

COUNTY OF HAWAI'I PLANNING DEPARTMENT
BACKGROUND REPORT

MELISSA MARTINEZ
SPECIAL PERMIT APPLICATION (PL-SPP-2025-000095)

MELISSA MARTINEZ is requesting a Special Permit to allow the establishment of a 1-bedroom bed and breakfast operation within a proposed 2-bedroom single family dwelling on an approximately 1-acre parcel of land in the State Land Use Agricultural District. The subject property is located at 11-1837 Naia Street, approximately 1,050 feet east of its intersection with Ohia Avenue, Hawaii's Eden Rock Estates, Puna, Hawai'i, TMK: (3) 1-1-078:046.

APPLICANTS' REQUEST

1. **Request:** The applicant resides part of the year (approximately two months) on the subject property and the remainder in Utah. The applicant is requesting a Special Permit to establish a 1-bedroom bed and breakfast (B&B) operation within a proposed 512-square foot, 2-bedroom dwelling. The proposed B&B will accommodate a maximum of three (3) adults when the dwelling is not in use by the applicant. The existing one bedroom on the lower level (ground floor) will be converted into two bedrooms, one to accommodate the applicant/on-site operator and the other to accommodate a maximum of three guests. The upper-level living area, kitchen and bathroom will be a shared space for both guests and the operator.
2. **Staffing/Employees:** The bed and breakfast establishment will be operated by the applicant or a host.
3. **Parking:** Off-street parking is available as the applicant has designated an unpaved clear and graded area for up to 6 parking stalls for guests of the bed and breakfast.
4. **Hours of Operation:** The bed and breakfast will operate daily, with quiet hours from 9:00 PM to 7:00 AM.
5. **Reason for Request:** According to the applicant, she would like to establish a bed and breakfast to generate supplemental income by offering a room to short-term

guests while sharing the unique environment of the area with visitors. The revenue generated by the operation will be used to maintain the property and continue to cultivate her agricultural vision for the property.

6. **Definition of “Bed and Breakfast Establishment”:** According to Section 25-1-5 of the Zoning Code, a “bed and breakfast establishment” means any single-family dwellings and/or guest houses (pursuant to section 25-4-9), which have been permitted on a building site, in which overnight accommodations and only breakfast meals are provided to a maximum of ten guests, for compensation, for periods of less than thirty days.
7. **Landowners:** Melissa A. Martinez.
8. **Supportive Information:** A Special Permit is required to operate a bed and breakfast establishment in the State Land Use Agricultural District. The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 1 – Special Permit Application dated January 28, 2026)**

BACKGROUND INFORMATION

9. **Zoning Code violations:** There have been two Zoning Code violations for operating an unhosted short term vacation rental on the property. Both violations have been closed and the Department has not received any further complaints as of the time of this writing.
 - **Planning Code Violation No. PL-PCV-2022-00284:** Closed by letter dated February 16, 2023 for operating a Short-Term Vacation Rental within an unpermitted structure. **(Planning Department Exhibit 2)**
 - **Planning Code Violation No. PL-PCV-2025-00919:** Closed by letter dated June 27, 2025 for advertising and operating a Short-Term Vacation Rental. **(Planning Department Exhibit 3)**

STATE & COUNTY PLANS

10. **State Land Use District:** Agricultural.
11. **General Plan Land Use Pattern Allocation (LUPAG) Map:** The General Plan LUPAG map classifies the subject property as Rural (RUR) which includes existing subdivisions in the State Land Use Agricultural and Rural districts within this particular section of Puna that have a significant residential component. Typical lot

sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences.

12. **County Zoning:** Agricultural-1 acre (A-1a).
13. **Puna Community Development Plan (PCDP):** The PCDP was adopted by the Hawai'i County Council, Ordinance 08 116, on September 10, 2008. The subject property is not located within or near any village center.
14. **Special Management Area (SMA):** The property is not within the County's Special Management Area. The subject property is approximately 11 miles from the closest coastline.
15. **Coastal Zone Management:** The entire State of Hawai'i lies within the Coastal Zone Management area.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

16. **Subject Property:** According to records on file with the Building Division, the following building permit has been issued and completed for the subject property:
 - **Building Permit No. PW.B2023-001420:** Completed on January 4, 2026, for an as-built, 2-story, 1-bedroom dwelling. On October 26, 2023, a revision to remove the as-built uncovered deck was initiated as noted in Exhibit 3 Department of Public Works – Building Division comments. However, the uncovered deck still remains. The applicant will need to remove the structure or permit it as a condition of approval.

The subject, 1-acre property is improved with a 512 square-foot, 1-bedroom single family dwelling that the applicant is proposing to split the existing bedroom into 2 bedrooms. The applicant states that agricultural uses on the property consist of ongoing cultivation of a variety of plants such as sugarcane, Meyers Lemon, Star Fruit, pineapple, hibiscus, ginger, orchids, Ti leaves, anthuriums, corn plants, geraniums, hydrangeas, croatia, dragonfruit, as well as the protection and cultivation of native plants including, but not limited to, Hapu'u, staghorn ferns, and 'Ohi'a trees. The remainder of the property has been left in its natural state, primarily covered with Hapu'u, staghorn ferns, 'Ohi'a trees and understory of various grasses.

17. **Surrounding Zoning/Land Uses:** Properties surrounding the subject property are zoned Agricultural-1 acres (A-1a), with uses consisting of agriculture, farm dwellings, and vacant lands. The closest residence to the subject property is located approximately 250 feet to the northeast.
18. **U.S.D.A. Soil Type:** Soils on the subject property are classified as Keei slightly decomposed plant material, with 2 to 10 percent slopes. Keei series consists of very shallow to shallow, well drained soils that formed in a thin mantle of organic material and small amounts of volcanic ash overlying pahoehoe lava.
19. **Land Study Bureau's Detailed Land Classification System:** Soils within the project site are classified as "E" or "Very Poor" for agricultural productivity.
20. **Agricultural Lands of Importance to the State of Hawai'i (ALISH):** Soils within the project site are not classified by the Agricultural Lands of Importance to the State of Hawai'i.
21. **Flood Insurance Rate Map (FIRM):** The property is classified as Flood Zone "X," (Area of Minimal Flood Hazard) according to the FEMA Flood Insurance Rate Mapping system.
22. **Flora/Fauna Resources:** No formal flora/fauna study was conducted as the proposed use will be conducted within the existing structure. The immediate 9,000 square feet surrounding the dwelling has been extensively cultivated with various plants and crops. Therefore, the likelihood of any rare or endangered species, habitat or flora being impacted by the requested use is highly unlikely.
23. **Archaeological/Cultural/Historical Resources:** No archaeological and cultural study was conducted of the property as the subject property has been previously impacted by ground-disturbing activities associated with previous agricultural and residential development. According to the applicant, there are no known customary or Native Hawaiian cultural rights exercised within the subject property.
24. **Public Access:** There is no record of a designated public access to the shoreline or mountain areas that traverses through the subject property.

PUBLIC UTILITIES AND SERVICES

25. **Access/Parking/Traffic:** Access to the subject property from Volcano Highway has at least 16 feet of pavement within a 60-foot-wide right-of-way up to Naia Street

which is graveled approximately 11-13 feet wide within a 40-foot wide right-of way. According to the Hawai'i County Zoning Code Section 25-4-51(a)(2), a bed and breakfast establishment must provide one parking stall for each guest bedroom and one stall for the dwelling, which the applicant is providing a parking area for up to 6 vehicles.

26. **Water:** The subject property, as with most of the lots within this subdivision, are not serviced by the County's water system. The existing dwelling is serviced by a 10,000-gallon water catchment system for non-potable use. Bottled water will be provided for guest consumption.
27. **Wastewater:** The subject property is not served by the existing county sewer system; thus, the applicant shall follow Department of Health (DOH) regulations for wastewater. The application states that the project will continue to use the existing septic system. However, DOH provided that the IWS designed to serve 3 bedrooms has not yet been finalized.
28. **Solid Waste:** Any solid waste generated by the proposed B&B operations will be disposed of by commercial solid waste disposal companies or, as convenient, by the B&B host.
29. **Food Service Operations:** By definition, bed and breakfast establishments may only provide breakfast meals to guests. The Department of Health (DOH) has noted that a food establishment permit will be required if meals are to include "potentially hazardous food" or if the number of guests exceeds 6. If the bed and breakfast will only offer commercial cereal, pastries, breads, fruits, coffee, tea, and juice, then a food establishment permit is not required.
30. **Essential Utilities and Services:** The existing dwelling is totally off -grid, with electrical power provided by a solar system with storage. Cellular service is available. The nearest fire and police stations are located in Kea'au which is approximately 14 miles from the subject property. Volunteer fire services are available in adjoining Fern Forest (13 miles away) and Fern Acres (10 miles away) subdivisions.

AGENCY COMMENTS

31. **State Department of Health: (Planning Department Exhibit 4 – February 4, 2026, Memo).**
32. **Department of Public Works – Building Division: (Planning Department Exhibit 5 – February 12, 2026).**

AGENCIES – NO COMMENTS/NO CONCERNS

33. Police Department, Department of Finance - Real Property Tax, State Office of Planning.

AGENCIES – NO RESPONSE

34. Land Use Commission, Department of Agriculture, Fire Department, DPW-Engineering, DPW-Traffic, Department of Environmental Management.

APPLICANT'S RESPONSE TO AGENCY COMMENTS

35. **Letter from Daryn Arai: (Planning Department Exhibit 6 – March 16, 2026, Memo).**
36. **Letter from Daryn Arai: (Planning Department Exhibit 7 – March 24, 2026, Memo).**

PUBLIC COMMENTS

37. There are no public comments as of the time of this writing.

Daryn Arai
Land Use Planning Consultant

January 28, 2026

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Subject: Special Permit Application
Applicant: Melissa Martinez
Request: To allow the establishment of a 1-bedroom bed & breakfast operation
within a 2-bedroom single-family dwelling
TMK: 1-1-078: 046; Eden Roc Estates, Puna

Accompanying this letter, we present for your consideration and processing before the Windward Planning Commission a request for a Special Permit to allow for the establishment in the Puna District.

Pursuant to your application requirements to be filed via the EPIC system, please find accompanying this letter the following:

- a. Completed and signed Special Permit Application Form;
- b. Supporting Information report regarding the request; and
- c. List of the surrounding property owners within 500 feet of the subject property.

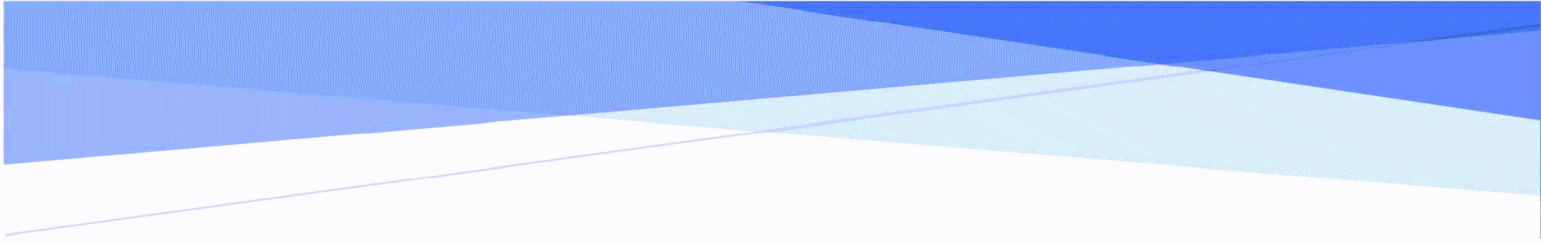
Should you have questions on this matter, please feel free to contact me. Thank you very much.

