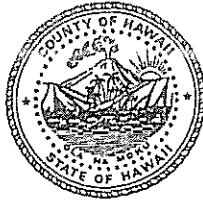


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

October 29, 2004

Stephen P. and Rae S. Welsh  
6 Makakai Place  
Hilo, Hawaii 96720

Dear Mr. & Mrs. Welsh:

**Special Management Area Use Permit Assessment Application (SMAA 04-100)**

**Special Management Area (SMA) Minor Permit No. 167 (SMM 167)**

**Applicant: Stephen P. and Rae S. Welsh**

**Landowners: Stephen P. and Rae S. Welsh**

**Project: Establish One (1)-Bedroom Bed & Breakfast in Existing Dwelling**

**Tax Map Key: (3) 2-6-026:005**

By this letter we are transmitting the referenced SMA Minor Permit No. 167, which is approved, subject to conditions, for the establishment of a one (1)-bedroom bed and breakfast facility within the existing single-family dwelling.

Should you have questions, please feel welcome to contact Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,

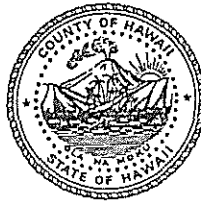
  
CHRISTOPHER J. YUEN  
Planning Director

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Encl: SMM 167

xc: / Ms. Susan Gagorik – Long Range Planning  
Mr. Jeff Darrow – Planning, w/encl.  
Mr. Norman Hayashi – Planning Commission, w/encl.

Harry Kim  
Mayor



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### PLANNING DEPARTMENT

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(808) 961-8288 • Fax (808) 961-8742

#### Special Management Area Minor Permit No. 167

**Project:** One (1)-Bedroom Bed & Breakfast in Existing Dwelling  
**Applicant:** Stephen P. and Rae S. Welsh  
**Land Owner:** Stephen P. and Rae S. Welsh  
**Location:** Alae, South Hilo, Island & County of Hawaii, Hawaii  
**TMK:** (3) 2-6-026:005 Lot 18

#### Applicant's Request

**1. Project Description:**

The applicant proposes to establish a one (1)-bedroom bed and breakfast facility within the existing 4-bedroom single-family dwelling. The proposed additional use will not involve any construction or additional improvements to the subject property.

**2. Purpose of Project:**

The project is intended create additional household income.

**3. Project Valuation:** \$0.00

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(iii) relating to the Special Management Area, the change in the density or intensity of use of land, including but not limited to the division or subdivision of land, is defined as "development." Therefore, the proposed additional bed and breakfast use requires a SMA Minor Permit.

#### State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use (SLU) Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates various portions of the subject property for Open and Low Density Urban uses.
- 3. County Zoning:** The subject property is zoned Single-Family Residential (RS-15) by the County of Hawaii.
- 4. Special Management Area:** The subject property is located in the SMA.

**Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes  
(HRS), Regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
  - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - ☒ Stimulate public awareness, education, and participation in coastal management.
  - ☒ Protect beaches for public use and recreation.
  - ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
  - ☒ Recreational Resources
  - ☒ Historic Resources

- ☒ Scenic and Open Space Resources
- ☒ Coastal Ecosystems
- ☒ Economic Uses
- ☒ Coastal Hazards
- ☒ Managing Development
- ☒ Public Participation
- ☒ Beach Protection
- ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

### Findings

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan. The Zoning Code allows for bed and breakfast operations in the Single-Family district provided the applicant shall secure a Use Permit from the Planning Commission.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$0.00 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments, dated October 18, 2004, regarding the pending Use Permit application.

*"We have reviewed the subject application forwarded by your memo received on October 21, 2004 and offer the following comments for your consideration.*

*All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.*

*The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain (may include areas with unknown flood or drainage hazards).*

*The applicants should provide adequate off-street parking.*

*If a new driveway will be constructed, it shall conform to Chapter 22, County Streets, of the Hawaii County Code.*

*Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 167** is hereby approved to allow the establishment of a one (1)-bedroom bed and breakfast within the existing single-family dwelling, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 167** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of the State of Hawaii-Department of Health and the Hawaii County-Department of Public Works and applicable requirements of other affected agencies.
3. Applicant shall secure Planning Commission approval for a Use Permit to allow for the proposed use in the Single-Family zoning district.
4. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
  - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
\_\_\_\_\_  
CHRISTOPHER J. YUEN  
Planning Director

October 29, 2004

\_\_\_\_\_  
Date