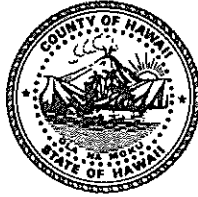


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
7099 3220 0000 4869 7657

APR 04 2000

Ms. L. Taylor Cockerham
159 Keawe Street, Suite 2
Hilo, HI 96720

Dear Ms. Cockerham:

Special Permit Application (SPP 99-018)
Applicant: Kenneth P. Parrish
Request: Establishment of a Bed and Breakfast Operation,
Fruit Stand and Future Commercial Kitchen
Tax Map Key: 1-4-072:028

The Planning Commission at its duly held public hearing on March 17, 2000, voted to approve the above-referenced application. Special Permit No. 1049 is hereby issued to allow the proposed establishment of a bed and breakfast operation, fruit stand and future commercial kitchen on approximately 36,000 square feet of land situated in the State Land Use Agricultural District. The property is located within the Vacationland Hawaii, Unit II Subdivision at the southeast corner of the Kaimu-Kapoho Road-Pua O Kapoho Road intersection, Kapoho, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural

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potential in agricultural use. The subject property is vacant and the applicant proposes to construct a dwelling and establish a four-bedroom bed and breakfast operation on a portion of the subject property. In addition, the applicant proposes to construct a commercial kitchen to serve full breakfast to his guests and establish an expanded fruit stand that would sell postcards, t-shirts, juice from a vending machine and fruit juices. The applicant proposes to conduct agricultural activity by planting a fruit orchard. Soils are classified as A'a Lava Flows(rLV) and Lava Flows, Pahoehoe (rLW). The property has a soil rating of "E" or "Very Poor" and the ALISH maps identify the property as Unclassified. The property is zoned Agricultural (A-1a). It is also located in Lava Hazard Zone 1, which includes the summits and rift zones of Kilauea and Mauna Loa where vents have been repeatedly active in historic time. Zone 1 is the area of the greatest hazard; Zone 9 is the least. The bed and breakfast establishment will be constructed in phases and confined to the proposed dwelling that will be structurally connected with walkways. As such, as there is no existing agricultural activity, the proposed use will not diminish the agricultural potential of the project site or surrounding area.

The desired use will not adversely affect the surrounding properties. Surrounding uses include mostly vacant parcels and scattered single family dwellings. The subject property is on the corner of Kaimu-Kapoho Road and Pua O Kapoho Road. As immediate surrounding properties are mostly vacant, it is not expected that the bed and breakfast operation would create significant adverse impacts to surrounding properties. The property is approximately 4.99 acres, and large enough so as not to impact surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area adequately served with essential services and facilities. The subject property is located in Vacationland Estates Subdivision, Increment II, an 83-lot subdivision which received Final Subdivision Approval on December 19, 1963. Lots within the subdivision are approximately 5± acres in size. Due to the fact that the subject request is located in Lava Hazard Zone 1, guests may be faced with the possibility of evacuation from lava flows, as such, a condition will be included to require the applicant to have an Emergency Response Plan in place. This plan shall be submitted for review and approval by the Planning Director in conjunction with securing Final Plan Approval. Finally, no objections were received from agencies.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations have increasingly become a part of a worldwide trend towards providing alternative lodging sites in rural

and agricultural areas such as this particular location: They are becoming popular for visitors who seek a more localized and authentic experience in a home-type setting. The County has recognized this trend, and the Zoning Code, Section 25-4-7, provides guidelines for establishing bed and breakfast operations, as an accessory use to the property as a residence. The applicant shall reside on the subject parcel meet with the requirements of the Zoning Code Section 25-4-7(b) regarding bed and breakfast establishments. As the proposed use is accessory to the use of the site as a residence and for conducting agricultural activity, the use is consistent with the social and physical character of a rural-agricultural area and will contribute to the economic development of the County. The "Strategic Directions for Hawaii's Visitor Industry" or Tourism Strategic Plan (TSP) prepared by the Hawaii Tourism Authority (June, 1999), forms the basis or foundation upon which Hawaii's future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:

- Create menus of experiences to make it easier for visitors to purchase agri tourism experiences and products.
- Advocate "Bed & Breakfasts (B&B's)" and "Country Inns" on agriculture lands, farms, and ranches.
- "Bundle" agricultural experiences with health, adventure, culture, eco, and edu tourism.
- Thus, the above request is consistent with the State's strategic directions for Hawaii's visitor industry.

The use will not substantially alter or change the essential character of the land and the present use. The subject property is presently vacant, however, will be developed with a residence with agricultural activities conducted on the property. The applicant also proposes to establish a fruit stand that, in addition to selling products grown on the property, will also sell postcards, t-shirts, soft drinks from vending machines and fruit juices. This expanded fruit stand requires a special permit. In addition, the applicant proposes to construct a commercial kitchen in Phase 6 of the operations, in order to prepare breakfast meals for his guests. The preparation of breakfast meals only, will be allowed for the applicant's bed and breakfast guests only. The proposed use will be confined to the existing dwelling and will be in keeping with the existing character of the surrounding neighborhood. The requested use will neither conflict with nor intensify existing land uses.

