



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

July 16, 1992

Mr. Lenny Sutton
PO Box 204
Kurtistown, HI 96760

Dear Mr. Sutton:

Special Permit Application (SP 92-6)
Applicant: Lenny Sutton
Request: Establish Bed and Breakfast Operation
Tax Map Key: 2-6-28:Portion of 17

The Planning Commission at a duly advertised public hearing on July 7, 1992, considered your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a bed and breakfast establishment on 0.5 acre of land situated within the State Land Use Agricultural District. The property is located within the mauka section of Puueo along the north (Hamakua) side of Waiau Stream, Puueo Farm Lots, Puueo, South Hilo, Hawaii.

The Commission voted to deny the special permit based on the following findings:

The desired use will unreasonably burden public agencies to provide roadway and safety protection improvements. Access from the Kaiwiki Road to the project site is approximately 4 miles of paved and unpaved private roads. The first private road extends for about 2.15 miles, is paved and approximately 12-foot wide with 6 to 9-foot wide shoulders and bordered by sugar cane on both sides. The next 1.3 miles is via an unpaved rock-bed road approximately 12-foot wide with grass shoulders and macadamia

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nut trees on both sides. The last one-half mile leading to the subject parcel is an unpaved rock-bed road approximately 14 feet wide with minimum shoulders and bordered by sugar cane on one side and macadamia nut trees on the other. As in previous similar applications, applicants were required to provide necessary roadway improvements to ensure a minimum pavement width of 16 feet to accommodate the increase in traffic generated by such a use. However, to require the applicant to provide such improvements over a two mile stretch would be financially prohibitive and unreasonable.

The establishment of a bed and breakfast with inadequate access is not consistent with the Zoning Code or the General Plan. The purpose of the Zoning Code is to regulate the use of land for the purpose of promoting the safety and general welfare of the community. In order to accommodate the proposed use, paved roadway access to the property should be provided to ensure the safety of residents and those seeking access to the establishment. A goal of the Land Use Element of the General Plan is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County". The proposed bed and breakfast use is not an appropriate use of property in this area because of the substandard access. The increase in traffic resulting from the bed and breakfast use of the roadways would adversely affect surrounding property owners by accelerating deterioration of the roadways and increasing traffic hazards to roadway users. It should be mentioned that approval of this request may result in the proliferation of similar requests within the area that would impact the access roads. Although the Puueo Farm Lots Association is responsible for maintenance and upkeep of the roads, the generated increase in use may lead to additional maintenance costs for the association members and possible liability costs for the County.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

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Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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xc: State Land Use Commission
Corporation Counsel
Mayor
Planning Director
Plan Approval Section