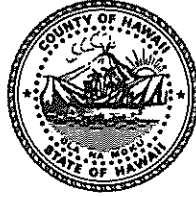


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 324 477

JAN 29 1999

Lawrence and Jeanne Roppolo
P.O. Box 6568
Kamuela, HI 96743

Dear Mr. and Mrs. Roppolo:

Special Permit Application (SPP 98-19)
Applicants: Lawrence and Jeanne Roppolo
Request: Establish a One-Bedroom Bed and Breakfast Operation
Within an Existing Second Farm Dwelling
Tax Map Key: 5-9-8:10

The Planning Commission at its duly held public hearing on January 22, 1999, voted to approve the above-referenced application. Special Permit No. 1019 is hereby issued to allow the establishment of a one-bedroom bed and breakfast operation within an existing second farm dwelling situated on 3.285 acres of land within the State Land Use Agricultural District. The property is located in Kohala Estates along the northwest side of Ala Kahua Drive approximately 1-1/4 miles mauka of its intersection with Akoni Pule Highway at Kahua 1st, North Kohala, 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 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 bed and breakfast operation 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 land by the Department of Agriculture's ALISH Map.

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JAN 29 1999

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.

The subject property is approximately 3.285 acres and situated within the County's Agricultural (A-3 acre) zoned district. Approximately 2-1/2 acres are in pasture for grazing sheep. The bed and breakfast facility and applicants' residence are located in the remaining area which is landscaped. Both dwellings are permitted farm dwellings and there is agricultural activity on the subject property. Although the previous owners secured an Ohana Dwelling Permit (OD-162) from the Planning Department by letter dated June 14, 1989, a building permit was not secured within two years, and the permit was voided. According to Real Property Tax Division records, the first dwelling, in which the applicants reside in, was constructed in 1990. A farm dwelling notice was not required at that time. The second dwelling was constructed on the subject property by Building Permit No. 956001 (still open), through a farm dwelling notice dated June 23, 1995, which is on file at the Planning Department. According to the applicants, agricultural activity is being conducted on the property, with the raising of sheep. Two-thirds of the subject property remains in pasture. The bed and breakfast establishment is located in the second farm dwelling which is a one bedroom two-story structure. There is continuing agricultural activity on the subject property and the proposed use will not remove any lands out of agriculture and therefore not affect the agricultural resources for the area. The proposed use will be confined within the existing second farm dwelling and its immediate vicinity. Based on the above, the approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations nor diminish the agricultural potential of the area.

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 Extensive Agricultural uses. The proposed use is consistent with the following goals and policies 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

- * Provide residents with opportunities to improve their quality of life.
- * 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 County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- * 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 desired use will not adversely affect the surrounding properties. The dwelling is situated on a 3+ acre parcel. Surrounding the property are lands zoned A-3a and A-20a. Access to the dwelling is via two graveled driveways approximately 14-foot wide. There are also parking areas capable of accommodating several vehicles. The parcel is landscaped and in pasture use. In addition, surrounding neighbors have submitted letters supporting the applicants' bed and breakfast operation.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, police and fire protection. Potable water to this site is being provided by the Kohala Ranch Water Company, a private water company that provides water service to the subject parcel. All other utilities are available. The traffic to be generated by the one-bed and breakfast facility is expected to be minimal. Although the applicants secured a building permit for the dwelling that the bed and breakfast operation is located, final building inspection has not been secured to date. Therefore, a condition will be included to require that the applicants secure final building inspection and submit such evidence to the Planning Director. According to the Department of Health, the applicants also meet with their requirements by serving a limited breakfast menu. All other applicable agency requirements shall also be complied with, including 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 for visitors seeking a more personal experience in Hawaii. These facilities also provide an appropriate scale of service 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. The County has recognized this trend, and the Zoning Code, Section 25-4-7, provides guidelines for establishing bed and breakfast operations. In this particular situation, the applicants have been in operation for about a year and are applying for a Special Permit to conform to the Zoning Code requirements. The applicants reside on the subject parcel and in review of the request, the existing bed and breakfast operation meets with the general requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments. Although the original landowners secured an Ohana Permit, a building permit was not secured within the two years allotted, thereby voiding the Ohana Permit. The applicants subsequently constructed a second farm dwelling with a farm dwelling notice, which is on file with the Planning Department. The approval of this one-bedroom bed and breakfast facility is consistent with the social and physical character of a rural-agricultural area and will contribute to the economic development of the County.

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 existing use of the property as the applicants' residence and for agricultural activity. 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. Applicable agencies reviewing the request had no objections to the proposal.

Based on the above considerations, the establishment of a one-bed and breakfast operation within a an existing second farm dwelling 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 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, Sections 25-2-72, 25-2-73 and 25-4-7. Plans shall identify existing and proposed structures, driveway, landscaping, fire protection measures, two parking stalls (gravel, asphalt or concrete) and exterior sign(s) associated with the business. In conjunction with the submittal of plans for Final Plan Approval, the applicants shall submit evidence that final building inspection has been secured for the dwelling in which the bed and breakfast operation exists.
3. The bed and breakfast business shall be limited to the use of one (1) bedroom in the second farm dwelling.
4. The applicants shall comply with all applicable laws, rules, regulations, and requirements of other affected agencies.
5. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
6. 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 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.
- 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,



Leonard Tanaka, Chairman
Planning Commission

LRoppo01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Department of Health