

COUNTY OF HAWAI'I PLANNING DEPARTMENT **BACKGROUND REPORT**

130 HOLDINGS LLC **AMENDMENT TO SPECIAL PERMIT NO. 870 (PL-SPP-2026-000115/** **AMEND SPP 870)**

130 HOLDINGS LLC is requesting to amend Special Permit No. 870. The proposed amendments would reduce the size of a proposed regional trade center to two buildings totaling 10,400 square feet; add a 600-square-foot volunteer fire truck parking area; amend Condition No. 3 (Complete Construction) for a 5-year time extension to complete construction; delete Condition No. 5 (Water Supply); delete Condition No. 6 (Improvements to Orchidland Drive); and delete Condition No. 7 (Highway 130/Orchidland Drive Intersection Improvements). The subject property is located at 16-1678 34th Avenue in Orchidland Estates Subdivision, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea'au-Pāhoa Road, Kea'au, Puna, Hawai'i, TMK: (3) 1-6-010:083.

APPLICANTS' REQUEST

1. **Request:** The applicant is requesting amendments to various conditions of Special Permit No. 870, which was originally approved to allow the establishment of a regional trade center on 2.311 acres of land within the State Land Use Agricultural District. The regional trade center was originally intended to be developed with five buildings, parking and related improvements. General services approved for the regional trade center include a variety of home, garden and animal supplies; catchment supplies, sales & service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative and home business outlet. A list of these allowed uses is referenced in Condition 8 of the existing permit and is articulated in **Planning Department Exhibit 1-Orchidland Trade Center-Project Overview**. Additionally, the permit was amended in 2003 to include food service uses.

The following amendments have been requested by the applicant:

- **Condition No. 3 (Time to Complete Construction)**: The applicant is requesting a 5-year time extension to complete construction of the proposed development. The proposed trade center was previously planned to be replaced by the ASC elementary school campus proposed under SPP 21-000228. However, as that project is no longer planned, the landowner intends to complete construction of the trade center on the property as soon as possible. The applicant will obtain Final Plan Approval from the Planning Director prior to obtaining any building permits and will ensure that the trade center complies with all necessary fire protection, access, parking and landscaping requirements. The condition currently states:

“Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) standards for CV zones adjoining a RS zone.”

- **Condition No. 5 (Water Supply Requirements)**: The applicant is requesting that Condition No. 5 be deleted as the property is now connected to the County water system and a fire hydrant has been installed. The proposed project will comply with all Department of Health and Fire Department requirements. The condition currently states:

“The applicant shall develop sufficient water storage to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting purposes for the proposed development. The storage facility shall be completed prior to Certificate of Occupancy and kept filled with enough water to meet the applicable Department of Health and

Fire Department requirements. If an improvement district or similar project is proposed which would make county water available to the property, the owner shall participate and pay its fair share of any applicable construction costs and connect to the County water system.”

- **Condition No. 6 (Improvements to Orchidland Drive)**: The applicant is requesting that Condition No. 6 be deleted. The applicant requests that this condition be deleted because the required improvements would be limited to the subject parcel frontage and would be inconsistent with the general road design and the rural agricultural character of the surrounding area. Additionally, other Special Permits for similar commercial-type uses, such as SPP 09-00098, which allowed for the establishment of a commercial retail and office building on TMK 1-6-010:137, and SPP-2022-000017, which legitimized the use of a warehouse and office facility on TMK 1-6-009:385, have been approved in this area along Orchidland Drive without requiring such roadway improvements, further rendering the improvements out of place for the area. The condition currently states:

“The applicant shall provide pavement improvements to the northern half of Orchidland Drive along the subject property’s entire Orchidland Drive frontage meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for any portion of the proposed project.”

- **Condition No. 7 (Highway 130/Orchidland Drive Intersection Improvements)**: The applicant is requesting that Condition No. 7 be deleted. The request to delete this condition was previously denied by the Planning Commission in 2014 at the request of the Department of Transportation (DOT), but the applicant has renewed the request, citing that the cost burden of the required improvements is unreasonable for a single applicant. DOT has since programmed intersection improvements (via a roundabout) in the Statewide Transportation Improvement Program, with construction anticipated in 2026 to address congestion and safety concerns. It is further noted that a more recent Special Permit for a school at the same site (SPP 21-000228), which was

expected to generate greater traffic impacts, did not require such intersection improvements. The condition currently states:

“Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchidland Drive shall be provided by the applicant if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.”

- **Project Scope Changes:** The applicant is requesting to downsize the project from five buildings to two buildings totaling 10,400 square feet and is requesting to include a 600-square-foot compacted gravel parking area for volunteer fire trucks.
2. **Current Project Proposal:** The applicant proposes the following project elements as part of the Special Permit amendment request:
- **Existing Building Use:** 1,000 square feet of Building 2 will be converted into a restaurant. The remainder of Building 2 (approximately 3,000 square feet) is proposed to be used for hot and cold certified kitchen uses with no retail activity or customer visits. The remaining building areas will be improved and allocated for trade bays consisting of 800 to 1,200 square feet each. Prospective tenants are expected to provide similar services to those proposed in the original permit and would include specialty trade contractors, such as electricians, plumbers, landscapers, auto repair providers, catchment suppliers and solar water heater installers. The trade center will not include any retail sales.
 - **Parking:** 47 standard and 2 ADA-accessible stalls.
 - **Volunteer Fire Truck Parking:** A 20-foot by 30-foot (600-square-foot) compacted gravel parking area is proposed for the Orchidland Volunteer Fire Department truck. The Volunteer Fire Department will also have access to water on site.
 - **Water:** Water is available through County water service. The water line has been connected to the property, and a fire hydrant has been installed.
 - **Hours of operation:** 6:00 am to 11:00pm

- **Landscaping:** Landscaping will mitigate potential noise and visual impacts to surrounding properties.
 - **Revoke Existing Permit:** If this application is approved, the applicant requests that the previous Special Permit for an Elementary School (Special Permit No. SPP 21-000228) be revoked.
3. **Supportive Information:** The applicant has submitted the attached in support of the request: **(Planning Department Exhibit 2 – Special Permit Amendment Request Application dated January 9, 2026 and Exhibit 3 - Additional information via email dated April 8, 2026).**
 4. **Landowner:** 130 Holdings LLC.

BACKGROUND INFORMATION

5. **May 19, 1994:** The Planning Commission granted Special Permit No. 870 (SPP 94-3) to Verne A. Wood for the operation of a regional trade center (focusing on catchment and potable water related sales and services, and retail sales of hardware, garden and animal supplies) on approximately 1.15 acres of land, subject to several conditions of approval.
6. **July 17, 1998:** The Planning Commission amended Special Permit No. 870 to add a 4-year time extension to Condition 4 to complete construction.
7. **June 20, 2003:** The Planning Commission amended Special Permit No. 870 to expand the permit area by adding the adjoining, one-acre parcel of land, amend Condition 4 to add a 4-year time extension to complete construction, and amend Condition 8 to change hours of operation from “daylight hours” to 6:00 a.m. to 9:00 p.m. and add food service uses.
8. **September 4, 2008:** The Planning Commission amended Special Permit No. 870 to add a 5-year time extension to Condition 5 to complete construction and amended Condition 6 to remove the requirement that the project operate on County water and provide an additional fire hydrant. Instead, this amendment required the applicant to develop sufficient water storage to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting purposes for the proposed development.