The lands upon which the proposed use is sought is suitable for the uses permitted in the district, however, the proposed use will not interfere with permitted uses. The subject site is vacant and zoned Agricultural (A-1a) and will be used as a residence; with the bed and breakfast operation subordinate to the principal use as a residence. The land will be used to conduct agricultural activity with the planting of a fruit orchard and will not interfere with existing uses.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Orchards on the General Plan LUPAG Map. The zoning for the property is Agricultural (A-1a) and the State Land Use designation is Agricultural. As such, a Special Permit is the appropriate means to establishing the bed and breakfast operation. The request would complement and be consistent with the following goals, policies and standards of the General Plan:

Economic Element

- Provide residents with opportunities to improve their quality of life.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the proposed use.

Based on the above considerations, the request to establish a four-bed and breakfast establishment on the subject property would be an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this Special Permit.

1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.

2. Prior to the establishment of the bed and breakfast business, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72, 25-2-73 and 25-4-7. Plans shall identify existing and proposed structures, driveway, landscaping, lighting, fire protection measures, parking stalls and exterior sign(s) associated with the business.
3. The entire development shall be established within five (5) years from the effective date of the permit.
4. Access for all commercial uses for the Special Permit operation shall be from the Kaimu-Kapoho Road.
5. The applicant shall submit an Emergency Response Plan, for review and approval by the Planning Director in consultation with Civil Defense, concurrently with plans submitted for Final Plan Approval.
6. The bed and breakfast business shall be limited to the use of four (4) bedrooms.
7. In addition to agricultural processing, the commercial kitchen shall be limited to serving breakfast meals to bed and breakfast guests only.
8. An archaeological survey of the subject property shall be prepared and submitted for review and approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD), and clearance shall be secured prior to any further land alteration activity. Should significant historical sites be found within the subject property which merit preservation or the implementation of mitigative measures, the applicant shall prepare and submit an archaeological preservation/mitigation plan for review and approval by the Planning Director, in consultation with the DLNR-HPD, prior to any further land alteration activity, whichever occurs first.

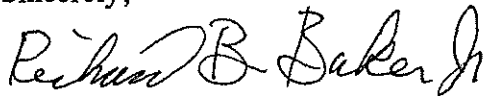
9. Should any unanticipated sites, including subsurface remains such as burials or cave shelters, be encountered on the property, work within the immediate affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work within the affected area shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
10. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development.
11. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
12. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors, or assigns and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. L. Taylor Cockerham
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Should you have any questions, please contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

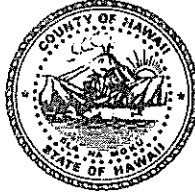


Richard B. Baker, Jr., Chairman
Planning Commission

Lparrish01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Kenneth Parrish

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

June 21, 2006

Mr. Kenneth P. Parrish
P.O. Box 1001
Pahoa, HI 96778

Dear Mr. Parrish:

Special Permit No. 1049

Applicant: Kenneth P. Parrish

Request: Establishment of a Bed and Breakfast Operation, Fruit Stand and
Future Commercial Kitchen

Subject: Administrative Time Extension To Comply With Condition No. 3

Tax Map Key: 1-4-72: 28

Thank you for your letter dated May 28, 2006 requesting a time extension to comply with conditions of Special Permit No. 1049. Condition No. 3 of Special Permit No. 1049 states: "The entire development shall be established within five (5) years from the effective date of the permit."

The effective date of Special Permit No. 1049 is March 17, 2000. Condition No. 12 allows for an administrative time extension for a period not to exceed the period originally granted for the condition.

Based on the request and reasons, the Planning Director has determined that non-performance was beyond the control of the applicant and that the granting of a time extension would not be contrary to the General Plan, Zoning Code or original reasons for granting the request. The Planning Director hereby grants a time extension until **March 17, 2010** to comply with Condition No. 3. You are also required to comply with all other pending conditions, including Condition No. 5, which requires the submittal of an Emergency Response Plan.

JUN 21 2006

Mr. Kenneth P. Parrish
Page 2
June 21, 2006

Please be informed that should you need an additional extension of time, your request with reasons, along with 20 copies of that request and a \$100.00 filing fee shall be submitted to this office for a public hearing with the Planning Commission.

If you have any questions, please feel free to contact Jeff Darrow at 961-8288, ext 259.

Sincerely,



u CHRISTOPHER J. YUEN
Planning Director

JWD:smn
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cc w/copy of letter: Planning Commission

2006 JUN 6 PM 2 49

5-28-06


Hawaii Planning Department

PLANNING DEPARTMENT
COUNTY OF HAWAII

Request for a extension of time on my April 2000 Bed and Breakfast Special Permit SPP1049

Dear Planning Department I would like very much like to be granted an extension on the year 2000 Special use permit . As of this time I have relocated to the Big Island on January 5 2005. And have made a lot of progress after a few minor set backs , like the truss co. pushed my order back three months , I fell off the ladder that put me back an other two months before I could walk again , and one contractor held Me up for five months on an inspection , But that is really no excuse for the time from April 2000 to May 2005 , I believe that I am building a nice project that all of My **neighbor's are happy with the looks so far and I would like very much to complete this project ,I need your help on very much . And I would anyone that would like to see the project so far I am inviting you to stop by any time to have a look and I think you will be happy with what you will see,**

Thank You Very Much



Kenneth Parrish
P.O. Box 1001
Pahoa HI.96778
TMK 1 - 072 - 028
808 345 0385

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