

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

BACKGROUND REPORT

NANI PANIAU ESTATE LLC

USE PERMIT APPLICATION (PL-USE-2024-000031)

NANI PANIAU ESTATE LLC is requesting a Use Permit to allow the establishment of a 5-bedroom bed & breakfast operation within an existing dwelling on a 1.63-acre parcel of land in the Single-Family Residential zoning district. The subject property is located at 69-2014 Paniau Place, on the west (makai) side of Paniau Place, Lālāmilo, Puakō, South Kohala, Hawai‘i, TMK: (3) 6-9-001:021.

APPLICANT’S REQUEST

1. **Request:** The applicant is requesting a Use Permit to establish a 5-bedroom bed and breakfast operation within an existing 6-bedroom dwelling on the subject property. The bed and breakfast will provide overnight accommodation in 5 rentable rooms for a maximum of 10 guests for a period of less than 30 days. A sixth bedroom will serve as the primary residence of the property’s caretaker. Breakfast will be provided for registered guests only and no other meals will be provided.
2. **Reason for Request:** The applicant has requested to establish a bed and breakfast to provide visitors to Hawai‘i with an alternative lodging experience, outside of the typical resort environment. The proposed use will also provide housing for the bed and breakfast operator.
3. **Staffing/Employees:** The bed and breakfast establishment will be operated by an on-site caretaker.
4. **Hours of Operation:** Overnight accommodation for guests with observed quiet hours between 9:00 pm and 8:00 am.
5. **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.
6. **Landowner:** Nani Paniau Estate LLC.

7. **Supportive Information:** The applicant has submitted the attached in support of the request. (**Planning Department Exhibit 1 – Use Permit Application dated November 7, 2024**)

BACKGROUND INFORMATION

8. **Building Permit History:**

- Building Permit No. 946001, completed on December 22, 1994, for a new 6-bedroom dwelling.
- Building Permit No. 016546, completed on November 30, 2001, for an alteration to add a study room and bath on the second floor.
- Building Permit No. PW.B2024-002593, issued on June 22, 2024, to construct a new lanai and pool. This building permit is not yet completed.
- Building Permit No. PW.B2024-003649, submitted on August 30, 2024, to construct a new detached garage. This building permit has not yet been issued or completed.

DESCRIPTION OF STATE AND COUNTY PLANS

9. **State Land Use District:** Urban.
10. **General Plan Land Use Pattern Allocation (LUPAG) Map:** Low Density Urban, which allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to 6 units per acre. A small portion of the parcel along the makai boundary line is designated Open, which is land that is not used for buildings or structures and is characterized by scenic beauty, existing openness, and natural conditions.
11. **County Zoning:** Single-Family Residential – 10,000 square feet (RS-10).
12. **South Kohala Community Development Plan (SKCDP):** The SKCDP, adopted by Ordinance No. 08 159 on December 1, 2008, does not provide guidance on Use Permit applications for the Puakō area.
13. **Special Management Area (SMA):** The property is within the County’s Special Management Area, with the western property boundary located between 10-30 feet from the nearest shoreline. On April 15, 2024, the applicant requested a Special Management Area (SMA) determination, to permit proposed construction on the subject property, including demolition of an existing pool, and new construction to include 1,200-square feet

of pavement, a new pool, an 1,800-square foot deck and a 300-square foot pool equipment building. The Planning Director determined that the proposed construction was consistent with the approval and conditions of SMA Use Permit No. 326, originally approved on December 3, 1991, allowing a 10-lot residential subdivision and related improvements. **(Planning Department Exhibit 2 – SMA Determination Letter dated May 15, 2024)**

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 irregular in shape and improved with a 2-story, 6-bedroom, 8.5-bath single-family dwelling, a driveway and parking area. Although the dwelling is recorded by the Real Property Tax Office as having 7 bedrooms, the building permit record shows that the property has 6 permitted bedrooms and a library. There are several easements on the subject property for identified archeological site purposes and electrical purposes.
16. **Surrounding Zoning/Land Uses:** The subject property is located within the Nani Paniau subdivision, a private 9-lot subdivision under single ownership and management. Surrounding parcels are similarly zoned Single-Family Residential – 10,000 square feet (RS-10) and used for residential purposes. The subdivision is surrounded on three sides by Open zoning and there is a large State-owned property to the east zoned Agricultural- 5 acres (A-5a).
17. **Flood Insurance Rate Map (FIRM):** The property is located within Zone “X,” an area determined by FEMA to be an area of minimal flood hazard.
18. **Flora/Fauna Resources:** No formal survey was conducted of the floral and faunal resources of the site. The applicant does 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 developed for residential uses. According to the applicant, vegetation in the permit area consists of areca and fan palms, hibiscus, and ti, while animal species include dove, house sparrow, house finch, saffron finch, Japanese White-eye, and myna in addition to domestic animals such as cats, dogs, and other animals like rats and mongoose.
19. **Archaeological/Cultural/Historical Resources:** An archeological inventory survey, archeological data recovery plan and a mitigation program were prepared and approved by

the State Historic Preservation Division (SHPD) as part of the SMA review process, for SMA Use Permit No. 326. Specifically, the Archeological Inventory Survey for the Paniau Development Parcel Project Area was approved by SHPD by letter dated July 28, 1992. Subsequently, the *Archeological Mitigation Program, Paniau Development Parcel Project Area, Mitigation Plan for Data Recovery, Interim Site Preservation, Contingency Burial Treatment, and Monitoring*, was approved by SHPD by letter dated September 21, 1992. Following these approvals, several easements were established on the subject property to preserve and buffer identified archeological features and anchialine ponds. The existing public access and other existing easements will not be affected by the proposed use of existing buildings as a bed and breakfast operation. The applicant states they are unaware of use of the subject property by Native Hawaiians for gathering purposes, however they will honor documented claims of gathering or access rights.

20. **Public Access:** An existing public access easement runs along the shoreline, perpendicular to the subject property. Additionally, a mauka-makai public access easement, originally located along the southern boundary of the subject property (Easement 18), was relocated to the adjacent property (TMK 6-9-001:023) following the recordation of an amended declaration, dated February 12, 2021. **(Planning Department Exhibit 3 – Revised Overall Lot Plan dated February 1, 2021)**

PUBLIC UTILITIES AND SERVICES

21. **Access/Parking/Traffic:** The subject property is accessed from Paniau Place, a privately owned and maintained, paved roadway. Six parking stalls will be available for guests and the applicant anticipates little effect on traffic in the area, given that traffic will be limited to guests of the proposed 5-bedroom bed and breakfast.
22. **Water:** The Department of Water Supply (DWS) notes that the subject parcel is allocated one unit of water, limited to an average daily usage of 400 gallons, through an existing master water meter serving the 9-lots within the subdivision. Since the master meter is limited to an average daily usage of 4,000 gallons, DWS notes that a flow-reducing device may be installed on the meter should water consumption exceed its rated capacity.
23. **Wastewater:** There is no public sewer available in the area. The applicant notes that the existing dwelling is currently serviced by two permitted individual wastewater systems.

24. **Solid Waste:** The Department of Health (DOH) notes that solid waste shall be properly disposed of at DOH-permitted solid waste management facilities.
25. **Food Service Operations:** By definition, bed and breakfast establishments may only provide breakfast meals to guests. The Department of Health (DOH) notes 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 South Kohala Fire Station is located 5 miles east of the subject property and police services are located approximately 16 miles northeast of the subject property, in Waimea.

AGENCY COMMENTS

27. **State Department of Health (Planning Department Exhibit 4 – February 18, 2025 Memo).**
28. **Department of Public Works – Building Division (Planning Department Exhibit 5 – March 13, 2025 Memo).**
29. **Department of Water Supply (Planning Department Exhibit 6 – March 31, 2025 Letter).**

AGENCIES – NO COMMENTS/NO CONCERNS

30. Police Department.

AGENCIES – NO RESPONSE

31. Department of Public Works – Engineering Division, Department of Environmental Management, Fire Department, Real Property Tax Office.

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

February 12, 2025

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

Dear Mr. Darrow:

Subject: Attn: Jessica Andrews
Revised Application Package for Use Permit Application (PL-USE-2024-000031)
Applicant: Nani Paniau Estate LLC
Puakō Beach, Kohala Coast, South Kohala, Hawaii TMK: (3) 6-9-001:021

Electronically transmitted here within for your review and processing is a revised application package requesting a use permit for the above referenced applicant to allow the operation of a 5-bedroom bed and breakfast on the subject parcel. The property is located the makai side of Puakō Beach Drive, about 3.1 miles southwest of its intersection with Queen Ka'ahumanu Highway in South Kohala.

