



# Planning Commission

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

Lorraine R. Inouye  
Mayor

CERTIFIED MAIL

May 23, 1991

Robert and Joann Cooper  
486-B Akolea Road  
Hilo, HI 96720

Dear Mr. and Mrs. Cooper:

Special Permit Application  
Applicant: Robert and Joann Cooper  
Request: Bed and Breakfast Operation  
Tax Map Key: 2-5-47:20

The Planning Commission at its duly held public hearing on May 16, 1991, voted to approve your application, Special Permit No. 777, to allow the establishment of a bed and breakfast operation on 1.0 acre of land situated within the State Land Use Agricultural District. The property is located 510 feet on the east (makai) side of Akolea Road approximately 4,400 feet north of the Kaumana Drive-Akolea Road intersection, Ponahawai, South Hilo, 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, whose soils are in native forest or pasture. The soil in this area is classified as "Poor" by the Land Study Bureau's Overall Master Productivity Rating and is unclassified by the Department of Agriculture's ALISH Map. In addition, the one-acre lot size of the subject property and its surrounding

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area would preclude any substantial agricultural activity from being conducted. Therefore, the establishment of a bed and breakfast operation within a portion of the existing dwelling is not expected to affect the potential agricultural use of the property or the surrounding area.

The desired use will not adversely affect the surrounding properties. Surrounding properties to the north and west are approximately 1 acre in size with much larger parcels to the south and east. The nearest dwelling is located adjacent to the south at a distance of 150 feet from the affected dwelling. The property is heavily landscaped with an assortment of plants and trees concentrated along the perimeter of the property. The concrete driveway and paved roadway easement would mitigate potential impact of dust associated with increased traffic over residential levels. The applicants will also be required to provide on-site parking for their guests. 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.

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 to the subject property. Although Akolea Road leading to the subdivision is substandard, it is felt that the limited nature of the proposed activity, which will be restricted to the use of one bedroom, will not increase traffic over a level that necessitates improvements to Akolea Road. No objections to the granting of this permit were received from other agencies providing services in the area.

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 or more remote 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 accessory to the residential use. No restaurant or food service establishment will be permitted on the premises. Therefore, the bed and breakfast facility is not expected to generate 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.

Approval of this request is subject to the following conditions:

1. The applicants, 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 from the date of receipt of Final Plan Approval. The applicants shall notify the Planning Department in writing of completion of required improvements prior to the 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 applicants are prohibited from operating a restaurant on the subject property.
7. The applicants shall comply with all other applicable laws, rules, regulations, and requirements of State and County agencies.
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 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 applicants, 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.

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

Sincerely,

*Mike Luce*

Mike Luce, Chairman Pro Tem  
Planning Commission

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jdk

xc: Department of Public Works  
Department of Health  
Department of Regulatory Agencies  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission

Bcc: Plan Approval Section