

COUNTY OF HAWAI'I PLANNING DEPARTMENT

BACKGROUND REPORT

JIAN ZHONG

SPECIAL PERMIT APPLICATION (PL-SPP-2024-000068)

JIAN ZHONG has submitted an application for a Special Permit to establish a two (2) bedroom bed and breakfast establishment within an existing 'Ohana dwelling on a 1,547-square foot portion of an approximately 20.029-acre parcel of land in the State Land Use Agricultural District. The subject property is part of a three (3) unit Condominium Property Regime (CPR) of which CPR Unit 1 consists of approximately 5.287-acres of land and is located at 73-1955 Hao Street Unit A, approximately 3,376 feet east of its intersection with Kaloko Drive, Portion Kaloko-Mauka Subdivision Increment 2, Kaloko, North Kona, Hawai'i, TMK: (3) 7-3-026:023-0001.

APPLICANT'S REQUEST

1. **Request:** The applicant, who resides on the property, is requesting a Special Permit to allow a two (2)-bedroom bed and breakfast operation in an existing two-story, 2,447-square foot, three (3)-bedroom single-family dwelling with an unpermitted unfinished basement. The applicant intends to secure a building permit for the unfinished basement. The bed and breakfast will operate within the existing footprint of the single-family dwelling, with the intention of providing accommodation for a maximum of four (4) guests.
2. **Objectives:** The applicant states that the approval of this permit will allow the ability to generate supplemental income during the times her family members are away. The income would help to offset the increasing cost of living, pay for her children's tuition, and home improvements.
3. **Employees:** The applicant intends to be the primary host and caretaker of the bed and breakfast.
4. **Parking:** Off-street parking is available for the guests of the bed and breakfast operation and for the residence. The applicant intends to provide a minimum of two (2) parking stalls to accommodate the proposed bed and breakfast operation.

5. **Project Timetable and Cost:** The applicant intends to commence the proposed use immediately following approval of the Special Permit, subject to any building permit requirements, and does not anticipate construction costs.
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:** Jian Zhong
8. **Supportive Information:** A Special Permit is required to operate a bed and breakfast establishment in the State Land Use Agricultural District. The applicant submitted the attached in support of the request for a Special Permit: **(Planning Department Exhibit 1 - Special Permit Application Dated April 12, 2024)**

BACKGROUND INFORMATION

9. **Building Permits:** According to records on file with the Building Division, the following building permits have been issued and completed for the subject property:
 - **May 24, 1989:** Issuance of building permit no. 895636 for the construction of a three bedroom/two-bathroom 1,288 square foot ‘Ohana dwelling. Finalized on October 19, 1989.
 - **November 3, 2003:** Issuance of building permit no.036595 for the addition of a 839 square foot open three-car carport to existing dwelling. Finalized January 21, 2004.

DESCRIPTION OF STATE AND COUNTY PLANS

10. **State Land Use District:** Agricultural.
11. **County Zoning:** Agricultural-20 acre (A-20a).
12. **General Plan LUPAG MAP:** The General Plan LUPAG map classifies the subject property as Important Agricultural Lands (ial) which refers to land that has better potential for sustained high agricultural yields because of the soil type, climate, topography, or other factors.
13. **Kona Community Development Plan (CDP):** The Kona CDP, originally adopted by the

Hawai‘i County Council on September 25, 2008, and most recently amended on September 18, 2019, identifies the preferred land use pattern for the Kona districts. The subject property is not within the Kona Urban Area or any Rural Town Centers.

14. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The property is not located within the Special Management Area and does not front the shoreline.

DESCRIPTION OF PROPERTY AND SURROUNDING AREAS

15. **Subject Property:** The property is located in the Kaloko-Mauka Subdivision approximately 2.3 miles mauka of the intersection of Kaloko Drive and Hawai‘i Belt Road. The subject property which is Unit 1 of the is a 5.287-acre portion of a 20.029-acre CPR. The property entered a CPR in December 1999, after the three dwellings were built on the property. A single-family dwelling (SFD) was built in 1979, an ‘Ohana dwelling (OHD) was built in 1989, and an Additional Farm Dwelling (AFDA) was built in 1991. The subject parcel is irregular in shape. An existing two story, three-bedroom/two-bathroom single-family dwelling, constructed in 1989, will be used for the bed and breakfast operation. The remainder of the property will continue to be used for growing bamboo, avocado trees, orange trees, apple trees, and coffee.
16. **Surrounding Zoning/Land Uses:** Lands surrounding the subject parcel are zoned Agricultural-7 acre (A-7a), Agricultural-10 acres (A-10a) and Agricultural-20 acres (A-20a), with uses consisting of residences, agriculture, and mainly native forest. The subject property is bordered by dwellings toward the north and the west, with the closest dwelling approximately 475 feet from the proposed bed and breakfast structure to the north of the subject dwelling. There are no known B&B operations nearby, but there are 4 B&B’s at lower elevations in the subdivision that were established by Special Permit in 1996, 1998, 1999, and 2011.
17. **Land Study Bureau's Detailed Land Classification System:** Soil within the property is classified as “E” or “Very Poor”.
18. **Soil Survey:** The soil is Kona very cobbly highly decomposed plant material with 20 to 40 percent slopes and consists of organic material over pahoe-hoe lava flows. The soil is moderately well drained, and the runoff class is high.

19. **Agricultural Lands of Importance to the State of Hawaii (ALISH):** The subject parcel is classified as Other Lands.
20. **Flood Zone:** The property is situated within an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by FEMA, an area of minimal flood hazard located outside the 500-year flood plain.
21. **Flora/Fauna Resources:** No professional floral or faunal survey was conducted of the property because the property has been almost fully cleared and improved. According to the applicant, they are not aware of any rare or endangered floral or faunal resources that are likely to be found within the subject site.
22. **Historic and Cultural Resources:** No professional archaeological and cultural study was conducted of the property. According to the applicant, no archeological or historical features are known to exist on the subject property nor is the property listed as a historic site on the State or National Register of Historic Places. There are no known traditional or customary Native Hawaiian cultural rights being practiced within the subject property or any known cultural or historic resources existing on the property. The proposed use will occur within an existing dwelling, which will not disturb any historical or cultural sites.
23. **Public Access:** There is no known public access to any shoreline or mountain areas on the property.