9. **August 18, 2010:** Final Plan Approval issued for Orchidland Trade Center on the subject parcel (Note: this Plan Approval has since expired).
10. **February 1, 2011:** Building Permits No. B2011-0152H and B2011-0153H were issued for the subject property, for two steel warehouse shell buildings (Note: the building permits have since expired.)
11. **April 13, 2014:** The Planning Commission amended Special Permit No. 870 to add a 5-year time extension to Condition 2 to complete construction, amend Condition 5 to revise requirements for roadway improvements on the property's Orchidland Drive frontage, and amended Condition 7 to increase hours of operation from 6:00 a.m. to 11:00 p.m. The Planning Commission also voted to deny the applicants' request to delete Condition 3 (comply with design guidelines), delete Condition No. 4 (requirement to develop on-site water storage), and delete Condition No. 6 (Orchidland Drive/Highway 130 Intersection improvements).
12. **October 7, 2021:** The Planning Commission voted to approve Special Permit No. SPP 21-000228 to allow the construction and operation of an elementary school campus for approximately 300 students on approximately 2.31 acres of land. Upon approval of this Special Permit, the Planning Department was to have revoked Special Permit No. 870 but failed to do so. The landowner and school were unable to come to an acquisition agreement for the elementary school, so Special Permit No. SPP 21-000228 has been abandoned and the applicant requests that it be revoked should the current amendments to Special Permit No. 870 be approved.

STATE AND COUNTY PLANS

13. **State Land Use (SLU) District:** Agricultural District.
14. **County Zoning:** A-3a; Agricultural 3-acres.
15. **General Plan (LUPAG) Map Designation:** Rural.
16. **Puna Community Development Plan (PCDP):** The PCDP was adopted by the Hawai'i County Council, Ordinance No. 08-116, on September 10, 2008. The subject parcel is located within the projected Orchidland Neighborhood Village Center, an area identified by the PCDP as "located along Orchidland Drive from Highway 130 to halfway between 34th and 35th Avenues", which encompasses 15 parcels and an area of about 16 acres."

17. **Special Management Area (SMA):** The subject property is located approximately 4.5 miles from the nearest coastline and is not within the Special Management Area.

DESCRIPTION OF PROPERTY AND SURROUNDING AREAS

18. **Project Site:** The subject parcel is approximately 2.311 acres of land and is rectangular in shape. There are two existing incomplete warehouse shell structures on the subject property, both built in 2012. One is approximately 6,400 square feet and the second is approximately 4,000 square feet. The remaining area of the parcel has been cleared and graded but remains undeveloped.
19. **Surrounding Zoning/Land Uses:** Most properties surrounding the subject parcel are zoned A-3a. The area is characterized by a mix of farms, single-family residences, a commercial center (Orchidland Estates Convenience Center), a church and vacant, undeveloped parcels. The Orchidland Estates Convenience Center includes a convenience store and gas station, in addition to the former Blaine's Drive In and the Orchidland General Store.
20. **U.S.D.A. Soil Type:** (rLV) Lava Flows A'a. This lava has very little soil covering and is bare of vegetation, except for mosses, lichens, ferns and small ohia trees.
21. **Land Study Bureau Soil Rating:** Soils within the project site are classified as "E" or "Very Poor" for agricultural productivity.
22. **ALISH:** Unclassified.
23. **Flood Zone:** The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the area of the proposed development to be in Zone X (areas outside of 500-year floodplain). According to the applicant, there are no identified drainage ways through the site.
24. **Flora/Fauna Resources:** There was no professional survey conducted of the floral and faunal resources for the subject property. However, as the area has been cleared and graded, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject property. Vegetation found in the project area consists primarily of non-native grasses and shrubs such as fireweed, sleeping grass and Asian sword fern. Introduced bird species such as dove, Japanese White-eye, house finch and myna

are common in this area. Domestic animals such as cats, dogs and other animals such as rats and feral pigs are also common. Impacts to flora and fauna are expected to be minimal because the lot has already been cleared and there is no native vegetation present.

25. **Archaeological/Cultural/Historical Resources:** The subject site is not adjacent to or proximate to the shoreline. As such, fishing and/or coastal access is not an issue. It is not known whether the subject property or immediate surrounding area have ever been used for the gathering of plants by native Hawaiians. However, it is unlikely that the site would serve such purpose today and/or in the recent past because it has been cleared and graded. By letter dated July 13, 2008, the State Historic Preservation Division issued a determination that “no historic properties will be affected” by the proposed development, citing previous urbanization and grading/grubbing that had altered the land.
26. **Public Access:** There is no coastal or mountain access through the subject property.
27. **Traffic:** Traffic on Orchidland Drive is made up primarily of residents of the area and users of the shopping/commercial area east of the parcel. The proposed use would generate an increase in traffic to the subject site of approximately 27 peak hour vehicle trips. This estimate was derived from an analysis of the Institute of Traffic Engineers (ITE) Trip Generation Manual, 11th Edition, based on an estimated 1.93 average peak hour trip rate per 1,000 square feet of specialty trade contractor space and an average 9.05 peak hour trips per 1,000 square feet of high turnover sit-down restaurant space. The applicant noted that specialty contractor space trip generation rates are also used for commercial kitchen uses since there is no standard trip generation in the manual for this use. The proposed commercial kitchen use is not anticipated to be a significant traffic generator since no customer visits or retail use would be allowed. According to the State Department of Transportation (DOT), roundabout infrastructure will complete its designing phase in 2026 and anticipates its completion by 2027 to provide the much-needed traffic safety enhancement at the Kea‘au-Pāhoa Road intersection with Orchidland Drive. This will also include

channelization and street lighting work. DOT also recommends that the applicant prepare a Traffic Assessment (TA) or Traffic Impact Analysis Report (TIAR) by a licensed professional engineer to include an evaluation to identify whether the daily operations relating to trip patterns and queuing concerns based on proposed uses will have any local or regional impacts to the nearby state-owned Kea'au-Pāhoa Road which should include the new roundabout in the analysis. The study should also provide any recommended mitigations to be implemented at no cost to the state. If the project construction is phased over multiple years, interim horizon years should be analyzed for the completion of each phase. The study should provide a discussion on multimodal (bicycle/pedestrian) paths within the proposed site and connectivity to the rest of the area. This study will be reviewed and accepted by DOT prior to issuance of building permits.

PUBLIC SERVICES AND FACILITIES

28. **Access:** The subject parcel is accessed via Orchidland Drive, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea'au-Pāhoa Road. The project will not take access from 34th Avenue. Orchidland Drive is privately owned by Hilo Development, Inc. (the original developer of the subdivision) and maintained by the Orchidland Community Association (OLCA). Orchidland Drive is a 60-foot-wide right-of-way with a pavement width of approximately 28 feet at the intersection with Kea'au-Pāhoa Road. The pavement width narrows to approximately 24 feet at the point of access to the subject parcel. Maintenance of subdivision roads is funded through mandatory road maintenance fees charged to landowners of the subdivision.

The applicant is proposing to install a single, full-turn driveway serving as the main entrance connecting to Orchidland Drive. There will be no separate driveway for the volunteer fire trucks.

29. **Water:** Potable water is available to the property via the Orchidland Gulsons LLC water system. An 8-inch waterline was extended across Orchidland Drive and a fire hydrant was installed fronting the subject property. According to the applicant, a water commitment for 17 units of water (approximately 6,800 gallons per day) was secured as part of the previously proposed school use and it is anticipated

that water needs for the current proposed project will not exceed the 17 units of water. According to the Department of Water Supply (DWS), the Orchidland Gulsons LLC water system is served by DWS, and although 130 Holdings LLC and Orchidland Gulsons LLC have entered into a water agreement, the DWS will need to determine if additional water is available, and if the capacity of the existing meter is adequate for the increase in water demand for the proposed project. The available 17 units of water was based on previous water calculations for the proposed Arts & Sciences Center and secured by a water commitment that has since expired. Based on the preceding, DWS requests that the applicant submit estimated maximum daily water usage calculations for the proposed development, for review and approval. The water usage calculations shall be prepared by a professional engineer licensed in the State of Hawai'i and should include the estimated peak-flow in gallons per minute (GPM), and the total estimated maximum daily water usage in gallons per day, including all irrigation/landscaping use. Upon receipt of the water usage calculations above, DWS will determine the water commitment deposit amount and prevailing facilities charge (subject to change) to be paid. Based on the water demand calculations, DWS will determine if the existing meter size is adequate to support the proposed development. Since the proposed development will receive water service through a master meter, DWS requests that the facilities charge be paid prior to the approval of a certificate of occupancy for the property. Subject to other agencies' requirements to construct improvements within the project area, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary. Despite the presence of a fire hydrant fronting the property, the 8-inch water line supplying the project does not meet DWS's 2,000 gpm fire flow rate standard for commercial use, thus the applicant will need to comply with requirements of the Fire Department for providing adequate access and sufficient quantities and flow rates of water for fire suppression.

