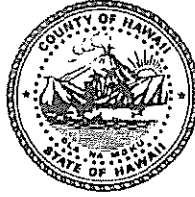


Harry Kim
Mayor



County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

Debbie
Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

April 6, 2006

Ms. Patricia Fay
Ms. Mary Roblee
HCR 1 Box 5221
Keaau HI 96749

Dear Ms. Fay and Ms. Roblee:

Subject: Special Management Area Use Permit Assessment Application (SAA 06-000135)
Special Management Area Minor Permit No. 06-000027
Applicant: Patricia Fay and Mary Roblee
Request: 3-Room Bed and Breakfast Within the Existing Ohana Dwelling
Tax Map Key: 1-5-59:28, Hawaiian Paradise Park Subdivision, Puna, Hawaii

This is to follow up on our March 20, 2006 letter relating to the above-referenced Special Management Area assessment for the 3-room bed and breakfast within the existing ohana dwelling on the subject parcel.

The subject property is zoned Agricultural (A-1a) by the County and designated Agricultural by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Rural.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(iii) relating to Special Management Area, the 3-room bed and breakfast within the existing ohana dwelling is considered "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*" and defined as "development".

Based on the foregoing, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 06-000027 is hereby issued to allow for the 3-room bed and breakfast within the existing ohana dwelling, subject to the applicant's compliance with the conditions of approval as specified in this permit.


Ms. Patricia Fay
Ms. Mary Roblee
Page 2
April 6, 2006

As a reminder, however, a Special Permit must also be granted by the Planning Commission to allow for this proposed use. Therefore, the effective date of Special Management Area Minor Permit No. 06-000027 will be the effective date of the Special Permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288, extension 257 or 258, respectively.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

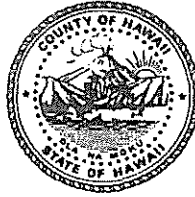
ETI:cd

P:\WPWIN60\CZM\SMM\2006\SMM 06-26 Fay Roblee ltr.doc

Enclosures - SMM No. 06-000027
Department of Public Works March 31, 2006 Memo

xc w/encls: Ms. Deborah Chang - Long Range Planning
Mr. Norman Hayashi - Planning

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 06-000027

Project: 3-Room Bed and Breakfast Within the Existing Ohana Dwelling
Applicant: Patricia Fay and Mary Roblee
Land Owner: Patricia Fay and Mary Roblee
Location: Hawaiian Paradise Park Subdivision, Puna, Hawaii
TMK: 1-5-59:28 **Land Area:** 0.5 acre

Applicant's Request

1. Project Description:

The applicant proposes to establish a 3-room bed and breakfast within the existing ohana dwelling.

2. Purpose of Project:

The project will provide additional visitor accommodations as well as supplement the applicant's relatively fixed income.

3. Project Valuation: \$0

4. Determination:

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9 do not exempt the establishment of a 3-room bed and breakfast within the existing ohana dwelling from the definition of "development". Therefore, the project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Agricultural.
- 2. General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Rural.
- 3. County Zoning:** The subject property is zoned Agricultural (A-1a). Pursuant to §25-5-72(c)(3) of the Hawaii County Zoning Code, "*Bed and breakfast establishments, as permitted under section 25-4-7*" may be permitted within the Agricultural district, provided that a special permit is issued.

4. **Building Permit:** According to the application, the ohana dwelling has four (4) bedrooms, three (3) upstairs and one (1) on the lower level. Building Permit No. 932541 for the ohana dwelling was closed on November 20, 1995. According to this permit, there were only 3 bedrooms on the upper level and none on the lower level. Further, according to the County's Real Property Tax Division records, there are only 3 bedrooms in the dwelling. In an April 5, 2006 telephone conversation with the applicant, it was clarified that the bed and breakfast would initially be established in two bedrooms with the applicants utilizing the third bedroom. In a future remodeling, a bedroom would be created on the lower level and the third upstairs bedroom would be added to the bed and breakfast use.
5. **Special Management Area:** The subject property is located in the SMA. However, it is located approximately 300 feet from the coastline.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>
--

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.

- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

Final inspection for the three (3) bedroom ohana dwelling was granted on November 20, 1995. However, there is no record of a lower level bedroom.

There is no associated project cost as the bed and breakfast will be established in the existing three bedrooms.

Upon review of the subject application, the Department of Public Works, Engineering Division did not have any objection to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000027** is hereby approved to allow for the 3-room bed and breakfast within the existing ohana dwelling, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 06-000027** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 06-000027 will be effective only upon the granting of a Special Permit from the Planning Commission. The Special Permit shall be secured within one (1) year from the Planning Director's date of approval of this permit.
3. The applicant shall obtain all required permit(s) from the Department of Public Works, Building Division prior to conversion of a lower level room into the fourth bedroom.
4. The applicant shall comply with all applicable requirements of the State Department of Health and the County Department of Public Works and applicable requirements of other affected agencies.
5. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
 - a) The 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 the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:


CHRISTOPHER J. YUEN

APR 11 2006

Date

2006 MAR 31 PM 1:58

PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 31, 2006

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 06-000135)

Applicants: Patricia Fay and Mary Roblee

Request: 3-Room Bed & Breakfast within an Existing Ohana Dwelling

Location: Hawaiian Paradise Park Subdivision, Puna, Hawaii

Tax Map Key: 1-5-59: 028

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated March 20, 2006 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as "minimal tsunami inundation."

012817