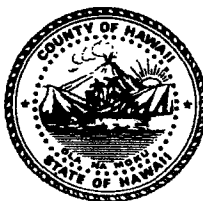


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

September 26, 2018

Mrs. Terri J. Dolan
P.O. Box 188
Pa'auilo, HI 96776

Dear Mrs. Dolan:

Special Permit No. 13-000149 (SPP 13-000149)

Applicant: Terri J. Dolan

Request: Establishment of a 4-Bedroom Bed and Breakfast Operation With a Gift Shop

Subject: Revocation of Special Permit

Tax Map Key: 4-2-008:040

This letter is in response to your September 10, 2018 email requesting that the subject Special Permit be revoked so that your application for an additional farm dwelling may be considered for approval.

Based on the preceding and in accordance with Planning Commission Rule 6-5, SPP 13-000149 is hereby revoked.

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,

PK MICHAEL YEE
Planning Director

JWD: mad

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cc w/copy of letter: Gilbert Bailado, GIS Section
Earl Lucero, Planner

SEP 27 2018

Darrow, Jeff

2018 SEP 11 AM 10 18

From: Terri Dolan <terri@hamakuaranchhouse.com>
Sent: Monday, September 10, 2018 3:58 PM
To: Darrow, Jeff
Cc: TJ Publico; Camero, Tracie-Lee; Lucero, Earl; Kato, Norren
Subject: Re: Building Permit Plans for TMK: 4-2-008:040
Attachments: Revocation Letter.docx; ATT00001.htm

PLANNING DEPARTMENT
COUNTY OF HAWAII

Hi All,

Please see attached a letter revoking my Special Permit (#SPP 13-000149). Please reconsider my Additional Cottage Dwelling at your earliest convenience.

Best Regards, Terri Dolan

120386



September 10, 2018

Jeff Darrow, Planning Dept
County of East Hawai'i
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Dear Jeff,

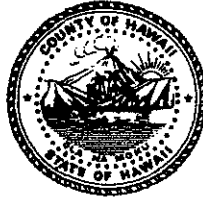
I am writing to you to confirm our recent telephone call regarding the rejection of building permit plans for Dolan TMK: 4-2-008:040.

Please allow this letter your notice that I wish to revoke Special Permit (SPP 13-000149) so my Additional Cottage Dwelling may be reconsidered for approval.

Mahalo for your time in this effort.

Kind regards,
Terri Dolan

42-1952 Kalapahapuu Road PO Box 188 Paauilo, HI 96776
(808) 226-7411 - cell (808) 776-9890 - land line



County of Hawai'i

WINDWARD PLANNING COMMISSION

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

MAY 13 2013

Ms. Terri J. Dolan
P.O. Box 188
Pa'auilo, HI 96776

Dear Ms. Dolan:

Special Permit Application (SPP 13-000149)

Applicant: Terri J. Dolan

Request: Establishment of a 4-Bedroom Bed and Breakfast Operation With a Gift Shop
Within An Existing Residence on a 29.4-Acre Property Situated Within the State Land
Use Agricultural District

Tax Map Key: 4-2-008:040

The Windward Planning Commission, at its duly held public hearing on May 2, 2013, voted to approve the above-referenced request to allow a four (4) unit bed and breakfast operation and a gift shop within an existing single family dwelling located on a portion of a 29.4-acre property situated within the State Land Use Agricultural District. The property, once the estate of the ranch manager for Kukaiiau Ranch (presently Umikoa Ranch), is located at the mauka end of Kalapahapu'u (formerly Mauna Kea Ranch) Road in Umiloa Village, approximately 4.4 miles from its intersection with the Hawai'i Belt Road situated between the 34-and 35-mile markers, Koholalele, Hāmākua, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting a Special Permit to allow the establishment of a four (4) unit bed and breakfast operation with a total of eight (8) guests and a small gift shop for guests to buy sweatshirts, sheets & gift items made exclusively on the Big Island (i.e soap, jewelry, etc). There are three (3) buildings on the property, which consists of the main house, a carriage house/rec room, and a detached cottage. Two (2) of the units will

Hawai'i County is an Equal Opportunity Provider and Employer

MAY 13 2013

be in the main dwelling, one (1) unit will be in the carriage house/rec room, and one (1) will be in the detached cottage. Currently, the applicant's daughter lives in the detached cottage but may wish to utilize for the bed and breakfast operation in the future.

The estate was originally built in 1900 and used as the Ranch Manager's House on Kukaiau Ranch for the past century. It has been renovated over the past several years and is nicely suited for a bed and breakfast operation.

The criteria for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. Rule 6-7 states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural District, and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of the State Land Use Law and Regulations and Chapter 205, HRS, as amended. In recognizing that lands within the Agricultural district 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 subject property is 29.416 acres in size and is situated within the County's Agricultural (A-40a) zoned district. The majority of the property (27 acres) is presently used for pasturing cattle and horses. The proposed bed and breakfast operation will occupy about 2 acres within a larger 29-acre property and will be subordinate and incidental to the principal use of the existing residence and will not diminish the potential for any future agricultural activity on the property. Therefore, the subject request is considered an unusual and reasonable use of agricultural land.

