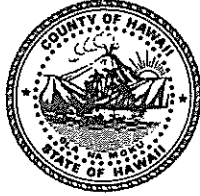


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
7099 3220 0000 4869 5905

OCT 06 2000

John and Michele Gamble
P.O. Box 189
Honomu, HI 96728-0189

Dear Mr. and Mrs. Gamble:

Special Management Area Use Permit Application (SMA 00-011) ✓
Special Permit Application (SPP 00-026)

Request: Establishment of an 8-Bedroom Inn in a Proposed Addition to
an Existing Single Family Dwelling and Related Uses

Applicant: John and Michele Gamble

Tax Map Key: 2-8-13:38

The Planning Commission at its duly held public hearing on September 15, 2000, voted to approve the above-referenced applications. Special Management Area (SMA) Use Permit No. 408 and Special Permit No. 1078 are hereby issued for the establishment of an eight-bedroom inn within a proposed addition to an existing dwelling and related uses situated in the State Land Use Agricultural District. The property is located on the makai side of Mamalahoa Highway approximately 1,200 feet southeast of Honomu Road, Honomu, South Hilo, Hawaii.

Approval of the above requests are based on the following:

Special Management Area Use Permit

The purpose of Chapter 205-A, Hawaii Revised Statutes and Rule 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to insure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves by dedication or other means.

009898

OCT 06 2000

The proposed project will not have any significant adverse environmental or ecological effect. The applicants propose to construct an 8-bedroom/8-bathroom addition to an existing dwelling, as well as a gazebo, for the operation of a small inn. The applicants are also requesting that weddings, community and public meetings be permitted on the property. As the subject property has been improved with a dwelling, the likelihood of any threatened or endangered species of flora or fauna or their special habitats within the property are remote. Therefore, impacts to the physical environment within the immediate area will be minimal.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These objectives and policies were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational, scenic resources, coastal ecosystems, economic use and coastal hazards. The subject property has been in residential use since 1993, and the surrounding area includes vacant parcels and residential/agricultural uses. The closest dwelling is located across Highway 19 to the west. No known presence of any significant historic or archaeological feature is situated in the area. The proposed use would not interfere with any recreational resources, natural shoreline processes or impact view planes to the coastal area. Compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters.

The proposed project within the Special Management Area is consistent with the General Plan and Zoning Code. The property is zoned A-20 by the Zoning Code, and the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Open. The requested use would complement the following goals and policies of the General Plan:

Land Use

- * Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic

- * Provide residents with opportunities to improve their quality of life.

- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

Natural Beauty

- * Protect scenic vistas and view planes from becoming obstructed

Access to the property is from Highway 19, which is under the jurisdiction of the State of Hawaii. According to the Department of Transportation, the applicants will be required to provide street lighting at the intersection of Highway 19, as well as 25-foot curve returns and sight distance for connection of the driveway with the highway.

Based on the above, the proposed project will not have any substantial adverse impacts to the subject or surrounding area; and therefore will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management, Rule 9 of the Planning Commission relating to the Special Management Area, the General Plan and Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions. Further, 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.

1. The applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to the establishment of the inn, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7. Plans shall identify existing and proposed structures, driveway, landscaping, lighting, fire protection measures, parking stalls and exterior sign(s) associated with the business.
3. The inn shall be limited to the use of eight (8) bedrooms in the addition. Weddings, community and public meetings will be allowed on the subject property.

4. As required by the Department of Public Works, secure final inspection of open building permits prior to the establishment of the inn.
5. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works prior to occupancy.
6. Comply with all applicable laws, rules, regulations and requirements of the affected agencies including the Department of Public Works, Department of Health, Land Use Commission and Department of Transportation.
7. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Special Permit

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. In the case of the Agricultural

