COUNTY OF HUMBOLDT

For the meeting of: 5/7/2026

File #: 26-440

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:
Bermers Conditional Use Permit
Assessor Parcel Number: 305-073-042
Record Number: PLN-2026-19481
King Salmon Area

A Conditional Use Permit (CUP) for the construction of a new 2,176 square-foot total, two (2)-story building with a single-family residence above a first-floor commercial use. The first floor will consist of a 1,088 square-foot, fishing equipment rental and repair service business (and access to second floor). The second floor will consist of a 1,088 square-foot single-family residence. A CUP is required in the Commercial Recreation (CR) zone district for a single-family residence. A CUP is also requested for a short-term rental located within a Tsunami Hazard Zone within the Humboldt Bay Area Plan (HBAP), pursuant to section 313-61.05.6.3 of Humboldt County code and a Special Permit (SP) pursuant to section 313.61.05.10.6.2.1.2 due to Neighborhood Concentration. The site is located within the State retained jurisdiction of the Coastal Zone, therefore, a Coastal Development Permit from the Coastal Commission will also be required. The parcel is served by Humboldt Community Services District for water and sewer services.

RECOMMENDATION(S):
That the Planning Commission:

1. Adopt the resolution, (Attachment 1), which does the following:

    a. Finds the project is exempt from environmental review per section 15303(a) (New construction or conversion of small structures which allows new, small structures; and

    b. Make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and public testimony; and

    c. Approves the Bermers Conditional Use Permit and Special Permit as recommended by

staff and subject to the Conditions of Approval (Attachment 1A).

DISCUSSION:

Project Location:

The project site is located in the King Salmon area, on the northeast corner of Herring Street and Buhne Drive, on the property known as 1397 Buhne Drive.

Present General Plan Land Use Designations:

Commercial Recreation (CR). Humboldt Bay Area Plan (HBAP). Slope Stability: Relatively Stable (0).

Present Zoning:

Commercial Recreation with a Flood Hazard Area Combining Zone (CR/ F).

Environmental Review:

The project is exempt from environmental review per section 15303(a) of the California Environmental Quality Act (CEQA)- New construction or conversion of small structures.

State Appeal Status:

Project is located within the State jurisdiction of the Coastal Zone and therefore a Coastal Development Permit from the Coastal Commission is required. The Conditional Use Permit is NOT appealable to the Coastal Commission.

Major Concerns:

Tsunami Hazard Area and 100- year Flood Zone.

Monitoring Required:

None.

Executive Summary:

A Conditional Use Permit (CUP) for the construction of a new 2,176 square-foot total, two (2)-story building with a single-family residence above a first-floor commercial use. The first floor will consist of a 1,088 square-foot, fishing equipment rental and repair service business (and access to second floor). The second floor will consist of 1,088 square-foot single-family residence. A CUP is required in a Commercial Recreation (CR) zone for a single-family residence, and development must be above the 100-year Tsunami Run-Up mapped area per the Flood Hazard Area (F) combining zone. A CUP is also requested for a short-term rental (STR) located within a Tsunami Hazard Zone within the Humboldt Bay Area Plan (HBAP), pursuant to section 313-61.05.6.3 of Humboldt County code.

In addition, a Special Permit (SP) pursuant to section 313.61.05.10.6.2.1.2 due to Neighborhood Concentration is proposed. A Special Permit is required if another STR is within 600 feet, measured from the center of the dwelling used for the short-term rental. An application for another STR has

been accepted by the County on the property immediately adjacent to this property, which is well within the 600-foot distance. Additionally, one other property within 600 feet has filed an incomplete application for an STR. The site is located within the State retained jurisdiction of the Coastal Zone, therefore, a Coastal Development Permit from the Coastal Commission will be required. The parcel is served by Humboldt Community Services District for water and sewer.

