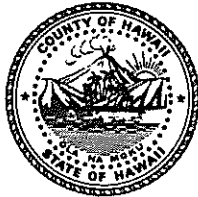


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 972

AUG 20 1997

Ms. Rosemary S. Bartsch
76-1012 Mamalahoa Highway
Holualoa, HI 96725

Dear Ms. Bartsch:

Use Permit Application (USE 97-9)
Applicant: Rosemary S. Bartsch
Request: Establishment of the Existing Two-Bedroom
Bed and Breakfast Operation
Tax Map Key: 7-6-5:57

The Planning Commission at its duly held public hearing on August 7, 1997, voted to approve the above-referenced application. Use Permit No. 159 is hereby issued to allow the establishment of the existing two-bedroom bed and breakfast operation within an existing dwelling situated on approximately 0.789 acre of land within the County Single Family Residential (RS-15) zoned district. The property is located along the east (mauka) side of Mamalahoa Highway approximately 1,400 feet south of Holualoa School at Holualoa, North Kona, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, and Section 25-2-65, relating to the Criteria for granting a Use Permit, of Chapter 25 (Zoning Code), require that such action conform to the following guidelines:

- (A) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan;
- (B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and

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- (C) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The proposed use will be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the General Plan. The establishment of a bed and breakfast operation on a parcel located within the State Land Use Urban District and the Single Family Residential (RS-15) zoned district may be permitted through the Use Permit review process. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the General Plan goals and policies. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes. The bed and breakfast facility is situated on a .789-acre parcel of land. The use will be confined within an existing three-bedroom single family dwelling and its immediate vicinity. There are two units to be used for the bed and breakfast operation: one upstairs and one unit downstairs. The applicant has been in operation since October 1994 and has submitted this application to comply with the Zoning Code requirements for bed and breakfast operations.

The subject property is situated within the Medium Density Urban Development area of the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Commercial uses may be allowed within this designation provided applicable goals, policies and standards of the General Plan are met. Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will complement the following goals, policies and standards of the Land Use and Economic Elements of the General Plan:

Land Use Element

- * Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

- * The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical and economic goals of the residents of the County.

Therefore, the approval of the subject request would be consistent with the policy direction established by the General Plan.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed bed and breakfast operation will be located within an existing two-story single family dwelling approximately 2,000 square feet in size. Access is off the North Kona Belt Road which has a 50-foot right-of-way with varying pavement widths of 16 to 20 feet and through a private paved roadway. Paved parking for three vehicles is available for the bed and breakfast operation. Therefore, the bed and breakfast operation will not detract from the present character of the area. It is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this bed and breakfast operation may have on the neighborhood. Due to the developed nature of the subject property and the immediate surrounding areas, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the project site, nor has the area been identified as a significant botanical or biological habitat. Surrounding lands are zoned Single Family Residential (RS-15), with lots varying in size from 15,000 square feet to 1+ acres. To the east and west are lands zoned Agricultural (A-1a). Bed and breakfast accommodations are becoming a popular type of lodging facility for visitors seeking a more personal experience in Hawaii. A bed and breakfast facility could provide an appropriate scale of service in rural areas which do not offer full hotel services. Provision of such services could satisfy a new trend in visitor demands for an encounter with the less populated areas of the island. Through the use permit process, potential impacts to the built environment and its infrastructure can be evaluated on a case-by-case basis. In this case, the proposed bed and breakfast operation will not be incompatible with the existing residential uses of the area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Section 25-2-72, 25-2-73 and 25-4-7, within six months of the effective date of this permit. Plans shall identify existing and proposed structures, landscaping, fire protection measures and evacuation plan, paved driveway and two paved parking stalls (asphalt or concrete) and exterior signs associated with the business.

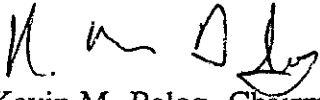
3. The bed and breakfast business shall be limited to the use of two (2) bedrooms.
4. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
5. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
6. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, for approval of the proposed use.
7. An initial extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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.

Ms. Rosemary S. Bartsch
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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

LBarts01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
West Hawaii Office
Kazu Hayashida, Director/DOT-Highways, Honolulu

EFFECTIVE DATE: AUG 20 1997