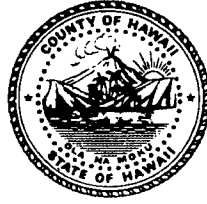


Harry Kim
Mayor

Wil Okabe
Managing Director



Joseph Clarkson, Chair
Thomas Raffipiy, Vice Chair
Gilbert Aguinaldo
Dean Au
Donn Dela Cruz
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

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

MAY 20 2019

Ms. Susan Kim
15-921 Paradise Ala Kai
Kea'au, HI 96749

Dear Ms. Kim:

SUBJECT; Special Permit No. SPP 18-000203
Applicant: Susan Kim
Permitted Use: Allow the Establishment of a One-Bedroom Bed and
Breakfast Operation
Tax Map Key: 1-5-057:087

The Windward Planning Commission, at its duly held public hearing on May 2, 2019, considered the above-referenced request to establish a one-bedroom bed and breakfast operation within an existing two-bedroom dwelling on 0.65 acres of land. The property is located at 15-921 Paradise Ala Kai, approximately 0.4 miles from the intersection with Beach Road, Hawaiian Paradise Park Subdivision, Kea'au, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant 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.

MAY 20 2019

Ms. Susan Kim

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4. The applicant 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.

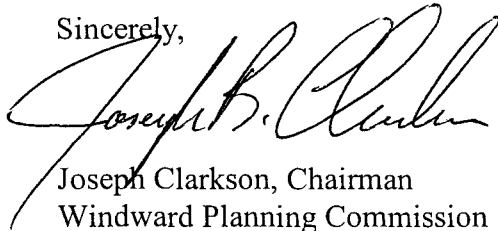
Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

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.

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LKimSPP18-203wpc

Enclosure: PC Findings

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
GIS Section

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

SUSAN KIM
SPECIAL PERMIT APPLICATION (SPP 18-000203)

Based on the following findings, Special Permit No. 18-000203 is hereby approved to allow the establishment of a 1-bedroom bed and breakfast operation on .65 acres of land in the State Land Use Agricultural District. The subject property is located at 15-921 Paradise Ala Kai, approximately .4 miles from its intersection with Beach Road, Kea'au, Hawai'i, TMK: (3) 1-5-057:087.

The applicant, who resides on the subject property, is requesting a Special Permit to allow a 1-bedroom bed and breakfast operation in her existing 2-bedroom home. The 2-bedroom/2-bathroom dwelling was constructed in 2001, with a completed final inspection on October 10, 2001. The bed and breakfast will operate within the existing footprint of the dwelling. The applicant intends to serve local fruits, fresh breads, juice, tea and coffee, in addition to hot food such as eggs, sausage and oatmeal, in compliance with the Department of Health's Guidelines for Bed and Breakfast Operators. The applicant intends to be the only employee. Her objective is to provide alternative accommodations for visitors who visit the Big Island of Hawai'i.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i 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 Hawai'i. 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 applicant. The one-bedroom bed and breakfast operation will be confined to a portion of the existing single-family dwelling constructed on-site. 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 0.65 acre in size and situated within the County's Agricultural (A-1a) zoned district. The applicant currently resides in the existing dwelling proposed for the bed and breakfast operation as her primary residence. 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 applicant has tried to

cultivate plants and farm a portion of the property. According to the applicant, the ocean salt spray creates difficult growing conditions for most plants. 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 0.65-acre parcel. Surrounding properties in this area of the Hawaiian Paradise Park Subdivision are approximately 0.5-acre in size and are zoned Agricultural (A-1a). Uses in the surrounding area consist of vacant lands and scattered single-family dwellings. The nearest dwellings are located on the properties to the south and north. There will be no employees other than the applicant associated with the bed and breakfast operation. 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 site is from Kea'au-Pāhoa Road (State Highway 130) to Paradise Drive onto Paradise Ala Kai Drive, a private roadway with a pavement width of 12 feet within a 40-foot right-of-way. All roads within Hawaiian Paradise Park are private. The Department of Public Works did not express any concerns regarding the proposed use. There is no municipal sewer system in the subdivision. The applicant currently utilizes an existing septic system. County water is not available to the subject site. The applicant relies on water catchment in conjunction with the residence. 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 and VE on the Flood Insurance Rate Map (FIRM) by FEMA. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard (wave action). An additional condition of approval will include that the applicant meets 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 an existing single-family dwelling located on-site. The character of the surrounding lands is predominantly vacant with scattered single-family residential uses. The applicant currently resides 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 as Open. 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 Open and Rural. The Rural designation 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 Hawai'i.
- 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 Hawai'i shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- The County of Hawai'i 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 applicant 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 Hawai'i. 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, Hawai'i Revised Statutes, relating to coastal zone management program. Given the fact that the property has been developed with an existing residence and with agricultural use, 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 ocean or mountain areas over the property. It is adjacent to existing residences and vacant lands. The property is located within the Special Management Area and fronts the shoreline. The applicant has submitted an application for an SMA Minor Permit for the proposed use. 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 likely not be affected by coastal hazards or beach erosion.

Based on the above considerations, the proposed 1-bedroom bed and breakfast establishment within an 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.