PUBLIC UTILITIES AND SERVICES

24. **Access:** The subject parcel is located mauka of Hawai'i Belt Road and is accessed via a paved driveway connected to Hao Street, which is a County owned and maintained roadway.
25. **Traffic:** Bed and Breakfast operations are limited by the Zoning Code to a maximum of ten (10) guests, as such the applicant is proposing to rent out two (2) bedrooms, which will operate below the ten (10) guest limit and is not expected to impact traffic any more than 2 occupied bedrooms of a dwelling. The applicant intends to host no more than four (4) registered guests and will schedule guest check-in and check-out times before 11 A.M. and after 3 P.M. respectively. The proposed development is not anticipated to generate adverse traffic impacts on the local roadway system.

26. **Water:** According to the Department of Water Supply (DWS), the subject parcel is currently served by an existing 5/8-inch meter which is allotted one unit of water, equivalent to an average daily usage of 400 gallons per day (gpd) and is suitable for only one single-family dwelling. DWS notes that current water usage is approximately 1,008 gpd, which is equivalent to three units of water. DWS reports that three (3) units of water are available to the subject parcel. While DWS states no objection to the establishment of the proposed bed and breakfast, the applicant is requested to construct necessary water system improvements to accommodate each dwelling and remit the prevailing facilities charge.
27. **Wastewater System:** The property's wastewater is currently served by a cesspool. According to the Department of Environmental Management the applicant shall follow Department of Health (DOH) regulations for wastewater.
28. **Solid Waste:** There are no municipal waste collection services in the County. All solid waste generated by the development will require private disposal at an approved transfer station or landfill.
29. **Food Service Operations:** By definition, bed and breakfast establishments may only provide breakfast meals to guests. The Department of Health (DOH) has noted that a food establishment permit will be required if meals are to include "potentially hazardous food" or if the number of guests exceeds 6. If the bed and breakfast will only offer commercial cereal, pastries, breads, fruits, coffee, tea, and juice, then a food establishment permit is not required. However, the limited menu must be documented with DOH and the applicants must comply with other DOH requirements.
30. **Essential Services and Utilities:** The nearest fire and police stations are located in Kailua-Kona which is approximately 5.09 miles from the subject property. Electrical services are already available to the property.

AGENCIES' COMMENTS

31. **Department of Health: (Planning Department Exhibit 2 – June 17, 2024 Memo)**
32. **Department of Public Works – Building Division: (Planning Department Exhibit 3 – July 3, 2024)**
33. **Department of Public Works – Engineering Division: (Planning Department Exhibit**

4 – July 3, 2024)

- 34. **Department of Water Supply: (Planning Department Exhibit 5 – July 29 2024)**
- 35. **Department of Environmental Management: (Planning Exhibit 6 – July 5, 2024 Memo)**

AGENCIES AND ORGANIZATIONS – NO COMMENT/CONCERNS

- 36. Police Department, State Office of Planning and Sustainable Development, and Department of Finance – Real Property Tax.

AGENCIES AND ORGANIZATIONS – NO RESPONSE

- 37. Fire Department, State Land Use Commission, State Department of Agriculture.

PUBLIC COMMENTS

- 38. As of the date of this writing, the Planning Department has not received any comments from the general public or adjacent landowners.

SPECIAL PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Jian Zhong

APPLICANT'S SIGNATURE:  DATE: 04/12/2024

ADDRESS: 73-1975 Hao St, Kailua Kona, HI 96740

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

PHONE: (Bus.) 408-768-2568 (Res.) _____ (Email) zhongj@stanfordalumni.org

REQUEST: The applicant respectfully requests a Special Permit to operate a 2-bedroom, 2-bathroom bed and breakfast from my existing home. The maximum occupancy would be 4 guests.

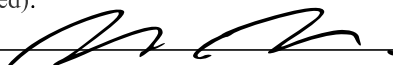
TAX MAP KEY: 730260230001 ZONING: Agricultural

SIZE OF PROPERTY / AREA OF REQUESTED USE: 1547 sqft / 1400 sqft

LANDOWNER(S): Jian Zhong

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

 DATE: 04/12/2024

DATE: _____

Note: The above written authorization of the landowner(s) gives permission for the applicant/petitioner to file the application/petition and acknowledges that the landowner(s) and their successors are bound by the Special Permit and its conditions.

AGENT: _____

AGENT ADDRESS: _____

PHONE: (Bus.) _____ (Res.) _____ (Email) _____

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

ORIGINAL: Jian Zhong COPIES: _____

THIS SPECIAL PERMIT APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. A filing fee of five hundred dollars (\$500) to be paid via EPIC.
2. An Original (signed) copy of the completed application.
3. A written narrative, including the following background information on the subject request:
 - A. Detailed written description of the proposed use, a statement of objectives and reasons for the request, including proposed hours of operation and number of employees/clientele.
 - B. Description of the subject property in sufficient detail to precisely locate the property. Describe existing uses, structures, and topography. If portion of property to be used, state use of remainder of property.
 - C. State/County Plans affecting the subject request: State Land Use Boundary designation, General Plan designation, Zoning, Special Management Area and Community Development Plans.
 - D. Surrounding zoning and land uses.
 - E. Flood Insurance Rate Map (FIRM) designation (contact Department of Public Works - Engineering Division).
 - F. Archaeological and Historic Resources: Describe and show on the plot plan any known historic and archaeological resources on the property. Examples include human skeletal remains, structural remains, sand deposits, midden deposits, and lava tubes. The application may be provided to the State Department of Land and Natural Resources Historic Preservation Division (SHPD) for a determination of whether the project will affect archaeological/historic resources. Please be aware that a hearing before the Planning Commission may not be held until SHPD and the Planning Department determines resources on the property are adequately identified, recorded, mitigated and/or preserved.
 - G. Valued Cultural Resources: Identify any traditional and customary native Hawaiian rights that are exercised in the area; the extent in which the proposed development will affect these rights; and feasible action to be taken to protect native Hawaiian rights if they exist. Examples include areas of traditional collection of terrestrial resources (kī leaf, aho chord, thatch, medicinal plants, and ferns) or marine or riparian resources (limu, ‘ōpae, ‘o‘opu, hīhīwai) used for subsistence, cultural and religious purposes. Traditional and customary rights may also include rights of access to the archaeological and historical resources of the property.
 - H. Floral and Faunal Resources.
 - I. Public Access: Existing public access to and along the shoreline or to mountain areas and knowledge of whether public access is being used.
 - J. Description of access(es) to the area (e.g., width, type of surface and condition of roadway). If a private roadway, submit evidence of legal access rights.

