



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

OCT 23 2013

Mr. Jerry Cooksey
Coconut Cottage Bed & Breakfast
464 South Calle Encilia, Unit A-12
Palm Springs, CA 92262

Dear Mr. Cooksey:

Special Permit (SPP 753, Docket No. 90-000031)
Applicant: Coconut Cottage Bed & Breakfast
Request: Amendment to SPP 753 to Increase the Amount of Bedrooms
From One Bedroom to Four Bedrooms
Tax Map Key: 1-3-015:002

The Windward Planning Commission, at its duly held public hearing on October 3, 2013, voted to approve the above-referenced request for an amendment to Special Permit No. 753 to increase the number of permitted bed and breakfast bedroom units from one bedroom unit to four bedroom units. Special Permit No. 753 was originally approved to allow the establishment of a one-bedroom bed and breakfast operation within an existing dwelling situated on one acre of land within the State Land Use Agricultural District. The property is located along the south side of Leilani Avenue, one lot west of the Leilani Avenue-Kumukahi Street intersection within the Leilani Estates Subdivision, Keahialaka, Puna, Hawai'i.

Approval of the request is based on the following:

The applicant, Coconut Cottage Bed and Breakfast, is requesting an amendment to Special Permit No. 753 to change the amount of bedrooms from one (1) bedroom to four (4) bedroom units that will be used for the existing bed and breakfast operation.

Special Permit No. 753 was approved by the Planning Commission on October 25, 1990 to Shirley Friday to allow the establishment of a 1-bedroom bed and breakfast operation within an existing dwelling. The new owners of Coconut Cottage Bed and Breakfast purchased the property in 2007 with the understanding that they could operate a 4-bedroom bed and breakfast operation. A violation notice was issued and the applicant has submitted this amendment request to resolve the violation.

The amendment request, which involves an increase in the number of bedrooms utilized for the bed and breakfast operation, is not contrary to the original reasons for approving the bed and breakfast permit, is not contrary to the Zoning Code, which allows bed and breakfast operations in the County's A-1a zoning district and the State Land Use Agricultural district with the issuance of a Special Permit, and is not contrary to the General Plan designation for this area, which is designated as Rural.

Granting of the amendment request would not be contrary to the original reasons for the granting of the permit. The use would continue to be an unusual and reasonable use of lands situated within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended. The land upon which the existing use is sought is unsuited for the uses permitted within the district. It is classified as "D" or "Poor" for agricultural productivity by the Land Study Bureau and unclassified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. The use will not adversely affect surrounding properties. Lastly, the continued operation will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. Therefore, based on the above, the granting of the amendment request to allow a 4-bedroom bed and breakfast operation within the existing single-family dwelling would not be contrary to the original reasons for the granting of this permit.

Approval of these requests would not be contrary to the General Plan or the Zoning Code. The amendment request continues to be consistent with the Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan, which is located in an area identified as Rural. This category includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Additionally, the request continues to be consistent with the Land Use Element of the General Plan, which states to "Encourage the development of a visitor industry that is consistent with the social, physical and economic goals of the residents of the County." The granting of this request at this particular location will provide the residents with an opportunity to improve their quality of life through economic development while maintaining the rural character of the area.

Lastly, the request is consistent with the Zoning Code as the applicant has previously submitted a Special Permit and received approval from the Planning

Commission to allow the establishment of a bed and breakfast operation within the County's A-1a zoned district and the State Land Use Agricultural district. The applicant is simply requesting an increase in the number of bedrooms from one to four for this bed and breakfast operation. Therefore, the amendment request would not be contrary to the General Plan or the Zoning Code.

