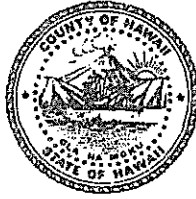


Harry Kim
Mayor



County of Hawaii
PLANNING COMMISSION

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

FEB 27 2003

Glen and Melitta Hodson
77-360 Nohealani Street
Kailua-Kona, HI 96740


Dear Mr. and Mrs. Hodson:

Special Permit Application (SPP 02-039)
Applicants: Glen and Melitta Hodson
Request: Legitimize a Catering Operation
Tax Map Key: 7-7-7:29 and 78

The Planning Commission at its duly held meeting on February 7, 2003, voted to accept your request to withdraw the above-referenced special permit application as stated in your letter dated January 7, 2003.

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

Sincerely,


Fred Galdones, Chairman
Planning Commission

lhodson01pc
cc: Planning Department – Kona

031.72
FEB 28 2003

February 7, 2003

To: The Planning Commission
Ref: Special Permit - Glen and Melitta Hodson

We are here to withdraw our application for a special permit.

When we first started this project, we talked to many of the neighbors and thought only one might try to make things difficult, and that was Jerry Allen. From the very beginning, when we were bulldozing he reported to our neighbor to the north that we were bulldozing their land also. The evidence proved otherwise but that did not stop him from continuing to report us for things we were not doing. We always had to prove that the truth was not in him.

As late as last summer, and after the three events, our closest neighbor, Marian Bockus, told us personally that she didn't care if we did the ag tours and catered events because she didn't hear anything when they were going on.

Our troubles with additional neighbors began when Janice Glennie who moved into the neighborhood two years ago, told us she didn't want us to do it, that she was a professional, knew how to organize opposition and that she would stop us.

Also, the Water Department wants \$65,000 as a condition of their approval even though our activity would not require the use of additional water. The caterers bring all their water and their ice. In addition to the \$65,000 charge they demand we replace the existing 1 1/2 " line with a new two inch line and a new back flow pre venter exactly like the one presently installed, plus a new 1 1/2" meter, even though there would be no additional use of water. This would require the demolishing of the mail box rock pedestal and the breaking up of the drive way. It would require the use of heavy equipment. The bid to do this work and replace the mail boxes exceeds \$26,000.

In my numerous conversations with Mr. Milton Pavao and his assistants, I was told it didn't matter that we were not going to be using more water. Making these assessments when a farmer asks for something is how they finance new wells.

We asked our mayor, for whom we voted, to intervene in this unreasonable situation, but as you can see from his response, he is just fine with the position of the Water Department.

Even though the catered events would take place in the gardens and orchard, the Fire Department requires the house to be sprinklerized, \$60,000, or a fire hydrant installed, \$120,000 or a stand pipe, \$11,000!. Incidentally, there is already a fire hydrant just below us on Nohealini Street, and when we had a fire in our storage shed at the top of the five acres, the Fire Department arrived promptly and had no problem putting the fire out.

Because this is a contested case, we would need an attorney to represent us. The estimate is between \$15,000 to \$50,000.

The legal expense was the only one we were able to determine prior to applying for this permit

We are caught in the middle of a policy conflict. The official position is in support of value added agriculture. A farmers troubles begin only when he takes that position seriously and acts on it. For the ten years of the planning and the doing of this project we sought and followed the advice of the university

Rec'd at 2/11/03	by <i>af</i>
Dis'd	Rec'd <i>by</i>
FILE COPY	

the extension agent and advice from the farm buro and the Department of Soil Conservation. Not one person mentioned the nightmare that would face us when we were ready to implement the plan they were all so happy to help us with.

We even have to give up our plan to do a certified kitchen on the two acres because the requirements of the Water Department alone, would exceed the \$91,000 condition of approval, which they have applied to the three acres. It would take more years of marmalades and teas than we have life left to live, to break even.

We are thoroughly convinced there is a market for catered events to the fortune 400 companies. We had many reservations during the period our application was being processed. We have now cancelled them. Forbes Magazine, who was one of them, now wants to send someone out to do an in depth story on what is required of a small business person to get a permit here in Hawaii.

At this time, Maui County gets all this type of business. They have found ways to make it easy for someone to engage in this acivity, we hope that someone in authority will give some thought to the present, unwieldy, difficult and too expensive process and do something about it

The Department of Economic Development tells us they have 40 farmers waiting for the ag rules to be changed so they can do some additional acitivities, such as picnics, bbqs, catered events, ag tours, or the rental of an extra room to visitors or be able to have a certified kitchen without paying \$100,000 for the privilege. We know more than 40 farmers on this side of the island ourselves who are waiting for the ag rules to change. And we hope they will, but we don't know if that will happen or how many years it will take, so we are doing all we can to sell our land

If the ag zoning code were to change, more farmers could stay home, there could be more of a family life, maybe fewer teenager would take up drugs and farmers could release their second and third jobs to non-farmers and reduce traffic during rush hour.

