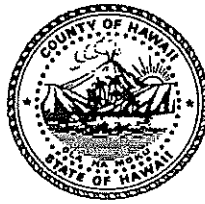


Harry Kim  
Mayor



Geraldine M. Giffin  
Chairperson

## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL

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MAY 17 2002

Ms. Evonne F. Bjornen  
111 Honoli'i Pali  
Hilo, HI 96720

Dear Ms. Bjornen:

Use Permit Application (USE 02-003)

Applicant: Evonne F. Bjornen

Request: To establish a four bedroom bed & breakfast

Tax Map Key: 2-7-015:010

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The Planning Commission at its duly held public hearing on April 19, 2002, voted to approve your application. Use Permit No. 189 is hereby issued to allow the existing four-bedroom bed and breakfast operation (Hale Kai Bjornen) within an existing dwelling situated in the County Single Family Residential (RS-20) zoned district. The property is located in Honolii Tract Subdivision along the shoreline, east (makai) of Honolii Place and Mamalahoa Highway, Paukaa, South Hilo, Hawai'i.

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;

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- (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;
- (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 existing 4-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 applicant desires to continue the four-bedroom bed and breakfast operation 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 Single Family Residential (RS) district within the State Land Use Urban District provided that a Use Permit is obtained. Any impacts from the bed and breakfast use can be properly addressed and mitigated through the securing of a Use Permit. The applicant desires to continue a 4-bedroom bed and breakfast operation within the existing single family dwelling.

The applicant and/or family member 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 applicant and/or other family member will be the only employee. Adequate utilities and services are available at the site. The property is approximately 21,127 square feet in size. There is adequate space along the existing driveway to accommodate their bed and breakfast guests parking. Thus, the four (4) 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, 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 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 bed and breakfast 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 a subdivision zoned for single family residential use. Should the request be approved, the applicant has an existing concrete area to provide for the 4 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 applicant has obtained the written support of a close neighbor who supported the request. The 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 situated on the Honolii pali overlooking the Honolii stream and Honolii County Park. The area is in close proximity to Hilo and has a natural setting that is attractive to tourists.

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. Honolii Place is a well-maintained and improved road with an approximate 16-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 cesspool unless it is determined that hook-up to the County sewer system is feasible. Police and fire protection are available at the site, as is County water. The applicant has 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 applicant would be required to comply with applicable agencies' requirements prior to establishing the use at this location.

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 applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The bed and breakfast shall be limited to the use of four (4) bedrooms.
3. Parking by bed and breakfast guests shall be only within the specified parking areas situated on the subject parcel.
4. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.

5. The applicant shall comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health and the Department of Water Supply, for this use.
6. Within sixty (60) days of the effective date of this permit, the applicant shall submit a formal request to the Department of Environmental Management, Wastewater Division of the County of Hawaii to waive the requirement for hooking up to the existing sewer line. If the waiver is not granted, the applicant shall connect to the County sewer within six (6) months of the refusal to grant a waiver.
7. The applicant shall finalize all permits and secure a Certificate of Occupancy from the Department of Public Works, Building Division within six (6) months from the date of approval by the Planning Commission.
8. The applicant shall comply with all conditions of Special Management Area (SMA) Minor Use Permit No. 108 and submit a final status report.
9. The effective date of this permit shall be upon compliance with Conditions 6, 7, and 8.
10. 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 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 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

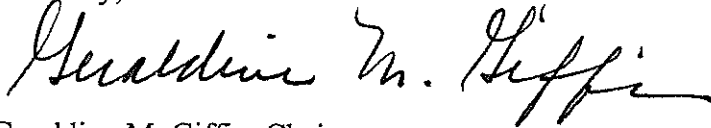
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. Evonne F. Bjornen  
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This approval is also to make you aware of and that you will adhere to Section 25-4-7(b)(6) of the Hawaii County Zoning Code and to the Department of Health's guidelines relating to bed and breakfast establishments. Specifically, a food establishment permit will be required if meals which include potentially hazardous foods (milk or milk products, eggs, meat, fish, etc.) are provided as part of the Bed and Breakfast operation, however, such food establishment use must be permitted within the zoned district and the required permits shall be secured. In addition, the preparation of foods for individual family consumption will not be permitted unless a separate commercial kitchen is constructed meeting with the Department of Health's requirements.

Should you have any questions regarding the above, please do not hesitate to contact Eileen O'Hora-Weir or Susan Gagorik of this department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Brian Minaai, Director/DOT-Highways, Honolulu