

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION**

**LAURA OLSON, DAVID OLSON AND CALLA PELTIER-OLSON
SPECIAL PERMIT APPLICATION NO. PL-SPP-2025-000111**

Upon review of the request against the guidelines for granting a Special Permit, the Planning Director recommends that the request to **establish and operate a one-bedroom bed and breakfast with a maximum of 5 guests and a wedding venue with a maximum of 10 guests on a 3.003-acre property within the State Land Use Agricultural District be approved** by the Planning Commission. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing. The approval recommendation is based on the following findings:

To establish and operate a one-bedroom bed and breakfast with a maximum of 5 guests and a wedding venue with a maximum of 10 guests on a 3.003-acre property. Weddings will take place on a 962-square foot area of the property with an additional 5,858-square foot parking area. The venue will include an arch decorated with native flora and greenery and the applicants' home or a temporary popup tent will provide space for guests to get ready. The applicants also intend to offer refreshments such as fruit, tea and coffee purchased from local farmers. The applicants will also offer an approximately 205-square foot detached bedroom of the existing 2-bedroom dwelling for overnight accommodation as a bed & breakfast with the owners residing in the other bedroom.

The applicants believe there is a lack of venues to host an affordable nano-wedding. Recognizing this need, the applicant envisions the creation of a low-impact wedding venue area, designed to accommodate up to 10 guests. The goal is to provide a unique and intimate wedding experience that incorporates culture and traditions. Additionally, the applicants intend for the proposed use to provide supplemental income.

The applicants plan to prepare the property to host events and guests as soon as the Special Permit is approved.

The grounds for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District that would not be contrary to the effectiveness and objectives of Chapter 205, Hawai'i 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 request is unusual in that the proposed uses are not strictly agricultural in nature and would allow the applicants to hold weddings and overnight accommodations on their property. However, the proposed uses are reasonable in that they would only use a small portion (5%) of the larger land area with a small development footprint to host weddings to diversify their income stream to help offset the rising costs of living in Hawai'i. The remainder of the property will continue to be used for the crops and home. Therefore, it is reasonable that this use be allowed in the Agricultural district.

In addition to the above listed criteria, the Planning Commission shall also consider the following criteria listed under Section 6-3(b)(5) (A) through (G) of its rules of practice and procedure:

(A) Such uses shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. 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 potential in agricultural use.

Most of the soils within the proposed permit area are classified by the Land Study Bureau's rating system as class "E" or "Very Poor" soils for agricultural productivity and undesignated on the ALISH map. The applicant is proposing to utilize a 6,821 square foot portion of a larger, 3.003-acre land area, which has historically been used for a home site. This equates to approximately 5% of the total land area and thus will not significantly diminish the agricultural potential of the property. Based on the preceding, the proposed will not adversely affect the preservation and agricultural use of the County's agricultural lands of high agricultural potential and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties.

Surrounding properties are zoned A-1a, and range in size from 1 to 3 acres. These parcels contain a mixture of vacant land and farm dwellings, with the nearest dwelling sited approximately 400 feet from the permit area. The proposal limits events to a maximum of 10 wedding guests and allows up to 5 bed-and-breakfast guests at any one time. Additionally, the permitted use area is centrally located within the parcel, so the remaining surrounding land serves as a natural buffer between the activity area and neighboring properties. However, it is possible that dwellings could be built closer to the permit area in the future and that the sound from events could create a future nuisance to the surrounding community. Public testimony provided to the Planning Department from an adjacent neighbor raised concerns with potential traffic impacts and the possibility for events to exceed the proposed number of guests or stated hours of operation. Although the neighbor met with the applicants and later submitted supportive testimony; in order to address the possibility of detrimental impacts to the neighborhood the Director proposes to add a condition that would allow the Planning

Department to investigate and address such complaints. The same condition has been added to Special Permits for similar uses.

Proposed wedding activities will be limited to a 962.24 square foot, open permit area and held by reservation between the hours of 10:00 am and 6:00 pm on Fridays, Saturdays and Sundays. As previously mentioned, events will be limited to a maximum of 10 guests. Conditions of approval will memorialize these limits.

While the proposed use will increase traffic on event days, the applicant anticipates a maximum of 10 vehicles per event that will utilize on-site parking. Furthermore, as the venue will not open until 10:00 am and events are to be held in the afternoon/evenings and weekends, the applicant expects that the proposed use is unlikely to increase traffic during peak hours.

Based on the preceding, the proposed use is not expected to adversely affect surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.

Access to the permit area is proposed from Tiki Lane, a privately owned and maintained roadway with a 20-foot-wide pavement within a 40-foot right-of-way in the vicinity of the permit area. Access to the property is approximately 700 feet north of the intersection of Tiki Lane and Walaka Drive. An existing 5,858 square foot gravel parking area will provide adequate onsite guest parking. A condition of approval will require the applicant to submit plans for Plan Approval prior to hosting guests for the proposed use, which will verify compliance with parking code requirements, including ADA parking stalls.

The subject property is not currently served by County water. The applicant states that there are three existing catchment tanks with a total of 32,000-gallons, providing water for fire suppression and sanitation. Based on staff conversations with the applicant, bottled water will be purchased and provided for guests if requested.

The property is currently serviced by a septic system to support the existing dwelling. The applicant states that the existing restroom in the main house will be available for guests to use.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964.

