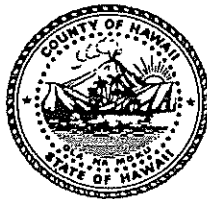


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

7000 0600 0024 2904 2343

MAY 04 2001

E. Stewart and Lory Hunter  
1492 Wailuku Drive  
Hilo, HI 96720

Dear Mr. Stewart and Ms. Hunter:

Use Permit Application (USE 01-001)

Applicant: E. Stewart and Lory Hunter

Request: Establishment of Three-Bedroom Bed and Breakfast Operation

Tax Map Key: 2-3-28:17

The Planning Commission at its duly held public hearing on April 20, 2001, voted to approve the above-referenced application. Use Permit No. 185 is hereby issued to establish a 3-bedroom Bed and Breakfast operation within the County's Single Family Residential (RS-15) zoned district. The property is located along Wailuku Drive between Kaahumanu and Piikea Streets, and adjacent to the Wailuku River State Park and Boiling Pots, Pi honua Lots 2<sup>nd</sup> Series, South Hilo, 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 proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) 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;

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- (C) 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.

The proposed 3-bedroom bed and breakfast operation would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

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." Single-family dwellings, family care homes, neighborhood parks, and "buildings and uses normally considered directly accessory to the above permitted uses" are permitted in this district. The applicants propose to have a three-bedroom bed and breakfast establishment in the existing dwelling.

Bed and breakfast accommodations are 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 passed by the County Council, effective September 28, 1992, to ensure that bed and breakfast businesses remain secondary to the principal use of the residence as a single family dwelling. Subsequently, Ordinance No. 00 152, adopted by the Hawaii County Council and effective on December 26, 2000, amended Section 25-4-7 to no longer require plan approval for the establishment of a bed and breakfast in the RS district within the State Land Use Urban District provided that a Use Permit is obtained. Any impacts from the proposed use can be properly addressed and mitigated through the securance of a Use Permit. The applicants propose a 3-bedroom bed and breakfast establishment within an existing single family dwelling.

The applicants will reside in the dwelling. The subject property is located within a single family residential neighborhood; as such, the proposed activity would complement and be accessory to the dwelling being used as a residence. The applicants will be the only employees. Adequate utilities and services are available at the site. The property is approximately 28,200 square feet in size. There is a concrete driveway leading to a designated concrete area to accommodate their bed and breakfast guests parking. Thus, the proposed three (3) bedroom bed and breakfast establishment will not substantially alter the character of the surrounding neighborhood, and it will be consistent with the intent of the Zoning Code for this district.

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 bed and breakfast establishment will be accessory to the single family dwelling. As such, the use will 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, requests will be by reservations.

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

*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.

*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.
- The development of commercial facilities should be designated to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed use 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 will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The existing dwelling is located in Piihonua Lots 2<sup>nd</sup> Series which is in single family residential use. Should the request be approved, the applicants have an existing concrete area available for the 3 guest parking stalls. The property has

adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities area available to accommodate the expanded uses. The applicants circulated a petition and have obtained signatures of neighbors who supported their request. In addition, the applicants have secured approval from the Piihonua Houselots Community Association who have no objections to the bed and breakfast establishment. The proposed use will be accessory to the main use of the property as a single-family residence, in keeping with the primarily use of surrounding properties. There are no other approved bed and breakfast establishments in this area. It is not anticipated that the establishment of this bed and breakfast will affect other similar uses in the area. The subject property is within a mile of the Wailuku River State Park, Boiling Pots and Rainbow Falls, both areas of natural beauty for tourists to visit.

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. Wailuku Drive is a County-maintained road with an approximate 14-foot pavement width. The bed and breakfast establishment is looked upon as a use that is accessory and subordinate to the use of a residence by the owners and therefore not anticipated to generate any more traffic than that expected from single family dwelling uses. Wastewater will be disposed of in the existing septic system. Police and fire protection are available at the site, as is County water. The applicants have agreed to install the backflow preventer required by the Department of Water Supply and to abide by the Department of Health standards on guidelines for Bed and Breakfast operations. The applicants would be required to comply with applicable agencies' requirements prior to establishing the use at this location.

Based on the above, this request is hereby approved subject to the following conditions. However, 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.

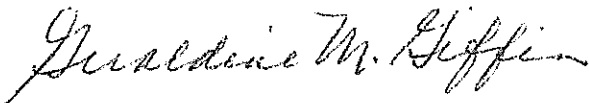
1. The applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The proposed bed and breakfast shall be established within two (2) years from the effective date of this permit.
3. The bed and breakfast shall be limited to the use of three (3) bedrooms.
4. The applicants shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
5. The applicants shall comply with all applicable laws, rules, regulations and requirements of other affected agencies.

6. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
7. An initial extension of time for the performance of conditions 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 applicants, 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 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).

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 contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lstewart&HunterPC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Brian Minaai, Director/DOT-Highways, Honolulu  
Department of Health