Based on the above, the amendment request to Special Permit No. 753 to increase the number of bedrooms from one to four bedrooms for the Coconut Cottage Bed and Breakfast operation is hereby approved. Conditions that have been completed or are no longer applicable are also deleted. Approval of this amendment request is subject to the following conditions (new material is underscored and deleted material is bracketed and struck through):

Approval of the amendment request is subject to the following amended 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 the 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, signage consistent with Residential districts as set forth in Section 3-26 of the Hawaii County Code, and paved driveway and parking stall(s) 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 one (1) bedroom 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 shall comply with all other applicable laws, rules, regulations and requirements of State and County agencies.~~
- ~~7. 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 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.~~
- ~~8. An extension of time for the performance of conditions within this 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 granting of the permit; 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). 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.]~~

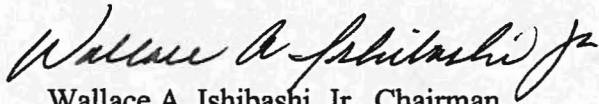
1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of Section 25-4-7 of Chapter 25, Hawai'i County Code, (Zoning Code), relating to Bed and Breakfast Establishments.
3. The bed and breakfast operation shall be limited to the use of four (4) bedrooms.
4. The applicant shall provide bottled water for the guests of the bed and breakfast operation.
5. The applicant shall comply with the requirements of the Department of Health regarding individual wastewater systems.
6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
7. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
8. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

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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.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wallace A. Ishibashi, Jr., Chairman
Windward Planning Commission

Lcoconutcottagespp753wpc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State Department of Health
State DLNR-HPD
Mr. Gilbert Bailado /



Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

November 5, 1990

Ms. Shirley Friday
13-1139 Leilani Avenue
Pahoa, HI 96778

Dear Ms. Friday:

Special Permit Application
Tax Map Key: 1-3-15:2

The Planning Commission at its duly held public hearing on October 25, 1990, voted to approve your application, Special Permit No. 753, to allow the establishment of a bed and breakfast operation within an existing single family dwelling on one acre of land situated within the State Land Use Agricultural District at Leilani Estates Subdivision, Keahialaka, Puna, 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 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 land is identified by the Soil Conservation Service as of the Keaukaha Series, of which most is in native forest with some areas utilized for pasture or homesites. The soil is classified as Poor by the Land

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Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. The conversion of portion of an existing dwelling into a bed and breakfast establishment is not expected to affect the agricultural potential of the property or the region.

The desired use will not adversely affect the surrounding properties. The dwelling is situated on a landscaped 1-acre lot. Surrounding properties are 1 acre in size. The nearest dwellings are located in excess of 100 feet to the east and west. The driveway accessing the property is paved. Continuing the pavement to the parking area is recommended in order to mitigate any potential impacts of noise and dust associated with the proposed use. The use of one bedroom for bed and breakfast use is not expected to cause a significant increase in traffic over existing levels.

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. Department of Health regulations require an approved water source for the bed and breakfast use. The applicant will provide bottled water for guest use which will satisfy this requirement. Although the County-maintained road leading to the property is not constructed to commercial standards, access to the property is deemed to be adequate to accommodate traffic generated by the project. The Leilani Community Association had no objection to the request. No objections to the granting of this permit were received from agencies providing services in the region.

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. A bed and breakfast facility could provide an appropriate scale of service in rural areas which do not offer full hotel services. Provision of such services could satisfy the new trend of visitor demands for an encounter with 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.

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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 anticipated. 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. Furthermore, the applicant expressed that no signs will be erected on the subject property. The proposed use will operate by reservations only.

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.

A Course of Action for the Puna district states:

- * There is a potential for limited visitor facilities in the form of small accommodations and support facilities, such as natural areas, botanical gardens, and limited commercial facilities. Resort growth should enhance and be in keeping with this area's rural character.

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 State Land Use Law and Regulations.

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.

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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, signage consistent with Residential districts as set forth in Section 3-26 of the Hawaii County Code, and paved driveway and parking stall(s) 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 one (1) bedroom 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 shall comply with all other applicable laws, rules, regulations, and requirements of State and County agencies.
7. 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 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.

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8. 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., 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: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Dept. of Commerce & Consumer Affairs