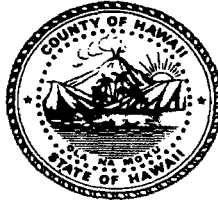


Harry Kim
Mayor

Roy Takemoto
Managing Director



Thomas Raffipiy, Chair
John Replogle, Vice Chair
Joseph Clarkson, Chair
Gilbert Aguinaldo
Donn Dela Cruz
Donald Ikeda

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

FEB 24 2020

Kathleen and Peter Golden
P. O. Box 957
Volcano, HI 96785

Dear Mr. & Mrs. Golden:

SUBJECT: Use Permit No. 168
Applicant: Peter S. Golden Trust & Kathleen H. Golden Trust
Request: Amendment to Use Permit No. 168 to Allow an Additional Two
Bedrooms For a Total of a Four-Bedroom Bed & Breakfast
Establishment on 60,000 Square Feet of Land in the RS-20 Zoning
District
Tax Map Key: 1-1-011:008

The Windward Planning Commission, at its duly held public hearing on February 6, 2020, voted to approve the above-referenced request to amend Use Permit No. 168 to allow an additional two bedrooms for a total of a four-bedroom Bed and Breakfast establishment on 60,000 square feet of land in the Single-Family Residential zoning district. The property is located on the northeast corner of the Ruby Avenue-12th Street intersection, Mauna Loa Estates Subdivision, Volcano, Puna, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Operation of the four (4) bedroom Bed and Breakfast establishment on the subject property shall be completed in a manner that is substantially representative of plans and details contained within the Use Permit Amendment Application dated October 15, 2019, subsequent clarifying documents and plans submitted by the applicants and any representations made at the Planning Commission hearing. Any substantial deviation from what is represented in these documents shall require an amendment to this Use Permit.
3. The bed and breakfast operation shall be limited to the use of four (4) bedrooms located within permitted structures on the subject property.

Hawai'i County is an Equal Opportunity Provider and Employer

FEB 24 2020

4. The applicants, successors and assigns shall comply with all applicable requirements as stated in the Zoning Code, Section 25-4-7, regulating bed and breakfast establishments.
5. The applicants, successors and assigns shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works and the Department of Health regarding water consumption and breakfast food offerings for guests.
6. Within one (1) year of the effective date of this permit, the applicants, successors or assigns shall either secure and finalize a building permit for the unpermitted hot-tub pavilion or remove electrical service to the structure. Documentation of the preceding shall be submitted to the Planning Director within that timeframe.
7. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
8. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 granting of the permit.
 - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - D. The time extension granted does not 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).

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

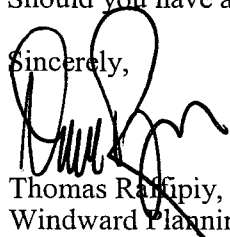
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

[Note: Ramseyer version available upon request.]

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Raffi', written over the word 'Sincerely,'.

Thomas Raffi, Chairman
Windward Planning Commission

LGoldenUSE168wpc

Enclosure: PC Findings Report

cc w/enclosures: Ardith Renteria/HTS Co.
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
GIS Section

COUNTY OF HAWAII PLANNING DEPARTMENT
PLANNING COMMISSION FINDINGS

PETER S. GOLDEN TRUST & KATHLEEN H. GOLDEN TRUST
AMENDMENT TO USE PERMIT NO. 168 (USE 168)

Based on the following considerations, the request to amend Use Permit No. 168 to legitimize the use of two (2) additional bedrooms and an additional 20,000 square feet of land to allow for a total of a four (4) bedroom Bed and Breakfast establishment within several structures on 60,000 square feet of land is approved.

PETER S. GOLDEN TRUST & KATHLEEN H. GOLDEN TRUST have submitted an application to amend Use Permit No. 168 to allow an additional two bedrooms for a total of a four-bedroom Bed and Breakfast establishment on 60,000 square feet of land in the Single-Family Residential zoning district. The subject property is located on the northeast corner of the Ruby Avenue-12th Street intersection, Mauna Loa Estates subdivision, Volcano, Puna, Hawai‘i, TMK: (3) 1-1-011:008.

The applicant has submitted a request to amend Use Permit No. 168, which permitted the operation of a two (2) bedroom (B&B) establishment within an efficiency dwelling and a guest house on approximately 40,000 square feet of land. The applicant is requesting to amend this permit to legitimize the use of two (2) additional bedrooms within and an additional 20,000 square feet of land for a total of a four (4) bedroom B&B establishment within several structures on 60,000 square feet of land within the Single-Family Residential zoning district.

