

COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION

KONA KAI, LLC
SPECIAL PERMIT APPLICATION NO. (PL-SPP-2025-000109)

Upon review of the request against the guidelines for granting a Special Permit, the Planning Director recommends that the request to **expand an existing agricultural tourism operation onto an adjacent parcel with new offerings, including farm-to-table culinary experiences, agricultural-and cultural-based experiences, and overnight accommodations for up to 12 guests per night on 10.1 acres of land in 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:

Kona Kai, LLC applied for a Special Permit to authorize agricultural tourism activities on Parcel 14 in conjunction with existing hosted rental accommodation operating on the property. Agricultural tourism activities are already approved and operating on the adjoining Parcel 42 under a previous Plan Approval and Agricultural-Based Commercial Operations (ABCO) approval. The request would allow agricultural tourism activities to occur across both parcels totaling 10.1 acres of land (hereinafter "permit area") while maintaining the existing annual visitor cap of 30,000 visitors for uses on both properties (approximately 82 visitors per day). The proposed project consists of the following components:

- Overnight accommodations for up to 12 guests per night within 5 permitted bedrooms in the main farm dwelling. The accommodations are considered hosted as the owner/operator will live in the additional farm dwelling on Parcel 14.
- Agricultural Tourism offerings, including:
 - Guided farm and orchard tours.
 - Coffee education and tasting experiences.
 - Hands-on agricultural demonstrations.

- Farm-to-table culinary experiences utilizing agricultural products grown on the property and locally sourced Hawai'i agricultural products prepared in conjunction with the existing approved ABCO.
- Culture-integrated agricultural demonstrations (e.g., lei making, mo'olelo tied to crop propagation, traditional Hawaiian planting and harvesting, etc.).
- Grower and community workshops.
- Agricultural and nature art workshops.
- Animal husbandry demonstrations and interactive livestock experiences.
- An on-site retail shop, contained within the existing main farm dwelling and/or outside premises around the dwelling.
- The applicant requests to allow administrative flexibility to modify agricultural tourism programming by substituting comparable activities and making minor adjustments to session frequency, size, and scheduling without increasing operational impacts.

Proposed agricultural tourism activities on Parcel 14 would occur entirely within existing developed areas, including the kitchen and other interior rooms of the main farm dwelling, the back and second-story lanais, the former pickleball court area, demonstration growing areas, fruit orchard and nature trails, pasture areas, and the existing ABCO food truck and food hub facilities. Agricultural tourism activities currently operating on Parcel 42, including the approved coffee farm tour areas, would continue under their existing approvals and conditions. No new activity areas or major structures are proposed as part of the Special Permit request. Activities will be distributed across both parcels based on the location of agricultural resources and supporting infrastructure and offered through multiple daily time slots to provide visitor flexibility. The applicant indicates that historical participation has averaged approximately 40 to 50 percent of available reservations. Visitor attendance will be managed through a reservation system, group size limits, and established capacity controls, while accommodating walk-in visitors when space allows. Programming will remain flexible and will be adjusted

as necessary to accommodate agricultural operations, including seasonal harvests, planting cycles, and weather conditions.

To facilitate the expansion of agricultural tourism activities onto Parcel 14, the applicant requests several deviations from the agricultural tourism standards contained in County Code Section 25-4-15. Specifically, the applicant requests authorization to conduct agricultural tourism in conjunction with existing hosted rental accommodations, which are otherwise prohibited as part of an agricultural tourism operation without a Special Permit, and to utilize the existing 9,452-square-foot main farm dwelling for agricultural tourism activities, which exceeds the Zoning Code's 1,000-square-foot covered space limitation.

The applicant also seeks relief from the requirement that gross agricultural tourism revenue does not exceed gross agricultural production revenue, citing the operation of agricultural activities through separate legal entities under common ownership, as well as authorization to offer culture-integrated agricultural programming not expressly identified as a permitted agricultural tourism activity.

Finally, while most agricultural tourism activities would continue to operate between 8:00 a.m. and 6:00 p.m. as required by the code, the applicant requests authorization for farm-to-table culinary experiences to continue until 9:00 p.m., consistent with the existing ABCO approval for food service operations until 9:00 p.m.