Sincerely,



Daryn Arai

Enclosures
copy w/enclosures via email: Melissa Martinez



SPECIAL PERMIT APPLICATION

Applicant: Melissa Martinez

Request: One-bedroom B&B establishment
within a two-bedroom single-family dwelling

Tax Map Keys: (3) 1-1-078:046
Eden Roc Estates, Puna District
Hawai'i Island

Prepared by: Daryn Arai, Planning Consultant
January 2026

**SPECIAL PERMIT APPLICATION
COUNTY OF HAWAII
PLANNING DEPARTMENT**

(Type or Print the requested information)

APPLICANT Melissa Martinez

APPLICANT'S SIGNATURE:  DATE: June 18, 2025

ADDRESS: 1778 Stone Ridge Drive
Bountiful, Utah 84010-1085

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

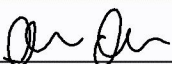
TELEPHONE: (Bus.) (801) 631-2051 (Home) _____ (Fax) 

REQUEST: To allow for the establishment of a one (1)-bedroom bed & breakfast operation within a
portion of a proposed two (2)-bedroom single-family dwelling

TAX MAP KEY: (3) 1-1-078: 046 ZONING: A-1a

AREA OF PROPERTY/AREA OF REQUESTED USE 1.0 acre / 9,000 square feet

LANDOWNER: Melissa Martinez

LANDOWNER'S SIGNATURE:  DATE: June 18, 2025
(May be by letter)

LANDOWNER'S ADDRESS: 1778 Stone Ridge Drive
Bountiful, Utah 84010-1085

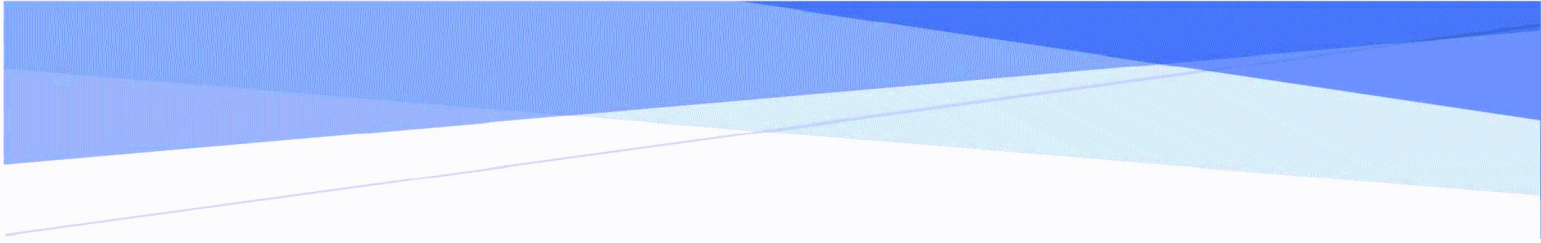
AGENT: Daryn Arai, Land Use Planning Consultant

ADDRESS: PO Box 4501
Hilo, Hawaii 96720

TELEPHONE: (Bus.) (808) 895-3218 (Home) _____ (Fax) 

Please indicate to whom original correspondence and copies should be sent to:

ORIGINAL Applicant COPIES: Agent



SUPPORTING INFORMATION

SPECIAL PERMIT APPLICATION

Applicant: Melissa Martinez

Request: One-bedroom B&B establishment
within a two-bedroom single-family dwelling

Tax Map Key: (3) 1-1-078:046
Eden Roc Estates, Puna District
Hawai'i Island

Prepared by: Daryn Arai, Planning Consultant
January 2026

SUPPORTING INFORMATION
REGARDING SPECIAL PERMIT APPLICATION FOR

Melissa Martinez

Affecting Tax Map Key (3) 1-1-078: 046, Lot 32, Eden Rock Estates, Puna

A. LOCATION OF PROJECT SITE AND LANDOWNERSHIP

1. Applicant's Request

The Applicant, Melissa Martinez, is requesting a Special Permit to allow for the establishment of a 1-bedroom/unit bed and breakfast establishment within an existing two-story, one-bedroom farm family dwelling situated on one (1) acre of land located within Eden Rock Estates in the Puna District of Hawai'i Island.

2. Location of Project Site

With a street address of 11-1837 Naia Street and one (1) acre in size, the subject property is located along the makai (south) side of Naia Street, approximately 1,000 feet northeast of its intersection with Ohia Avenue within Eden Rock Estates subdivision in the District of Puna as shown below on Figure 1-Regional Location Map and Figure 2-Tax Map below.

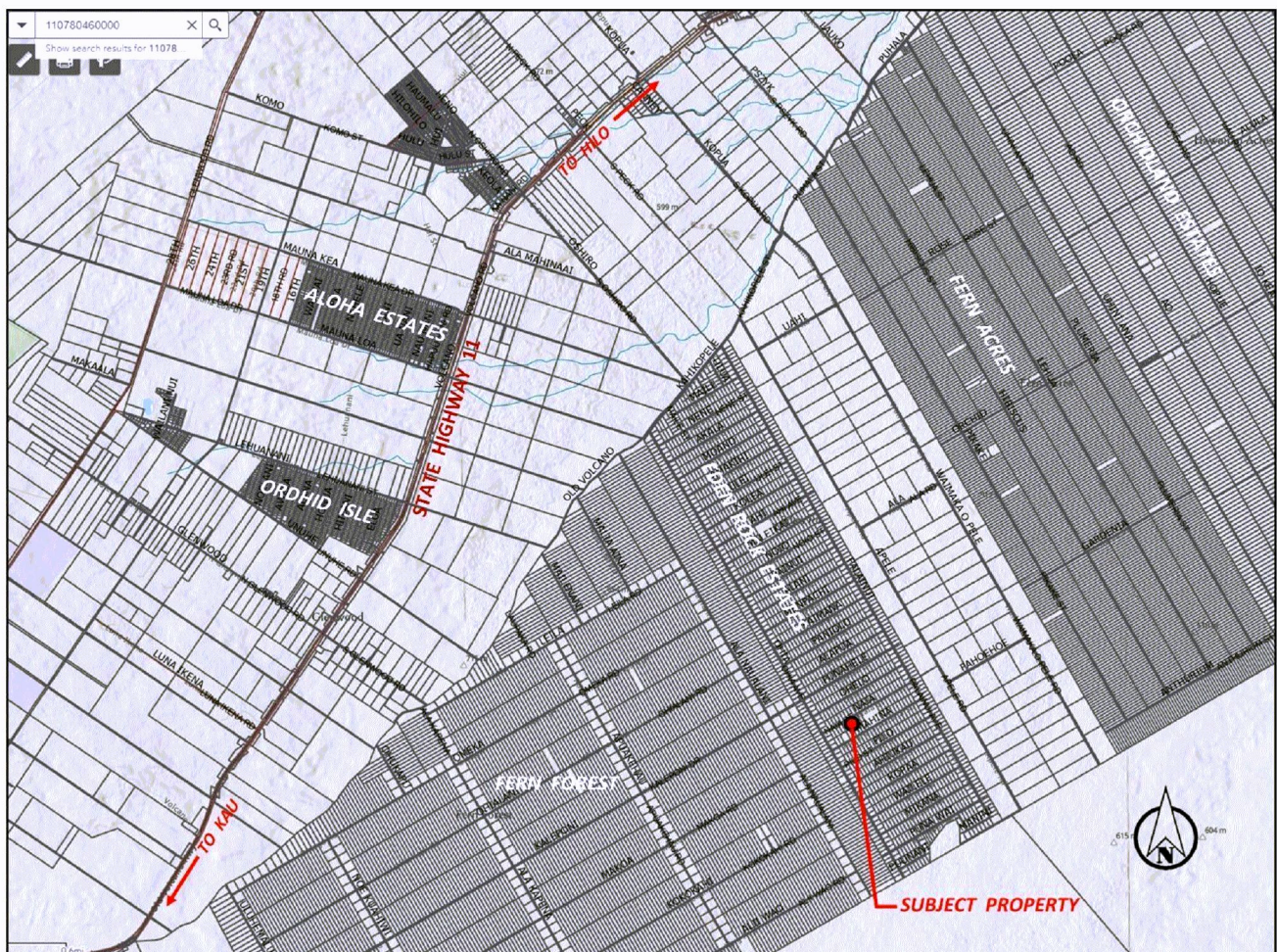


Figure 1 – Regional Location Map

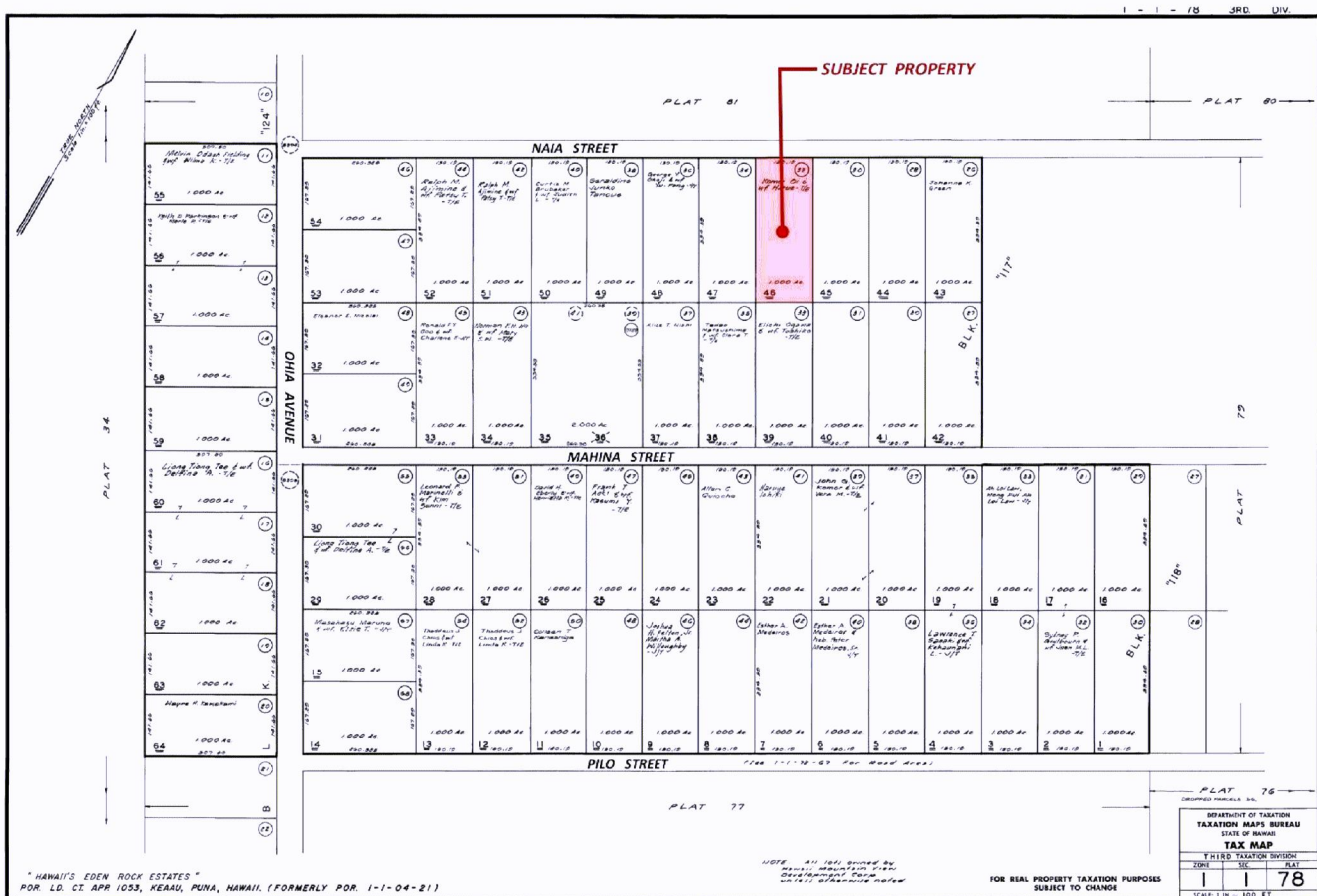


Figure 2 – Tax Map

3. Landownership and tenure

The subject property is solely owned by the Applicant. The Applicant resides part of the year (approximately two months) on the subject property and the remainder in Utah.

B. STATEMENT OF OBJECTIVES AND PROJECT OPERATIONAL DETAILS

1. Statement of Objectives and reasons for the request

The Applicant is requesting a Special Permit to:

- to allow a one (1)-bedroom/unit bed and breakfast (“B&B”) operation to be established within an existing two-story, 512-square foot, one (1)-bedroom and one (1) bath single-family dwelling. The proposed B&B will accommodate a maximum of three (3) adults when the dwelling is not in use by the Applicant/landowner.
- The existing one bedroom on the lower level (ground floor) will be converted into two (2) bedrooms, one to accommodate the host/on-site operator and the other to accommodate a maximum of three (3) guests. The upper level living area, kitchen and bathroom will be a shared space for both guests and the operator.
- Prior to the current STVR regulation adopted in 2018, the Applicant had previously operated the dwelling as a hosted vacation rental to provide for supplemental income for herself as well as with her local STVR “host”.

- d) Once the current STVR regulations went into effect in 2018, the Applicant and her partner decided that they would like to have greater interaction with their guests as a bed and breakfast operation. The Applicant's objective is to generate additional interest in native plants and the overall agricultural industry by occupants of the bed and breakfast.
- e) Explanation of Applicant's residence situation:
- i. Applicant was teaching in Hau'ula, Oahu in 2016 when she decided to build the farm dwelling located on the subject property, intending to relocate to this property once the farm dwelling was completed. Being very young with limited funds and knowledge about building a home, the Applicant constructed what she could afford at the time, an unpermitted dwelling.
 - ii. After completing the dwelling in 2016, the Applicant's life circumstances changed and she had to relocate.
 - iii. In January 2023, the Applicant was notified of the unpermitted dwelling by the Planning Department (PL-PCV-2022-00284). Applicant then hired a draftsman and architect to assist with the permitting process, as well as licensed building, electrical and plumbing contractors to ensure that all components of the dwelling were compliant with applicable government regulations.
 - iv. After completing the dwelling in 2016, her life circumstances changed that required her to move to another country for a job and began renting out the dwelling on Airbnb in 2017, which allows the Applicant the flexibility of visiting her home at least twice per year, and staying for a collective period of about one month during the year.
 - v. In the Short Term Vacation Rental (STVR) proceedings prior in 2018, the Applicant was residing outside of the United States and unaware of the major changes taking place regarding STVR policy. In 2019, the Applicant relocated back to the state, living in Oahu and working for the University of Hawai'i at Mānoa and beginning her Master of Social Work program.
 - vi. Not living on the Big Island and at the time, the income from this property was the only thing that has allowed the Applicant to further her education and was her biggest source of income to pay her bills and maintain her livelihood. The Applicant is now a Licensed Clinical Social Worker (LCSW) who works with children and cancer patients and has also secured a LCSW license in Hawaii to be able to work with clients virtually in Hawaii and in person when she is staying on island, if they wish.
 - vii. The Applicant would like to maintain this property in a manner that allows the dwelling to be accessible to her during her frequent visits to Hawai'i Island where anticipates providing local mental health services at approved clinic locations.
 - viii. A statement from the Applicant: *"Most people know that you don't go into Social Work to make money, and I strongly believe that I would not be able to do the work that I do for the community, especially without burnout, if it was not for the income of this property. This income means the world to me and allows me to give back to the community, and I hope you can take that into consideration in your determination."*

2. Proposed Project Operational Details (refer to Figure 3 – Site Plan , Figure 4-Revised Floor Plan, Figure 5-Elevations and Exhibit A – Existing Building Plans and Exhibit B – Site Photos)

a. Existing facilities and proposed operations and related improvements

1. PW.B2023-001429 issued for the “As Built” construction of a two story, one bedroom/one bathroom 512 square foot first farm dwelling. The dwelling has a deck and porch of an accessory area of 225 square feet. Final inspection on June 10, 2024.
2. The existing bedroom will be converted into two (2) separate bedrooms, one for the operator and the other for the maximum three (3) guests. The upper floor living area, kitchen and bathroom will be a shared area.
3. On-site parking: Unpaved parking area capable of accommodating at six (6) vehicles will be provided in the cleared and graded area that surrounds the farm dwelling.
4. Breakfast: Continental breakfast foods such as cereal, certain pastries, breads, fruits, coffee, tea, or juice will be served.
5. Quiet hours: between 9:00pm and 7:00am daily.
6. Water: Bottled drinking water will be provided to all B&B guests. Current water catchment system will provide adequate water for bathing, lavatory, and laundry.
7. Wastewater: Wastewater will be disposed of within a septic system currently servicing the existing farm dwelling.
8. Electricity: Electrical power is provided by an off-grid solar power system with storage that is able to supply all electrical power needs of the existing farm dwelling.

