

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

BACKGROUND REPORT

ROGER JENSEN

USE PERMIT APPLICATION (PL-USE-2024-000025)

ROGER JENSEN is requesting a Use Permit to operate a four (4)-bedroom bed and breakfast establishment within an existing five (5)-bedroom dwelling situated on approximately 7,501 square feet of land within the Agricultural - 5 acres (A-5a) zoning district. The subject property is located at 75-241 Aloha Kona Drive, approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Ka‘ahumanu Highway, Aloha Kona Subdivision, Kailua-Kona, Hawai‘i TMK: (3) 7-5-023:055.

APPLICANT’S REQUEST

1. **Request:** The applicant is requesting a Use Permit to establish a four (4)-bedroom bed and breakfast operation within a five (5)-bedroom, six and a half (6.5)-bathroom, single-family dwelling on the subject property. The bed and breakfast will provide overnight accommodation in four (4) rentable rooms for a maximum of 10 guests for less than 30 days. Breakfast will be provided to registered guests only and no other meals will be provided.
2. **Reason for Request:** The applicant would like to enhance economic opportunities for himself and his employees, while also encouraging a harmonious visitor experience that is in keeping with the surrounding residential uses.
3. **Staffing/Employees:** The bed and breakfast establishment will be operated by the live-in caretaker, who will reside in the fifth bedroom, as well as cleaners and landscapers.
4. **Hours of Operation:** Overnight accommodation for guests with observed quiet hours between 9:00 pm and 8:00 am.
5. **Timetable and Cost:** If the bed and breakfast establishment is approved, the applicant intends to begin operations within 30-60 days of approval and does not feel improvements to the existing dwelling will be necessary.
6. **Definition of “Bed and Breakfast Establishment”:** According to Section 25-1-5 of the Zoning Code, a “bed and breakfast establishment” means any single-family dwellings and/or guest houses (pursuant to section 25-4-9), which have been permitted on a building

site, in which overnight accommodations and only breakfast meals are provided to a maximum of ten guests, for compensation, for periods of less than thirty days.

7. **Landowner:** Debora S. Jensen Trust.
8. **Supportive Information:** The applicant has submitted the attached in support of his request. (**Planning Department Exhibit 1 – Use Permit Application dated April 17, 2024**)

DESCRIPTION OF STATE AND COUNTY PLANS

9. **State Land Use District:** Urban.
10. **General Plan Land Use Pattern Allocation (LUPAG) Map:** Medium Density Urban, which allows for village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential – up to 35 units per acre).
11. **County Zoning:** Agricultural – 5 acre (A-5a).
12. **Kona Community Development Plan (KCDP):** The KCDP was adopted by the Hawai‘i County Council, Ordinance 08 131, on September 25, 2008. The subject property is located in the Kona Urban Area and in close proximity to the Puaa-Waiaha Village neighborhood Transit Oriented Development (TOD) and the Kailua Village Redevelopment regional center TOD.
13. **Special Management Area (SMA):** The property is not within the County's Special Management Area and is located approximately 0.47 miles from the nearest shoreline.
14. **Coastal Zone Management:** The entire State of Hawai‘i lies within the Coastal Zone Management area.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

15. **Subject Property:** The subject property is rectangular in shape. It is improved with a 3-story 5-bedroom, 6.5-bath single-family dwelling constructed in 2012 under Building Permit No. B2012-0493K.
16. **Surrounding Zoning/Land Uses:** The properties immediately surrounding the subject property in the Aloha Kona Subdivision are similarly zoned Agricultural-5 acre (A-5a) and used for residential purposes. The 7+-acre property immediately north is vacant and zoned A-5a.

17. **Flood Insurance Rate Map (FIRM):** The property is classified as Flood Zone “X,” (Area of Minimal Flood Hazard) according to the FEMA Flood Insurance Rate Mapping system.
18. **Flora/Fauna Resources:** No formal survey was conducted of the floral and faunal resources of the site; the applicants do not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject site as this area has been cleared and used residentially for many years. The applicant states that due to the largely urban nature of the surrounding area, it is unlikely that native birds would frequent the area or the subject property. According to the applicant, the vegetation found in the project area consists of landscaping plants typical of the area, including areca and fan palms, hibiscus, and ti. The applicant also states that introduced bird species such as dove, house sparrow, house finch, saffron finch, Japanese White-eye, and myna are common in the area. Also stated by the applicant is that domestic animals such as cats, dogs, and other animals like rats and mongoose are also common in the area.
19. **Archaeological/Cultural/Historical Resources:** No archaeological, historical, and cultural study was conducted of the property as the subject property has been previously impacted by ground-disturbing activities associated with residential development. The applicant states they do not know whether the property or immediate surrounding areas were being used by Native Hawaiians for traditional and customary rights in recent times. No further ground disturbance is being proposed.
20. **Public Access:** There is no known public access to the mountains or the shoreline over the property.

PUBLIC UTILITIES AND SERVICES

21. **Access/Parking/Traffic:** The subject property has one driveway to the single-family dwelling from Aloha Kona Drive. Aloha Kona Drive is a County owned and maintained roadway. According to the Hawai‘i County Zoning Code Section 25-4-51(a)(2), a bed and breakfast establishment must provide one parking stall for each guest bedroom and one stall for the dwelling. The property can accommodate five off-street parking stalls that will be available to guests. According to the applicant, traffic impacts are not anticipated to be significant, given the small scale of the proposed 4-bedroom bed and breakfast.
22. **Water:** According to the Department of Water Supply, the subject property is within the service limits of the Department’s existing water system facilities. The property is

currently being serviced by the Department of Water Supply via an existing 5/8-inch meter limited to an average daily usage of 400 gallons.

23. **Wastewater:** There is no public sewer available in the area. The single-family dwelling is currently being serviced by one septic individual wastewater system.
24. **Solid Waste:** The property owner will collect and dispose of their solid waste at nearby transfer stations.
25. **Food Service Operations:** By definition, bed and breakfast establishments may only provide breakfast meals to guests. The Department of Health (DOH) has responded that a food establishment permit will be required if meals are to include “potentially hazardous food.” If the bed and breakfast will only offer commercial cereals, certain pastries, breads, fruits, coffee, tea, or juice, then a food establishment permit may be avoided, however the limited menu must be documented with DOH and the applicant must comply with other DOH requirements.
26. **Essential Utilities and Services:** Electrical and telephone services are available to the subject property. The nearest fire and police stations are approximately 2.5 miles northwest of the subject property.

AGENCY COMMENTS

27. **State Department of Health (Planning Department Exhibit 2 – June 17, 2024 Memo).**
28. **Department of Environmental Management (Planning Department Exhibit 3 – July 5, 2024 Memo).**
29. **Department of Water Supply (Planning Department Exhibit 4 – June 26, 2024 Memo).**

AGENCIES – NO COMMENTS/NO CONCERNS

30. Real Property Tax Office, and Department of Public Works - Engineering Division, Police Department.

AGENCIES – NO RESPONSE

31. Fire Department, Department of Land and Natural Resources – Land Division.

PUBLIC COMMENTS

32. There are no public comments to date on this application.



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

May 7, 2024

Mr. Jeffrey Darrow, Deputy Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Resubmission of Use Permit Application
Applicant: Roger Jensen
Aloha Kona Subdivision, North Kona, Hawaii, TMKs: (3) 7-5-023:055

Electronically transmitted here within for your review and processing is the resubmission of an application requesting a use permit for the above referenced applicant to allow the operation of a 4-bedroom bed and breakfast on the subject parcel. The property is located within the Aloha Kona Subdivision, at 75-241 Aloha Kona Drive, approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Kaahumanu Highway in Kailua-Kona.

