



COUNTY OF HUMBOLDT

For the meeting of: 8/11/2026

File #: 26-469

To: Board of Supervisors

From: Supervisor Michelle Bushnell and Planning & Building Director John Ford

Agenda Section: Time Certain Matter

Vote Requirement: Majority

SUBJECT:

9:45 A.M. - Update on the Status of County Jurisdiction to Enforce the Q-Zone in Lower Redway and Provide Direction to Enhance County Ability to Minimize Loss of Trees in the Future (LRP 2026-19528)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Accept the update on county jurisdiction to enforce the Q-Zone in lower Redway; and
2. Direct staff to commence work on updating the Q Zone in lower Redway to achieve the following:
 - a. Define the meaning of imminent danger and immediate hazard; and
 - b. Establish minimum contents for an arborists or forester's report when evaluating the health and safety of a tree; and
 - c. Include regulations prohibiting activities which could damage a tree; and
 - d. Expand notification requirements to all property owners in the Q-Zone; and
 - e. Establish a means to notify the public and potential buyers of the dangers of living in a forested environment; and
3. Direct staff to develop an ordinance based upon the Q-Zone which protects old growth trees outside of the Lower Redway Q-Zone.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship

Strategic Plan Category: 1008 - Update General Plan ordinances for quality of environment

DISCUSSION:

This report is to provide the Board of Supervisors with an understanding surrounding the redwood tree removal in the lower Redway Q-Zone and to offer an approach that may better protect trees within the Q-Zone, and alternatively, develop protections for old growth redwood trees in other areas of the county on smaller properties not zoned TPZ.

Background

In December 2025, CalFire issued a notice of exemption for removal of trees within 150 feet of a structure and utilities due to the trees being deemed hazardous. The exemption was granted for five redwood trees. The property on which these trees were located

was covered by a Q-Zone requiring approval of a Special Permit for removal of any redwood tree greater than 12 inches in diameter. There is some history leading up to this event.

In 2022, redwood trees were removed adjacent to a Pacific Gas and Electric (PG&E) substation on Harris Street in Eureka. As the county attempted to enforce the unpermitted removal of trees, a meeting was conducted between county Planning staff, the county Forest Review Committee and CalFire. It was pointed out that the county did not have jurisdiction that supersedes a CalFire issued permit or exemption. This is based on the following provision from the Forest Practices Act (Public Resources Code section 4511 et seq.):

From section 4516.5 (the entire section is included in Attachment 1):

(d) 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. (Emphasis added.)

Based upon this information it was staff's understanding that the county did not have jurisdiction where a Cal Fire permit or exemption was being granted, and this has been the understanding since 2022.

With respect to the trees in lower Redway, the forester recommended that the property owner contact the county regarding the removal of trees in the Q-Zone. The property owner contacted the county and was informed that an emergency Special Permit would not be required for removal of the trees. This was based on the information provided to staff in 2022.

When four of the five trees were removed there was substantial concern expressed by many sectors of the county, particularly among those who reside in the boundaries of the Q-Zone. On March 13, 2026, Supervisor Bushnell and Planning & Building Director John Ford met with 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 could demonstrate 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 occurring from development on the property and installation of the road. The stop work order was lifted once the reports were 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 Forest 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 this understanding the property owner was required to apply for and obtain approval of a Special Permit to remove the remaining tree. The Planning Commission considered this application at its June 18, 2026, meeting. The Planning Commission received significant public testimony, including testimony from arborists and a forester who had looked at the tree and did not find the tree in danger of falling. The Planning Commission, with a 7-0 vote, denied the Special Permit Application. The Planning Commission was vocal about the need for more information to support an action to allow removal of the tree.

Analysis

One of the main concerns has been whether the Q-Zone can be enforced. That has been answered emphatically. The Q-zone can be enforced in lower Redway as this area is not on property zoned TPZ and the lots are less than 3 acres.

The Planning Commission review of the Special Permit was instructive related to the areas of the ordinance that pose difficulty. The following is a summary of provision that should be clarified:

1. Tree removal is allowed when it has been demonstrated that such a tree, due to damage or disease, is in imminent danger of falling, thus creating an immediate hazard. There are several concerns about this. First, is imminent danger of falling the

only time for removal? Trees can pose other hazards and imminent danger of falling needs to be better defined. There should be better adjectives used to define the circumstance for removal.

2. There should be a process for determining the health and safety of a tree. The required contents of the arborist's report or forester's report should be laid out so there is a base amount of information available for any removal request. This must be demonstrated with photo evidence.
3. There should be a prohibition on conducting activities which damage trees.
4. When an application for removal is received, it should require notification of every property owner in the Q-Zone.
5. There should be information on property title regarding applicability of the regulations, and that it is the responsibility of the property owner to understand the risks of living in an old growth redwood forest and this information should be placed on title if that is feasible. People accept this risk when moving into the area.

These changes would make the ordinance easier to understand and implement and should provide better notice to the public.

There was also the question of whether the same provisions could be applied to other areas in the county. The most efficient way to address other areas is to take the provisions from the Q-zone and incorporate them into an ordinance that applies county wide. It is not recommended that the regulations start at a 12-inch tree, but rather something larger that is more representative of an old growth tree.

SOURCE OF FUNDING:

This report is funded by the General Fund 1100-277, and any additional work to update the ordinance or seek Department of Forestry approval would be done through Long Range Planning Budget 1100-282. Work on this report costs approximately \$2,500 and an update to the ordinance and adoption by the Board of Forestry would cost approximately \$15,000.

FINANCIAL IMPACT:

There is no financial impact to receiving this report.

STAFFING IMPACT:

There are no staffing impacts to hearing this report.

OTHER AGENCY INVOLVEMENT:

No other departments or agencies were involved in this update. Any additional ordinance work would initially involve County Counsel, UC Cooperative Extension, the Forest Review Committee and CalFire.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board can choose to:

1. Receive the Report and take no other action
2. Receive the report and direct staff to address weaknesses in the Q-Zone
3. Receive the report and direct staff to address weaknesses in the Q-Zone and to develop an ordinance addressing Old Growth Trees in the entire County

ATTACHMENTS:

1. Q-Zone for Lower Redway
2. 2025 Forest Practice Rules and Forest Practice Act

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A

File No.: N/A

