RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 26-

CONDITIONAL USE PERMIT AND SPECIAL PERMIT
PROJECT NUMBER PLN-2026-19481
ASSESSOR PARCEL NUMBER 305-073-042

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE BERMERS CONDITIONAL USE PERMIT AND SPECIAL PERMIT

WHEREAS, the owner, Blaine Bermers, submitted an application and evidence in support of approving a Conditional Use Permit and Special Permit on February 10, 2026; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Humboldt County Planning and Building Department as the Lead Agency has found that the project qualifies for exemptions found in Section 15303- New Construction of Small Structures; and

WHEREAS, the site is located within the State retained jurisdiction of the Coastal Zone and, therefore, a Coastal Development Permit from the Coastal Commission will be required; and

WHEREAS, Attachment 1 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Bermers Conditional Use Permit and Special Permit (Record Number PLN-2026-19481); and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on May 7, 2026, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. **FINDING:** **Project Description:** 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 and development must be above the 100-year Tsunami Run-Up mapped area per the Flood Hazard Area combining zone (F). A CUP is also requested for a short-term rental located within a Tsunami Hazard Zone within the Humboldt Bay Area Plan, 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 be required. The parcel is served by Humboldt Community Services District for water and sewer services.

EVIDENCE: a) Project File: PLN-2026-19481

2. **FINDING:** **CEQA:** The requirements of the California Environmental Quality Act (CEQA) have been complied with. The project is exempt from environmental review per section 15303(a) of CEQA.

EVIDENCE: a) As lead agency, the Planning and Building Department found the project to be categorically exempt pursuant to CEQA guidelines. The proposed project is for a new 2,176 square-foot two story building containing a commercial business on the first floor and a single-family residence on the second floor. Section 15303(a) of the CEQA guidelines exempts new construction of small structures.

3. **FINDING:** The project is consistent with the Humboldt Bay Area Plan (HBAP).

EVIDENCE:

a) Land Use, Section 4.10.B (HBAP): The subject property has a land use designation of Commercial Recreation (CR), which protects sites suitable for the development of commercial recreation facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors in the area. Principal uses within the CR designation include commercial visitor-serving developments and conditional uses include single family dwellings. The proposed project is for a first-floor commercial business, primarily fishing equipment rental and repairs, which supports visitors to King Salmon accessing the bay and canal community for fishing and recreational activities. A Conditional Use Permit (CUP) is required for the single-family dwelling located on the second floor, which is proposed to be used as a short-term rental. The residence, and its use as a short-term rental, will not detract from the primary use of the property as a visitor serving and recreational support facility.

b) Hazards, Section 3.17 (HBAP): New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. Additionally, new development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas. Although the subject parcel is located in an area of potential liquefaction, the area is Relatively Stable (0) and is not within a fault hazard zone.

However, the subject parcel is within a mapped Tsunami Hazard Area, 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 HBAP. 100-year Tsunami Run-up Elevations are analyzed and determined at specific latitudes within Technical Report H-78-26 from the US Army Corps of Engineers. 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. A CUP for the STR within the Tsunami Hazard Area is required in order to ensure that clear communication about

the dangers and risks associated with renting a STR within a Tsunami Hazard Area are relayed to potential visitors. Additional safety protocols and emergency procedures are required in case of a tsunami warning to reduce risks to the community.

The subject parcel is within the 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. The proposed project is not anticipated to increase risks to life and property.

c) Archaeological and Paleontological Resources, Section 3.18 (HBAP): The proposed project lies near areas of cultural sensitivity. Although it is technically outside the designated sensitive boundary and within a previously disturbed area, a cultural monitor has been requested by the Bear River Band during ground disturbing activities. The Wiyot Tribe also reviewed the application and requested continued communication through the project and potential changes. NWIC recommended local tribe input. The project was referred to Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, NWIC, and the Wiyot tribe.

d) Housing, Section 3.28 (HBAP): New housing in the Coastal Zone shall be consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element. The subject parcel is designated Commercial Recreation (CR), with principally permitted uses being resource and visitor related commercial business and conditionally permitted uses being single family residences. The subject parcel is not identified within the 2019 Housing Element, however the proposed project is adding one residential unit. Although the current proposal is to utilize the residence as a short-term rental, this will still be available as potential housing.

