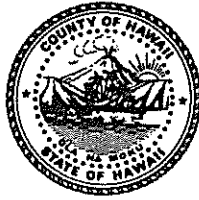


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 179 517 344

JAN 08 1998

Mr. David H. Almer
78-6737 Walua Road
Kailua-Kona, HI 96740-9740

Dear Mr. Almer:

Use Permit Application (USE 97-22)
Applicant: David H. Almer
Request: Establish a Four-Bedroom Bed and Breakfast Operation
Tax Map Key: 7-8-9:15

The Planning Commission at its duly held public hearing on December 4, 1997, voted to approve the above-referenced application. Use Permit No. 173 is hereby issued to allow the establishment of a four-bedroom bed and breakfast operation within an existing dwelling situated within the County's Single Family Residential (RS-15) District. The property is located within the Kahaluu Subdivision House Lots on the east side of Walua Road and Kamehameha III Road intersection at Kahaluu, 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 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 surrounding properties.
- (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.

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The proposed use will be consistent with the general purpose of the zoned 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 County's 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 1.2 acre parcel of land. The proposed Bed and Breakfast establishment will be accessory and subordinate to the principal use as a residence by both the operator/host and the owner. The use will be confined within the existing single family dwelling and its immediate vicinity.

The subject property is situated within the Low Density Urban Development area of the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Low Density Urban Development which allows for single family residential in character, ancillary community and public uses and convenience type commercial uses. 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 which is situated on 1.2 acres of land. The applicant resides in the same dwelling; and therefore, the bed and breakfast operation will be accessory and subordinate to the primary residence. Surrounding lands are zoned Single Family Residential (RS-15). The surrounding area consists of a mixture of single-family residences and vacant lots. Therefore, the bed and breakfast operation will not detract from the present character of the area. 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. Therefore, it is not anticipated that noise and traffic associated with the proposed use will adversely impact surrounding properties. 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.

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, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure. Access is off Walua Road which has a 50-foot right-of-way with varying pavement widths of 16 to 20 feet. The driveway to the property is paved. Paved parking for four vehicles with additional four base course/gravel parking stalls are available for visitor parking. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems, and other utilities.

Based on the above considerations, the approval of the proposed four-bedroom bed and breakfast operation is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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 for the establishment of a bed and breakfast accommodation facility within the existing dwelling shall be secured from the

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Planning Director in accordance with the Zoning Code, Section 25-2-72, 25-2-73 and 25-4-7, within two (2) years from the effective date of this permit. Plans shall identify existing structures, landscaping, fire protection measures, driveway and four (4) parking areas associated with the proposed use.

3. The bed and breakfast business shall be limited to the use of four (4) bedrooms.
4. The applicant shall secure approvals for all applicable building, plumbing and electrical permits for the bed and breakfast business prior to the issuance of this Use Permit. The applicant shall not commence operation of the bed and breakfast until all such approvals have been acquired.
5. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
6. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
7. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, for approval of the proposed use.
8. 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. 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.

Mr. David H. Almer
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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,



for Kevin M. Balog, Chairman
Planning Commission

LAlmer01.PC

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