

## 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

May 26, 2006

Jimmy W. Lee and Siu Ping Chan  
HCR 3, Box 13130  
Keaau, HI 96749

Dear Mr. Lee and Ms. Chan:

Special Permit Application (SPP 06-000023)  
Applicant: Jimmy W. Lee and Siu Ping Chan  
Request: Establish 1-Bedroom Bed and Breakfast Within  
Existing Dwelling  
Tax Map Key: 1-5-26:1

The Planning Commission at its duly held public hearing on May 5, 2006, voted to approve the above-referenced application to allow the establishment of a one-bedroom bed and breakfast operation within an existing single-family dwelling situated on 1 acre of land within the State Land Use Agricultural District. The property is located at the southwest corner of Makuu Drive and 10<sup>th</sup> Avenue, Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The applicants, who reside on the subject property, are requesting a Special Permit to allow a 1-bedroom bed and breakfast operation in their existing 3-bedroom home. The applicants will be residing within one dome-like section that has two bedrooms, a bathroom, a great room, a dining room and the kitchen. The guests will be residing within the other dome-like section that has its own separate entrance with the master bedroom, a bathroom, a living room and a den. The applicants will be serving a continental breakfast at the covered lanai area for the guests. The applicants will be the only employees. Their objective is to provide lodging accommodation for visitors who visit the Big Island of Hawaii.

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

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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. This property is situated on land characterized as Pahoehoe lava. 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 one-bedroom bed and breakfast operation will be confined to the existing single-family dwelling and the remainder of the property will be landscaped with palm trees and fruit trees. 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 1 acre in size and situated within the County's Agricultural (A-1a) zoned district. The applicants currently reside in the existing dwelling as their primary residence. As previously stated, the one-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 have planted palms trees and fruit trees on a portion of the property. 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 is situated on a portion of a 1.0-acre parcel. Surrounding properties are similarly zoned A-1a and are also 1.0-acre parcels. Currently, the nearest residences are located northeast across 10<sup>th</sup> Avenue and to the east across Makuu Drive. Check in time will be at 3 p.m. and check out time will be at 12 noon. There will be no employees other than the applicants associated with the bed and breakfast operation. Clientele will be approximately 2 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, school improvements, and police and fire protection. It is

anticipated that traffic to be generated by the proposed one-bedroom bed and breakfast facility would be minimal. Access to the residence is from Makuu Drive, which is a private road with an approximate 20-foot wide pavement within a 60-foot right-of-way. There is a concrete driveway from Makuu Drive to the residence. The Department of Public Works did not express any concerns regarding the proposed use. There is no municipal sewer system in the subdivision. The applicants currently utilize an existing cesspool. County water is not available to the subject site. The applicants rely on water catchment in conjunction with the residence. The Fire Department has expressed no concerns over this application other than the fire department connection to the water tank be located in an area accessible by fire apparatus. As a condition of approval, bottled drinking water will be made available to the guests. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain. Additionally, a condition of approval will include that the applicants meet all applicable County, State and Federal laws, rules, regulations and requirements.

The proposed use will not substantially alter or change the essential character of the land and the present use. The proposed request of a one-bedroom bed and breakfast operation will be conducted within the existing single-family dwelling located on-site. The character of the surrounding lands is predominantly vacant with scattered single-family residential uses. The applicants currently reside within the existing dwelling on the property. The proposed use is considered accessory to the single-family dwelling. Therefore, the proposed request is considered an unusual and reasonable use of the agricultural land and will not substantially change the essential character of the land and the present use.

The request is not contrary to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map that defines the subject property and immediately surrounding area for Rural. The request is not contrary to the goals, policies and standards of the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property where the proposed request would be located is designated as Rural, includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The proposed request is consistent with the General Plan designation for this area.

The approval of the subject request would support the goals and policies of the Land Use and Economic elements of 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 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. There is no designated public access to the mountain areas over the property. The subject property is located over one mile from the nearest coastline. It is adjacent to existing residences 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 one (1) bedroom.
4. The applicants shall provide bottled water for guests of the bed and breakfast operation.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

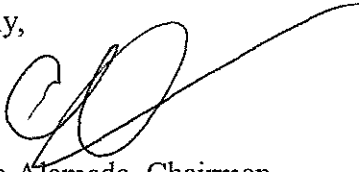
Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

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.

Jimmy W. Lee and Siu Ping Chan  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



C. Kimo Alameda, Chairman  
Planning Commission

Lleechan01PC

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