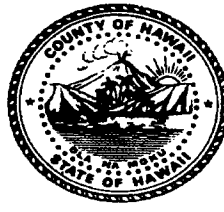


Harry Kim
Mayor



Gregory Henkel, Chair
Myles Miyasato, Vice Chair
Joseph Clarkson
Donn Dela Cruz
Donald Ikeda
Raylene Moses

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

DEC - 8 2016

Ms. Olivia Grodzka
P. O. Box 10742
Hilo, HI 96721

Dear Ms. Grodzka:

SUBJECT: Use Permit No. USE-16-000064
Applicant: Greenwillmind, LLC
Permitted Use: Establishment of a 2-Bedroom Bed and Breakfast
Tax Map Key: 2-5-027:002

The Windward Planning Commission, at its duly held public hearing on December 1, 2016 voted to approve the above-referenced request to indicate request. The project site is situated at 1245 Kaūmana Drive, directly opposite of Basque Place and makai of Edita Street in Kaūmana, South Hilo, Hawai'i.

Approval of this permit 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 the issuance of a water commitment by the Department of Water Supply (DWS), the applicant shall submit the anticipated maximum daily water usage calculations for the proposed use as prepared by a professional engineer licensed in the State of Hawai'i to the DWS. After review of the calculations, DWS will determine the appropriate service lateral and meter size required.
3. The applicant shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter on private property, which must be inspected and approved by the Department of Water Supply.
4. 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.

5. The bed and breakfast operation shall be limited to the use of two (2) bedrooms and a maximum of six (6) guests per day.
6. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,



Gregory Henkel, Chair
Windward Planning Commission

LGreenwillmindUSE16-064wpc
Enclosure: PC Findings Report

cc: Greenwillmind, LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Mr. Gilbert Bailado

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

GREENWILLMIND, LLC

USE PERMIT APPLICATION NO. 16-000064

Based on the following, Use Permit No. 16-000064 is hereby issued to allow the establishment of a 2-bedroom bed and breakfast operation within an existing single-family dwelling on 3 acres of land zoned Single Family Residential-15,000 square feet (RS-15). The subject property is located at 1245 Kaūmana Drive, directly opposite of Basque Place and makai of Edita Street in Kaūmana, South Hilo, Hawai‘i, TMK: 2-5-027:002.

GREENWILLMIND, LLC is requesting a Use Permit to allow the establishment of a 2-bedroom bed and breakfast operation within an existing one-story, 3-bedroom single-family dwelling on 3 acres of land within the Single-Family Residential-15,000 square foot (RS-15) zoning district. The site would be suitable for such a use given the residential ambiance of this area. The allowance of the 2-bedroom bed and breakfast operation will provide accommodations to travelers who visit the island and to provide additional income to the property owner.

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;
- 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, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The 2-bedroom bed and breakfast operation meets the guidelines for approval of a Use Permit, for the reasons outlined below:

The proposed is 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 polices 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 principle use of the property as a residence. The County Zoning Code, Section 25-4-7, provides guidelines for bed and breakfast operations. Based upon the applicant’s representation, the bed and breakfast operation will meet with the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments.

Bed and breakfast accommodations are becoming 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 originally passed by the County Council in 1992 (with amendments to the Zoning Code in

1996 and 2000), to allow for bed and breakfast operations. Restrictions and standards continue to focus on the use remaining secondary to the principal use of the dwelling as a residence. On residential zoned lands within a State Land Use Urban District, impacts from bed and breakfast operations can be properly addressed and mitigated through the approval of a Use Permit.

The applicant is requesting to allow the establishment of a two-bedroom bed and breakfast establishment within an existing one-story, 3-bedroom single-family dwelling on a portion of a 3 acre property. Two of the three bedrooms will accommodate guests while the property manager will live on-site in the third bedroom. On-site parking is available for guests and the property manager. The bed and breakfast will serve breakfast and service a maximum of six (6) guests per day. Adequate utilities and services are available at the site. Thus, the bed and breakfast activities would be consistent with the general purpose of the zoned district and the intent and purpose of the Zoning Code.

The General Plan designation for this area is Low Density Urban, which allows for 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, the use should not alter the appearance or character of the neighborhood, which is mainly made up of single-family residential dwellings.

The proposed bed and breakfast operation will complement the following goals, policies and standards of the Economic and Land Use elements of the General Plan:

Economic Element

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawai'i.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- Strive for an economic climate which provides its residents an opportunity for choice of occupation.
- Encourage the development of a visitor industry that is consistent with the social, physical, and economic goals of the residents of the County.

Land Use Element

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Therefore, the bed and breakfast establishment 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 goals, policies and standards of the General Plan.

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 subject 3-acre, rectangular property is located at 1245 Kaūmana Drive. There are three existing single family dwellings on the property. The dwelling to be used for the bed and breakfast facility is located closest to Kaūmana Drive, was built in 1968 and consists of 3 bedrooms, 2.5 bathrooms and with an open shed directly behind it. The two remaining dwellings were built in 1975 and are currently under lease by tenants. An unused greenhouse and shipping container also exist on the subject property. The surrounding area consists mainly of urban residential uses along with some vacant, agricultural land. The dwelling and parking areas can accommodate the bed and breakfast operation. Adequate public services and facilities are also available to accommodate the proposed use. It is not anticipated that the approval of this bed and breakfast operation will have a major impact in the community or on other similar uses in the area.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Access to the property is from Kaūmana Drive, which is a County road that has an approximately 25-foot pavement with paved shoulders within an 80-foot right-of-way. There is adequate guest parking located on site. It is not anticipated that guests of the bed and breakfast establishment will substantially increase traffic on the existing roadways.

County water is available to the property from an 8-inch waterline within Kaūmana Drive and that the subject property is currently served by two, 5/8-inch water meters. The Department of Water Supply (DWS) requires that the applicant provides estimated maximum daily water usage calculations for the proposed use and will determine the appropriate service lateral and meter size required based on those calculations. Finally, the applicant will be required to install reduced pressure type backflow prevention assembly and any other improvements that may be required by DWS. A condition requiring the preceding will be added. The subject dwelling is connected to an existing cesspool that was approved by the State Department of Health and all other essential utilities are available to the property. Fire and police services are available nearby in Hilo. Therefore, based on the above discussion, the granting of the request will not unreasonably burden public agencies to provide needed services and infrastructure.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The property is not located within the Special Management Area and is approximately 3.4 miles from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the project site's distance from the shoreline, the property will not impact any recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources.

The site has been cleared in the past and used residentially therefore it is unlikely that there are any archaeological or cultural features on the property. An email was sent to DLNR State Historic Preservation Division requesting a "no effect" letter on July 4, 2016. At the time of this writing, the neither the applicant nor the Planning Department has received a response.

Fauna on the property include feral cats, chickens/ roosters, mynah birds and coqui frogs. Flora on the property include coffee, lychee, ti, avocado, tropical ferns, gardenia, pineapple,

citrus, o'hi'a, mountain apple, noni, aibizia, orchids, antheriums, macadamia nut, and autograph trees. The applicant is unaware of the existence of any rare or endangered flora or fauna on the subject property.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.