

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

January 29, 2010

Marcel and Connie Hernandez
P.O. Box 510
Honokaa, HI 96727

Dear Mr. and Mrs. Hernandez:

Special Permit Application (SPP 09-000089)

Applicant: Marcel and Connie Hernandez

Request: To Operate a Naturopathic Retreat Center on 3.111 Acres of Land

Tax Map Key: 4-7-1:13

The Windward Planning Commission at its duly held public hearing on January 8, 2010, voted to approve the above-referenced application to allow the establishment of a naturopathic retreat center, which would include overnight guests, seminars, individual consultations, massage therapy, acupuncture, and educational tours on 3.111 acres of land situated within the State Land Use Agricultural District. The property is located along the north side of Highway 240 (47-4628 Honokaa – Waipio Road), adjacent to and west of Kapulena Subdivision, Unit I, Haukoi, Hamakua, Hawai'i.

Approval of this request is based on the following:

The applicants are requesting a Special Permit to legitimize the establishment of a naturopathic retreat center situated on 3.111 acres of land, which is called the Pacific Naturopathic Retreat Center. The facility consists of the following:

- A retreat center, which has a large meeting room, offices, a kitchen and three (3) bedrooms for overnight accommodations.
- A detached bedroom and bath house for overnight accommodations.
- An herbal & vegetable garden area, a fruit orchard, and a meditation, meeting and education area.
- Parking area.

The retreat facility will include activities such as health related seminars, offices for health and wellness consultations, overnight accommodations for health retreats and education, and educational agricultural tours.

The Planning Commission found that the applicants' request to allow the establishment of a naturopathic retreat center situated on 3.111 acres of land would result in an unusual and reasonable use of land within the State Land Use Agricultural District. The applicants have improved the structures on the property, which were previously in a state of disrepair, and have created several acres of sustainable agriculture consisting of an herbal & vegetable garden area and a fruit orchard area. The applicants plan to use the herbs, fruits and vegetables grown on the property for different aspects of the naturopathic center, including medicines and food for healing purposes.

In this particular circumstance, the Planning Commission also found that the request would not adversely affect surrounding neighbors and properties based on verbal testimony, letters and signed petitions from numerous neighbors who live adjacent or near the subject property.

Lastly, the Planning Commission found that with added conditions of approval, any adverse impacts that may occur with this operation would be minimized. The Planning Commission specifically added a condition requiring that the proposed retreat facility and all related facilities and activities be conducted in a manner that is substantially representative of the plans and details contained within the Special Permit application dated September 2, 2009. This condition was added to limit the amount of people and activities occurring on the property at any given time and to ensure that the future activity of the facility does not expand beyond what is currently occurring. These limits, which were proposed in the application, include no more than two seminars a month with no more than a maximum of 12 people at a time; no more than 5 people at a time on-site for consultations; overnight accommodations shall be limited to a maximum 4 people using 3 bedrooms for no more than two week durations; and educational tours be limited to 1 day a week with a maximum of 10 people. The Planning Commission found that if these limits were conditioned, the proposed retreat facility would be a reasonable use for this particular area.

Based on the above information, the approval of this request is subject to the following conditions:

1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The proposed retreat facility and all related facilities and activities shall be conducted in a manner that is substantially representative of the plans and details contained within the Special Permit application dated September 2, 2009.

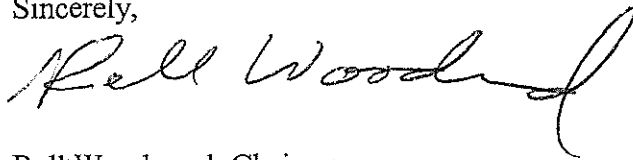
3. The applicants shall submit the estimated maximum daily water usage calculations provided by a registered engineer in the State of Hawai'i, to be submitted for review and approval by the Department of Water Supply within one hundred and eighty days from the effective date of this permit. The calculations should include the estimated peak flow in gallons per minute and the total estimated maximum usage in gallons per day.
4. The proposed retreat facility shall be established within one year from the effective date of this permit. Prior to the establishment of the use, the applicants, successors or assigns shall secure Final Plan Approval 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 paved parking stalls fronting the retreat center, as well as an additional rear gravel parking area. 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 Planning Department's Rule No. 17 (Landscaping Requirements).
5. Prior to commencement of operations, the applicants shall secure and finalize all building permits for all existing structures from the Building Division-Department of Public Works including a change of use from the existing dwelling to the retreat center.
6. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.
7. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
9. 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. The 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 or Zoning Code.
 - 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. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.
10. 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.

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 the Planning Department at 961-8288.

Sincerely,



Rell Woodward, Chairman
Windward Planning Commission

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cc: All Aina Services
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD
DOT-Highways, Honolulu
Mr. Gilbert Bailado /