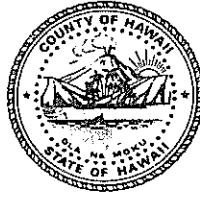


Harry Kim
Mayor



County of Hawai'i
PLANNING COMMISSION

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January 6, 2005

Stephen & Rae Welsh
6 Makakai Place
Hilo, HI 96720

Dear Mr. and Mrs. Welsh:

Use Permit Application (USE 04-005)

Applicant: Stephen & Rae Welsh

Request: One-Bedroom Bed and Breakfast Operation Within an Existing Single
Family Dwelling

Tax Map Key: 2-6-26:5

The Planning Commission at its duly held public hearing on December 17, 2004, voted to approve the above-referenced application. Use Permit No. 203 is hereby issued to allow the establishment of a 1-bedroom bed and breakfast operation within an existing single family dwelling situated within the Single Family Residential-15,000 square foot (RS-15) zoned district. The property is at the corner of Nahala Street, Makakai Place and Kahoa Street, Alae, 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 one-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 have a one-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 applicants desire to establish a one-bedroom bed and breakfast operation within the existing single family dwelling.

The applicants reside in the dwelling. The subject property is located within a single-family residential neighborhood; as such, the 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 15,132 square feet in size. There is adequate space along the existing driveway to accommodate the bed and breakfast guest parking. Thus, the one 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.

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

Economic Element

- Provide residents with opportunities to improve the quality of life.
- 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.

The applicants will have the opportunity to supplement their income with the establishment of the bed and breakfast operation, which will provide an opportunity to improve the quality of their life. The bed and breakfast operation will be operated within an existing dwelling and will provide a needed service to visitors of overnight accommodations.

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 area to provide for the required parking stalls. The property has adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities are available to accommodate the expanded uses. 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 is one other approved bed and breakfast establishment in this area located in the Honolii Subdivision. It is not anticipated that the establishment of this bed and breakfast will affect other similar use in the area. The subject property is situated near the Honolii County Park. The area is in close proximity to Hilo and has a natural setting that is attractive to tourists.

The site has been completely cleared and developed for over three decades, thus, it is unlikely that any archaeological or historic resources are present. The Department of Land and Natural Resources-State Historic Preservation Division has issued a "no-effect" letter stating that they believe that there are no historic properties present because residential development/urbanization has altered the land and that the applicant reported that the B&B will be located in an existing structure built in 1969. Thus, they believe that "no historic properties will be affected" by this undertaking. Since the site has been developed, no impact is anticipated on flora and fauna.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, police and fire protection and other related infrastructure. Access to the property is from Mamalahoa Highway, a State owned and maintained roadway, onto Nahala Street and Makakai Place, which are County owned and maintained roadways. 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 in the County sewer system. County water is available to the property and the applicants have installed the backflow preventer required by the Department of Water Supply. Police, fire and medical services are located in close proximity to the property. The applicant would be required to comply with applicable agencies' requirements, including the Department of Health standards on guidelines for Bed and Breakfast operations, prior to establishing the use at this location.

Based on the above, this request is hereby approved 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.

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1. The applicants, 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 one (1) bedroom.
3. The applicant 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, including parking.
4. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
5. The applicant shall comply with all conditions of Special Management Area (SMA) Minor Use Permit No. 167.

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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galdones, Chairman
Planning Commission

Lwelsh01pcPC

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