

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 26-**

**CONDITIONAL USE PERMIT  
PROJECT NUMBER PLN-2025-19433  
ASSESSOR PARCEL NUMBER 401-331-009**

**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, Mark W. Burtchett, submitted an application and evidence in support of approving a Conditional Use Permit and Special Permit; 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 15301- Existing Facilities; and

**WHEREAS**, the Humboldt County Planning Commission held a duly noticed public hearing on June 4, 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 an existing 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. The project also includes a Special Permit for an exception to neighborhood concentration limitations, pursuant to section 313-61.05.6.2.1. Operations take place in a two-bedroom, 1,200 square foot single family residence. The parcel is served with community sewer and water provided by the Peninsula Community Service District.

**EVIDENCE:**     a) Project File: PLN-2025-19433

**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 15301 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 an existing residence operating as a short-term rental. No new development is proposed. Section 15301 of the CEQA guidelines exempts existing facilities.

**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 Residential Low Density which is intended for single-family dwellings as the principal use. The subject parcel also has two combining zones, Design review and Planned Unit Development. The proposed project is for the use of an existing single-family dwelling as a short-term rental. This residence has been used as a short-term rental since before October 26, 2023, which is the date established within the ordinance for existing operations.

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. The proposed project does not include new development and is not anticipated to increase risks to life and property.

The subject parcel is located in a Tsunami Hazard Zone that is Relatively Stable (0) and outside a fault hazard zone. The subject parcel is at latitude 40 degrees and 49 minutes, and according to the Humboldt County GIS Bay Contours (LiDAR), the subject parcel has elevations between 37 feet and 43 feet above sea level. While this is within the tsunami hazard zone, this is outside of the 100- and 500-year Tsunami Run-up zone. The CUP for the STR requires safety protocols and emergency procedures to be clearly displayed and communicated to

renters to ensure the safety of the community. The subject parcel is within the Local Response Area with Peninsula Community Services District providing fire protection, rescue, and emergency response including tsunami evacuation assistance. No hazardous materials are anticipated for use as a part of the operation.

- c) Housing, Section 3.28 (HBAP): The subject parcel is designated Residential Low-Density (RL), with principally permitted uses being single family residences. A single-family residence is existing on the parcel and the proposed use does not remove the ability of the home to be used as a residence in the future and therefore does not decrease the housing inventory.
- d) 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. The project does not lie in an environmentally sensitive habitat area and does not propose new development. No natural resources are anticipated to be impacted as a result of this project.
- e) 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 and no new development is proposed.

**4. FINDING:** The proposed development is consistent with the Humboldt County Coastal Zoning Code.

**EVIDENCE:** a) The subject parcel is zoned Residential Single Family with Design Review and Planned Unit Development combining zones (RS/D, P). The parcel is developed with a two-bedroom, 1,200 square foot single family residence single-family residence. The proposed project is for operating a short-term rental (STR) within the residence with no proposed development. This project must adhere to the zoning standards of the Design Review and Planned Unit Development combining zones for any future development. A Conditional Use Permit (CUP) is required 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.

**5. 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. With the attached Conditions of Approval, risks will 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.

**6. 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 Residential Single-Family (RS) and is not part of the 2019 Housing Element Residential Land Inventory. Short term rentals receive a permit that is non-transferrable and must be renewed every two years. If the permit expires, then the dwelling reverts to use as a residence. In this event a future use as a short-term rental must be approved by a hearing body. 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- TSUNAMI HAZARD ZONE- Section 313-61.05.6.3**

**7. 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 (STR) within an identified Tsunami Hazard Zone. 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, and are not exposed to or contribute to unnecessary risks associated with tsunami hazards. The subject parcel is at latitude 40 degrees and 49 minutes, and according to the Humboldt County GIS Bay Contours (LiDAR), the subject parcel has elevations between 37 feet and 43 feet above sea level. Specific requirements are required for new development below the level of the 100-year Tsunami run-up elevations described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Army Corps of Engineers). This parcel is outside of the 100- and 500-year Tsunami Run-up zone and therefore, most likely, tsunami events would not inundate the property. The Town of Samoa is a Tsunami Ready Community, certified by the National Weather Service because of the development of a Tsunami Safety Plan in 2013. The safety plan identifies an assembly point which can easily be traveled on foot by most people and the subject parcel is approximately 1,885 feet from the assembly point. The project is conditioned to provide the Town of Samoa Tsunami Evacuation Map (Attachment 11) and the Safety Plan to advise renters of tsunami hazards and evacuation policies. The Peninsula Community Service District provides assistance in Tsunami Evacuation scenarios. If approved, the existing single-family residence used as a STR is not anticipated to adversely impact the health, safety and welfare of the community.

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

**EVIDENCE:** a) The use of this residence as a short-term rental (STR) has been occurring since before October 26, 2023 and already contributing to the existing quality of the neighborhood. The short-term rental ordinance established the October 2023 date as the date for existing short-term rental operations to be considered for baseline neighborhood impacts.

Using the single-family residence as a STR 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 describing how the rental will operate in conformity with the neighborhood and indicating evacuation route(s) and protocols in case of a tsunami warning, is required. The residence is consistent with other properties within the surrounding neighborhood and is not anticipated to adversely affect the quality of the neighborhood.

**SHORT-TERM RENTAL FINDINGS- NEIGHBORHOOD CONCENTRATION- Section 313-61.05.6.2.1**

**9. FINDING:** The short-term rental would not result in significant adverse effects on the health, safety, and welfare of the community.

**EVIDENCE:** Short term rentals are principally permitted in single-family residences based on the criteria that the use does not result in an impactful increase than if used as a primary residence. As an existing STR in an existing residence, there are no significant adverse effects to the change in use. Adherence to the Good Neighbor Guide and conditions for STRs will preserve the health, safety, and welfare of the community.

**10. FINDING:** The short-term rental would not result in significant adverse effects on the quality of the neighborhood.

**EVIDENCE:** This STR is within 600 feet of a previously approved administrative STR on Sunset Avenue. Approval of this project will result in 8.7% of the block in use as STRs (2 out of 23 homes whose frontage is Sunset Ave). Per the terms of the short-term rental ordinance, STRs shall not exceed 10% of the dwellings on the access road and there shall not be another short-term rental within six hundred feet of the proposed short-term rental without approval of a Special Permit. Should this permit expire, or the property change hands, then the use will revert to a single-family residence. Future STR permits on this property after expiration will be subject to approval by a Hearing body. While the neighborhood concentration of short-term rentals in this area is impacted, because this project is

existing, it was given special consideration under the ordinance as contributing to the baseline neighborhood conditions and approving this permit will not result in significant adverse effects.

**LEGAL LOT REQUIREMENT – SECTION 312-1.1.2**

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

**EVIDENCE:** a) The subject parcel, APN 401-331-009, is a legal parcel shown as Lot 84, on the map of the Town of Samoa Subdivision, filed in the office of the County Recorder on August 18, 2021, in Book 25 of Maps, pages 127-141.

**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 Burtchett Conditional Use Permit and Special Permit (Record Number: PLN-2025-19433), subject to the recommended Conditions of Approval.

Adopted after review and consideration of all the evidence on **June 4, 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.

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John H. Ford, Director  
Planning and Building Department