This resubmission is being submitted to correct grammatical and syntax errors and includes additional information pertaining to the existing individual wastewater system (IWS) on the property as well as a revised site plan. The site plan was revised to clarify that the parking area located at the rear of the house is partially over the IWS absorption bed while the septic tank is located on the east side of a low rock wall which separates it from the parking area. Consultation with the Department of Health has confirmed that the absorption bed of the IWS system is traffic rated.

The transmittal includes a) the application form and background & environmental report, which includes the location and proposed site plan; b) a letter of authorization allowing our office to file the application on the landowner's behalf; and c) a list of surrounding property owners within three hundred (300) feet of the subject parcel. A payment of \$500.00 for the County filing fee was paid via electronic check at the time of the previous submittal of this application.

We trust that everything is in order for your acceptance and processing of this application. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator

USE PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION (Type or legibly print the requested information)

APPLICANT(S): Roger Jensen

APPLICANT'S SIGNATURE: Roger Jensen DATE: Apr 17 2024 17:01 PDT

ADDRESS: 75-1186 Keopu Mauka Dr, Holualoa, HI 96725

LIST APPLICANT'S INTEREST (if not owner): Trustee

PHONE: (Bus.) 503-580-3058 (Res.) _____ (Email) rogerjen@yahoo.com

REQUEST: To operate a 4 bedroom bed and breakfast.

TAXMAPKEY(S): (3) 7-5-023:055 ZONING: A-5a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 7,501 sf / 7,501sf

LANDOWNER(S): Debora S Jensen Trust

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION
(may be provided by letter with the below statement included):

DATE: _____

Roger Jensen DATE: Apr 17 2024 17:01 PDT

AGENT: Land Planning Hawaii LLC - John Pipan

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

**COUNTY BACKGROUND & ENVIRONMENTAL REPORT
COUNTY SPECIAL PERMIT REQUEST
ROGER JENSEN
ALOHA KONA SUBDIVISION, KAILUA-KONA, HAWAI'I
TMK: (3) 7-5-023:055**

Table of Contents

I. INTRODUCTION	4
II. PROJECT DESCRIPTION	4
3A. Project Concept and Components	4
3B. Subject Property Description	10
3C. Institutional Considerations.....	14
State Land Use	14
Special Management Area	14
County Zoning and General Plan.....	14
General Plan Discussion	14
Kona Community Development Plan	17
3D. Surrounding Zoning and Land Uses.....	17
3E. Flood Insurance Rate Map	19
3F. Archaeological Resources	19
3G. Valued Cultural Resources.....	19
3H. Flora and Fauna Resources	21
3I. Description of Access.....	21
3J. Traffic Impacts	21
3K. Availability of Utilities.....	21
III. REGULATORY ANALYSIS	22
4A. Conformance to Zoning Code and General Plan	22
4B. Impacts to Surrounding Properties.....	23
4C. Impacts to Public Agencies	23
IV. Conclusion	23

Figures

Figure 1 – Location Map:	5
Figure 2 – Site Plan.....	6
Figure 3a – B&B Floor Plan Ground Floor	7
Figure 3b – B&B Floor Plan Second Floor.....	8
Figure 3c – B&B Floor Plan Third Floor.....	9
Figure 4 – Zoning Map	11
Figure 5 – LUPAG Map	12
Figure 6 – Land Study Bureau Map.....	13
Figure 7 – State Land Use Map	15
Figure 8 - Kona Land Use Map.....	18
Figure 9 – Flood Hazard Map	20

I. INTRODUCTION

Roger Jensen (“**applicant**”) is requesting a use permit to operate a 4-bedroom bed and breakfast on the subject agriculturally zoned property. The property is located within the Aloha Kona Subdivision, at 75-241 Aloha Kona Drive, approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Kaahumanu Highway in Kailua-Kona, HI (**Figure 1**). It contains 7,501 square feet of land and one single-family dwelling and is within the urban State land use district.

Alternative visitor experiences are in high demand in Hawaii. Many visitors to Hawaii are looking for accommodations and experiences outside of the typical resort environment. Bed and breakfast accommodations provide alternative lodging sites for visitors seeking a more personal experience in Hawaii. The County, recognizing this trend, has established guidelines in the Zoning Code, Section 25-4-7(b) regarding bed and breakfast establishments. Under the proposed request, the existing permitted 5-bedroom single-family dwelling on the subject property will continue to be the primary residence of a live-in caretaker who will manage the bed and breakfast operations by renting out the remaining four (4) bedrooms in the dwelling to guests. To this end, the bed and breakfast will be subordinate and clearly incidental to the principal use of the dwelling as the caretaker’s primary residence.

Approval of this bed and breakfast facility would be consistent with the social and physical character of the surrounding residential area and would contribute to the economic development of the County.

