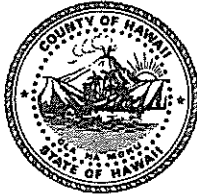


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
7099 3220 0000 4869 6223

JUN 02 2000

Mr. and Mrs. George Wakabayashi  
P.O. Box 114  
Mountain View, HI 96771

Dear Mr. and Mrs. Wakabayashi:

Special Permit Application (SPP 00-010)  
Applicant: George and Bettye Wakabayashi  
Request: Establishment of a Two Bedroom Bed and Breakfast Operation  
Within an Existing Dwelling  
Tax Map Key: 1-8-81:4

---

The Planning Commission at its duly held public hearing on May 19, 2000, voted to approve the above-referenced application. Special Permit No. 1058 is hereby issued to allow the establishment of a two-bedroom bed and breakfast operation within an existing dwelling situated in the State Land Use Agricultural District. The property is located in the Pacific Paradise Mountain View Manor Subdivision at the northeast corner of Haumalu and Honiu Streets, Puna, 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 proposed project will be located within an area whose soils are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and classified Existing Urban Development by the Department of Agriculture's ALISH Map.

005383

JUN 02 2000

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 situated within the County's Agricultural (A-5a) zoned district. The applicants propose to establish a two-bedroom bed and breakfast facility in an existing three-bedroom dwelling that is situated on a 13,181-square foot parcel of land. The proposed use will be confined within the main dwelling and will not take significant lands out of the agricultural inventory for this area and will not significantly affect the agricultural resources in the area. Therefore, 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 request is not contrary to the General Plan. The subject request is not contrary to the General Plan LUPAG Map, which designates the property as Intensive Agricultural, which allows for 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 an approximately 13,181 square foot parcel that is fenced. Surrounding properties are also zoned A-5a with scattered dwellings. The driveway to the property is paved where guest parking will be accommodated. Due to the size of the operation, it is not anticipated that the two-bedroom operation will adversely affect the surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, police and fire protection. The site is currently served by telephone and electrical utilities. In addition, the applicants have a three-panel solar system. Water is provided by water catchment, however, the applicants have a water system that goes through an ultra-violet ray system to eliminate any bacteria. However, the applicants would have to comply with Department of Health regulations for drinking water. All major roads leading to the subject property are County-paved roads. The subject property is located on Hohiu Street which is a private paved road approximately 21 feet wide. It is anticipated that traffic to be generated by the proposed two-bedroom bed and breakfast facility would be minimal. Further, the applicants will meet all applicable agency requirements prior to the establishment of the proposed use.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations are becoming a popular type of lodging facility for visitors seeking a more personal experience in Hawaii. A bed and breakfast facility can provide an appropriate scale of service in rural areas which are further away from the urban developed areas and where full hotel services are not available. Provision of such services could satisfy a new trend in visitor demands for a quiet encounter in the less populated areas of the island.

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 dwelling as the applicants' residence. No additional improvements are required, as such, the bed and breakfast facility is not expected to cause impacts which would significantly alter the character of the land and the present use. All applicable agencies reviewing the request had no objections to the proposal.

Based on the above considerations, the proposed bed and breakfast 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 Special Permit.

1. The applicants, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The bed and breakfast business shall be established within one year 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 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 paved parking stalls and exterior sign(s) associated with the business.
3. The bed and breakfast business shall be limited to the use of two (2) bedrooms.
4. The applicant shall comply with all applicable requirements of the Zoning Code, Sections 25-4-7 and 25-2-73 regarding Bed and Breakfast Establishments.
5. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development, including the Department of Health.
6. A final status report shall be submitted, in writing, to the Planning Director upon compliance with all conditions of approval.
7. If the applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference, nuisance or added off-site parking and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicants fail to comply with the conditions of approval or has caused any unreasonable interference, nuisance, or added off-street parking on the surrounding community, the permit may be revoked.

Mr. and Mrs. George Wakabayashi  
Page 5

8. 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 contact Susan Gagorik or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

Lwakabayashi01PC

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