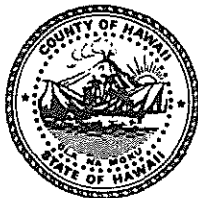


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 179 517 360

JAN 28 1998

Mr. and Mrs. Miles Hirata
P.O. Box 1614
Honokaa, HI 96727

Dear Mr. and Mrs. Hirata:

Special Permit Application (SPP 97-20)
Applicants: Miles and Colette Hirata
Request: Establishment of an Existing Two Bedroom Bed & Breakfast
Operation Within a Farm Dwelling
Tax Map Key: 4-4-8:30

The Planning Commission at its duly held public hearing on January 16, 1998, voted to approve the above-referenced application. Special Permit No. 986 is hereby issued to allow the establishment of an existing two-bedroom bed and breakfast operation within an existing farm dwelling situated on approximately 5.00 acres of land within the State Land Use Agricultural District. The property is located within Kalopa Homesteads on Keahua Road between Kalaniai Road and Kalopa Mauka Road at Kalopa, Hamakua, Hawaii.

Approval of this request is based on the following:

Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. 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. 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 subject property is situated within the County's Agricultural (A-5a) zoned district and is not in active agricultural use. The existing agricultural use is for

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self-sufficiency purposes. It is located within an area whose soils are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and classified as Prime Agricultural Lands by the Department of Agriculture's ALISH Map. The applicants wish to continue a two-bedroom bed and breakfast operation within an existing farm dwelling on the five-acre site. The continued use will not take significant lands out of the agricultural inventory for this area and will not significantly affect the agricultural resource of the area. The use will be confined within the farm dwelling. No active agricultural lands will be taken out of production to provide the area necessary to establish this use. No new structures are anticipated to be constructed.

The approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations based on the above. The use of the existing farm dwelling for a bed and breakfast operation would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in active agricultural use. As such, the land upon which the use is sought is not best suited for the uses permitted within the district.

The request is not contrary to the General Plan and official Community Development Plans and other documents such as Design Plans. The subject parcel is located within Kalopa Homesteads and is not included on the zone guide map of the Northeast Hawaii Community Development Plan. The subject property is designated as Intensive Agricultural and zoned Agricultural (A-5a); however, the land is not actively used for agricultural purposes. Bed and Breakfast operations may be established in the State Land Use Agricultural district through the issuance of a Special Permit. The bed and breakfast operation is consistent with the following goals and policies of the General Plan:

Economic Element

- * Provide residents with opportunities to improve their quality of life.
- * Economic development and improvement 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.
- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- * The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical and economic goals of the residents of the County.

Land Use Element

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

The desired use will not adversely affect the surrounding properties. The subject property is located within Kalopa Homesteads which is zoned Agricultural (A-5a). The farm dwelling is situated on a five-acre parcel. Along Keahua Road are various residences, pastures and vacant land. The driveway to the property is paved, and there is an attached carport and concrete parking area to accommodate two vehicles. No complaints have been filed in regard to this request. There are no other approved bed and breakfast operations in Kalopa Homesteads. It is not anticipated that the subject request will significantly impact surrounding properties.

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 site is currently served by telephone and electrical utilities. Police and fire services are available in Honokaa, approximately 4 1/2 miles from the subject property. County water is available to the site. The subject property is on Keahua Road, a County road with an approximate 10-foot wide pavement in fair to good condition, with 4 to 7-foot wide grass shoulders, all within an approximate 30-foot right-of-way. Due to the nature of the request as accessory to the use of the property as a residence, it is not anticipated that the bed and breakfast operation would substantially increase traffic nor have a major impact on existing roads. There is adequate guest parking on site. The applicants have been in operation since March 1996 with no complaints. The applicants would be required to comply with applicable agency requirements, including the Department of Health. Finally, agencies reviewing the request had no objections to the establishment of the bed and breakfast operation at this location.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations have increasingly become a part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming popular for visitors who seek a more localized and authentic experience in a home-type setting. The County has recognized this trend, and the Zoning Code, Section 25-4-7, provides guidelines for establishing bed and breakfast operations. This section also provides for a process in which an existing bed and breakfast operation can operate as a non-conforming use until September 1997. The operator can apply for applicable permits by June 30, 1997, and upon issuance of applicable permits, be considered a permitted use. In this particular situation, the applicants have been in operation since March, 1996 and are applying for a Special Permit to conform to the Zoning Code requirements. The applicants reside on the subject parcel and in review of the request, the existing bed and breakfast operation meets with the requirements of the Zoning Code, Section 25-4-7(b), regarding bed and breakfast establishments. 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 use will not substantially alter or change the essential character of the land and the present use. The subject property is located in Kalopa Homesteads and has