This application is being resubmitted with a revised background report, site plan and floor plan to identify the rooms in the dwelling which are proposed to be used for the bed and breakfast accommodations as well as to address the Planning Department's comments pertaining to the previously proposed caretaker's residence and to provide clarity on the dwelling's kitchen. The revised plans have removed the caretaker's residence. Instead, the caretaker will reside in one of the rooms in the main dwelling, as identified on the floor plan provided. Additionally, to clarify, the dwelling contains one (1) large kitchen with a pantry separated by a kitchen hallway. The labeling of these areas has been revised on the site plan for clarity.

This resubmittal includes: a) the application form; b) a letter of authorization allowing our office to file the application on the landowner's behalf; c) a list of surrounding property owners within three hundred (300) feet of the subject parcel; and d) a background & environmental report, which includes the location and proposed site plan.

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.

Sincerely,

JOHN PIPAN
Planning Administrator

USE PERMIT APPLICATION

COUNTY OF HAWAII
PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Nani Paniau Estate LLC

APPLICANT'S SIGNATURE: [Signature] DATE: 11/7/2024 | 9:21 PST

ADDRESS: 3130 Wilshire Boulevard, Suite 600
Santa Monica, CA 90403

LIST APPLICANT'S INTEREST (if not owner):

PHONE: (Bus.) 310-282-5143 (Res.) (Email)

REQUEST: To obtain a Use Permit in order to operate a 5-bedroom bed and breakfast

TAXMAPKEY(S): (3) 6-9-001:021 ZONING: RS-10

SIZE OF PROPERTY / AREA OF REQUESTED USE: 1.63 acres / 1.63 acres

LANDOWNER(S): Nani Paniau Estate LLC

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

[Signature] DATE: 11/7/2024 | 9:21 PST

AGENT: Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole Street, Hilo, HI 96720

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

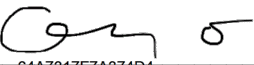
Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

TO WHOM IT MAY CONCERN:

As landowner of parcel identified by TMK: (3) 6-9-001:021, I hereby consent and authorize Land Planning Hawaii LLC to file and process a Use Permit Application on my behalf.

NANI PANIAU ESTATE LLC

By:	DocuSigned by:  04A7317F7A374D4...	11/7/2024 9:21 PST
	Sign	Date
	Guy Oseary	Member
	Print Name	Title

LISTING OF RECORDED OWNERS AND LESSEES
THREE HUNDRED FEET OF
TAX MAP KEY (3) 6-9-001:021

ParcelId	OwnerName	OwnerAddress2	OwnerCityStZip
690010210000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010170000	STATE OF HAWAII		
690010170000	DHL MAHI OPCO LLC	235 MONTGOMERY ST STE 1130	SAN FRANCISCO CA 94104 3010
690010280000	PANIAU COMMUNITY ASSOCIATION	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010270000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010260000	NANI PANIAU ESTATES LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010250000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010240000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010230000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010070000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010200000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690010180000	NANI PANIAU ESTATE LLC	3130 WILSHIRE BLVD STE 600	SANTA MONICA CA 90403 2349
690060510000	STATE OF HAWAII		
690060520000	STATE OF HAWAII		
690010020000	STATE OF HAWAII		

**COUNTY BACKGROUND & ENVIRONMENTAL REPORT
COUNTY USE PERMIT REQUEST
NANI PANIAU ESTATE LLC
PUAKŌ BEACH, KOHALA COAST, HAWAI'I
TMK: (3) 6-9-001: 021**

Table of Contents

I. INTRODUCTION	4
II. PROJECT DESCRIPTION	4
3A. Project Concept and Components	4
3B. Subject Property Description	8
3C. Institutional Considerations.....	11
State Land Use	11
Special Management Area	11
County Zoning and General Plan.....	11
General Plan Discussion	12
South Kohala Community Development Plan.....	14
3D. Surrounding Zoning and Land Uses.....	15
3E. Flood Insurance Rate Map	15
3F. Archaeological Resources	17
3G. Valued Cultural Resources.....	17
3H. Flora and Fauna Resources	17
3I. Description of Access.....	18
3J. Traffic Impacts	18
3K. Availability of Utilities.....	18
III. REGULATORY ANALYSIS	18
4A. Conformance to Zoning Code and General Plan	18
4B. Impacts to Surrounding Properties.....	19
4C. Impacts to Public Agencies	20
IV. Conclusion.....	20

Figures

Figure 1 – Location Map:	5
Figure 2 – Site Plan	6
Figure 3 – B&B Floor Plan.....	7
Figure 4 – Zoning Map	9
Figure 5 – State Land Use Map	10
Figure 6 – LUPAG Map	12
Figure 7 – Flood Hazard Map.....	16

I. INTRODUCTION

Nani Paniau Estate LLC (“**applicant**”) is requesting a use permit to operate a 5-bedroom bed and breakfast on the subject residentially zoned property. The property is located within the Nani Paniau Subdivision, located at the southern terminus of Puakō Beach Drive, about 3.1 miles southwest of its intersection with Queen Ka’ahumanu Highway (**Figure 1**). It contains 1.63 acres 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, 5-bedrooms of an existing 7-bedroom single-family dwelling on the subject property will be used as the bed and breakfast. One of the remaining two bedrooms will be the caretaker’s bedroom and the other will be used as a library. To this end, the bed and breakfast will be subordinate and clearly incidental to the principal use of the property 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

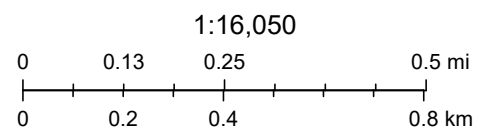
As noted above, the applicant proposes to operate a 5-bedroom bed and breakfast out of an existing permitted single-family dwelling on the subject property. According to Real Property Tax records, the existing dwelling was built in 1995 under Permit No. 946001. This dwelling is 7,130 square feet and has seven (7) bedrooms, eight (8) bathrooms and one (1) half bath. Only five (5) of the existing bedrooms would be used for the bed and breakfast; the remaining two (2) bedrooms will be used as the caretaker’s bedroom and a library and will not be used for transient overnight accommodations. A site plan and floor plan of the existing and proposed improvements is attached as **Figures 2-3**. The proposed bed and breakfast will provide overnight accommodations to a maximum of ten (10) guests, for compensation, for a period of less than thirty days.

As the property is zoned Residential-10,00 square feet (RS-10) and located within the Urban State land use district, a Use Permit is required to operate the bed and breakfast. The applicant proposes the following elements be included as part of the Use Permit:

FIGURE 1 - LOCATION MAP



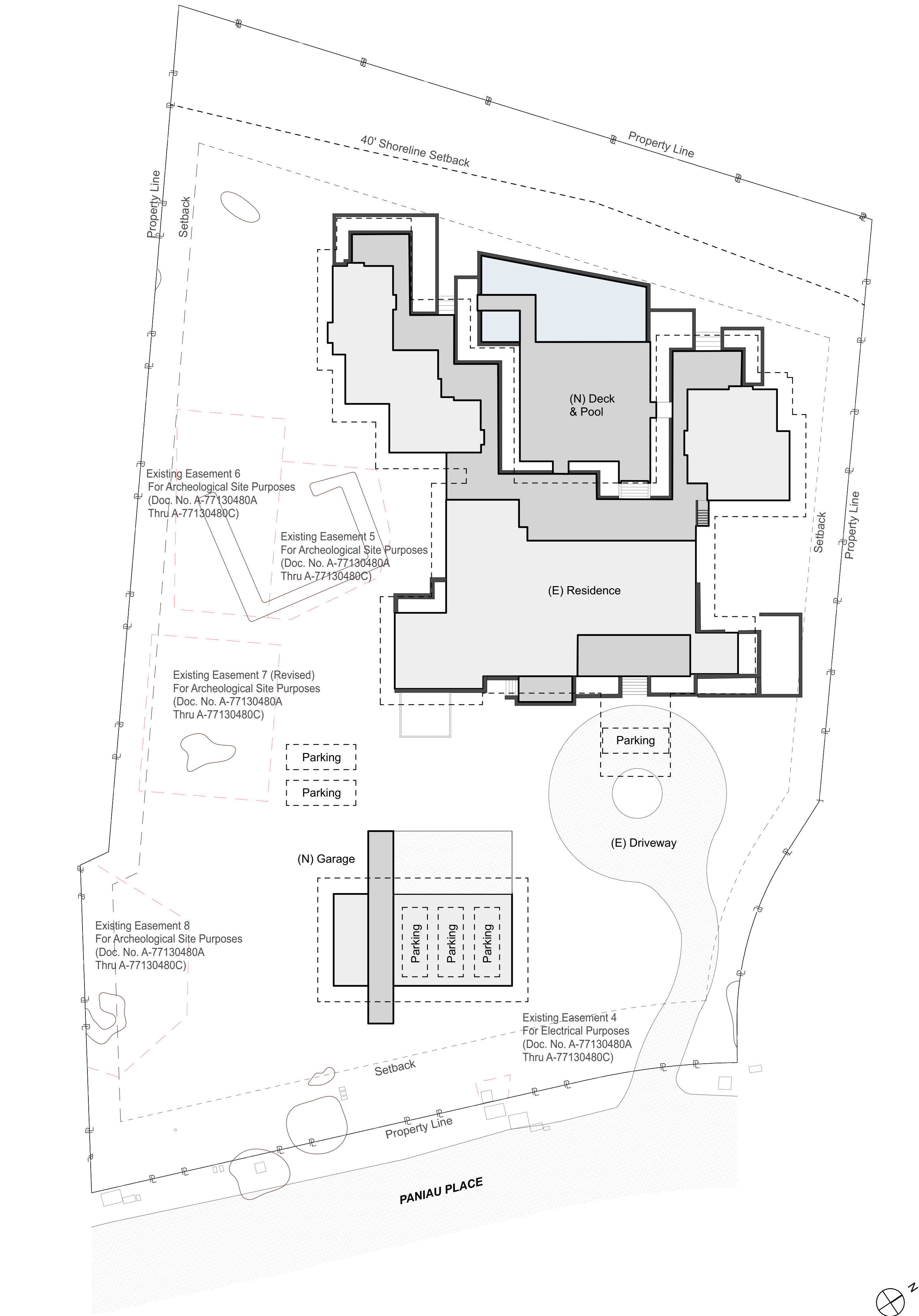
-  Parcels (current boundary lines)
-  Streams
-  Street Centerlines
-  Hawaii County District Boundary
-  Coastline