II. PROJECT DESCRIPTION

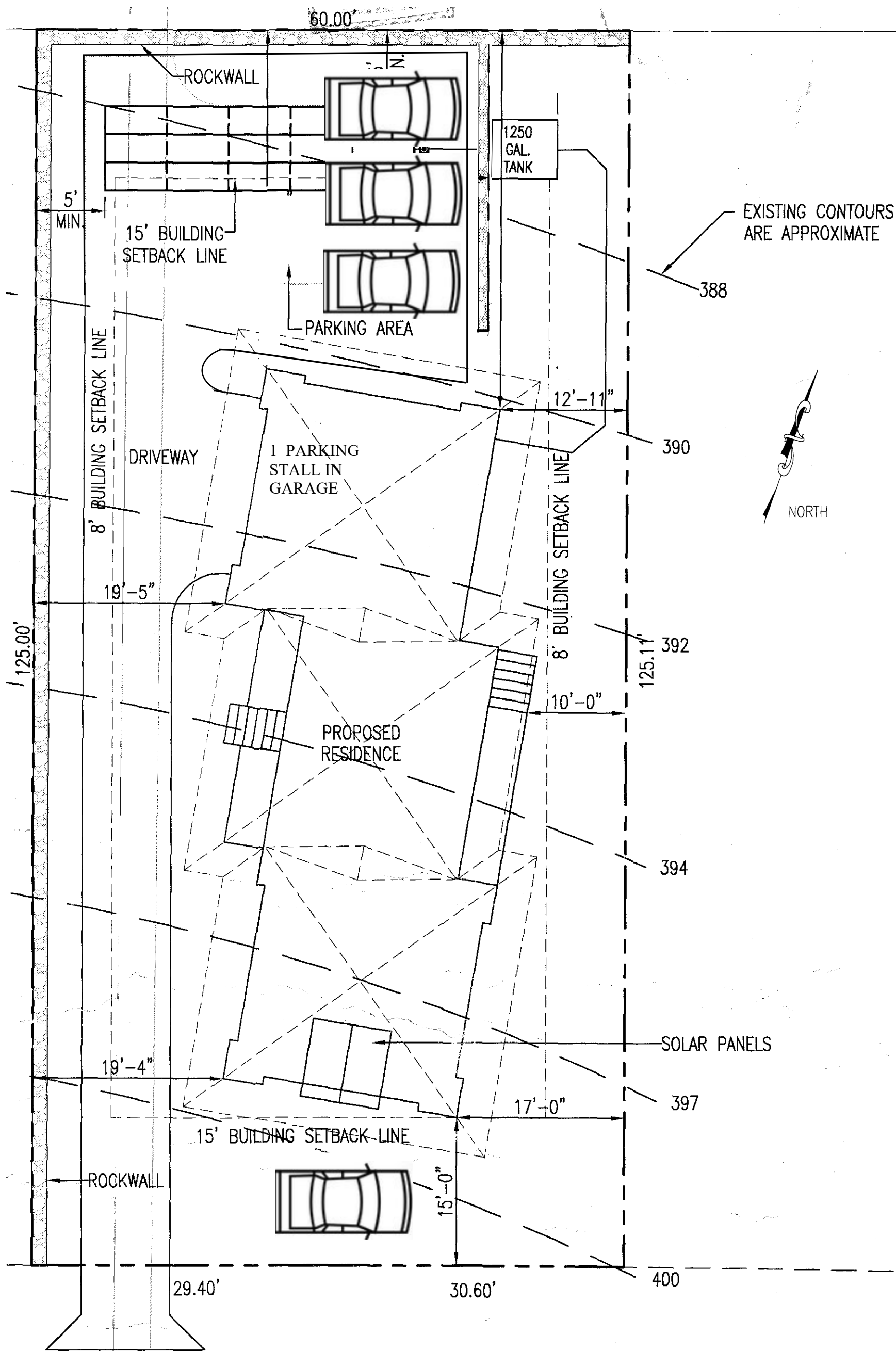
3A. Project Concept and Components

As noted earlier, the subject property is located within the Aloha Kona Subdivision, at 75-241 Aloha Kona Drive, approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Kaahumanu Highway in Kailua-Kona, HI (**Figure 1**). Although the parcel is zoned Agricultural-5 acres (A-5a), it is only 7,501 square-feet in size and within the urban State land use district. The parcel contains an existing 3,104 square foot single-family dwelling containing five (5) bedrooms and six and a half (6.5) bathrooms. The dwelling was permitted under Building Permit No. B2012-0493K in 2012.

There is sufficient on-site parking for at least five (5) vehicles. Consultation with the Department of Health has confirmed that the system’s absorption bed was designed with traffic rated chambers which are located under the rear driveway parking. The system’s tank is located on the east side of an existing rock wall which ensures that cars cannot park over the tank.

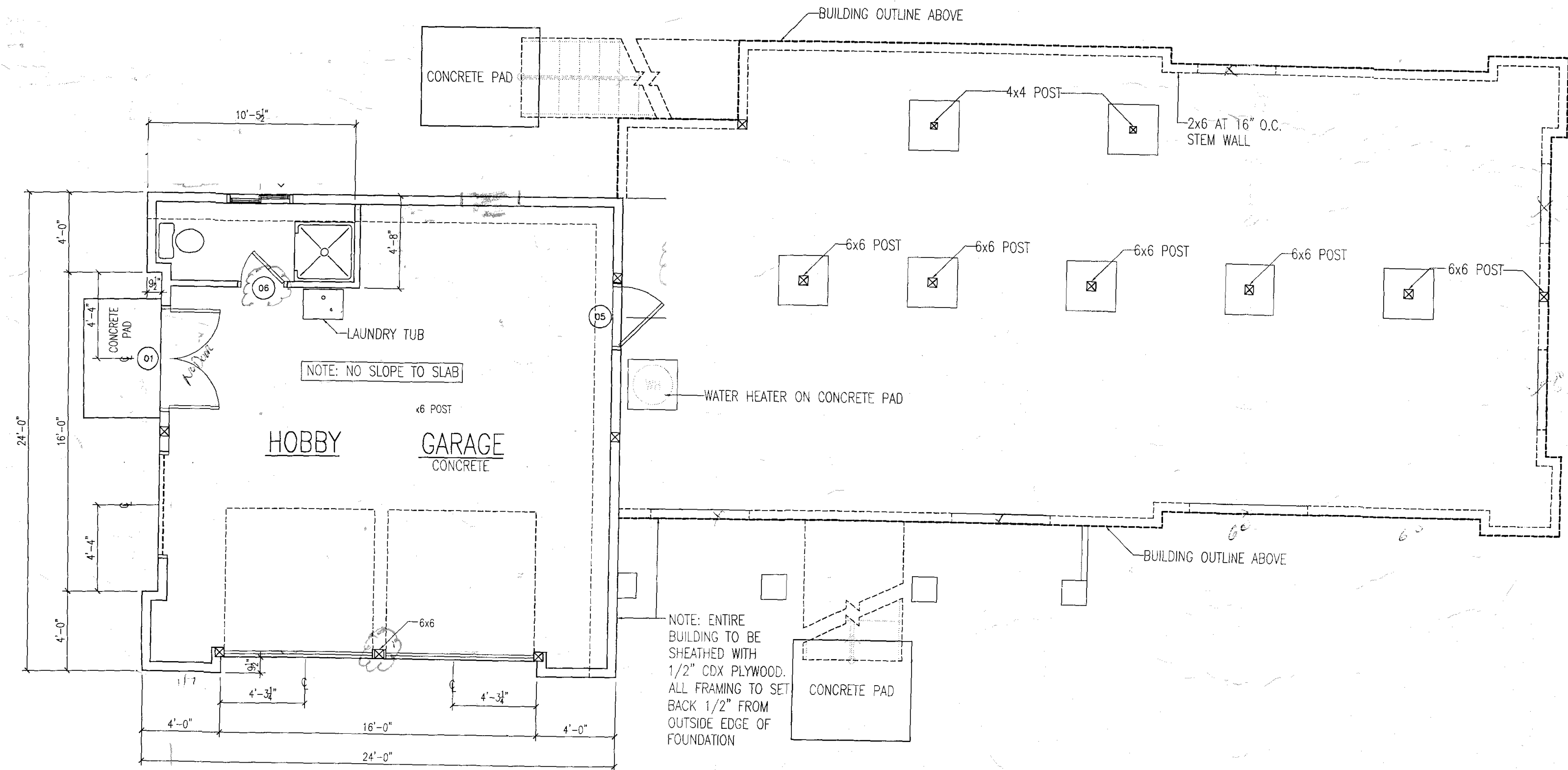
The dwelling is currently the primary residence of a live-in caretaker who will continue to reside in one of the bedrooms while renting out the other four (4) bedrooms in conjunction with the proposed bed and breakfast operations (see the attached site plan as **Figure 2** and floor plans as **Figures 3a-3c**). The proposed bed and breakfast will provide





SITE PLAN FOR
JENSEN B&B
TMK: (3) 7-5-023:055

FIGURE 2



FIRST FLOOR PLAN — GARAGE LEVEL

FIGURE 3a

FIGURE 3c

overnight accommodations to a maximum of ten (10) guests, for compensation, for a period of less than thirty days.

The applicant proposes the following elements be included as part of the Special Permit:

1. Four (4) bedrooms within the existing dwelling on the property will be rented as overnight accommodations to up to 10 guests.
2. Breakfast may be provided only to registered guests and no other meals will be provided.
3. Guests will be required to park within the five (5) designated on-site parking stalls identified on the attached site plan (**Figure 2**). Four (4) stalls are located in the driveway and one (1) stall is located in the garage.
4. Guests will observe quiet hours from 9:00 p.m to 8:00 a.m. and sound levels during non-quiet hours will remain at a residential level.
5. The bed and breakfast will be operated by the property caretaker who will reside on-site in the bedroom indicated on the floor plans (**Figure 3b**).
6. Access will be via Aloha Kona Drive, a County owned and maintained paved roadway. Guests will utilize an existing paved driveway to reach the guest parking stalls.