According to the applicant, the requested Special Permit would allow agricultural tourism activities to operate in conjunction with existing hosted rental accommodations in the main farm dwelling on Parcel 14, thereby integrating uses that are currently allowed independently but require a Special Permit when occurring on the same property. The proposal is also intended to diversify revenue sources needed to support ongoing coffee production, fruit cultivation, livestock operations, and maintenance of the property, while enhancing agricultural education, supporting local farmers through the promotion and sale of Hawai'i-grown agricultural products, and reducing long-term reliance on hosted rental

accommodations as the primary use of the Parcel 14.

No major construction is proposed as part of the Special Permit request. The applicant proposes to utilize existing structures, parking areas, roadways, agricultural improvements, and associated facilities. The applicant states that parking improvements may be completed if required to meet County standards. Upon approval, the applicant intends to commence operations as soon as practicable and within two years of approval.

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 (HRS), as amended. HRS Section 205-6, authorizes the Planning Commission to approve unusual and reasonable uses within the State Land Use Agricultural District when those uses promote the effectiveness and objectives of Chapter 205. Unlike uses expressly permitted within the Agricultural District, Special Permit requests require the Commission to determine whether the proposed activity is sufficiently related to agriculture to justify an exception to the general land use regulations.

The request is considered unusual because it expands an existing agricultural tourism operation in a manner that exceeds several of the administrative standards established by Section 25-4-15 of the Hawai'i County Code. Specifically, the applicant requests authorization to conduct agricultural tourism in conjunction with existing hosted rental accommodations for up to 12 guests within the five (5) permitted bedrooms of the main farm dwelling, utilize an

existing 9,452-square-foot farm dwelling for agricultural tourism activities in excess of the Zoning Code's 1,000-square-foot covered area limitation, extend the hours for farm-to-table culinary experiences, conduct culture-integrated agricultural programming not expressly identified within the Code, and obtain relief from the agricultural tourism revenue limitation. These requests exceed the scope of activities that may be approved administratively and therefore appropriately require Planning Commission review through the Special Permit process.

The request is also considered reasonable because it does not establish independent commercial uses within the Agricultural District or convert productive agricultural land to non-agricultural purposes. Instead, it formalizes hosted overnight accommodations and expands an existing agricultural tourism operation already established on the adjoining parcel and integrates it with an active agricultural enterprise consisting of coffee production, fruit cultivation, livestock operations, agricultural processing, and an approved Agricultural-Based Commercial Operation. Existing buildings and infrastructure would be utilized, no increase in the previously approved annual visitor limit is proposed, and the developed footprint would remain substantially unchanged.

Several aspects of the request warrant particular consideration. The proposed use of the existing primary dwelling exceeds the Zoning Code's standard limitation on covered floor area utilized for agricultural tourism. However, use of an existing legally established structure avoids construction of additional visitor facilities, minimizes new land disturbance, and makes efficient use of improvements already located on the property. Likewise, the requested extension of farm-to-table culinary experiences until 9:00 p.m. is limited to activities associated with the approved Agricultural-Based Commercial Operation and remains generally consistent with the existing operational characteristics of the property.

The request for relief from the agricultural tourism revenue limitation requires careful consideration. The purpose of this requirement is to ensure that

commercial agriculture remains the primary use of the permit area and that agricultural tourism supports, rather than replaces, commercial agricultural production. In this case, the applicant states that agricultural production and agricultural tourism are operated through separate legal entities under common ownership, making a direct comparison of agricultural production and agricultural tourism revenues impractical even though both are part of the same overall agricultural enterprise. While this provides a reasonable basis for granting relief from the revenue requirement, it does not justify eliminating the underlying requirement that agriculture remains the principal use of the property. Accordingly, conditions are recommended requiring continued commercial agricultural production and documentation demonstrating that commercial agriculture remains the primary and predominant use of the permit area. These conditions provide an alternative way to ensure that agricultural tourism continues to support an active commercial agricultural operation while recognizing the applicant's ownership and business structure.

Similarly, while use of the existing primary dwelling exceeds the Zoning Code's standard covered area limitation, utilizing an existing legally established structure is preferable to constructing additional visitor facilities within the Agricultural District. This approach minimizes additional land disturbance, preserves productive agricultural lands, and makes efficient use of existing improvements.

For these reasons, the request constitutes an unusual and reasonable use within the meaning of Section 205-6, Hawai'i Revised Statutes. Subject to the recommended conditions of approval, the proposal promotes the continued economic viability of an active agricultural operation while preserving agriculture as the principal use of the property.

