



County of Hawai'i

LEEWARD PLANNING COMMISSION

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JUN 08 2012

Mr. William Pink and Ms. Patricia Page
78-6612-A Māmalahoa Highway
Holualoa, HI 96725

Dear Mr. Pink and Ms. Page:

Special Permit Application (SPP 12-000133)

Applicant: William Pink and Patricia Page

Request: To Establish a Two-Bedroom Bed and Breakfast Operation
Within an Existing Dwelling

Tax Map Key: 7-8-015:015

The Leeward Planning Commission, at its duly held public hearing on May 17, 2012, voted to approved the above-referenced Special Permit to allow the establishment of a two-bedroom bed and breakfast operation within an existing four-bedroom dwelling and two-bedroom ohana dwelling on 27,094 square feet of land situated in the State Land Use Rural District. The property is located on the west (makai) side of Māmalahoa Highway approximately 1,100 feet north of the Moku'aikaua Road-Māmalahoa Highway intersection, Kahalu'u-Keauhou 1 Houselots, North Kona, Hawai'i.

Approval of the request is based on the following:

The applicants are requesting a Special Permit to allow the establishment of a two (2)-bedroom bed and breakfast operation within existing dwellings on one property. The property contains a 4-bedroom main dwelling and a detached 2-bedroom 'ohana dwelling.

The applicants propose to use one bedroom in the main house and one bedroom in the 'ohana dwelling for the bed and breakfast operation. The applicants will reside on the property in the main dwelling and will be the only employees of the operation. Breakfast meals will be provided to guests. The bed and breakfast establishment will operate seven days a week. Parking will be provided on-site.

Hawai'i County is an Equal Opportunity Provider and Employer

The criteria for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. Rule 6-6 states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Rural District, and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the State Land Use Rural District and would promote the effectiveness and objectives of the State Land Use Law and Regulations and Chapter 205, HRS, as amended. The subject property is situated within the State Land Use Rural District and is zoned Residential and Agricultural (RA-.5a) by the County. The Rural District provides for activities or uses characterized by low density residential lots of not more than one dwelling house per one-half acre, except as provided by county ordinance, in areas where "city-like" concentrations of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots. The County Zoning Code permits 'ohana dwellings on land zoned Residential and Agricultural (RA). However, a Special Permit is required to allow the use of the dwellings on the property for a bed and breakfast operation, since this use is not strictly residential in nature. The proposed use will occur entirely within the existing dwellings on the property and will be subordinate and incidental to the principal use of these dwellings as residences. Therefore, the subject request is considered an unusual and reasonable use of rural land.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The proposed use is considered an unusual use of rural land in that it is not strictly residential in nature but is reasonable because it will occur within existing dwellings on land that is rural in character and part of a low density residential subdivision.

B) The desired use would not adversely affect surrounding properties. Surrounding properties to the north, south and east are similarly zoned RA-.5a and are part of the Kahalu'u-Keauhou 1 Houselots subdivision. The properties to the west, which are about seven acres in size, are zoned A-5a and planted in macadamia nuts and coffee. As the proposed use will occur within the existing dwellings, it is not anticipated to have an adverse affect on the surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The requested use will not burden public agencies to provide additional

services. Access to the subject property is from Māmalahoa Highway, which is a two lane County roadway. Traffic in the area would increase slightly as a result of the proposed use. County water is available to the property via two 5/8-inch water meters. Wastewater for the main dwelling and 'ohana dwelling is disposed of into two cesspool systems approved by the Department of Health. The property is situated outside of the 500-year flood plain. Electricity and telephone services are available to the property and police, fire and medical services are available nearby in Kailua-Kona and Kealahou.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. The proposed bed and breakfast operation is part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. A localized and unique lodging facility provides the visitor an opportunity to experience Hawai'i in a home-type setting as well as contribute to the economic structure of the County. Within the County of Hawai'i, there are unique areas and structures that can provide this type of service to the visitor.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Land uses permitted in the Rural district include low density residential uses, agricultural uses, golf courses, driving ranges and related facilities and public, quasi-public and public utility facilities. The property is situated in an area that is classified as Other Important Agricultural land by the Department of Agriculture's ALISH Map, and is classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating. The property's soil type is in the Kaimū series which is not suitable for cultivation although small areas are used for pasture, macadamia nuts, papaya and citrus fruits. The property has been developed as part of a low density residential subdivision and the proposed use will occur within existing dwellings.

(F) The use will not substantially alter or change the essential character of the land and the present use. The property is located in a rural residential subdivision. The proposed use will be conducted entirely within the existing dwellings and will not change the exterior appearance of the dwellings. A slight increase in traffic will occur but is not expected to change the character of the land. Thus, the proposed use will not substantially alter or change the essential character of the land or its present use.

(G) The request will not be contrary to the General Plan, Puna Community Development Plan (CDP) and other documents such as Design Plans. 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 is located in an area identified as Rural in the General Plan. This designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. 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. Thus, the request will not be contrary to the LUPAG Map designation for this area. Additionally, approval of the subject request would support the goals and policies of the Land Use and Economic elements of General Plan.

Land Use Element

- 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.
- Encourage the development of a visitor industry that is consistent with the social, physical and economic goals of the residents of the County.

The primary land use goal of the Kona CDP is to direct urban uses to the Kona Urban Area defined in the Kona Land Use Map. The subject property is located outside of the Kona Urban Area. According to the Kona CDP, outside of the Urban Area, the character of the rural areas should prevail by directing future growth to the existing rural towns and villages in order to protect important agricultural land from urban development. The proposed use will occur within existing dwellings on property that is part of an existing rural subdivision. Thus, the request is consistent with the goals and objectives of the Kona CDP.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to coastal zone management program. The subject property is located over a mile from the closest shoreline and is not located within the Special Management Area. Given the fact that the property has been developed with a main dwelling and 'ohana dwelling in which the proposed use will occur, it is unlikely that any archaeological features and threatened plant, animal or avian species will be adversely affected. There is no designated public access to the mountain areas over the property. Therefore, the proposed use will not adversely impact any

Mr. William Pink and Ms. Patricia Page
Page 5

recreational resources, including access to and along the shoreline, scenic and open space 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 two-bedroom 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 and Regulations.

Approval of this request is subject to the following conditions:

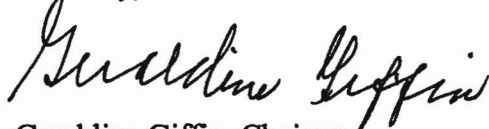
1. The applicants, successors or assigns shall comply with all applicable requirements of Section 25-4-7 of Chapter 25, Hawai'i County Code, (Zoning Code), relating to Bed and Breakfast Establishments.
2. The applicants, successors or assigns shall comply with all applicable County, State and Federal 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.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Geraldine Giffin, Chairman
Leeward Planning Commission

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cc: State Department of Health
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
State Land Use Commission
Mr. Gilbert Bailado