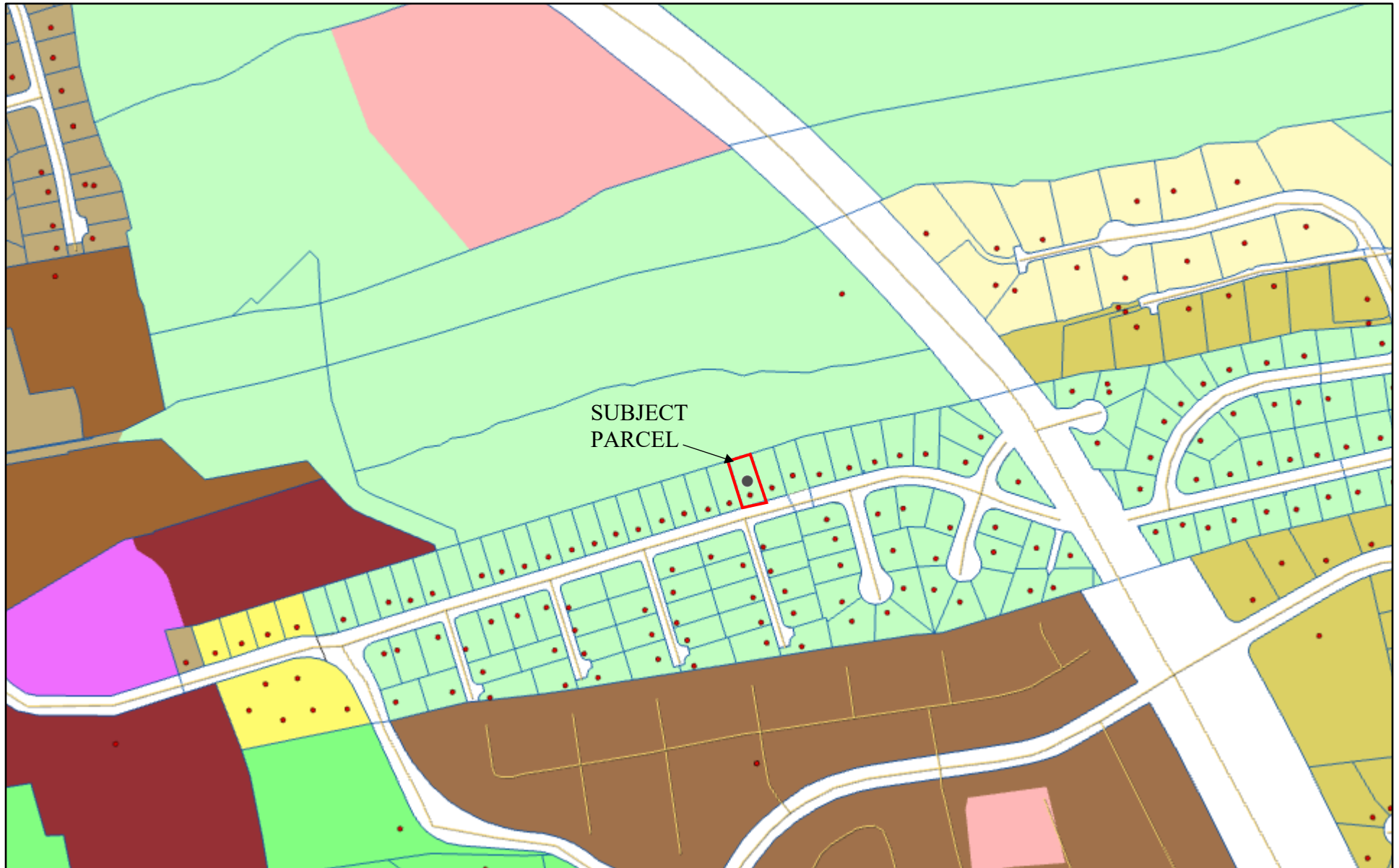
3B. Subject Property Description

The subject site, identified as TMK (3) 7-5-023:055, consists of 7,501 square feet of land zoned A-5a (**Figure 4**). The parcel is located approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Kaahumanu Highway in Kailua-Kona, HI (**Figure 1**). Access to the parcel is from Aloha Kona Drive, a County owned and maintained paved roadway. The parcel is rectangular in shape and has been used residentially since the 1960s.

This area of the North Kona District is considered Lava Zone 4, on a scale ranging from 9 to 1 (least hazardous to most). The site is located approximately 0.5 miles from the coastline and is not within a Conservation District or Special Management Area.

The Land Use Pattern Allocation Guide (LUPAG) designates this land as *medium density urban* (**Figure 5**) and the Land Study Bureau classifies the soils for this property as roughly half “E” (very poor) with the remaining half unclassified (**Figure 6**). Under the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the subject site is unclassified. The U.S. Department of Agricultural Natural Resource Conservation Service (NRCS) has designated the soil type for the property as Waiaha-Punaluu lava flows complex with 10 to 20 percent slopes. This soil type is formed by ash

