

Stephanie Brill
P.O. Box 14712
Jackson, WY 83002

Dec 2, 2020

To: Department of Planning, Current Division
County of Maui
2200 Main Street, Suite 619
Wailuku, HI 96793

Subject: Permit SUP2 2012/0010

Re: Transfer of SUP2 Permit

To whom it may concern,

I am the former owner of 1875 Olinda Road, Makawao, HI 96768 at TMK (2) 2-4-019:014

I am the applicant approved for an SUP, number SUP2 2012/0010, which expires on April 30, 2021.

I wish to transfer this SUP2 permit to Shems Timothy Heartwell, one of the new owners of the property, who is applying for a new B&B permit for one of the cottages.

Please accept this as my written permission to transfer the SUP2 permit at this time to the new owner.

Thank you,

Stephanie Brill

DocuSigned by:
Stephanie Brill
C5A042C2AF8C48D

Dec 2, 2020

CC: Tara Furukawa, Planner
Shems Heartwell, property owner

Shems Heartwell
1875 Olinda Road
Makawao, HI 96768

Dec 3, 2020

To: Department of Planning, Current Division
County of Maui
2200 Main Street, Suite 619
Wailuku, HI 96793

Subject: Permit SUP2 2012/0010

Re: Transfer of SUP2 Permit

To whom it may concern,

I Shems Timothy Heartwell am one of the owners of 1875 Olinda Road, Makawao, HI 96768 at TMK (2) 2-4-019:014.

I wish to have this SUP2 permit transferred to me from Stephanie Brill (the previous owner) to run the same duration as the B&B permit.

Please accept this as my written permission to transfer the SUP2 permit at this time to my name.

Thank you,

Shems Heartwell



Dec 3, 2020

CC: Tara Furukawa, Planner
Shems Heartwell, property owner

Scanned with CamScanner

Thank you,

Shems Heartwell

REQUIRED SUBMITTALS CHECKLIST



1. Completed application form.
2. Completed Notice of Public Hearing.
3. Notarized Affidavit of Mailing of Notice of Public Hearing.
4. Zoning and Flood Confirmation Form, completed and signed by Planning Department.
5. Evidence that the applicant is the owner or lessee of record of the real property.
6. A notarized letter of authorization from the legal owner if the applicant is not the owner.
7. Location map identifying the site, adjacent roadways and identifying landmarks (8 1/2" x 11" format)
8. List of landowners and recorded lessees of real property abutting the subject parcel and across the street. This list should be obtained from the most current available list at the [Maui County Department of Finance, Real Property Assessment Division](#). This list should include the Tax Map Key number and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the adjacent parcels affected.
9. Photographs of the project site.
10. Plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structures (architectural plans to include elevation, sections, floor plans, etc.), driveway access, parking area, etc.
11. Reason(s) justifying the proposed use.
12. A report identifying reasons proposal is a "reasonable and unusual use" pursuant to [Chapter 15 Land Use Commission Rules, Subchapter 12, Special Permits](#).
13. Two hard copies of entire application packet, including one original.
14. An electronic copy in PDF format of the completed application packet on a compact disk or flash drive.
15. Non-refundable filing fee (see [Fee Schedule, Table A](#)), payable to 'County of Maui, Director of Finance.'

After the Planning Department has reviewed the application packet for suitability of transmittal to agencies, the Planning Department will contact the applicant to produce the additional sets of the application packet for agency transmittal.

LAND USE COMMISSION SPECIAL PERMIT APPLICATION (SUP2)

Please print legibly or type the following.

County Use Only
Permit Number: SUP2 2012 . 0010

PROPERTY ADDRESS & INFORMATION			
Project Name: Starlight Sanctuary		Valuation*	
Tax Map Key No.: (2) 2-4-019:014/0000	CPR/HPR No.:	Lot Size: 2.2 Acres	
Physical Address/Location of Project: 1875 Olinda Road, Makawao, HI 96768			
Additional Location Information:			
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration			
DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT			
Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed.			
Describe the existing use: Agriculture and Residential			
Describe the proposed use: Agriculture, Residential, and Bed & Breakfast			
LAND USE DESIGNATIONS			
State Land Use District Boundary: Agriculture			
Maui Island Plan: Outside Growth Boundaries			
Community Plan: Agriculture			
Zoning: Agriculture			
Other (i.e. SMA):			
CONTACT INFORMATION			
APPLICANT INFORMATION			
Name(s): Shems Heartwell		Email: surfingspirit@gmail.com	
Mailing Address: 1875 Olinda Road, Makawao, HI 96768			
Phone Number(s): (bus) (hm) (cell) (808) 280-4618 (fax)			
Signature(s): 		Date: 8/14/20	
CONSULTANT INFORMATION			
Name(s): Lisa Starr, Lisa Starr Land Company		Email: ecs@maui.net	
Mailing Address: 8 Malie Place, Paia, HI 96779			
Phone Number(s): (bus) (hm) (cell) (808) 283-8450 (fax)			
Signature(s): 		Date: AUGUST 14, 2020	
OWNER INFORMATION			
Name(s): Shems Heartwell		Email: surfingspirit@gmail.com	
Mailing Address: 1875 Olinda Road, Makawao, HI 96778			
Phone Number(s): (bus) (hm) (cell) (808) 280-4618 (fax)			
Signature(s):		Date:	

