

Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

November 5, 1990

Mr. Charles Martens
13-3591 Luana Street
Pahoa, HI 96778

Dear Mr. Martens:

Special Permit Application
Tax Map Key: 1-3-22:45

The Planning Commission at its duly held public hearing on October 25, 1990, determined that you have met the requirements of notification to property owners and voted to approve your application, Special Permit No. 754, 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, 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 Aa lava flow. The soil is classified as Very Poor by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of

NOV 05 1990

Mr. Charles Martens
November 5, 1990
Page 2

Agriculture's ALISH Map. The conversion of a 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 fully landscaped 1-acre lot. Surrounding properties are 1 acre in size. The nearest dwelling is located across Luana Street. The use of two bedrooms for bed and breakfast use is not expected to cause a significant increase in traffic over existing levels. The driveway and parking areas are paved, which will mitigate potential impacts of noise and dust associated with the proposed use.

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. Therefore, the applicant 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 substandard, access to the property is deemed to be adequate to accommodate traffic generated by the project. 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.

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 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.

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.
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 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 any required improvements prior to establishment of the bed and breakfast operation.
4. The bed and breakfast facility shall be limited to the use of two (2) 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 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 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,

Mr. Charles Martens
November 5, 1990
Page 5

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.

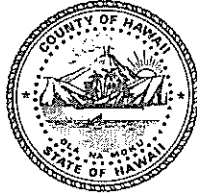
Sincerely,



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

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

October 16, 2002

Ms. Denise S. Nakanishi, Realtor
Prudential Orchid Isle Properties
391 Kilauea Avenue
Hilo, HI 96720

Dear Ms. Nakanishi:

Special Permit No. 754
Subject: Change in Ownership/Plan Approval
TMK: 1-3-22:45

Thank you for your letters dated September 20, 2002 and October 4, 2002, including plot plan and Transient Accommodation Tax Certificate of Registration, informing us of the transfer in ownership and clarifying the Plan Approval requirements. We shall change our records to reflect the new owners as Roy and Delores Maker.

We shall accept for the record, the plot plan submitted indicating the two bedrooms and parking areas to be used for the bed and breakfast establishment. Due to the passing of Mr. Martens and the fact that Plan Approval is no longer a requirement for bed and breakfast establishments, we shall consider that conditions of Special Permit No. 754 have been complied with.

Should you have any questions regarding this information, please contact Susan Gagorik or Esther Imamura at 961-8288.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

SG:pak

P:\COH02\planning\public\WPWIN60\SUSAN\Letters\Nakanishisp754skg.doc

OCT 17 2002 2763
24818
252106