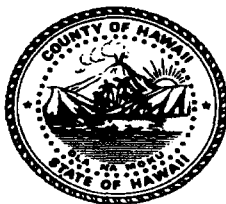


Harry Kim  
Mayor



Gregory Henkel, Chair  
Myles Miyasato, Vice Chair  
Joseph Clarkson  
Donn Dela Cruz  
Donald Ikeda  
Raylene Moses

## 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

DEC - 8 2016

Mr. Sidney M. Fuke  
Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

**SUBJECT: Use Permit No. 204 (Docket No. USE-05-000002)**  
**Applicant: Kukuihaele Plantation House, LLC**  
**Request: Revocation of Use Permit No. 204 Which Allowed an Establishment of a**  
**Children's Convalescent Facility**  
**Tax Map Key: 4-8-006:003, 013 & 069**

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The Windward Planning Commission, at its duly held public hearing on December 1, 2016, considered the above-referenced request for the revocation of Use Permit No. 204. Use Permit No. 204, was originally approved on April 1, 2005 and issued to World Healing Institute to allow the establishment of a children's convalescent facility on approximately 31 acres of land within the Resort-Hotel-25,000 square-foot per unit (V-25) zoning district. The area involved the site of the formerly proposed Trees of Kukuihaele development located within Kukuihaele and makai of the Honoka'a-Waipio Road (Highway 240) and the old government road at Waikoekoe and Kanahonua, Hāmākua, Hawai'i.

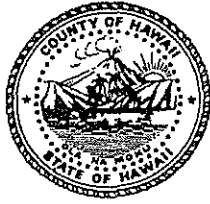
The Commission voted to officially revoke Use Permit No. 204 as requested by the applicant.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,

Gregory Henkel, Chairman  
Windward Planning Commission

LKukuihaeleplantationrevokeUSE204wpc  
cc: Kukuihaele Plantation House, LLC.  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division – Hilo  
DOT-Highways, Honolulu  
GIS Section



# 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

April 15, 2005

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (USE 05-002)  
Applicant: World Healing Institute  
Request: Children Convalescent Facility Within V-25 Zoned District  
Tax Map Key: 4-8-6:3, 13 & 69

The Planning Commission at its duly held public hearing on April 1, 2005, voted to approve the above-referenced application. Use Permit No. 204 is hereby issued to allow the establishment of a children's convalescent facility on 31 acres of land within the Resort-Hotel 25,000 square foot (V-25) zoned district. The property is the site of the former sugar plantation manager's home located along the north (makai) side of the Honokaa-Waipio Road, Kanahoanua and Waikoekoe, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the establishment of a children's convalescent facility on approximately 31 acres of land. The facility will provide a convalescent and rest home for small groups of children undergoing physical or emotional transformation. The facility, which is proposed to be within the former plantation manager's residence and adjoining grounds, will house up to ten (10) children, each with a parent or guardian, for a period of one (1) to three (3) months.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;

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APR 16 2005

- (B) The proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties;
- (C) The proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The children's convalescent facility would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. According to the Zoning Code, the V (resort-hotel) district "applies to areas to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured." Originally, the resort zoning was approved to accommodate the Amanresort, and later the Trees of Kukihale development, which were proposed to be mainly for visitor and tourist accommodations. These projects were not developed. World Healing Institute is proposing to establish a convalescent home for children, which is permitted within a resort-hotel district with a Use Permit. The density of the proposed use will be much less than if the previous proposed resort units were constructed. Thus, the proposed use will be consistent with the Zoning Code.

The General Plan designation for the subject area is Low Density Urban, which allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses. The overall residential density may be up to six units per acre. The children's convalescent facility will be located within the existing former plantation manager's residence and will house up to ten (10) children, each with a parent or guardian, for a period of one (1) to three (3) months. As such, the use will be not be contrary to the General Plan designation for this area.

The children's convalescent facility would complement the following goals and policies of the General Plan:

Land Use Element

- Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.

- Promote and encourage the rehabilitation and use of urban areas that are serviced by basic community facilities and utilities.

Economic Element

- Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawaii.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

The proposed use will conform to the above listed elements of the General Plan by providing a service that is needed for children in the community and the island. It will provide quiet surroundings for the recovery of children by providing holistic healing support before and after medical or surgical care. This use will be a new economic opportunity that will be in balance with the physical and social environment of the area and island.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The proposed use will be operated within the existing former plantation manager's residence. The facility will create a positive service to the community. In keeping the requirements of Change of Zone Ordinance 01-22, a condition will be added requiring the applicant to comply with all applicable conditions. Therefore, the use is not anticipated to cause a substantial, adverse impact to the community's character or to the surrounding properties.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, police and fire protection and other related infrastructure. The proposed access will be from the old government road, which is maintained by the County and has an approximate 18-foot pavement width. County water is available to the property. Wastewater will be disposed of by utilizing the existing cesspool that services the home, and any additional system that may be required. Electrical and telephone service is available to the property. Police, fire and medical services are available and are located in close proximity to the property.

The proposed request will not have a significant adverse impact to traditional and customary Hawaiian Rights. An archaeological survey was originally conducted on the properties prior to the submittal of the Royal Coast applications in 1994. The survey identified two sites; a habitation terrace and the Plantation Manager's Residence. The habitation terrace was identified as significant for information content with further data

collection recommended and the Plantation Manager's Residence was identified as a historic site and recommended for preservation. The original project review by the Department of Land and Natural Resources – Historic Preservation Division was conducted in 1994. Conditions were added to Change of Zone Ordinance 01-22 that required the applicant to secure a letter of final clearance from DLNR-SHPD prior to any land clearing activities and to submit plans for the renovation of the Plantation Manager's Residence to DLNR-SHPD for review and approval prior to commencement of any construction, alteration, or other improvements. The applicant will be required to comply with all applicable conditions of Ordinance 01-22.

A flora and fauna survey was conducted for the properties in 1991 and 1993 and no native plants were identified or listed as either threatened or endangered. There were sighting of the I'o (Hawaiian Hawk) and two indigenous seabirds (White-tailed tropicbirds and Great Frigatebird) and one indigenous migratory bird (Pacific Golden Plover). The report concluded that the original project would not have an impact on the faunal resources in the area. Due to the improved nature of the subject property and the surrounding areas, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the project site, nor has the project site been identified as a significant botanical or biological habitat.

Based on the above, this request is approved subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of Change of Zone Ordinance No. 01-22.
3. Prior to the establishment of the children's convalescent facility, the applicant, successors or assigns shall secure Final Plan Approval from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code and Condition D of Change of Zone Ordinance No 01-22. 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 Planning Department's Rule No. 17 (Landscaping Requirements). Plans shall also delineate a 50-foot wide future roadway between the Honokaa-Waipio Highway and the old government road as well as a 10-foot wide strip for no-vehicular access planting screen easement along the property's frontage bordering the Honokaa-Waipio

Highway, except at the approved access point(s). A 10-foot future road-widening setback along the properties fronting the old government road shall be shown on all plans, meeting with the approval of the Department of Public Works. Said area shall be dedicated to the County upon its request.

4. As represented by the applicant, the use will be limited to ten (10) children, each accompanied by one parent or guardian.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of the permit. The report shall include, but not be limited to, the status of the use and to what extent the conditions of approval are being complied with, including conditions of Change of Zone Ordinance 01-22. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
7. 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).

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. Sidney Fuke

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

Sincerely,



*for* Fred Galdones, Chairman  
Planning Commission

Lworldhealing01PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Rodney Haraga, Director/DOT-Highways, Honolulu