



# Planning Commission

Bernard K. Akana  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

October 17, 1989

Mr. and Mrs. Bruce Hall  
General Delivery  
Naalehu, HI 96772

Dear Mr. and Mrs. Hall:

Special Permit Application  
TMK: 9-2-86:14

The Planning Commission at its duly held public hearing on October 10, 1989, voted to approve your application, Special Permit No. 717, to allow the establishment of a bed and breakfast operation within an existing single family dwelling situated on a 1.27-acre lot in the State Land Use Agricultural District along the mauka side of the Hawaii Belt Road and 322 feet east of the Belt Road-Paradise Parkway junction, approximately 2,200+ feet west of the Southpoint Bar and Restaurant, Hawaii Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii. The Planning Commission also approved the revocation of Special Permit No. 515 to Betty Pettingill which allowed the establishment of a real estate office on the property.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The Agricultural District includes areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The property is located in an area of fairly recent A'a lava flow. The soil is classified as Very Poor by the Land Study Bureau's

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Overall Master Productivity Rating. Furthermore, the land is classified as Existing Urban Development by the Department of Agriculture's ALISH Map. As stated by the Department of Agriculture, the area has a very poor productivity potential for most agricultural uses. Although some form of agriculture may be possible on the property, the conversion of an existing dwelling into a bed and breakfast establishment is not expected to affect any potential agricultural use of the property or adjacent properties.

The desired use will not adversely affect the surrounding properties. The dwelling is situated centrally on a 1.27-acre lot. Surrounding properties are 1+ acre in size. The nearest dwelling is located approximately 200 feet to the north. The proposed bed and breakfast would accommodate a maximum of three parties per day. Landscaping is recommended in order to minimize visual impact from the highway and surrounding properties. Paving of the driveway and parking area is recommended in order to mitigate potential impact of noise, dust, and visual impact associated with increased traffic over residential levels. As in previous permits granted for bed and breakfast use, a condition of approval is being included to require that the applicant provide this service on a reservation only basis. No signage will be permitted on the premises. All directions to the property shall be made by other means, such as maps, brochures, etc. This condition is being imposed to minimize the commercial type of atmosphere that could be projected with on- and off-site advertisement.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. There is no County water system in the area, and therefore, the applicants must comply with Department of Health regulations in order to establish an approved water source for the bed and breakfast use. Although the private roads leading to the property are not constructed to commercial standards, access to the property is deemed to be adequate to accommodate traffic generated by the project. The property is located less than .1 mile from the Hawaii Belt Highway and roadways have 18- and 20-foot wide oil-treated chip surfaces. It is recommended, however, that no access be allowed from the Belt Highway. No objections to the granting of this permit were received from agencies providing services in the region.

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Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations are becoming an increasingly popular type of lodging facility for visitors seeking a more personal experience of Hawaii. Hawaiian Ocean View Estates (HOVE) is a remote subdivision in the district of Ka'u. Other than the small Shirakawa Hotel in Waiohinu and the Punalu'u Resort, there are few visitor accommodations located less than 40 miles in any direction. A bed and breakfast facility could provide an appropriate scale of service in such rural areas which do not offer full hotel services. Provision of such services could satisfy the new trend of visitor demands for a more personal experience in the less populated areas of the island. It should be pointed out, however, that the approval of this particular request should not be construed as an automatic endorsement of future bed and breakfast establishments in this particular area. The need for such use would have to be justified.

The use will not substantially alter or change the essential character of the land and the present use. The bed and breakfast use will remain secondary to the residential use. No significant improvements other than parking and landscaping are proposed. Since no restaurant or commercial kitchen facilities are proposed, the bed and breakfast facility is not expected to cause impacts which would significantly alter the character of the land and the present use.

The subject property is located mid-way between the population centers of Hilo and Kona and would be a convenient rest stop for travelers. A bed and breakfast would complement the tourist industry in this location. The proposed use would be in keeping with the Economic Element Policies of the General Plan which state:

- \* 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.
- \* The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

Based on the above considerations, it is determined that the proposed bed and breakfast facility is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

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Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, paved driveway, and paved parking stalls associated with the bed and breakfast operation.
3. The bed and breakfast operation shall be established within one year of the date of receipt of Final Plan Approval. The applicant shall notify the Planning Department in writing of completion of required improvements prior to establishment of the bed and breakfast operation.
4. The bed and breakfast facility shall be limited to the use of three (3) bedrooms and common areas and shall be conducted on a reservation-only basis with no signage on the premises. This is not to preclude advertising of the facility in newspapers, books, brochures, etc.
5. The bed and breakfast facility shall be operated by the resident(s) of the affected single family dwelling.
6. The applicant is prohibited from operating a restaurant on the subject property.
7. No direct access from the subject property onto the Hawaii Belt Highway shall be permitted.
8. The applicant shall comply with all other applicable laws, rules, regulations, and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not

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be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

10. An extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission

*bcc: Plan Approval Section*