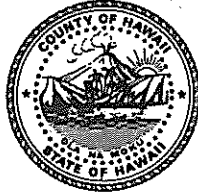


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

Z 095 324 490

FEB 26 1999

Mr. Peter J. Ferraro
RR3 - Box 1324
Pahoa, HI 96778

Dear Mr. Ferraro:

Revocation of Special Permit No. 973 (SPP 973)

Applicant: Peter J. Ferraro

TMK: 1-6-95:118

The Planning Commission at its duly held meeting on February 19, 1999, voted to revoke Special Permit No. 973 as you had requested in a letter to the Planning Director dated October 25, 1998. Special Permit No. 973 had allowed the establishment of a two-bedroom bed and breakfast operation within an existing dwelling. The property is located within Ainaloa Subdivision at the eastern corner of Ainaloa Boulevard and Hilo Nani Drive, Puna, Hawaii.

As you have provided written notification of your intent to terminate the subject bed and breakfast operation, Special Permit No. 973 is hereby revoked.

Sincerely,

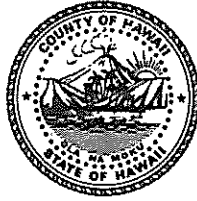
Leonard Tanaka, Chairman
Planning Commission

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FEB 26 1999

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
Z 095 323 839

JUL 23 1997

Mr. Peter J. Ferraro
RR3 - Box 1324
Pahoa, HI 96778

Dear Mr. Ferraro:

Special Permit Application (SPP 97-4)
Applicant: Peter J. Ferraro
Request: Establishment of a Two-Bedroom Bed and Breakfast
Tax Map Key: 1-6-95:118

The Planning Commission at its duly held public hearing on July 10, 1997, voted to approve the above-referenced application. Special Permit No. 973 is hereby issued to allow the establishment of a two-bedroom bed and breakfast operation within an existing dwelling situated on approximately 12,000 square feet of land within the State Land Use Agricultural District. The property is located within Ainaloa Subdivision, at the eastern corner of Ainaloa Boulevard and Hilo Nani Drive and approximately .8 mile west of the Keaau-Pahoa Highway, Puna, Hawaii.

Approval of this request is based on the following:

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), 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. In addition, the State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and 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.

The land on which the proposed use will be located is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the ALISH Map. The subject property is located within the Ainaloa Subdivision, a

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JUL 23 1997 --

3,637-lot agricultural subdivision created in 1959. It is a non-conforming 12,000 square foot rectangular-shaped property created prior to the Zoning Code and the establishment of the State Land Use Commission in 1961 which called for the classification of all lands in the State. There is an approximate 1,900 square foot one-story single family dwelling and an attached garage on the property. The applicant resides in the existing dwelling and proposes to establish a two-bedroom bed and breakfast operation within the dwelling. Therefore, the limited nature of the proposed use will not have an adverse effect on the County's agricultural land inventory. It is, therefore, determined that the proposed use within the existing dwelling is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended.

The request will not be contrary to the General Plan. Economic courses of action for the Puna District include the following: "There is potential for limited visitor facilities in the form of small accommodations and support facilities, such as natural areas, botanical gardens, and limited commercial facilities. Resort growth should enhance and be in keeping with this area's rural character." The proposed bed and breakfast operation is consistent with the General Plan's goals for this district.

The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Economic Element:

- * Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- * 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.

Land Use Element:

- * Designate and allocate land uses in appropriate proportions and mix 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.

The desired use will not adversely affect surrounding properties. Surrounding parcels are 12,000 square feet in size and predominantly in single-family residential uses. The proposed two-bedroom bed and breakfast operation will be established within the applicant's existing dwelling and will remain secondary to the residential use. The applicant does not propose to hire any employees, and no significant improvements other than the parking area are anticipated. Therefore, the proposed use will not alter or change the essential character of the land and present use nor will it impact the surrounding area.

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 subject property is located on Ainaloa Boulevard, a private road which is in the process of being dedicated to the County. Ainaloa Boulevard has an existing 60-foot right-of-way width, with an approximate 20-foot wide pavement in fair condition and grass shoulders that vary in width. Based on the existing roadway condition, it is not anticipated that the proposed use will have an adverse impact on traffic and safety along the roadway. The applicant would be required to pave the parking area on site to accommodate any guest parking, and provide an interior turnaround for a safer exit onto Ainaloa Boulevard. While County water supply is not available to support the proposed activity, water is provided by a private catchment system. Wastewater disposal is accommodated by an existing cesspool. The Department of Health will enforce wastewater disposal regulations and drinking water regulations and the Fire Department will enforce fire protection requirements. Agencies reviewing the request had no objections to the proposed use. All other essential utilities and facilities are available to support the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The subject property is located within the Ainaloa Subdivision, a 3,637-lot agricultural subdivision created in 1959. The subject property is a non-conforming 12,000 square foot rectangular-shaped property created prior to the Zoning Code and the establishment of the State Land Use Commission in 1961 which called for the classification of all lands in the State. The proposed bed and breakfast operation is a part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. Bed and breakfast accommodations are becoming increasingly popular for visitors who seek a more localized and authentic experience in a home-type setting. Such small-scale development is consistent with the social and physical character of a rural-agricultural area and is in keeping with the economic goals of the County.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As mentioned, the soil within the subject property is classified as "E" or Very Poor for agricultural productivity and unclassified by the ALISH Map. Furthermore, the Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on these considerations, the approval of the Special Permit request to establish a two-bedroom bed and breakfast operation would be supportive of the objectives sought to be accomplished by the Land Use Law and Regulations.

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

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The bed and breakfast operation shall be established within two (2) years from the effective date of this permit. Prior to the establishment of the operations,

Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Section 25-2-72, 25-2-73 and 25-4-7. Plans shall identify existing and proposed structures, driveway, a minimum of four (4) gravel/aggregate parking stalls, a turnaround area, landscaping and fire protection measures associated with the proposed use.

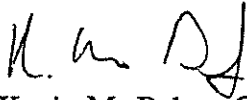
3. The bed and breakfast operation shall be limited to the use of two (2) bedrooms.
4. Comply with all applicable laws, rules and regulations of the affected agencies for this project prior to opening, including the Department of Health.
5. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
6. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
7. 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 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 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).

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.

Mr. Peter J. Ferraro
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
State Land Use Commission