K. Traffic impacts - assessment of existing traffic conditions, anticipated increase in traffic and traffic impacts from proposed use (a formal study may be requested by Department of Public Works or State Department of Transportation during the review process).

L. Availability of utilities: Water, telephone, electricity, solid waste and sewage disposal.

4. A written narrative including the following:

A. A statement of the reasons for the granting of the Special Permit citing how the proposed use would promote the effectiveness and objectives of chapter 205, HRS (which, for the Agricultural and Rural Districts, seeks to preserve or keep lands of high agricultural potential in agricultural use), and why the proposal is an unusual and reasonable use of the land. The following criteria shall also be addressed:

1. Discussion of how the desired use shall not adversely affect the surrounding properties.
2. Discussion of how such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.
3. Discussion of unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.
4. Discussion of how the land upon which the proposed use is sought is unsuited for the uses permitted within the district.
5. Discussion of how the proposed use will not substantially alter or change the essential character of the land and the present use.
6. Discussion of how the proposed use will not be contrary to the goals, policies and standards of the General Plan and other applicable documents such as community development plans and design plans. (Note: The General Plan and Community Development Plans are available on the Planning Department website at <https://www.planning.hawaiicounty.gov>).

5. A scale-drawn plot plan of the property showing property lines and measurements; all existing and proposed structures with elevations, uses and improvements; and reference points such as roadways, shoreline, etc.

6. A list of the names, addresses, and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice.

7. Any other plans or additional information relevant to this application may be requested by the Planning Director to facilitate processing of this request.

B&B SPECIAL PERMIT APPLICATION

73-1955 HAO ST, UNIT A, KAILUA KONA

MAY 1, 2024

Jian Zhong ("applicants") is requesting a Special Permit to operate a 2-bedroom bed and breakfast on the subject agriculturally zoned property. The property is at 73-1955 Hao Street, Unit A, Kailua Kona, HI (Figure 1). The Parcel number is 730260230001 and it consists of 5.2 acres of land.

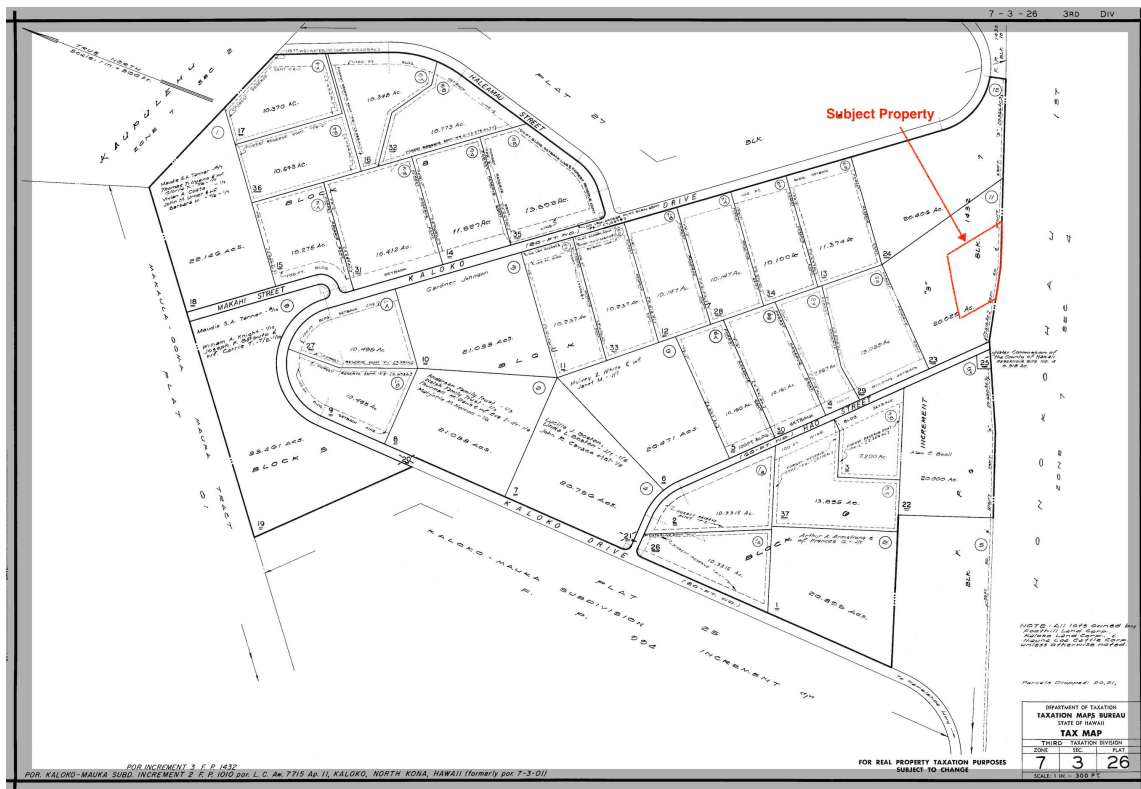


Figure 1. Location map of the subject property.

Property Description

There is only one building on the parcel (Figure 2). The dwelling has 3 bedrooms, 2 bathrooms.

The property has been my family home, with my parents and children. For the past year, my family downsized from 3-generation to mainly me on the Big Island. My parents need more medical cares, my older child went to college, spending $\frac{3}{4}$ of their time on the mainland. They do come back and stay for weeks to a few months a time, but the house is empty for a good part of the year. Approval of this bed and breakfast permit request will allow the ability to generate supplemental income during the times my family members is away. This income would help to offset the increasing cost of living, pay for my children's tuition, and invest back to home improvement.

When I purchased the house in 2020, there is already an existing craft-man style general living space below the main level. This has been marked as furnished basement on the property tax record. I learned during this application process that the lower level is not properly permitted. I plan to work with the planning department to get this part properly permitted.

