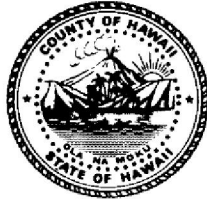


Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

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

April 05, 2023

Jonathan Christensen  
52-258 Lokahi Road  
Kapa'au, HI 96755

Dear Mr. Christensen:

**Special Permit No. 06-000033**

**Applicant: Bernard and Jennifer Sullivan (formerly Redwoods Conference Grounds, Inc.)**

**Request: Camping and Retreat Center in SLU Agricultural District**

**Subject: Revocation of Special Permit**

**Tax Map Key: (3) 5-4-009: portion of 012, N. Kohala, Hawai'i**

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This letter is in response to your email dated February 1, 2023, requesting that the subject Special Permit be revoked because no work towards the establishment of a camping and retreat center was ever done and was ultimately abandoned by the previous landowner, and you have no intentions to proceed with those plans. Special Permit No. 06-000033 was approved by the Planning Commission on May 24, 2007, to allow for the establishment of a camping and retreat center on a six-acre portion of the property.

Rule 6-11(a) of the Planning Commission Rules of Practice and Procedure allows the Planning Director to revoke a Special Permit if the property owner makes the request and confirms that the development approved by the permit has not been established or has been abandoned. Based on your request, Special Permit No. 06-000033 is hereby revoked.

If you have any questions, please feel free to contact Maija Jackson at (808) 961-8159.

Sincerely,

Zendo Kern

Zendo Kern (Apr 5, 2023 07:09 HST)

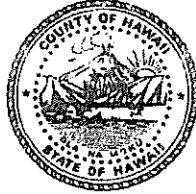
ZENDO KERN  
Planning Director

MP:jaa

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Cc (via email): GIS Section

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 5, 2007

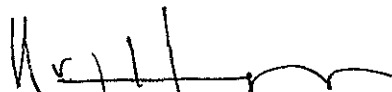
Mr. James Blake, Executive Director  
Alliance Redwoods Conference Grounds, Inc.  
6250 Bohemian Highway  
Occidental, CA 95465-1905

Dear Mr. Blake:

Special Permit Application (SPP 06-000033)  
Applicant: Alliance Redwoods Conference Grounds, Inc.  
Request: Camping & Retreat Center in SLU Agricultural District  
Tax Map Key: 5-4-9:portion 12

The Planning Commission at its meeting on May 24, 2007, voted to approve the above-captioned Special Permit. Enclosed is the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

Enclosure

cc/enc: Mr. Brian Nishimura  
Bernard and Jennifer Sullivan  
Sherry Broder, Esq.  
Ka Makani 'O Kohala Ohana, Inc. (Kako'o)  
Ms. Jean Sunderland  
Jerel Yamamoto, Esq.  
Ivan Torigoe, Esq.  
Amy Self, Esq.  
Department of Public Works  
Department of Water Supply  
Real Property Tax Office  
State Land Use Commission  
Department of Land and Natural Resources/HPD-Kona  
Department of Health

JUN 05 2007

PLANNING COMMISSION  
COUNTY OF HAWAI'I

In the Matter of the Application

of

ALLIANCE REDWOODS  
CONFERENCE GROUNDS, INC.

Special Permit To Allow the Establishment of  
A Camping and Retreat Center on 6 acres of  
land situated within the State Land Use  
Agricultural District in the vicinity of Union  
Market, Hanaula, North Kohala, Hawai'i,  
TMK: 5-4-009: portion of 12.

SPP 06-000033

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND DECISION AND ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER

This matter came on for contested case hearing before Hearing Officer Sherry Broder (hereinafter "Hearing Officer") on February 6, 2007. Alliance Redwoods Conference Grounds, Inc. (hereinafter "Applicant"), was represented by its Counsel, Jerel Yamamoto. Christopher J. Yuen, Planning Director, County of Hawai'i (hereinafter "Director") was represented by Deputy Corporation Counsel, Bobby Jean Leithead-Todd. Intervenor Jean Sunderland represented herself. Intervenor Ka Makani 'O Kohala Ohana, Inc. (Kako'o) was represented by Kanoa Withington.

After considering all of the evidence presented to them by the Hearing Officer, and the information presented at its May 24, 2007 meeting, the Planning Commission adopts the following Findings of Facts and Conclusions of Law:

**I. FINDINGS OF FACT**

A. Background

1. **Alliance Redwoods Conference Grounds, Inc.** Applicant submitted an application for a Special Permit to allow the establishment of a camping and retreat center on six acres of land situated within the State Land Use Agricultural District. The area under consideration is located approximately 0.8 miles makai of Akoni Pule Highway (State Highway 270) and in the vicinity of Union Market, Hanaula, North Kohala, Hawai'i, Tax Map Key No. (TMK): (3) 5-4-009:012.