NOTICE OF PUBLIC HEARING

DATE: _____

TO: _____
(Owner/lessee of record)

Please be informed that the undersigned has applied to the Maui County Planning Commission for a Land Use Commission Special Permit:

- a. Tax Map Key No: (2) 2-4-019:014/0000 Area of Parcel: 2.2
- b. Location: In the vicinity of: 1875 Olinda Road, Makawao, HI 96768
- c. State Land Use Designation: Agriculture
- d. Proposed Use: Agriculture, Residential, and Bed & Breakfast

TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:

Public Hearing Date: _____

Time: _____

Place: _____

Attached please find a map identifying the location of the specific parcel(s) being considered in the request for a Land Use Commission Special Permit.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 15 of the Hawaii Administrative Rules, and the Planning Commission rules.

Petitions to intervene shall be in conformity with §12-201-20, §12-201-40 and §12-201-43 of the Rules of Practice and Procedure for the Maui Planning Commission; §12-301-16, 12-301-25 and 12-301-28 of the Rules of Practice and Procedure for the Molokai Planning Commission; or §12-401-20, 12-401-40 and 12-401-43 of the Rules of Practice and Procedure for the Lanai Planning Commission. The Petition to Intervene shall be filed with the respective planning commission and served upon the applicant no less than ten (10) business days before the first public hearing date, no later than 4:30 p.m. on the day of _____. Filing of all documents with the Planning Commission shall be in c/o the Maui Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal State holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday or State holiday. When the prescribed period of time is ten days or less, Saturdays, Sundays, or State holidays within the designated period shall be excluded in the computation.

Testimony relative to this request may be submitted in writing prior to the hearing to the appropriate Planning Commission c/o the Maui Planning Department 2200 Main Street, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii; telephone (808) 270-7735; toll free from Molokai 1-800-272-0117 extension 7735; toll free from Lanai 1-800-272-0125, extension 7735.

Shems Heartwell

 Name of Applicant

1875 Olinda Road, Makawao, HI 96768

 Signature

(808) 280-4618

 Address

_____ Telephone

NOTARIZED AFFIDAVIT OF MAILING OF PUBLIC HEARING

_____, being first duly sworn, on oath,

deposes and says:

1. Affiant is the applicant for a Land Use Commission Special Permit for land situated at, TMK: (2) _____.
2. Affiant did on _____, _____, deposit in the United States mail, postage prepaid, by certified or registered mail, return receipt requested, a copy of a Notice of Public Hearing with location map, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified in the list of recorded owners and lessees identified as "Exhibit B," attached hereto and made a part hereof.
3. Thereafter, there was returned to the Office of Affiant, the United States Post Office certified or registered mail receipts and return receipts which are attached hereto as "Exhibit C" and made a part hereof.

Further, Affiant sayeth naught.

Subscribed and sworn to me before me
this _____ day of _____,
_____.

Notary Public, State of Hawaii

My commission expires: _____

Notary Public Certification

Document Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

Notary Signature: _____

Date: _____

(stamp or seal)

2020/2203

5.

COUNTY OF MAUI
DEPARTMENT OF PLANNING
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793



Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-2550
Facsimile: (808) 270-7634

RECEIVED

E-mail: planning@mauicounty.gov

MAY 21 2020

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

COUNTY OF MAUI
DEPARTMENT OF PLANNING

APPLICANT NAME Lisa Starr, Lisa Starr Land Company TELEPHONE (808) 579-8707
PROJECT NAME Heartwell Project E-MAIL ecs@maui.net
PROPERTY ADDRESS 1875 Olinda Road, Makawao, HI TAX MAP KEY (2) 2-4-019-014/0000

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

(SMA)
Special
Management Area

STATE DISTRICT: Urban Rural Agriculture Conservation

MAUI ISLAND PLAN Growth Boundary: Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

PLAN Protected Area: Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN: ² Agriculture

COUNTY ZONING: Agriculture

OTHER/COMMENTS:

(PD)
Planned
Development

(PH)
Project District

See
Additional
Comments (Pg.2)

See
Attached LUD Map

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS: Zone: X

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: _____

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

(Signature) Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

Deanna Gomes (Signature)

5/22/20 (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



Parcel Information

Parcel Number 240190140000
 Location Address 1875 OLINDA RD
 MAKAWAO HI 96768
 Neighborhood Code 2441-5
 Legal Information LOT B-3 B OLINDA FARM LOTS POR GR 7967 2.22 AC DES
 Land Area 2.22 Acres
 Parcel Note

[View Map](#)

Owner Information

Owner Names
 SEETON,TIMOTHY GRAHAM Fee Owner
 HEARTWELL,SHEMS TIMOTHY Fee Owner
 SEETON,MIRANDA HISAYO Fee Owner
 Show All Owners and Addresses

