

## COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

**SANGWOOK LEE**

**USE PERMIT APPLICATION (PL-USE-2026-000045)**

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Upon review of the request against the guidelines for granting a Use Permit, the Planning Director recommends that this **request to allow the operation of a one (1)-bedroom bed and breakfast establishment within an existing three (3)-bedroom dwelling situated on approximately 10,125 square feet of land within in the Agricultural – 5 acres (A-5a) zoning district be approved by Leeward Planning Commission**. Since this recommendation is made without benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. The recommendation for approval is based on the following findings:

The applicant is requesting a Use Permit to allow the establishment of a one-bedroom bed and breakfast operation within a single-family dwelling on the subject property. The single-family dwelling consists of three bedrooms and two bathrooms, one of which will be used for the landowner who will also be the full-time onsite host. The proposed bed and breakfast will provide overnight accommodation for a maximum of two (2) guests in one (1) bedroom, for a period of less than thirty days. Breakfast may be provided for registered guests only; no other meals will be provided. Paved parking will provide the required stalls for both the dwelling and guest utilizing the garage and driveway. No exterior signage is proposed. The landowner will reside onsite in the room located at the northern portion of the dwelling. The bed and breakfast operation will provide accommodation for travelers who visit the island and additional income for the property owner.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permit, requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed request to operate a one-bedroom bed and breakfast establishment within an existing residential dwelling meets the guidelines for approval of a Use Permit, for the reasons listed below:

**The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.** The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and policies of the General Plan. According to the Zoning Code, Agricultural districts "provide for agricultural and very low density agriculturally-based residential use..." This includes bed and breakfast operations, which are considered accessory or subordinate to the principal use of the property as a residence. The County Zoning Code, Section 25-4-7, provides guidelines for bed and breakfast operations. Based upon the applicant's representation, the bed and breakfast operation will meet with the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments.

Bed and breakfast establishments are becoming increasingly popular with visitors to the island, who seek a quieter, more authentic experience of local life. Bed and breakfast establishments provide an economic opportunity for residents of Hawai'i County, who can supplement their incomes by sharing their homes with

visitors. On urban designated lands, impacts from bed and breakfast operations can be properly addressed and mitigated through the approval of a Use Permit.

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The General Plan land use map establishes the basic urban and non-urban form for areas within the County. The General Plan designation for this property is Low Density Urban, which allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses. As the proposed bed and breakfast operation will be established within an existing single-family dwelling, the use should not alter the appearance or character of the neighborhood which is mainly made up of single-family residential dwellings.

The Kona Community Development Plan (CDP) and recently adopted General Plan 2045 are silent on visitor accommodations in urban areas. However, Action 32.s of the General Plan recommends the zoning code be amended to require emergency and hazard information to be prominently displayed in all transient accommodations. A condition will be added to the permit to implement this recommendation. Based on the preceding, the proposed use is consistent with the zoning district, Zoning Code, and the County General Plan.

**The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.** The subject property is currently improved with a single-family dwelling. The dwelling to be used for the bed and breakfast was built in 1989 and consists of three bedrooms and two baths. The surrounding area consists mainly of urban residential uses. The dwelling and parking areas can accommodate the bed and breakfast operations. It is not

anticipated that the approval of this bed and breakfast operation will have a major impact on the community or on other similar uses in the area.

**The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure.**

The subject parcel currently has one driveway access, from 'Ama'ama Street which is a County owned and maintained roadway. There is adequate guest parking located on site and it is not anticipated that guests of the bed and breakfast operation will substantially increase traffic on the existing roadways.

County water is available to the property which is currently served from an 5/8-inch meter. The Department of Water Supply (DWS) requires that the applicant understand that the average daily water usage for the proposed use shall not exceed 400 gallons. Should the average daily usage exceed its capacity, DWS may install a flow reducing device on the meter to assist with water consumption. The subject dwelling is connected to an existing cesspool and all other essential utilities are available to the property and fire and police services are available nearby within 5 miles. Therefore, based on the above discussion, the granting of the request will not unreasonably burden public agencies to provide needed services and infrastructure.

**In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The property is not located within the Special Management Area and is approximately 3 miles from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the project site's distance from the shoreline, the property will not impact any recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources. As such, the request is not

contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.

**The request will not have a significant adverse impact to traditional and customary Hawaiian Rights.** In view of the 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 in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: The subject property is a previously disturbed residential lot located within an established subdivision. Review of available agency records, project materials, GIS databases, and public testimony did not identify any known archaeological sites, historic properties, traditional gathering areas, cultural sites, or ongoing Native Hawaiian traditional and customary practices within the project area. No evidence was presented (in the application or by the applicant) indicating the exercise of protected Native Hawaiian rights on the subject parcel.

The valued cultural, historical, and natural resources found in the area: The proposed project consists of a 207-square-foot portion of an existing residence located on a previously developed lot. No cultural resources or traditional customary Native Hawaiian practices were identified within the project area. Because no protected resources or practices were identified, the proposal is not expected to adversely affect or impair traditional and customary Native Hawaiian rights.

Possible adverse effect or impairment of valued resources: Because no cultural resources, traditional customary practices, or Native Hawaiian rights were identified within the project area, no specific protective measures are necessary.

Based on the available record, approval of the proposed action will not impair the exercise of protected rights.

Feasible actions to protect native Hawaiian rights: The Bed and Breakfast establishment will occur within an existing dwelling, thus impacts to flora and fauna are not to be expected.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved water systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

**Based on the preceding findings, it is recommended that the request for a Use Permit to allow the establishment of a one (1) bedroom Bed and Breakfast operation in an existing residence situated on 10,125 square feet in the Agricultural zoning district be approved by the Leeward Planning Commission.** Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s) or assign(s) shall be responsible for complying with all stated conditions of approval.
2. Construction and operation of the bed and breakfast shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit application received April 20, 2026 and representations made to the Leeward Planning Commission. Any

expansion of the bed and breakfast beyond what is represented in these documents shall require an amendment to this permit.

3. The applicant shall comply with all requirements of Section 25-4-7 of the Zoning Code, Hawai'i County Code Chapter 25, as amended, relating to Bed and Breakfast Establishments.
4. The bed and breakfast operation shall be limited to the use of one (1) bedroom with a maximum of two (2) guests.
5. Water usage via the existing County water meter shall not exceed an average daily usage of 400 gallons for the proposed use. The Department of Water Supply may install a flow-reducing device on the meter should the consumption through the existing meter exceed its rated capacity.
6. Emergency and hazard information, including but not limited to, notification of the monthly Civil Defense siren tests, evacuation routes, and contact information of the Civil Defense agency, Police and Fire Departments shall be prominently displayed within the bed and breakfast dwelling.
7. The applicant shall comply with all applicable rules, regulations, and requirements of the affected agencies for the proposed development.
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.