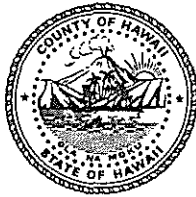


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL

SEP 9 1994

Ms. Nita M. Isherwood  
22724 Cypress Street  
Torrance, CA 90501

Dear Ms. Isherwood:

Special Permit Application (SPP 94-8)

Applicant: Nita M. Isherwood

Request: Establish a 4-bedroom Bed & Breakfast  
Operation within an addition to an  
existing single-family dwelling

Tax Map Key: 8-3-10:17

The Planning Commission at its duly held public hearing on August 25, 1994, voted to approve your application. Special Permit No. 887, is hereby issued to establish a bed a breakfast on approximately 3.915 acres on land situated within the State Land Use Agricultural District and zoned Agriculture (A-1a). The property is located on the makai side of Mamalahoa Highway approximately 2400 feet north (towards Kohala) from its intersection with Middle Government Main Road, Keeki 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended: The applicant contends that the primary use of this parcel will remain agricultural. According to Chapter 205, "agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry." Coffee and macadamia nut production on the property will continue, and the proposed bed and breakfast business will not impact any of the currently cultivated land. The applicant will market her business as an opportunity for guests to spend some time on a working coffee farm and stay in a restored Japanese-Hawaiian farm house. Although the Land Study Bureau's productivity rating for soils in this area is "E" or "very

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poor," the applicant is pursuing an intensive agricultural use of the land. The business is intended to supplement the existing coffee and macadamia nut farm, by providing additional income to the applicant.

The desired use will not adversely affect the surrounding properties: Immediately surrounding properties support mixed agricultural uses and scattered single-family residences. The "Kona Country Fair" complex of shops is located approximately 600 feet to the south. The proposed addition to the existing residence will not be visible from the highway or from adjacent properties, as dense vegetation screens the house from neighboring properties. The character of the existing farm house will be preserved as much as possible, and the applicant will consult with the Historic Preservation Division prior to making any changes to the structure. The primary use of the property will remain agricultural, in keeping with neighboring uses. The applicant will be required to provide major improvements to the access driveway, as required by the Fire Department and the Department of Transportation. These improvements will directly benefit the owners and lessees of TMK 8-3-10:31, whose property is crossed by the existing easement.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, and police and fire protection: Mamalahoa Highway is a paved, State-maintained road. The driveway access to the highway will be improved to comply with the DOT's Standards for Access Driveways into State Highways, and Fire Department requirements for fire apparatus access roads. A water supply for fire protection and other necessary fire-protection devices will be provided prior to the establishment of the bed and breakfast business. Water and wastewater systems for the bed and breakfast establishment must comply with Department of Health regulations for this type of use. The building improvements must comply with Chapter 27 of the County Code, regarding construction in flood zones. All development-related runoff must be disposed of on the property. Drainage improvements, including any drywells, must meet with the approval of the Department of Public Works and the Department of Health.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district: Although the property is classified as marginal agricultural land, the applicant intensively cultivates coffee and macadamia nut trees. The proposed bed and breakfast will operate entirely within the existing residence and the proposed 4-bedroom addition, and it will not interfere with the operation of the farm.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established: Bed and breakfast accommodations have become increasingly popular with visitors who seek a more authentic experience of rural Hawai'i. Such small-scale development is consistent with the social and physical character of the South Kona district, and with the economic goals of residents of this district. The applicant will preserve the character of the existing farmhouse as much as possible, and the primary use of the property will remain unchanged. She hopes to offer her guests an opportunity to stay at a working coffee and macadamia nut farm, and thus help to foster an appreciation of these Big Island industries.