- b. Support staff: A local senior citizen, whom the Applicant has worked with since 2017, will be the primary on-site host and operator of the B&B. The Applicant has periodically hired other local residents to provide landscaping and handyman services throughout the subject property. Her neighbor is currently providing landscaping services.

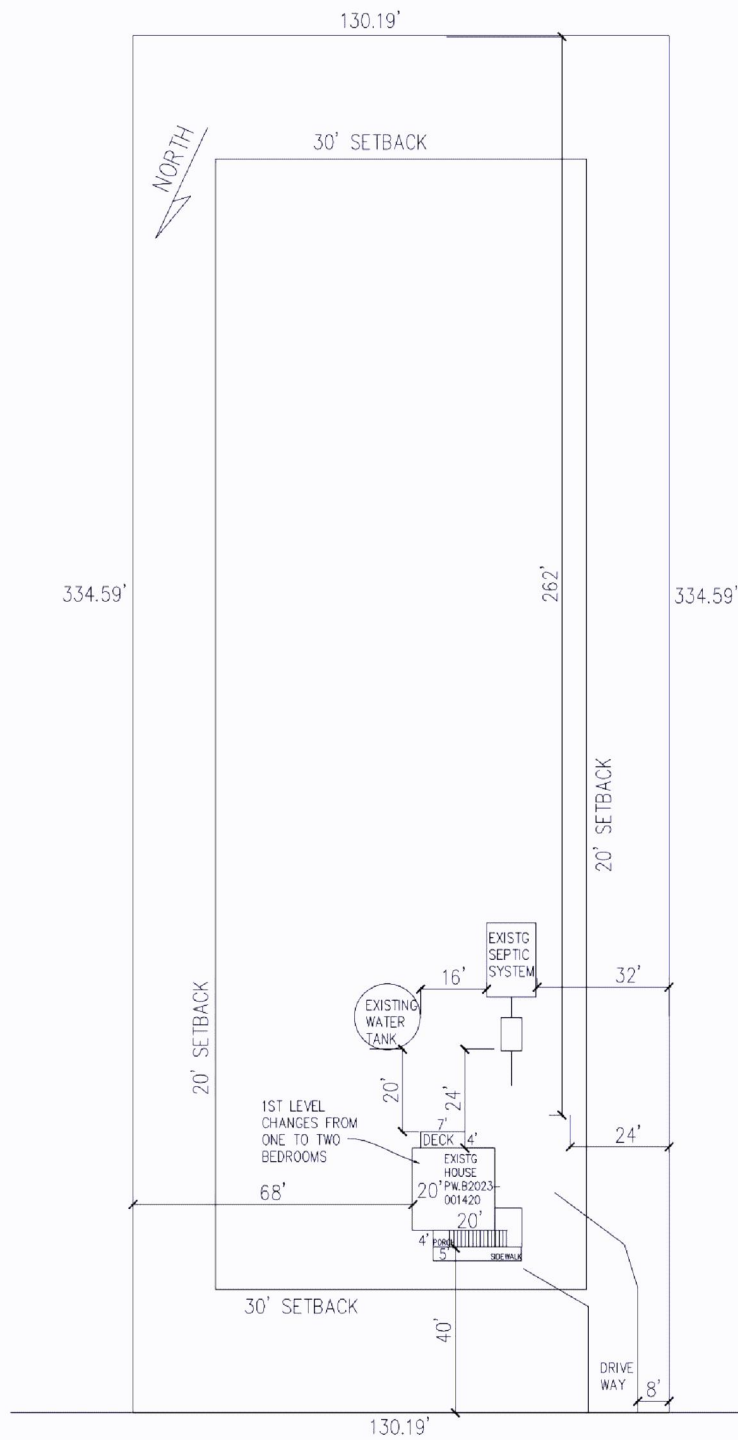
3. Project Timeframe

Upon approval of the requested Special Permit, the Applicant will promptly establish the B&B operation within a few months subject to compliance with any additional requirements that may be deemed necessary by the Windward Planning Commission.

D. LAND USE AND OTHER REGULATORY CONSIDERATIONS

1. General Plan Designation: Rural

The County of Hawai'i General Plan is the policy document for the long-range comprehensive development of the island of Hawai'i. The General Plan Land Use Pattern Allocation Guide (LUPAG) map, as shown on Figure 6 – General Plan LUPAG Map, classifies the subject property and all of Eden Rock Estates as Rural, which includes existing subdivisions in the State Land Use Agricultural and Rural districts within this particular section of Puna that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The Rural designation does not necessarily mean that these areas should be further subdivided to smaller lots. Most lack the infrastructure necessary to allow further subdivision.



NAIA ST.
EDEN ROCK ESTATES S/D

PLOT PLAN

SCALE: 1" = 20'

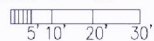


Figure 3 – Site Plan

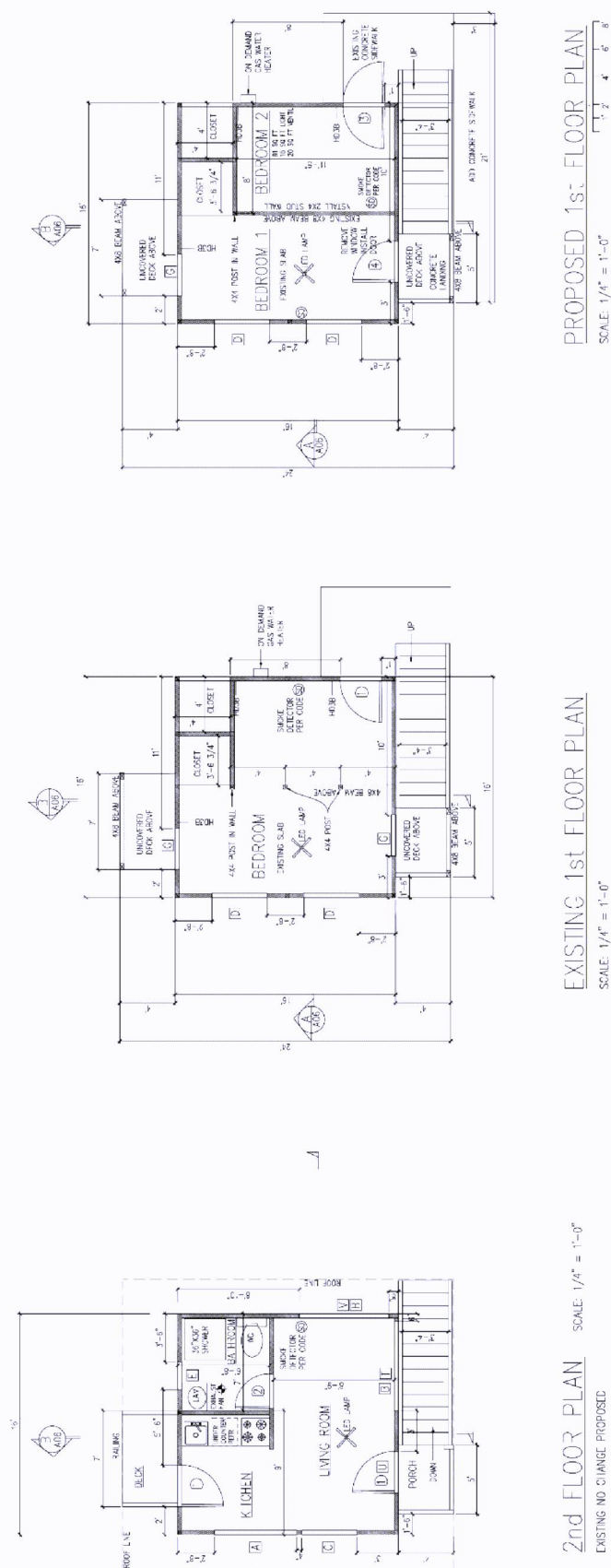
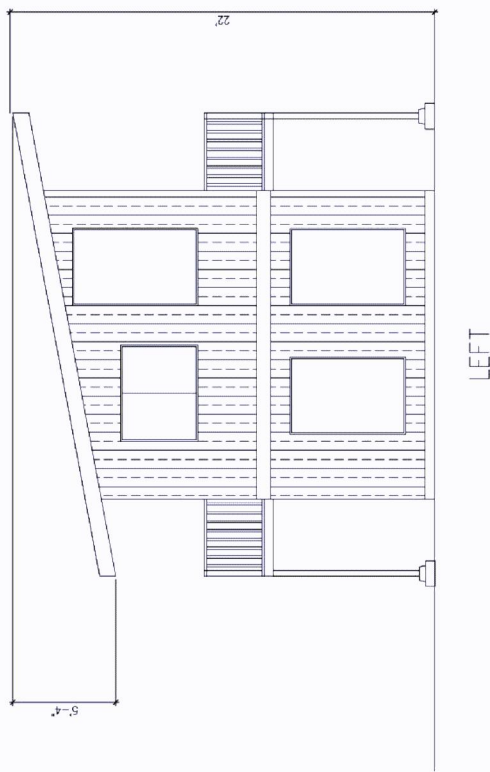
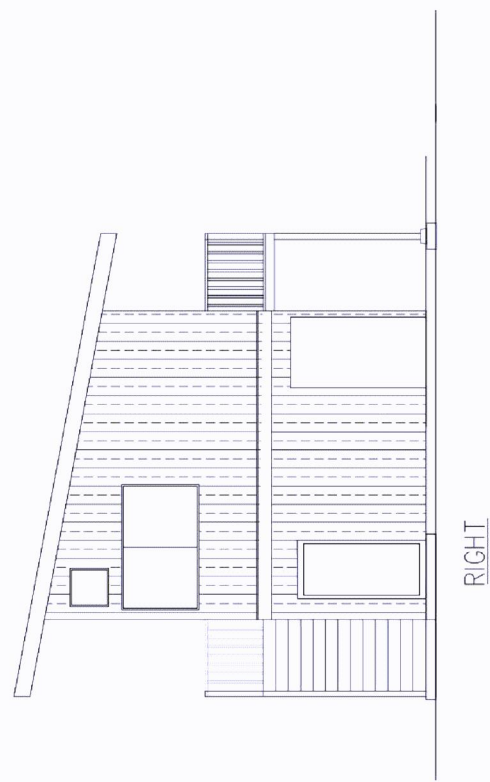
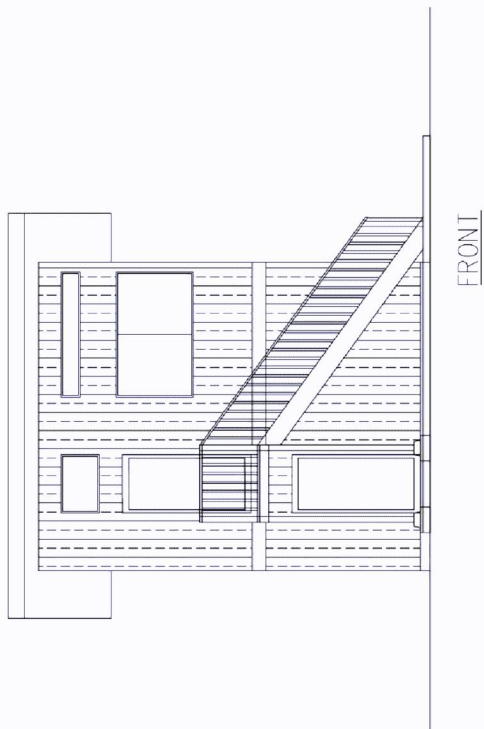
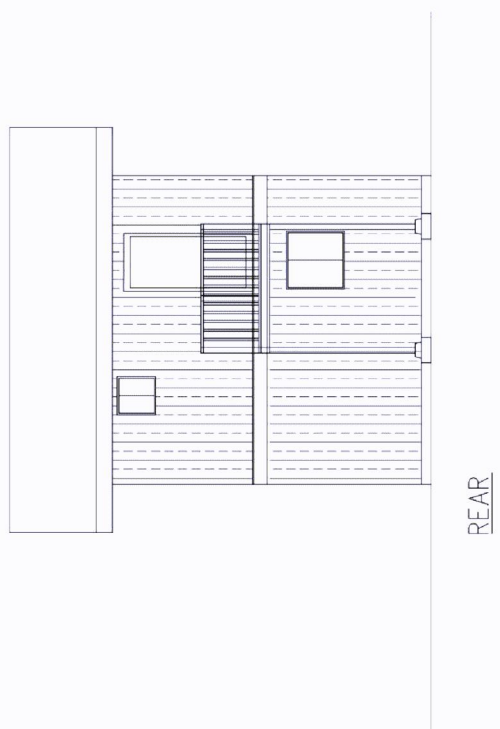