e) Natural Resource Protection Policies and Standards, Section 3.30 (HBAP): Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values

and only uses dependent on such resources shall be allowed within such areas. According to the California Natural Diversity Data Base (CNDDB), there are no rare or endangered species identified within the proposed development area. Nearby, the eulachon has been known to use Humboldt Bay and several of the tributaries, however this sensitive species is a fish and would not be found on the land of the subject parcel. The subject parcel has been previously developed, however it is currently vacant. No natural resources are anticipated to be impacted as a result of this project.

f) Visual Resource Protection, Section 3.40 (HBAP): The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The subject parcel is not within a Coastal Zone Scenic Area or Scenic Viewing Area. The proposed two-story building is consistent in height and size to two of the neighboring properties, and therefore no significant impact to visual resources is anticipated. The project will not impact views of the coast from any public viewing areas.

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located.

EVIDENCE: a) The subject parcel is zoned Commercial Recreation (CR). The parcel is currently vacant; however, it was previously developed with a single-family residence and shed in 1944, which was demolished in 2013. Principally permitted uses in CR include visitor serving facilities and transient habitation, and conditionally permitted uses include single family residential. The proposed project is 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 1,088 square-foot, fishing equipment rental and repair service business that is consistent with the definition of Visitor Serving Facilities discussed in section 313-172.18, which includes private developments providing services for tourists. The second floor will consist of a 1,088 square-foot single-family residence. A Conditional Use Permit (CUP) is required for a single-family residence within the CR zone. 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.

5. FINDING: The proposed development conforms with all applicable standards and requirements of these regulations.

EVIDENCE:

a) Development within the F combining zone must be above the designated 100-year tsunami run-up area, pursuant to Section 313-21.1.5. 100-year tsunami run-up elevations are analyzed and identified 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. 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 comply with the F combining zone requirements.

b) A CUP is also requested for a short-term rental located within a Tsunami Hazard Zone of the Humboldt Bay Area Plan, pursuant to section 313-61.05.6.3 of Humboldt County code. CUPs are required to ensure visitors, potentially from out of the area, staying at the STR are informed and aware of the risks involved within tsunami hazard zones, which ultimately protect the community. Prior to final occupancy, an approved Good Neighbor Guide, clearly indicating evacuation route(s) and protocols in case of a tsunami warning pursuant to Section 313-61.05.10.4.4, is required. Attachment 3 shows approximately 700 feet between the subject parcel and the designated evacuation route that is clearly marked and accessible on the road to get outside of the Tsunami Hazard Zone (Attachment 4 shows the street view).

c) A Special Permit is requested pursuant to section 313.61.05.10.6.2.1.2 due to Neighborhood Concentration of short-term rentals. A Special Permit is required if another

short-term rental is within 600 feet, measured from the center of the dwelling used for the short-term rental. Additional applications for other short-term rentals have been accepted by the County within the 600-foot radius, one of which is directly adjacent to the subject property. Within the entire town of King Salmon, 4 applications for short-term rentals have been received, two of which are incomplete. There are over 100 residences in the King Salmon Area and even if all four were approved it would be a small percentage of the overall housing stock in the community and therefore this is not anticipated to impact neighborhood quality or be a public nuisance.

6. **FINDING:** The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The proposed project will not be detrimental to public health, safety, or welfare. The proposed Conditional Use Permit (CUP) complies with all the standards of the zone district which are intended to protect public health, safety and welfare. Staff have analyzed the subject parcel and its location within a mapped Tsunami Hazard Area and Flood Hazard Area, and believe that subject to the Conditions of Approval, risks have been identified and minimized. Based on the findings made in this report, there is no evidence that the proposed CUP will be materially injurious to properties or improvements in the vicinity.

7. **FINDING:** The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The subject parcel is zoned Commercial Recreation (CR) and is not part of the 2019 Housing Element Residential Land Inventory. The Conditional Use Permit will not reduce the residential density below that utilized by the Department of

Housing and Community Development in determining compliance with housing element law.

SHORT-TERM RENTAL FINDINGS- Section 313.61.05.10

8. **FINDING:** Short-term rentals (STRs) are not allowed in dwellings with any of the following limitations:

-Recorded Limitation. Dwellings subject to a recorded covenant, agreement, deed restriction or other recorded document to which the county is a party that limits the use of the dwelling to affordable housing, or otherwise prohibits use as a short-term rental.

-SB9 California H.O.M.E. Act. Dwellings on lots approved pursuant to Section 66411.7 of Chapter 1 of Division 2 of Title 7 of the California Government Code (SB 9 – "The California H.O.M.E. Act") shall not be permitted as short-term rentals.