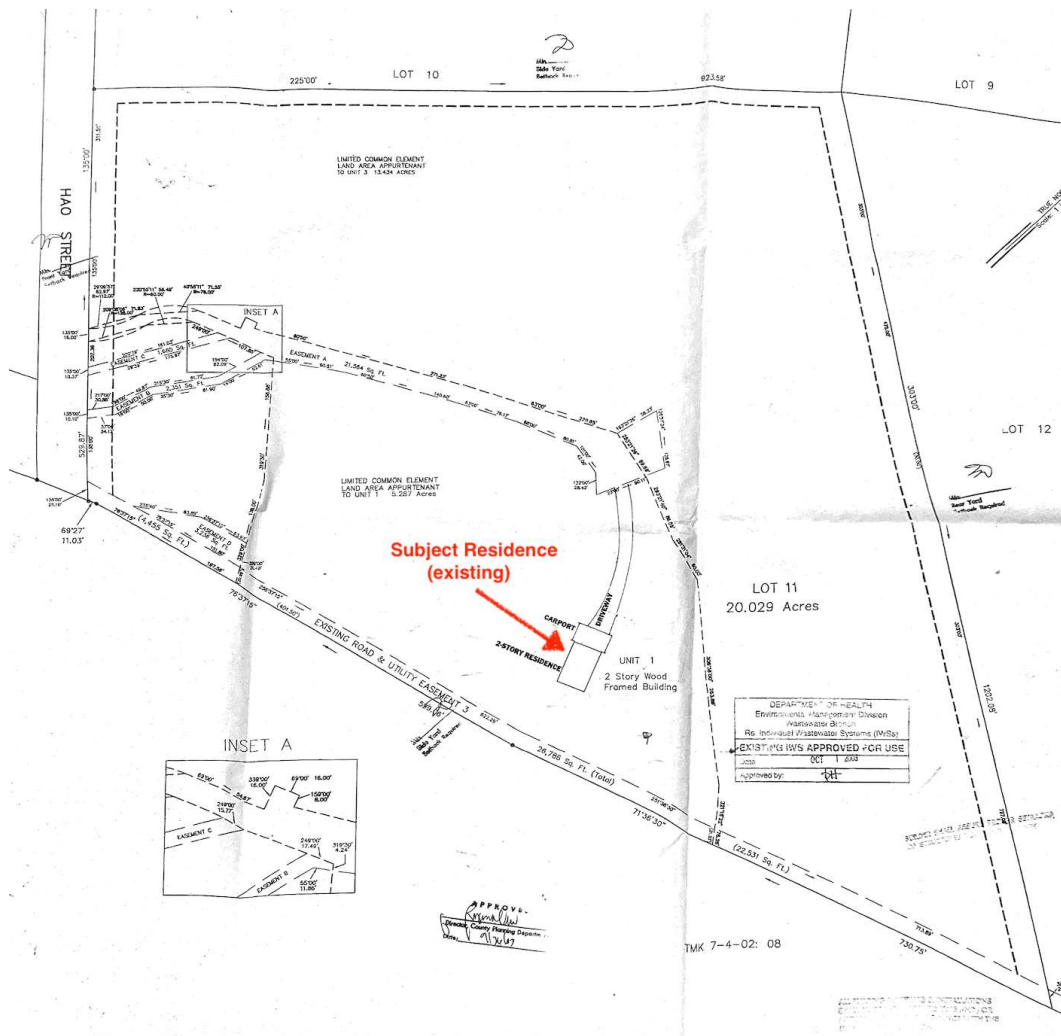


Figure 2. Site Plan of the existing subject residence.

Proposed Use

The applicant respectfully requests a Special Permit to operate a 2-bedroom, 2-bathroom bed and breakfast from my existing home. The maximum occupancy would be 4 guests. I will live in one of the bedrooms, and I will serve as the on-site caretaker (no employee).

Two (2) designated onsite carport parking spaces are available to guests of the bed and breakfast.

Figure 3 shows the floor plan, rentable space outlined in blue, and owners' room outlined in purple.

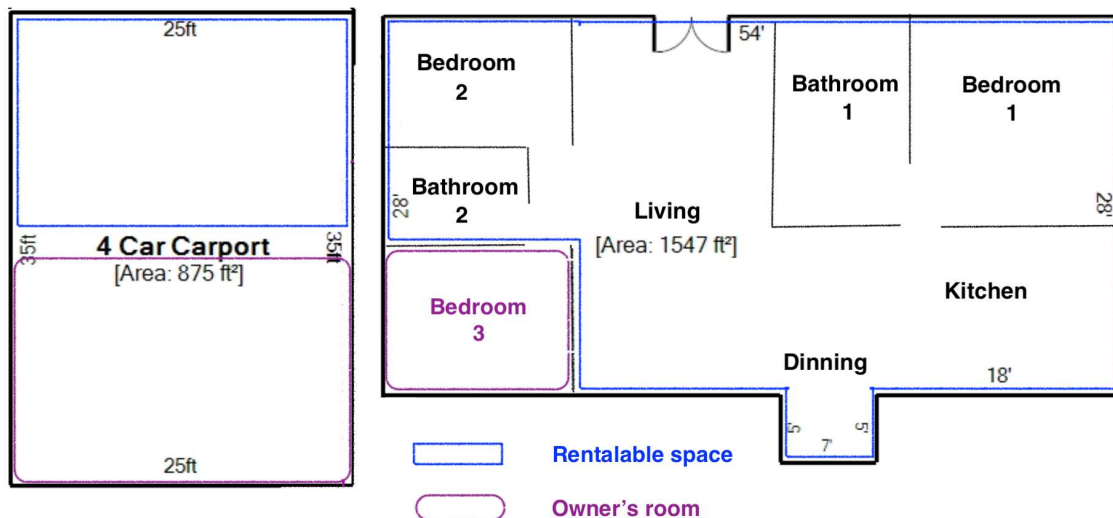


Figure 3. Floor plan of the subject residence.

Kaloko is a beautiful place, the Mountain Thunder Coffee Plantation and the Kona Cloud Forest Sanctuary is within walking distance. The applicant hopes that the overnight accommodations in this area will raise awareness and interest in the native forest conservation, in addition to supporting local coffee farmers in Hawaii County.

Zoning And State / County Plan

My home is zoned as agricultural, and I am not aware of any state or county plan.

FIRM Designation

Flood zone X, based on the Flood Hazard Assessment Tool (Figure 4).

