normally required.

On March 13, 2026, Supervisor Bushnell and John Ford met with the concerned residents of Lower Redway. The residents were concerned that the trees were not hazardous and there was still a tree remaining. Due to potential Q-Zone implications a Stop Work Order was issued until the property owner demonstrated that the tree was in fact hazardous. The property owner provided a report from a Registered Professional Forester supported by a Certified Arborist finding that the tree had several hazardous components including a large cavity 200 feet up, a scar on the side of the tree where another tree had been removed, and root damage that occurred from development on the property and from the road. The Stop Work Order was lifted once the report was submitted.

Subsequently staff discussed this situation with a senior leader in Cal Fire who affirmed that the county does have the ability to issue permits based upon the Q-Zone which is in a Residential Zoning District, and the property is less than 3 acres. These are important elements that were not discussed in the 2022 meeting. The section cited above from the Forrester Practices Act is followed by section 4516.5 (f) which states:

This section does not apply to Timber Operations on any land area of less than three acres and which is not zoned Timberland production.

The jurisdiction of the county has also been confirmed by a search of relevant case law. The County does have discretion to administer the Q-Zone. Based upon these findings a Special Permit has been required for removal of the remaining tree on the property.

Current Proposal

The current Special Permit is to authorize the removal of a mature old-growth redwood tree that is 252 feet in height and 118 inches in diameter at breast height that is located approximately 20 feet from the existing residence on the property. The tree is estimated to be approximately 350-370 years old.

The lower Redway area has a substantial number of large, mature redwood trees that are viewed as important to the identity of Redway and help define the visual character of the community. The purpose of the Q zone is to protect mature redwood trees from removal as these mature redwood trees are considered an important contributor to the general welfare of the community. This particular redwood tree is a very large old-growth tree that is prominently visible to the community as it is located approximately 40 feet from Briceland-Thorne Road, a major thoroughfare in the Redway area. Driving east on this roadway into the Redway urban center the entire width and height of this tree is prominently visible.

While large redwood trees such as this 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. The Q-zone restrictions attempt to balance these competing interests by allowing such trees to be removed only when determined to be an immediate hazard, and even then, only through a discretionary permit application except in an emergency that necessitates action faster than the discretionary permit process would allow.

In this instance the applicant has documented that the existing tree is 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. Two different registered professional foresters and a separate ISA

certified arborist who is additionally certified by the ISA in tree risk assessment have documented that the tree is a safety hazard in need of removal (Attachments 2A and 2B). The tree is 252 feet in height and there are five residences within that radius that could be harmed if it were to fall. The residence on the property is approximately 15 feet from the base of the tree. In addition, Briceland-Thorne Road is a frequently travelled roadway located 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.

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 (Attachment 2B) declares that the tree is a hazard to the landowner, adjacent owners and the general public. Separately, an ICA Certified Arborist has documented that the tree has damaged roots, severe damage to the trunk which will facilitate rot and decay, and states that the lack of a lower canopy results in an unnatural raised crown. The arborist report (Attachment 2C) determines that the poor condition of the tree poses a threat to the community and that mitigation options to manage the hazard, such as pruning would not be feasible without retaining a high degree of risk and recommended the immediate removal of the tree. Lastly, a Registered Professional Forester and Cal-Fire Resource Management Forester submitted a Service Record Report (Attachment 2A) that determined that the tree poses a safety hazard to habitable structures.

The Planning Commission is likely to receive comment that the tree should not be approved for removal because it is not “*in imminent danger of falling and creating an immediate hazard*”. This ordinance language must be read in context. Imminent means something is about to happen. Taken literally this would be an event than can be predicted. Trees typically fall with no warning. The ordinance also allows a waiver of the Special Permit procedures for emergency removal of trees (section a)3)(iii)) where an emergency exists requiring action more quickly than could happen with the processing of a Special Permit. In providing for emergency waivers the ordinance makes a distinction between an immediate hazard and an emergency. When a Certified Arborist and Registered Professional Forester recommend the immediate removal of a tree, that should be understood as the tree being in imminent danger of falling and creating an immediate hazard that qualifies under this ordinance.

