

## County of Hawai'i

### PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

April 15, 2005

Hans & Marsha Eckert  
73-4261 Mamalahoa Highway  
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Eckert:

Special Permit Application (SPP 05-001)

Applicant: Hans & Marsha Eckert

Request: Establishment of a 3-Room Bed and Breakfast Operation  
Within an Existing Single Family Dwelling

Tax Map Key: 7-3-2:2

The Planning Commission at its duly held public hearing on March 18, 2005, voted to approve the above-referenced application. Special Permit No. 1255 is hereby issued to allow the establishment of a 3-bedroom bed and breakfast establishment within an existing single family dwelling situated on 7.8 acres of land within the State Land Use Agricultural District. The area under consideration is located approximately 1,500 feet east (mauka) of the Hawaii Belt Road (Highway 190), across from the Kona Coastview Subdivision, Kalaoa 3<sup>rd</sup>, North Kona, Hawaii.

Approval of this request is based on the following:

The applicants are requesting a Special Permit to allow the establishment of a 3-bedroom bed and breakfast operation within an existing single family dwelling situated on 7.8 acres of land within the State Land Use Agricultural District. The residence is a new wood framed ranch-style dwelling with five (5) bedrooms and three (3) baths. The applicants will be catering in part to nature lovers who respect and enjoy nature's resources. There are approximately three thousand (3,000) young coffee trees planted for their coffee farm on most of the remainder of the property.

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

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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 use will be located within the existing single family dwelling which is situated within an area where soils are classified as "E" or Very Poor by the Land Study Bureau's Overall Master Productivity Rating and designated as "Unclassified" by the Department of Agriculture's ALISH Map. The proposed bed and breakfast use will be subordinate and incidental to the principal use of the residence by the applicants. The 3-bedroom bed and breakfast operation will be confined to the existing single-family dwelling and the remainder of the property will continue in agricultural uses. The proposed use will not displace existing agricultural activity or diminish the agricultural potential of the subject property. Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District. 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 7.8 acres in size and situated within the County's Agricultural (A-3a) zoned district. The applicants currently reside in the existing dwelling as their primary residence. As previously stated, the 3-bedroom bed and breakfast operation will be confined to the existing dwelling. Even though the soil type and classification for the property are poor, the applicants will be using the remainder of the property for agricultural purposes. Therefore, the subject request is considered an unusual and reasonable use of the agricultural land.

The desired use shall not adversely affect the surrounding properties. The existing single family dwelling and garage are situated on a portion of a 7.8-acre parcel. Surrounding properties are zoned A-3a, A-5a and A-20a. The nearest residences are located to the east and west on larger agricultural properties. There will be no employees other than the applicants associated with the bed and breakfast operation. Clientele will be limited to ten people at any given time. Due to the minimal size of the operation, it is not anticipated that the proposed use will adversely affect the surrounding properties.

Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. It is anticipated that traffic to be generated by the proposed 3-bedroom bed and breakfast operation would be minimal. The property is located on along Mamalahoa Highway (Highway 190), just

across from the Kona Coastview Subdivision. Access to the property will be from an existing driveway access onto Mamalahoa Highway, which is a State owned and maintained highway. The property is a flag lot with an approximate 1200-foot pole consisting of a 14-foot wide reinforced concrete. The remainder of the driveway from the concrete to the residence consists of 10-foot wide asphalt road. The applicants currently utilize an existing cesspool. County water is available to the subject site. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain. All essential utilities and services are available to the property. Conditions of approval will include that the applicants meet all applicable County, State and Federal laws, rules, regulations and requirements.

The request will not be contrary to the General Plan. The subject request is not contrary to the General Plan objectives and policies or the Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property as Extensive Agriculture and Important Agricultural Land. 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.
- 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 through economic development that enhances the County's natural and social environments.
- Economic development and improvements shall be in balance with the physical, social, and cultural environments of the island of Hawaii.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- Encourage the development of a visitor industry that is in harmony with the social, physical and economic goals of the residents of the County.

The bed and breakfast operation will be situated on the property along with the applicant's coffee farm, which has 3,000 coffee trees. The applicants will be catering in part to nature lovers who respect and enjoy nature's resources. The proposed request will allow the applicants an opportunity to improve their quality of life, provide an economic environment which allows this new, economic opportunity and increase the development of the visitor industry for Hawaii. Thus, the proposed request is consistent with the Land Use and Economic goals and policies of the General Plan.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawaii Revised Statutes, relating to coastal zone management program. Given the fact that the property has been developed with an existing residence and agricultural uses, it is unlikely that any archaeological features and threatened species of plant or animal are present on the property. The Department of Land and Natural Resources-State Historic Preservation Division has issued a "no-effect" letter stating that they believe that there are no historic properties present the B&B will be operating in an existing dwelling which is not over 50 years old. Thus, they believe that "no historic properties will be affected" by this undertaking. There are no designated public access to the mountain areas over the property. The subject property is not located within the Special Management Area. It is adjacent to existing mixed agricultural, residences, pasture uses, and vacant lands. Therefore, the proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Further, the property will not be affected by any coastal hazards or beach erosion.

Based on the above considerations, the proposed bed and breakfast establishment within the existing single family 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:

1. The applicants, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants shall comply with all applicable requirements of Section 25-4-7 of the Zoning Code, as amended by Ordinance No. 00 152, relating to Bed and Breakfast Establishments.
3. The bed and breakfast operation shall be limited to the use of three (3) bedrooms and limited to no more than ten (10) guests at any given time.

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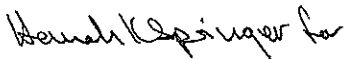
4. Prior to the establishment of the bed and breakfast operation, the applicants shall finalize all open building, electrical and plumbing permits with the Department of Public Works.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
6. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.

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.

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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galdones, Chairman  
Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Department - Kona  
State Land Use Commission  
Department of Land & Natural Resources-HPD/Kona  
Rodney Haraga, Director/DOT-Highways, Honolulu  
Department of Health