Figure 4 – Revised Floor Plan



ELEVATIONS



SCALE: 1/4" = 1'-0"

Figure 5 – Elevations

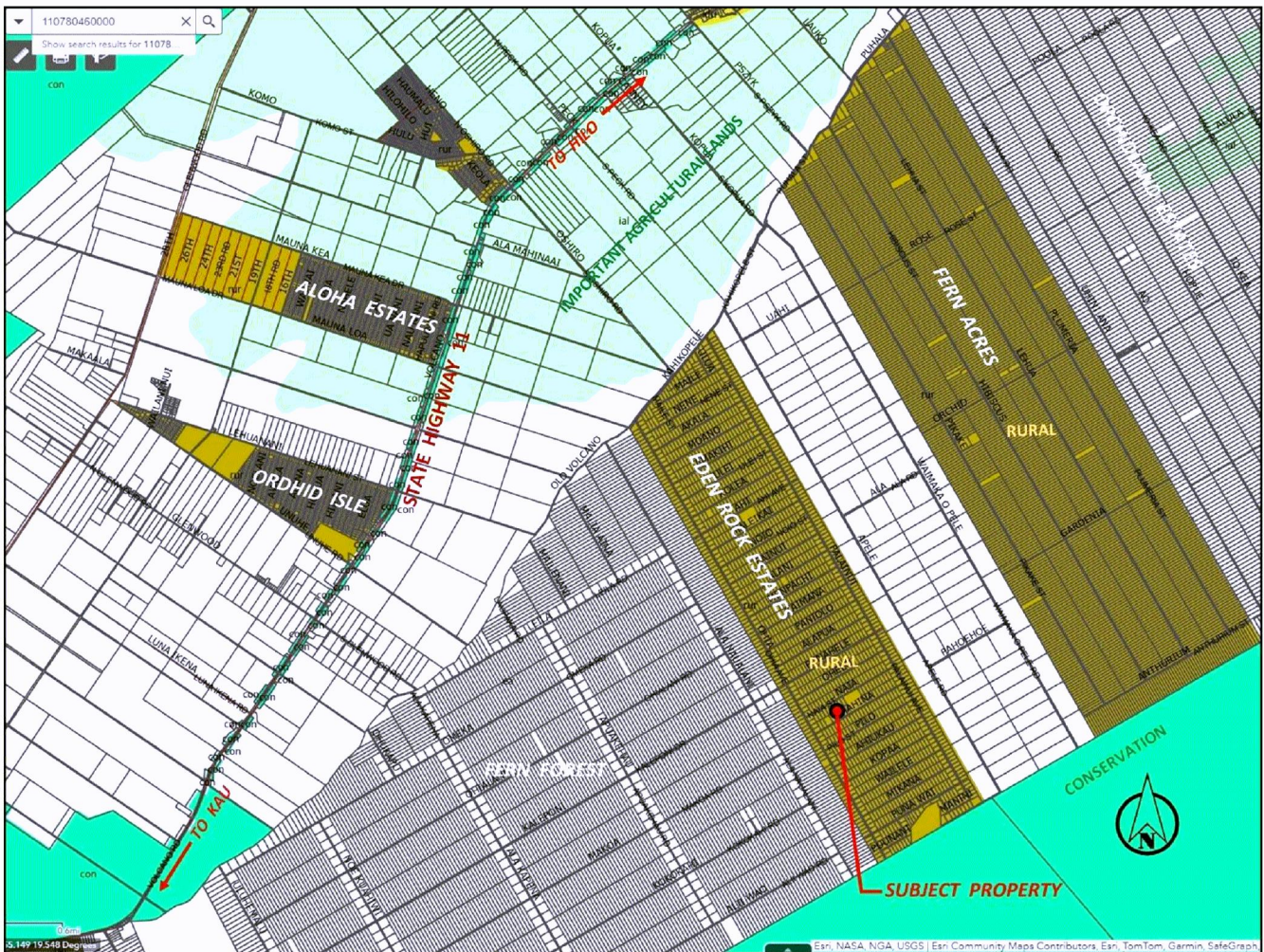


Figure 6 – General Plan LUPAG Map

2. Puna Community Development Plan

The Puna Community Development Plan (Puna CDP), adopted by the Hawaii County Council by Ordinance No. 08- 116 on September 10, 2008 and further amended in 2011, identifies the preferred land use patterns for the Puna district. The subject property is not identified as being situated within any village center nor an area recommended for protection due to the absence of any historic, cultural or scenic resources.

The Puna CDP seeks to manage growth by: encouraging a more efficient, environmentally sustainable land use pattern; reducing the number of and rearranging previously-approved subdivision lots; requesting the County to change the zoning of lots now inappropriately zoned for present and future use and growth; promoting agricultural use and other “green” employment in the district; promoting the use of renewable energy; improving the delivery of social services and housing assistance; and providing the necessary public services, parks and recreation opportunities in a manner that supports community-building and an improved quality of life.

The Puna CDP does not provide specific policy guidance as it relates to bed and breakfast operations within the Eden Rock Estates. Given the very limited scope of the Applicant's proposal to allow a B&B establishing accommodating a maximum of 4 adults within an existing one-bedroom dwelling, we do not anticipate this proposal will conflict with any goals, objectives and prescribed actions of the Puna CDP.

3. State Land Use Designation: Agricultural

The subject property, as well as the broader area surrounding it, is situated within the State Land Use Agricultural District (see [Figure 7 – State Land Use](#)), which includes lands for the cultivation of crops, aquaculture, raising livestock, wind energy facility, timber cultivation, agriculture-support activities and land with significant potential for agriculture uses. Uses permitted in the highest productivity agricultural categories are governed by statute. Uses in the lower-productivity categories – C, D, E or U – were established by the Land Use Commission to include those uses allowed on A or B lands as well as those stated under Section 205-4.5, Hawai'i Revised Statutes. Note that agricultural suitability of soils within the subject property are considered as Class E, or Very Poor.

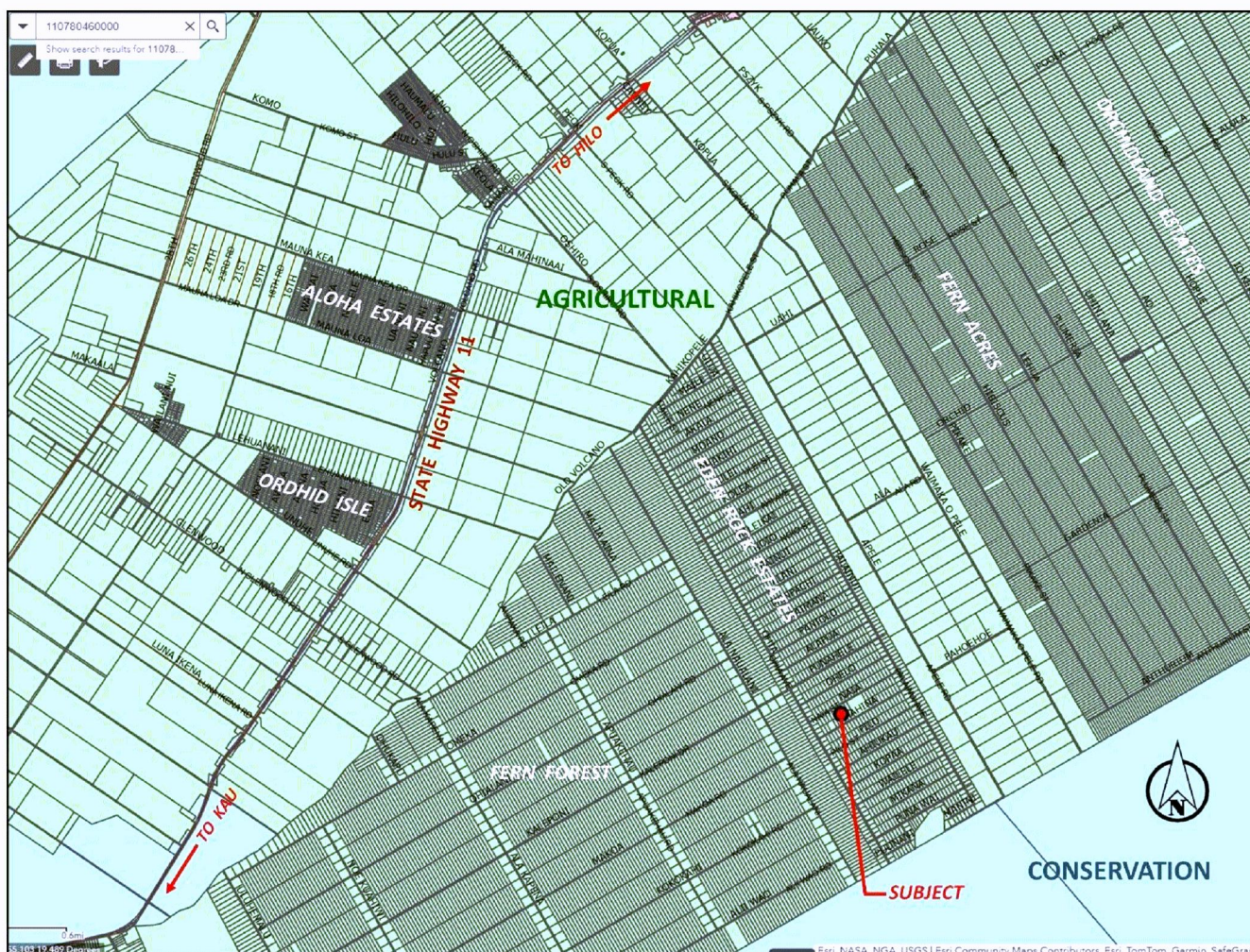


Figure 7 – State Land Use

4. County Zoning: Agricultural-1 acre minimum lot size (A-1a)

The Agricultural (A) zoning district provides for agricultural and very low density agriculturally-based residential use, encompassing rural areas of good to marginal agricultural and grazing land, forest land, game habitats, and areas where urbanization is not found to be appropriate. (See [Figure 8 – Zoning](#)) The A-1a zoning district represents the smallest minimum lot size allowed to be considered agricultural lots.



Figure 8 – Zoning

5. Coastal Zone Management, HRS, Chapter 205A

The entire State of Hawai'i lies within the Coastal Zone Management area. The intent of the Coastal Zone Management Program is to guide and regulate public and private uses in the coastal zone management area with respect to recreational resources, historic resources, public access to the shoreline, scenic and open space resources, coastal ecosystems, marine resources, economic uses, coastal hazards, managing development, public participation, and beach protection.

6. Special Management Area (SMA)

The Special Management Area is a part of the Coastal Zone Management Program that is regulated by the County, established to promote the State's policy to preserve, protect, and

where possible, to restore the natural resources of the coastal zone of Hawai‘i. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to ensure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves, by dedication or other means. The subject property is located approximately 11 miles from the nearest coastline.

D. DESCRIPTION OF PROJECT SITE AND SURROUNDING AREA

1. Subject Property

The subject property is rectangular in shape with a frontage along Naia Street of approximately 130 feet and a depth of about 330 feet. The subject property, which is relatively flat, has been partially improved to accommodate the existing farm dwelling. The Applicant calculates that approximately 9,000 square feet has been cleared and improved for the existing dwelling, with the remainder of the 1-acre lot being cultivated with various plants, such as sugarcane, Meyers Lemon, Star Fruit, pineapple, hibiscus, ginger, orchids, Ti leaves, anthuriums, corn plants, geraniums, hydrangeas, croatia, dragonfruit, as well as the protection and cultivation of native plants including, but not limited to, Hāpu‘u, staghorn ferns, and ‘Ohi‘a trees. The remainder of the property has been left in its natural state, primarily covered with Hāpu‘u, staghorn ferns, ‘Ohi‘a trees and understory of various grasses.

2. Surrounding Zoning/Land Uses

The subject property is located within the middle of Eden Rock Estates, a subdivision consisting of over 1,800 lots at least one (1) acre in size and which maintains a zoning of A-1a. There are sparsely scattered single family dwellings in the vicinity of the subject property, with the closest dwelling located adjacent to the east. The vast majority of parcels within the vicinity are vacant and untouched lands. There is a 10-acre parcel owned by the Eden Roc Association that lies 3 lots away to the northeast along Naia Street, likely set aside as a future community resource, similar to the community facility located 2 miles away on 10 acres at Ahi Street (Road 8).

3. ALISH: Not classified

Soils within the Project Site are not classified by the Agricultural Lands of Importance to the State of Hawai‘i.

4. Land Study Bureau's Detailed Land Classification System: “E” (Very Poor).

Soils within the subject property is classified as Class “E” (Very Poor) for agricultural productivity as shown on Figure 9 – Land Study Bureau.

5. US Soil Survey: Keei slightly decomposed plant material (Map Unit 651)

Keei series consists of very shallow to shallow, well drained soils that formed in a thin mantle of organic material and small amounts of volcanic ash overlying pahoehoe lava. Keei soils are on the windward slopes of Mauna Loa and Kilauea volcanoes with slopes range from 2 to 10 percent. This soil is well drained. Runoff is high and permeability is rapid. Most of these soils are in forest. A few areas are used for pasture. Natural vegetation is ohia lehua

(*Metrosideros polymorpha*), tree fern (*Cibotium* spp.), uluhe (*Dicranopteris linearis*) and strawberry guava (*Psidium cattleianum*).

