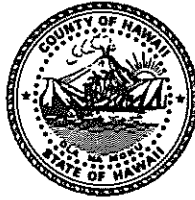


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 323 443

August 8, 1996

Ms. Mary Lou Gomes  
P.O. Box 1883  
Honokaa, HI 96727

Dear Ms. Gomes:

Use Permit Application (USE 96-4)  
Applicant: Mary Lou Gomes  
Request: Allow the Raising of Five (5) Dogs  
Tax Map Key: 4-5-13:24

The Planning Commission at its duly held public hearing on July 25, 1996, voted to approve the above-referenced application. Use Permit No. 146 is hereby issued to allow the raising of five (5) dogs within the County's Single Family Residential (RS-10) zoned district. The site is located approximately 195 feet to the west of Maile Street at Papaanui, Hamakua, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. According to the Zoning Code, Single-Family Residential districts "provide for low density residential area, for urban and suburban family life." Although animals are not listed as permitted uses within the residential district, in the past, it has been the Department's position to consider animals as accessory to single-family residential uses. The problem has been one of enforcement. Numerous complaints have been filed with the Planning Department regarding animal nuisance complaints. Although there is a draft bill to amend Chapter 4 of the Hawaii County Code relating to animals, it is still pending with the County Council. Until such time as the bill is approved, the Use Permit remains to be the avenue to legitimize and enforce the raising of animals in residential-zoned lands.

The General Plan designation for this area is Low Density Urban Development, which allows for single family residential uses, ancillary community and public uses and convenience-type commercial uses. The raising of dogs as pets would be in keeping with the single-family residential uses in the area.

The proposed use is consistent with the following goals, policies and objectives of the General Plan:

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*Land Use Element:*

- \* The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- \* To ensure compatible uses within and adjacent to single-family residential zoned areas.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties: The applicant rents a house on the subject property. Although a zoning complaint was filed with the Planning Department regarding roosters on the subject property, the applicant was not a subject of the complaint. The applicant has not had any problems with her dogs, and no complaints have been filed with the Planning Department. The applicant requests that she be allowed to keep her dogs like any other domesticated pets.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Almost every neighborhood has domesticated animals as pets. Legitimizing the raising of pets on this particular property should not affect other properties.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. No complaints have been filed against the applicant's dogs. The neighborhood is residential in nature and provided with all infrastructural improvements. Agencies reviewing the request expressed no objections to the request.

Approval of this request is subject to the following conditions:

1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants, successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicants, their successors or assigns, officers, employees, contractors or agents under this permit or relating to or connected with the granting of this permit.
3. The applicant, successors or assigns shall comply with all applicable laws, rules, regulations and requirements of affected agencies, in particular to those relating to noise.

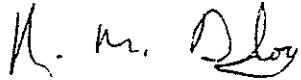
Should any of the conditions not be met or substantially complied with in a timely manner, the Director may initiate procedures to revoke the permit.

Ms. Mary Lou Gomes  
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This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw

LMLGom01.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division