Mailing Address
[SEETON,TIMOTHY GRAHAM](#)
 PO BOX 791222
 PAIA HI 96779

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2020	SHORT TERM RENTAL	\$475,400	\$395,100	\$395,100	\$281,300	\$676,400	\$0	\$676,400

Agricultural Assessment Information

Acres	Description	Assessed Value
0.5	DIVERS GD	\$250
1.0767	HOME SITE	\$394,700
0.6433	WASTE LAND	\$100

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

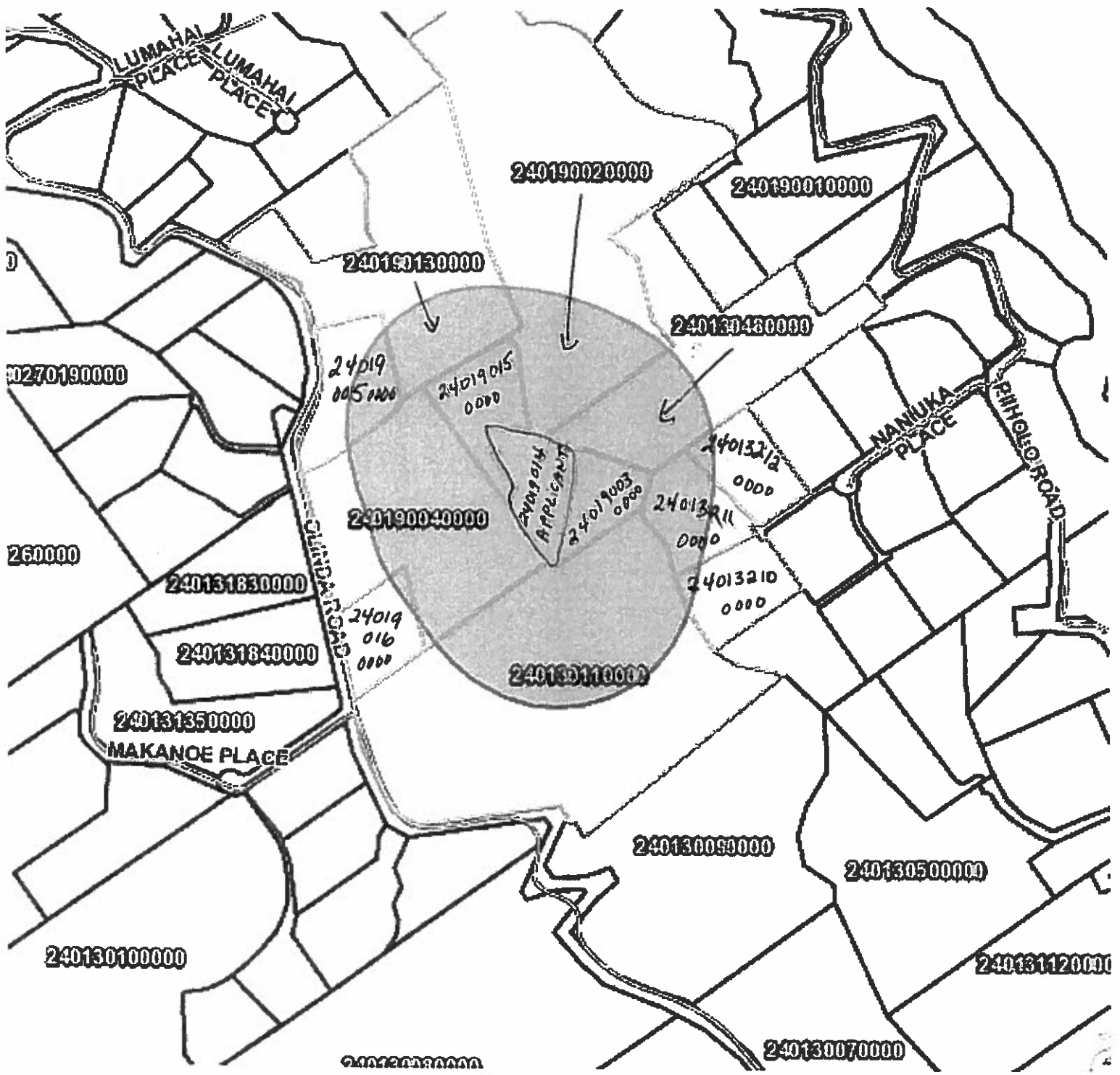
Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
<input checked="" type="checkbox"/> 2019	\$7,348.71	(\$7,348.71)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2018	\$6,011.58	(\$6,011.58)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2017	\$3,926.10	(\$3,926.10)	(\$196.31)	(\$43.19)	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2016	\$3,471.60	(\$3,471.60)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2015	\$3,292.74	(\$3,292.74)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2014	\$4,169.65	(\$4,169.65)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2013	\$2,979.02	(\$2,979.02)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2012	\$2,650.80	(\$2,650.80)	(\$132.58)	(\$14.61)	(\$30.00)	\$0.00
<input checked="" type="checkbox"/> 2011	\$2,643.06	(\$2,643.06)	(\$132.15)	(\$29.07)	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2010	\$2,736.80	(\$2,736.80)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2009	\$3,586.05	(\$3,586.05)	(\$179.30)	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2008	\$3,605.40	(\$3,605.40)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2007	\$3,404.70	(\$3,404.70)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2006	\$3,114.00	(\$3,114.00)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2005	\$2,847.57	(\$2,847.57)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2004	\$2,076.03	(\$2,076.03)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2003	\$1,852.20	(\$1,852.20)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2002	\$1,202.92	(\$1,202.92)	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> 2001	\$1,548.02	(\$1,548.02)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