2. Alliance Redwoods Conference Grounds, Inc. is a not for profit 501C3 corporation.

3. Alliance has been operating a Christian based camping/retreat center and conference grounds in California for 60 years. The camp serves various groups including church groups, public schools and environmental education programs.

4. **Applicants' Request.** The Applicants are requesting a Special Permit to allow the establishment of a camping and retreat center on a six-acre portion of a 36.856-acre property within the State Land Use Agricultural District. The Applicant is affiliated with the Christian Camp and Conference Association ("CCCA") and Alliance Camping International ("ACI"), and will operate as a non-profit 501(c)(3) Christian based camping retreat center. The camp facility will consist of fourteen (14) cabins, four (4) farmworker/staff cabins, four (4) open air hales, a meeting and eating pavilion, an arts and crafts center, a bathhouse, a tent camp site with a maximum capacity to accommodate thirty (30) guests, a snack shack, a prayer cabin, an office, additional facilities including a recreational area with a rope course and climbing wall, pool, organic vegetable garden, plant nursery, and pasture area. The facility will provide self-service

kitchen facilities which may include a refrigerator, microwave, outdoor BBQ grills, burners and counter tops for guests to prepare their own meals.

5. The facility is proposed to be built in two phases. The first phase would include the guest cabins, tent camping area, two (2) farmworker/staff cabins, meeting pavilion, open air shelter, office, tool shed, the ropes course/climbing wall recreation area and the water catchment and septic systems. The first phase is proposed to be completed within one year after the permit is received. The second phase, to be completed within five years after approval, would consist of two (2) farmworker/staff cabins, the arts and crafts center, an open gazebo, snack shack, prayer cabin, two (2) open shelters, a pool and a bathhouse.

6. The objective of the Applicant is to build an affordable rustic camp and retreat center which will be used to promote team building, leadership development and building a positive self-image. The anticipated cost of the retreat will vary depending on the use of cabins or campsites. Rates are anticipated to range from \$8.00 per person, per night for camping guests and from \$18.00 to \$50.00 per person, per night for cabin guests.

7. The Applicant's focus group is low to moderate income groups.

8. The Applicant provides activities but the groups users would be expected to be responsible for supervising the campers. Supervision of campers would be required in the contracts with users. The ratio of would be one supervisor for every eight campers. A group that had higher risk children would be required to bring additional supervisors.

9. The Applicant did a market survey of about 60 organizations on the Big Island and other islands. The response indicated that a facility of 150 was needed to service the demands of the respondents. The Applicant decided to reduce the size to 75 to avoid negative impacts on the neighboring properties.

10. The Applicant is proposing to incorporate agricultural activities. There will be fruit orchards, palm groves and other agricultural activities associated with the facility. Part of the education would be teaching grafting and propagation and organic gardening. Children would be taught to till soil, how to build compost, how to build irrigation systems and how to plant and propagate fruits and vegetables. Some animal husbandry would also be involved.

11. **State Land Use Designation.** The State Land Use classification is Agricultural.

12. **County Zoning.** The County zoning is Agricultural-20 acre (A-20a).

13. **General Plan Land Use Pattern Allocation Guide (“LUPAG”) Map.** The property is designated as Important Agricultural Land in the County’s General Plan.

14. **North Kohala Community Development Plan.** The North Kohala Community Development Plan was adopted in 1984 by Planning Commission Resolution No. 2-84. The plan recommends that the project area be maintained in agricultural uses with a minimum lot size of 20 acres (A-20a). Under the tourist section of the plan, the Community Development Plan (CDP) recommends encouragement of “the development of conference and retreat facilities which capitalize on North Kohala’s agricultural and historical resources.”

15. **Special Management Area (“SMA”).** The project site is not within the County’s SMA.

**B. Description of the Project Site and Surrounding Area**

16. **Project Site.** The project site, consisting of approximately six acres, is situated within a portion of a larger parcel consisting of 36.856 acres that is roughly rectangular in shape. The project site is situated approximately 0.8 miles makai of the Akoni Pule Highway in the vicinity of Union Market. The subject property is surrounded by the Hanaula Gulch on the east side of the property and by the Ohanaula Gulch on the west side of the property. The flat plateau area between the gulches had been used for sugar cane cultivation for many years. According to the Applicant the area has been extensively altered by the use of heavy equipment during the cultivation of sugar cane on the property from 1862 to 1973. Since 1973 when the Kohala Plantation closed, the subject property was used for cattle pasturage and for growing of coconut trees by Kohala Nursery. Currently there is one structure on the property.