30. **Wastewater:** The subject property is not serviced by the County sewer system; therefore, wastewater will be handled by individual wastewater systems meeting the requirements of the State Department of Health.

31. **Other Essential Utilities and Services:** Hawai'i Electric Light Company (HELCO) power is available to the site. The existing buildings on the subject property have installed stub-ups for utilities. Telephone and cable are available to the site. Police, fire and medical services are available nearby in Kea'au and Pāhoa.

AGENCIES' COMMENTS

32. **Department of Water Supply: (Planning Department Exhibit 4 – March 3, 2026 letter)**
33. **Department of Public Works – Engineering Division: (Planning Department Exhibit 5 – April 24, 2026 email)**
34. **Department of Public Works – Building Division: (Planning Department Exhibit 6 – March 6, 2026 memo)**
35. **State Department of Transportation: (Planning Department Exhibit 7 – March 17, 2026 letter)**

AGENCIES – NO COMMENTS/CONCERNS

36. Police Department; State Land Use Commission; and State Office of Planning and Sustainable Development.

AGENCIES – NO RESPONSE

37. Department of Environmental Management; Fire Department; State Department of Health; Department of Agriculture; and Department of Land and Natural Resources.

APPLICANT'S RESPONSE TO AGENCY COMMENTS

38. **Letter from John Pipan, Pipan Consulting LLC (Planning Department Exhibit 8 – March 30, 2026 letter).**

PUBLIC COMMENTS

39. **Testimony in opposition from Orchidland Community Association (Planning Department Exhibit 9 – March 8, 2026 email).**
40. **Testimony in Support from Chase Peneku (Planning Department Exhibit 10 – April 17, 2026 email).**
41. **Testimony in Support from Ralph Roubique (Planning Department Exhibit 11 – April 21, 2026 email).**

42. **Testimony in Support from Rob Garrett (Planning Department Exhibit 12 – April 22, 2026 email).**

APPLICANT’S RESPONSE TO PUBLIC COMMENTS

43. **Letter from Greg Gadd, Manager, 130 Holdings LLC (Planning Department Exhibit 13 – March 25, 2026 letter).**

ORCHIDLAND TRADE CENTER

PROJECT OVERVIEW

CONCEPT

To provide a regional center for those people who live and work in the neighborhood to conduct their business and have convenient access to home improvement and garden supply centers.

PROSPECTIVE TENANTS

Home and Garden Center

- Hardware
- Plumbing
- Garden Supplies
- Animal Feed
- Nursery Plant Consignment including computerized inventory of available stock within area.
- Lumber

Puna Water Services, Inc. (Keaau lease expires 7/94)

- Water Catchment Sales and Service
- Tanks, Liners, Covers, etc.
- Pumps and Filtration Systems
- Water Delivery
- Purified Water Systems and Supply
- Solar Water Heaters
- Water Tank Installation (C -18298) maintenance and repair

Trade Bays - miscellaneous tradespeople such as:

- Landscaper/Gardener
- Electrician
- Tool Repair
- Plumber
- Auto Repair
- Appliance repair
- Painter
- Home Business Outlet (Co-op space to retail products and maintain an office location with phone, fax, address, etc.)
- Local farmer co-op space

These bays will provide a person with a place to store tools and materials, maintain a business location and meet with customers. A central switchboard could provide message services while they are "in the field."

Planning Dept.
Exhibit 1

EXHIBIT E

ORCHIDLAND TRADE CENTER

PROJECT OVERVIEW



APPLICANTS

Verne and Lynn Wood have resided in Orchidland for twelve years after moving to Puna sixteen years ago from Honolulu. They own and operate Puna Water Service in Keaau and Mango Grove Pre-School in Hawaiian Paradise Park.

LOCATION

Three lots mauka of Orchidland Convenience Center (Wiki Wiki Expansion) on Orchidland Drive. The property was purchased by the applicants three years ago with the intention of this project.

PROFILE

Plantation era or Western style construction possibly similar to Orchidland Convenience Center in order to maintain consistent character in the neighborhood.

LIMITATIONS

It is the intent of the applicants to create a facility that will compliment the Orchidland Convenience Center rather than duplicate it. This project is intended to provide facilities for the tradespeople in our neighborhood to conduct their business; therefore, there is no allowance for food services, grocery items, professional office space or laundry facilities within the scope of this proposal. Those needs have already been addressed by the Orchidland Convenience Center.

*This project overview is intended to provide information of a general nature.
Specific inquiries and suggestions are encouraged by the applicants.*

January 9, 2026

Mr. Jeffrey Darrow, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Attn: Jessica Andrews
Resubmittal of Special Permit Amendment Application
Applicant: 130 Holdings LLC
Orchid Land Estates, Puna, Hawaii TMK: (3) 1-6-010: 083

Transmitted here within for your review and processing is an application requesting an amendment to Special Permit No. 870. The property is located at 16-1678 34th Avenue in Orchid Land, Puna, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea'au Pahoa Road. The subject land is zoned *Agriculture 3-acre (A-3a)*.

This application was originally submitted to your office on October 15, 2025 and was returned by your office on October 30, 2025 with a request for additional information. This revised resubmittal addresses the additional information requested and subsequent clarifying questions as follows:

- *Please address the following criteria for the time extension request:*
 - *The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant and that are not the result of their fault or negligence.*

As discussed in the revised report submitted herein, since the issuance of the last Special Permit approval, the applicant has continued to pursue appropriate development of the parcel and his failure to complete the conditions of the Special Permit were not due to negligence. Rather, the applicant was unable to complete the conditions of the last (2014) Special Permit Amendment within the requisite 5-year time frame due to the combined cost of all improvements required and decided to instead pursue an opportunity to lease the property to the Arts and Sciences Center (ASC) so that they could develop an elementary school on the parcel. However, after obtaining a Special Permit for elementary school operations, the applicant and ASC were unable to settle on agreeable lease terms and so ASC decided to establish their school facilities elsewhere. In light of these events, the applicant would now like to revert back to the original uses approved under Special Permit No. 870.

- *Granting of the time extension would not be contrary to the original reasons for the granting of the permit.*

The proposed use remains consistent with the following original reasons for granting the permit:

- As elaborated on in Section II.3C of the revised report submitted here, the proposed use continues to promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended as the land on which the proposed regional trade center would be located is not well suited for agricultural uses.
- The request is not contrary to the goals, policies and standards of the General Plan. Specific applicable goals and policies of the General Plan are identified in Section 3C.
- The proposed Special Permit Amendment is conducive to the Puna Community Development Plan goals and objectives identified in Section 3C.
- The proposed use will not have any significant adverse effects on the surrounding properties, as is further elaborated on in Section III.4B of the revised report.
- The proposed use will not substantially alter or change the essential character of the land and the present use as the proposed uses will be contained within the existing structures and the parcel is within the Orchidland Neighborhood Village Center, which designates it as the area most appropriate for commercial development.
- As elaborated on in Section III.4D - 4H, unusual conditions, trends and needs have arisen since the district boundaries and regulations were established which render the project an unusual, yet reasonable, use of Agricultural land.
- *Provide a condition compliance report for all existing conditions of Special Permit 870, as last amended in 2014. Please note, Condition #12 requires the applicant to provide the Planning Director an annual progress report (APR) to the Planning Director, but we have no record of any recent APRs.*

A summary of condition compliance is provided in Section II of the revised report.