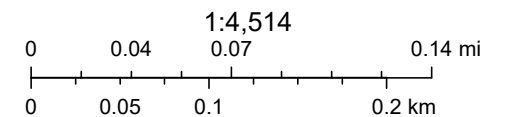
FIGURE 4 - ZONING MAP



4/3/2024, 3:09:47 PM

Hawaii County Zoning

CN-20	RM-1	RS-10
(road)	RM-2.5	RS-15
A-1a	RD-3.75	RS-20
A-5a		

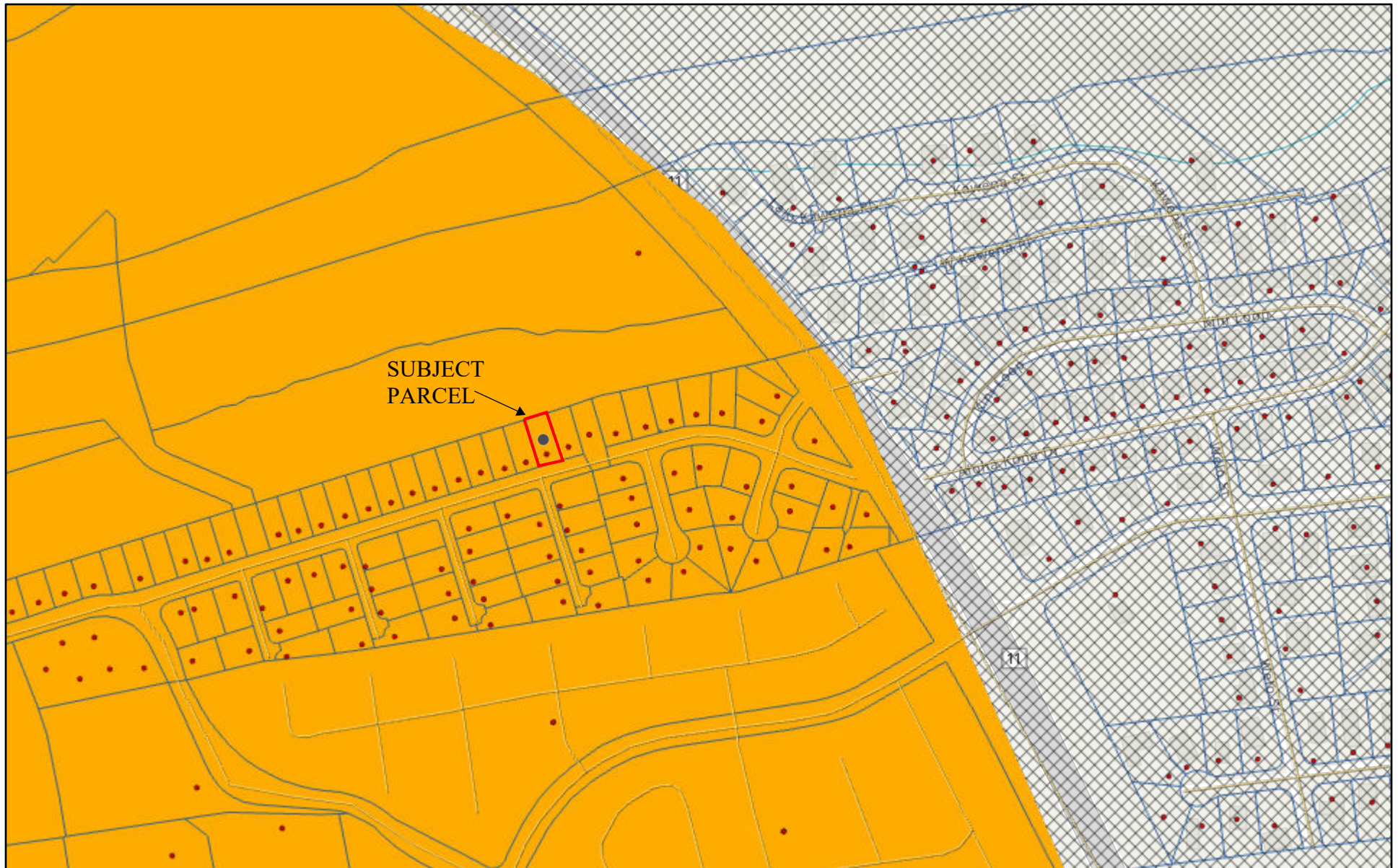


Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

FIGURE 5 - LUPAG MAP



4/3/2024, 3:11:05 PM

Land Use Pattern Allocation Guide (LUPAG)

 Medium Density Urban

 Urban Expansion

 Parcels (current boundary lines)

 Address Points

 Street Centerlines

 Hawaii County District Boundary

1:4,514

0 0.04 0.07 0.14 mi

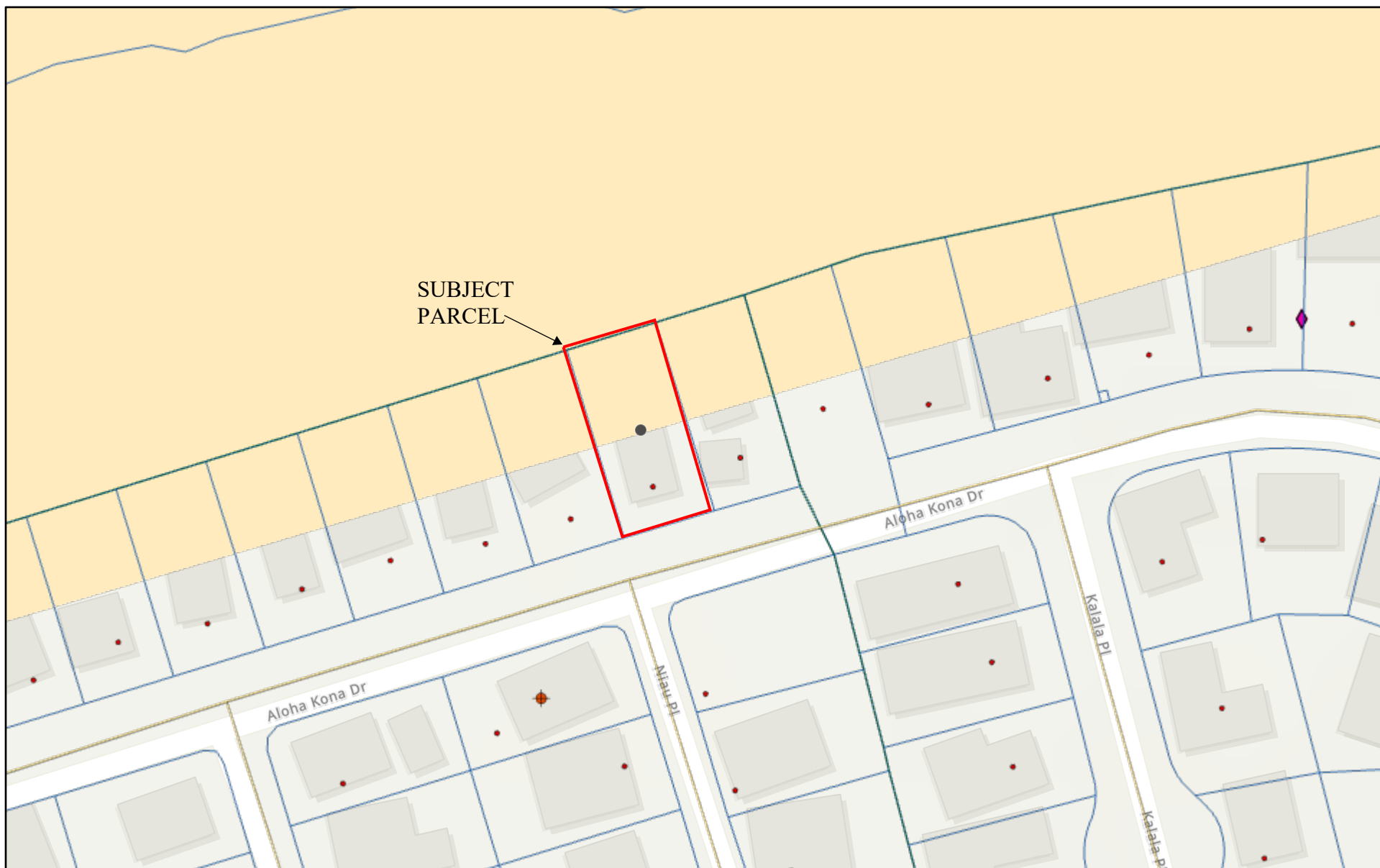
0 0.05 0.1 0.2 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

FIGURE 6 - LAND STUDY BUREAU MAP



4/3/2024, 3:08:05 PM

Land Study Bureau Soil Type (LSB)

E

Final Subdivisions

Variances

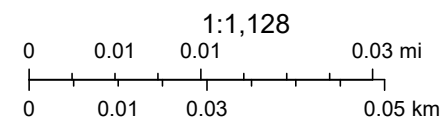
Use Permits

Parcels (current boundary lines)

Address Points

Street Centerlines

Hawaii County District Boundary



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

fields on pahoehoe lava flows. The soil is considered well drained with a high runoff class.

3C. Institutional Considerations

State Land Use

The subject site is designated State land use urban (**Figure 7**). The proposed use would not be contrary to the objectives of Chapter 205, or Title 15 Chapter 15 Hawaii Revised Statutes. State land use laws and regulations generally defer to the authority of the County regarding permitted uses within the urban district.

Hawaii County Code Chapter 25-5-72(d)(1) allows for the establishment of a bed and breakfast on agriculturally zoned lands outside the State land use agricultural district provided that a use permit is issued by the Planning Commission in accordance with County Code Sections 25-2-62 to 65.

Special Management Area

The subject property is approximately 0.5 miles inland from the coast and is outside of the designated Special Management Area.

