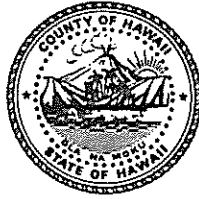


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 855

APR 21 1997

Ms. Annie Chong Park
P.O. Box 5844
Hilo, HI 96720

Dear Ms. Park:

Special Permit Application (SPP 96-7)
Applicant: Annie Chong Park
Request: Establish a 4-Bedroom Bed and Breakfast Operation
Tax Map Key: 1-1-38:88

The Planning Commission at its duly held public hearing on April 10, 1997, voted to approve the above-referenced application. Special Permit No. 963 is hereby issued to allow the construction and establishment of a 4-bedroom bed and breakfast operation situated on approximately 2.00 acres of land within the State Land Use Agricultural District. The property is located within Fern Acres Subdivision, along the west (Volcano) side of Pikake Street at Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The soils within the project site are classified "E" or Very Poor by the Land Study Bureau for agricultural productivity and unclassified by the ALISH Map system. The subject property is approximately 2.00 acres in size with 1.03 acres in pineapple farming. The applicant will continue to raise and process, on the subject property, the pineapples as well as other agricultural produce such as cucumbers, tomatoes and bananas grown on other lands owned by the applicant. The additions to the existing dwelling would accommodate the proposed establishment of the 4-bedroom bed and breakfast operation. The use of approximately 5,880 square feet of land for the existing

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dwelling/bed and breakfast facility will not displace a significant amount of land from agricultural activity nor diminish the agricultural potential of the area. Therefore, the request would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

The proposed request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide Map (LUPAG) designates this area for Intensive Agricultural/Orchards. The applicant plans to continue agricultural activity on the subject property. The proposed use is consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

The proposed use will not have any significant adverse effects on the surrounding properties. The subject property is located in the Fern Acres Subdivision which consists of 2-acre agricultural lots and zoned A-3a. On Pikake Street, between Puhala and Rose Streets, there are approximately 10 existing dwellings located before the subject property and approximately 12 dwellings after the subject property. Surrounding area in the subdivision includes scattered residences, agricultural activities and vacant lands. The bed and breakfast use will remain secondary to the residential and agricultural uses which are already existing on the subject property. Therefore, the proposed use is not anticipated to have significant adverse effects on the surrounding properties.

The proposed use will not substantially alter or change the essential character of the land and the present use. The subject property presently has an existing 2-story dwelling and approximately 1.03 acres of land are in pineapple farming. The existing dwelling and proposed bed and breakfast establishment would occupy approximately 5,800 square feet of the 2-acre parcel. However, the agricultural activities will continue to take place on the property.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. Water will be provided by a private catchment system. The applicant

proposes that wastewater disposal be accommodated by cesspool. The Department of Health will enforce wastewater disposal regulations and drinking water regulations and the Fire Department will enforce fire protection requirements. Other essential utilities and services are or will be made available to the site. Access to the subject property is from the private Pikake Street. Pikake Street has a 50-foot wide right-of-way with about 16 feet and 11 inches chipseal paving. This chipseal paving has certainly improved access concerns and accessibility for emergency vehicles. Based on the existing roadway improvements, it is not anticipated that the proposed use will have an adverse impact on traffic and safety along this roadway.

The land on which the proposed use is sought is unsuited for the uses permitted within the district. The subject property is suitable for agricultural activities and will continue to be used for pineapple farming and processing of other agricultural produce grown on lands owned by the applicant. No significant amount of land will be removed from the agricultural land inventory.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The proposed bed and breakfast accommodations are a part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming increasingly popular for visitors who seek a more localized and authentic experience in a home-type setting. Such small-scale development is consistent with the social and physical character of a rural-agricultural area and with the economic goals of the County.

The proposed use will not have an adverse effect on archaeological and flora and fauna resources within the area. The subject property has already been disturbed and farmed; therefore, archaeological, flora and fauna resources are not expected to be affected.

Based on the above considerations, the establishment of a four-bedroom bed and breakfast establishment 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.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

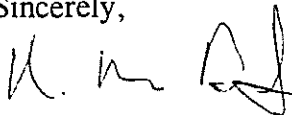
1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The bed and breakfast business shall be established within two (2) years from the effective date of this permit. Prior to the establishment of the bed and breakfast business, Final Plan Approval shall be secured from the Planning Director. Plans shall identify existing and proposed structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and/or driveway, existing and proposed agricultural areas, landscaping and fire protection measure associated with the proposed use. The applicant, successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the bed and breakfast business.

3. The bed and breakfast business shall be limited to the use of four (4) bedrooms.
4. The applicant shall comply with all applicable requirements as stated in Chapter 25 - Zoning Code, regulating bed and breakfast establishments.
5. Comply with all applicable laws, rules and regulations of the affected agencies for this project.
6. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. 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.
 - 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).

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 feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LParkA03.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
State Land Use Commission
Ms. Donna Keithley
Ms. Vicky Sims