Resource Mapping Hawaii, Maxar, County of Hawaii IT Department

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.



1
A-00 B&B SITE PLAN
SCALE: 1" = 20'

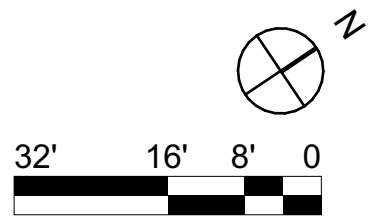


FIGURE 2

ARCHITECT



NOHO WORKSHOP
KANOA CHUNG
ARCHITECT, AR-18731
1970 KOLO RD.
KILAUEA, HI 96754
P: (808) 651-4979
E: KANOA@NOHOWORKSHOP.COM

CLIENT

NANI PANIAU ESTATE LLC
69-2014 Paniau Place
Kamuela, HI 96743

CERTIFICATION

CONSULTANT

PROJECT

Paniau Residence

69-2014 Paniau Place
Kamuela, HI 96743
TMK: 3690010210000

PROJECT NUMBER: 24009

ISSUE DATE: 10/29/24

DRAWING ISSUE:

OPERATOR'S RESIDENCE
SITE PLAN

A-00

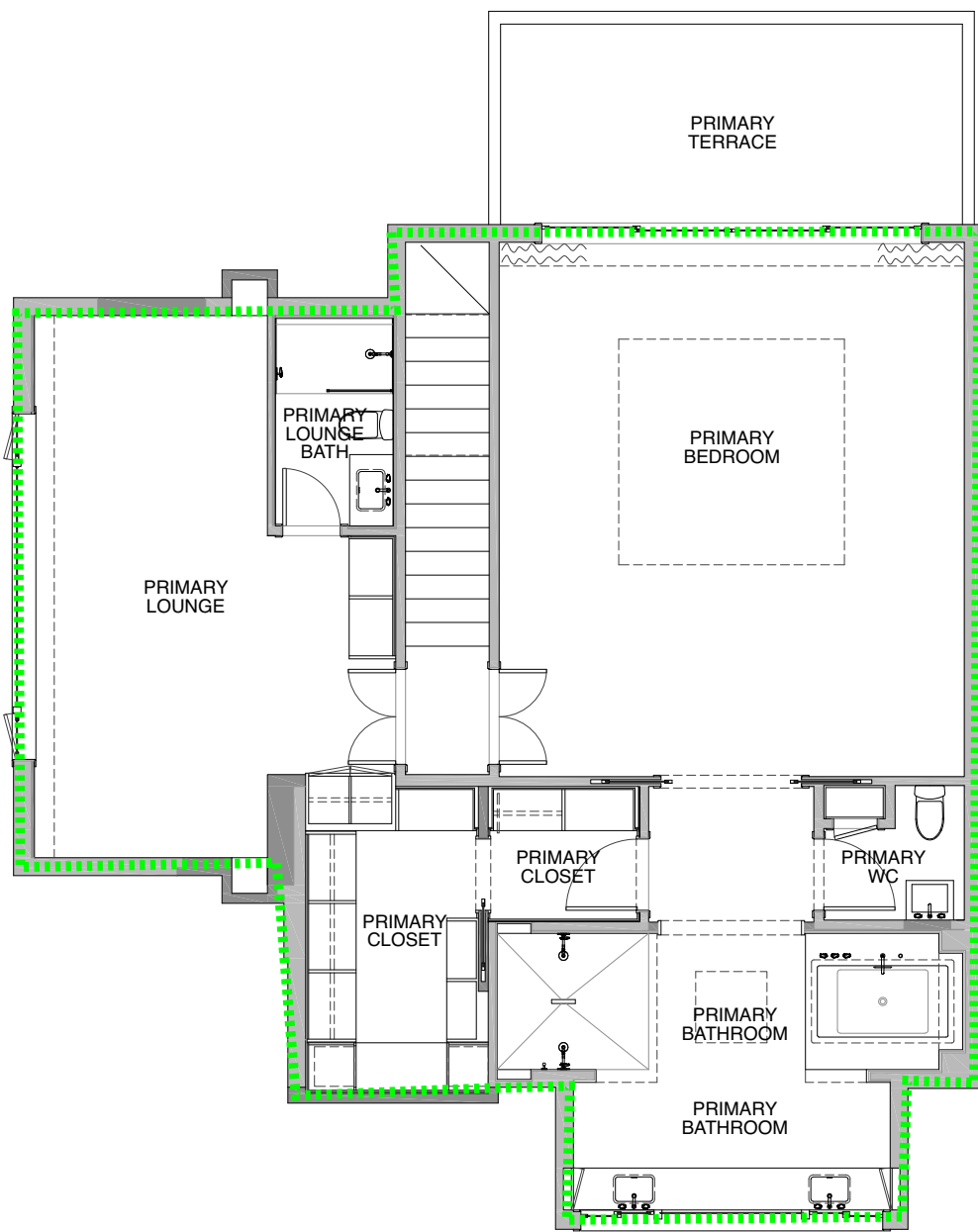


FIGURE 3

ARCHITECT



NOHO WORKSHOP
KANOA CHUNG
ARCHITECT, AR-18731
1970 KOLO RD.
KILAUEA, HI 96754
P: (808) 651-4979
E: KANOA@NOHOWORKSHOP.COM

CLIENT

NANI PANIAU ESTATE LLC
69-2014 Paniau Place
Kamuela, HI 96743

CERTIFICATION

CONSULTANT

PROJECT

Paniau Residence

69-2014 Paniau Place
Kamuela, HI 96743
TMK: 3690010210000

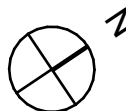
PROJECT NUMBER: 24009

ISSUE DATE: 10/29/24

DRAWING ISSUE:

ESTATE RESIDENCE PLANS

A-01



1. Five (5) 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 six (6) designated on-site parking stalls identified on the attached site plan **(Figure 2)**.
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 dwelling will serve as the primary residence of the property's caretaker who will operate the bed and breakfast.
6. Access will be from Paniau Place, a privately owned and maintained paved roadway which connects to Puakō Beach Drive.