17. The area is outside of the 500-year flood plain. The site is presently vegetated by introduced grasses. A public access runs through the property to the shoreline on the makai property.

18. Bernard Sullivan testified at the contested case hearing. Mr. Sullivan is one of the owners of the subject property. Mr. Sullivan’s property is currently 36 acres in size but is undergoing consolidation and re-subdivision so 7 acres of his land can be conveyed to his son who has an adjoining 22 acre piece. Mr. Sullivan testified that of the 36 acres about 12 to 13 acres is actually usable as the rest of the property is in steep gulch and has limited access. His plans are to put three acres for fruit orchards. He currently

has mango, lychee, star fruit, sour sop, avocado, lime, lemon, oranges, grapefruit, pineapple, papaya, bananas and coconut planted on the property. He currently has a little over an acre planted in orchard, not counting the coconuts. He currently has a small vegetable garden which he plans to expand to a couple of acres. Four acres are planned for pasture. Some of the land is not presently good for agriculture due to poor soils, steep terrain and is overgrown with bamboo. Some of the areas have been leveled off and have push piles of concrete and lots of rubbish from the cane days.

19. The property is subject to CC& Rs that have been recorded in the Bureau of Conveyances. The CC&Rs address financial contributions for road maintenance. If the application goes through, Mr. Sullivan's share of the costs will increase.

20. **Surrounding Zoning/Land Uses.** Surrounding land uses in the immediate vicinity consist primarily of pasture on lands designated A-20a by the County. The nearest dwelling is located on TMK: (3) 5-4-019: 014.

21. Intervenors Jean Sunderland and Robert Watkins received a SMA Use Permit (No. 417) and a Special Permit (No. 1117) on August 2, 2001, to allow a 16-room Hawaiian Permaculture and Wellness Retreat on approximately five acres of land situated in the SMA and the State Land Use Agricultural District. The property is located on TMK: (3) 5-4-009: Portions of 001, 014 and 020, just makai of the property that is the subject matter of the current application. The 16-room Hawaiian Permaculture and Wellness Retreat consists of a main building with eight guest rooms which has a floor area of approximately 10,000 square feet and a height of less than 30 feet. It also has eight single-story guest hales as well as a 1,400-square-foot support building, a 650-



square-foot, one-story spa and pool building, and a 20-stall parking area. A maximum of 32 guests is supposed to be accommodated on the site.

22. **U.S.D.A. Soil Type.** Soils within the project site are classified as Kohala silty clay, 3 to 12 percent slopes.

23. **Land Study Bureau Soil Rating.** Soils within the project site are classified as “B” or “Good” and “E” or “Very Poor” for agricultural productivity.

24. **Agricultural Lands of Importance to the State of Hawai‘i (“ALISH”) Map.** Some of the property is considered Prime Agricultural Lands and some is unclassified.

25. **FIRM.** The project site is located within Zone X, areas determined to be outside the 500-year flood plain.

26. **Floral and Fauna Resources.** The six-acre project area has been extensively altered by the use of heavy machinery utilized in the cultivation of sugar cane by Kohala Sugar Company from 1862 to 1973. Since that time the project area has been used intermittently for cattle pasturage and the growing of coconut trees by the Kohala Nursery. The project site is presently vegetated by introduced grasses.

27. **Archaeological/Historical Resources.** The Applicant states that the project area has not been associated with, nor valued by, native Hawaiian people or other ethnic groups for carrying out any traditional practices or beliefs. By letter dated January 27, 2006, the Applicant has requested a letter of “no effect” from the State Department of Land and Natural Resources Historic Preservation Division (“DLNR-HPD”). No one came forward at the contested case claiming any religious or cultural practices on the subject six-acre parcel. Brian Nishimura, Applicant’s consultant testified

that he has dealt with other land use applications in the Kohala area. Mr. Nishimura has reviewed a number of different archaeological surveys and reports for other properties in the vicinity that have previously been cultivated in sugar cane. It is unlikely to find any archaeological resources remaining on properties that were previously cultivated.

Exceptions are areas like gulches that were undisturbed.