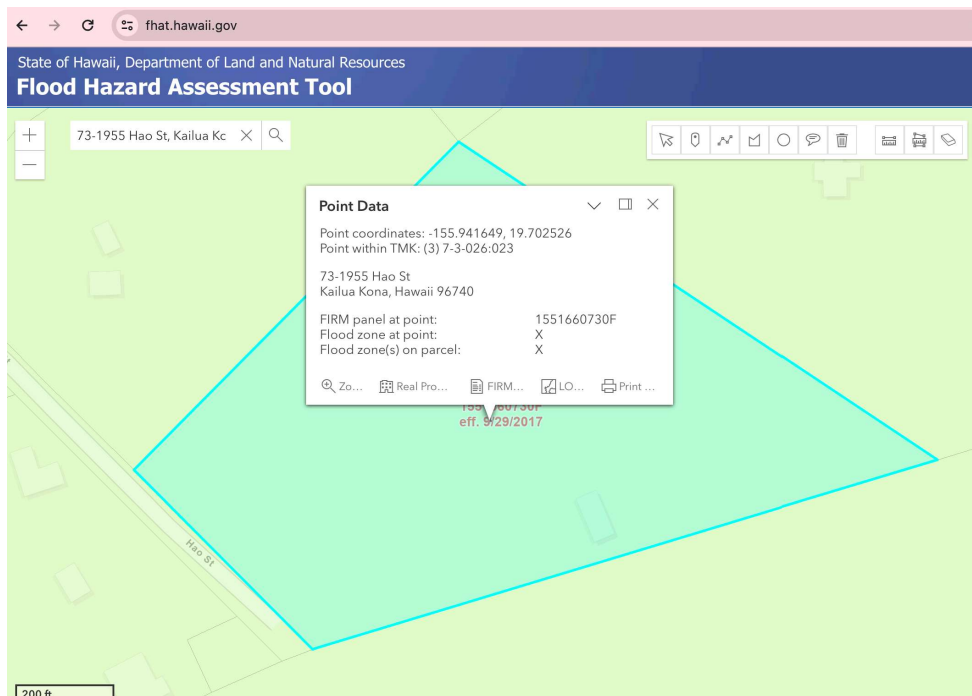


Figure 4. FIRM map of the subject property

ARCHAEOLOGICAL, HISTORIC, CULTURAL, FLORAL, AND FAUNAL RESOURCES

Not I am aware of.

Public Access

The subject parcel is located approximately 5 miles from the shoreline. As such, no public shoreline access will be affected by this request.

Access to the Area

The parcel is located on the Mauka side of Hao Street, a County owned and maintained paved roadway, approximately 4 miles from the intersection of Kaloko Drive and Mamalahoa Hwy (3 miles on

Kaloko Drive and 1 mile on Hao Street. Upon entering the property, guests will access the bed and breakfast accommodations via an asphalt driveway through the middle of the property. Covered carport areas on the property can accommodate up to four (4) cars, 2 carport space will be available to the guests.

Impact to Surrounding Properties and Traffic

The proposal to operate a bed and breakfast within an existing dwelling on the subject will not have a significant adverse impact to the surrounding properties. The subject property is surrounded by large agricultural lots, there are a few homes proximate to the proposed Special Permit Area. Furthermore, we will make the following efforts and commitment:

1. The applicant will include 9:00pm to 8:00am quiet time in the house rule, according to the "Good Neighbor Policy" as outlined in the Hawaii County Zoning Code. The applicant will also be onsite to ensure guests adhere to it.
2. Not operate activities or tours. We are in close proximate to the Mountain Thunder Coffee Plantation and Kona Cloud Forest Sanctuary; both offer tours and attract interest. We are not going to offer activities or tours, instead we will refer our guests to them.
3. We will order large signs that make it obvious which house is the bed and breakfast, so that guests would not bother my neighbors. We plan to place two signs: one on the Hao Street turning to the driveway and the other one at the branching between my house and my neighbor Edward Barbosa's house.

We plan to have comprehensive driving directions in our bed and breakfast listing.

4. The proposed use may generate a modest increase in traffic, but that will be limited to no more than 4 registered guests and is anticipated to result in no more than 2 additional peak hour trips.
5. The applicant will ensure that guest vehicles are parked in the designated on-site carport.

Utilities

The site is connected to HELCO power. I am also working with SunRun to install roof-top solar. As of April 26, the permit had been approved (Residential PV Permit PW.B2024-000715). The installation and inspection will happen in the next few months.

Water is provided by the city water.

The sewage is currently by cesspool. However, the property has little impact to drinking water or sensitive water, since it is NOT located within a Priority Category zone, given its 3,000 feet elevation and sparsely residence. Even with the proposed bed and breakfast operation, no more than 6 people maximum are expected on 5-acre land. If the special user permit can be granted and the B&B can generate income, I will explore wastewater options, which I am currently facing affordability challenges.

In summary, 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 accessible via Hao Street and no additional utilities will need to be provided.

Neighbors

Parcel ID 730260230002: James Whaley, 73-1955 Hao St, Unit B, Kailua Kona, HI 96740

Parcel ID 730260230003: Edward Barbosa, 73-1955 Hao St, Unit C, Kailua Kona, HI 96740

Parcel ID 730260030000: Jeremy Mcleod, 73-1920 Hao St, Kailua Kona, HI 96740

Parcel ID 730260130000: Joseph Chop, 73-2200 Kaloko Dr, Kailua Kona, HI 96740

Parcel ID 730260220000: Palani Farms LLC, 73-1942 Hao St, Kailua Kona, HI 96740

Parcel ID 730260240000, 730260240001, 730260240002: Mark Solien, 73-2260 Kaloko Dr, Kailua Kona, HI 96740

Parcel ID 730260250000: County of Hawaii, 73-1962 Hao St, Kailua Kona, HI 96740

Parcel ID 730260290000: Newlon Geoffrey L Trust, 73-1929 Hao St, Kailua Kona, HI 96740

Parcel ID 740020170000, 740020180000: Palani Ranch Co Inc, PO Box 9032, Kailua Kona, HI 96745

Unusual Conditions and Agricultural Use

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, Hawai'i Revised Statutes §205-6 allows County Planning Commissions to permit certain unusual and reasonable uses within the Agricultural and Rural districts other than those for which the district is classified.

The subject property is in the Agricultural district but is classified by the Land Study Bureau Overall Master Productivity Rating as "E" (very poor), which is the lowest productivity classes (Figure 5).