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 and protect lands within the State Agricultural District for agricultural production while recognizing that certain unusual and reasonable uses may be appropriate when they directly support or complement agriculture. Unlike proposals that convert agricultural lands to predominantly commercial or residential uses, the request is centered upon an existing agricultural enterprise consisting of coffee production, fruit cultivation, livestock operations, and approved Agricultural-Based Commercial Operations (ABCO). The proposed agricultural tourism activities are intended to educate visitors regarding agricultural practices, provide value-added marketing opportunities for agricultural products grown on-site and elsewhere in Hawai'i, and generate supplemental revenue to support continued agricultural production.

Portions of the proposal, including hosted rental accommodations, expanded, non-residential use of the existing dwelling, and relief from certain agricultural tourism regulations, are not agricultural uses in the traditional sense. However, these activities are proposed to occur within existing structures on land that will remain actively farmed, require no significant expansion of the developed footprint, and are intended to supplement rather than replace agricultural production.

Subject to conditions requiring continued agricultural production and limiting the scope of visitor-serving activities, the request will not materially diminish the agricultural use of the property or conflict with the objectives of Chapter 205.

(B) The desired use would not adversely affect surrounding properties. Adjacent properties to the west (makai) and east (mauka) of the permit area are also situated within the Nani Kai Lani subdivision and are similarly zoned Agricultural-5 acres and consist of agricultural and residential uses. Properties to the south and southwest within the Ka'ainapono Subdivision are primarily zoned Agricultural 1-Acre (A-1a) and contain residential and undeveloped agricultural

lands. The Planning Commission issued a Special Permit for a 3-bedroom B&B operation on a property within this subdivision in 2023 (Hunziker). The closest dwellings are located to the east (mauka) of parcel 14 and to the south of parcel 42.

The permit area is located within an established agricultural subdivision characterized by coffee farms, orchards, farm dwellings, hosted rental accommodations, and other rural residential and agricultural uses. The proposal expands an existing agricultural tourism operation from adjoining Parcel 42 onto Parcel 14 utilizing existing residences, agricultural buildings, orchards, pasture, internal roadways, and parking areas. No increase in the previously approved annual visitor limit of 30,000 visitors or substantial expansion of the developed footprint is proposed, and all visitor parking will continue to be accommodated on-site. A condition of approval will limit the total number of visitors to the permit area, including overnight accommodation guests, to 30,000 visitors per calendar year. The condition would also require the applicant to submit an annual report to the Planning Director documenting the total number of visitors to the permit area during the preceding calendar year to demonstrate ongoing compliance with the approved visitor cap.

The record reflects that neighboring property owners have previously expressed concerns regarding activities occurring at the main farm dwelling on Parcel 14, including alleged weddings and private parties, late-night noise, traffic, parking, and other activities perceived to be incompatible with the surrounding agricultural neighborhood. The application acknowledges these concerns and includes several operational commitments intended to minimize impacts, including maintaining the existing annual visitor cap, limiting agricultural tourism activities to those described in the application, restricting operating hours for agricultural tourism activities to between 8:00 a.m. and 6:00 p.m. (except for farm-to-table culinary experiences, which will be allowed to operate indoors to no later than 9:00 p.m.), limiting amplified sound, proposing quiet hours from 10:00 p.m. to 8:00 a.m., utilizing existing on-site parking, and continuing to focus the operation

on agricultural education, farm tours, demonstrations, workshops, and related agricultural experiences rather than large-scale social events.

Recommended conditions will require the operation to substantially conform to the approved application, maintain the approved visitor limit, accommodate all parking on-site, prohibit overnight accommodations from being used for parties, events, wedding receptions, or other group gatherings, and prohibit future expansion without Planning Commission approval. Additionally, a condition is recommended authorizing the Planning Department to investigate substantiated complaints of noncompliance and, where violations are verified, initiate proceedings before the Planning Commission that may result in modification or revocation of the Special Permit.

Subject to these conditions, the proposed request is not anticipated 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 provided from Nani Kailua Drive and Pikake Place, which are privately owned and maintained subdivision roads. Access to Parcel 14 is provided by an existing paved driveway easement approximately 20 feet in width that extends from Pikake Place and serves the existing residences and agricultural improvements. Parcel 42 is similarly accessed by an existing paved driveway connecting to Nani Kailua Drive. The two parcels are connected by existing, 12-foot-wide paved loop internal driveways and pedestrian paths, allowing agricultural tourism activities to occur across the permit area without additional roadway improvements. A condition of approval will require the applicant to meet County Fire Code for Fire Department Access Roads for the proposed use.

