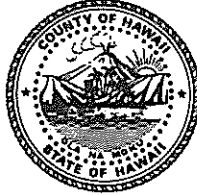


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 978

AUG 20 1997

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (SPP 97-17)

Applicant: Jeanne Obert and Thomas Austin

Request: Establishment of an Existing Five-Bedroom Bed & Breakfast Operation

Tax Map Key: 8-2-3:11

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The Planning Commission at its duly held public hearing on August 7, 1997, voted to approve the above-referenced application. Special Permit No. 981 is hereby issued to allow the establishment of the existing five-bedroom bed and breakfast operation (three within the main dwelling and two within the ohana dwelling) situated within the State Land Use Agricultural District. The property is located along the north side of Napoopoo Road approximately 1,500 feet east of the Napoopoo Road-Puuhonua Road intersection at Waipunaula, South Kona, Hawaii.

Approval of this request is based on the following:

Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would 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 District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

08855

AUG 20 1997

The subject property is situated within the County's Agricultural-5 acre zoned district. The applicants wish to continue a 5-bedroom bed and breakfast operation on the subject site within the two existing structures on the 5.001-acre site. The continued use will not take significant lands out of the agricultural inventory for this area and will not significantly affect the agricultural resource of the area. The use will be confined within the existing dwellings and its immediate vicinity. The subject property is presently being used for agricultural purposes and no active agricultural lands will be taken out of production to provide the area necessary to establish this use.

The approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the above-referenced subject conditions. The use of the existing dwellings for a bed and breakfast operation would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has been in agricultural use in years.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the property for Agricultural uses. 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.

RESORT - South Kona

\* Courses of Action

- \* Encourage the development of small family-operated hotels.

The desired use will not adversely affect the surrounding properties. The dwellings are situated on a 5.001-acre parcel. Surrounding the property are lands zoned A-5a. Along the Napoopoo Road are various single family residences situated within zoned Agricultural-5 acre. The driveway to the property is partially concrete paved and hard-packed gravel. The parking area can accommodate six (6) graveled

parking spaces which will eliminate erosion, mud and standing water within the parking area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and police and fire protection. The site is currently served by water, telephone and electrical utilities. Traffic to be generated by the proposed bed and breakfast use is anticipated to be minimal. Access to the property is deemed adequate to accommodate the anticipated traffic generated. The applicant shall meet all applicable agency requirements of the Department of Water Supply, Departments of Transportation, Health, Public Works and the Fire Department.

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

The use will not substantially alter or change the essential character of the land and the present use. The subject property presently has the existing single family dwelling, an ohana dwelling and 2.5 acres of fruit trees. Therefore, from a physical standpoint, there will be no major alteration to the landscape which would give this area an appearance other than what is presently there.

Based on the above considerations, the bed and breakfast operation 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 these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

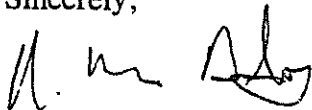
1. The applicants, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Section 25-2-72, 25-2-73 and 25-4-7, within six months of the effective date of this permit. Plans shall identify existing and proposed structures, landscaping, fire protection measures and evacuation plan, driveway and five parking stalls (gravel, asphalt or concrete) and exterior signs associated with the business.
3. The bed and breakfast business shall be limited to the use of five (5) bedrooms.
4. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.

5. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
6. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, for approval of the proposed use.
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

LObert01.PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Jeanne Obert and Thomas Austin

EFFECTIVE DATE: AUG 20 1997