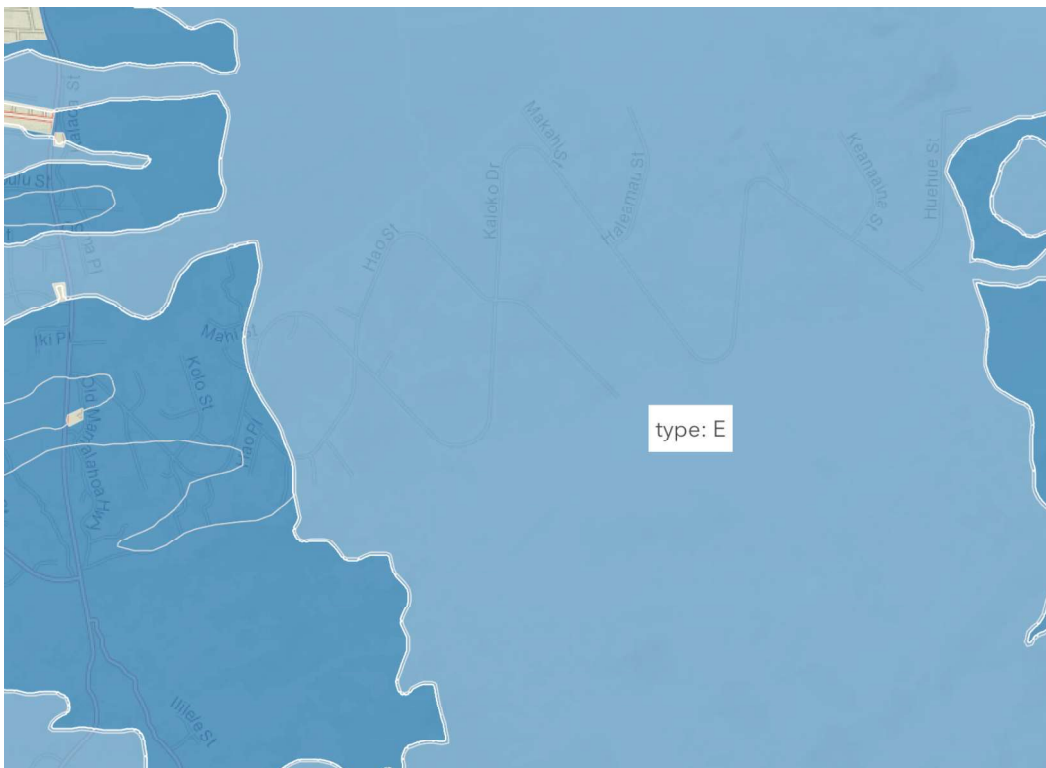


Figure 5. Map showing type E for the subject property, from Land Study Bureau's Detailed Agricultural land productivity ratings.

To restore nutrients to the soil and maintain the agricultural potential of the property, the applicant have established several biointensive regenerative agricultural activities on the property including:

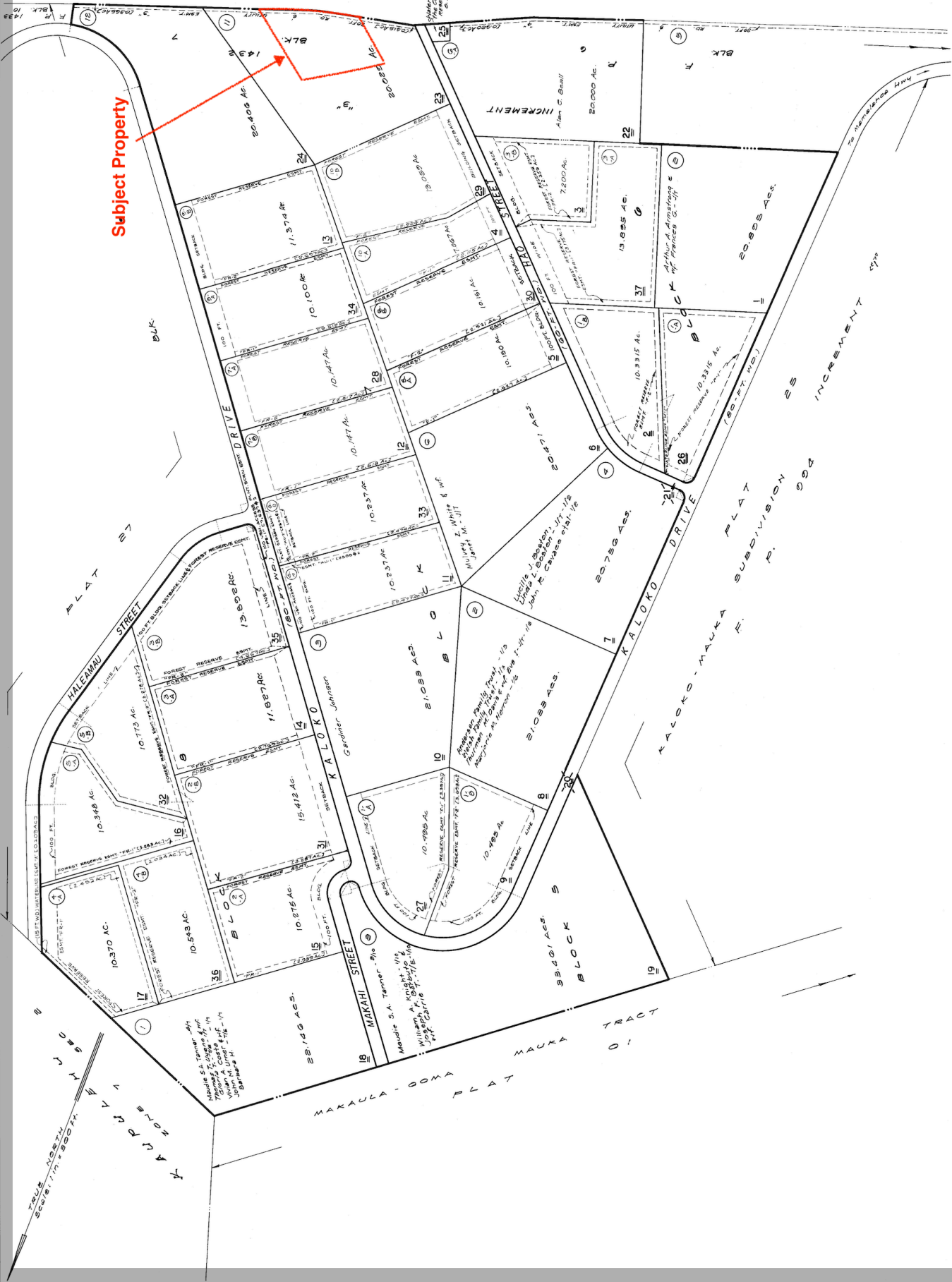
- Bamboo (for timber), avocado trees, orange trees, apple trees had been planted. They do grow, however is not producing, due to the high elevation and the high frequency of rain and cloud.
- My family had established a vegetable garden. We tried to grow tomato, cucumber, green onion, corn, chive, but none of them worked out, again due to the elevation, temperature, frequency of rain, and soil condition.
- My family had explored options of raising horses or goats or cows. However, we do not have experience with livestock, the upfront investment is prohibitable high, does not produce viable source of income either.
- Since last year, we started to try growing coffee kekis from seeds. So far, we got about 10 growing to a foot tall. We will be looking forward for them to grow.