Existing on-site parking areas located adjacent to the primary buildings and activity areas provide parking for approximately 50 vehicles, with overflow parking available on Parcel 42 as needed. A condition of approval shall prohibit any

increase in the previously approved annual visitor limit of 30,000 visitors; therefore, traffic volumes and parking demand are expected to remain generally consistent with the existing agricultural tourism operation.

The permit area is served by a County water meter serving each parcel while agricultural irrigation is provided primarily through an on-site rainwater catchment system and water storage tanks serving the orchards, coffee operation, and livestock areas. The Department of Water Supply reviewed the proposal and offered no objections, subject to standard requirements. Prior to implementation of the proposed use, the applicant shall submit professional engineering water demand calculations, satisfy any required water commitment deposits and facilities charges, complete any required water system improvements, install approved backflow prevention assemblies, and relocate affected water facilities if necessary. These requirements ensure adequate water service for the proposed use without adversely affecting the County's water system.

According to the applicant, fire suppression water is available from a fire hydrant on an adjacent property. A condition of approval will require the applicant to meet County Fire Code for fire suppression for the proposed uses.

The property is not served by the County sewer system. Wastewater generated by the existing residences and proposed agricultural tourism activities will continue to be managed through on-site individual wastewater systems. The application indicates that the existing cesspool serving the primary dwelling will be upgraded or replaced with a wastewater system meeting the requirements of the State Department of Health prior to commencement of the proposed use. The preceding will be included as a condition of approval.

Because portions of the main dwelling will be used for non-residential activities (e.g., farm-to-table culinary experiences, workshops, classes, potential retail shop, etc.), a condition of approval will require the applicant to obtain a change of use building permit from the Department of Public Works, Building Division prior to commencement of those activities. This process will require

compliance with all currently applicable Building, Plumbing, Fire, and Department of Health requirements.

Electrical, cable, and telephone services are available to the property. Police, fire, and medical services are available from nearby Kailua-Kona facilities.

(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.

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, a community may establish various non-agricultural uses/services that may not be available or allowed by zoning for its residents.

Since adoption of the State Land Use Law, Hawai'i's agricultural industry has increasingly relied on diversified revenue sources, value-added agricultural enterprises, and agricultural tourism to remain economically viable. The proposed request reflects this trend by expanding an existing agricultural tourism operation that supports an active coffee farm and diversified agricultural enterprise through agricultural education, direct marketing, and visitor experiences tied to on-site agricultural production. Subject to the recommended conditions ensuring that agriculture remains the principal use of the property, the proposal appropriately responds to these changing agricultural conditions while remaining consistent with the intent of the Agricultural District.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The permit area is designated within the State Land Use Agricultural District and the General Plan 2045 identifies the property as Productive Agriculture (PA) due to its location within the Kona Coffee

Belt. Although the Land Study Bureau and ALISH maps classify much of the property as having relatively poor condition for agricultural productivity, the property has long supported productive coffee cultivation together with fruit orchards, pasture, and livestock. The proposal would not remove land from agricultural production or convert productive farmland into non-agricultural development. Rather, the applicant proposes to continue and expand existing agricultural activities while utilizing existing buildings and developed portions of the property to support agricultural tourism.

Based on the preceding discussion, 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 permit area and surrounding neighborhood is rural and agricultural, consisting primarily of coffee farms, orchards, farm dwellings, and related agricultural uses. The proposed request expands an existing agricultural tourism operation utilizing existing residences, agricultural buildings, orchards, pasture, and other improvements without substantially increasing the developed footprint or the previously approved annual visitor limit. Agricultural production will remain the principal use of the property, and the recommended conditions limiting the approved activities, visitor capacity, and future expansion will ensure the agricultural and rural character of the area is preserved. Accordingly, the proposed request will not substantially alter or change the essential character of the land or its present use.

(G) The request will not be contrary to the General Plan and Kona Community Development Plan (CDP). The project site is identified by the General Plan 2045 Land Use Map as Productive Agriculture (PA), which includes lands intended to support active agricultural use and was included in this designation due to its location within the Kona Coffee Belt. The proposal is

consistent with this designation because the applicant will continue agricultural production, including coffee cultivation, fruit orchards, livestock, agricultural processing, and agricultural product sales, while using agricultural tourism as a related economic activity that supports the farm operation.

