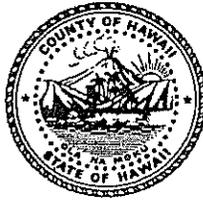


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

7000 0600 0024 2903 9398

JUN 17 2002

Robert and Susan Hughes  
P.O. Box 91  
Volcano, HI 96785

Dear Mr. and Mrs. Hughes:

Use Permit Application (USE 01-002)

Applicant: Robert and Susan Hughes

Request: Establishment of a 3-Bedroom Bed and Breakfast Operation  
Within a Single Family Dwelling

Tax Map Key: 1-9-5:15

The Planning Commission at its duly held public hearing on May 17, 2002, voted to approve the above-referenced application. Use Permit No. 192 is hereby issued to allow the existing three-bedroom bed and breakfast operation (Aloha Junction) within the existing single family dwelling situated in the County's Single Family Residential (RS-20) zoned district. The property is located in Volcano Village northwest of the U.S. Post Office, and approximately 550 feet from the Old Volcano Road, Olaa, 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;

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- (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, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The applicants are requesting to allow the existing three-bedroom bed and breakfast operation within the four-bedroom single-family dwelling. The applicants have been in operation since 2000. Although there are outstanding building permit requirements, the applicants are complying with the Department of Public Works, Building Division requirements relating to building permits for the "as-built" additions/renovations. In addition, no complaints have been received from the general public or adjacent landowners. Therefore, the existing three-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 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 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 would like to continue to operate the three-bedroom bed and breakfast establishment within their 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

securing a Use Permit. The applicants would like to continue the 3-bedroom bed and breakfast operation within their existing single family dwelling.

The applicants will reside in the master suite addition of the dwelling. The subject property is located within a single-family residential neighborhood; as such, the bed and breakfast activity would complement and be accessory to the dwelling being used as a residence. Other than part-time workers hired to help with the landscaping and general maintenance of the dwelling, the applicants will be the only employees. Adequate utilities and services are available at the site. There is a paved parking area along the existing dwelling to accommodate the bed and breakfast guests. Thus, the 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 operation 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 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 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 shall 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 the Olaa Summer Lots which is primarily in single-family residential uses. The property has adequate landscaping to mitigate any possible noise and visual impacts on the neighbors, and adequate public services and utilities are available to accommodate the use. No objections or comments have been received from the general public or adjacent landowners. The bed and breakfast use will be accessory to the main use of the property as a single-family residence, in keeping with the primary use of surrounding properties. There are five approved bed and breakfast establishments in this subdivision and three others in nearby subdivisions. However, it is not anticipated that the establishment of this bed and breakfast will affect 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 improvements, schools, police and fire protection and other related infrastructure. Access to the property is from the Old Mamalahoa Highway, a County-maintained road with an approximate 20-foot pavement width. Access to the property is deemed adequate to accommodate the traffic generated by the bed and breakfast operation. It is not anticipated that there would be significant traffic impacts generated by the three-bedroom bed and breakfast operation. 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. The available on-site paved parking area provides adequate space for the required three stalls. Wastewater will be disposed of in the existing cesspool. Solid Waste will be disposed of at the County's Volcano Solid Waste Transfer Station. Although the Department of Environmental Management, Wastewater Division recommended upgrading the cesspool to an Individual Wastewater System, the Department of Health states that this existing cesspool is "grandfathered" and

upgrading to an Individual Wastewater System is not required. As County water is not available, bottled water will continue to be provided to guests. Police services are available from Keaau. Fire services are available from the Volcano Community Volunteer Fire Station located approximately a mile from the subject parcel or from the Kilauea Military Camp. The applicants have stated that they will comply with the Department of Health's Guidelines for Bed and Breakfast Operators and the Fire Department's requirements. The applicants would be required to comply with applicable agency requirements of the Department of Public Works, Building Division, Department of Health and the Fire Department as a condition to continue the bed and breakfast operation at this location.

The bed and breakfast operation will continue to be limited to the existing dwelling. The use would occur in the already residentially developed areas and would not disturb any rare or endangered species of flora or fauna. The subject property is located more than 20 miles from the nearest coastline. It is adjacent to existing mixed residential and commercial uses. Therefore, the bed and breakfast will not adversely impact any recreational resources, including access to and along the shoreline and mountain, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Further, no valued cultural, historical or native resources nor any traditional and customary native Hawaiian rights were practiced in the area.

Based on the above, it is recommended that this request be 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 applicants shall comply with all applicable requirements of Section 25-4-7 of the Zoning Code, as amended by Ordinance No. 00 152, relating to Bed and Breakfast Establishments.
3. The bed and breakfast shall be limited to the use of three (3) bedrooms.
4. The applicants shall finalize all necessary permits as required by the Department of Public Works, Building Division within six (6) months from the effective date of this permit.

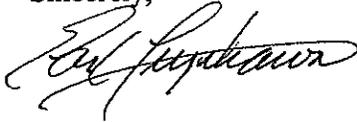
5. The applicants shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health and the Fire Department, for the bed and breakfast use.
6. A written final status report shall be submitted to the Planning Director upon compliance 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.

Robert and Susan Hughes  
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Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

 (Vice Chairman)

FOR - Geraldine M. Giffin, Chairman  
Planning Commission

Lhughes01PC

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