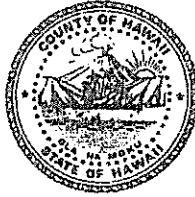


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

Mr. Thomas Brookman
Ms. Dianne Maritt-Brookman
160 Kaiwiki Road
Hilo, HI 96720

Dear Mr. Brookman and Ms. Maritt-Brookman:

Special Permit Application (SPP 02-043)

Applicants: Mr. Thomas Brookman & Ms. Dianne Maritt-Brookman

Request: Establish a Four-Bedroom Bed & Breakfast Operation in an
Existing Four-Bedroom Home (Fifth Bedroom to be Constructed)

Tax Map Key: 2-6-13:portion of 35

The Planning Commission at its duly held public hearing on February 21, 2003, voted to approve the above-referenced application. Special Permit No. 1201 is hereby issued to allow a four-bedroom bed and breakfast operation within an existing dwelling situated in the State Land Use Agricultural District. The property is located on the Honoka'a side (north) of Kaiwiki Road, approximately ¼ mile west of its intersection with Old Māmalahoa Highway, Wailua, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicants, Thomas Brookman and Dianne Maritt-Brookman, propose to establish a four-bedroom bed and breakfast operation in the existing four-bedroom first farm dwelling. It is the intent of the applicants to expand the existing four-bedroom dwelling to a five-bedroom dwelling. They reside in the subject dwelling and will manage the bed and breakfast operation.

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 Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural

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potential in agricultural use. Soils are classified as Hilo silty clay (HoC) and the productivity rating is "E" or very poor. The Agricultural Lands of Importance to the State of Hawaii (ALISH) Maps identify the property as Urban. The property is zoned Agricultural (A-20a) and is 1.4 acres in size. The property is landscaped and being utilized as a single-family residence. Since the bed and breakfast operation will mainly be confined to the existing dwelling, it is not anticipated that the proposed use will diminish the agricultural potential of the surrounding area.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered single-family and farm dwellings, agricultural activity, pasture and vacant lands. The property is located on the Honoka'a side (north) of Kaiwika Road, approximately ¼ mile west (mauka) of its intersection with Old Māmalahoa Highway. The existing dwelling is located approximately in the middle of the parcel and well-established landscaping on the parcel provides some buffer for the bed and breakfast operation. Farm dwellings are situated on the properties immediately adjacent to the south and west of the subject parcel. A single-family dwelling is on the property immediately east (makai) of the property. The 8.79-acre parcel zoned A-20 to the north across Makuhonua Stream is currently vacant land. Due to the nature of the operation, it is not expected that the bed and breakfast operation would create significant adverse impacts to 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 project site is located within an area served with essential services and facilities. Hilo, where police, fire protection, and emergency services are available, is approximately two miles from the subject property. The applicants shall be required to install a backflow preventer in compliance with Department of Water Supply requirements. Further, the applicants shall comply with all regulations for bed and breakfast establishments, including the Department of Health regarding drinking water and breakfast meals. All requirements and recommendations made by the reviewing agencies are being addressed by the applicants. Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the bed and breakfast use.

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 as an accessory use to the property as a residence. Zoning Code Section 25-4-7(b) stipulates that the bed and breakfast operator shall reside on the same building site as the bed and breakfast establishment. Although no agricultural activity is being conducted on the subject property, the proposed use is accessory to the use of the site as a residence and 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 above 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 subject property is already developed. The dwelling in which the bed and breakfast operation will be conducted has already been constructed. However, the applicants intend to add one more bedroom and bathroom within the next two years. As such, the bed and breakfast operation shall be limited to 3 bedrooms until the 5th bedroom is constructed. This is to ensure that the applicants comply with the Zoning Code requirements that they reside on the subject property. The use will be confined to the existing dwelling, and eventual addition, and will be in keeping with the existing character of the surrounding neighborhood. The requested use will neither conflict with nor intensify existing land uses.

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 site is developed with a home and zoned Agricultural (A-20a). The bed and breakfast operation shall be subordinate to the principal use as a residence.

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 Low Density Urban on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The zoning for the property is Agricultural (A-20a) and the State Land Use District designation is Agricultural. As such, a Special Permit is the appropriate means to establishing the bed and breakfast operation. The request would complement and be consistent with the following goals, policies and standards 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

- * Provide residents with opportunities to improve their quality of life.
- * 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.
- * The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

Based on the above considerations, the request to establish a four-bedroom bed and breakfast establishment on the subject property 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 Director may initiate procedures to revoke this Special Permit.

1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants shall comply with all applicable requirements of Section 25-4-7 of the Zoning Code, as amended by Ordinance No. 00-152, relating to Bed and Breakfast Establishments.
3. The bed and breakfast business shall be limited to the use of four (4) bedrooms. However, until such time that final occupancy is granted for the completion of a fifth bedroom, the bed and breakfast business shall be limited to the use of three (3) bedrooms.
4. Prior to the start of operations, the applicants shall submit to the Planning Director for review and approval, a site plan drawn to scale showing the proposed fifth bedroom, driveway, and five (5) off-street parking with adequate turn-around area. No back up onto Kaiwiki Road shall be allowed.
5. The applicants shall install a backflow preventer meeting with the requirements of the Department of Water Supply within six (6) months from the effective date of this permit.
6. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the bed and breakfast use, including the Department of Health.
7. A written final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.

Mr. Thomas Brookman
Ms. Dianne Maritt-Brookman
Page 6

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).

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.

Sincerely,



Fred Galdones, Chairman
Planning Commission

LbrookmanPC

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



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

APR 18 2016

Ms. Dianne Maritt
160 Kaiwiki Road
Hilo, HI 96720

Dear Ms. Maritt:

SUBJECT: Special Permit No. 1201 (Docket No. SPP-02-000043)
Applicant: Dianne Maritt (formerly Thomas Brookman & Dianne Maritt)
Request: Revocation of Special Permit No. 1201 Which Allowed a Four- Bedroom
Bed and Breakfast Operation
Tax Map Key: 2-6-013:portion of 035

The Windward Planning Commission, at its duly held public hearing on April 7, 2016, considered the above-referenced request for the revocation of Special Permit No. 1201. Special Permit No. 1201, which was originally approved on February 21, 2003, to allow a four-bedroom bed and breakfast operation, within an existing single family dwelling situated within the State Land Use Agricultural District. The property is located on the Honoka'a side (north) of Kaiwiki Road, approximately ¼ mile west of its intersection with the Old Māmalahoa Highway, Wailua, South Hilo, Hawai'i.

The Commission voted to officially revoke Special Permit No. 1201 as requested by the applicant.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,

Charles Heaulani, Chairman
Windward Planning Commission

LMarittrevokeSPP1201wpc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division – Hilo
State Land Use Commission
DOT-Highways, Honolulu
Department of Health
GIS Section

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APR 18 2016