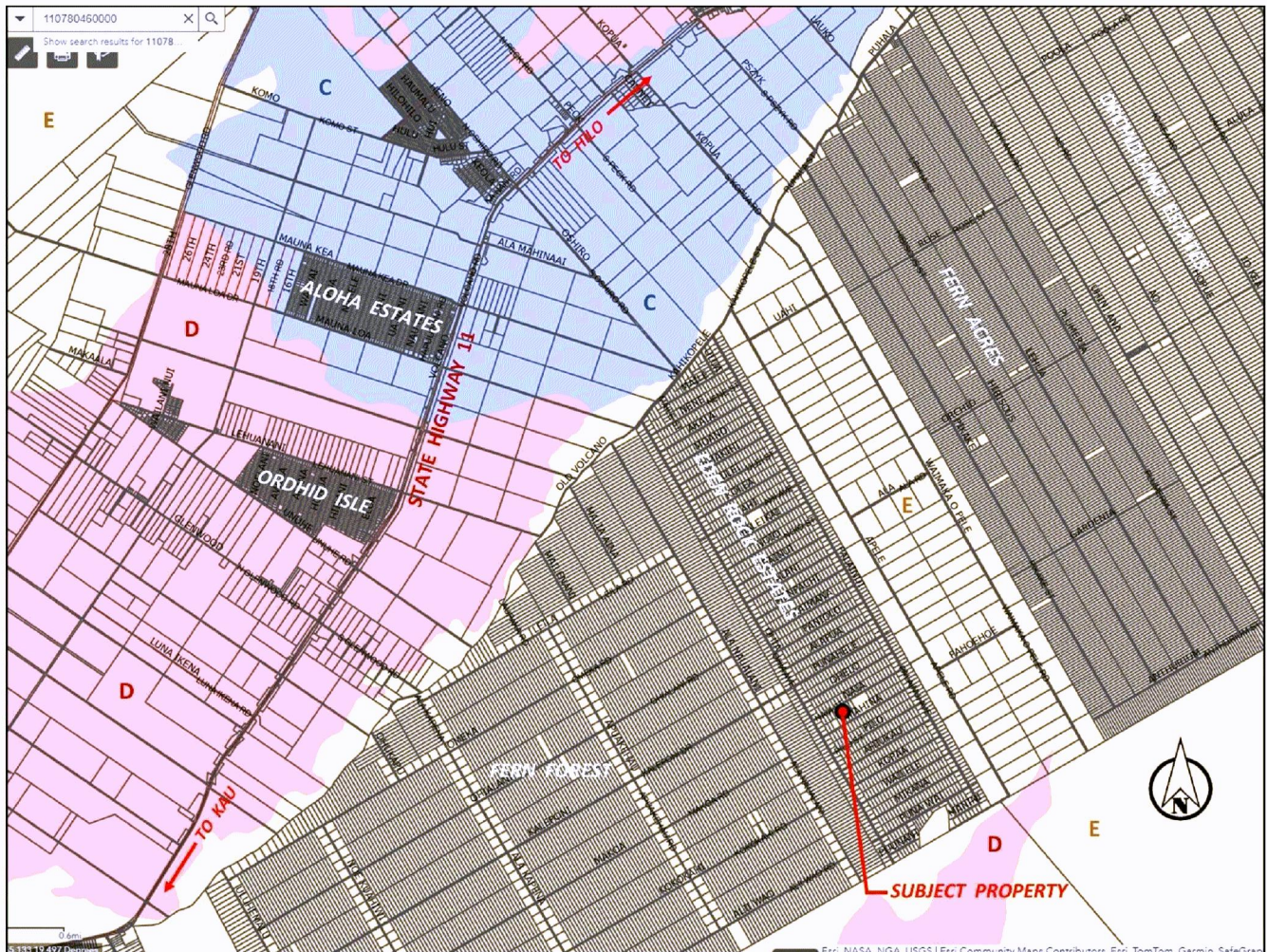


Figure 9 – Land Study Bureau

6. FIRM: Zone X

The Subject Property is designated within Zone "X" - determined to be outside the 500-year flood plain. There are no known drainageways traversing through the subject property.

7. Flora/Fauna Resources

No professional surveys were conducted of the flora/fauna resources on the subject property as the proposed B&B will be conducted within the existing 1-bedroom single family dwelling and immediately surrounding area comprising approximately 9,000 square foot building site within the larger 1-acre property that has been extensively cultivated with various plants and fruit trees. Therefore, the likelihood of any rare or endangered species, habitat or flora being impacted by the requested use is highly unlikely.

8. Archaeological Resources

No formal archaeological studies have been conducted upon the subject property due to the limited scope of the proposed B&B use to areas of the property already extensively altered. There are no known historic sites as listed on the State or National Register of Historic Places. During any land disturbance activity, should inadvertent discoveries be made, the Applicant will cease work and notify the Planning Department and the Department of Land and Natural Resources-State Historic Preservation Division (SHPD).

9. Cultural Practices or Native Gathering Rights

According to the Applicant, there are no known customary or Native Hawaiian cultural rights exercised within the subject property. The Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka 'Aina" decisions require decision-makers to consider a project's impact to native Hawaiian gathering and fishing rights. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this area and the impact of this project to these resources and practices.

Given the that the subject property is absent of any archaeological features due to its extensively disturbed and cultivated condition, it can also be reasonably concluded that native Hawaiian cultural practices are not being exercised anywhere within the subject property. There are no caves, springs, pu'u, native forest groves or other natural features. Therefore, the subject property does not contain the quality of resources that would be important for native gathering. The subject property is not adjacent and/or proximate to the shoreline, therefore gathering of marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. The Applicant has never observed the subject property or adjoining properties as being used by Native Hawaiians for the gathering of plants, nor have they been informed of such activity. However, if a legitimate gathering claim is made by a Native Hawaiian, the Applicant will work with the claimant to respect and honor such claims and provide the needed access within the site.

10. Public Access

There is no record of a designated public access to the shoreline or mountain areas that traverses through the subject property.

E. PUBLIC UTILITIES AND SERVICES

1. Access

Primary access to the subject property from State Highway 11 (Mamalahoa Highway) is via:

- South Kopua Road for about 1.5 miles;
- Then right onto Kahikopele Road for another 1.7 miles until you take a left onto Ohia Avenue;
- Proceed along Ohia Avenue for 2.4 miles and take a left onto Naia Street;
- Proceed along Naia Street for about 1,000 feet until you reach the subject property located on the left.

All roads leading to Naia Street are two lanes with at least 16-feet of pavement within 60-foot wide rights-of-way. The last remaining mile of Ohia Street leading to Naia Street has the

southbound lane resurfaced with the northbound lane in an easily drivable, but relatively poor condition. Naia Street maintains a gravel surface approximately 11 to 13 feet wide within a 40-foot wide right-of-way. South Kopua Road is a County road, with all other roads privately maintained.

2. Water

The Subject Property, as with most of the lots within this subdivision, are not serviced by the County's water system. The existing dwelling is serviced by a 10,000-gallon water catchment system for non-potable use. Bottled water will be provided for guest consumption.

3. Wastewater

An individual wastewater treatment (septic) system is currently installed and servicing the existing dwelling and approved by the State Department of Health. This system is sufficient for the proposed B&B operation as it was designed for a 3-bedroom capacity and no further improvements are anticipated unless required by the State Department of Health.

5. Solid Waste

Any solid waste generated by the existing dwelling and proposed B&B operations will be disposed of by commercial solid waste disposal companies or, as convenient, by the B&B host.

6. Essential Utilities and Services

The existing dwelling is totally off-grid, with electrical power provided by a solar system with storage. Cellular service is available.

7. Public Safety

As the subject property is located in a remote section of the Puna District, the nearest public safety facilities are located in Kea'au, about 14 miles and 30 minutes away. Volunteer fire services are located in adjoining Fern Forest and Fern Acres subdivisions.

F. STATEMENT OF REASONS IN SUPPORT OF GRANTING SPECIAL PERMIT

1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations

The request is considered an unusual and reasonable use of agricultural lands, but it is a practical use given the small size of this agricultural parcel and the fact that the proposed use will be limited to the space occupied by an existing single-family dwelling. The requested use will not adversely affect the preservation and agricultural use of the County's prime agricultural land and therefore, is not contrary to the objectives sought to be accomplished by the State Land Use Law and regulations. The General Plan identifies the subject property for rural uses, a mixture of residential and agricultural use, while soils in the property are considered very poor for agricultural productivity by the Land Study Bureau. So clearly, Eden Rock Estates is transitioning from an agricultural to a rural community.

2. The desired use shall not adversely affect surrounding properties

The proposed B&B operation will be limited to no more than 3 guests within an existing two-story, 512 square foot dwelling situated within a portion of a one-acre parcel. Adequate on-site parking for up to 6 vehicles will be provided for both the host and guests, more than sufficient given the small guest count. The subject property remains heavily vegetated, providing adequate noise and visual buffers from adjoining properties. And since the B&B will be hosted by an on-site operator, activities directly associated with the B&B will be properly managed so that neighbors are not adversely affected. The Applicant wishes to be a good neighbor, and will ensure that proper behavior and activities are promoted at all times, such as during the quiet hours from 9:00pm to 7:00am daily.

3. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection

The existing dwelling is designed as an off-grid system, with electrical power provided by a solar system with storage; water provided by catchment and commercial bottled water; and wastewater treated by an existing septic system. Roads to the subject property from Highway 11 is sufficient to manage the limited vehicular traffic generated by the proposed B&B operation, likely limited to 2 vehicle trips per day. While the subject property is situated within a relatively remote section of the Puna District, it still remains about 30 minutes away from Kea'au town and the public and safety services available at this nearby town.

The Applicant intends to offer continental-style breakfast foods such as commercial cereal, certain pastries, breads, fruits, coffee, tea, or juice. Given the limit of 3 guests, we understand that a food establishment permit is not required, although we also understand that the limited menu must be documented with DOH.

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

The State's Agricultural District boundaries and regulations were established in the 1960s and 1970s and through these regulations, the subject property and surrounding areas were designated for agricultural uses by both State and County land use laws. The law did, however, offer the issuance of a Special Permit for various "non-agricultural" services and uses. Since the district boundaries were established, demand has increased for accommodations for guests who seek an alternative to the typical resort destinations located in urban area. The subject property is located about 19 miles or 30 minutes from the Hawai'i Volcanoes National Park, which has been very active lately and has been drawing tourists from around the world to witness its spectacle.

5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district

Soils with the subject property are classified as "Very Poor" for agricultural productivity. Regardless, the Applicant has been successful in cultivating a variety of plants and fruit trees, but not at a scale that is beyond just subsistence-level and for personal enjoyment.

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

The General Plan recognizes Eden Rock Estates as a rural community of single-family dwellings and limited agricultural activities. Eden Rock Estates was developed in the 1960s and remains largely undeveloped, with scattered dwellings, agricultural activities. On-site parking will be provided and the limited daily traffic anticipated to be generated by the B&B will not have a significant adverse impact upon area roadways or to nearby neighbors. The Applicant will maintain the lush plantings on the property not only for its aesthetic value or sustenance, but also as a visual and noise buffer to adjoining properties.

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

In considering the issuance of a Special Permit to allow a particular use, it must be assessed against the applicable goals, policies and standards of the General Plan. It is only through a comprehensive policy analysis approach that evaluations and decisions can be made to better time or stage developments to achieve quality growth. The implications of these evaluations and decisions must also be considered as they may have an impact on other similar areas in the County.

Land use is one of the principal focal points of public concern and policy. The Land Use Element of the General Plan provides the primary basis for direct control and guidance of publicly and privately owned resources. It is also intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies,

standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall Land Use goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents.

In addition to its goals, policies and standards, the General Plan also includes the Land Use Pattern Allocation Guide (LUPAG) Map, which is a graphic representation of the document's goals and policies to guide the coordinated growth and development of all sectors of the County by presenting 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 General Plan LUPAG Map properly designates the subject property and all of Eden Rock Estates for Rural uses. Approval of the Applicant's request will not be detrimental towards the continued transition of this subdivision into a rural community.

Therefore, approval of the subject request would support the following goals and policies of the Land Use and Economic elements of General Plan:

Land Use Element

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawai'i.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- The County of Hawai'i shall encourage the development of a visitor industry that is in harmony with the social, physical, and economic goals of the residents of the County.
- The proposed request will allow the Applicant an opportunity to improve her quality of life, allowing her to continue to service others, and to provide an economic environment which allows this new opportunity and increase the development of the visitor industry for Hawai'i.

G. GROUND FOR APPROVAL OF A SPECIAL PERMIT (Planning Department Rule Section 6-7)

The Planning Commission shall not approve a Special Permit unless it is found that the proposed use:

- 1. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be.**

In recognizing that lands within Agricultural districts 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 Applicant built her home on the subject property with the intention of moving there. However, life circumstances compelled her to move away from her home in her desire to help others as a licensed social worker. Instead of leaving her home abandoned or selling it, she made her home available to visitors prior to the new STVR laws when she is not visiting her home about twice a year. This opportunity helped her finance her graduate degree in social work and her continuing efforts to help others. So instead of being a liability, she wishes for this home and property to continue to be an asset for her. With a total of 3 guests and 1 host, the proposed B&B will still accommodate a number of people (five) that is typically recognized as a single family according to the County. And offering her home to guests encourages her to maintain not only the dwelling, but the property itself by continuing to cultivate plants and fruit trees.