Appeal Information

Year	Appeal Type Value	Scheduled Hearing Date subject to change	Status	Tax Payer Opinion of Value	Tax Payer Opinion of Exemptions	Tax Payer Opinion of Property Class	Date Settled	Final Value
2014	BOARD OF REVIEW (RA)	9/17/2014	Closed	\$0	\$0	3	11/21/2014	\$457,700



✓ 240130110000
CLOUD FARM TRUST
2055 OLINDA RD
MAKAWAO HI 96768

✓ 240130480000
ARMFIELD, DOUGLAS H
278 PUAPIHI ST
LAHAINA HI 96761

✓ 240190020000
ARMFIELD, DOUGLAS H
278 PUAPIHI ST
LAHAINA HI 96761

✓ 240190030000
SEETON, MIRANDA HISAYO
PO BOX 791222
PAIA HI 96779

✓ 240190040000
DIAZ, SALVADOR F TRUST
1955 OLINDA RD
MAKAWAO HI 96768

~~240190140000
SEETON, TIMOTHY GRAHAM
PO BOX 791222
PAIA HI 96779~~

✓ 240190150000
VALLIANT, JOHN MICHAEL
1871 OLINDA RD
MAKAWAO HI 96768

SUP #9 – Photos of Project Site

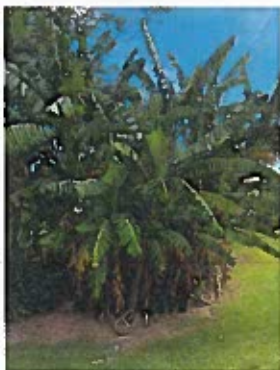
Fruit trees:

6 varieties of Banana, Fig, Avocado, Mulberry, Citrus, Pomegranate, Papaya, Olive, cherimoya, Jaboticaba, Lychee, Syranam Cherry, Brazilian Grape and Fuji Apple.

Vegetables:

Chard, Kale , Spinach, Tomato, Cucumber, Fava, Cilantro, Squashes,

Many ornamental plants and flowers that we intend to harvest as arrangements for guests in the rental cottage.



Heartwell Farm Plan Description

June 6, 2021

Shems Heartwell
1875 Olinda Road
Makawao, HI 96768

Greetings,

We purchased this property in January of 2020 with an existing farm plan and have been adding to the scope and scale over the past 16 months.

At the time of purchase, the property had an existing .5 acres of multiple varieties of Bamboo that were used as Timber root stock and sale. We have continued this usage of selling bamboo for use as local garden trellises and fence projects and are also utilizing the multiple varieties of Bamboo for local Hawaiian flute makers to make traditional nose flutes to promote Hawaiian Cultural Heritage and Music.

We have increased the size and diversity of the fruit orchard with a primary focus on Avocado production with 5 different varieties that we have been selling to our local community and will be sold to Mana Foods and to our neighboring Lapaau Farm for their weekly CSA boxes. We have removed 3 non-bearing fruit trees and replaced them with 8 Avocado and 6 Citrus Tree varieties (Lime, Lemon, Tangerine, Kifir Lime, Orange, and Grapefruit). We have also added 2 Macadamia Nut Trees, 4 Cherimoyas, 2 Dorset Apples, 2 Brazilian Plums, 2 Cuban Banana and 2 Pineapple Guavas. We have counseled with and bought most of our new fruit trees from Jayanti Nand, owner of Nature Works Nursery to ensure proper varieties and quality trees that will thrive in the unique elevation and climate on Olinda Road.

In addition to the Orchards we have added an Apiary area with 6 bee hives that are producing 20-30 gallons of honey a year that we have been selling to our community, clients, and neighbors. Bees play a major role in fruit tree pollination and are a valuable resource for a thriving ecosystem.

Lastly, we have a passion for flowers and are planting many colorful varieties of Roses and Protea plants. There were 10 existing Proteas plants and we are in the process of planting another 20 new Protea (6 varieties) that are ideal flowers for fresh and dried