28. **Public Access.** Although the subject property is not a shoreline parcel, a previous SMA Use Permit (SMA No. 417) that was approved for the neighboring retreat submitted a lateral and mauka/makai shoreline public access plan in compliance with Condition 5 of the SMA Use Permit. The public access runs through the subject property to the shoreline.

29. **Valued Cultural Resources.** No evidence of traditional and customary Native Hawaiian Rights being practiced on the properties was presented. However, both Ms. Sunderland and Mr. Sullivan testified that there is a stone believed to be a birthing stone in the eastern gulch.

30. The Applicant and his expert Mr. Nishimura agreed that the applicant would adopt guidelines and rules for its guests to place the gulches off limits and to restrict access to the cliffs adjacent to the ocean.

C. **Public Facilities, Utilities and Services**

31. **Access.** According to the Applicant, there are two (2) accesses to the site from the Akoni-Pule Highway. Access 1 is from an access easement that begins near Union Market and continues to Pratt Road, then to the subject property. Access 2 is from the Union Mill Road to Pratt Road, then to the subject property.

Condition 6 of Special Permit 1117 stated that “access” for the project from the Akoni Pule Highway shall be other than Union Mill Road. Access shall be via an access easement through either Kamehameha Park or near Union Market. The access driveway was to be improved to meet with the approval of the State Department of Transportation. The Applicants (Special Permit No. 1117) shall improve those portions of Pratt Road and the former cane haul road to provide access to the project from the Akoni Pule Highway with a minimum 20-foot wide compacted-gravel surface, prior to the establishment of the retreat (Special Permit No. 1117). The progress report for SMA Use Permit No. 417 states that the Applicants are presently applying for a grading permit for an old cane road adjacent to Union Market from Akoni Pule to Pratt Road. They have stated that they have created a 20-foot wide graveled road from Pratt Road to their retreat.

32. **Traffic Impacts.** According to the Applicant, visitors to the camping/retreat center will provide their own transportation to the site and although the facility will have a capacity of 75 guests, the nature of the activity is not projected to generate a high volume of traffic. The guests will be involved in activities on site or will be taking day trips off the property and will not be making frequent trips to and from the property.

33. **Water.** The project site will be serviced with water catchment systems. Potable water will be addressed with bottled water and/or water trucks.

34. **Wastewater.** The Applicant will be utilizing septic systems for the project site.

35. **Solid Waste.** Solid waste will be handled by private haulers.

36. **Other Essential Utilities and Services.** Telephone and electrical services and other required service will be made available to the site.

37. A Petition for Standing in a Contested Case Hearing was received from Jean Sunderland on August 11, 2006. A Petition for Standing in a contested case was also received from Kako'o on September 15, 2006. Both Intervenors were granted standing at the September 22, 2006 Planning Commission hearing.

38. The majority of the public testimony received at the Planning Commission hearing on September 22, 2006 was in favor of this application stating that there was a need for reasonably priced campground facilities, especially for youth and that they would use Applicant's facilities. Nineteen (19) churches submitted letters of support and at least four (4) schools and youth organizations submitted favorable testimony. Eight (8) churches or organizations or individuals that are part of the Kohala community submitted favorable testimony for this application.

39. Charles Anderson, a co-owner of TMK (3) 5-4-009-014, claims he received the notice of the initial filing of the Application for Special Permit but complained that he did not receive notices of the subsequent public hearings in this matter.

40. A sworn declaration was filed by Brian T. Nishimura that on or about April 25, 2006, he sent out a letter and attachments to all known surrounding property owners and lessees of record within 500 feet of the perimeter boundary as identified in a list attached.

41. A sworn declaration was filed by Brian T. Nishimura that on or about August 29, 2006, he sent out a letter and attachments to all known surrounding property

owners and lessees of record within 500 feet of the perimeter boundary as identified in a list attached.

42. Anderson, Lisa Anderson, Robert Watkins and Jean Sunderland are the co-owners of the above parcel.

43. The County Real Property Tax Records show the mailing address for all co-owners to be P.O. Box 63, Hawi, Hawaii 96719.

44. Sunderland acknowledged receipt of the notices.

45. Anderson, on behalf of EMW Investments, LLC, complained that it did not receive notice about the special permit application and the subsequent public hearings. Anderson did receive the initial notice in April 2006.

46. Notice was sent to EMW Investments, LLC at 2116 Redbird Drive, Las Vegas, Nevada 89134 on April 25, 2006 and August 29, 2006.

47. The address for EMW Investments, LLC according to Real Property Tax Records is 2116 Redbird Drive, Las Vegas, Nevada 89134.