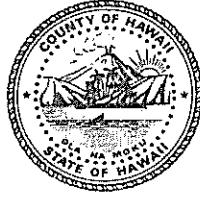
Between the two of us we are a 161 years old and have lived and done business in many countries and nowhere is it more difficult to do so than here. However, nowhere have the people who apply these draconian rules been more helpful, more warm and wonderful than the people in this Planning Department. We thank everyone who has worked with us.

We also thank you, ladies and gentlemen, for your patience, your kindness and your time.

Sincerely,

Glen and Melitta Hodson

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

October 22, 2002

Glen Hodson
Melitta Hodson
77-360 Nohealani Street
Kailua-Kona HI 96740

Dear Mr. and Mrs. Hodson:

Special Permit Application (SPP 02-039)
Applicants: Glen and Melitta Hodson
Request: Legitimize a Catering Operation
Tax Map Key: 7-7-007:029 and 078

This is to acknowledge receipt of the above-captioned Special Permit Application deemed complete on October 14, 2002. Enclosed is a receipt for the filing fee.

Please be informed, that in accordance with the Planning Commission's Rule 4. Contested Case Procedure, within (10) days after filing an application with the Planning Commission, you are required to serve notice of your application on surrounding property owners and lessees of record within 500 feet of the perimeter boundary of the building site, as required in the Hawaii County Zoning Code, Section 25-2-4.

In addition, upon notice by our department that the hearing date has been set, you are again required to notify all owners and lessees of record within 500 feet of the perimeter boundary of the building site. This second notice shall be served within (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

026202

OCT 22 2002

Glen Hodson
Melitta Hodson
Page 2
October 22, 2002

Both notices shall include the following information:

1. Name of the applicant;
2. Precise location of the property involved, including tax map key identification, location map and site plan;
3. Nature of the application and the proposed use of the property;
4. Date on which the application was filed with the director or the commission;
5. Inform the landowner or lessee that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request on the enclosed form, "Petition for Standing in Contested Case Hearing." This form shall be included in both notices to the landowners and lessees. The request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720; and accompanied by a filing fee of \$100 payable to the Director of Finance. The required information shall be submitted no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application;
6. Inform the landowner or lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled;
7. Date, time and place that the public hearing will be held to consider the application (include in second notice); and
8. Contact name and phone number should there be any questions.

Please inform the owner that the application is available at the Planning Department for public review.

Glen Hodson
Melitta Hodson
Page 3
October 22, 2002

Prior to the date of the hearing, the applicant is required to file with the Commission certified mail receipts, affidavits, declarations or other similar proof of mailing of both notices.

According to Planning Commission Rule 6 (Special Permits), the Commission shall conduct a public hearing on the request within a period of 90 days from the date of receipt of a properly filed application. The Commission shall act upon the application within thirty days after the close of the hearing or within a longer period as may be agreed upon by the applicant.

We will notify you as to the date of the hearing as soon as it has been determined. Should you have any questions regarding the above, please do not hesitate to contact Norren Kato or Daryn Arai of this department at 327-3510.

Sincerely,

Christoph J. Yuen
CHRISTOPHER J. YUEN
Planning Director

ETI:cps
P:\WPWIN60\ETI\PCackltr\HodsonSPP.doc

Enclosures

cc: Planning Dept. - Kona

NOTES	RECEIPT		DATE <u>10-22-02</u>	NO. <u>4814</u>								
	RECEIVED FROM <u>Glen A. & M. G. Hodson</u>											
	ADDRESS <u>77-360 Mohealani St.</u>											
	<u>Kailua - Kona HI 96740</u>		\$ <u>100⁰⁰/₁₀₀</u>									
	FOR <u>SPP 02-039 7-7-007: 029+078</u>											
	<table border="1"><thead><tr><th>ACCOUNT</th><th>HOW PAID</th></tr></thead><tbody><tr><td>AMT. OF ACCOUNT</td><td>CASH</td></tr><tr><td>AMT. PAID <u>100 -</u></td><td>CHECK <u>28 86</u></td></tr><tr><td>BALANCE DUE</td><td>MONEY ORDER</td></tr></tbody></table>		ACCOUNT	HOW PAID	AMT. OF ACCOUNT	CASH	AMT. PAID <u>100 -</u>	CHECK <u>28 86</u>	BALANCE DUE	MONEY ORDER	BY <u>Craig Smith</u>	
ACCOUNT	HOW PAID											
AMT. OF ACCOUNT	CASH											
AMT. PAID <u>100 -</u>	CHECK <u>28 86</u>											
BALANCE DUE	MONEY ORDER											
			©1998 REDIFORM® 8L808									