- *Condition #8 limits permitted uses to those specified within the Planning Director's Background Report dated May 10, 1994 as Exhibit E – Orchidland Trade Center – Project Overview and food service uses. Please provide more detailed regarding prospective tenants and specify what uses will occupy the existing buildings. Based on these proposed uses, please provide a detailed analysis of water needs & availability (both potable and fire suppression), wastewater needs and availability, and anticipated traffic to the property based on the proposed mix of uses. Additionally, please provide*

detailed analysis of anticipated noise and visual impacts to surrounding properties based on the mix of uses and proposed hours of operation. Also include detailed impact mitigation measures proposed for the potential impacts.

Additional detail regarding prospective tenants is provided in Section II.3A of the revised report. The applicant has secured water commitments for 17 additional units and anticipates these water commitments will be more than adequate to serve the proposed uses. Upon approval of this Special Permit amendment, the applicant will submit estimated maximum daily water calculations to the Department of Water Supply.

- *Provide water calculations for the project, or verification that DWS has approved sufficient water is allocated for the proposed uses.*

It is anticipated that sufficient Department of Water Supply (DWS) is available as the applicant recently secured 17 additional units of water in conjunction with Special Permit No. SPP 21-000228. That amount of water would be equivalent to an average daily usage of 6,800 gallons per day and would be adequate to accommodate the proposed project. Per Condition No. 2, if necessary, the applicant will supply anticipated maximum daily water usage calculations to the Department of Water Supply upon approval of this Special Permit Amendment request. A letter acknowledging these water commitments is attached to the revised report as **Exhibit B**.

- *Substantiate how the anticipated traffic & trip counts found in section 3K of the application were calculated.*

The anticipated trip generation calculation is substantiated in section 3K of the revised report.

- *The application references the relief granted from intersection improvements for the school project and the State's planned construction of a roundabout at Highway 130/Orchidland Drive as justification for similar relief in this amendment request. That earlier determination was based on the Department of Transportation's (DOT) review of a Traffic Impact Analysis Report (TIAR) for the school use and the accepted traffic mitigation measures identified in that report. No comparable TIAR or traffic mitigation commitments have been provided for the proposed renewal of the commercial center use. Additionally, there is no evidence to substantiate your claim that roundabout construction will be completed by 2026, other than its inclusion on the STIP. Accordingly, please either (1) provide written confirmation from HDOT indicating support for removing the intersection improvement conditions from the SPP, or (2) defer the hearing on this amendment request until DOT has completed its review and provided comments.*

The applicant agrees to defer the hearing on this amendment request until DOT has completed its review and provided comments.

- *Outside of a brief statement on P. 6 in support of your requested deletion of Condition #6 (Improvements to Orchidland Drive), there is no other substantive narrative or justification for its deletion. Both the SPP 870 and SPP 21-228 require roadway improvements meeting with DPW standard details for Rural collector along the property's Orchidland Drive frontage due to the non-rural/residential use of the property. Please provide further written justification for the deletion.*

Additional discussion regarding the justification for deletion of Condition #6 is provided in Section II of the attached report.

- *Please provide documentation of efforts to consult with the Orchidland Community Association (OLCA) for the proposed amendments and any mandatory road maintenance fees assessments/commitments for the commercial project.*

A letter was mailed to the Orchidland Community Association requesting their comments on this application on November 13, 2025. That letter is attached to the revised report as **Exhibit C**. To date we have not received comments.

- *The application states that existing building permits are open, however it's unclear if the building permits are still valid. Provide confirmation from DPW – Building Division that the permits have been extended and are still valid. Otherwise, provide a time frame for obtaining new building permits.*

This additional information is provided in Section II.3A of the revised report.

This electronic transmittal includes: a) the background/environmental report, which includes the location and proposed site plan; b) a letter authorizing our office to file the application on the applicant's behalf; and c) a list of surrounding property owners within five hundred (500) feet of the subject parcel. A payment of \$250.00 for the County filing fee was previously paid during the initial submittal of this application.

We trust that everything is in order for your acceptance and processing of this application. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,



JOHN PIPAN
Planning Consultant

SPECIAL PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION (Type or legibly print the requested information)

APPLICANT(S): 130 Holdings LLC

APPLICANT'S SIGNATURE: Greg Gaddel DATE: Jan 07 2026

ADDRESS: c/o Big Island Homes & Land Co. Ltd.
1251 Kilauea Avenue, Suite 194
Hilo, HI 96720

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 808-936-4616 (Res.) _____ (Email) _____

REQUEST: To amend Conditions No. 3, 5, 6, and 7 (as listed in the 2014 amendment request approval) of Special Permit No. 870 (which permitted the construction of a regional trade center), reduce total number of buildings, as well as to add volunteer fire truck parking to the permit

TAX MAP KEY: (3) 1-6-010:083 ZONING: A-3a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 2.311 acres / 2.311 acres

LANDOWNER(S): 130 Holdings LLC

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

DATE: _____

DATE: _____

Note: The above written authorization of the landowner(s) gives permission for the applicant/petitioner to file the application/petition and acknowledges that the landowner(s) and their successors are bound by the Special Permit and its conditions.

AGENT: Pipan Consulting LLC

AGENT ADDRESS: PO Box 421 Honokaa, HI 96727

PHONE: (Bus.) 808-333-3391 (Res.) _____ (Email) _____

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

ORIGINAL: Agent COPIES: Applicant

**COUNTY BACKGROUND & ENVIRONMENTAL REPORT
COUNTY SPECIAL PERMIT AMENDMENT REQUEST
130 HOLDINGS LLC
ORCHID LAND ESTATES, PUNA, HAWAII
TMK: (3) 1-6-010: 083**

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EXHIBITS

Exhibit A: Special Permit No. 870 (94-000003)

Exhibit B: Letter from the Department of Water Supply

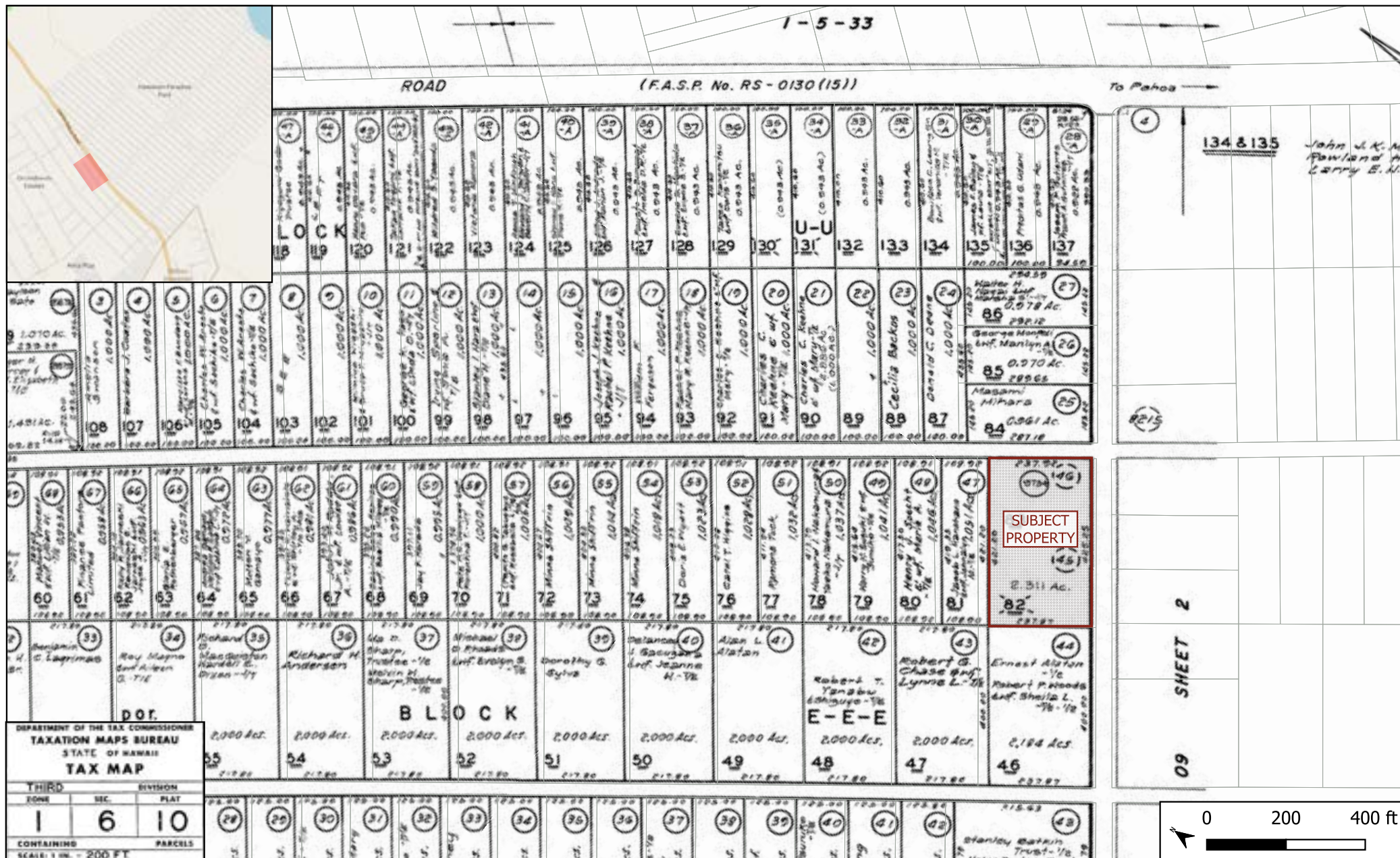
Exhibit C: Letter to the Orchidland Community Association