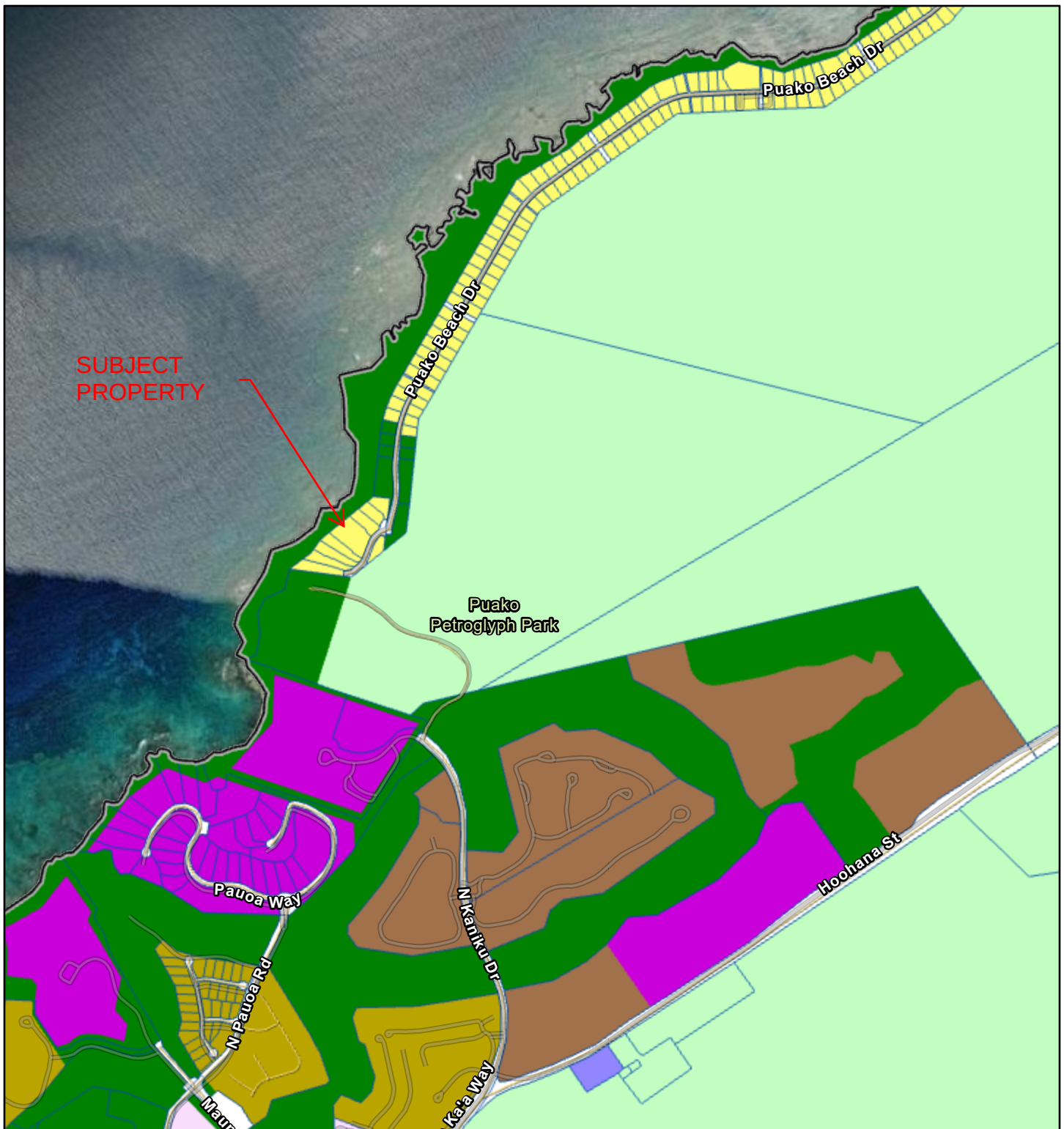
3B. Subject Property Description

The subject site, identified as TMK (3) 6-9-001:021, consists of 1.631 acres of land. The parcel is part of the Nani Paniau Subdivision which was created in conjunction with SMA 91-326, approved in 1991 and subdivision number s6279, approved in 1993. The subdivision consists of nine parcels with a combined area of 6.6224 acres and a private roadway lot. It is a private, residential subdivision under the single ownership and management of Nani Paniau Estate LLC. All of the parcels within this subdivision are zoned Residential 10,000 square feet (RS-10) **(Figure 4)** and are within the Urban State Land Use District **(Figure 5)**.

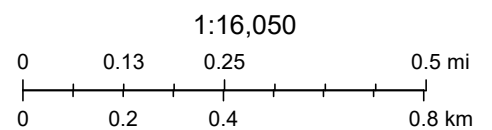
The parcel is located along the shoreline, approximately 3.1 miles southwest of the intersection of Puakō Beach Drive and Queen Ka'ahumanu Highway in Puakō, South Kohala, HI **(Figure 1)**. Access to the parcel extends from Puakō Beach Drive via Nani Paniau Place, a privately owned and maintained paved roadway. The parcel is generally rectangular in shape. It currently contains a permitted single-family dwelling constructed in 1995 under Permit No. 946001. Two (2) building permit applications are currently pending with the Department of Public Works Building Division – one relating to permitting of a new detached garage (PW.B2024-003649) and the other relating to permitting of a new lanai and pool (PW.B2024-002593).

This area of the South Kohala District is considered Lava Zone 3, on a scale ranging from 9 to 1 (least hazardous to most). The property is located along the shoreline and is within the Special Management Area, but is not within a Conservation District.

FIGURE 4 ZONING



- Hawaii County Zoning
- (road)
 - A-5a
 - CV-10
 - MCX-20
 - OPEN
 - RM-3
 - RM-4
 - RS-10
 - V-1.25
 - Parcels (current boundary lines)
 - Streams
 - Street Centerlines
 - Hawaii County District Boundary
 - Coastline

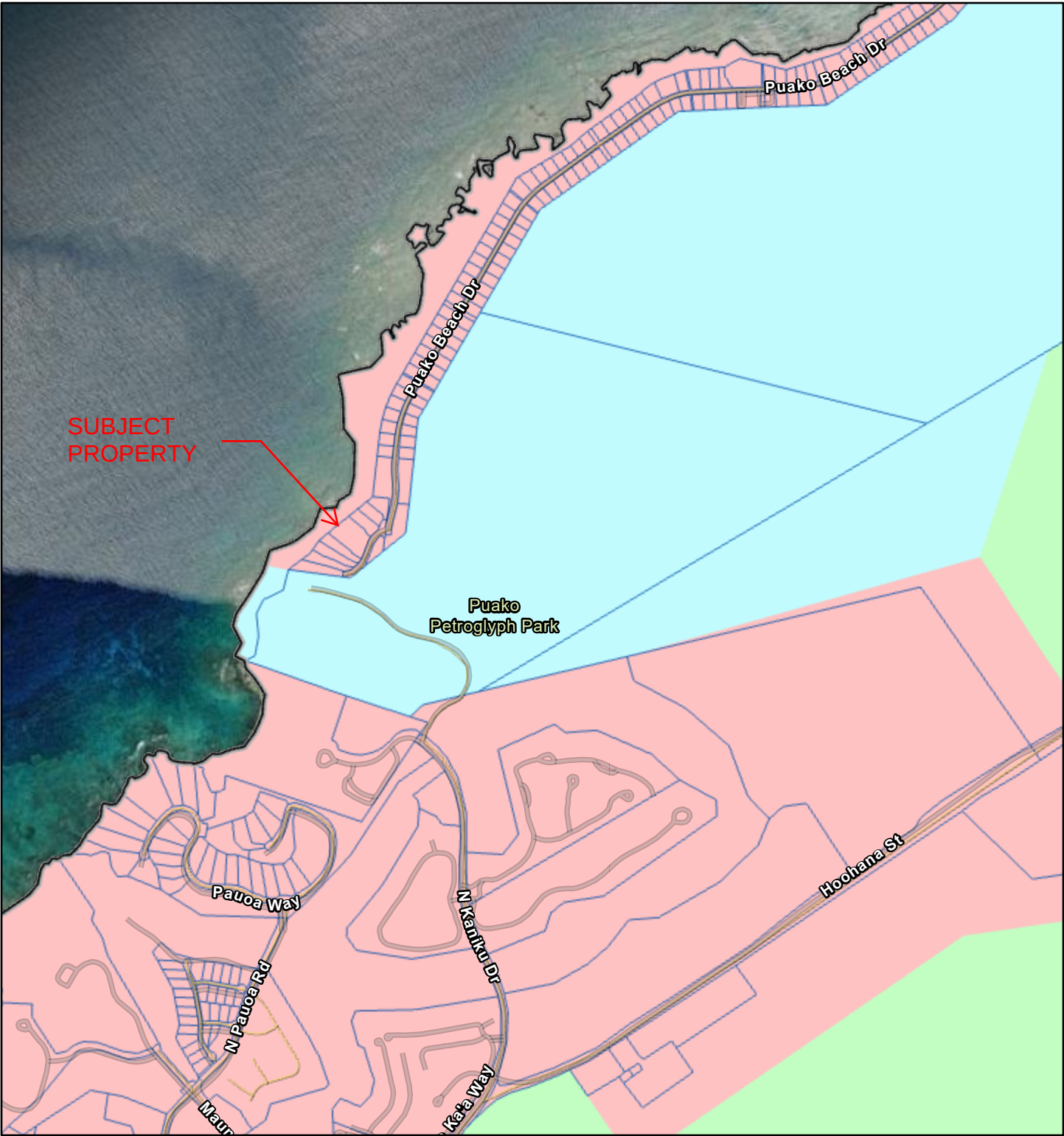


Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Web AppBuilder for ArcGIS

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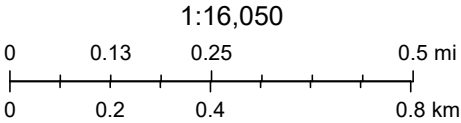
FIGURE 5 STATE LAND USE