-Accessory Dwelling Unit. ADUs permitted after January 1, 2020, shall not be permitted as short-term rentals.

-Alternative Owner Builder. Dwellings permitted pursuant to the Alternative Owner Builder (AOB) provisions of Section 331.5-4 shall not be permitted as short-term rentals.

EVIDENCE: The proposed STR is not subject to a Recorded Limitation, California H.O.M.E. Act, Accessory Dwelling Unit permitted after January 1, 2020, or built through the Alternative Owner Builder program. According to the Humboldt County Assessor's office, the subject parcel had a single-family residence and shed from 1948 until it was torn down in 2013. The subject parcel is currently vacant.

9. **FINDING:** Short-term rentals shall be limited by:

-Short-Term Rental Cap. The total number of short-term rentals shall be limited.

-Nontransferable. Short-term rental permits shall not be transferred between property owners.

-Per Person Limit. An individual or business shall not own more than three (3) parcels with short-term rental permits.

-Resource Zone Districts. Short-term rentals in Agriculture Exclusive Zone, Commercial Timberland Zone, and Timberland Production Zone may only be permitted as farm stays.

-No Violations. A permit shall not be issued on a parcel with active violations.

EVIDENCE: Approval of the short-term rental would bring the total number less than 2% of housing stock within the Humboldt Bay Area Plan (HBAP). The owner does not own more than three parcels with short-term rentals. The rental unit is not within a resource zone district. There are no active violations on the property.

10. FINDING: Standards for Health and Safety for Short-term rentals shall be:

-Building and Fire. Dwellings shall be permitted or legal nonconforming. Fire extinguishers, smoke detectors and carbon monoxide detectors shall be maintained in working order, and information related to all emergency exits shall be provided inside the short-term rental.

-Solid Waste, Recycling and Compost. Trash, recycled materials, and organic compost shall be appropriately disposed of at least weekly.

-Access. The access road shall operate at a functional equivalent of a Category 3 road.

-Road Maintenance Association (RMA). If a private access road has an established RMA, the permit-holder shall be a member in good standing.

-Maximum Overnight Occupancy. Overnight occupancy shall not exceed two (2) per bedroom plus one (1), excluding children under twelve (12).

EVIDENCE: The short-term rental will be required to follow standards for health and safety in relation to building, fire, solid waste, recycling and compost. The short-term rental will be accessed via Buhne Drive, a Category 3 road off King Salmon Avenue. Overnight occupancy shall not exceed 3 people, excluding children under twelve (12).

11. FINDING: Short-term rental shall provide a Good Neighbor Guide prior to operation and delivered to neighbors with dwellings within 300 feet of the short-term rental as the crow flies and the nearest five (5) neighbors up and down access roads.

EVIDENCE: Prior to operation of the short-term rental and pursuant to the conditions of approval (Attachment 1B), a Good Neighbor Guide will be distributed to neighbors with dwellings within 300 feet of the short-term rental as the crow flies and the nearest five (5) neighbors up and down Buhne Drive and Herring Street. The Good Neighbor Guide shall also be submitted to the Planning and Building Department and must be present and available for tenants in the short-term rental.

12. FINDING: Short-term rental shall uphold neighborhood quality and not create a public nuisance.

-**Per Parcel Limit.** One short-term rental may be permitted per legal parcel.

-Neighborhood Concentration. Each short-term rental may not exceed the following neighborhood concentration limitations, except within the Shelter Cove Community Plan Area where this standard does not apply: Parcels with a General Plan density of one (1) or more dwelling units per acre: Short-term rentals shall not exceed ten percent (10%) of the dwellings on the access road (one (1) dwelling for roads with less than ten (10) dwellings); and There shall not be another short-term rental within six hundred (600) feet of the proposed short-term rental, measured as a six hundred (600) foot radius from the center of the dwelling used for the short-term rental. Parcels with a General Plan density of less than one (1) dwelling unit per acre: Short-term rentals shall not exceed twenty percent (20%) of the dwellings on the access road (one (1) dwelling for roads with less than five (5) dwellings).

-Private Gatherings and Parties. Gatherings and parties shall have no more than twice the maximum occupancy of the short-term rental, only allowed during the hours of 8:00 a.m. to 10:00 p.m. (not eligible for stay). If gatherings are intended, they must be included in the application for the short-term rental and the application must include provisions for parking, which can be on-street where allowed.