The proposed request is also consistent with the following goals and policies of the Land Use Element and the Thriving Diverse, and Regenerative Economy Element as follows:

Land Use Element

- *Support the active use of Productive Agricultural lands.*
- *Preserve and enhance opportunities for the expansion of Hawaii's Agricultural Industry.*
- *Special permit applications within Productive Agriculture designated land should support primary agriculture use.*
- *Support the development of small-scale visitor accommodations that directly promote the agriculture industry, health and wellness industry directly related to agriculture, or are near points of interest that support agriculture.*

Thriving Diverse, and Regenerative Economy Element

- *Support innovative agriculture demonstration projects.*
- *Assist in the expansion of the agricultural industry through the efficient use of productive agricultural lands.*
- *Encourage agricultural, educational, and ecological tourism as regional opportunities.*

Subject to the recommended conditions requiring agriculture to remain the principal use of the permit area and agricultural tourism to remain accessory and supportive of that use, the proposed request is consistent with the applicable goals, objectives, policies, and actions of General Plan 2045.

The request is also consistent with the Kona CDP (KCDP), which identifies a guiding principle to “*Encourage a diverse and vibrant economy emphasizing*

agriculture and sustainable economies,” and recognizes that Kona coffee is the signature product of Kona, with the coffee industry supporting diversified agriculture and visitor appreciation of Kona’s agricultural lifestyle. The proposed uses are also consistent with the following KCDP economic policy related to agriculture:

- *Encourage a diverse and vibrant economy emphasizing agriculture and sustainable economies.*
- *Strengthen and encourage new agricultural-related endeavors.*
- *Explore and provide opportunities to support, promote, or enhance Kona’s agricultural industry.*

The request is not contrary to Chapter 205A, Hawai‘i Revised Statutes, relating to Coastal Zone Management. The property is located approximately 1.9 miles 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 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. Consistent with 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: There were no professional archaeological or cultural surveys/studies or floral/faunal surveys of the permit area as the properties have both been previously cleared and disturbed by

residential and agricultural uses located within an established subdivision. Furthermore, no ground disturbance is proposed for the requested activities.

The valued cultural, historical, and natural resources found in the permit area: A review of available agency records, project materials, GIS databases, and other sources did not identify any known archaeological sites, historic properties, traditional gathering areas, cultural sites, or ongoing Native Hawaiian traditional and customary practices within the project area. No evidence was presented (in the application or by the applicant) indicating the exercise of protected Native Hawaiian rights on the subject parcel.

A review of all available resources found it unlikely that rare or endangered floral/faunal resources to be found within or proximate to the permit area as it has been cleared and extensively improved with agricultural crops (coffee and fruit orchards) and landscaped.

While the following are not cultural, historical, or natural resources inherently present within the permit area, the applicant proposes to incorporate culturally integrated agricultural demonstrations into its agricultural tourism program in conjunction with cultural practitioners. These activities may include lei making, mo'olelo related to crop propagation, traditional Hawaiian planting and harvesting practices, and other educational experiences that interpret Hawaiian culture through agriculture.

Possible adverse effect or impairment of valued resources: Because no archaeological, cultural resources, traditional customary practices, or Native Hawaiian rights were identified within the project area, no specific protective measures are necessary. Based on the available record, approval of the proposed action will not impair the exercise of protected rights.

Furthermore, there was no evidence of threatened or endangered species found within the permit area, so there will be no adverse effect on those resources.

Feasible actions to protect native Hawaiian rights: Because there is no evidence of archaeological, floral, faunal, or cultural resources within the permit area, and no evidence that traditional and customary Native Hawaiian practices are currently exercised there, the proposed action is not expected to adversely affect traditional and customary Native Hawaiian rights. Therefore, no additional measures are necessary to protect those rights.

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 foregoing findings, approval of the request to expand an existing agricultural tourism operation onto an adjacent parcel with new offerings, including farm-to-table culinary experiences, agricultural-and cultural-based experiences, and overnight accommodations for up to 12 guests per night on 10.1 acres of land 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, their successor(s), or assign(s) ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. The development and operation of the proposed use shall be conducted in a manner that is substantially representative of plans and details contained

within the Special Permit Application, any subsequent material received by the Leeward Planning Commission, and any representations made to the Leeward Planning Commission. Any substantial expansion or uses beyond what is represented shall require an amendment to this permit.