Since the farm operation can not provide income, it has been difficult for the applicant to maintain the financial feasibility of a farm.

Approval of the applicant's request to utilize a portion of the property to operate a bed and breakfast will allow the applicants to utilize existing improvements on the property to offset the costs of the farming activities with the unusual, yet reasonable, proposed bed and breakfast accommodations.

The proposed use will not substantially alter or change the essential character or use of the land. The property serves as the principal residence of the landowners, who have partially established and partially failed of various agricultural uses on the property. Those

uses will continue under the proposed request which intends to utilize existing structures on a small portion of the property to complement the existing agricultural uses in a manner that is unusual, reasonable and mutually beneficial to both. Thus, the use of the property as a bed and breakfast will be subordinate and clearly incidental to the principal use of the property as the landowners' residence and farm. Therefore, the Special Permit request will not alter or be detrimental to the essential character of the land or surrounding area; rather, it will assist the landowners in realizing the property's potential through the addition of an unusual, yet compatible and reasonable use. Thus, the Special Permit seeks to establish a bed and breakfast on this property while keeping with the intent of the agricultural district. Therefore, it is reasonable that the applicants be permitted to pursue this unusual use in the Agricultural district.



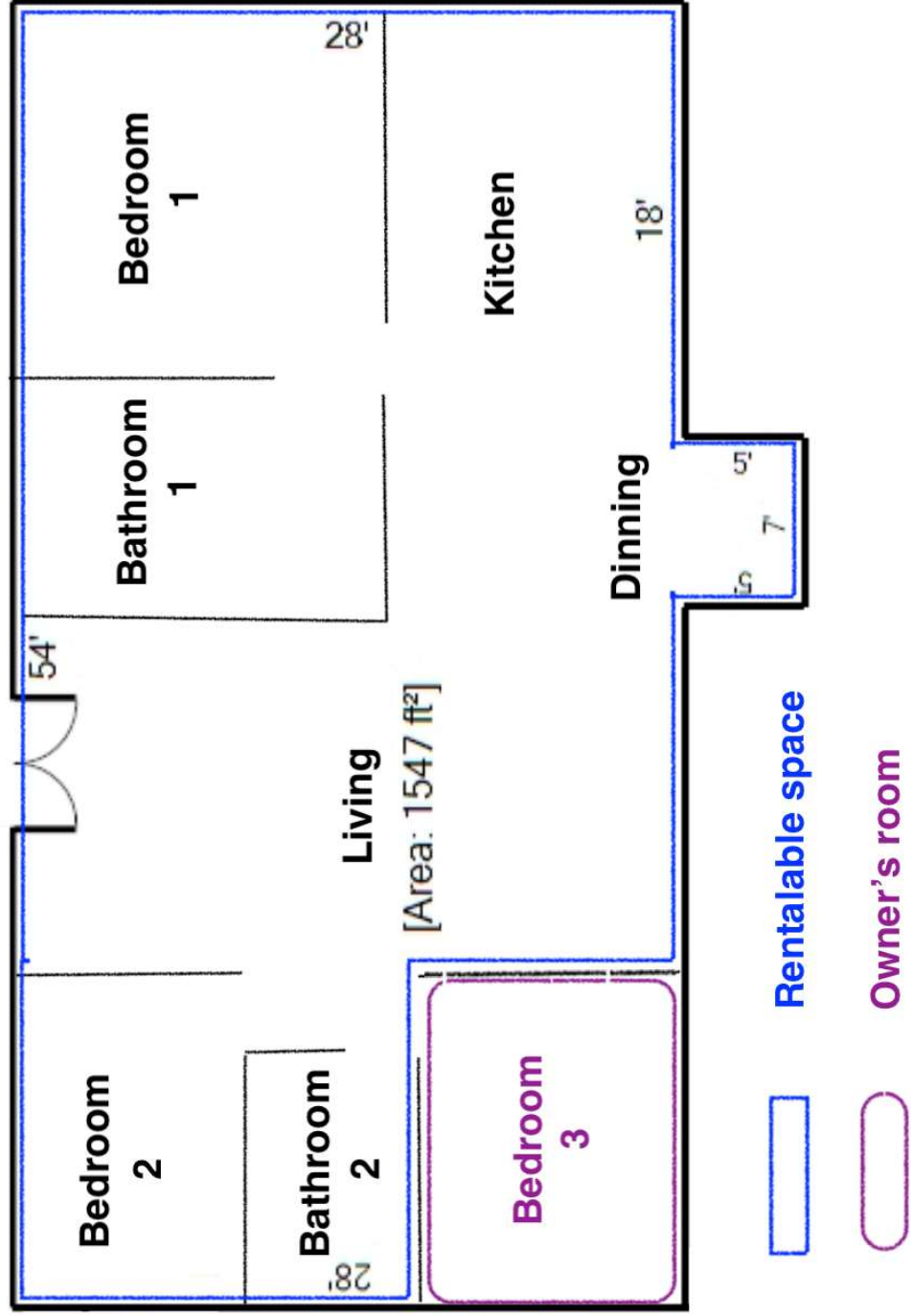
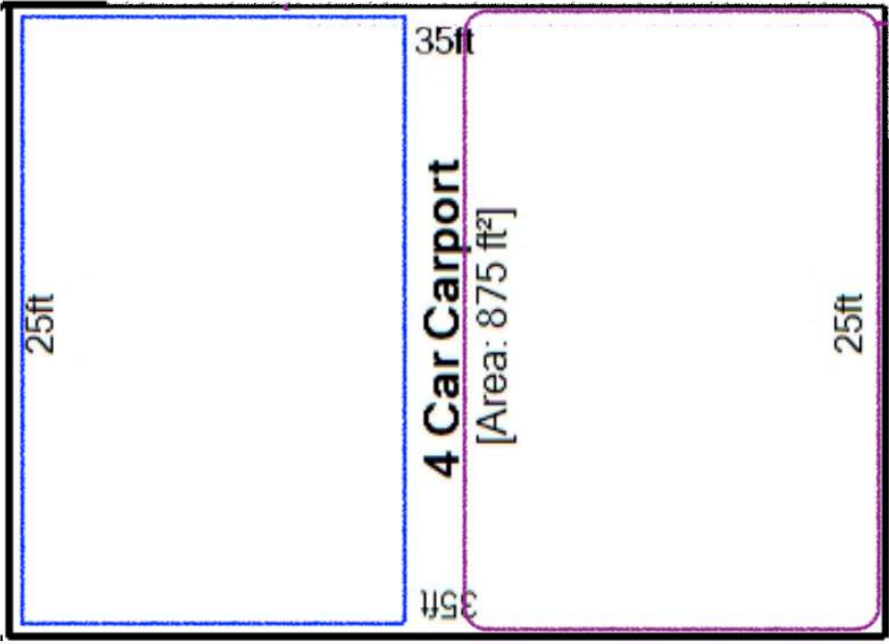
NOTE: All lots owned by
Kohala Land Corp.
have been surveyed
and are shown on this map
unless otherwise noted.