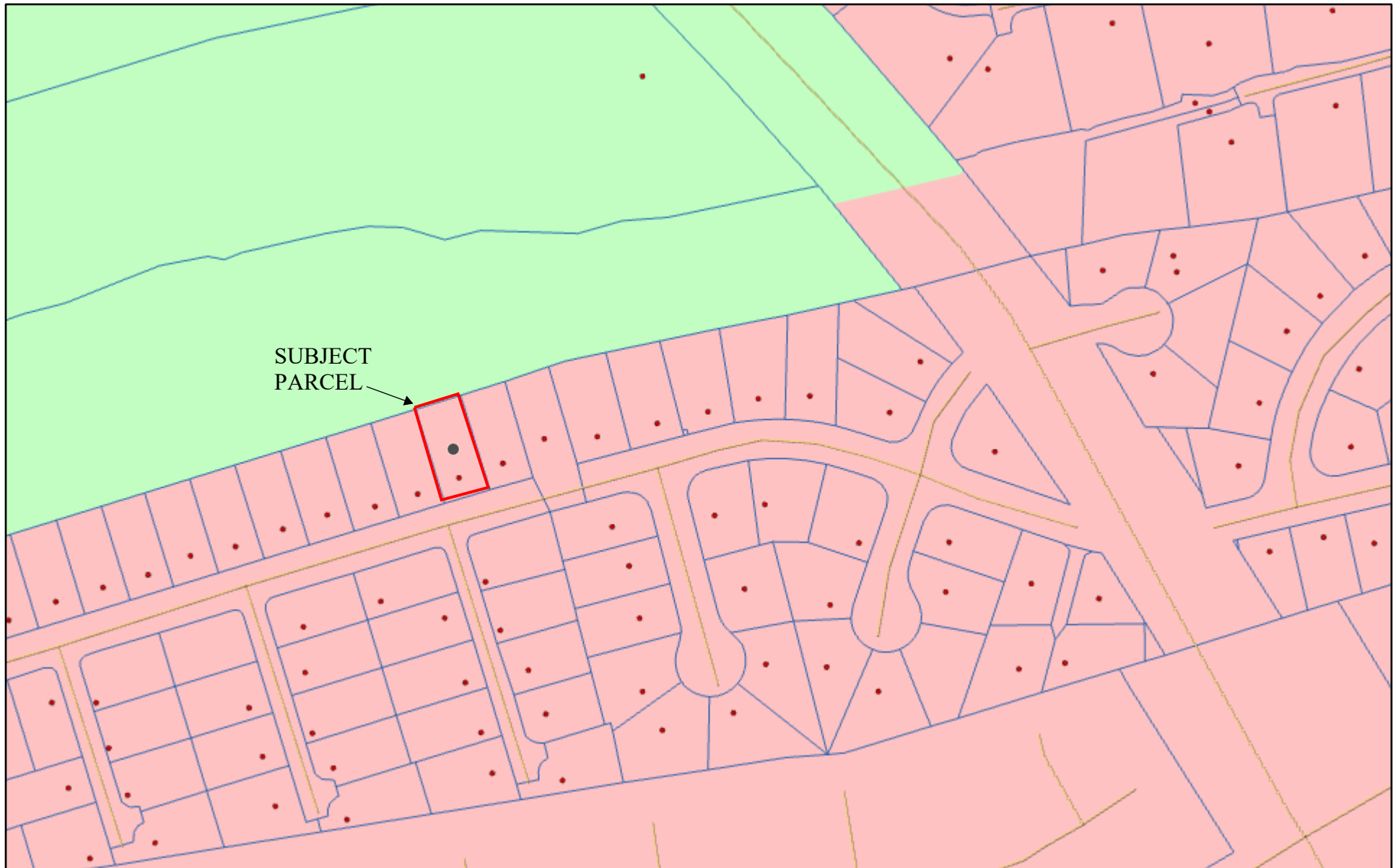
County Zoning and General Plan

The subject property is zoned *Agricultural 5-acres (A-5a)* (**Figure 4**). The County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as *medium density urban* (**Figure 5**). This designation is intended for village and neighborhood commercial and single family and multiple family residential and related functions. Relative to these designations, the General Plan and Hawaii County Code Chapter 25, Section 25-5-72(d)(1) allows for the establishment of a bed and breakfast on agriculturally zoned lands outside of the State land use agricultural district provided that a use permit is issued where the requested use meets certain criteria as outlined in Section III of this report.

General Plan Discussion

The Hawai'i County General Plan serves as a guide for decision-makers in land use matters. The proposed project is conducive to the General Plan's guidelines as it conforms to the following goals, policies, and standards of the General Plan:

FIGURE 7 - STATE LAND USE MAP



4/17/2024, 10:37:55 AM

State Land Use Classifications (SLU)

Agricultural

Urban



Parcels (current boundary lines)



Address Points



Street Centerlines



Hawaii County District Boundary

1:2,257

0 0.02 0.04 0.07 mi

0 0.03 0.06 0.11 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

Economic Elements:

2.2 Goals

- (a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.*
- (b) Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawai'i.*
- (c) Strive for diversity and stability in the economic system.*
- (d) Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.*
- (e) Strive for an economic climate that provides its residents an opportunity for choice of occupation.*
- (f) Strive for diversification of the economy by strengthening existing industries and attracting new endeavors.*

2.3 Policies

- (c) Encourage the development of a visitor industry that is in harmony with the social, physical, and economic goals of the residents of the County.*

Environmental Elements:

4.2 Goals

- (a) Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.*

Land Use Elements:

14.1.2 Goals

- (a) Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*

14.1.3 Policies

- (f) Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*

Additionally, the General plan also notes the following:

In recent years, niche tourism markets, such as eco-tourism and health and wellness tourism have established themselves throughout the island. Niche markets for these types of tourism have growth potential by promoting the abundance of natural, historical and cultural resources this island has to offer. While most of the larger resorts focus upon recreational opportunities offered by the island's coastal resources, these niche tourism markets also take advantage of other natural and cultural resources available from various locations throughout the County.

Discussion: Despite the agricultural zoning of the subject parcel, agricultural uses would not be viable on this property given its size, poor soil quality and existing residential development. Thus, approval of the requested use permit would be in line with the aforementioned economic, environmental and land use goals and policies of the General Plan by providing an opportunity for the applicant to offer niche tourism bed and breakfast accommodations while also earning supplemental income from the property and providing long-term housing for the on-site caretaker. The caretaker would live on-site and ensure that all activities taking place on the property conform to the character of the surrounding neighborhood and that guests adhere to the County's good neighbor policy by observing quiet hours from 9:00 p.m. to 8:00 a.m., sound levels during non-quiet hours remains at a residential level and guest vehicles are parked in the designated onsite parking areas. Thus, approval of the proposed use permit will enhance economic opportunities for the landowner and his employees (i.e. caretaker, cleaners, landscapers, etc), while also encouraging a harmonious visitor experience that is in keeping with the surrounding residential uses.