The proposed use will not substantially alter or change the essential character of the land and the present use: According to the applicant, the bed and breakfast business will remain secondary to the principal agricultural use of the property. The business will be conducted in the applicant's existing residence and the proposed addition, and it should not interfere with the agricultural use of this parcel or surrounding parcels. The applicant does not plan to hire any employees for the bed and breakfast, and she has not proposed to construct any commercial kitchen facilities. Therefore, the bed and breakfast should not alter the rural character of the area or affect the existing use of land in the area.

The request will not be contrary to the General Plan: The Resort Element of the General Plan specifies the following courses of action for the South Kona district: "Developments shall blend in with the character of the area" and "Require developers to provide the basic improvements necessary for development." The proposed bed and breakfast business will blend in with the rural character of the surrounding area, and the applicant will be required to install all necessary infrastructural improvements prior to establishing the business.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, successors, or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors, or agents under this permit or relating to or connected with the granting of this permit.

3. The applicant, successors, or assigns shall secure Final Plan Approval from the Planning Department, as specified in Section 25-242 of the Zoning Code, within one year from the effective date of this Special Permit. Plans should indicate structural addition(s) to the existing dwelling which will maintain its function as a single family residence, landscaping, exterior signs, a paved access driveway which meets with the requirements of the Fire Department and the Department of Transportation, four (4) paved (asphalt, concrete, or chipseal) parking stalls associated with the bed and breakfast business, and a water supply for fire protection which meets Fire Department requirements.  
*B.P. variance 6/24/96*
4. The applicant, successors, or assigns shall establish the bed and breakfast business within one year from the receipt of Final Plan Approval. The applicant, successors, or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the bed and breakfast business.  
*Per [unclear] 7/11/96*
5. The bed and breakfast business shall be limited to the use of four (4) bedrooms. All four bedrooms which are proposed as an addition, must have an interior connection to the existing single family residence. No more than ten (10) guests are permitted at the facility at one time, and the maximum length of stay for any one guest at the facility must be less than thirty (30) days.
6. The applicant, successors, or assigns must reside in the single-family dwelling which houses the bed and breakfast business in order to operate this business.
7. Provision of potable water and breakfast service for the bed and breakfast facility shall meet with the approval of the Department of Health. Proof of compliance with this condition shall be submitted to the Planning Department prior to the establishment of the bed and breakfast business.  
*Per [unclear] 11/7/96*
8. The wastewater disposal system for the proposed bed and breakfast facility shall meet with the requirements of the Department of Health.  
*See BPA # 905401 2/21/97*
9. The driveway access to the proposed bed and breakfast facility will be improved to comply with the Department of Transportation's Standards for Access Driveways into State Highways and the Fire Department's requirements for fire apparatus access roads.  
*1/18/96 DOT [unclear]*

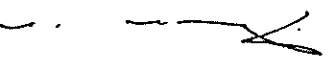
10. A water supply for fire protection and other necessary fire-protection devices will be provided prior to the establishment of the bed and breakfast business. Proof of compliance with this condition shall be submitted to the Planning Department prior to the establishment of the bed and breakfast business.
11. All building improvements must comply with Chapter 27 of the County Code, regarding construction in flood zones.
12. Drainage improvements, including any drywells, must meet with the approval of the Department of Public Works and the Department of Health. Such approval shall be secured prior to the establishment of the bed and breakfast business. All development-related runoff must be disposed of on the property.
13. Exterior signs must comply with Section 3-26 of the Hawai'i County Code, regarding signs permitted in residential districts.
14. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
15. An extension of time for the performance of conditions may be granted by the Planning Director only when a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 original reasons for granting of the permit; c) granting of the time extension would not be contrary to the General Plan or Zoning Code; and d) the time extension granted does not 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). If any of the conditions are not met or substantially complied with in a timely fashion after the Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Should you have any questions, please feel free to contact Rodney Nakano or Linda Copeman of the Planning Department at 961-8288.

Sincerely,

  
Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
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xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Corporation Counsel  
Fire Department  
Department of Health  
Department of Transportation-Highways Division  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division-Kona  
West Hawaii Office  
State Land Use Commission  
Plan Approval Section