State Land Use Classifications (SLU)

- Agricultural
- Conservation
- Urban
- Parcels (current boundary lines)

- Streams
- Street Centerlines
- Hawaii County District Boundary
- Coastline



Esri, Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

The Land Use Pattern Allocation Guide (LUPAG) designates this land as primarily Low Density Urban with a small portion along the coast designated as Open (**Figure 6**). The soils on this site are undesignated by the Land Study Bureau and the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system.

3C. Institutional Considerations

State Land Use

The subject site is within the Urban State land use district (**Figure 5**). The proposed use would not be contrary to the objectives of Chapter 205, or Title 15, Chapter 15 of the 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 25-5-3(b)(1) allows for the establishment of a bed and breakfast on residentially 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.

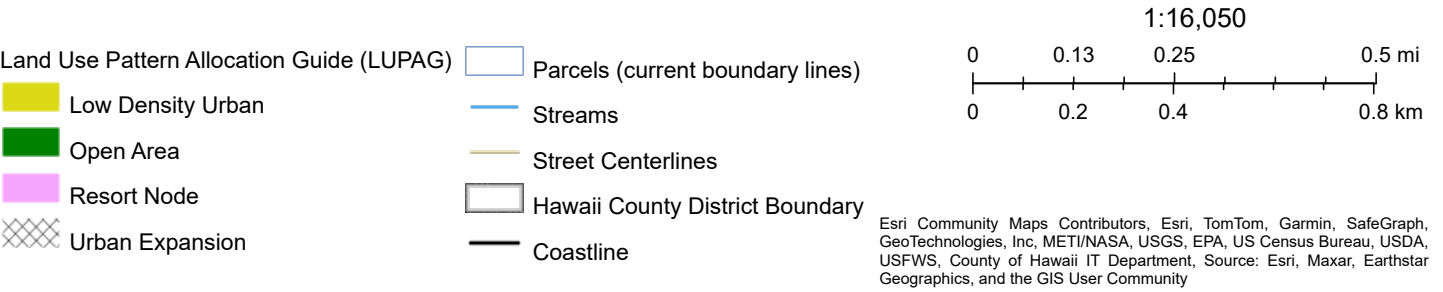
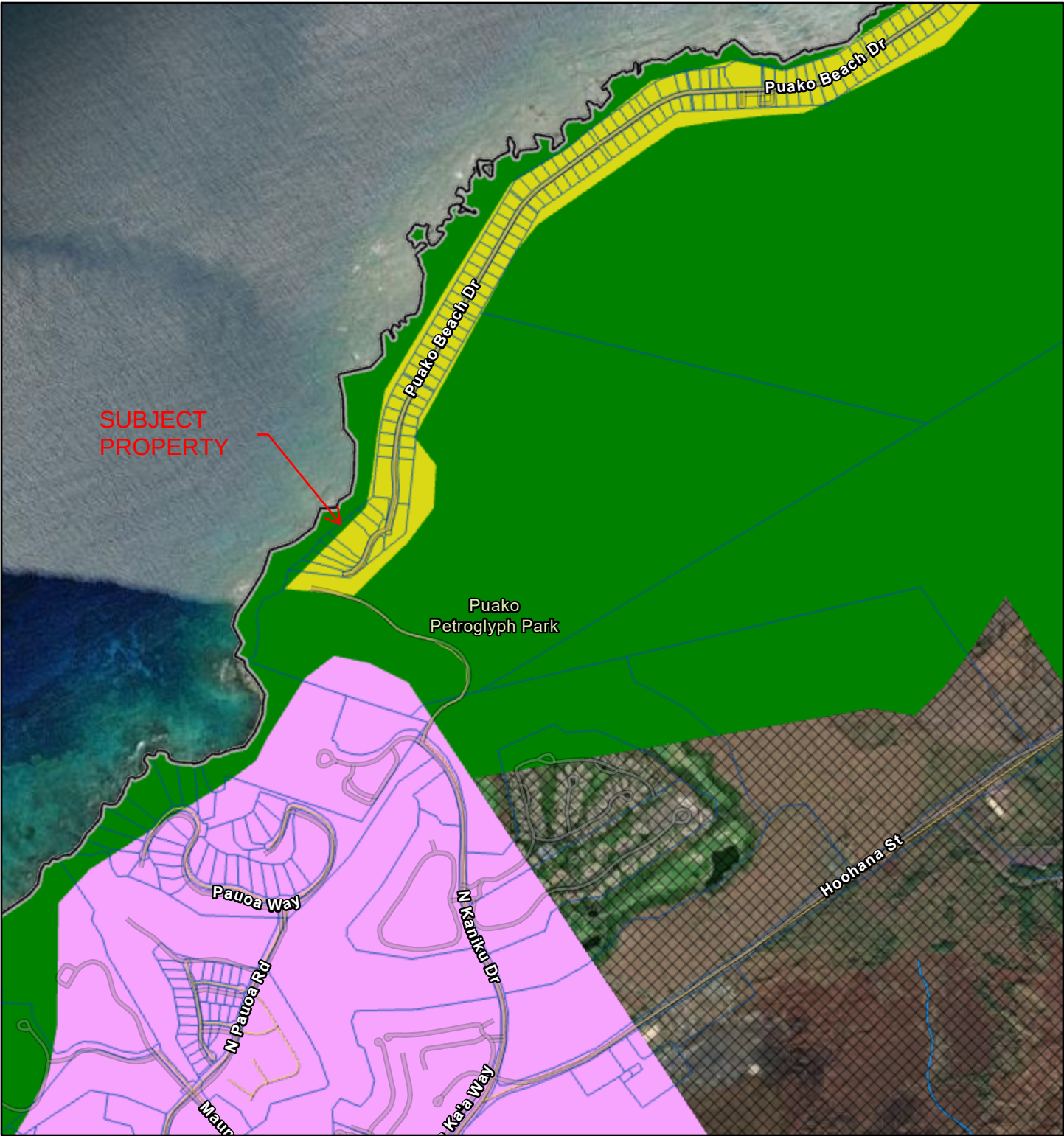
Special Management Area

The subject property is located along the shoreline and within the Special Management Area (SMA). All existing improvements have been granted the appropriate SMA approvals, as have the pending detached garage and pool improvements, under SMA permit 326, approved December 3 1991.

County Zoning and General Plan

The subject property is zoned RS-10 (**Figure 4**). The County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as primarily Low Density Urban (**Figure 6**). This designation is intended for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses with an overall residential density of up to six units per acre. Relative to this designation, the General Plan and Hawaii County Code Chapter 25, Section 25-5-3(b)(1) allows for the establishment of a bed and breakfast on residentially 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.

FIGURE 6 GENERAL PLAN LUPAG



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:

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: 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 and employment 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 remain 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.

South Kohala Community Development Plan

The South Kohala Community Development Plan (SKCDP) attempts to further define the General Plan and serves as a guide for decision-makers. The subject property is located within the Puakō Community as identified in the SKCDP. The requested project aligns with the following policies of the Puakō Community Plan as outlined in the SKCPD:

Puakō Policy 1. Manage the effects of growth and development: *The County Government shall work closely with the Puakō Community to manage the effects of growth and development in a responsible manner.*

Strategy 1.2. Mitigate the impacts of development within the Puakō community
– The low density, single family home character of Puakō makes this area a very desirable and pleasant place to live. Some privately owned land at the north end of Puakō Beach Drive is zoned for urban development. However, the

overwhelming majority of residents of Puakō oppose any development in this area that is not in keeping with the existing character of the community. Multi-family, resort related, and multi-story structures should be prohibited.