Granting of the amendment request would not be contrary to the original reasons for granting the permit and the request would not be contrary to the General Plan or the Zoning Code. Use Permit 168 legitimized the operation of a two (2) bedroom B&B establishment within an efficiency dwelling and a guest house on approximately 40,000 square feet of land within the County’s Single-Family Residential (RS-20) zoning district. Condition No. 4 of Use permit No. 168 states, *“The bed and breakfast operation shall be limited to the use of two bedrooms located within the efficiency dwelling and the guest house.”* Over a number of years, several additional structures were built on the then 40,000-square foot subject parcel and an adjacent 20,000-square foot parcel. Portions of two (2) of those structures were subsequently rented as additional bedrooms of the Volcano Rainforest Retreat B&B but had not yet been permitted as part of the B&B operation. In June 2019, the owners were made aware that this was in violation of their existing Use Permit and standards for operating a B&B. They subsequently consolidated their two (2) existing parcels into one, 60,000-square foot parcel to ensure that they were complying with the requirement to have an owner/operator live on the building site containing the B&B operation. In addition, they discontinued renting the additional two (2) bedrooms and submitted the subject request to amend their Use Permit in order to bring the entire operation into compliance with the Hawai‘i County Code’s standards and regulations for the operation of a B&B establishment.

When the original permit was issued, the Planning Commission found that the B&B operation met the criteria for granting a Use Permit, with regards to its consistency with the General Plan and Zoning Code, the limited adverse impact to surrounding properties and community character, and that there was no unreasonable burden on public agencies to provide additional services.

The subject property is zoned Single-Family Residential (RS-20), designated Urban by the State Land Use Commission and Low Density Urban by the General Plan. The establishment and operation of a B&B in the Single-Family Residential zoning district is allowed via a Use Permit and as B&Bs are accessory to a single-family dwelling use, the existing and proposed uses comply with the General Plan LUPAG Low Density Urban designation of the subject property.

The subject 60,000-square foot property is located at the northeast corner of the Ruby Avenue-12th Street intersection in the Mauna Loa Estates subdivision and consists of three (3), 20,000-square foot parcels that were consolidated (former TMKs 1-1-011:008, :009 & :010.)

The property is improved with several structures including Bedroom Nos. 1 & 2 covered under the existing permit. Bedroom No. 1 ("Guest Cottage") consists of a 664-square foot, four-room, two-story dwelling with an attached 240-square foot carport. Bedroom No. 2 ("Sanctuary") consists of a 192-square foot bedroom with a 32-square foot unceiled porch as well as an outdoor shower and furo (Japanese wooden bathtub) for guests.

Bedroom Nos. 3 and 4 are the subject of the amendment request. Bedroom No. 3 ("Forest House") consists of a two-room, 346-square foot structure adjacent to the owners dwelling and has one (1) dedicated off-street parking space in the main carport in front of the owner's residence. Bedroom No. 4 consists of a three-room, 672-square foot structure with two ceiled porches and a furo for guest use. Parking for Bedroom No. 4 is provided in a 180-square foot carport with entrance from the driveway off of Ruby Avenue.

Additional structures on the property include the owner's private residence consists of a 1,559-square foot dwelling and a 556-square foot, covered deck. There is a detached, 346-square foot carport to accommodate owner's parking. Finally, the property offers a Recreation Room consisting of 120 square feet to be used by guests for games, computer use, and socializing and is not to be rented as a bedroom.

The first two (2) bedrooms permitted under the existing Use Permit were developed in compliance with Zoning Code regulations related to building height, yard setbacks, off-street parking and landscaping through the requirement of Final Plan Approval in 1999. As discussed below, with the exception of a hot-tub pavilion adjacent to the owners dwelling, all other structures are either permitted or exempt from the need for a building permit. After approval of this original Use Permit, the Zoning Code was amended to no longer require Final Plan Approval for B&B operations.

Based on the preceding, the proposed amendments are consistent with the original reasons for granting the Use Permit and are consistent with both the Zoning Code and General Plan.

The proposed amendment will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. Adjacent parcels and lands immediately surrounding the subject property are similarly zoned RS-20 and that include single family residential uses or are vacant. The closest neighboring dwellings are located approximately 67 feet northwest of the northern property line.

