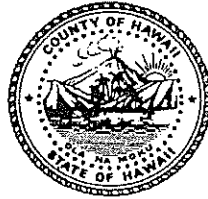


Harry Kim
Mayor



Geraldine M. Giffin
Chairperson

County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
7000 0600 0024 2904 3760

JUL 7 2002

Ms. Patricia Ann Mahi
PO Box 857
Honaunau, HI 96726-0857

Dear Ms. Mahi:

Special Permit Application (SPP 02-019)
Applicant: Patricia Ann Mahi
Request: To establish a one-bedroom Bed & Breakfast
in an existing single family dwelling
Tax Map Key: 8-4-005:006

The Planning Commission at its duly held public hearing on July 3, 2002, voted to approve the above-referenced application. Special Permit No. 1162 is hereby issued to allow a one-bedroom bed and breakfast operation within an existing dwelling situated in the State Land Use Agricultural District. The property is located east (mauka) of Māmalahoa Highway, approximately 1,200 feet south of its intersection with Middle Ke'ei Road, and in the vicinity of Bong Brothers Coffee, Hōnaunau, South Kona, Hawai'i.

Approval of this request is based on the following:

To allow the establishment of a one (1)-bedroom bed and breakfast operation within the existing dwelling is an unusual and reasonable use of land situated within the State Land Use Agricultural District. In recognizing that land 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 approximately 3.49 acres in size. The bed and breakfast operation will be confined to the existing four-bedroom dwelling with the remainder of the property continuing as a coffee farm under the name of Mahi Farms. The proprietor of the proposed bed and breakfast operation resides in the existing dwelling. The bed and breakfast operation will not displace any existing agricultural activity nor diminish the agricultural potential of the subject property since the bed and breakfast operation will be conducted within the existing dwelling. The bed and breakfast operation will help to

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supplement income from the farm and offer an agri-educational opportunity for guests to observe a working farm.

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. The proposed use will be located within an area whose soils are classified as "Fair" by the Land Study Bureau's Overall Master Productivity Rating and "Unique" and "Unclassified" land by the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. The applicant has developed a productive coffee farm on the acreage surrounding the existing dwelling where the bed and breakfast operation is proposed. The bed and breakfast operation will complement the existing farm by supplementing the farm owner's income thereby helping to ensure the continuation of agricultural use of these agriculturally zoned lands.

The subject property is situated within the State and County's Agricultural districts. Bed and breakfast establishments would be a permitted use within the State Land Use Agricultural District, provided a Special Permit is secured. The bed and breakfast operation is confined to the existing four-bedroom dwelling and would not displace existing agricultural uses of the property. Therefore, approval of the subject request will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The desired use shall not adversely affect the surrounding properties. The existing dwelling containing the proposed bed and breakfast establishment is situated on an approximately 3.49-acre parcel of land. The dwelling is not visible from the main road (Mamalahoa Highway) and is not part of a larger subdivision. None of the surrounding properties are expected to be adversely affected by the bed and breakfast operation to any significant extent. The relatively large size of all adjacent parcels and the density of vegetation should ensure that noise and visual impacts upon these neighboring lots are minimized. The applicant will typically receive and discharge guests of the bed and breakfast operation during daylight hours. The applicant has represented that she will be the only employee of this bed and breakfast operation. A maximum of two adults and one child would be guests at any one time. The small number of guests and lack of employees will limit traffic impacts.

The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject property is serviced by a County water system, but the Department of Water Supply cannot guarantee that adequate water pressure can be maintained at the property's elevation. For this reason the Department of Water Supply has set as a condition of approving the bed and breakfast that the applicant enter into an Elevation Agreement

with the Department of Water Supply that will be recorded with the property deed. The Department of Water Supply is also requiring a schematic diagram for a pumping system prepared by a licensed engineer in the State of Hawai'i to be submitted for their approval since part of the subject parcel is outside of the Department's service limits. Presently, the applicant's average daily water use is below the maximum of 600 gallons per day.

Access to the property is from the Mamalahoa Highway, a County-maintained roadway with a pavement width of approximately 20 feet within a right-of-way of at least 50 feet. The condition and width of this roadway is deemed adequate to accommodate the anticipated traffic to be generated. The Department of Public Works did not express any concerns regarding the bed and breakfast use. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain.

The applicant shall meet all applicable agency requirements of the Department of Health, Department of Water Supply, and the Fire Department prior to operating the bed and breakfast establishment.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The purpose of the Special Permit request is to allow for bed and breakfast accommodations that have become part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming increasingly popular for visitors who seek a more localized and authentic experience in a home-type setting. Such small-scale use is consistent with the social and physical character of a rural-agricultural area and contributes to the economic structure of the County. The Hawai'i County General Plan's Resort Profile of South Kona points out that South Kona District has limited visitor accommodations but has natural and historic amenities of interest to visitors. This bed and breakfast would offer a rural, small-scale visitor accommodation on a property that is principally used as a coffee farm.

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 above request is consistent with the State’s strategic directions for Hawaii’s visitor industry.

The land upon which the proposed use is sought is suited for some type of agricultural uses permitted within the district. The bed and breakfast operation is confined to an existing dwelling that will not substantially alter or change the essential character of the land and the present use. The applicant states that the remainder of the subject property will be retained in coffee cultivation. Therefore, only a small portion of the subject property will be dedicated to bed and breakfast use with the remainder of the property staying in agricultural use.

The request will not be contrary to the General Plan. The subject request is not contrary to the General Plan objectives and policies nor the Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property for Orchard use. The proposed use is consistent with the following goals and policies of the General Plan.

Land Use Element

- Designate and allocate land areas 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.

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.

Based on the above considerations, approval of the Special Permit to allow for the operation of a bed and breakfast establishment 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.

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 applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The bed and breakfast operation shall be limited to the use of one (1) bedroom.
3. Operation of the bed and breakfast establishment shall be limited to those persons residing on the subject property.
4. Parking stalls shall be provided in accordance with the requirements of Section 25-4-7 of the Hawaii County Zoning Code, relating to bed and breakfast establishment within six (6) months from the date of issuance of this Special Permit.
5. Any signage shall comply with Chapter 3 of the Hawai'i County Code pertaining to advertising and signs.
6. Applicant shall comply with all applicable laws, rules, regulations and requirements of other affected agencies including the Departments of Health and Fire.
7. Prior to opening the bed and breakfast operation, the applicant shall submit a copy of her deed for the Department of Water Supply to prepare an Elevation Agreement with her and also submit a schematic diagram for a pumping system prepared by a licensed engineer in the State of Hawai'i for Department of Water Supply approval.
8. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
9. 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.

Ms. Patricia Ann Mahi

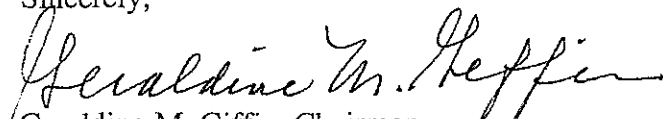
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- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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.

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288 or Daryn Arai of the Kona Office at 327-3510.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department-Kona
State Land Use Commission
Brian Minaai, Director/DOT-Highways, Honolulu