Since then, the Hawaiian Ocean View Estates subdivision has become more residential in nature; however, the property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed. The request is in line with the intent for allowing the issuance of a Special Permit. Based on the above discussion, the applicant has met this criterion.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils within the permit area site are primarily classified as "E" or "Very Poor" for agricultural productivity and are classified as "undesignated" under the ALISH map. As previously mentioned, the proposed 6,821 square foot permit area only constitutes 5% of the overall land area, with the remaining 95% for agricultural purposes in the future will not be diminished. Based on the discussion above, the proposed uses will not diminish agricultural opportunities on the subject property and thus will not adversely impact the agricultural potential of the land.

(F) The use will not substantially alter or change the essential character of the land and the present use. The essential character of the property area is primarily residential and agricultural in nature, with a majority of the area in vacant land and while the proposed wedding venue will differ from the existing use, it will not do so in a

significant way. As previously mentioned, the 6,821 square foot permit area will occupy 5% of the larger land area and improvements/land alterations will be minimal (e.g., construction of an arch) and thus should not significantly detract from the land's current character.

(G) The request will not be contrary to the General Plan and Community Development Plan (CDP) and Zoning Code. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The project site is identified by the LUPAG map as Rural, this category includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. As the applicant will continue to maintain 95% of the subject land area for agricultural purposes, the proposed request will not displace any active or potential agricultural activity on the properties.

The proposed request is also consistent with the following goals and policies of the Economic elements of the General Plan:

2.2 Goals:

- (a) Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- (b) Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.

The Ka'ū Community Development Plan (CDP) is generally supportive of Special Permits for bed and breakfast establishments and the proposed use is also consistent with the following CDP economic elements:

- Policy 41: Cottage Industry: Bed and breakfast establishments, Home occupations, Commercial or personal service uses, on a small scale
- Policy 147: Encourage the development of a visitor industry that is in harmony with the character of the area and environmental and social goals of residents. (GP 2.3(c), 14.7.5.9.2(a))

Based on the preceding, the proposed use will not be contrary to the General Plan, CDP nor the Zoning Code.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The property is located approximately six miles away from the nearest shoreline and will not be impacted by coastal hazards or affect beach erosion, coastal ecosystems, and marine resources. Additionally, it is not located in the Special Management Area and there is no record of a designated public access to the shoreline or mountain areas that traverses the property. Based on the preceding, the proposed use is not contrary to the objectives of Chapter 205A, Hawai'i Revised Statutes relating to Coastal Zone Management.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai'i State Supreme Court's "*PASH*" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: No formal floral or faunal survey was conducted for the permit area. The property remains clear and is mostly in its natural state. Faunal resources include occasional mouflon sheep. As to floral resources, the site hosts common and invasive vegetation, 7 mature 'ōhi'a trees, 1 koa tree, 1 strawberry guava tree, 1 white guava tree, mandarin tree, banana trees, macadamia trees, sapote

tree, mango trees, lime tree, cashew tree, lemon tree, 'a'ali'i and various shrubs and grasses. These are all common and not endangered. There are no known threatened or endangered species or critical habitat on the subject site.

The valued cultural, historical, and natural resources found in the special permit area: There is no evidence that traditional and customary native Hawaiian rights are occurring within the permit area, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

Possible adverse effect or impairment of valued resources: As there are currently no known valued resources found on the property, there are no anticipated adverse impacts or impairment from the proposed development. However, the applicant has stated an understanding of a series of protocols for managing unexpected discoveries of archaeological or historical significance including cessation of work, notification of authorities, and professional assessment.

Feasible actions to protect native Hawaiian rights: According to the Department's records, it is not known whether the subject site or immediate area was ever used for traditional and customary rights by native Hawaiians. Thus, to the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action should not affect traditional Hawaiian rights. However, the applicant commits that if any documented claims of gathering or access are made regarding the site, those claims will be honored.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Building Code and Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply

with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding considerations, approval of the request to establish and operate a one-bedroom bed & breakfast and an event venue to host weddings on 3.003 acres in the State Land Use Agricultural District would support the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s), or assign(s) ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. The operation of the proposed use shall be conducted in a manner that is substantially representative of plans and details as contained within the Special Permit Application received by the Planning Department on January 7, 2026, and representations made to the Windward Planning Commission. Any expansion of uses beyond what is represented in these documents shall require an amendment to this permit.
3. Prior to establishing the proposed use, the Applicant shall secure Final Plan Approval for the proposed use from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), fire protection measures, driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development.
4. Wedding venue events shall be limited to a maximum of ten (10) guests per event.

5. Wedding venue events shall be limited to the hours of 10:00 am and 6:00 pm on Fridays, Saturdays and Sundays.
6. The Applicant shall comply with all requirements of Section 25-4-7 of the County of Hawai'i Zoning Code, as amended, relating to bed and breakfast establishments.
7. The Applicant shall comply with food service operations notification and permit requirements in the State Department of Health's Administrative Rules, Title 11, Chapter 50, Food Safety Code, as it pertains to bed and breakfast operations.
8. If the Applicant fails to comply with the conditions of approval or causes complaints relating to any interference or nuisance and are unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the Applicant fails to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.
9. The Applicant shall comply with all applicable County, State, and Federal laws, rules, regulations, and requirements in connection with the approved use, prior to its commencement or establishment upon the subject property.
10. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.