- 2. Would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.**

The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai‘i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Soils within the Project Site are primarily identified as pahoehoe lava with a thin surface layer of soil, a combination that is classified as "Very Poor" soil for agricultural productivity by the Land Study Bureau's Overall Master Productivity Rating. Therefore, the proposed B&B 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.

H. COASTAL ZONE MANAGEMENT

The requested amendment to Special Permit No. 1122, if approved, will not be contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The Subject Property is not situated within the Special Management Area, being located at least 11 miles from the nearest coastline, and is not subject to any **coastal hazard** nor anticipated to have any adverse impact upon coastal resources such as **coastal recreational and marine resources, coastal ecosystems** or the **public use and recreational use of any beach**.

There is no record of a designated public access that traverses the subject property, as the site has been altered by past activities to accommodate the existing dwelling as well as cultivating various plants and fruit trees throughout the property. Given that the subject property is absent of any archaeological features, it can also be reasonably concluded that native Hawai'ian cultural practices are not being exercised within the subject property. There are no caves, springs, pu'u, native forest groves or other natural features that would suggest the quality of resources that would be important for native gathering. Therefore, it is not anticipated that approval of the request will have any adverse impact on **cultural or historical resources** in the area.

Both State and County laws have evolved over the years to support various types of activities within the Agricultural district as needs have been identified and support is provided. That is exactly the purpose of the Special Permit, which provides for a case-by-case assessment of non-agricultural uses that may be unusual within an Agricultural district, but reasonable given the circumstances. In this case, you have existing single-family dwelling within a relatively remote rural subdivision in Puna, but close to a major natural attraction at the Hawai'i Volcanoes National Park. The Applicant is aware of these specific needs within their community and they wish to provide it. Therefore, this request is supportive of the County's efforts towards properly **managing development**.

Finally, in terms of the **public participation** objective, this is generally a public agency function. This is achieved through the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the public hearing process required pursuant to the Planning Commission's Rules and County Council's meetings on this application. Notices of this application will become available through the posting of a sign on the property, as well as sending two (2) notices to surrounding property owners, one at the time the application is filed and again, prior to the public hearing.

In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka 'Aina" decisions, the issue relative to native Hawai'ian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site. The subject property is located about 11 miles from the shoreline with no known valued cultural, historic, or natural resources related to traditional and customary practices, and no traditional and customary native Hawai'ian rights are exercised therein. For these reasons, the Applicant could find no evidence of any possible

significant adverse effects or impairments that will occur to any valued resources should the requested Special Permit be approved. Should the Applicant inadvertently encounter any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, the Applicant agrees to cease work in the immediate area and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-HPD), resuming activities only upon securing archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.

I. CONCLUSION

Based on the discussion above, the Applicant finds that approval of the requested Special Permit to allow the establishment of a 1-bedroom B&B establishment within an existing dwelling situated within a portion of the 1-acre property situated within the State Land Use Agricultural District aligns perfectly with the goals and objectives of the State Land Use Law and Regulations.

BUILDING CODE INFORMATION

- FLOOR LIVE LOAD = 40 psf
 - ROOF LIVE LOAD = 20 psf
 - WIND SPEED 120 mph
 - WIND EXPOSURE CATEGORY (ref. R301.2.1.4): Exposure A C E
 - SEISMIC DESIGN CATEGORY (ref. Figure R301.2(2)): D1 D2 E
- STRUCTURE ALLOWED TO BE REVIEWED AS BEING IN SDG D2 PER PCS1.2.2.1.2 (REGULAR CONSTRUCTION)

2016 IRC 2017 NEC 2018 UPC
VB CONSTRUCTION R-5 OCC/PARTY

HAWAII COUNTY ENERGY CODE

2018 IECC, HAWAII REVISED STATUTES HRS 107-24 TO 28, & HAWAII ADMINISTRATIVE RULES HAR 3-181.1

RESIDENTIAL BUILDING ENERGY EFFICIENCY STANDARDS

TO THE BEST OF MY KNOWLEDGE, THIS PROJECT'S DESIGN SUBSTANTIALLY CONFORMS TO THE ESSENTIAL PROVISIONS OF THE 2018 IECC WITH AMENDMENTS PER HAWAII COUNTY CODE CHAPTER 5.

COMPLIANCE METHOD/EXEMPT

R402.1 GENERAL: EXEMPT

R402.1 GENERAL: EXCEPTION #1. 1.2 STRUCTURES THAT DO NOT CONTAIN CONDITIONED SPACE (SHALL BE EXEMPT FROM THE BUILDING THERMAL ENVELOPE PROVISIONS OF SECTIONS 402.1.1 THRU 402.1.5)

- ☐ Tropical Zone, R 401.2.1 (must have opening area to exterior of at least 4% of floor area in each room)
- ☐ Prescriptive, R402
- Roof and Wall
- ☐ Insulation R-value, Table 401.1.2
 - ☐ Construction U-factor, Table 401.1.4
 - ☐ Total U-factor, R402.1.5
 - ☐ Points Option, R 407
- ☐ Simulated Performance Alternative, R405
- Energy Rating Index Compliance Alternative, R406

INFORMATION CONSTRUCTION DOCUMENTS

Envelope	Yes	No
Roof insulation R-value	☐	☒
Roof insulation type and location	☐	☒
Roof membrane solar reflectance and thermal emittance	☐	☒
Wall insulation R-value	☐	☒
Wall insulation type and location	☐	☒
Window and skylight SHGC	☐	☒
Air leakage testing requirement	☐	☒
Air Conditioning		
Air conditioning equipment capacity and efficiency	☐	☒
Programmable thermostat	☐	☒
Duct insulation R-value	☐	☒
Duct leakage testing requirement	☐	☒
Electrical		
Lighting fixture locations	☐	☒
Lighting type	☐	☒
Celling fans	☐	☒
Whole-house fan	☐	☒

NOTES

R402.2 A CEILING FAN, FAN-LIGHT, OR WHOLE HOUSE FAN IS PROVIDED FOR BEDROOMS AND THE LARGEST SPACE THAT IS NOT USED AS A BEDROOM, PROVIDED THAT THE FAN'S MOTOR MECHANICAL VENTILATION SYSTEM COMPLIES WITH THE REQUIREMENTS OF TABLE R402.1.

ROOF OF PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH EFFICIENCY LAMPS (R404.1). HIGH EFFICIENCY LAMPS ARE DEFINED AS (1) T-8 OR SMALLER DIAMETER LINEAR FLUORESCENT LAMPS, (2) COMPACT FLUORESCENT, (3) LED LAMPS/WATT IF GREATER THAN 10 WATT, 50 LUMENS/WATT IF MORE THAN 10W AND LESS THAN 40 WATT, 40 LUMENS/WATT IF LESS THAN 10 WATT, (4) MOST BUT NOT ALL LED LAMP QUALITY TEST PROFILES TO PERMANENTLY INSTALLED FIXTURES. LOW VOLTAGE LIGHTING IS EXEMPT.

A CEILING FAN IS CONTINUOUSLY RUN FOR 20 MINUTES PRIOR TO FINAL INSPECTION.

ALL WINDOWS, SLIDING GLASS DOORS, AND GLAZING IN FRENCH DOORS SHALL BE DOUBLE PANE GLAZING WITH LOW-E COATING, WITH A SOLAR HEAT GAIN COEFFICIENT 0.25 MAXIMUM (R402.3)

THIS PROJECT IS IN COMPLIANCE WITH HRS [106-6.5] "SOLAR WATER HEATER SYSTEM REQUIRED FOR NEW SINGLE FAMILY CONSTRUCTION." UNDER VARIANCE (A) "A FURNACE WATER HEATER DEVICE APPROVED BY AN ACCREDITED LABORATORY, INC. IS INSTALLED, "POURED" THAT AT LEAST ONE OTHER GAS APPLIANCE IS INSTALLED IN THE DWELLING. FOR THE PURPOSES OF THIS PARAGRAPH, "FURNACE WATER HEATER" MEANS A GAS-TANKLESS INSTANTANEOUS WATER HEATER THAT PROVIDES HOT WATER ONLY AS NEEDED."

Agriculture on Property

Edible or Used for Cooking:

- Sugar Cane
- Meyers Lemon
- Banana
- Starfruit
- Coconut
- Avocado
- Dragonfruit
- Hibiscus
- Ginger
- Ti
- Pineapple
- Basil
- Rosemary
- Strawberry Guava
- Bamboo / Bamboo Shoots

Decorative Agriculture:

- Monstera
- Bromeliads
- Bamboo Orchid
- Pink Powder Puff tree
- Red Powder Puff Tree
- Anthurium
- Croton Plants
- Gardenia
- Hydrangea
- Corn plants
- Sunflowers
- Chinese Ground Orchid
- Gold Fern
- Montbretia
- Money Tree

*** Protection and cultivation of native plants, including but not limited to Hāpu'u, 'Ohia lehua trees, Anthurium, Kupukupu, Palapalai, 'iwa'iwa, Anthurium, 'uki, and hairgrass.

AS-BUILT ONE BEDROOM, ONE BATH DWELLING

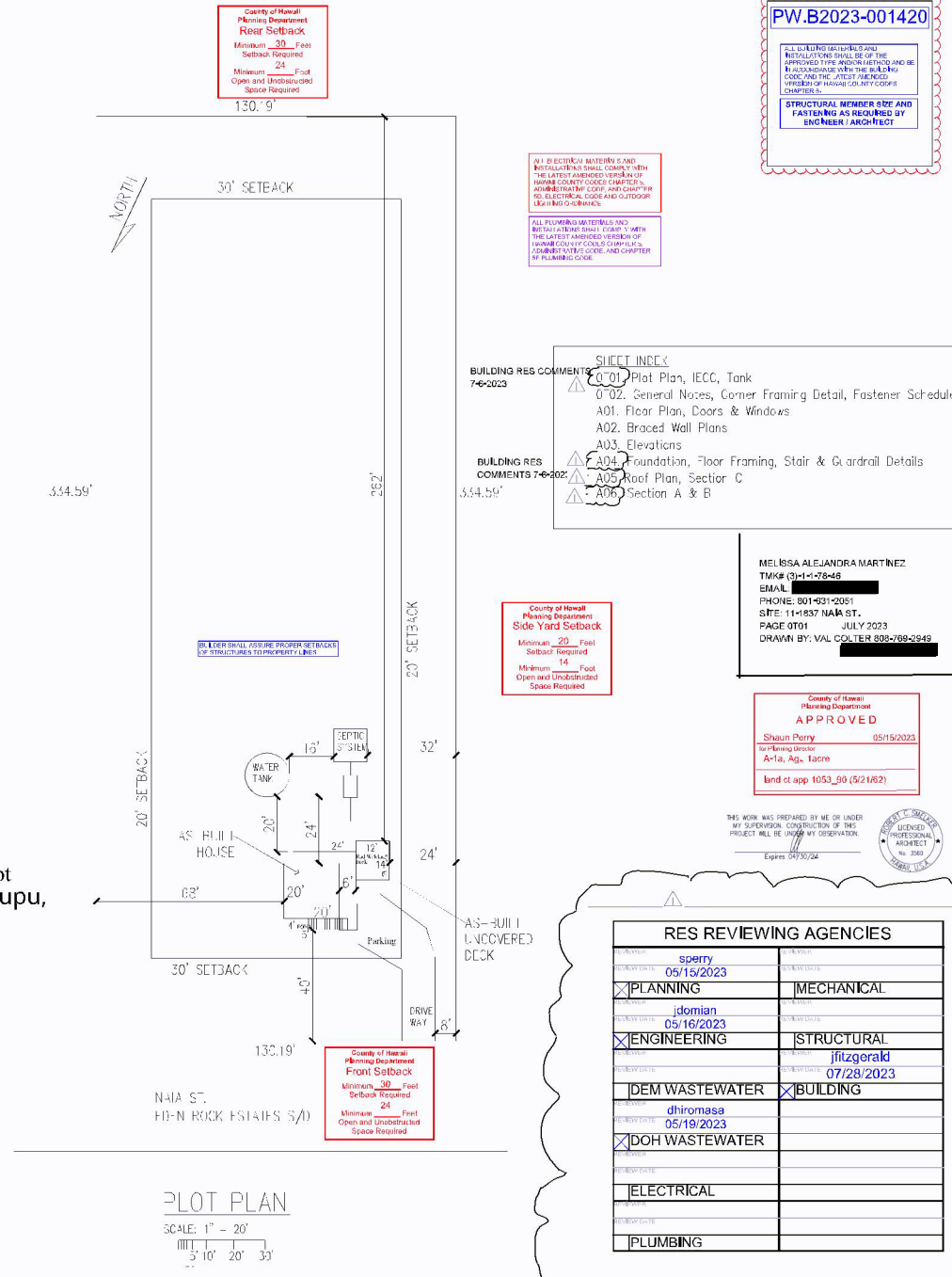
ENCLOSED LIVING AREA: 512 sq ft
ACCESSORY AREA: 225 sq ft
(Deck 209, Porch 16)

As-Built unless noted otherwise.

Electrical & Plumbing work will all be done or re-done by licensed contractors.
Walls will be open for inspections.

Septic system to be all new installation.
No as-built system in place.

EXHIBIT A



STRUCTURAL MEMBER SIZE AND FASTENING AS REQUIRED BY ENGINEER / ARCHITECT

Diagram illustrating the types of doors and windows and their associated light and ventilation requirements. The diagram shows a vertical scale 'L' and a horizontal scale 'W'.