I. INTRODUCTION

130 Holdings LLC (“**applicant**”) is requesting to amend Special Permit No. 870, which permitted the construction of a regional trade center, to reduce the overall scope of the project and to obtain a time extension in order to establish the trade center on the subject agriculturally zoned property. The property is located at 16-1678 34th Avenue in Orchidland Estates, Puna, Hawai‘i, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea’au Pahoa Road (Highway 130). It is accessed from Orchidland Drive and consists of 2.311 acres of land (**Figure 1**).

In 1994 Special Permit (no. 870) was granted approval for the operation of a regional trade center on the subject property (SPP 94-3). The center was planned to include a variety of goods and services, including home, garden, and animal supplies, catchment supplies, and solar water heaters, and office space for a variety of service businesses such as electrical, plumbing, landscaping, gardening, auto repair, and a farmer cooperative. An amendment to the Special Permit approved in 2003 permitted the addition of food service uses for the proposed trade center. That project was not fully realized, although Plan Approval was granted and considerable infrastructure was installed including two steel frame structures, septic systems, utility stub-ups and drainage structures. The applicant wishes to complete construction of the buildings and infrastructure improvements and develop the site into a trade center of similar use to the center approved under the Special Permit 870. Previous amendments to SPP 94-3 were approved in 1998, 2003, 2008, and 2014 (**Exhibit A**). The 2014 Amendment request covered a five-year time extension to comply with Condition No. 2 (Time to Complete Construction) of the Special Permit, along with requests to amend Condition Nos. 5 (access), 7 (hours of operation), 3 (design guidelines), 4 (water storage), and 6 (intersection improvements). The requests to amend Condition Nos. 2, 5, and 7 were approved and the remaining denied.

The non-performance of the Special Permit conditions is the result of unforeseen conditions beyond the control of the applicant, and not due to negligence. Due to the combined expense of completing the conditions relating primarily to intersection improvements, the applicant was not able to complete the Special Permit conditions within the 5-year time frame specified in the 2014 approval and instead decided to lease the property to the Arts and Sciences Center (ASC) who wished to develop an elementary school on the property. A Special Permit Application (SPP 21-000228) was submitted in 2021 on behalf of ASC that would allow for the construction and operation of an elementary school campus on the subject parcel. Although that Special Permit request was approved, the landowner and ASC were unable to settle on agreeable terms and so ASC decided to pursue their school facilities elsewhere. Thus, the applicant would like to revert back to original uses approved under Special Permit No. 870 and subsequent amendments. However, the current project is proposed to be smaller than the 2014 regional trade center plans, which included 5 buildings totaling 24,000 square feet. The proposed trade center will consist of the existing two buildings on the property and comprise of 10,400 square feet along with the supportive infrastructure for example, access & parking. Should the subject Special Permit Amendment request be approved, the applicant requests that SPP 21-000228 be revoked.



The proposed Trade Center will be sited within the existing structures pending completion of improvements and will be utilized as individual trade bays and spaces allocated for a restaurant and commercial kitchen. The trade bays will be rented to Specialty Trade Contractors and are expected to contain similar businesses and services to the Special Permit for the original regional trade center in 1994, with the exception of retail uses (no retail use is proposed).

II. PROJECT DESCRIPTION

Special Permit No. 870 Condition Compliance

All conditions of the 2014 Special Permit Amendment approval and their current status are provided below. Note that the applicant is proposing amendments to Conditions No. 3, 5, 6, and 7 of Special Permit No. 870, last amended in 2014.

1. *The applicant, successors or assigns shall be responsible for complying with all of the state conditions of approval.*

It is expected that this condition will remain in place and the applicant will continue to comply with this condition.

2. *If County water becomes available for this project, the applicant(s) shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of Hawai‘i and submit a water commitment deposit in accordance with the “Water Commitment Guidelines Policy” to the Department of Water Supply within 180 days from the effective date of this amended permit.*

County water is available to the subject property and the applicant has connected to the County water system. As previously stated, after the last Special Permit amendment approval, the landowner decided to lease the property to ASC rather than pursuing the regional trade center, and thus estimated water usage calculations were submitted to the Department of Water Supply in conjunction with Special Permit No. SPP 21-000228, which permitted the operation of an elementary school on the property. In conjunction with those water calculations, the Department of Water Supply determined that 17 additional units of water were available to the property and the applicant subsequently secured those commitments (**Exhibit B**). However, since plans for the elementary school have changed to another property, the applicant now wishes to secure a time extension to complete the conditions of Special Permit No. 870 so that he can pursue the previously planned regional trade center operations. It is anticipated that revised estimated water calculation will be required to determine the water needs of the trade center and the applicant agrees to submit those calculations within 180 days from the effective date of this amended permit, should it be approved. It is anticipated that the revised estimated calculations will not exceed the existing water allotment of 17 units or 6800 gallons per day.

3. *Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) standards for CV zones adjoining a RS zone.*

The applicant requests an additional five-year time extension to complete construction. The Trade Center was briefly planned to be replaced by the ASC elementary school campus proposed under SPP 21-000228. However, as that project is no longer planned, the landowner intends to complete construction of the Trade Center on the property as soon as possible. The applicant will obtain Final Plan Approval from the Planning Director prior to obtaining any building permits and will ensure that the trade center complies with all necessary fire protection, access, parking and landscaping requirements.

4. *The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994, except for the requirement for the project to operate on county water and provide an additional fire hydrant.*

It is expected that this condition will remain in place and the applicant will continue to comply with this condition. It is noted that the property is already connected to County water and a fire hydrant has been installed.

5. *The applicant shall develop sufficient water storage to meet the requirements of the Department of Health and Fire Department for sanitation and firefighting purposes for the proposed development. The storage facility shall be completed prior to Certificate of Occupancy and kept filled with enough water to meet the applicable Department of Health and Fire Department requirements. If an improvement district or similar project is proposed which would make county water available to the property, the owner shall participate and pay its fair share of any applicable construction costs and connect to the County water system.*

The applicant requests that this condition be deleted as the property has been connected to the County water system and a fire hydrant has been installed. The proposed project will comply with all Department of Health and Fire Department requirements.

6. *The applicant shall provide pavement improvements to the northern half of Orchidland Drive along the subject property's entire Orchidland Drive frontage*

meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for any portion of the proposed project.