Land Use and Zoning:
The subject property is within the Humboldt Bay Area Plan (HBAP) and has a land use designation and zone classification of Commercial Recreation (CR) with a Flood Hazard Area (F) Combining Zone. Principal uses include commercial visitor-serving developments and conditional uses include single family dwellings. The proposed project is for commercial use with a fishing equipment rental and repair business on the first floor, and a single-family dwelling on the second floor which is proposed to be utilized as a short-term rental. A Conditional Use Permit (CUP) is required in the CR zone for a single-family residence, and development must be above the 100-year Tsunami Run-Up mapped area per the Flood Hazard Area (F) combining zone. A CUP is also requested for a short-term rental located within a Tsunami Hazard Zone within the Humboldt Bay Area Plan (HBAP), pursuant to section 313-61.05.6.3 of Humboldt County code, and a Special Permit (SP) pursuant to section 313.61.05.10.6.2.1.2 due to Neighborhood Concentration. The subject parcel is within the State jurisdiction of the coastal zone, therefore a Coastal Development Permit is required from the Coastal Commission but is not part of the project in front of the Planning Commission.

Biological Resources:
No biological resource impacts are anticipated with the proposed project. The proposed project is a 2,176 square foot, two story building with a single-family residence above a first-floor commercial business. The existing parcel is currently vacant; however, it was developed with a single-family residence and shed in 1944, which was demolished in 2013. No sensitive species or habitat areas are identified within the proposed development area.

Cultural Resources and Tribal Cultural Resources:
The proposed project has been identified as being near areas of cultural sensitivity. The Wiyot Tribe reviewed the application and recognized that the project was technically outside the designated sensitive boundary, however requested continued communication throughout the project and potential changes. The Bear River Band of Rohnerville requested a cultural monitor to be present during ground disturbing activities. NWIC recommended local tribe input. The project was referred to Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, NWIC, and the Wiyot tribe.

Hazards and Hazardous Materials:
The proposed project is not anticipated to create additional hazards or hazardous materials. The subject parcel is located in an area that is Relatively Stable (0), is not within a fault hazard zone however, is within a tsunami hazard area, an area of potential liquefaction and within the identified 100-year Flood Zone (A). Short-term Rentals within the identified Tsunami Hazard Area require a

Conditional Use Permit to ensure that the proposed project will not adversely impact the health, safety and welfare of the community. Evacuation route signs are clearly posted and areas outside of the Hazard Zone are nearby, approximately 700 feet to the north. The subject parcel is within a Local Response Area with Humboldt Bay Fire JPA providing structural fire protection as well as responding to medical emergencies. No hazardous materials are anticipated as part of the proposed new residence and commercial business.

Hydrology and Water Quality:
The proposed 2,176 square-foot, two story building with a single-family residence on the second floor and commercial use business on the first floor is not anticipated to impact hydrology and/or water quality within the surrounding area. The residence is served by Humboldt Community Services District (HCSD) for water and sewer. The Department of Environmental Health reviewed the proposed project and recommended approval. HCSD reviewed the proposed project and conditionally approved the project.

Noise:
The proposed 2,176 square-foot, two story building with a single-family residence on the second floor and commercial business on the first floor is not anticipated to create significant noise impacts after initial construction.

Neighborhood Concentration of Short-Term Rentals:
An application for an STR has also been submitted on the property immediately adjacent to the subject site, along with an incomplete application for another STR a few lots southwest of the property. The requirements for short-term rentals for parcels with a density of one or more units per acre include the standard that STR's shall not exceed ten percent of the dwellings on the access road and that there shall not be another short-term rental in a 600-foot radius of the dwelling to be used as a short-term rental. Exceptions to these standards are allowed with a Special Permit in order for the decision -maker to consider whether granting an exception would be detrimental to the community. In this case, there would not be more than 10 percent of the dwellings on the access road being used as short-term rentals, however there are a total of three short term rentals proposed in a 600-foot radius. In all there are four applications for short-term rentals in the King Salmon area, two of which have remained incomplete for some time (primarily because they have not made the associated application for a Use Permit in the Tsunami zone). In the King Salmon area, there are over 100 residences and even if all four of these proposed short-term rentals were approved it would be a very small number of available units that are not available for long term renters or homeowners. In addition, this particular proposal is for a short-term rental on a commercially zoned parcel that would be located above a business. In addition, all three of the proposed rentals that are within 600 feet of each other are closer to the entrance of the community where they would have less potential to impact the majority of the residents in the King Salmon area. In staff's opinion approval of this exception would not create any substantial changes to the character of the King Salmon Community.