The land on which the proposed use is located is classified as Other Agricultural Land by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map and identified as Important Agricultural Land on the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map. Additionally, the soil is classified as "C" or "Fair" for the subject by the Land Study Bureau's Detailed Land Classification System. The soil is identified as maile silty loam, 6 to 20 percent (MLD) by the U.S. Soil Survey. This soil is used for pasture and woodland. Therefore, the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of the agricultural land and the proposed use will not adversely affect the preservation and agricultural use of the County's prime agricultural lands.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are similarly zoned A-40a and consists of scattered dwellings, agricultural uses, and a working cattle ranch. According to the applicant, there are approximately fourteen (14) homes used as rentals in the surrounding area. The nearest dwellings are located approximately 300 feet to the east, which is separated by large trees. As the proposed use will occur within an existing dwelling and accessory structures, it is not anticipated to have an adverse affect on the surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The requested use will not burden public agencies to provide additional services. Access to the subject property is from Kalapahapuu Road, which is a private asphalt road of varying pavement and right-of-way widths. Traffic in the area would not substantially increase as a result of the proposed use. Water is available to the property via various means, such as a private water system, two (2) 10,000-gallon catchment tanks and bottled water that will be made available to the guests. Wastewater is disposed of into two (2) existing cesspool systems. The property is situated within an area designated as Flood Zone X, an area determined to be outside the 500-year flood plain. Electricity and telephone are available to the property and police and fire services are available in Honoka'a. A condition of approval will be included to require the applicant meet all applicable County, State and Federal laws, rules, regulations and requirements.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's Agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. Although the property and surrounding areas are designated for

agricultural uses by both State and County land use laws, through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Although the land is suited for agricultural uses as permitted within the district, the proposed request will be conducted entirely within an existing dwelling and accessory structures, and therefore will not diminish or foreclose future agricultural opportunities. Additionally, a majority of the property is currently being utilized for agricultural activities.

(F) The use will not substantially alter or change the essential character of the land and the present use. As previously mentioned, the proposed use will be conducted entirely within an existing dwelling and accessory structures, and will not diminish the agricultural potential of the property. Thus, the proposed use will not substantially alter or change the essential character of the land or its present use.

(G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property is located in an area identified as Extensive Agriculture in the General Plan. Extensive Agriculture are lands not classified as Important Agricultural Land, which includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category. As the use will be conducted entirely within the existing dwelling and structures, the request will not be contrary to the LUPAG Map designation for this area. Additionally, the approval of the subject request would support the goals and policies of the Land Use and Economic elements of General Plan.

Land Use Element

- 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 through economic development that enhances the County's natural and social environments.
- Strive for an economic climate which provides its residents an opportunity for choice of occupation.
- Encourage the development of a visitor industry that is consistent with the social, physical and economic goals of the residents of the County.

The property is not affected by any design plans. The Northeast Hawai'i Community Development Plan, which was adopted by Ordinance No. 445 on June 26, 1979, supports and encourages visitor industries for the plan area.

Therefore, the proposed request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.

The proposed use is not contrary to the objectives sought to be accomplished by Chapter 205A, Hawai'i Revised Statutes, relating to coastal zone management program. The subject property is located approximately five miles from the closest shoreline and is not located within the Special Management Area. Given the fact that the property has been used for agricultural and ranching activities, and has been developed with a dwelling in which the proposed use will occur, it is unlikely that any archaeological features and threatened plant, animal or avian species will be adversely affected. Kalapahapuu Road, which is a private subdivision road created through easements, does not affect the subject property. This roadway does provide public access to the mountain in this area and is not blocked. Lastly, as the dwelling and accessory structures were constructed in 1900, a condition of approval will be added requiring the applicant to contact the Department of Land and Natural Resources-State Historic Preservation Division-Architecture Branch prior to any construction or renovation activities these structures.

Therefore, the proposed use will not adversely impact any recreational resources, including access to and along the shoreline, scenic and open space resources, coastal ecosystems, and marine and coastal resources. Further, the property will not be affected by any coastal hazards or beach erosion.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in

connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above considerations, the proposed four-bedroom bed and breakfast operation is an unusual and reasonable use of land which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The bed and breakfast operation shall be conducted in a manner that is substantially representative of plans and details contained within the Application for Special Permit and the representations made before the Windward Planning Commission.
3. The bed and breakfast operation shall be limited to the use of four (4) bedrooms and a maximum of eight (8) guests within the existing dwelling and accessory structures.
4. The gift shop shall be operated for the sole benefit of the guests of the bed and breakfast operation.
5. Weddings, concerts, conventions and other types of special events and activities shall be prohibited.
6. Prior to any construction or renovation activities to the existing dwelling and accessory structures, the applicant shall secure the proper clearances or approvals from the Department of Land and Natural Resources-State Historic Preservation Division-Architecture Branch.
7. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

Ms. Terri J. Dolan

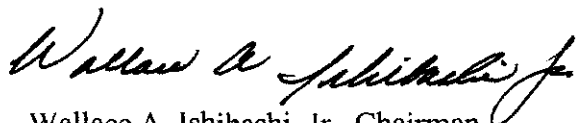
Page 7

8. 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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wallace A. Ishibashi, Jr., Chairman
Windward Planning Commission

Ldolanspp13-149wpc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State Department of Health
Mr. Gilbert Bailado