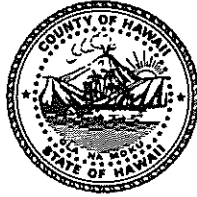


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL
P 101 317 805

JUN 21 1999

Ms. Mare Grace
P.O. Box 6593
Kamuela, HI 96743

Dear Ms. Grace:

Use Permit Application (USE 99-002)
Applicant: Mare Grace
Request: Establishment of a Two Bedroom Bed & Breakfast Operation
Tax Map Key: 6-6-7:7

The Planning Commission at its duly held public hearing on June 4, 1999, voted to approve the above-referenced application. Use Permit No. 178 is hereby issued to allow the establishment of a two-bedroom bed and breakfast operation within an existing dwelling addition situated within the County's Single Family zoned district. The property is located in Lalamilo Houselots Subdivision Unit 1 along the south side of Alaneo Street, Lalamilo, Waimea, South Kohala, 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.
- 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.

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The proposed 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 operation of an existing bed and breakfast operation can apply for plan approval, a use permit or a special permit, and upon issuance of applicable permits, be considered a permitted use. The applicant lives on the subject property, and in review of the request, the bed and breakfast establishment complies 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 residence as a single-family dwelling. 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 applicant's request is to allow the establishment of a two-bedroom bed and breakfast operation within an addition to a dwelling on her property. Because the addition is structurally connected to the dwelling with a deck and stairway and approved as such, it is considered a single dwelling. The bed and breakfast has been in operation since December 1998, and the applicant resides in the dwelling. The bed and breakfast use would complement and be accessory to the use of the dwelling as a residence on the building site. No employees are anticipated to be hired. Adequate utilities and services are available at the site. The property is approximately 16,583 square feet in size and landscaped, and the 1,140 square foot addition can accommodate the bed and breakfast guests. There is a paved asphalt driveway leading to the dwelling on the property.

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 bed and breakfast operation will be established in an existing dwelling, the use should not alter the appearance or character of the neighborhood.

The existing 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 improvement 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 nature, is consistent with the General Plan designation and is in keeping with the goals and 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 surrounding uses in the area are in single-family residential use and the dwelling can accommodate the bed and breakfast activity. Additional parking areas to accommodate the bed and breakfast operation are available on the property. The property is 16,583 square foot in size, and has or will have adequate landscaping to mitigate any possible visual or noise impacts on the neighbors. Adequate public services and facilities are also available to accommodate the proposed use.

The bed and breakfast operation will be accessory to the main use of the property as a single-family residence, and be in keeping with the primary residential nature of the surrounding properties. Adjacent parcels and lands surrounding the subject property are zoned RS-10 and in single family residential uses.

The granting of the proposed use shall 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 property is located on Alaneo Street in the Lalamilo House Lots in Kamuela. Alaneo Street is a County road with an

approximate 20-foot wide pavement in good condition. It is not anticipated that guests of the bed and breakfast establishment will substantially increase traffic on the existing roadways. There is adequate guest parking on site. County water is available to the site. Wastewater is disposed of into an existing cesspool. 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. Finally, agencies reviewing the request had no objections to a establishment of the bed and breakfast operation at this location.

Based on the above, the request to allow the establishment of a two-bedroom bed and breakfast operation in an existing dwelling on the subject property is hereby 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 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 one (1) year from the effective date of the permit. Plans shall identify existing structures, landscaping, fire protection measures, driveway and two paved parking stalls (graveled, asphalt or concrete) and exterior signs associated with the business. The bed and breakfast establishment shall be limited to the use of two bedrooms in the dwelling.
3. Comply with all applicable requirements as stated in the Zoning Code, Section 25-4-7, regulating bed and breakfast establishments.
4. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works and the Department of Health.
5. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
6. If the applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference, nuisance or added off-site parking and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicant fails to comply with the conditions of approval or has caused any unreasonable interference, nuisance, or added off-site parking on the surrounding community, the permit may be revoked.

7. The applicant shall install a landscape buffer on the eastern portion of the property between the applicant's property and the properties to the east, for the purpose of minimizing visual impacts from the subject property.

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 of the Planning Department at 961-8288 or Eleanor Mirikitani of the Planning Department West Hawaii Office at 327-3510.

Sincerely,


Leonard S. Tanaka, Chairman
Planning Commission

LGrace02.PC

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