The applicants have been operating a B&B establishment within dwellings and other structures on portions of the subject property since 1995. The building housing the B&B establishment fit the design aesthetic of other dwellings in the area. Moreover, with the exception of building areas, parking areas and internal pathways, the remainder of the property is heavily vegetated and most of the structures on the property aren't visible from nearby properties. Finally, the applicants have installed landscaping around the perimeter of the property to mitigate visual impacts.

The applicants are not proposing to change their regular hours of operation (9:00 AM to 5:00 PM daily, but including late check in until 10:00 PM), so there should not be significant nocturnal noise issues. Additionally, and as discussed below, the small increase in traffic anticipated by these improvements should not be significant enough to alter the character of the neighborhood.

Finally, the Planning Department has not received any negative testimony regarding the operation of the B&B establishment; one letter in support of the project was submitted by a neighbor.

Based on the preceding, the granting of the proposed amendments should not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.

The granting of the proposed amendment will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. Access to Bedroom Nos. 1-3 is via a driveway from 12th Street, which consists of approximately 17 feet of asphalt pavement within a 30-foot wide right-of-way fronting the parcel. Bedroom No. 4 is accessed via a driveway from Ruby Avenue, which consists of 20 feet of pavement within a 40-foot wide right-of-way. All roadways within the Mauna Loa Estates subdivision are privately owned and maintained by Mauna Loa Estates Road Maintenance, Inc., who collect annual fees from subdivision lot owners for roadway maintenance, therefore there will be no burden on the County to provide for increased roadway facilities.

Prior to the applicants' discontinuing the use of bedroom Nos. 3 & 4, the four (4) bedroom B&B operation averaged approximately seven (7) guests per day at 85% occupancy, with up to 8-10 guests on occasion. At a maximum, a total of twelve (12) people would be on the property at one time (10 guests & 2 owners). Based on this, the applicants anticipate approximately 102 guest vehicles per month (about 3.4 cars per day) at 85% occupancy. Based on the preceding, the Director does not anticipate a substantial increase in traffic on existing roadways. covered parking dedicated for each bedroom structure and the owners dwelling. The driveways, carports and parking areas are all graveled to minimize erosion, mud, and standing water.

According to the Department of Water Supply (DWS), the subject property is not within the service limits of DWS's existing water system facilities. According to the applicants, water for non-potable and fire suppression use is available through four (4) rainwater catchment tanks with a total capacity of 22,500 gallons. Additionally, guests are provided bottled water for drinking as required by the State Department of Health (DOH). Additionally, the applicants have confirmed in writing with the DOH that the breakfast items that they serve are not considered "potentially hazardous food" and thus do not require a food establishment permit from DOH.

There is currently no County sewer facility in the vicinity of the subject property, however, the applicants are currently complying with the requirements of the DOH for Individual Wastewater Systems serving the subject property. According to the applicants, Bedroom Nos. 1 & 2 are served by a single cesspool. Bedroom No. 3, along with the owners' residence, are served by a single septic tank and Bedroom No. 4 is also served by a dedicated septic tank.

Police, fire and medical services are located nearby in Volcano and Kea'au. All other utilities are available to the site.

Finally, during a site visit to the property, Planning Staff identified five (5) structures (furo pavilions for Bedroom Nos. 2 and 4; a hot-tub pavilion adjacent to the owner's dwelling; a BBQ pavilion; and a storage structure) that did not appear on the site plan submitted with the original application. Based on the preceding, staff requested the applicants obtain confirmation from DPW-Building Division that the structures were either permitted as accessory to the bedroom structures or exempt from the requirement of a building permit. The Department of Public Works-Building Division provided confirmation in writing that with the exception of the hot-tub pavilion, all of the other structures were either associated with valid building permits or exempt from the requirements of a building permit. As the hot-tub pavilion has electrical improvements to the structure, DPW is requiring that the applicants remove those improvements or secure a building permit for the structure. This will be added as a condition of approval.

Based on the preceding, the proposed amendments are not expected to unreasonably burden public agencies to provide additional infrastructure or services.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The property is not located in the Special Management Area and is approximately twelve (12) miles from the nearest shoreline, therefore, it will not be impacted by coastal hazards and beach erosion. There is no record of any designated public access to the shoreline or mountain areas that traverses the property.