been developed and landscaped. There is an existing one-story main dwelling, barn, maintenance/storage building and a farm dwelling with attached carport on the property. No additional structures are anticipated to be built on the property.

Based on the above considerations, the bed and breakfast operation is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. Therefore, this request is hereby approved.

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 Director may initiate procedures to revoke this permit.

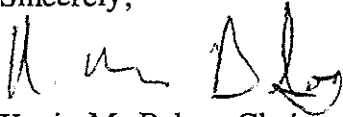
1. The applicants, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7, within six (6) months of the effective date of this permit. Plans shall identify existing and proposed structures, landscaping, fire protection measures, driveway and two paved parking stalls and exterior signs associated with the business.
3. The bed and breakfast business shall be limited to the use of two (2) bedrooms in the farm dwelling.
4. Comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
5. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
6. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, for approval of the bed and breakfast use.
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).

Mr. and Mrs. Miles Hirata
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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.

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

Sincerely,

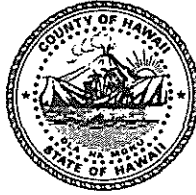


Kevin M. Balog, Chairman
Planning Commission

LHirat02.PC

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

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

August 6, 1998

Mr. & Mrs. Miles Hirata
P.O. Box 1614
Honokaa, HI 96727

Dear Mr. and Mrs. Hirata:

Special Permit No. 986 (SPP 97-20)
Applicant: Miles and Collette Hirata
Request: Administrative Time Extension
TMK: 4-4-8: 30

This is to acknowledge receipt of your letter dated July 23, 1998, requesting a time extension to Condition No. 2 of the above-referenced Special Permit.

On January 28, 1998, the Planning Commission issued the Special Permit subject to the following condition:

- "2. 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, within six (6) months of the effective date of this permit. Plans shall identify existing and proposed structures, landscaping, fire protection measures, driveway and two paved parking stalls and exterior signs associated with the business."

According to Condition No. 2, Final Plan Approval should have been secured within six (6) months from the effective date of the permit, or July 28, 1998.

Per telephone conversation with staff, you have indicated that the request for a time extension to Condition No. 2 is due to delays in completing your Final Plan.

Resp to 6980
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Mr. & Mrs. Miles Hirata

Page 2

August 6, 1998

Condition No. 7 of the approved Special Permit allows the Planning Director to grant an extension of time for performance of conditions within the permit. We have determined that non-performance is a result of circumstances beyond your control and not a result of fault or negligence, and hereby grant you a six (6) month extension of time until January 28, 1999, to comply with Condition No. 2.

Please be aware that should you request an additional extension of time, your request must be forwarded to the Planning Commission through this office. A \$100 filing fee, original and twenty copies of the request shall be submitted when requesting an additional extension of time. A public hearing to consider your request will be held within 60 days.

As a reminder, you are still required to comply with all conditions as stated in the above-referenced Special Permit.

Should you have any questions regarding the above, please contact Phyllis Fujimoto or Susan Gagorik of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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Miles & Colette Hirata
PO Box 1614,
Honokaa, HI 96727

July 23, 1998

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PLANNING DEPT.
COUNTY OF HAWAII

Virginia Goldstein
County Of Hawaii
Planning Dept
25 Aulii St.,
Hilo, HI 96720

RE: TMK # 4-4-08:30 Application for Plan Approval for a B&B.

Dear Virginia Goldstein;

We are requesting a six month extension on our Plan Approval. We have been told that we need to have substantially more details in our site plan. and need more time to work on this.

Thank you for your consideration,

Your sincerely,

Miles & Colette Hirata
Miles & Colette Hirata

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