48. A letter dated January 17, 2007, from Andrew Son, Esq. of Carlsmith Ball on behalf of EMW Investments, LLC, stated that Mr. Anderson and EMW Investments received the initial notice and participated in the initial hearing.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Planning Commission makes the following Conclusions of Law, including mixed Findings of Fact and Conclusions of Law:

1. The Planning Commission has jurisdiction over this application.
2. The granting of the request to allow the establishment of a camping and retreat

center on a 6-acre portion of a 36.856 acre parcel would be consistent with the objectives sought to be accomplished by the Land Use Law and Regulations.

3. The proposed use will not adversely affect surrounding properties.

4. The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.

5. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

6. The land upon which the proposed use is partially suited for the uses permitted within the district. Some of the land is not suited for the uses permitted within the district. The proposed use will result in increased agricultural use of the property.

7. The proposed use will not substantially alter or change the essential character of the land and the present use.

8. The proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the zoning code and the general plan.

### **III. DECISION AND ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, Special Permit Application 06-000033 is granted subject to the following conditions:

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

2. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, the Applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning

Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development.

Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of the Planning Department's Rule No. 17 (Landscaping Requirements).

3. The construction of the retreat and the operation of all its related facilities and activities shall be conducted in a manner that is substantially representative of plans and details, which shall include agricultural activities, as contained within the Application for Special Use permit, Alliance Redwoods Conference Grounds dated May 1, 2006.

4. The maximum amount of overnight guests at the center will be 75 persons. All overnight guests shall be enrolled in a program or other activity offered at the center. All advertising shall be consistent with this requirement.

5. The Applicant shall submit a description of the approximate 6-acre permit area in map and written form by metes and bonds as certified by a registered surveyor to the Planning Department prior to the receipt of a Certificate of Occupancy.

6. Any agreement between the owner and the operator of the camping and retreat center that divides the use of the property by area shall be reviewed by Corporation Counsel for legality with respect to the Subdivision Code.

7. The camping and retreat center shall be operated by a non-profit entity.

8. Access for the project from the Akoni Pule Highway shall be via an access easement near Union Market. This includes construction vehicles for the construction of the facility. Said driveway access shall be improved, meeting with the approval of the State Department of Transportation. The Applicant shall participate in the cost of

improving the access roads with the applicants of the approved 16-room Hawaiian Permaculture and Wellness Retreat located on TMK: 5-4-009:014. The improvements shall consist of those portions of Pratt Road and the former cane haul road that provides access to the project site from the Akoni Pule Highway with a minimum 20-foot wide, compacted-gravel surface, prior to the establishment of the proposed retreat.

The Planning Director shall determine the cost to be paid by the Applicant after reviewing the total cost of improvements.

9. The Applicant shall keep the access easement that runs through the property open and ungated to allow public access to the shoreline.

10. The Applicant shall provide bottled water or trucked water in potable water for guests.

11. Sound levels shall follow Department of Health rules for residential areas (55 dBA daytime), HAR, Title 11, Chapter 46 (Community Noise Control). There shall be no amplified music or speech audible beyond the property line of the 36-acre property.

12. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.

13. The Applicant shall provide fire protection measures meeting with the approval of the Fire Department prior to the issuance of a Certificate of Occupancy.

14. The Applicant shall submit an Archaeological Inventory Survey report to the Department of Land and Natural Resources State Historic Preservation Commission for review and approval prior to the commencing of any land disturbance activity within the



project area. A copy of the approved report shall be submitted to the Planning Department.

15. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-State Historic Preservation Division (“DLNR-SHPD”) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance form the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.

16. Applicant must comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed use, including those of the Department of Health and the Fire Department.

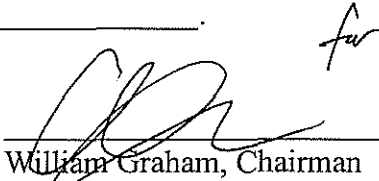
17. The Applicant shall adopt guidelines and rules for its guests to place the gulches off limits and to restrict access to the cliffs adjacent to the ocean and said guidelines and rules should consider the safety of the guests and the protection of any archaeological sites and resources.

18. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following conditions:

- a.) Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the Applicant, 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.

- c.) Granting of the time extension would not be contrary to the original reasons for 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).
- e.) Should any of the conditions not be met or substantially complied within a timely fashion, the Director may initiate procedures to revoke the permit.

Dated: Hilo, Hawaii June 5, 2007

  
\_\_\_\_\_  
William Graham, Chairman  
Planning Commission