District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Portions of the subject property is and has been actively used for agricultural purposes. The property is located in an area with soils classified as Hilo Soils (HoC), which are generally used for sugar cane. The ALISH maps identify the subject property as Prime Agricultural Land, with a soil rating of "C" or "Fair." The applicants are requesting a Special Permit to construct an 8-bedroom inn within a proposed addition to an existing dwelling as well as a new gazebo on approximately 3.4-acres situated within the State Land Use Agricultural District. The applicants are also requesting that weddings, community and public meetings be permitted on the property. The subject property has been in residential use since 1993. The parcel is improved with a small macadamia nut orchard, and dotted with fruit trees, bougainvillea, palm, pine, heliconia and pineapple. The applicants will continue the existing fruit and macadamia nut production on the parcel, allowing the land to suit its agricultural purpose while offering guests a type of rural ambiance that is preferred by a number of independent travelers. No existing or potential agricultural enterprise would be harmed by the proposed use which will be confined to the subject property, and no additional surrounding lands will be affected. Therefore, the proposed use will not displace any agricultural activity nor diminish the agricultural potential of the area, since this parcel has been in agricultural use for a very limited time and on a sporadic basis. Thus, this request is not contrary to the objectives of the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. Surrounding properties are vacant, and the closest residence is located across Highway 19 fronting the property. As immediate surrounding properties are vacant, it is not expected that the proposed use would create significant adverse impacts to surrounding properties. According to the applicants, the existing dwelling is not visible from the highway, and the roof line of the proposed new addition will be at the same elevation as the dwelling. The property is sufficient in size to accommodate the proposed use, which will be low key with minimal impact. Overall, it is not anticipated that the immediate surrounding parcels would be impacted by the proposed use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area adequately served with essential services and facilities. Water is available from a private well on the property. The applicants propose to serve bottled water to guests. There is a cesspool that services the existing dwelling.

The subject property is located on the makai side of Highway 19, which is under the jurisdiction of the State of Hawaii. Potential roadway impacts will be minimal since the projected volume of traffic to the site is very low. Therefore, it is anticipated that the proposed use will not result in a significant increase in regional traffic. However, the

Department of Transportation requires street lighting at the intersection with Highway 19, as well as 25-foot curve returns and sight distance for connection of the driveway with the highway. There is and will be adequate parking on site to accommodate the guests of the inn. Finally, no objections were received from the community.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The proposed use will encourage and promote the visitor industry, largely by catering to a different group of travelers. Accommodations such as bed and breakfasts and inns have become a part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are popular for visitors who seek a more localized and authentic experience in a home-type setting. Such a small-scale and residential-related use is consistent with the social and physical character of a rural-agricultural area and will contribute to the economic development of the County. The "Strategic Directions for Hawaii's Visitor Industry" or Tourism Strategic Plan (TSP) prepared by the Hawaii Tourism Authority (June 1999), forms the basis or foundation upon which Hawaii's future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:

- Create menus of experiences to make it easier for visitors to purchase agri tourism experiences and products.
- Advocate "Bed & Breakfasts (B&B's) and "Country Inns" on agriculture lands, farms, and ranches.
- "Bundle" agricultural experiences with health, adventure, culture, eco, and edu tourism.

Thus, the request is consistent with the State's strategic directions for Hawaii's visitor industry.

The use will not substantially alter or change the essential character of the land and the present use. The use will be confined to the proposed addition to the existing dwelling. The remaining portion of the property will be used for agricultural purposes and no active agricultural lands will be taken out of production to provide the area necessary to establish the small inn. The project will be in keeping with the existing character and scale of the surrounding community. The Victorian architectural style of the existing home will be maintained for the new addition. The theme of the columns and

turrets will carry over to the new addition to blend the two structures. Therefore, the proposed improvements will not conflict with nor intensify existing land uses. A condition will be included to secure final inspection of open building permits on the subject property prior to the establishment of the inn.

The lands upon which the proposed use is sought is suitable for the uses permitted in the district, however, the proposed use will not interfere with permitted uses. The subject property is already improved with a 4-bedroom dwelling, which is the applicants' residence. Although there are agricultural uses on the property, the proposed inn will be subordinate to the primary use of the property as the applicants' dwelling. The existing agricultural activity on the usable portion of the property will be maintained. The zoning for the property is Agricultural (A-20a).

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Open. The zoning for the property is Agricultural-20 acres (A-20a) and the State Land Use designation is Agricultural. As such, a Special Permit will be required to establish the inn. The proposed request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- * Provide residents with opportunities to improve their quality of life.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

Natural Beauty

- * Protect scenic vistas and view planes from becoming obstructed.

Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the proposed use.

Based on the above considerations, the request to construct an 8-bedroom inn within a proposed addition to an existing dwelling and related uses would be an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to the establishment of the inn, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7. Plans shall identify existing and proposed structures, driveway, landscaping, lighting, fire protection measures, parking stalls and exterior sign(s) associated with the business.
3. The inn shall be limited to the use of eight (8) bedrooms in the addition. Weddings, community and public meetings will be allowed on the subject property.
4. As required by the Department of Public Works, secure final inspection of open building permits prior to the establishment of the inn.
5. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works prior to occupancy.
6. Comply with all other applicable laws, rules, regulations and requirements of the affected agencies for the proposed development, including the Department of Public Works, Department of Health, Land Use Commission and Department of Transportation.

7. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

These approvals do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lgamble01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of Planning, CZM Program (w/Background)
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi
Mr. Jeffrey Darrow
Plan Approval Section
State Land Use Commission
Department of Health