The State Historic Preservation Division (SHPD) advised the applicants to conduct an Archaeological Field Inspection (AFI) to determine the presence of archaeological/historic features on the subject property. According to a January 27, 2017 letter from Pacific Legacy Historic Preservation, no archaeological features were identified during the AFI. As part of the review process for this amendment, the Planning Department forwarded a copy of the request to SHPD for comment. The Planning Department has not received any comments from SHPD as of the date of this writing. Standard conditions of approval related to inadvertent finds will be added to the approval recommendation.

While no formal professional flora/fauna survey was conducted on the subject property, the previously mentioned AFI indicated the presence of vegetation on the property consisting of a canopy of 'ohi'a lehua trees and hapu'u tree ferns with an understory of kahili ginger. The edges of the property are overgrown with uluhe fern and small groves of bamboo and other exotic ornamentals have been planted around the cottages. According to the US Fish and Wildlife Service (USFWS), there are four (4) listed animal species in the immediate vicinity of the project area: the federally endangered Hawaiian hoary bat, Hawaiian hawk, Hawaiian goose (Nēnē), and the 'I'iwi. Additionally, the endangered Hawaiian petrel, band-rumped storm-petrel, and the threatened Newell's shearwater may transit the project area flying to upland breeding colonies. USFWS provided guidance on measures to avoid and minimize project impacts to the listed species. As the applicants are not proposing any additional construction activities, we will not add these requirements added as conditions of approval.

Based on the preceding, the proposed request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management.

Lastly, this approval is made with the understanding that the applicants remain responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

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 179 517 355

JAN 28 1998

Kathleen and Peter Golden
P.O. Box 957
Volcano, HI 96785

Dear Mr. and Mrs. Golden:

Use Permit Application (USE 97-14)
Applicant: Peter and Kathleen Golden
Request: Allow the Establishment of an Existing Two Bedroom Bed and
Breakfast Operation Within an Existing Dwelling and Guest House
Tax Map Key: 1-1-11:08 and 09

The Planning Commission at its duly held public hearing on January 16, 1998, voted to approve the above-referenced application. Use Permit No. 168 is hereby issued to allow the establishment of an existing two-bedroom bed and breakfast operation (Volcano Rainforest Retreat) within an existing dwelling and a guest house situated on approximately 40,000 square feet of land within the County Single Family Residential (RS-20) zoned district. The property is located within Mauna Loa Estates on Twelfth Street between Jade Avenue and Ruby Avenue at Volcano-Keaau, Puna, 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 requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned 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
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

00802

JAN 28 1998

The two-bedroom bed and breakfast operation meets the guidelines for approval of a Use Permit for the reasons outlined below.

The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. 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 consistency with the goals and policies of the General Plan. According to the Zoning Code, Single Family Residential districts "provide for lower or low and medium density residential use, for urban and suburban family life." This includes bed and breakfast operations, which are considered accessory or subordinate to the principle use of the property as a residence. The County Zoning Code, Section 25-4-7, provides guidelines for bed and breakfast operations. This section also provides for a process in which an existing bed and breakfast operation can operate as a non-conforming use until September 1997. The operator can apply for applicable permits by June 30, 1997 and upon issuance of applicable permits, be considered a permitted use. In this particular situation, the applicant has been in operation since 1995 and is applying for a Use Permit to conform to the Zoning Code requirements. Although the applicant's live on one lot and the operations are on an adjacent lot, the applicants have stated their intention to consolidate the properties should the request be approved. Based upon this representation, the applicant's existing bed and breakfast operation will meet with the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments.

Bed and breakfast accommodations are becoming increasingly popular with visitors to the island, who seek a quieter, more authentic experience of local life. Bed and breakfast businesses provide an economic opportunity for County residents, who can supplement their incomes by sharing their homes with visitors. Recognizing this benefit, Ordinance No. 92-104 was originally passed by the County Council in 1992 (with recent amendments to the Zoning Code in 1996), to allow for bed and breakfast operations. Restrictions and standards continue to focus on the use remaining secondary to the principal use of the property as a residence. On Residential zoned lands within a State Land Use Urban District, impacts from bed and breakfast operations can be properly addressed and mitigated through the securance of a Use Permit.

