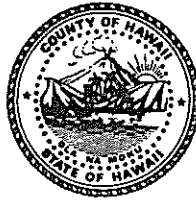


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
Z 179 517 357

JAN 2 8 1998

Ms. Kathleen Porter Ing  
P.O. Box 545  
Volcano, HI 96785

Dear Ms. Ing:

Use Permit Application (USE 97-15)

Applicant: Kathleen Porter Ing

Request: Allow the Establishment of an Existing Three Bedroom Bed and  
Breakfast Operation Within an Existing Dwelling and Guest House

Tax Map Key: 1-9-4:15

The Planning Commission at its duly held public hearing on January 16, 1998, voted to approve the above-referenced application. Use Permit No. 169 is hereby issued to allow the establishment of an existing three-bedroom bed and breakfast operation (Volcano Country Cottages) within an existing dwelling and a guest house situated on approximately 5.436 acres of land within the County Single Family Residential (RS-20) zoned district. The property is located between the Old Volcano Road and Kilauea Road, adjacent to (west side) True Value Hardware Store at Volcano, 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;
- 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.

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The three-bedroom bed and breakfast operation meets 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 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. This section also provides for a process in which an existing bed and breakfast operation can operate as a non-conforming use until September 1997. The operator can apply for applicable permits by June 30, 1997 and upon issuance of applicable permits, be considered a permitted use. In this particular situation, the applicant has been in operation since 1996 and is applying for a Use Permit to conform to the Zoning Code requirements. The applicant lives on subject parcel and in review of the request, the existing bed and breakfast operation does 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 recent amendments to the Zoning Code in 1996), to allow for bed and breakfast operations. Restrictions and standards continue to focus on the use remaining secondary to the principal use of the property 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 securing of a Use Permit.

The applicant is requesting to allow the continued operation of a three-bedroom bed and breakfast establishment. The applicant resides in the existing main dwelling on the property. The existing bed and breakfast operations are in an existing two-bedroom dwelling approximately 720 square feet in size and a guest house approximately 225 square feet in size. Thus, the bed and breakfast activities would complement and be accessory to the use of the property as a residence. A person is hired to assist in mowing and maintaining the grounds. No other employees are anticipated to be hired. Adequate utilities and services are available at the site. The property is heavily forested with tugi pines lining the property boundaries. One additional dwelling structure with frontage along Kilauea Road is under construction and will be used by the Ing family. The driveway, garage and parking areas are paved to accommodate guest parking, which should eliminate erosion, mud and standing water.

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. As the proposed bed and breakfast operation will be established in an existing dwelling and guest house, the uses should 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, reservations will be taken directly by the applicant. Advertising would be placed in publications and on the internet.

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

Economic Element

- \* Provide residents with opportunities to improve their 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 strive for an economic climate which provides its residents an opportunity for choice of occupation.
- \* 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

- \* Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- \* The county shall 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 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 surrounding uses in the area are single-family residential and commercial in nature. Adjacent to the east is the True Value Hardware Store. Other commercial activities also exist along the Old Volcano Road. The existing dwelling, guest house and paved parking areas can accommodate the bed and breakfast operation. The property is heavily forested and landscaped to mitigate any possible

visual or noise impacts on the neighbors. Adequate public services and facilities are also available to accommodate the existing use.

There are two approved bed and breakfast establishments within Volcano Village. One is a 6-room inn, operating like a bed and breakfast, along the Old Volcano Road. The inn is operated by Gordon and Joann Morse who secured Special Permit No. 966 (TMK: 1-9-3-10, 20 & 21) in May 1997. The other is a 4-bedroom bed and breakfast operation located along Wright Road which is owned by Brian Crawford who secured Special Permit No. 792 (TMK: 1-9-18:01) in December 1991. Kilauea Lodge and Restaurant is also located along the Old Volcano Road, on CV-10 and CV-20 zoned lands, and provides overnight accommodations in 12 units. Effective May 1995, Change of Zone Ordinance No. 95-101 was approved by the County Council to rezone additional land to the rear of the existing lodge to allow for expansion of an additional 12-20 lodging units. As the applicant has been in operation since 1996, it is not anticipated that the approval of the request will have a negative impact on the existing community nor change the existing character of the area.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. The subject property is accessed from either Wright Road or Haunani Road onto the Old Volcano Road which has a pavement width of approximately 20 feet. The property is located along a section of the Old Volcano Road where there is existing commercial activity. There are adequate guest parking areas on site. As such, it is not anticipated that guests of the bed and breakfast establishment will substantially increase traffic on the existing roadways. Water is provided by a catchment system; as such, the applicant would be required to comply with the Department of Health requirements regarding water consumption for guests. Wastewater is disposed of into existing cesspools. The applicant would be required to comply with all applicable agency requirements, including any requirements of the Department of Health. Finally, agencies reviewing the request had no objections to the establishment of the bed and breakfast operation at this location.

Based on the above, it is recommended that the request to allow the establishment of an existing three-bedroom Bed and Breakfast operation in a single-family dwelling and a guest house on the subject property be approved.

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 applicants, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7, within six (6) months of the effective date of this permit. Plans shall identify existing and proposed structures, driveway, landscaping, fire protection measures, three paved parking stalls (asphalt or concrete) and exterior signs associated with the business.

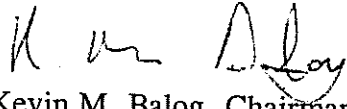
3. The bed and breakfast operation shall be limited to the use of three bedrooms.
4. Comply with all applicable requirements as stated in the Zoning Code, Section 25-4-7, regulating bed and breakfast establishments.
5. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Health regarding water consumption for guests.
6. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
7. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
8. An initial extension of time for the performance of conditions within this 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, successor, 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.

Ms. Kathleen Porter Ing  
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

LIng02.PC

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