COUNTY OF HUMBOLDT

For the meeting of: 10/6/2026

File #: 26-977

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: 4/5th

SUBJECT:
Adoption of an Interim Urgency Ordinance Establishing a 45-day Moratorium on the Acceptance of Applications and Issuance of Permits for Removal of Large Redwood Trees Outside of Timberland Production and Agricultural Exclusive Zone Areas in Unincorporated Humboldt County (4/5 Vote Required)

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the Interim Urgency Ordinance, An Uncodified Interim Urgency Ordinance of the County of Humboldt Establishing a Temporary Moratorium On the Acceptance and Issuance of Permits for the Removal of Large Redwood Trees, Which Shall Take Immediate Effect, (Attachment 1), establishing a 45-day moratorium on acceptance of applications for, and issuance of any permit for removal of large redwood trees within the unincorporated areas of Humboldt County based on the findings set forth in the Interim Urgency Ordinance pursuant to California Government Code (CGC) Sections 25123(d) and 65858(a) (4/5 Vote Required); and
2. Direct the Clerk of the Board to publish the post-adoption summary (Attachment 2) of the ordinance within 15 days of adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance; and
3. Direct Planning and Building Department staff to bring forward an item, if needed, to extend the moratorium prior to the 45-day expiration date and reporting on the measures taken to alleviate the condition which led to the adoption of the urgency ordinance per CGC 65858(d).

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

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1008 - Update General Plan ordinances for quality of environment

DISCUSSION:
Executive Summary:

At the Aug. 11, 2026, meeting of the Board of Supervisors the Board directed Planning staff to develop an old-growth tree preservation ordinance that would apply county-wide, and to bring back a moratorium on the removal of old-growth redwood trees that would apply while such an ordinance was being developed.

This moratorium is a preemptive measure to prohibit permitting the removal of large redwood trees while the county works on establishing performance standards to protect the environment, the character of the community and the public welfare. The interim urgency ordinance would become effective immediately upon adoption, and the moratorium would have a 45-day effective period, unless extended 10 days prior to expiration. The Board is being asked to adopt the interim urgency ordinance (Attachment 1) prohibiting the removal of large redwood trees, with some exceptions, and to direct staff to continue researching their potential impacts while establishing performance standards for this type of land use.

The ability to regulate the required permits and regulate the removal of trees is somewhat limited by the Forest Practices Act, Public Resources Code Section 4516.5(d), which states that *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 Forest Practices Act, Public Resources Code Section 4516.5(f) states that *This section does not apply to timber operations on any land area of less than three acres and which is not zoned timberland production.*

Based on the above provisions, the county may regulate timber operations on lands less than 3 acres and not zoned TPZ. As part of any preservation ordinance, the county will need to consider specific qualities of trees that would compel the need for protection, and exceptions that would allow for removal of protected trees in certain defined circumstances. Qualities may relate to size, height, age, visual prominence, or other qualities that the community feel contribute to the character and quality of the Humboldt County landscape.

At the Aug. 11, 2026, meeting the Board directed staff to bring back a moratorium on the removal of “old-growth” redwood trees. No specific definition of old-growth was discussed and it does not appear that “old-growth” has been specifically or consistently defined either in state regulations or in practice. A “Large old tree” is defined in Title 14 of the California Code of Regulations, sections 1038.1(c)(15) and 1104.1 as a tree “that existed before 1800 AD **AND** is greater than sixty (60) inches in diameter at stump height for Sierra or Coast Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species . . .” These rules prohibit the removal of such trees except in certain circumstances. As part of any old-growth preservation ordinance the definition of what constitutes old-growth will need to be developed through the public process. For the purposes of the moratorium staff has proposed to use the term “large redwood tree” and has currently drafted it to apply to redwood trees forty (40) inches or greater in diameter at breast height (dbh).

Placing a moratorium on the removal of trees that may be protected through a preservation ordinance would help prevent applicants from undermining the effectiveness of the draft ordinance because it takes time for ordinances to work their way through the adoption process, and applications submitted prior to the effective date of the ordinance would not be in a position to comply with the new performance standards at the time of approval. While the moratorium is in place, the county can continue to research and establish standards for tree protection to protect the community character and public and welfare. For the purposes of such a moratorium, a “large redwood tree” would need to be defined by your Board. The draft resolution attached to this staff report defines a “large redwood tree” as any coast redwood tree that is 40 inches or greater in diameter at breast height (dbh). The Board may choose to amend this definition for the purposes of this urgency ordinance.

If the Board supports a temporary moratorium on the application and permitting of large redwood tree removal while a draft ordinance is being developed to establish requirements for such removal, the urgency ordinance (Attachment 1) should be adopted. The urgency ordinance would expire 45 days from adoption. The Board should also direct Planning staff to bring back to the Board an extension to the ordinance for up to 10 months and 15 days, prior to its expiration.

In adopting the urgency ordinance, exceptions should still be permitted to protect people and property from hazards and to allow for reasonable development and use of property. Staff suggests that exceptions to the moratorium include the following exemptions:

1) Removal of redwood trees within 30 feet of an existing habitable building or within 30 feet of a proposed habitable

building for which a building permit has been issued.

2) Removal of redwood trees less than 40 inches in diameter at breast height (dbh).

3) Removal of redwood trees that are identified as an immediate hazard to life or property, as documented by a report from a Registered Professional Forester (RPF) or Internationally Certified Arborist (ICA), subject to review and approval by the Planning Director.

In addition, as per state law, redwood trees associated with a Cal-Fire Timber Harvest Plan or on land zoned Timberland Production Zone would be exempted from such a moratorium. The Agriculture Exclusive Zone has been included in this exemption as Timber production is an allowed use in this zone.

Adoption of Interim Urgency Ordinances are allowed by California Government Code Sections 25123(d) and 65858 and require a four-fifths (4/5ths) vote of the legislative body for adoption. The urgency ordinance must protect the public safety, health, and welfare of the community. The attached ordinance includes the factual evidence supporting the required findings.

Environmental Review
Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment. Restricting the ability to cut down large redwood trees will not result in any development, and is protective of the environment, so the ordinance will not have any environmental impacts.

Also, adoption of the ordinance is exempt from CEQA review by Section 15308 of the CEQA Guidelines - Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protecting the environment. In this case temporarily preventing the permitting of removal of large redwood trees while establishing standards to protect community values and the environment, will ensure that important public resources are not destroyed while the county is actively working to establish a new ordinance which will have standards to protect these resources.

SOURCE OF FUNDING:
The staff costs to prepare this staff report are expected to total approximately $1,500, which will be paid by the General Fund's contribution to Long Range Planning (1100-282).

FINANCIAL IMPACT:
There is anticipated to be no significant long-term financial impact from the adoption of the urgency ordinance because it is only allowed to be in place for up to two years, at which time, it will automatically expire.

OTHER AGENCY INVOLVEMENT:
None

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board of Supervisors could decide not to approve the urgency ordinance if it believes the limitations are unnecessary to protect public health, safety and welfare. This alternative is not recommended as there are potential impacts to the public welfare from the removal of redwood trees that would potential be identified as important public resources.

ATTACHMENTS:
1. Draft Ordinance
2. Post-Adoption Summary
3. Public Comment Prior to Board Meeting

PREVIOUS ACTION/REFERRAL:
Meeting of: August 11, 2026
File No.: 26-469