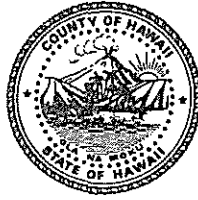


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

SEP 07 2000

Mr. Gregory Mooers
Mooers Enterprises
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit Application (SPP 00-021)

Applicant: Reed Santos

Request: Establish a Four-Bedroom Bed and Breakfast Operation in an
Existing First Farm Dwelling

Tax Map Key: 4-5-11:Portion of 14

The Planning Commission at its duly held public hearing on August 15, 2000, voted to approve the above-referenced application. Special Permit No. 1071 is hereby issued for the establishment of a four-bedroom bed and breakfast operation within existing first farm dwelling situated in the State Land Use Agricultural District. The property is located on the south (mauka) side of Kahana Drive approximately 2,400 feet north of the Hamakua Forest Reservation, Ahualoa Homesteads, Hamakua, 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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SEP 07 2000

Picked up by

potential in agricultural use. The subject property has two farm dwellings and the applicant proposes to establish a four-bedroom bed and breakfast operation in the existing five bedroom first farm dwelling. An original Ohana Dwelling was converted into a second farm dwelling, thereby rescinding the Ohana Dwelling Permit. Soils are classified as Honokaa Silty Clay Loam (HTD). The property has a soil rating of "D" or "Poor" and the ALISH maps identify the property as Unclassified. The property is zoned Agricultural (A-5a) and seven acres in size. The applicant is presently conducting agricultural activity, which includes macadamia nut, citrus and fruit trees. The dwellings are already constructed, as such, 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 scattered dwellings, agricultural activity, pasture and vacant lands. The subject property is a large seven-acre lot. There are existing dwellings adjacent to the parcel, however, due to the nature of the operation, it is not expected that the bed and breakfast operation would create significant adverse impacts to surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area served with essential services and facilities. Honokaa Town is approximately three miles from the subject property where police and fire protection are available. The applicant shall comply with the all regulations for bed and breakfast establishments, including the Department of Health regarding drinking water and breakfast meals. 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),

Mr. Gregory Mooers

Page 3

forms the basis or foundation upon which Hawaii's future as a visitor destination will be built. This document is a fulfillment of one of the primary responsibilities of the Hawaii Tourism Authority (HTA) established by Act 156 SLH 1998. The TSP contains strategic directions in seven areas, one of which is Product Development. Under Agri Tourism, a subset of Product Development, strategic directions to promote Agri Tourism include:

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

The use will not substantially alter or change the essential character of the land and the present use. The subject property is already developed and agricultural activity is occurring on the properties. The dwelling in which the bed and breakfast operation will be conducted has already been constructed. The proposed use will mainly 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 developed and zoned Agricultural (A-5a). The bed and breakfast operation shall be subordinate to the principal use as a residence. The land will continue to be used to conduct agricultural activity 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 Extensive Agricultural on the General Plan LUPAG Map. The zoning for the property is Agricultural (A-5a) 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:

Land Use Element

- * Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

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

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

Mr. Gregory Mooers

Page 5

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 bed and breakfast business shall be limited to the use of four (4) bedrooms.
4. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development, including the Department of Health.
5. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
6. 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.

Mr. Gregory Mooers

Page 6

Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

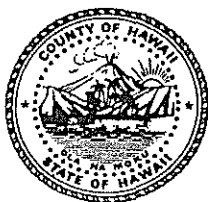


Richard B. Baker, Jr., Chairman
Planning Commission

Lsantos01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Reed Santos
Department of Health

Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

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JAN 22 2002

Ms. Carol A. Salisbury
Waianuhea
P.O. Box 185
Honokaa, HI 96727

Dear Ms. Salisbury:

Amendment to Special Permit No. 1071 (SPP 1071)
Applicant: Carol S. Salisbury dba Waianuhea (formerly Reed Santos)
Request: Amend SPP 1071 from a 4-Bedroom to a 5-Bedroom Bed and
Breakfast Establishment
Tax Map Key: 4-5-11:Portion of 14

The Planning Commission at its duly held public hearing on December 21, 2001, voted to approve the above-referenced request to amend Special Permit No. 1071 by changing from a four-bedroom to a five-bedroom bed and breakfast operation within the existing farm dwelling situated in the State Land Use Agricultural District. The property is located at the south (makai) side of Kahana Drive, approximately 2,400 feet north of the Hamakua Forest Reserve, Ahualoa Homesteads, Hamakua, 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