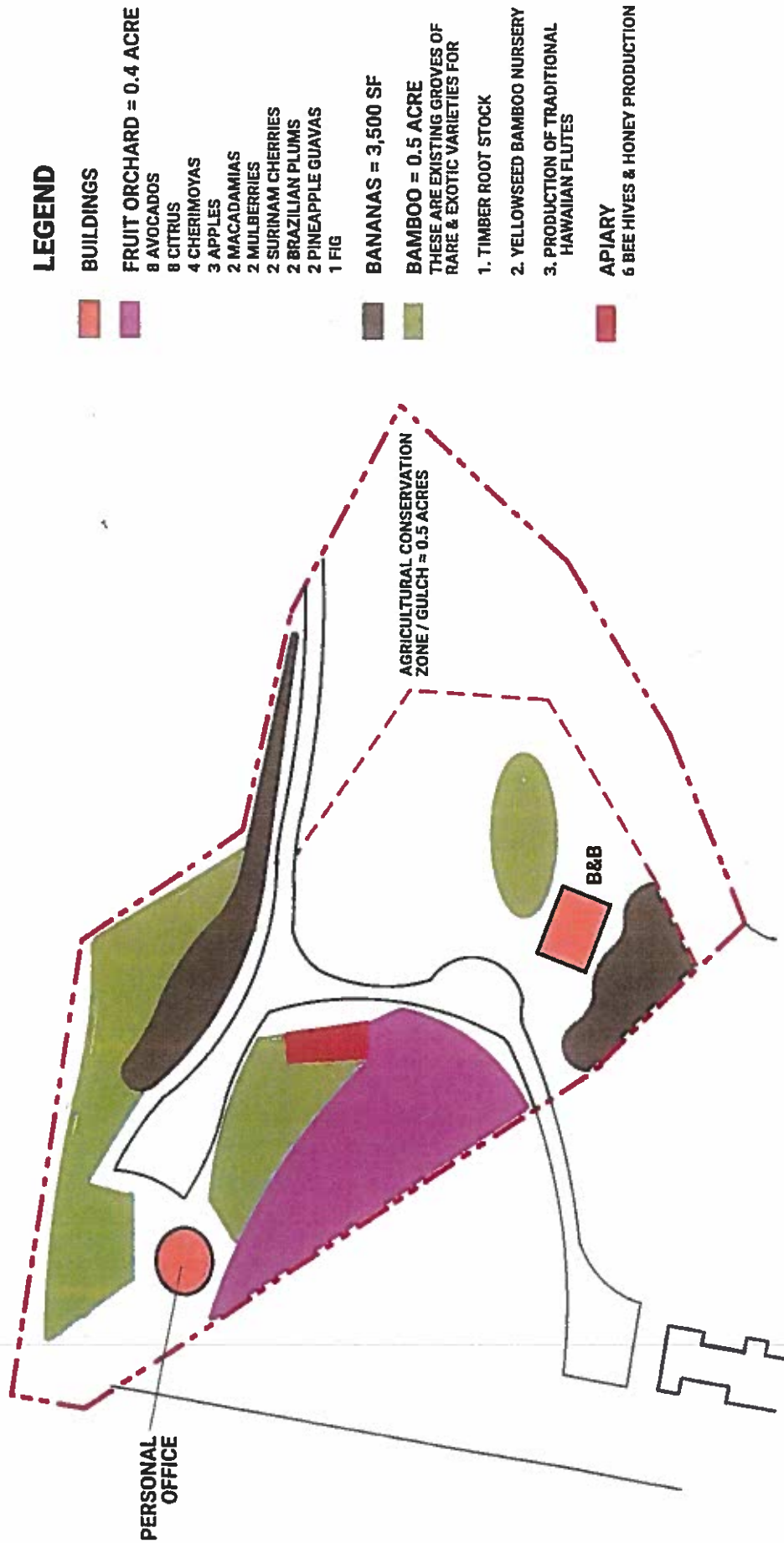
floral arrangements that can be sold along with honey, bananas, avocados and other fruits. We have 20 rose bushes that we are preparing to plant over the next few months once we have the area prepped for roses to have the right soil conditions.

Lastly, an area of 0.5 acres of the parcel is a gulch conservation zone that borders the property.

Percentages of propagated plants on the parcel are shown on the Farm Plan Map with color visuals.