3. At the Applicant's written request, the Planning Director may approve minor administrative modifications to agricultural tourism programming, scheduling, or activity locations if the Director determines that the modifications do not increase the intensity of the approved use or create greater impacts upon surrounding properties.
4. Commercial agriculture shall remain the primary and predominant use of the permit area throughout the life of this Special Permit. Agricultural tourism activities shall remain accessory and directly supportive of the commercial agricultural production operation. Should agricultural production substantially cease, or should agricultural tourism become the principal use of the permit area, the Planning Director may initiate proceedings before the Planning Commission to modify or revoke this Special Permit.
5. Beginning one (1) year after approval of the Special Permit, and annually thereafter upon request of the Planning Director, the Applicant shall submit documentation demonstrating that active commercial agricultural production continues on Parcels 14 and 42. Such documentation may include agricultural production records, sales records, tax documentation, or other information reasonably requested by the Planning Director to verify compliance with this Special Permit.
6. Prior to commencement of agricultural tourism operations on Parcel 14, the Applicant shall secure Final Plan Approval from the Planning Director in accordance with the requirements of the Zoning Code. Plans shall identify all existing and proposed structures, landscaping, signage, fire protection

measures, driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed development.

7. Prior to commencement of agricultural tourism operations within the main farm dwelling on Parcel 14, the Applicant shall obtain and finalize all required building permits, including any required change of use approval. Evidence of the preceding shall be provided to the Planning Director.
8. Prior to commencement of agricultural tourism uses on Parcel 14, the applicant shall comply with all applicable Department of Water Supply requirements, including submission of water demand calculations prepared by a licensed professional engineer, payment of any required water commitment deposits and facilities charges, installation of required backflow prevention assemblies, and completion of any water system improvements required by the Department of Water Supply.
9. Prior to commencement of agricultural tourism activities within the main farm dwelling on Parcel 14, the Applicant shall upgrade or replace the existing cesspool serving the structure with a wastewater system meeting the requirements of the State Department of Health.
10. Prior to commencement of agricultural tourism operations on Parcel 14, the Applicant shall install, construct, and/or maintain any improvements for Fire Department Access Road (FDAR) access to/within the permit area and fire suppression improvements required by the Fire Department. Upon successful completion of the improvements, the Applicant shall provide the Planning Department documentation from the Fire Department that the improvements meet Fire Code standards.
11. The total number of visitors to the permit area, including participants in existing and proposed agricultural tourism activities and overnight accommodation guests, shall not exceed 30,000 visitors per calendar year. Beginning one (1) year after approval of the Special Permit, and annually thereafter by January 31, the Applicant shall submit a report to the Planning

Director documenting the total number of visitors to the permit area during the preceding calendar year. The report shall include sufficient records or other documentation to demonstrate compliance with the annual visitor limit.

12. Hours of operation for agricultural tourism activities shall be held between the hours of 8:00 a.m. and 6:00 p.m. daily, except for farm-to-table culinary experiences that are held within the main farm dwelling, which shall be allowed until 9:00 p.m.
13. Hosted rental accommodations shall be limited to twelve (12) guests per night within the five (5) permitted bedrooms and shall not be used in conjunction with non-agricultural tourism activities including weddings, wedding receptions, parties, banquets, reunions, retreats, corporate events, or other similar gatherings.
14. All visitor, employee, vendor, and event-related parking shall be accommodated entirely on-site. Parking along Nani Kailua Drive, Pikake Place, adjoining easements, or public roadways associated with the approved use is prohibited.
15. Outdoor amplified sound shall be limited to low-volume background music incidental to approved agricultural tourism activities. DJs, live bands, concerts, public address systems, and other high-amplitude amplified entertainment are prohibited. All amplified sound shall cease no later than 9:00 p.m.
16. Quiet hours shall be observed throughout the permit area between 10:00 p.m. and 8:00 a.m. During this period, no agricultural tourism activities, amplified sound, group gatherings, or other activities associated with the approved uses that generate unreasonable noise or disturbance to neighboring properties shall be permitted.
17. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms,

etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the DLNR-SHPD at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

18. The Applicant shall comply with all applicable County, State, and Federal laws, rules, regulations, and requirements.
19. If the Applicant fails to comply with the conditions of approval or cause 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.