The applicant requests that this condition be deleted given that the suggested improvements would be contained to the subject parcel's frontage and would be out of place with the general road design and the rural/agricultural character of the surrounding area. Additionally, other Special Permits for similar commercial-type uses, such as SPP 09-00098, which allowed for the establishment of a commercial retail and office building on TMK 1-6-010:137, and SPP-2022-000017, which legitimized the use of a warehouse and office facility on TMK 1-6-009:385, have been approved in this area along Orchidland Drive without requiring such roadway improvements, further rendering the improvements out of place for the area.

7. *Channelization, signalization and street lighting improvements to the intersection of Orchidland Drive shall be provided by the applicant if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.*

The request for deletion of this condition was not approved in 2014 at the request of the Department of Transportation. The applicant again requests that this condition be deleted. The cost burden associated with such improvements is unreasonable to impose upon a single applicant. Additionally, the Hawaii Department of Transportation (HDOT) has planned improvements to this intersection to mitigate concerns surrounding congestion and intersection safety. These improvements (HS17) are outlined on their Statewide Transportation Improvement Program (STIP) and are scheduled for construction in 2026. It is also noted that in apparent recognition that the burden of implementing such improvements to the State highway should not be imposed on a single applicant, the Special Permit issued for the proposed school at this site (SPP 21-000228) did not require intersection improvements despite the expectation of greater traffic impacts due to the previously proposed school use.

8. *The regional trade center operations shall be limited to 6:00 a.m. to 11:00 p.m. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the Planning Director's Background Report dated May 10, 1994 as Exhibit E – Orchidland Trade Center – Project Overview and food service uses.*

It is expected that this condition will remain in place and the applicant will continue to comply with this condition.

9. *The applicant shall provide an 8-foot high chain link fence or of comparable security effect along the boundaries with the adjacent properties identified by TMK: 1-6-10:46 and 81.*

It is expected that this condition will remain in place and the applicant will continue to comply with this condition.

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

It is expected that this condition will remain in place and the applicant will continue to comply with this condition.

- 11. The applicant(s) shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Fire Department.*

It is expected that this condition will remain in place and the applicant will continue to comply with this condition.

- 12. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.*

The applicant apologizes for failing to submit recent annual progress reports. As mentioned previously, the trade center was briefly planned to be replaced by the ASC elementary school campus proposed under SPP 21-000228. During that time, progress toward developing the trade center was put on hold. However, as the ASC project is no longer planned, the landowner intends to move forward with the trade center and will provide timely progress reports until receiving confirmation from the Planning Director that all conditions of approval have been complied with and further reports are not required.

- 13. If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the Planning Commission for appropriate action.*

The applicant is hereby submitting this Special Permit Amendment application requesting an additional extension of time to the Planning Director to be forwarded to the Planning Commission for appropriate action.

3A. Project Concept and Components

The applicant respectfully requests to amend Special Permit 870 to establish a Trade Center on the subject 2.311-acre, agriculturally zoned property. The center will be

located within the existing structures on the property, and no new buildings are proposed. The existing warehouse structures were constructed in 2012 under Building Permit Nos. B2011-0152H and B2011-0153H. According to Department of Public Works records, both building permits expired in 2022, prior to completion of final building inspections. A request for a permit extension to complete final inspections has been requested for both permits and is currently pending. If necessary, additional building permits will be obtained in order to ensure final building approval for the structures. It is anticipated that any new building permits required would be submitted within 12-18 months of approval of this amendment request.

The site plan, floor plan and elevation drawings of the center are attached as **Figures 2-6**.

The applicant proposes the following elements as part of the Special Permit Amendment:

1. Should this application be approved, the applicant requests that the previous school permit SPP 21-000228 be revoked.
2. 1,000 square feet of Building 2 will be converted into a restaurant. The remainder of Building 2 (approximately 3,000 square feet) is proposed to be used for hot and cold certified kitchen use with no retail use or customer visits.
3. The remaining building areas will be improved and allocated for trade bays consisting of 800 to 1,200 square feet each. Prospective tenants are expected to provide similar services to those proposed in the original permit and would include specialty trade contractors, such as electricians, plumbers, landscapers, auto repair providers, catchment suppliers and solar water heater installers. The trade center will not include any retail sales. The applicant's goal is to concentrate and promote the talents of the trades people of Puna by creating a convenient and collaborative space for the various trades people to establish their businesses.
4. Parking: 47 standard and 2 ADA
5. A 20' x 30' parking area is proposed for the Orchidland Volunteer Fire Department truck. The Volunteer Fire Department will also have access to water on site.
6. Water: Water is available through County water service. The water line has been connected to the property, and a fire hydrant has been installed.
7. Hours of operation – 6am-11pm
8. Landscaping will mitigate potential noise and visual impacts to surrounding properties.

3B. Subject Property Description

The subject site, identified as TMK (3) 1-6-010: 083, consists of 2.311 acres zoned *A-3a* (**Figure 7**). The property is located at 16-1678 34th Avenue in Orchidland Estates, Puna, Hawai‘i.

This area of the Puna District is designated as Lava Zone 3, on a scale ranging from 9 to 1 (least hazardous to most). The site is located at an elevation of approximately 400 feet above sea level. It is not within a Conservation District or the Special Management Area.

The Land Use Pattern Allocation Guide (LUPAG) designates this property as *Rural* (**Figure 8**). The Land Study Bureau classifies its soils as “E”, or “very poor” (**Figure 9**). Under the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification system, the majority of the subject property is unclassified. The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) has designated the soil type for the property as Keaukaha highly decomposed plant material with 2 to 10 percent slopes. This soil type is formed by organic material over pahoe-hoe lava. It is considered well drained with a high runoff class.

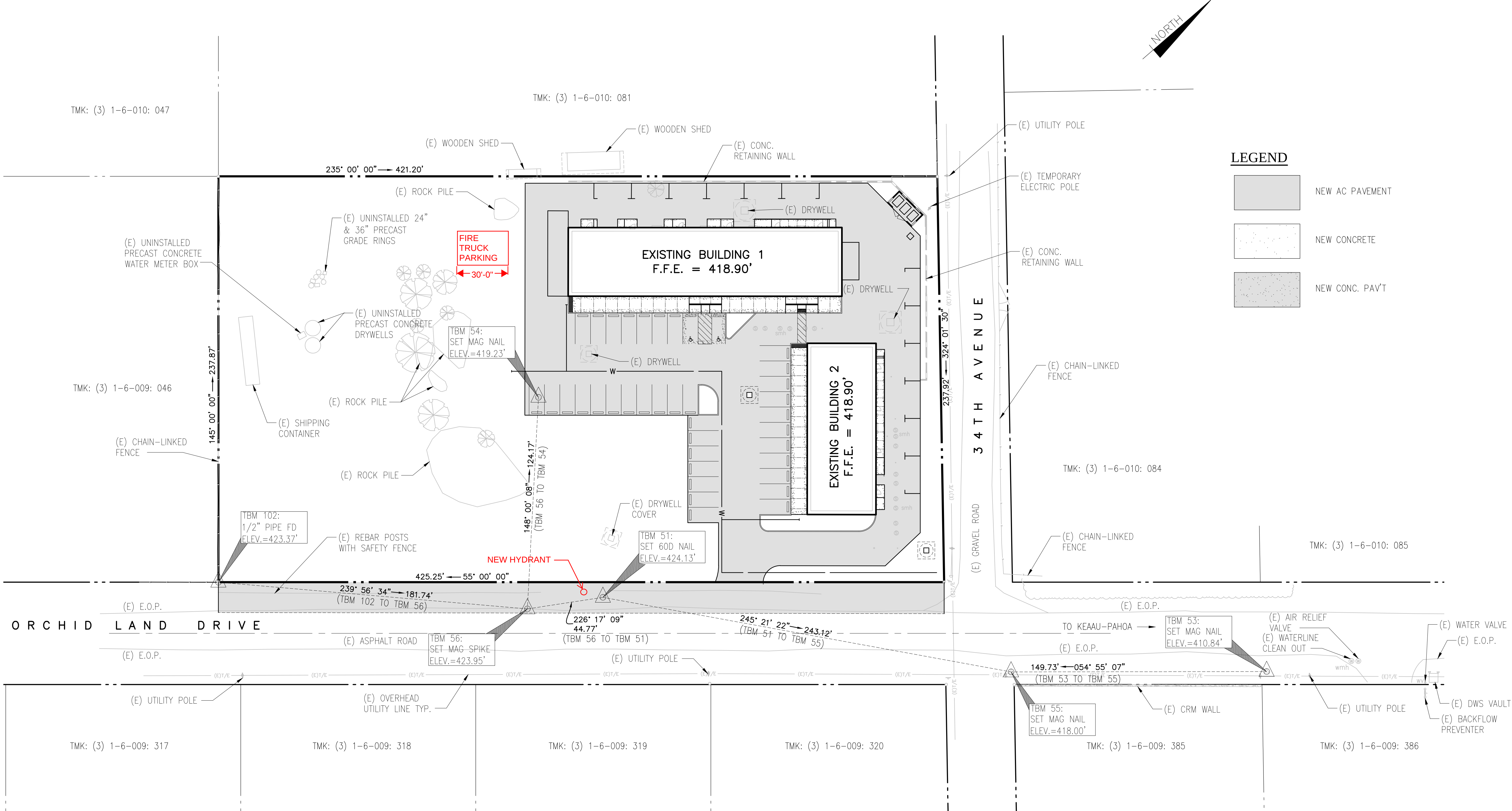
The subject parcel is rectangular in shape and has two existing steel warehouse structures on the property. Building 1 was built in 2012 and is approximately 6,400 square feet. The adjacent Building 2 was also built in 2012 and is approximately 4,000 square feet. The remaining area of the parcel has been cleared. Building, electrical, and plumbing permits are active for the existing structures on the parcel, Buildings 1 and 2. These permits were issued in 2011 and 2012 for construction of the building shells. These open permits will be resolved in the process of permitting planned improvements. There is a 6-foot fence along the property boundary, providing similar security effect to the fencing required under previous permit conditions.