Kona Community Development Plan

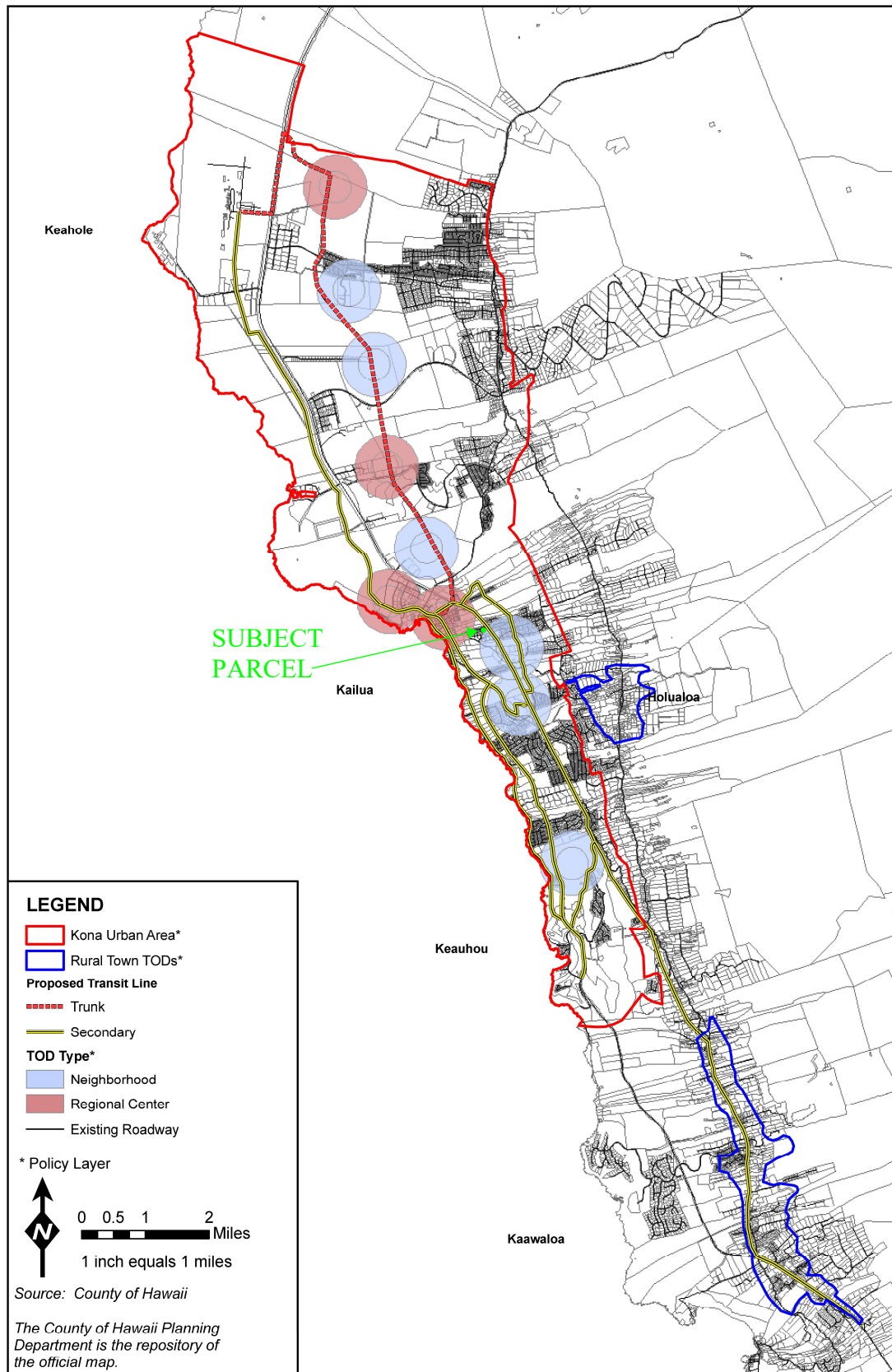
The Kona Community Development Plan (KCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The subject property is located within the Kona Urban Area as identified on the Official Kona Land Use Map (**Figure 8**). As shown on the map,

it is within very close proximity to both the Puaa-Waiaha Village neighborhood TOD and the Kailua Village Redevelopment regional center TOD, making this a convenient location with quick access to all necessary services. Additionally, the proposed use permit request is conducive to Policy LU-1.2 of the KCDP which maintains that *the majority of future growth in Kona shall be directed to the Kona Urban Area shown on the Official Kona Land Use Map which spans from Kona International Airport to Keauhou*. As the proposed bed and breakfast is within the Kona Urban Area, it would further the policy of concentrating growth in this area.

3D. Surrounding Zoning and Land Uses

The subject parcel is located within the Aloha Kona Subdivision. The parcel and surrounding areas are zoned *Agricultural 5-acres (A-5a)* (**Figure 4**). Parcels to the east,

Figure 4-7 Official Kona Land Use Map



west and south of the subject parcel contain single-family dwelling and range in size from approximately 7,500 to approximately 10,000 square feet. Directly north of the subject parcel is a 7.33 acre parcel which appears to be vacant of any uses or structures.

The subject special permit request would remain in keeping with the surrounding residential uses in the area and would only allow transient overnight accommodations for up to 10 individuals. The impacts from such a small number of guests would be minimal.

3E. Flood Insurance Rate Map

The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the subject property to be in Flood Zone X (areas outside of the 500-year flood) (**Figure 9**).

3F. Archaeological Resources

It is unlikely any archaeological or historic resources will be encountered on the property as the property has been fully cleared and developed for residential use for years and no new construction or ground disturbance is proposed by the requested use. Nevertheless, in the event any inadvertent discoveries are made relating to this project, work will cease, and the applicant will immediately notify the Planning Department and the State Department of Land and Natural Resources and secure their clearances before proceeding further.

3G. Valued Cultural Resources

In view of Hawai'i State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion of the cultural, historical and natural resources and associated traditional and customary practices of this site.

The requested action involves utilizing an existing single-family dwelling as a bed and breakfast. No archeological, historical or cultural resources are known to be located on the property. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. Since the site has been developed and used extensively for residential purposes for the last several years, it would appear unlikely that the site would serve such a purpose today and/or in the recent past. Thus, the project does not appear to present any cultural impacts. However, in the event documented claims of gathering or access are made of this site the applicant will honor them.

Based on the above, it does not appear that the project would have any potential adverse impact relating to the cultural and historical resources of the area.



Flood Hazard Map

Title:

Notes:

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

Map generated
on 04/08/2024

[Map Legend](#)



FIGURE 9

3H. Flora and Fauna Resources

Although there was no formal survey conducted of the floral and faunal resources of the site, the applicants do not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject site as this area has been cleared and used residentially many years. Vegetation found in the project area consists of landscaping plants typical of the area, including areca and fan palms, hibiscus, and ti.

Due to the largely urban nature of the surrounding area, it is unlikely that native birds would frequent the area or the subject property. All proposed activities will occur within previously developed areas so no impacts to native flora and fauna are anticipated.

In addition, introduced bird species (such as dove, house sparrow, house finch, saffron finch, Japanese White-eye, myna) are common in this area. Domestic animals such as cats and dogs, and other animals like rats and mongoose are also common. These are all common and not endangered.

As such, it is unlikely that the proposed use of the subject property would cause any adverse faunal impacts.

3I. Description of Access

The parcel is located within the Aloha Kona Subdivision, at 75-241 Aloha Kona Drive, approximately 800 feet west of the intersection of Aloha Kona Drive and Queen Kaahumanu Highway. Aloha Kona Drive is a County owned and maintained paved roadway with a 50-foot right-of-way. The property contains a paved driveway that will connect guests to the on-site designated parking stalls.

3J. Traffic Impacts

Traffic in the area is generally made up of area residents. Traffic generated from the request would be limited to registered guests of the proposed 4-bedroom bed and breakfast and would remain consistent with the current residential levels. Thus, the proposed use will not represent a significant increase in traffic.

3K. Availability of Utilities

HELCO power is available and connected to the site. Water is provided by the Department of Water Supply and the property contains a permitted individual wastewater system (IWS) with sufficient capacity for the proposed use. All other utilities are also available to the site.