Other than its inclusion within the Q-zone, this tree is not identified as a designated scenic or visual resource, and is not mapped or identified as having or contributing as habitat for any sensitive plant or animal species. The tree is a mature old-growth redwood and located within a larger area of old-growth redwoods. Old-growth redwood trees are known to provide habitat for a variety of bird species, including Northern spotted owl and marbled murrelet, both of which are listed endangered

species. The tree is approximately 650 feet from Whitmore Grove in the John B. Dewitt Redwoods State Natural Reserve, which is designated by USFWS as critical habitat for marbled murrelet. Public lands within the range of marbled murrelet that meet the habitat characteristics necessary for the species are designated as critical habitat regardless of presence of the species. The California Department of Fish and Wildlife (CDFW) has recommended that the removal of the tree be done outside of the marbled murrelet nesting season in order to avoid potential noise impacts to nesting marbled murrelet should they exist in the vicinity. This would require that the tree work be completed after September 15th (and no later than March 24th). It is with great hesitation that staff has not included this as a recommended condition of approval to this staff report, as the hazard from the tree appears to be immediate. Unfortunately trees often fall without warning. Given the information provided by the forester and arborist, staff is concerned about the immediate danger to properties and the public from the tree were it or any large branches to fall, and staff is unaware of any confirmed presence of marbled murrelet in the vicinity and/or in the mapped critical habitat of Whitmore Grove. Planning staff is continuing to have discussions with CDFW and with state parks, who manage the Natural Reserve and it is possible that additional information and/or recommendations may be presented at the hearing.

The nearest mapped activity center for northern spotted owl is just over a mile away to the west. A nesting bird survey (Attachment 2D) was completed on May 19, 2026, which found no evidence of nesting birds in the tree or immediate vicinity. The project is conditioned to require an additional nesting bird survey just prior to removal of the tree, and for the tree to not be removed while any active nests are present.

In addition to the public noticing requirements of Humboldt County Code, property owners and occupants within 1,000 feet of the property were notified of this hearing. Further, all property owners of the Lower Redway R-1-B3-Q zone that are north of Briceland-Thorne Road were notified as required by the Q zone ordinance. In addition, on May 26, 2026, a press release was issued by Humboldt County about the scheduled Planning Commission meeting. Comments have been submitted requesting a postponement of the hearing because ten property owners were sent notice separately and later than required under Section 312-8.3, however that section only requires notice to be given to property owners and occupants within 300 feet of the property. The ten additional property owners in question are within the Q zone and over 1,000 feet away from the subject property. The Q zone does require that these owners be notified, however it does not specifically require that they be notified ten calendar days prior.

Recommendation

In order to approve the Special Permit, the Q-zone restrictions require a finding that the tree is an immediate hazard due to disease and damage. Staff believes that the applicant has demonstrated that this is the case through the submittal of documentation from multiple experts who are in agreement that the tree is an immediate hazard that should be removed.

OTHER AGENCY INVOLVEMENT:

Referrals were sent to various county departments and state agencies. The County received responses from County Code Enforcement and the Building Division, both recommending approval and from the Department of Public Works, requiring compliance with the issued encroachment permit. The County has also received a referral response from CDFW. While State Parks was not originally referred, after receiving comments from CDFW staff has reached out to the State Parks and may have additional information at the hearing.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. In particular the Planning Commission could apply a condition of approval requiring that the tree only be removed after September 15th to avoid the marbled murrelet nesting season.
2. The Planning Commission could deny the application if unable to make all the required findings of approval. Given that multiple licensed professionals and tree experts have concurred that there is an immediate hazard to life and property, staff does not recommend this action.

ATTACHMENTS:

1. Draft Resolution
 - A. Draft Conditions of Approval
2. Applicant's Evidence in Support of the Required Findings
 - A. CalFIRE Permit and Report
 - B. Forester Report
 - C. Arborist Report
 - D. Nesting Bird Survey
3. Referral Agency Comments and Recommendations
 - A. CDFW Comments
4. Q Zone Ordinance 2112
5. Public Comments

Applicant:

Robert Scarlett
PO Box 91
Garberville, CA 95542

Owner: Same as above

Agent: N/A

File #: 26-641

Please contact Cliff Johnson, Planning Manager at cjohnson@co.humboldt.ca.us or 707-268-3721 if you have questions about this item.