-Noise. The maximum noise levels allowed in all outdoor areas and indoor common areas of the property are as follows: sixty-five (65) dB during the hours of 8:00 a.m. to 10:00 p.m. and sixty (60) dB from 10:00 p.m. to 8:00 a.m. Following one (1) or

more noise complaint(s) for a short-term rental, the permit holder shall install noise sensors and provide recorded data to the Planning and Building Department upon request.
-Parking. Each short-term rental shall provide one off-street parking space per rented bedroom. Where legal on-street parking is available, one on-street parking space may count toward the minimum number of parking spaces required.

EVIDENCE: The proposed Conditional Use Permit, if approved, will allow one short-term rental within the Tsunami Hazard Zone on the existing legal parcel. A Special Permit is required to allow a short-term rental to be within 600 feet of another short-term rental. Additional short-term rental applications have been received by the County within the 600-foot radius. Gatherings are not allowed, and noise levels must comply with noise restrictions. One parking space is required for the one-bedroom short-term rental and is provided on site. Off-site parking is additionally available on both Buhne Drive and Herring Street.

SHORT-TERM RENTAL FINDINGS- TSUNAMI HAZARD ZONE- Section 313-61.05.6.3

13. FINDING: The short-term rental would not adversely impact the health, safety and welfare of the community.

EVIDENCE: a) The proposed project includes a Conditional Use Permit (CUP) to operate a short-term rental within an identified Tsunami Hazard Zone. CUPs are required to ensure visitors, potentially from out of the area, staying at the short-term rental are informed and aware of the risks involved within Tsunami Hazard Zones, which ultimately protects the community. Prior to final occupancy, an approved Good Neighbor Guide, clearly indicating evacuation route(s) and protocols in case of a tsunami warning pursuant to Section 313-61.05.10.4.4, is required. Attachment 3 shows approximately 700 feet between the subject parcel and the designated evacuation route to get outside of the Tsunami Hazard Zone (Attachment 4 shows the street view). Due to the proximity of the clearly signed and easily accessed evacuation location, combined with the required safety and informational manual within the Good

Neighbor Guide, allowing a short-term rental on the second floor above a commercial business within the tsunami hazard area is not anticipated to adversely impact the health, safety and welfare of the community. Additionally, booking and reservation platforms must clearly state that the subject property is within a mapped Tsunami Hazard Area to all potential guests. The subject property is one of five parcels within a Commercial Recreation cluster area for both land use and zoning, surrounded by single-family residentially zoned parcels (minimum lot size 5,000 square feet). .

14.. **FINDING:** The Short-term Rental would not adversely affect the quality of the neighborhood.

EVIDENCE: a) The proposed new single-family residence to be used as a short-term rental will be located on the second floor above a fishing gear rental and repair business. Using the single-family residence as a short-term rental requires a Conditional Use Permit (CUP) due to the location within the Tsunami Hazard Zone designation of the Humboldt Bay Area Plan (HBAP). Prior to final occupancy, an approved Good Neighbor Guide, clearly indicating evacuation route(s) and protocols in case of a tsunami warning pursuant to Section 313-61.05.10.4.4, is required. Attachment 3 shows easily accessed approximately 700 feet between the subject parcel and the designated evacuation route to get outside of the Tsunami Hazard Zone. The subject property is one of five parcels within a Commercial Recreation cluster area for both land use and zoning, surrounded by single-family residentially zoned parcels (minimum lot size 5,000 square feet). The proposed new business space and residence is consistent with other properties within the surrounding neighborhood and is not anticipated to adversely affect the quality of the neighborhood.

LEGAL LOT REQUIREMENT – SECTION 312-1.1.2

15. **FINDING:** The lot was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE a) The subject parcel, APN 305-073-042, qualifies for a Certificate of Compliance as shown as Lot 1, in Block 6, on the map of King Salmon Resort, filed in the office of the County Recorder on July 13, 1948, in Book 12 of Maps, pages 57, 58 and 59.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopts the findings set forth in this resolution; and

2. Conditionally approves the Bermers Conditional Use Permit and Special Permit (Record Number: PLN-2026-19481), based on the application materials on file for the project received February 10, 2026, and subject to the recommended Conditions of Approval.

Adopted after review and consideration of all the evidence on **May 7, 2026**.

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

_____

John H. Ford, Director
Planning and Building Department