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JAN 23 2002

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 potential in agricultural use. The subject property has two farm dwellings and the applicant proposes to establish a five-bedroom bed and breakfast operation in the existing five bedroom first farm dwelling. The bed and breakfast operation will be managed by two individuals residing in the second farm dwelling on the subject property. Soils are classified as Honokaa Silty Clay Loam (HTD). The property has a soil rating of "D" or "Poor" and the ALISH Maps identify the property as Unclassified. The property is zoned Agricultural (A-5a) and is seven acres in size. The applicant is presently conducting agricultural activity, which includes macadamia nut, citrus trees, exotic fruit trees, and a culinary garden. The dwellings are already constructed with an addition to the main farm dwelling currently in progress. The extension to the main dwelling will provide additional space for recreational activities for the bed and breakfast guests. Since the bed and breakfast operation will mainly be confined to the existing farm dwelling, it is not anticipated that the proposed use will diminish the agricultural potential of the project site or surrounding area.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered dwellings, agricultural activity, pasture and vacant lands. The subject property is a large seven acre lot. The existing dwelling is located approximately in the middle of the parcel and existing trees line the boundaries of the parcel thereby providing a buffer for the bed and breakfast operation. There are existing dwellings adjacent to the parcel, however, due to the nature of the operation, it is not expected that the bed and breakfast operation would create significant adverse impacts to surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The project site is located within an area served with essential services and facilities. Honokaa Town is approximately three miles from the subject property where police and fire protection are available. The applicant shall comply with all regulations for bed and breakfast establishments, including the Department of Health regarding drinking water and breakfast meals. All requirements and recommendations made by the reviewing agencies are being addressed by the applicant. Electricity, water, wastewater disposal facilities and other essential services are or will be made available for the proposed use.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Bed and breakfast accommodations have increasingly become a part of a worldwide trend towards providing alternative lodging sites in rural and agricultural areas such as this particular location. They are becoming popular for

visitors who seek a more localized and authentic experience in a home-type setting. The County has recognized this trend, and the Zoning Code, Section 25-4-7, provides guidelines for establishing bed and breakfast operations as an accessory use to the property as a residence. Zoning Code Section 25-4-7(b) stipulates that the bed and breakfast operator shall reside on the same building site as the bed and breakfast establishment. 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 already developed and agricultural activity is occurring on the property. The dwelling and annex in which the bed and breakfast operation will be conducted has already been constructed. 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 developed with a home, agricultural products, and zoned Agricultural (A-5a). The bed and breakfast operation shall be subordinate to the

principal use as a residence. The land will continue to be used to conduct agricultural activity 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 Extensive Agricultural on the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The zoning for the property is Agricultural (A-5a) and the State Land Use District designation is Agricultural. As such, a Special Permit is the appropriate means to establishing the bed and breakfast operation. The request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

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

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

In accordance with the Ordinance No. 00-152 which deleted the requirement for Plan Approval from the Zoning Code, Section 25-4-7 "Bed and Breakfast Establishments," Condition No. 2 below is hereby deleted.

Approval of this request is subject to the following conditions (material to be added is underscored and material to be deleted is bracketed). 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.] 2. The bed and breakfast business shall be limited to the use of [four (4)] five (5) bedrooms.
- [4.] 3. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development, including the Department of Health.
- [5.] 4. A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.
- [6.] 5. 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.

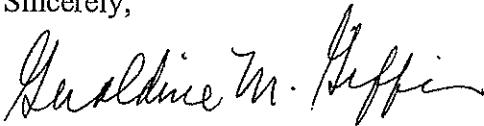
Ms. Carol A. Salisbury
Page 6

- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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

Should you have any questions, please contact Alice Kawaha of the Planning Department at 961-8288.

