



# Planning Commission

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

LARRY S. TANIMOTO  
~~Bernard K. Akana~~  
Mayor

CERTIFIED MAIL

April 25, 1990

Ms. Adrienne Ritz-Batty  
RR 1, Box 8E  
85-4577 Mamalahoa Highway  
Captain Cook, HI 96704

Dear Ms. Ritz-Batty:

Special Permit Application  
TMK: 8-5-03:14

The Planning Commission at its duly held public hearing on April 11, 1990, voted to approve your application, Special Permit No. 734, to legitimize a bed and breakfast operation situated on a 0.46-acre lot within the State Land Use Rural District along the west (makai) side of South Kona Belt Road, approximately 1,200+ feet north of the general store at Kealia, Kealia House Lots, South Kona, Hawaii.

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 Rural District, the intent is to maintain areas of land composed primarily of small farms mixed with very low density residential lots in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics. The property is located within an area whose soils are classified as

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Poor by the Land Study Bureau's Overall Master Productivity Rating. Furthermore, the land is classified as Existing Urban Development by the Department of Agriculture's ALISH Map. The Department of Agriculture states that the area has a poor productivity potential for most agricultural uses. While some form of agriculture may be possible on the property, a lot size of 20,038 square feet and the steep topography would restrict the establishment of substantial agricultural activity on the property. Therefore, the conversion of an existing single family 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. Surrounding properties to the north and south are approximately .5 acre in size with parcels of 5+-acres to the east and west. The nearest dwellings are located on the adjacent properties to the north and south. The applicant has stated that the proposed bed and breakfast would accommodate a maximum of six people at any one time. Plans submitted indicate the property is heavily landscaped with rock gardens, palms, and assorted trees with hibiscus hedges along the perimeter. The dwelling is set back approximately 137 feet from the front property line which further minimizes the visual impact from the highway and surrounding properties. The paved driveway and the provision of additional parking on the grass lawn would mitigate any 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. Thus, the existing sign posted at the entrance would have to be taken down.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. Water is available through a 5/8-inch meter. Access to the property via Mamalahoa Highway, which fronts the property, is deemed adequate. 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. There are no major visitor accommodations in the South Kona District. Visitor accommodations are available at the Punalu'u Resort in Kau and the resort areas of North Kona. 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 improvements to the existing dwelling are being 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.

A bed and breakfast in this area 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, residential signage consistent with the Hawaii County Code, landscaping, driveway access as approved by the Department of Transportation, and 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. 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. The applicant shall comply with all other applicable laws, rules, regulations, and requirements of the Departments of Health and Public Works.
8. 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 be limited to, the status of the development and to what

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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.

9. 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 shall initiate procedures to revoke 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,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Sydney Keliipuleole, Manager/Bishop Estate  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission  
DOT - Highways Division