Special Permit No. 870 (Docket No. 94-000003) was issued in 1994 to establish a Regional Trade Center. Given the similarity of the proposed use to the former project, the applicant anticipates that a special permit amendment can be requested for this project. The permit initially applied to TMK (3) 1-6-010: 082 and was amended in 2003 to include TMK (3) 1-6-010: 083. The two parcels were then consolidated in 2005 under the conditions of the Special Permit Amendment. However, the development under this permit was not completed.

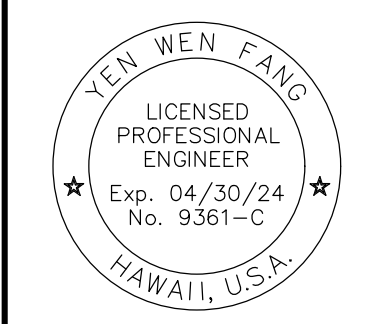
A Special Permit Application (SPP 21-000228) was submitted in 2021 on behalf of the Arts and Sciences Center that would allow for the construction and operation of an elementary school campus on the subject parcel of land. This permit was not completed, and the landowner is no longer proposing school use of the property.

The applicant intends to establish the Trade Center within the existing structures. No construction of new buildings is proposed as a part of the Special Permit Amendment request.

FIGURE 2



455 E. Lanikoula St.
Hilo Hawai'i 96720
Main (808) 933-7900
www.epinc.pro
Hawaii | Las Vegas



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

Yen Wen Fang
SIGNATURE

OVERALL SITE PLAN

DATE: FEBRUARY 2024
REV. REV. REV.

PROPOSED SITE IMPROVEMENTS FOR:
ORCHIDLAND TRADE CENTER
PHASE 1
KEAAU, PUNA
ISLAND OF HAWAII, HAWAII
TMK: (3) 1-6-010: 083

DRAWN BY: RDC
CHECKED BY: YWF
DESIGNED BY: RDC
QC'D BY: YWF

JOB NO.
16042-24-01

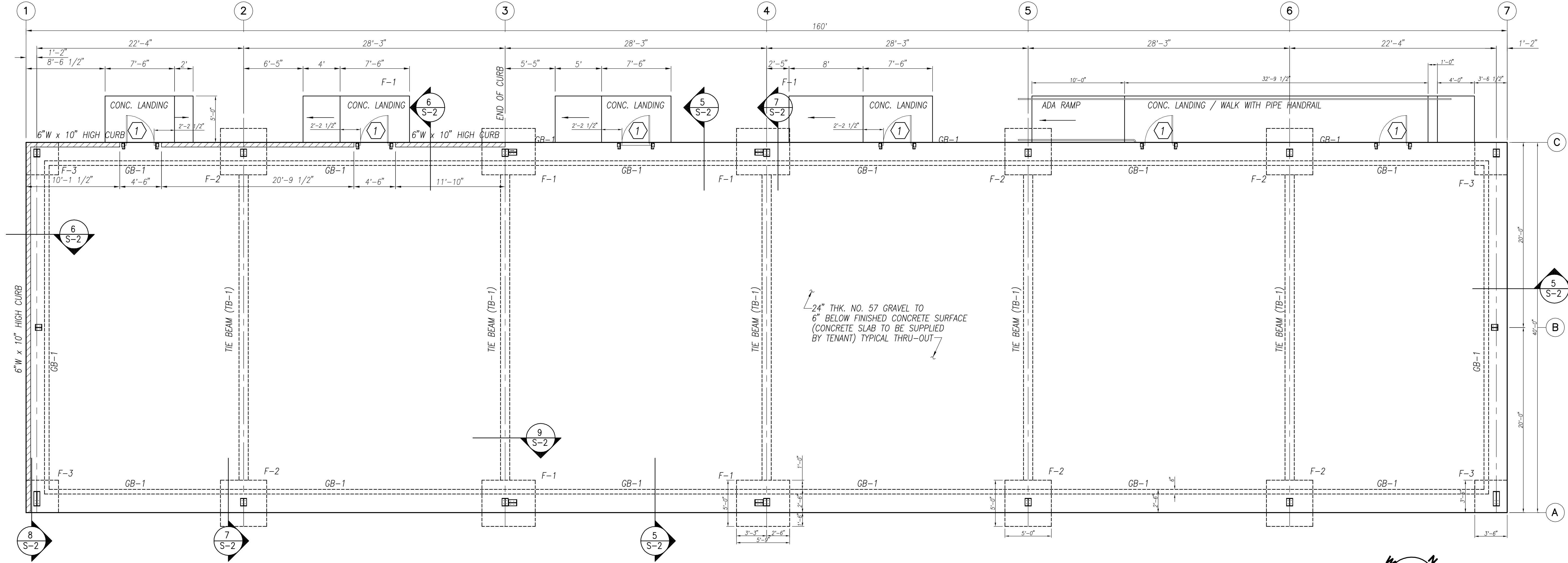
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C-101

SHEET NO. OF X

A OVERALL SITE PLAN
SCALE: 1" = 30'

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**BUILDING A - SHELL ONLY
FOUNDATION AND FLOOR PLAN**
SCALE: 3/16" = 1'-0"

CODE SEARCH: BUILDING A - SHELL ONLY

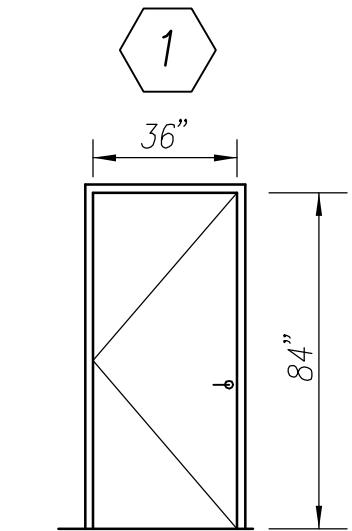
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TMK:		1-6-010: 083
PARCEL AREA:		2.31 ACRES
ZONING:		A-3a WITH SPECIAL PERMIT NO. 970
FRONT YARD SETBACKS:	30' MIN.	39' (34TH AVE) / 42.87' ORCHIDLAND DRIVE
SIDE YARD SETBACK:	20' MIN.	30'
ADJACENT BUILDING DISTANCE:	20' MIN.	27'+
BUILDING CODE:	1991	
BUILDING SIZE:	8,000 S.F. (TYPE V-N & B-2)	6,400 S.F.
BUILDING HEIGHT:	45' MAX.	15'-4"
OCCUPANCY:		B-2
TYPE OF CONSTRUCTION		V-N
BUILDING USE:		RETAIL / OFFICE /RESTAURANT