Sincerely,

Shems Heartwell



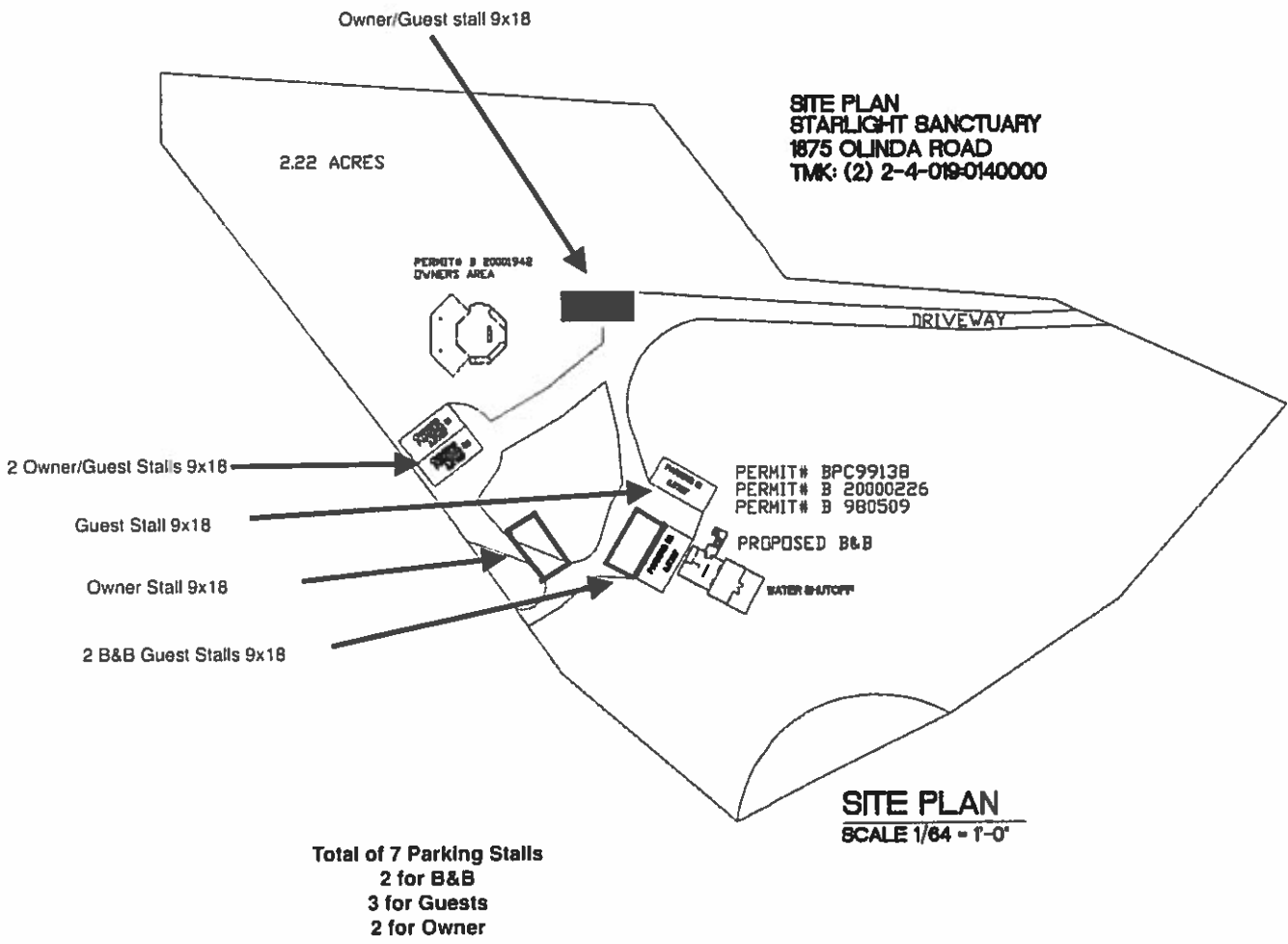
LEGEND

- BUILDINGS**
- FRUIT ORCHARD = 0.4 ACRE**
- 8 AVOCADOS
- 8 CITRUS
- 4 CHERIMOYAS
- 3 APPLES
- 2 MACADAMIAS
- 2 MULBERRIES
- 2 SURINAM CHERRIES
- 2 BRAZILIAN PLUMS
- 2 PINEAPPLE GUAVAS
- 1 FIG
- BANANAS = 3,500 SF**
- BAMBOO = 0.5 ACRE**
THESE ARE EXISTING GROVES OF RARE & EXOTIC VARIETIES FOR
- 1. TIMBER ROOT STOCK
- 2. YELLOWSEED BAMBOO NURSERY
- 3. PRODUCTION OF TRADITIONAL HAWAIIAN FLUTES
- APIARY**
6 BEE HIVES & HONEY PRODUCTION

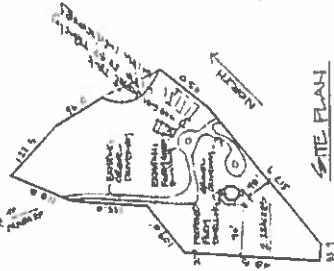
HEARTWELL FARM PLAN - TMK: (2) 2-4-019: 014

TOTAL LAND AREA = 2.22 ACRES
AGRICULTURAL PRODUCTION AREA = 1.28 ACRES (55,772 SF)