Discussion: The subject property was developed in a responsible manner and in accordance with all required SMA and building permits. The proposed project seeks to utilize the existing permitted single-family dwelling as a 5-bedroom bed and breakfast. Such use would be consistent with the residential use of the property and other nearby properties, many of which are currently used as short-term vacation rentals. Thus, approval of this request will not result in any change to the area's character and will be done in a cohesive and responsible manner.

3D. Surrounding Zoning and Land Uses

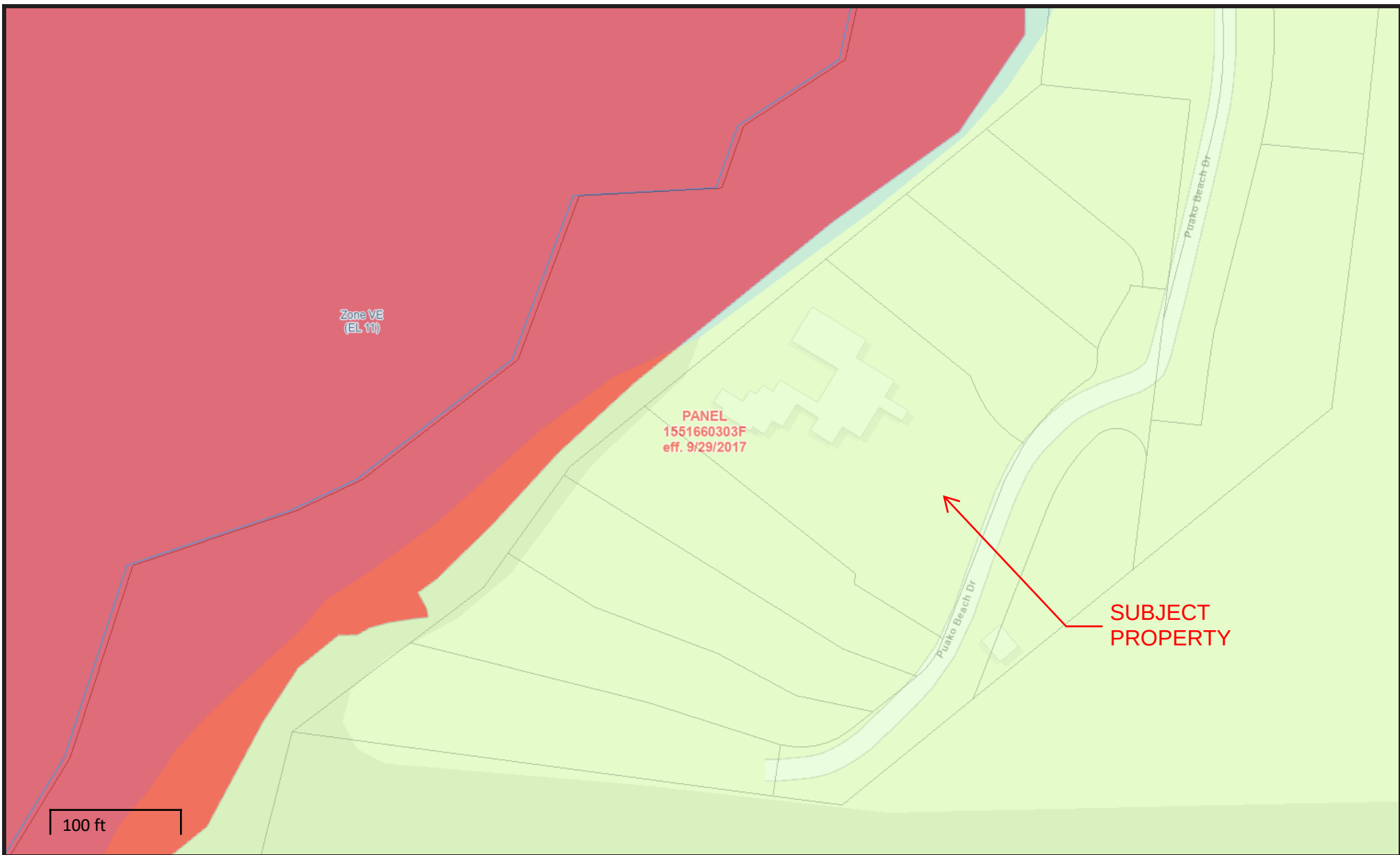
The subject parcel is located within the Nani Paniau Subdivision, a private, residential subdivision under the single ownership and management of Nani Paniau Estate LLC. The subdivision consists of nine RS-10 zoned parcels with a combined area of 6.6224 acres and a private roadway lot.

The subject parcel is separated from the ocean by a narrow coastal State-owned public beach parcel with a rocky shoreline, small white-sand beaches, and extensive tidal pools that are frequented by local residents and visitors. To the north are several undeveloped, Open zoned, State-owned parcels containing public beach access to the coastal area just makai of the subject parcel, Paniau Beach. Just north of these State-owned parcels is the RS-10-zoned Puako Beach Lots Subdivision, containing several approximately 15,000-square foot, RA-10-zoned parcels used for residential and transient accommodation use. The Nani Paniau Subdivision is bordered to the south and west by a large State-owned parcel (TMK (3) 6-9-001:017), leased by Mauna Lani Resort, which contains the Puako Petroglyph Park, Holoholokai Beach Park and a portion of the Mauna Lani Resort golf course. The nearest neighboring residence is over 900 feet to the north of the subject property.

The requested Use Permit to operate a bed and breakfast on the subject parcel would remain in keeping with the surrounding residential and transient accommodation uses in the area and would only allow transient overnight accommodations for up to 10 guests. 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 7**).



Flood Hazard Map

Title:

Notes:

FIGURE 7 FIRM MAP

Map generated
on 11/06/2024



[Map Legend](#)

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.

3F. Archaeological Resources

An archaeological inventory survey, archaeological data recovery plan and a mitigation program were prepared and approved for the subject parcel in conjunction with the creation of the Nani Paniau Subdivision. As a result of these studies, several easements exist throughout the property to preserve and buffer the existing identified archaeological features and anchialine ponds throughout the property. These easements are identified on the site plan (**Figure 2**) and will not be affected by the proposed use of the property as a bed and breakfast.

As the property has been thoroughly studied in the past, it is unlikely that any archaeological or historic resources will be encountered on the property in conjunction with the proposed 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 Puakō area is used extensively for coastal recreational activities. The shoreline and coastal water are important resources for traditional and customary native Hawaiian rights. However, none of these sites or uses will be impacted by this request as the established public access will not be affected. The shoreline is located on the public beach lot makai of the project site and no uses are proposed in the shoreline setback. Further, the subject site has been used residentially for many years and is extensively landscaped. It is therefore unlikely to be used for gathering purposes today. 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.

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.

While it is possible that native birds may visit the area or the subject property. All proposed activities will occur within previously cleared 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 approximately 3.1 miles southwest of the intersection of Puakō Beach Drive and Queen Ka‘ahumanu Highway in Puakō, South Kohala, HI (**Figure 1**). Access to the parcel extends from Puakō Beach Drive via Nani Paniau Place, a privately owned and maintained paved roadway.

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 5-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 two permitted individual wastewater systems (IWS). 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 RS-10 and the County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as primarily *low density urban* (**Figure 4**). This designation is intended for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses with an overall residential density of up to six units per acre. 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. Therefore, approval of this bed and breakfast facility would be consistent with the social and physical character of this Rural/Resort 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 property 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 in conjunction with this Use Permit request and thus the appearance of the property will remain essentially unchanged and consistent with the surrounding area. 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 Puakō Beach Drive and no additional utilities will need to be provided by public agencies. The South Kohala Fire Station is approximately 1.6 miles and the Hawaii County Police Department Office is approximately 15 miles from 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.

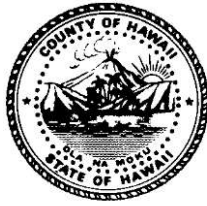
IV. Conclusion

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 rural, 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 their goals without unduly burdening public agencies or causing any substantial adverse impacts to the surrounding community.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

May 15, 2024

John Pipan, Administrator
Land Planning Hawai'i
194 Wiwo'ole Street
Hilo, HI 96720

Dear Mr. Pipan:

SUBJECT: Special Management Area Assessment Application
(PL-SAA-2024-000224)

Applicant: John Pipan

Landowners: Nani Paniau Estate LLC

Project: Construction of a Single-Family Dwelling and Demolition of a Pool,
Construction of New Pool with Deck and a Garage

Tax Map Key: (3) 6-9-001: 021, 024 & 025

Location: Puakō, South Kohala, Hawai'i

This is to acknowledge receipt of your letter dated April 15, 2024, requesting a Special Management Area (SMA) determination for the construction of a 1,200 sq.ft. Single family dwelling with a 600 sq.ft. lanai and the demolition of an existing pool and construction of a new 1000 sq.ft. new pool with an 1800 sq.ft. deck, and a new 1650 sq.ft. garage.