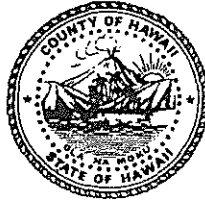
Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

Lsalisbury01PC

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



County of Hawai'i

PLANNING COMMISSION

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

June 23, 2009

Ms. Carol A. Salisbury
Waianuhea, LLC
P.O. Box 185
Honoka'a, HI 96727

Dear Ms. Salisbury:

Special Permit No. 1071

Applicant: Waianuhea, LLC

Request: Amendment to SPP 1071 from a 5-Bedroom Bed and Breakfast
To a 5-Room Lodge, Which Would Allow Breakfast, Lunch & Dinner
Service to Registered Guests

Tax Map Key: 4-5-11:portion of 14

The Windward Planning Commission at its duly held public hearing on June 5, 2009, voted to approve the above-referenced request for an amendment to Special Permit No. 1071 by changing the use of a 5-bedroom bed and breakfast operation to a 5-room lodge that would serve breakfast, lunch, and dinner to registered guests. The property is located on the south (mauka) side of Kahana Road approximately 1,200 feet east of the Kahana Road – Kalehua Road intersection, Āhualoa Homesteads, Hāmākua, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting an amendment to Special Permit No. 1071 by changing from a five-bedroom bed and breakfast operation to a 5-room lodge and to allow breakfast, lunch and dinner service to registered guests, within the existing farm dwelling.

Special Permit No. 1071 was approved on August 15, 2000, to allow the establishment of a four-bedroom bed and breakfast establishment in an existing five-bedroom farm dwelling. The permit was amended on December 21, 2001, to change from a four-bedroom to a five-bedroom bed and breakfast establishment.

The reason for changing the use from a bed and breakfast operation to a lodge is that a bed and breakfast operation is limited to the service of breakfast only.

There are several reasons for adding the service of lunch and dinner to registered guests, along with the existing breakfast service. One reason is that there is a scarcity of local dining establishments in the Honoka'a area and guests travel to Hilo or Kamuela for fine dining, which takes approximately 45 minutes in each direction. Another reason is that guests find it difficult to navigate through the long winding country roads in Āhualoa when returning to the facility at night, especially in bad weather conditions.

Approval of this amendment request would not be contrary to the original reasons for the granting of the Special Permit. The request is not contrary to the original reasons for granting the Special Permit. The request continues to be an unusual but reasonable use of land in the State Land Use Agricultural District. The use will continue to be located within the existing farm dwelling and will not diminish the agricultural potential of the property or surrounding area.

It is anticipated that the proposed request will not adversely affect the surrounding properties. The Planning Department has not received any complaints regarding the bed and breakfast operation since it was originally approved in 2000.

The proposed request will not unreasonably burden public agencies to provide for infrastructure and utilities to the project site. Electricity, water, wastewater disposal facilities and other essential services are available for the proposed use.

Lastly, the use will not substantially alter or change the essential character of the land and its present use. The 5-room lodge will operate in the existing farm dwelling, just as the bed and breakfast operation. Breakfast, lunch and dinner food service will only be available to registered guests, which will also be located within the dwelling.

Approval of this amendment request would not be contrary to the General Plan or the Zoning Code. There have not been any significant changes to the General Plan for this area since this request was originally approved that would affect this project. The General Plan designation for the property was previously "Intensive Agriculture" but is now "Important Agricultural Land." Lands identified as "Intensive Agriculture" on the 1989 General Plan Land Use Pattern Allocation Guide maps were changed to "Important Agricultural Land" in the 2005 General Plan revision. The proposed amendment request continues to complement the goals, policies and standards of the Land Use and Economic Elements of the General Plan.

Bed and breakfast establishments and/or lodges are not listed among the permitted uses in the County Agricultural district unless permitted by a Special Permit. Through the issuance of a Special Permit, a community may establish various “non-agricultural” services that may not be available or allowed by zoning for its residents.

Based on the above information, this amendment request is approved with the following conditions [deleted material is bracketed and struck through and added material is underlined]:

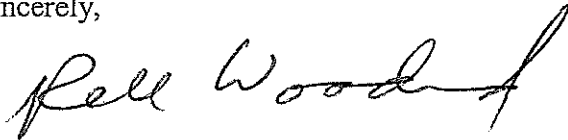
1. The applicant, successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The ~~[bed and breakfast business]~~lodge shall be limited to the use of five (5) bedrooms.
3. The service of breakfast, lunch, and dinner shall be limited to registered guests only.
- ~~[3.]~~4. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development, including the Department of Health.
- ~~[4.]~~ ~~A final status report shall be submitted in writing to the Planning Director upon compliance with all conditions of approval.~~
5. ~~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 request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. Carol A. Salisbury
Page 4

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Rell Woodward". The signature is written in black ink and is positioned above the typed name.

Rell Woodward, Chairman
Windward Planning Commission

Waiyanuheaspp1071

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu
Department of Health
Mr. Gilbert Bailado ✓