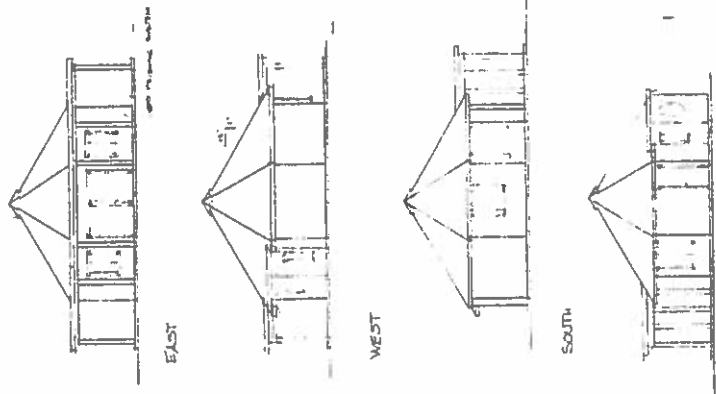
1875 OLINDA PARKING



2761/2000

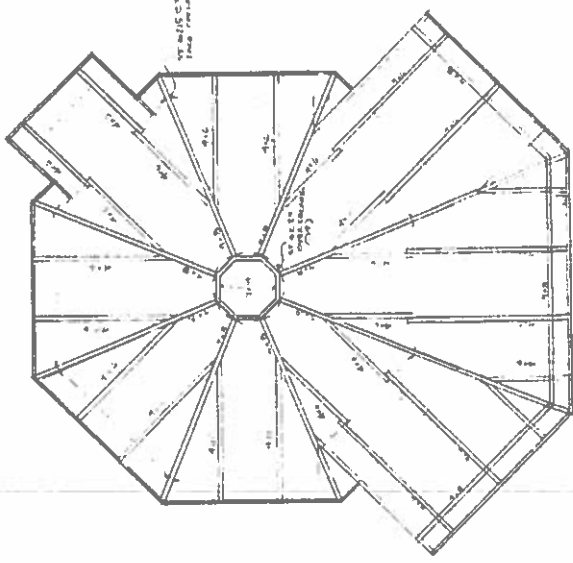


SITE PLAN
1"=100'
DATE 2-4-14

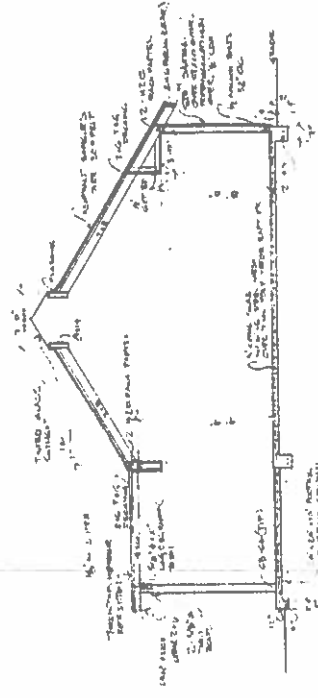


ELEVATIONS
1/8"=1'-0"

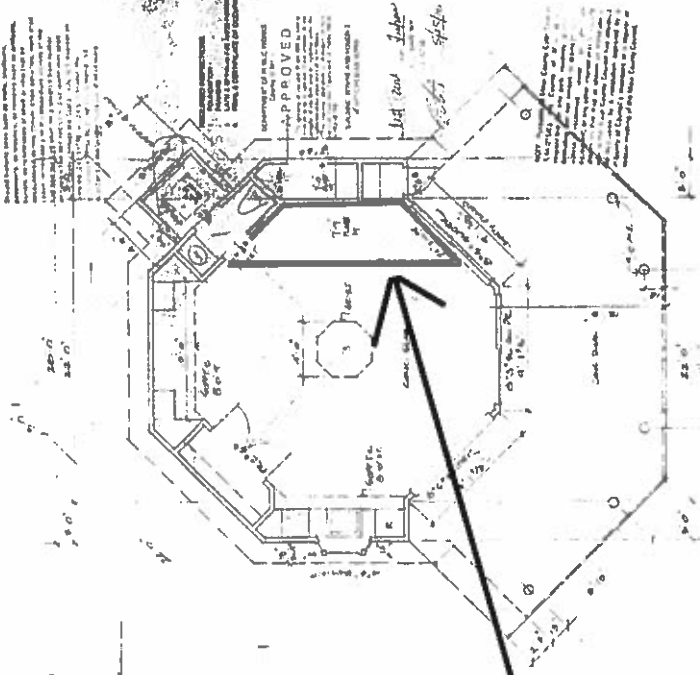
Office area with Desk and Couch



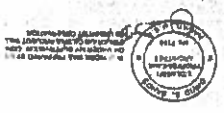
ROOF FRAMING PLAN
1/4"=1'-0"



SECTION
1/4"=1'-0"



FLOOR PLAN
1/4"=1'-0"



PARK DWELLING
1879 OLNEY RD, WAKARUSA, MO
FOR MORE INFORMATION CONTACT:
TAK: 2-4-14-14
ARCHITECTS
E SANDS AIA
COX BGS PAA # 90779
BOB #72 8088

A2000/1134

SUP #11. Reasons Justifying the Proposed Use

The proposed bed and breakfast will take place in a permitted dwelling that existed prior to this application, and without conflict with the agricultural uses on the property or in the surrounding area. Agricultural production on the property will continue.

The hotel-resort experience remains the mainstay of the visitor industry, but there is a growing demand and a market for an alternative to that traditional hotel-resort model. There is a growing market of visitors who are looking for a more private time for themselves and their family, and they look to accommodations other than hotels and condos for this purpose. The more rural setting of a farm dwelling with active agricultural production suits this need well, as there is privacy, and significantly less traffic and noise than more “developed” hotel areas. Introduction to and education about tropical propagation will be available and encouraged by the host owners.