Tsunami Concerns:

The proposed project is within a mapped Tsunami Hazard Area and Flood Hazard Zone (F) combining zone, which identifies areas potentially at risk of inundation of flooding due to tsunami waves. Within Tsunami Hazard Areas, 100-year tsunami run-up elevations are further identified, and development is restricted in the Humboldt Bay Area Plan (HBAP) and Section 313-21.1.5 of Humboldt County Code (HCC). 100-year tsunami run-up elevations were analyzed and determined at specific latitudes within Technical Report H-78-26 from the US Army Corps of Engineers. The subject parcel is at latitude 40 degrees and 44 minutes, and according to Plate 15 in the Technical Report, new development must be at or more than 10.1 feet above sea level to be outside of the 100-year tsunami run-up elevation. According to the Humboldt County GIS Bay Contours (LiDAR), the subject parcel has elevations between 9 feet and 11 feet above sea level. As part of the Conditions of Approval, the finished floor of the commercial space is required to be at or more than 10.1 feet above sea level to be above the 100-year tsunami run-up elevation and be consistent with the HBAP and HCC.

A Conditional Use Permit is required to allow a short-term rental within a tsunami hazard area due to the concerns of putting visitors at risk that are not aware of potentially catastrophic tsunami dangers. Conditions of approval have been included for the short-term rental to require educational materials and emergency protocols in the event of a warning. Additionally, booking and reservation sites will be required to contain a warning that the short-term rental is within a tsunami hazard area. The short-term rental is proposed on the second floor, above the commercial use space, which will provide additional elevation from the tsunami run-up areas for increased visitor safety.

As discussed previously, evacuation route signs are clearly posted in this area and areas outside of the Hazard Zone are nearby, approximately 700 feet to the north. The Humboldt Bay Harbor District property at the north end of King Salmon Beach includes an area mapped as an evacuation area and safe location at an elevation above the hazard and run-up areas. This includes an area at approximately 35 feet above sea level and is adjacent to the PG&E property which has areas over 60 feet above sea level. The image below shows the property in relation to the evacuation area. The area in orange is the mapped Tsunami Hazard Area.

Figure 1. Mapped Tsunami Hazard Area and evacuation area.

OTHER AGENCY INVOLVEMENT:
The project was referred to responsible agencies and all responding agencies have either responded with no comment, or recommended approval or conditional approval. (Attachment 5). The THPO of the Bear River Band of Rohnerville Rancheria and the THPO of the Wiyot Tribe both responded to recommend that a cultural monitor be on-site during ground disturbance and this has been made a condition of approval. Recommended conditions from the Department of Public Works and Humboldt Community Services District have also been included in the recommended conditions of approval.

RECOMMENDATIONS:
Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff conclude that the applicant has submitted evidence in support of making all of the required findings for approval of the Bermers Conditional Use Permit and Special Permit. Staff recommends that the Planning Commission find the project exempt from further environmental review pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA)- New construction or conversion of small structures which allows new, small structures.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project. This alternative should be implemented if the Planning Commission is unable to make all the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
    A. Conditions of Approval
    B. Conditions of Approval for STR
    C. Site Plan
2. Location Map
3. Tsunami Hazard Evacuation Map
4. Referral Agency Comments and Recommendations

Applicant
Blaine and Jamie Bermers
4779 Kincaid Court
Eureka, CA 95503

Owners
Same as Applicant

Agent
Sarah Atkins
PO Box 6572
Eureka, CA 95502

Please contact Alice Vasterling, Associate Planner, at (707) 268-3777 or by email at avasterling@co.humboldt.ca.us if you have any questions about this item.