The proposed project consists of 3 TMKs: (3) 6-96-001: 021, 024 & 025. These parcels are in the southernmost area of the 10-lot Paniau Subdivision. The parcels are zoned Single-Family Residential (RS-10) by the County, designated Urban by the State Land Use Commission, and designated Low Density Urban (ldu) and Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The parcels are shoreline parcels within the Special Management Area (SMA) as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Planning Dept.
Exhibit 2

SMA Permit No. 326, approved on December 3, 1991, allowed for a 10-lot residential subdivision and related improvements at the southern end of Puakō Beach Drive. There are numerous easements located on the subject parcels including multiple Anchialine Pond Site Purposes, Archaeological Site Purposes, Private Water System Purposes, Electrical Purposes and Access Purposes. Lastly, there is a public access easement along the shoreline perpendicular to the subject parcels.

Currently, on TMK (3)6-96-001:021 there is an existing 7,130 sq.ft. single-family residence, pool and decking built in 1994. The remaining parcels 024 and 025 are vacant at the time of this application.

Shoreline Area Determination:

The parcel is within the Special Management Area (SMA), as well as within the “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS). According to information provided by the applicant, a Shoreline Certification Survey was approved by the Board of Land and Natural Resources (BLNR) on March 15, 2024, which demarcates the shoreline along the western (makai) property boundaries. Pursuant to Hawai‘i Revised Statutes (HRS) § 205A-43(a) Establishment of Shoreline Setbacks, “*Setbacks along shorelines are established of not less than forty feet inland from the shoreline.*” All work will be sited outside of the minimum 40-foot shoreline setback area.

Proposed Project:

The project consists of two parts:

1. On parcel 021; Construction of a new 1,650 sq.ft. garage, the addition of 1,200 square feet of new pavement and the demolition of an existing pool to construct a new pool on the makai side of the residence. A new 1,800 sq.ft. deck will be constructed near the pool and lastly, a new 300 sq.ft. pool equipment building.
2. On parcels 024 & 025; construction of a new 1,200 sq.ft. 1-bedroom single-family dwelling (SFD) with a 600 sq.ft. lanai. The applicant will at a later time seek to adjust property lines between the two (2) parcels through a Lot Consolidation and Resubdivision.

Special Management Area Determination:

After a thorough review of the proposed project, the director finds that the proposed improvements and construction of a new Single-Family Dwelling, demolition, and construction of a new Swimming Pool, Pool Equipment Building and Garage meets, or is consistent with the approval and conditions of SMA 326. The project will not require further review against SMA rules and regulations.

While no additional SMA permit is required for this project, the applicant shall continue to adhere to the conditions outlined in SMA 326 (1991).

However, please note that any substantive changes to the improvements listed in the current application may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, pursuant to Planning Commission Rule 9-10(g), “the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity or operation does not have a substantial adverse effect on the Special Management Area.”

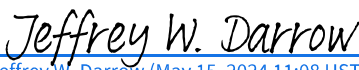
The Deputy Director has added the following conditions for the proposed project:

1. The applicant(s), its successor(s), or assign(s) (Applicant) shall be responsible for complying with all stated conditions of approval.
2. Any substantive changes or further development, including but not limited to, the design and size of the improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
3. Prior to the submittal of a building permit for Parcels 024 and/or 025, the applicant shall submit and receive approval of a consolidation/resubdivision application for these parcels. The Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
4. Other than the proposed project as described in this determination, no further work is permitted under this approval.
5. A construction barrier shall be erected along the entire length of the 40-foot shoreline setback line for Parcel 021 prior to the commencement of land altering and construction activities and shall remain in place until final inspection has been granted by the Building Division for the proposed demolition and construction of the swimming pool. The construction barrier shall be shown and properly noted on the plans submitted for any permits requiring land altering or construction activities. The construction notes on the plans must include the following statement, “*The construction (and/or erosion control) barrier must be erected prior to any land altering or construction activities and must remain in place until final inspection by Department of Public Works.*”

6. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
7. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
8. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
9. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If subsequent to issuance of this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.

If you have questions regarding this document, please contact Derek Harbaugh of this office at (808) 961-8038 or via email at Derek.Harbaugh@hawaiicounty.gov.

Sincerely,


Jeffrey W. Darrow (May 15, 2024 11:08 HST)
JEFFREY W. DARROW
Deputy Planning Director

DSH:sklo
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Enclosure: Exhibit 1 –Site Plan

cc via email: GIS Section

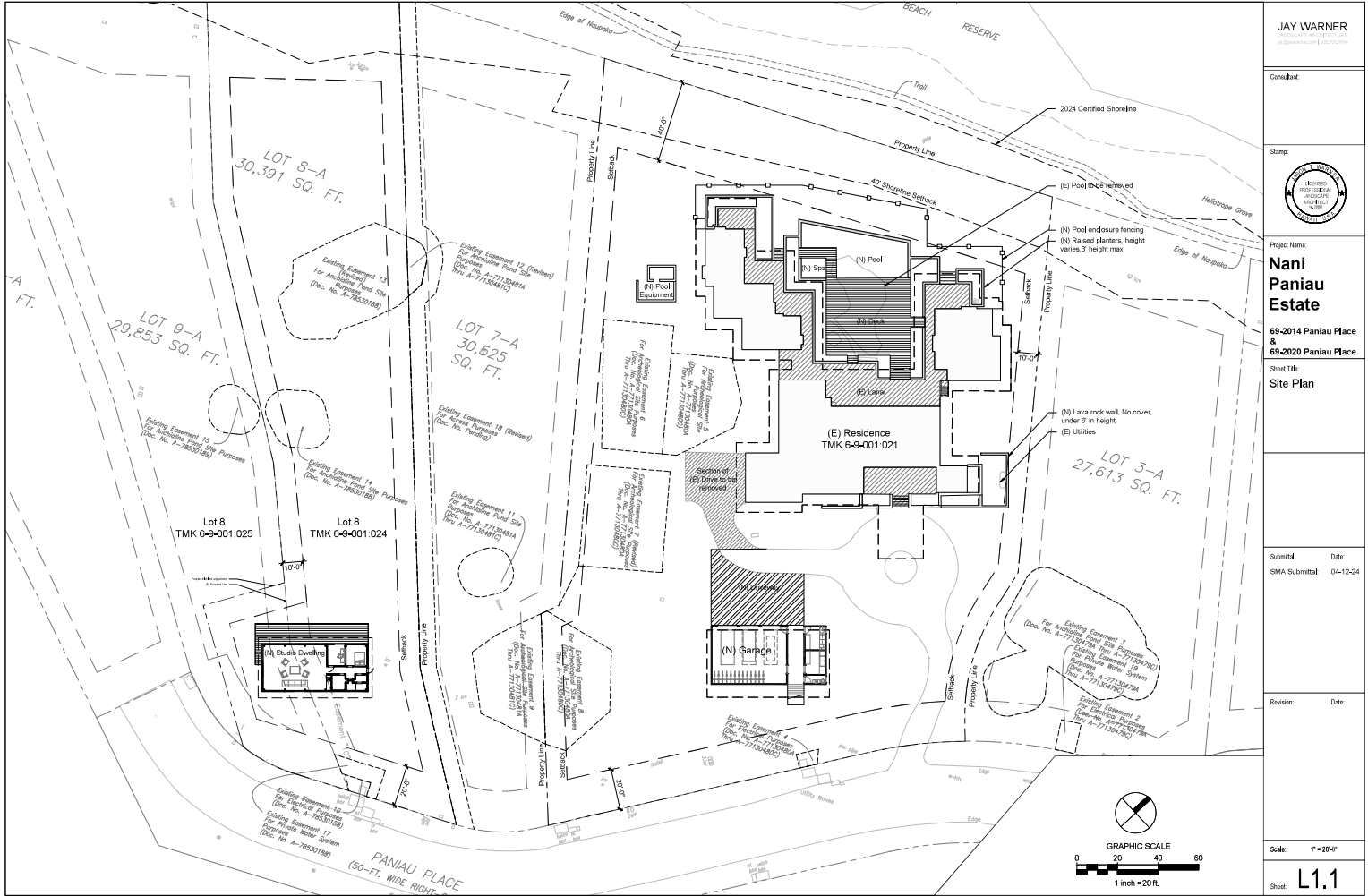
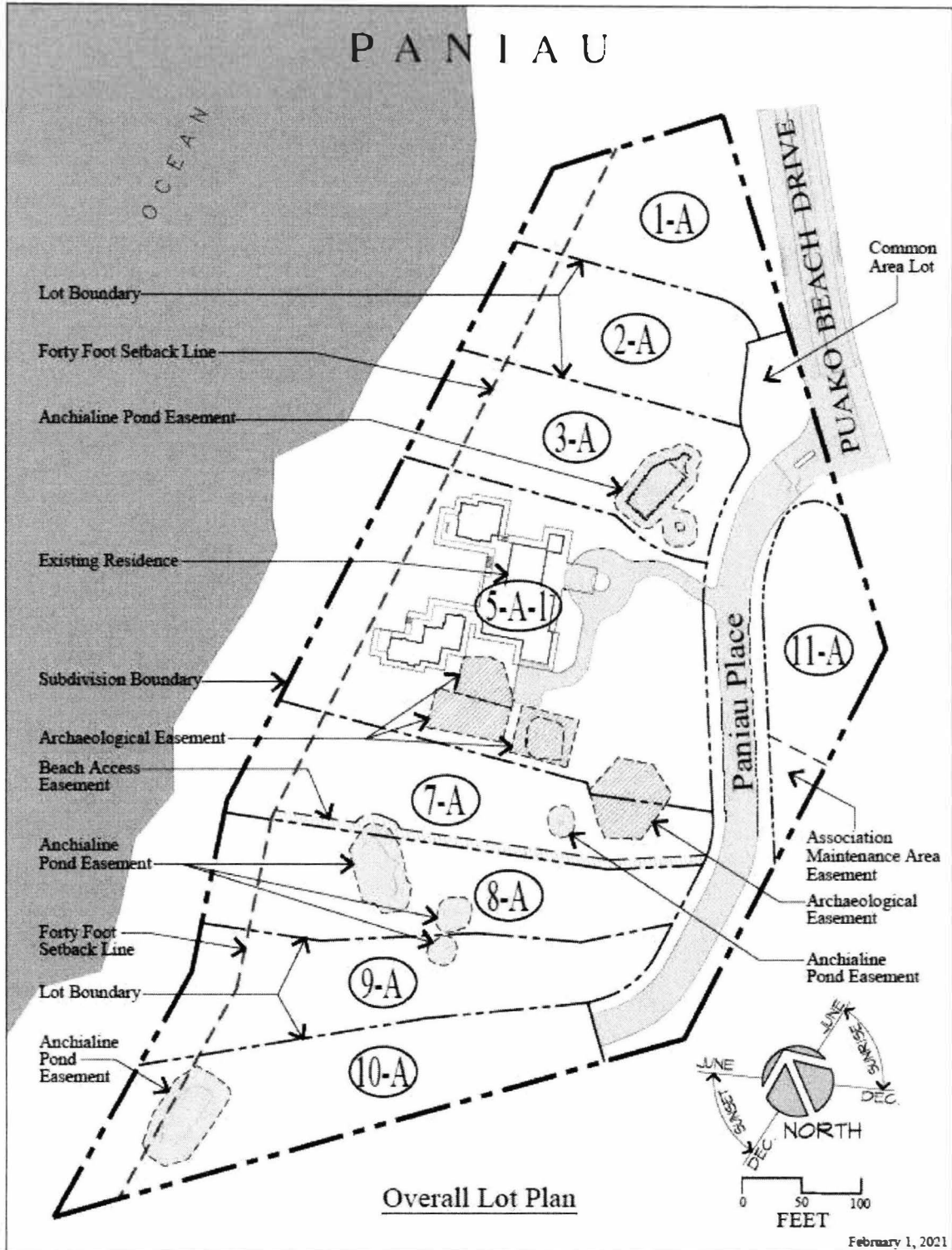
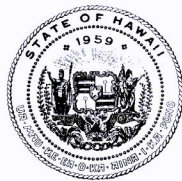