The applicants are requesting to allow the continued operation of a two-bedroom bed and breakfast establishment. They reside in an existing 12-sided efficiency dwelling on TMK: 1-1-11:09. The existing operations are on TMK: 1-1-11:08 and consist of an existing efficiency dwelling and a guest house. The applicants propose to consolidate the two parcels in order that they may meet the requirements of the zoning code, that require the landowners to reside on the property. This requirement would be included as a condition of approval. Thus, the bed and breakfast activities would complement and be accessory to the use of the property as their residence. No employees are anticipated to be hired. Adequate utilities and services are available at the site. The combined properties are approximately 40,000 square feet in size and naturally landscaped, with an approximate 700-square foot efficiency dwelling and a 242-square foot guest house that can accommodate guests. No additional structures are anticipated to be constructed. The driveway, carport and

parking areas are graveled to accommodate guest parking, which should eliminate erosion, mud and standing water.

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. As the proposed bed and breakfast operation will be established in an existing dwelling and guest house, the uses should not alter the appearance or character of the neighborhood. Although the bed and breakfast establishment would be open to the public on a daily basis, reservations will be taken directly by the applicants or a booking agent. Advertising would be placed in publications and on the internet.

The proposed bed and breakfast operation would complement the following goals and policies of the General Plan:

Economic Element

- * Provide residents with opportunities to improve their quality of life.
- * 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 strive for an economic climate which provides its residents an opportunity for choice of occupation.
- * 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.

Land Use Element

- * Designate and allocate land uses 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.

Therefore, the bed and breakfast establishment would operate within the parameters of being single-family residential in character, is consistent with the General Plan designation and is in keeping with the policies of the General Plan.

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. The subject property is located in the Mauna Loa Estates

Subdivision. The surrounding area is rural in nature and mainly single-family residential in use. The existing dwelling and guest house and graveled parking areas can accommodate the bed and breakfast operation. The property is naturally landscaped to mitigate any possible visual or noise impacts on the neighbors. Adequate public services and facilities are also available to accommodate the proposed use.

There are two other approved bed and breakfast establishments in the immediate vicinity. One is a four-bedroom operation run by Tommy and Brenda Carlson (Use Permit No. 123 for TMK: 1-1-8:112) on Sixth Street in the vicinity of Pearl Avenue which was approved in 1994. More recently approved is a two-bedroom operation for Joan Earley (Use Permit No. 158 for TMK: 1-1-09:30) on the corner of Eighth Street and Ruby Avenue. As the Goldens have been in operation since 1995, it is not anticipated that the approval of this bed and breakfast operation will have a major impact in the community or on other similar uses in the area.

The granting of the proposed 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 subject properties may be accessed from Jade Avenue and are located on Twelfth Street near its intersection with Ruby Avenue. There are adequate guest parking areas on site. All roads are private paved roads which are maintained by Mauna Loa Road Maintenance Corporation. It is not anticipated that guests of the bed and breakfast establishment will substantially increase traffic on the existing roadways. In regards to the guest house and furo, Final Building Inspection shall be secured from the Building Division, Department of Public Works. Water is provided by a catchment system; as such, the applicant would be required to comply with the Department of Health requirements regarding water consumption for guests. Wastewater is disposed of into an existing cesspool and septic system. The applicant would be required to comply with all applicable agency requirements, including any requirements of the Department of Health and Department of Public Works Building Division. Finally, agencies reviewing the request had no objections to the establishment of the bed and breakfast operation at this location.

Based on the above, it is recommended that the request to allow the establishment of an existing two-bedroom Bed and Breakfast operation in a single-family (efficiency) dwelling and guest house on the subject properties be approved.

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

1. The applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Consolidation Approval of TMK: 1-1-11:08 and 09 shall be secured prior to submittal of plans for Final Plan Approval.

3. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7, within eight (8) months of the effective date of this permit. Plans shall identify existing and proposed structures, driveway, landscaping, fire protection measures, two gravel parking stalls and exterior signs associated with the business. In conjunction with Final Plan Approval, the applicant shall submit documentation that Final Building Inspection has been secured from the Department of Public Works for all structures to be used as the bed and breakfast operation.
4. The bed and breakfast operation shall be limited to the use of two bedrooms located within the efficiency dwelling and the guest house.
5. Comply with all applicable requirements as stated in the Zoning Code, Section 25-4-7, regulating bed and breakfast establishments.
6. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works and the Department of Health regarding water consumption for guests.
7. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
8. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
9. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 granting of the permit.
 - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - D. The time extension granted does not 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).

Kathleen and Peter Golden
Page 6

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

LGolde01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
~~West-Hawaii Office~~ 1/28 ghw
Kazu Hayashida, Director/DOT-Highways, Honolulu
Department of Health