Fruit trees, small plot vegetables, and flowers grow abundantly. The proposed bed-and-breakfast use will not preclude continuing agricultural use of the property on the scale

12. Report Questions & Answers

The subject property is in the State Agricultural District. The proposed uses are consistent with the Agricultural designation of the property as identified in the Applicable Regulations section of this report. Chapter 205-6, HRS allows for the establishment of "unusual and reasonable" uses in the State Agricultural District through the approval of a State Land Use Commission Special Use Permit. The Applicant has demonstrated bona fide agricultural activities are occurring on the property as reflected in the approved and implemented farm plan that is reflected in the production of tropical flowers and plants. The following guidelines are established in determining an "unusual and reasonable use" and the response to these guidelines is indicated as such:

A. The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

Response: The proposed bed and breakfast will take place in a previously permitted bed and breakfast dwelling that existed prior to this application, and without conflict with the agricultural uses on the property or in the surrounding area. Allowing a bed and breakfast in addition to already allowed long-term rentals and owner occupancy will not affect: agricultural productivity parameters or existing or potential agricultural uses on the property or in the surrounding area. Agricultural production on the property will continue and use of the farm dwellings for rental purposes will not have a negative impact on agricultural production.

There will be a positive impact on the agricultural production on this property because revenue from the bed and breakfast will be used to help cover the cost of improved agricultural infrastructure (e.g. closed-loop composting, drainage, water capture and irrigation) and to support the continual addition of new native plants, replacement or removal of any invasive, sickly, or suboptimal plants and animals (e.g. giant reed, fountain grass, and coqui frogs). Guests will be proactively educated about the agricultural features of the property with informational placards, on-site orientation and books with pertinent value on tropical propagation.

The County of Maui has, by its adoption of the Bed and Breakfast Ordinance No. 3611, defined bed and breakfast homes as an acceptable use on agricultural land if the Planning Commission grants an SUP2.

B. The desired use will not adversely affect surrounding property;

Response: The number of guests on the property and noise levels and hours will be subject to rules and regulations by the owner. There should be negligible difference to the surrounding properties between owners and renters occupying the property. The neighborhood surrounding the Makawao subject property is characterized by single-family residences on agricultural parcels, generally greater than two acres. Mature vegetation and large setbacks along property boundaries provides privacy. An on-site owner will ensure compliance with all rules and regulations. Residential uses associated with a bed and

breakfast operation are not significantly different from the residential character of the neighborhood.

C. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

Response: There is no indication that the proposed use within this residence would place a demand on public agencies to provide excessive additional services. Any burdens to public agencies from bed and breakfast use will be comparable to the burdens resulting from long-term rental or owner occupancy of the same residence. The septic system is private, fire protection is available, and no construction or development from the proposed use is planned that would increase the need for drainage facilities. In addition, the operation would not place a burden on public schools, police or fire protection. The proposed bed and breakfast use of the property is similar to adjacent residential uses in its extent and use of public agency services. The impacts on public agencies will likely be no higher than compared to the impacts associated with full-time residents. An on-site owner will ensure compliance that guests do not impact facilities or improvements.

D. Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

Response: The land-use district boundaries and rules were established in the early 1960s, before the visitor industry's role as the main engine of Maui's economy. B&Bs, short-term rentals and "transient vacation rentals" essentially appeared after the district boundaries and rules were established. The hotel-resort experience remains the mainstay of the visitor industry, but there is a growing demand and a market for an alternative to that traditional hotel-resort model. While hotels offer the best in facilities and amenities, they are among the least private and quiet accommodations available. Conventional hotels are also very resource intensive with heavy demands on water and energy use for irrigation, landscaping and other decorations or features.

There is a growing market of visitors who are looking for a more private time for themselves and their family, and they look to accommodations other than hotels and condos for this purpose. More visitors are also looking for more sustainable, less resource-intensive lodging. The more rural setting of a farm dwelling with active agricultural production suits these needs well, as there is privacy, significantly less traffic and noise than more "developed" hotel areas, and much more attention to visitor education and reduction of negative environmental impacts of the lodging.

Additionally, it is important to spread the economic benefits of visitor lodging and patronage of stores and restaurants beyond the concentrated South and West sides of the Islands. Many small, family owned businesses in Makawao, Paia, Haiku and neighboring North Shore towns benefit from receipt of tourist dollars, rather than those dollars primarily being spent at large chain stores and establishments.

This bed and breakfast is one of very few visitor lodging options in the area, and it will meet the desires of visitors for a rural, agricultural, eco-friendly lodging experience.

In addition, the Council as previously noted, adopted Ordinance No. 3611, which permits bed and breakfast homes in the County agricultural zoning district with an SUP2 permit.

E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Response: While the property has considerable rainfall, sunlight, and a twelve-month growing season, the steep topography, soil conditions and relatively small plot size make commercial farming problematic. Fruit trees, small plot vegetables, and flowers grow abundantly. Rare and exotic bamboo and timber bamboo are grown on the property. Bamboo growing is a certified carbon credit working toward the elimination of carbon dioxide in the atmosphere. Bamboo removes carbon and turns it into simple sugars within its root system. In addition, bananas, avocados, oranges, and lemons as well as ferns are grown on the property. The proposed bed and breakfast use will not preclude continuing agricultural use of the property on the scale appropriate to a smaller lot. The parcel is not conducive to large scale agriculture monocrop production. However, the use of this land for limited agriculture contributes to promoting the agricultural nature of this community.