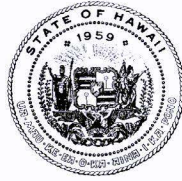
Map is Original: 20, 21,

DEPARTMENT OF TAXATION TAXATION MAPS BUREAU STATE OF HAWAII			
TAX MAP			
THIRD	TAXATION DIVISION	PLAT	
ZONE	SEC	PLAT	
7	3	26	
SCALE: 1 IN. = 300 FT.			

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

FOR INCREMENT 3, P. 1432
FOR KALOKO-MAUKA SUBD. INCREMENT 2, P. 1010 FOR L. C. AW. 7715 AND 11, KALOKO, NORTH KONA, HAWAII (formerly par. 7-3-01)





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: **Special Permit Application (PL-SPP-2024-000068) Applicant: Jian Zhong**
Request: To Allow a 2-Bedroom Bed & Breakfast Establishment
Tax Map Key: (3) 7-3-026:023:0001; 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.



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 7 – Hilo, Hawai'i 96720

Hilo Office (808) 961-8331 • Fax (808) 961-8410

Kona Office (808) 323-4720 • Fax (808) 327-3509

July 3, 2024

TO:

Alukahe Kala - County of Hawaii – Planning Dept.
County Of Hawaii Planning Department
101 Pauahi St. Ste. #3
Hilo, HI. 96720

SUBJECT:

Special Permit Application PL-SPP- 2024-000068

Applicant: Jian Zhong

Request: To Allow a 2-bedroom Bed & Breakfast Establishment

TMK: (3) 7-3-026:023:0001: North Kona, Hawaii

This is to inform you that our records on file, relative to the status of the subject discloses that:

- ☐ No Building permit was issued for work done on the premises.
- ☐ No building permit was issued for the change of occupancy.
- ☒ At the time of completion, the subject complied with all Building Code regulations that were in effect.(Permit 895636)
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding:
 - ☐ Building ☐ Electrical ☐ Plumbing ☐ Sign
- ☐ Others:

This status report reflects Building Division records only and does not include information from other agencies.

Should you have any questions regarding matters contained herein, please feel free to contact Chris Domino at phone no. (808) 323-4720

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: July 3, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: **Special Permit Application (PL-SPP-2024-000068)**

Applicant: Jian Zhong

Request: To Allow a 2-Bedroom Bed & Breakfast Establishment

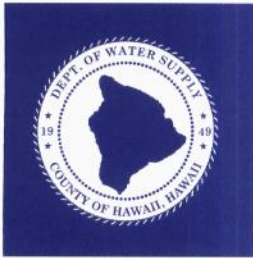
TMK: 7-3-026:023:0001

We have reviewed the subject request and provide the following comments:

1. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
2. Construction within the County right-of-way shall comply with HCC, Chapter 22, County Streets.

We have no other comments since the request is to use an existing dwelling and there are no open violations associated with this property. Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit 4



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 29, 2024

COH PLANNING DEPT
AUG 2 2024 AM 11:22

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Special Permit Application (PL-SPP-2024-000068)**
Applicant - Jian Zhong
Request - To Allow a 2-Bedroom Bed and Breakfast Establishment
Tax Map Key 7-3-026:023:0001

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

Please be informed that there is an existing 5/8-inch meter for parcel 23, which allows an average daily usage of 400 gallons and suitable for only one single-family dwelling. Presently the average daily usage is 1,008 gallons, which is equivalent to three (3) units of water and exceeds the capacity of the existing meter.

County of Hawai'i, Real Property Tax records show that there are four (4) dwellings on Parcel 23. Pursuant to our Rules and Regulations, each dwelling unit shall use a separate 5/8-inch meter, and the plumbing for each separate dwelling shall not be interconnected in any way. Water can be made available from an existing 4-in waterline fronting the subject parcel, in accordance with the Department's existing water availability conditions, which are subject to change without notice.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting the following conditions:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. install service laterals that will accommodate a 5/8-inch meter for each dwelling,
 - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Mr. Zendo Kern, Director
Page 2
July 29, 2024

Submit construction plans and design calculations prepared by a professional engineer, architect, or land surveyor, registered in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

3 additional services @ \$6,095.00/unit	\$18,285.00
Total FC	\$18,285.00

This is due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

For your information, water commitment deposits are credited towards the final facilities requirement for the development. Note that the amount of water commitment deposit may exceed the prevailing facilities charge amount; for example, when requests for time extensions continue and are approved. Until the development is finally completed, these are separate and unrelated items. In the event that water commitment deposits exceed the facilities charge, no refunds are applicable.

Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change, depending on the water situation.

Should there be any questions, please contact Mr. Ryan Qutoriano 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 – Jian Zhong

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

Brenda I. Iokepa-Moses

DATE: July 5, 2024

SUBJECT: **Special Permit Application (PL-SPP-2024-000068)**
Applicant: Jian Zhong
Request: To Allow a 2-Bedroom Bed & Breakfast Establishment
Tax Map Key: (3) 7-3-026:023:0001; 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.