Types of doors and windows shown:

- 1** 3-0 6-8 EXTERIOR DOOR
- 2** 2-6 6-8 INTERIOR DOOR
- A** 3-0 4-0 SLIDING GLASS LIGHT: 24 sf VENT: 12 sf
- B** 3-6 4-0 SLIDING GLASS LIGHT: 26 sf VENT: 13 sf
- C** 4-0 6-6 CASEMENT LIGHT: 35 sf VENT: 26 sf
- D** 4-0 6-6 CASEMENT LIGHT: 24 sf VENT: 20 sf
- E** 2-0 2-0 CASEMENT LIGHT: 4 sf VENT: 2 sf
- G** 3-0 3-0 SLIDING GLASS LIGHT: 9 sf VENT: 4 sf
- H** 3-0 2-0 FIXED GLASS LIGHT: 5 sf
- I** 6-0 1-0 FIXED GLASS LIGHT: 5 sf
- V** 2-0 2-0 FIXED GLASS LIGHT: 4 sf

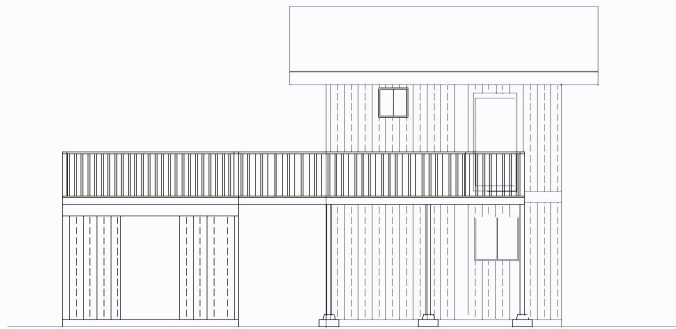
SCALE: 1/4" = 1'-0" ALL EXTERIOR GLASS SHALL BE MAX. 0.25 SHGC

MELISSA ALEJANDRA MARTNEZ
TVKJ (3)-1-1-78-46
PAGE A01

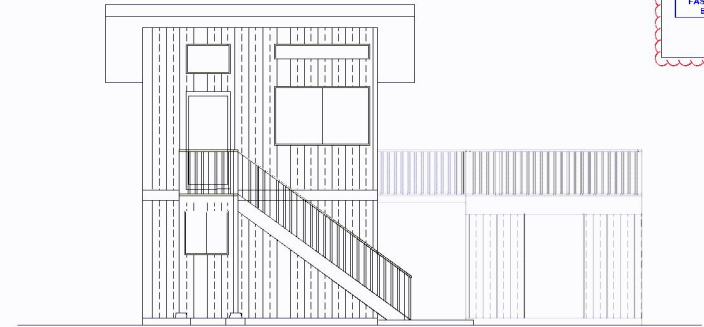
PW.B2023-001420

ALL BUILDING MATERIALS AND
INSTALLATIONS SHALL BE OF THE
APPROVED TYPE AND QUALITY AND BE
IN ACCORDANCE WITH THE BUILDING
CODE AND THE LATEST REFINED
VERSION OF HAWAII COUNTY CODES
CHAPTERS 1.

STRUCTURAL MEMBER SIZE AND
FASTENING AS REQUIRED BY
ENGINEER / ARCHITECT



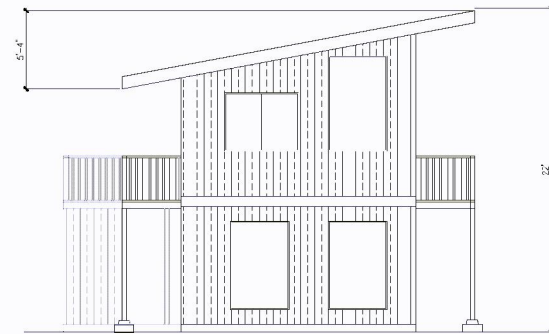
REAR



FRONT



RIGHT



LEFT

ELEVATIONS

SCALE: 1/4" = 1'-0"



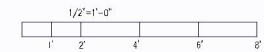
THIS WORK WAS PREPARED BY ME OR UNDER
MY SUPERVISION. CONSTRUCTION OF THIS
PROJECT WILL BE UNDER MY OBSERVATION.

Expires 04/30/24

MELISSA ALEJANDRA MARTINEZ
TAK# (2)-1-1-73-16
PAGE AC3



SECTION SCALE: 1/2" = 1'-0"



Expires 04/30/24

MELISSA A. EJANDRA MARTINEZ
TMP # (3)-1-78-46
PAGE 436



SITE PHOTOS

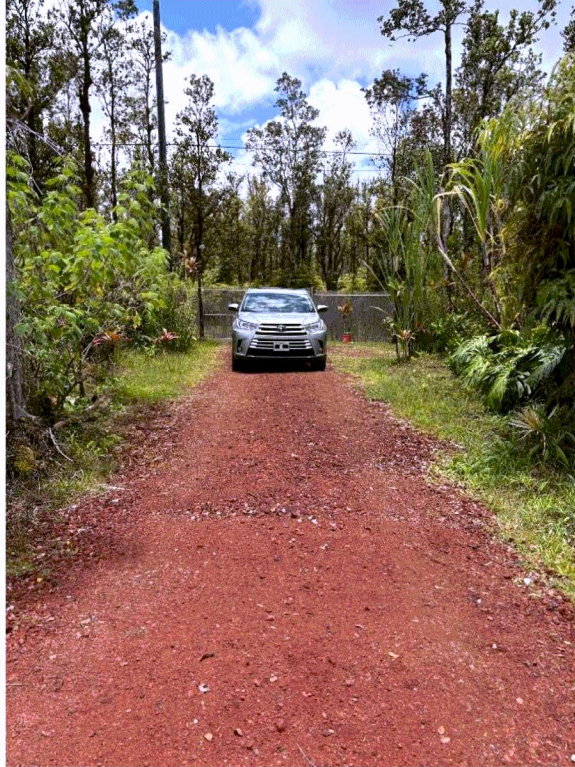


Looking southwest along Naia Street
(Subject Property on left)



Subject Property entry from Naia Street

EXHIBIT B



**Looking Back toward Entry
(note length of cinder driveway)**



Additional 2 car tandem parking near front of dwelling



Front entry of dwelling



Rear of dwelling

Re: Martinez PL-SPP-2025-000095

From Daryn Arai <[REDACTED]>

Date Wed 3/11/2026 2:37 PM

To Ramos-Kia Tupua, Moses (Moke) <MosesMoke.Ramos-KiaTupua@hawaiiicounty.gov>

Aloha Moke,

Sorry for the delay in getting back to you.

In communicating with the Applicant, her goal is to maintain the agricultural character of the property while allowing the Bed & Breakfast use to both support the land financially while sharing the unique environment of the area with visitors, as past visitors have expressed to her before she discontinued the use while she secured the proper approvals.

She has enjoyed hosting a space that offers visitors an authentic experience of Hawai'i's agricultural and rural community that is representative of Eden Roc Estates by allowing visitors to connect with nature and appreciate this rural environment, while promoting conservation and protection of agricultural land by exposing tourists to agritourism, as witnessed by the care she has taken to cultivate the property with many varieties of ornamental and fruit trees. Without the supplemental income generated by the requested bed and breakfast operation, she might be forced to sell the property with no assurance that any future owner will continue to cultivate her agricultural vision for this property.

The Applicant has found that guests consistently choose rural accommodations like hers because they are seeking a peaceful nature-based experience that connects them to the landscape and local community. Sharing the beauty of the space with others has been a meaningful way for her to connect with others over the years. The unique location provides convenient access to natural and cultural destinations such as Hawai'i Volcanoes National Park and the shops, restaurants, and farmers markets surrounding the Hilo area; allowing visitors to stay in a countryside setting rather than a resort or hotel environment. Visitors drawn to this type of lodging tend to value nature, agriculture, and respecting local culture, and they often support nearby farms, small businesses, restaurants, and markets during their stay. In this way, a carefully managed bed & breakfast on this property will not only helps sustain the agricultural use of the property, but also contribute to the local rural economy while offering visitors an authentic experience of Hawai'i's landscape and community. It is meaningful to me to know that she vicariously help contribute to the local economy in this way.

The scale of a Bed & Breakfast is intentionally small, owner-managed, and low impact, generating minimal traffic while allowing visitors to experience the agricultural landscape that makes this part of Hawai'i unique.

For these reasons, she believe this use represents a reasonable and compatible way to steward the land while contributing positively to the local community and visitor experience.

Hope this is helpful to you to understand the Applicant's perspective and purpose for this application. Let me know if you require additional information.

Daryn

[Daryn Arai](#)

Mobile: (808) 895-3218

From: Ramos-Kia Tupua, Moses (Moke) <MosesMoke.Ramos-KiaTupua@hawaiicounty.gov>

Sent: Monday, March 9, 2026 1:13 PM

To: Daryn Arai <[REDACTED]>

Subject: Re: Martinez PL-SPP-2025-000095

Aloha,

Is this an accurate statement?

"According to the applicant, she would like to establish a bed and breakfast to generate supplemental income by offering a room to short-term guests. The revenue generated by the operation will be used to offset the expenses while she is not on island."

Mahalo,

Moses "Moke" Ramos-Kia Tupua

From: Daryn Arai <[REDACTED]>

Sent: Monday, March 9, 2026 1:01 PM

To: Ramos-Kia Tupua, Moses (Moke) <MosesMoke.Ramos-KiaTupua@hawaiicounty.gov>

Subject: Re: Martinez PL-SPP-2025-000095

Hi Moke,

We included the attached statement of purpose in the application on Page 3 of the narrative. I will get more info regarding location of property and attractions in the area, sort of why there is a demand for such accommodations in her subdivision. I know she once spoke of accommodations between volcano and Hilo. Is this what you are looking for?

Thanks!

[Daryn](#)

From: Ramos-Kia Tupua, Moses (Moke) <MosesMoke.Ramos-KiaTupua@hawaiicounty.gov>

Sent: Monday, March 9, 2026 12:36 PM

To: [REDACTED] <[REDACTED]>

Subject: Martinez PL-SPP-2025-000095

Aloha,

Hope this email finds you well. I am working on the reports for Martinez B&B and cant find a reason for the request without forming my own opinion. Can you please provide me with a reason for the SPP request to use in the reports?
I would greatly appreciate a quick response.

Mahalo,

Moses "Moke" Ramos-Kia Tupua

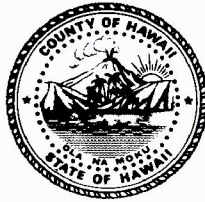
Planner – Planning Division
County of Hawaii – Planning Department
101 Pauahi Street, Suite 3
Hilo HI 96720



Mitchell D. Roth
Mayor

Lee E. Lord
Managing 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

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

February 16, 2023

Melissa Alejandra Martinez
1778 Stone Ridge Drive
Bountiful, UT 84010
Email: [REDACTED]

Dear Ms. Martinez:

SUBJECT: Closure Letter

Complaint: Illegal Short-Term Vacation Rental within Unpermitted Structures in the Agricultural (A-1a) Zoning District.

File No: PL-PCV-2022-00284

TMK: (3) 1-1-078:046, 11-1837 Naia Street, Eden Rock Estates, Hawai'i

On September 7, 2022, we have received a complaint stating that you were using your Agricultural zoned property for several years by operating illegal Short-Term Vacation Rentals (STVR) without permits and Non-Conforming Use Certificates (NUC) is now resolved and closed.

The subject property is located at 11-1837 Naia Street in Hawaii's Eden Rock Estates, Hawai'i. The parcel TMK is (3) 1-1-078:046 Lot 32, hereafter referred to as the "property", and is owned by Melissa Alejandra Martinez. The property consists of approximately one acre and is located within the State Land Use (SLU) Agricultural District, the County of Hawai'i Zoning Agricultural District (A-1a).

The County of Hawai'i, Planning Department regulates Chapter 25 of the Zoning Code and Rules of Practice and Procedure of Rule 23, Short-Term Vacation Rentals. As a reminder, currently, the Planning Department does not regulate hosted vacation rentals and long-term rentals. For additional information, we have provided the link to Chapter 25, Zoning Code, where you may find the referenced sections. [Zoning & Land Use | Hawaii County, HI Planning](#)

Planning Dept.
Exhibit 2

According to Hawaii County Code (HCC) Chapter 25 Section 25-1-5. Definitions:

“Dwelling unit” means one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single-family only and occupied by no more than one family and containing a single kitchen.

“Short-term vacation rental” means a dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site, and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner’s primary residence as defined under section 121 of the Internal Revenue Code.

“Single-family dwelling” means a building containing only one dwelling unit.

“Use” means the purpose to which land or any structure or improvement thereon or both are or may be put. The word “use” is synonymous with terms “land use” and “use of land” unless the context clearly indicates otherwise.

Section 25-4-16. Short-term vacation rentals.

(7) Any short-term vacation rental that has not lawfully registered within the deadlines set forth in this section shall be considered an unpermitted use and subject to the penalties set forth in this chapter until such time as proper registration and compliance with applicable requirements of this section are obtained.

Findings

Our investigation & resources find the subject property had not applied for and registered for a Short-Term Vacation Rental (STVR) and Nonconforming Use Certificate (NUC) regulated by the County of Hawai‘i Planning Department since the deadline of September 30, 2019. Therefore, is ineligible for STVR and NUC.