III. REGULATORY ANALYSIS

4A. Conformance to Zoning Code and General Plan

Granting of the proposed use would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan. The subject parcel is zoned A-5a and the County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as *medium density urban* (**Figure 5**). This designation is intended for village and neighborhood commercial and single family and multiple family residential and related functions. Relative to these designations, the General Plan and Hawaii County Code Chapter 25, Section 25-5-72(d)(1) allows for the establishment of a bed and breakfast on agriculturally zoned lands outside of the State land use agricultural district provided that a use permit is issued where the requested use meets certain criteria as described herein.

The proposed use conforms to the Economic and Land Use Policies, Goals, and Standards of the General Plan as is further outlined in Section II.3C of this report. These elements of the General plan state that a project should provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments, and that those developments shall be in balance with the physical, social, and cultural environments of the island of Hawai'i. Additionally, the General Plan encourages diversification of the economy by strengthening existing industries and attracting new endeavors and encourages the development of small-scale accommodations which enable visitors to take advantage of natural and cultural resources throughout the County versus large resorts that often focus on coastal or resort-type recreational activities.

The proposed project is in alignment with these elements of the General Plan. Although zoned A-5a, the parcel is within the urban State land use district and the use of the property and the surrounding area is residential as parcels in this area are only 7,500 – 10,000 square feet and thus not large enough to support agricultural uses. Therefore, approval of this bed and breakfast facility would be consistent with the social and physical character of this suburban area. Additionally, the proposed project would enhance economic opportunity for the applicant and contribute to the economic development of the County while also providing additional alternative lodging choices for visitors.

Furthermore, the proposed use would not substantially alter or change the essential character of the land and the present use. Rather, the proposed project is intended to preserve the essential character of land and residential use of the property so that it may be enjoyed by others. The subject property is presently used residentially and will continue to be used residentially under the proposed project as the dwelling will serve as the primary residence for the caretaker.

4B. Impacts to Community's Character and Surrounding Properties

The desired use shall not adversely affect the surrounding properties. No changes are proposed to the existing dwelling and thus the appearance of the property will remain unchanged and consistent with the surrounding residential area. Like many other properties in the area, the applicant will continue to utilize landscaping to screen views from neighboring properties. This landscaping will remain in keeping with the character of the area. All patrons will park on site in the designated parking spaces in the driveway. Based on the maximum number of guests and anticipated frequency of trips, the proposed request will not generate a significant increase in traffic. Additionally, the requested use should not interfere with morning school and work traffic as guests are more likely to travel during non-peak hours.

Though the bed & breakfast will be available for overnight accommodations, the on-site caretaker will ensure that guests adhere to the County's Good Neighbor Policy and observe quiet hours from 9:00 p.m to 8:00 a.m. and that sound levels during non-quiet hours will remain at a residential level. The on-site caretaker will be available to further mitigate any potential adverse impacts from visitor use.

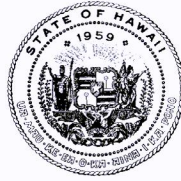
4C. Impacts to Public Agencies

The proposed project will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject site is already accessible via Aloha Kona Drive and no additional utilities will need to be provided by public agencies. The Kailua-Kona Fire Station and the Hawaii County Police Department Office are both located within 2.5 miles of the property.

The site is served by the County water system. Wastewater is currently handled by a permitted individual wastewater system. The parcel is served by all other utilities. Therefore, the proposed use is not expected to impact public agencies as it will not require any services.

IV. Conclusion

Alternative visitor experiences are in high demand in Hawai'i. Many visitors to Hawai'i are looking for accommodations and experiences outside of the typical resort environment. Bed and breakfast accommodations provide alternative lodging opportunities for visitors seeking a more personal experience in Hawaii while also providing permanent housing for the bed and breakfast operator. Additionally, the proposed bed and breakfast establishment will provide an appropriate scale of service in this suburban, residential area and will maintain the unique small-town character of the community. Thus, approval of the proposed use permit request would be reasonable as it would enable the landowner to realize his entrepreneurial goals without unduly burdening public agencies or causing any substantial adverse impacts to the surrounding community.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: June 17, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: **Use Permit Application (PL-USE-2024-000025) Applicant: Roger Jensen**
Request: To Operate a Four (4)-Bedroom Bed and Breakfast Establishment
Tax Map Key: (3) 7-5-023:055, North Kona, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all

airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental

- compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. “Bed and Breakfast establishment” means a single-family dwelling, including a single guest house, in which overnight accommodations and only breakfast meals are provided, and the number of guests does not exceed six(6).
2. “Potentially hazardous food” means any food that consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of four and six-tenths or below or a water activity (aw) value of eighty-five hundredths or less.

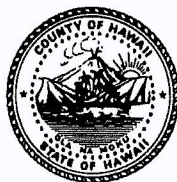
3. When required by the County Planning Department, Bed and Breakfast establishments may request documentation from the Department of Health. The Department of Health will provide documentation to the Planning Department once written communication from the Bed and Breakfast operators are received regarding their food service operations.
4. If the proposed Bed and Breakfast meal consists of commercial cereal, pastries (except custards or cream filled), breads, fruits, coffee, tea, and juice, a food establishment permit will not be required from the Department of Health at this time. This limited menu must be documented in a letter to the Department of Health. The guests shall be informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department of Health.
5. For Bed and Breakfast operations that provide meals which include potentially hazardous foods, a food establishment permit will be required to operate. County landuse approval for operating a food establishment may also be required. A kitchen used to prepare foods for individual family consumption will not be allowed to be permitted. A separate commercial kitchen will need to be constructed. If you have any questions regarding this guideline, please feel free to call the Food Safety Program at 933-0917.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

A handwritten signature in black ink, reading "Brenda Iokepa-Moses".

DATE: July 5, 2024

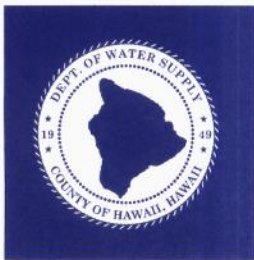
SUBJECT: **Use Permit Application (PL-USE-2024-000025)**
Applicant: Roger Jensen
Request: To Operate a Four (4)-Bedroom Bed and Breakfast Establishment
Tax Map Key: (3) 7-5-023:055, North Kona, Hawai'i

The Solid Waste Division has reviewed the subject application and provides the following comments (contact the Solid Waste Division for more details:

- Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.

The Wastewater Division has reviewed the subject application and provides the following comment:

- No County sewer system in area. Applicant shall follow Hawai'i Department of Health, and all other applicable federal, state, and county regulations.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAO'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 26, 2024

COH PLANNING DEPT
JUN 27 2024 PM2:38

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Use Permit Application (PL-USE-2024-000025)**
Applicant - Roger Jensen
Request - To Operate a Four (4)-Bedroom Bed and Breakfast Establishment
Tax Map Key 7-5-023:055

We have reviewed the subject application and have the following comments.

Please be informed that the subject parcel is currently served by an existing 5/8-inch meter (Account No. 856-87670). We have no objection to the establishment of a 4-bedroom bed and breakfast on the subject parcel.

The applicant shall be informed, through a copy of this letter, that the existing 5/8-inch meter is limited to an average daily usage of 400 gallons, and the Department may install a flow-reducing device on the meter should the consumption through the existing meter exceed its rated capacity.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Mr. Roger Jensen
Land Planning Hawaii LLC

Planning Dept.
Exhibit 4

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.