



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

APR 14 2014

Ms. Kristin Jones Crews
P.O. Box 2082
Volcano, HI 96785

Dear Ms. Crews:

Use Permit Application (USE 14-000047)

Applicant: Kristin Jones Crews

Request: To Establish a 3-Bedroom Bed and Breakfast Operation

Tax Map Key: 1-1-009:067

The Windward Planning Commission, at its duly held public hearing on April 3, 2014, voted to approve the above-referenced request to allow the establishment of a three-bedroom bed and breakfast operation within an existing three-bedroom dwelling and proposed one-bedroom 'ohana dwelling situated on approximately 20,000 square feet of land within the Single-Family Residential (RS-20) zoning district. The property is located within the Mauna Loa Estates Subdivision on the south (makai) side of 6th Street between Jade Avenue and Ruby Avenue, Volcano, Puna, Hawai'i.

Approval of this request is subject to the following conditions:

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to establishment of the proposed use, the Department of Health shall inspect the existing septic system and the applicant shall upgrade the system or install a second individual wastewater system, as required by DOH.
3. The applicant shall secure and finalize building permits for the one-bedroom ohana dwelling within three (3) years from the effective date of this permit.
4. The applicant shall comply with all applicable requirements of Section 25-4-7 of Chapter 25, Hawai'i County Code, (Zoning Code), relating to bed and breakfast establishments.
5. The bed and breakfast operation shall be limited to the use of three (3) bedrooms and the operator shall reside on the property.
6. The applicant shall provide bottled potable water for the guests of the bed and breakfast operation.

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7. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
8. An initial extension of time for the performance of conditions of the permit 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 General Plan or the Zoning Code.
 - C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to 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).

Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Use Permit.

Approval of the amendment is based on the reasons given in the attached recommendation report.

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 Daryn Arai of the Planning Department at 961-8288, ext. 8142.

Sincerely,



Ronald Gonzales, Chairman
Planning Commission

Lkcrewsuse14-047wpc

Enclosure: PC Recommendation Report

cc: Kenneth & Glenda Jones
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
State Dept. of Health
Mr. Gilbert Bailado

**COUNTY OF HAWAI'I
PLANNING COMMISSION RECOMMENDATION**

**KRISTIN JONES CREWS
USE PERMIT APPLICATION NO. 14-47 (USE 14-47)**

The applicant requests a Use Permit to establish a three-bedroom bed and breakfast operation on TMK 1-1-009:067. Two bedrooms within an existing 3-bedroom one-story single-family dwelling would be utilized as guest bedrooms and the operator will reside in the third bedroom. The applicant proposes to construct a one-bedroom ohana dwelling towards the rear of the property to accommodate the third guest bedroom. The business will be managed by the applicant, who will be the sole employee until occupancy levels support contract labor for cleaning and yard maintenance. Three parking stalls will be provided onsite for guests. As allowed under the code, only breakfast will be served to guests. This recommendation is based on the following findings:

Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) The granting of the proposed use shall be consistent with the general purpose of the zoning 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; 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 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 Zoning Code and 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 principal use of the property as a residence. Based upon the applicant's representation, the proposed bed and breakfast operation meets the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments.

Bed and breakfast accommodations provide an attractive alternative to hotels, and are 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 income by sharing their homes with visitors. On residential zoned lands within the State Land Use Urban District, impacts from bed and

breakfast operations can be properly addressed and mitigated through the issuance of a Use Permit.

The General Plan designation for this area is Low Density Urban, which allows residential, with ancillary community and public uses and neighborhood and convenience-type commercial uses. As the proposed bed and breakfast operation will be established within an existing single family dwelling and proposed one-bedroom ohana dwelling, the use will not significantly alter the appearance or character of the neighborhood. Additionally, the subject property is located outside the Volcano Community Village Center identified in the Puna Community Development Plan (PCDP). The PCDP is silent regarding the permitting of bed and breakfast operations but encourages the creation of jobs in Puna. The proposed use will provide the applicant the opportunity to operate a business from home.

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 property is located in the Mauna Loa Estates Subdivision. Properties in the vicinity are zoned RS-20 and are improved with single-family dwellings. The nearest dwelling is located about 50 feet to the southwest. Since 1994, the Planning Commission has issued at least eight use permits for bed and breakfast operations in the Mauna Loa Estates Subdivision. As such, it is not anticipated that the proposed bed and breakfast operation will have an adverse impact in the community or on 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, school improvements, police and fire protection and other related infrastructure. Access to the property from the Volcano Highway is via Jade Avenue to Sixth Street. All roads within the subdivision are private, paved roads which are maintained by Mauna Loa Estates Road Maintenance Corporation. Adequate on-site parking for guests will be provided. Water is available from a catchment tank system. However, the Department of Health does not support the use of private rain catchment systems for drinking purposes since the quality may not meet potable water standards. Therefore, a condition of the permit will require the applicant to provide bottled potable water to guests. The Department of Health has confirmed that the dwelling is currently served by a septic system, but the system has not received a final inspection by DOH. The applicant will need to have the system inspected and enlarged, if required by DOH, to accommodate wastewater from the proposed ohana dwelling. All other essential utilities and services are available to serve the property. Based on the above, it is not anticipated that the granting of the proposed request will unreasonably burden public agencies to provide additional improvements or infrastructure.

Based on the above, Use Permit No. 14-47 is approved to allow the establishment of a three-bedroom bed and breakfast operation on Tax Map Key 1-1-009:067.