In addition to the findings, we do not find any records of building permits for the dwelling structure and its accessories regulated by the County of Hawai‘i (COH), Department of Public Works (DPW), Building Division. It is recommended for all existing structures and building improvements associated with a single-family dwelling to contact the DPW Building Division, the Hawai‘i State Department of Health (HDOH) Wastewater Branch, and all appropriate Hawai‘i County and State agencies for building codes and requirements by law.

Inspection

On February 9, 2023, our Planning Inspectors conducted a site inspection in your caretakers’ presence and observed the dwelling structure to match photos and descriptions of the “adventure

Melissa Alejandra Martinez
Closure Letter
PL-PCV-2022-00284
February 15, 2023
Page 2

treehouse” advertisement, of which has since been removed from platforms such as Air B&B.
(Exhibit A & B)

On February 8, 2023, you declared to have ceased and desisted the operation of the Short-Term Vacation Rental and removed all online and print advertisements promoting the STVR on the subject property. In addition, on February 9, 2023, the Planning Department received payment of the civil fine paid in full.

Based on the findings, we no longer find this subject property to be operating an illegal Short-Term Vacation Rental (STRV) therefore, we will not further investigate the issues listed above and consider the complaint closed. However, if any unpermitted use(s) return to the property, we may issue a notice of violation and order.

Should you have any questions which pertain to this matter, please feel free to contact Planning Inspector, Annalyn Seguban, of this office at planning@hawaiicounty.gov or at (808) 961-8288.

Sincerely,


Jeffrey W. Darrow for (Feb 17, 2023 10:06 HST)

ZENDO KERN
Planning Director

AS:ta

<\\COH01\planning\public\Enforcement\TMK Files\ZONE 1 Sec. 1-1 to 1-4\1-1-078-046closurePCV 22-00284.doc>

Enclosure: Receipt #554945

Cc: Department of Public Works – Building Division
Via Email: public_works@hawaiicounty.gov

EXHIBIT A



February 9, 2023 Site Inspection

EXHIBIT B

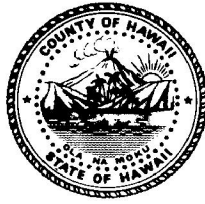


February 9, 2023 Site Inspection

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

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



County of Hawai'i

PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

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

June 27, 2025

Melissa Alejandra Martinez
1778 Stone Ridge Drive
Bountiful, UT 84010-1085

Dear Ms. Martinez:

SUBJECT: Closure Letter

Reference: Zoning and Land Use Violation Complaint PL-INT-2025-010289

Case No: PL-PCV-2025-00919

TMK: 1-1-078:046, 11-1837 Naia Street, Hawai'i Eden Rock Est., Hawai'i

This letter formally informs you that case #PL-PCV-2025-00919 is resolved and closed.

On April 1, 2025, the Planning Department (PD) received a complaint about an operation of short-term vacation rental known as the "Adventure Treehouse featured on HGTV1" is offered at your subject property. In addition, indicates you are the host of the Airbnb listing with evidence of multiple guest reviews of stays for a few nights and/or stayed for a night. Listing #7008774 at <https://www.airbnb.com/rooms/18462189>.

The County of Hawai'i Planning Department regulates Chapter 25 of the Zoning Code and Rules of Practice and Procedure Rule 9. The PD is currently not regulating and enforcing long-term and onsite host rentals. In addition, you are to be advised the Hawai'i County TVR Bill 47-25 Draft 2 of the Transient Vacation Rental Registration bill is currently proposed by the State Legislation. For more information about the economic impact go to: <https://www.hawaiicountyar.com>

Background and Findings

- The subject property consists of approximately one acre and is located situated in the State Land Use (SLU) Agricultural District (A) and within the County of Hawaii Zoning District Agricultural (A-1a).
- Based on our PD records of a previous violation of operating a short-term vacation rental within an unpermitted dwelling unit, case PL-PCV-2022-00284 was closed on February 16, 2023.
- The Department of Public Works-Building Division issued building permit PW.B2023-001420 on August 10, 2023, for a two level, one (1) bedroom, one (1) bath single-family dwelling.

Planning Dept.
Exhibit 3

Melissa Alejandra Martinez
Closure Letter
PL-PCV-2025-00919
June 27, 2025
Page 2

- Findings of prima facie indicate you are currently offering reservations for transient vacation accommodation for a minimum of thirty-one (31) nights.
- The Planning Department notes a submittal through the EPIC system, an application for Special Permit (PL-SPP-2025-000095) on June 19, 2025, for a one (1) bedroom Bed & Breakfast establishment.

Section 25-1-5. Definitions.

“Short-term vacation rental” means a dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner’s primary residence as defined under section 121 of the Internal Revenue Code.

Section 25-4-16. Short-term vacation rentals.

Section 25-4-16.1. Short-term vacation rental nonconforming use certificate.

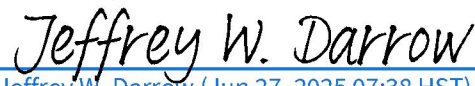
Section 25-4-16.2. Prima facie evidence; short-term vacation rentals.

Section 25-4-16.3 Short-term vacation rental enforcement account.

Please be informed, should any complaints and evidence of “un-hosted” short-term vacation rental be offered and used for accommodation on the above subject property we will immediately issue a Notice of Violation & Order with administrative fines and since this would be considered a recurrence of the violation, we will not waive any fines that are assessed.

We thank you for your attention to this matter. Should you have any questions that pertain to this matter, please feel free to contact the Planning Department at Planning@hawaiicounty.gov.

Sincerely,



Jeffrey W. Darrow (Jun 27, 2025 07:38 HST)

JEFFREY W. DARROW
Planning Director

AS:ta

V:\PL\PL\planning\public\Enforcement\TMK Files\ZONE 1 Sec. 1-1 to 1-4\1-1-078-046\Closure Letter 11078046 PL-PCV-2025-00919 Martinez.docx

Cc: Planning Commission
Maija.Jackson@hawaiicounty.gov
Moses.Ramos-Kia.Tupua@hawaiicounty.gov

Administrative Services
Alan.Gunn@hawaiicounty.gov
Erica.Ta@hawaiicounty.gov



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: February 4, 2026

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Special Permit Application (PL-SPP-2025-000095)
Applicant: Melissa Martinez
Request: To Allow for the Establishment of a One (1)-Bedroom Bed &
Breakfast Operation Within a Portion of a Proposed Two (2)-
Bedroom Single-Family Dwelling
TMK: 1-1-078:046; Puna, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

Planning Dept.
Exhibit 4

1. All project activities shall comply with the Hawaii Administrative Rules (HAR),

Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

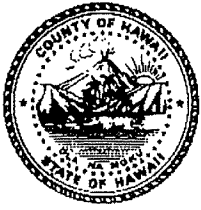
The purpose of these guidelines is to provide interpretation of the Department of Health's Administrative Rules, Title 11, Chapter 50, Food Safety Code, as it pertains to Bed and Breakfast operations.

A "Bed and Breakfast" establishment is where food is served to no more than six guests, so long as the person in charge obtains food protection certification pursuant to section HAR 11-50-20(c), food operations are limited to those risk categories enumerated in section 11-50-7(e)(1)-(4) (receiving; cold storage, holding, preparation, and thawing; hot storage, holding, and preparation, thermal processing) and signage, with lettering no smaller than one inch in height,

remains posted at the entrance to the kitchen within the home notifying any consumer that the food served is "Made in a home kitchen not routinely inspected by the Department of Health" shall be exempt from the provisions of this chapter except that they shall remain subject to inspection.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 7 – Hilo, Hawai'i 96720

Hilo Office (808) 961-8331 • Fax (808) 961-8410

Kona Office (808) 323-4720 • Fax (808) 327-3509

February 12, 2026

TO: Moses "Moke" Ramos-Kia Tupua (Planner III)

Cc: Jeffery W. Darrow (Planning Director)

SUBJECT:

Zoning Variance: Special Permit Application (PL-SPP-2025-000095)

Applicant: Melissa Martinez

Owner: MARTINEZ, MELISSA ALEJANDRA Fee Owner, Tenants in Severalty

Request: To Allow for the Establishment of a One (1)-Bedroom Bed &

Breakfast Operation Within a Portion of a Proposed Two (2)-

Bedroom Single-Family Dwelling

TMK: (3) 1-1-078:046;

This is to inform you that our records on file, relative to the status of the subject discloses that:

☒ X No Building permit was issued for work done on the premises.

Front Entry of Dwelling picture (page 34), indicates a structure with a ladder.(appears to be an uncover deck)

(Revision to PW.B2023-001420 indicates the deletion of the uncovered deck at that similar location.)

A Building Permit is Required for this As-built deck.

Real property tax map shows solar panels on roof.

A Building Permit is Required for this As-built solar panels.

☐ No building permit was issued for the change of occupancy.

☒ X At the time of completion, the subject complied with all Building Code regulations that were in effect.

Building Permit PW.B2023-001420 – 1 Bedroom, 1 Bath dwelling. (Completed 6/10/2024)

Planning Dept.
Exhibit 5

A Building Permit is Required to Change the permitted 1 Bedroom dwelling to the Proposed 2 Bedroom dwelling.

- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding:
 - ☐ Building ☐ Electrical ☐ Plumbing ☐ Sign
- ☐ Others:

This status report reflects Building Division records only and does not include information from other agencies.

Should you have any questions regarding matters contained herein, please feel free to contact Tod Tanimoto at phone no. (808)-961-8372

Daryn Arai
Land Use Planning Consultant

March 16, 2026

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Subject: Response to Agencies' comments regarding
Special Permit Application PL-SPP-2025-000095
Applicant: Melissa Martinez
Tax Map Key: (3) 1-1-078:046, Puna, Hawai'i

Thank you for providing the Applicant with comments received from the various reviewing agencies regarding the subject application, to which we provide the following responses for your consideration.

Department of Health (memo dated February 4, 2026)

The Applicant acknowledges the Department of Health no longer provides individual comments to agencies or project owners to expedite the land use review process. This being said, the Applicant anticipates that this project will not present any environmental health concerns with regulatory implications. The existing single-family dwelling is served by individual cesspool system compliant with State Department of Health regulations. The proposed addition of a second bedroom will utilize the same approved septic system.

No land alteration activities are contemplated in order to support the requested bed and breakfast operation, which will operate within the confines of the existing single-family dwelling with associated parking accommodated on the existing driveway. Therefore, the Applicant anticipates no compliance issues relating to clean air, safe drinking water, and sanitation issues.

The subject property is not situated within proximity to a public water well and resides within an area regulated by Underground Injection Control requirements. However, the proposed bed and breakfast operation will rely on the existing approved septic system and with therefore not compromise groundwater resources or public water systems.

Planning Dept. Exhibit <u>6</u>

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
Page 2 of 2
March 16, 2026

Police Department (memo dated January 11, 2026)

The Applicant acknowledges the response from the Police Department that it does not anticipate any significant project-related impact to traffic nor does it have any public safety concerns.

The Applicants note that comments have not been yet been received from the State Land Use Commission, State Department of Agriculture, Department of Public Works, Department of Environmental Management and Fire Department. Given that the requested bed and breakfast operation will be confined to the existing single-family dwelling utilizing the existing driveway and approved septic system, the Applicant anticipates that approval the request will not have an adverse effect upon the agricultural potential of the subject property or the surrounding area and will be structurally compliant with all applicable laws and requirements associated with building and sanitation.

In matters of typical concern to the Department of Public Works, the project site is not subject to any FEMA-designated floodways nor existing watercourses or drainageways. As no improvements are proposed beyond the confines of the existing single-family dwelling, there are no concerns regarding erosion and sedimentation effects associated with establishing the bed and breakfast operation on the subject property. Naia Street, a privately-maintained roadway, is expected to experience one (1) additional vehicle trip during both the morning and afternoon hours which is not expected to place an undue burden upon overall carrying capacity of Naia Street.

And finally, in matters of typical concern to the Department of Environmental Management, the subject property is serviced by the existing State DOH-approved septic system serving the existing dwelling. All solid waste generated by the existing single-family dwelling and the requested bed and breakfast operation will be disposed of at the Glenwood Recycling and Transfer Station.

We hope that we have adequately responded to comments offered by the respective agencies. Please feel free to contact me should there be any questions or need for additional information.

Sincerely,



DARYN ARAI
Land Use Planning Consultant

copy via email: Melissa Martinez

Daryn Arai
Land Use Planning Consultant

March 24, 2026

Mr. Jeffrey Darrow, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Darrow:

Subject: Response to DPW-Building Division comments regarding
Special Permit Application PL-SPP-2025-000095

Applicant: Melissa Martinez

Tax Map Key: (3) 1-1-078:046, Puna, Hawai'i

Thank you for providing the Applicant with comments received from the Department of Public Works-Building Division regarding the subject application. Ms. Martinez wishes to apologize for these oversights and will take prompt actions to resolve these identified issues affecting the existing dwelling and its ability to accommodate the requested bed and breakfast operation.

On that note, the Applicant, via this letter, will attest that as of the date of this letter, no person, whether residents or guests upon the subject property, will be permitted to use/occupy the unpermitted deck until such time proper building permits are secured from the County and all required inspections have been completed.

Furthermore, the Applicant will agree to any condition(s) that will prohibit the establishment of the proposed bed and breakfast operation until such time that any necessary building-related permits are secured and finalized to construct the second bedroom as represented by the Applicant and to properly permit the existing roof-mounted solar and septic systems.

We hope that we have adequately responded to comments offered by the Department of Public Works-Building Division and issues that we have been made aware of regarding the dwelling. Please feel free to contact me should there be any questions or need for additional information.

Sincerely,



DARYN ARAI
Land Use Planning Consultant

copy via email: Melissa Martinez