Exhibit B

Revised Overall Lot Plan



{00470569.4}



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

MEMORANDUM

DATE: February 18, 2025

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Use Permit Application (PL-USE-2024-000031)
Applicant: Nani Paniau Estate, LLC
Request: To Allow a Five Bedroom Bed and Breakfast Establishment
Within an Existing Dwelling.
TMK: 6-9-001:021, Puako Beach, S. Kohala, Hawaii

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.

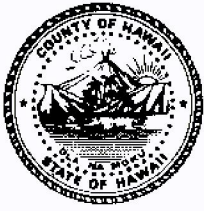
Sanitation / Local DOH Comments:

1. The purpose of these guidelines is to provide interpretation of the Department of Health's Administrative Rules, Title 11, Chapter 50, Food Safety Code, as it pertains to Bed and Breakfast operations.
2. "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).

3. “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.
4. 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.
5. 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.
6. 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.
7. If you have any questions regarding this guideline, please 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

March 13, 2025

TO:

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

SUBJECT:

Use Permit Application (PL-USE-2024-000031)
Applicant: Nani Paniau Estate, LLC
Request: To Allow a Five (5) Bedroom Bed and Breakfast Establishment Within
an Existing Dwelling
TMK: (3) 6-9-001:021 Puako Beach, S. Kohala, 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.
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding: See complaint CE2023-00104
 - ☐ Building ☐ Electrical ☐ Plumbing ☐ Sign
- ☒ Others: Any change of use of rooms require a change of use permit.
Please see attachment of the original permit discription of dwelling.

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

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BUILDING PERMIT APPLICATION

Total Valuation \$ 1.8 Mil.

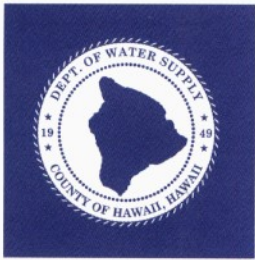
Total Fee \$ 1,710.00

Legal Owner George Zimmer, Trustee of George Zimmer Address 5696 Stewart Ave. Fremont Tel. 510/
1988 Living Trust CA 94538 No. 657-9821Lessee, Tenant _____ Address _____ Tel. _____
No. _____Plans By H.C. Bennett Address 78-6697A Mamalahoa Hwy 9672 Tel. 322-3375
No. _____Builder Clever Construction, Inc. Address P.O. Box 4421, Kailua-Kona Tel. 329-5196
No. _____Plumbing Contractor Pete's Plumbing Address 69 Puako Drive, HI 96743 Tel. 882-7551
No. _____Electrical Contractor Sakamoto Electric Address P.O. Box 646 Kealahou Tel. 323-2081
No. _____
To construct and/or repair, etc.: all in accordance with State Laws and Ordinances of the County of Hawaii, to-wit:Class of Work ☒ New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Demolition ☐ Reconstruction ☐ Disaster(CONSTRUCTION SITE) Nani Paniau Lots 4-5 Puako Drive South Kohala
(ST. NO.) (STREET) (DISTRICT)NOW OCCUPIED AS Vacant DIMENSIONS 150' X 150' MAJ. FLOOR AREA 6,369TO BE OCCUPIED AS Residence ACC. FLOOR AREA 4,204OCCUPANCY R-3 FLOOR CONSTR. Concrete & Wd. Frame NEAREST LOT BOUNDARY 10 FT.TYPE OF CONSTR. V-N EXT. WALLS Stucco NEAREST BUILDING --- FT.INT. WALLS 1/2" Gyp Bd. COUNTY SEWER YES ☒ NO.STORIES 2 ZONE Rs20/SMA ROOFING Concrete Tile SEWER TYPE Septic Tank (2)COMPLETION DATE 10/95 CEILING 5/8" Gyp. Bd. FIRM ZONE VE-AE-8 Ft.REMARKS: Pool Later, Main House - Lower: 2 Bedroom, 3 1

FILE

340001

ENTERED



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

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

March 31, 2025

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Use Permit Application (PL-USE-2024-000031)**
Applicant: Nani Paniau Estate, LLC
Request: To Allow a Five (5)-Bedroom Bed & Breakfast Establishment
within an Existing Dwelling. Tax Map Key 6-9-001:021

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

Please be informed that the subject parcel is currently allocated one (1) unit of water through an existing master water meter serving the 9-lots within the subdivision. The one (1) unit of water assigned to the parcel is limited to an average daily usage of 400 gallons and suitable for only one single-family dwelling.

We have no objection to the establishment of a bed and breakfast on the subject parcel. The applicant shall be informed, through a copy of this letter, that the existing master meter is limited to an average daily usage of 4,000 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 Quitoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

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

RQ:klcm

copy – Nani Paniau Estate LLC
Land Planning Hawaii, LLC

Planning Dept. Exhibit <u>6</u>

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

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