FOOTING SCHEDULE

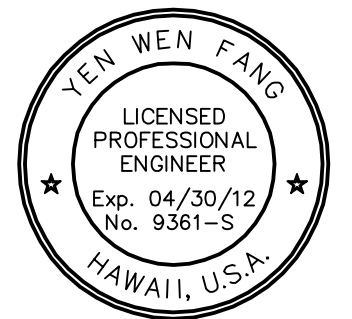
SEE SHEET S-1.1 FOR ADDITIONAL REINFORCING AND CONCRETE DETAILS

FOOTING MARK	WIDTH "W"	LENGTH "L"	THICKNESS "T"	TOP REINFORCING "a"	BOTTOM REINFORCING "b"	LONGITUDINAL REINFORCING "c"	REMARKS
F-1	5'-0"	5'-9"	12"	N/A	(7)- #5 BARS	-	DET. 7 S-2
F-2	5'-0"	5'-0"	12"	N/A	(6)- #5 BARS	-	DET. 7 S-2
F-3	3'-6"	3'-6"	12"	N/A	(4)- #5 BARS	-	DET. 8 S-2
GB-1	2'-6"	-	2'-0"	N/A	N/A	(4)- #5 TOP (4)- #5 BOT	DET. 5 & 6 S-2
TB-1	12"	-	2'-0"	N/A	N/A	(2)- #5 CTR.	DET. 9 S-2

DOOR SCHEDULE



METAL EXTERIOR DOOR &
METAL FRAME BY PEMB



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

Yen Wen Fang
SIGNATURE

**BUILDING A - SHELL ONLY
FLOOR / FOUNDATION PLAN & DETAILS**

DATE:	SEPTEMBER 24, 2010	REV.	
REV.		REV.	
REV.		REV.	

SITE IMPROVEMENT PLANS FOR:

ORCHIDLAND TRADE CENTER

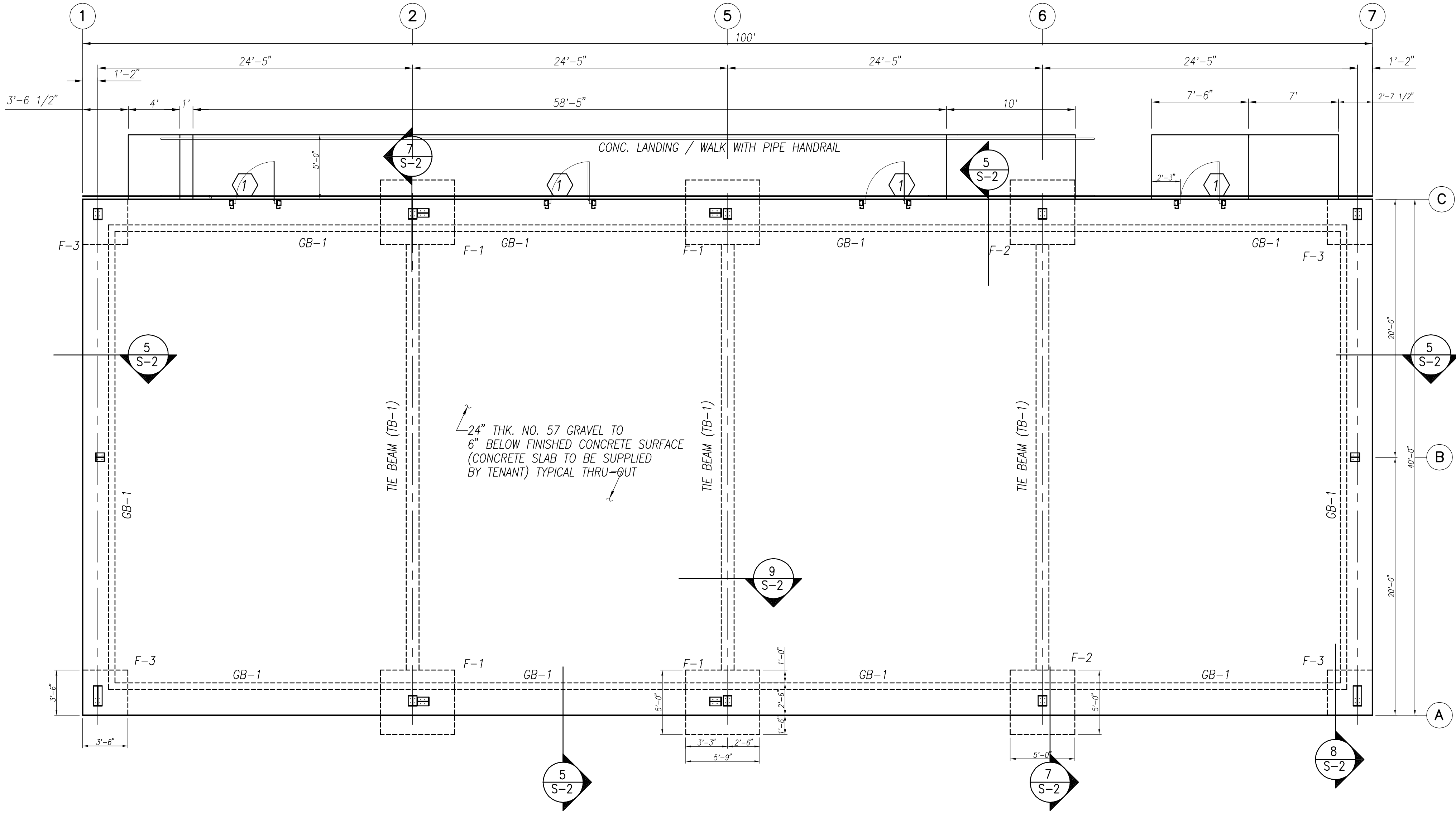
KEAAU, PUNA, ISLAND OF HAWAII, HAWAII
T.M.K: (3) 1-6-010: 083

Sep 28, 2010 9:33am
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FIGURE 4

CODE SEARCH: BUILDING B - SHELL ONLY

	CODE REQUIREMENT:	ACTUAL:
TMK:		1-6-010: 083
PARCEL AREA:		2.31 ACRES
ZONING:		A-3a WITH SPECIAL PERMIT NO. 970
FRONT YARD SETBACKS:	30' MIN.	39' (34TH AVE) / 42.87' ORCHIDLAND DRIVE
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TYPE OF CONSTRUCTION		V-N
BUILDING USE:		RETAIL / OFFICE /RESTAURANT



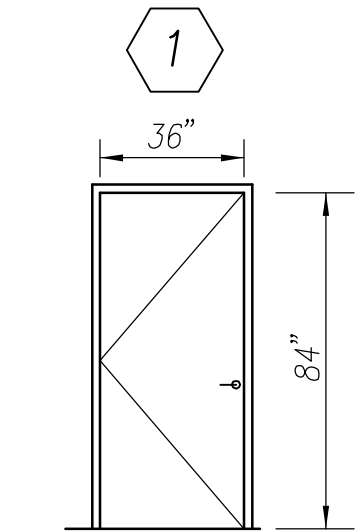
BUILDING B - SHELL ONLY
FOUNDATION AND FLOOR PLAN
SCALE: 3/16" = 1'-0"

FOOTING SCHEDULE

SEE SHEET S-1.1 FOR ADDITIONAL REINFORCING AND CONCRETE DETAILS

FOOTING MARK	WIDTH "W"	LENGTH "L"	THICKNESS "T"	TOP REINFORCING "a"	BOTTOM REINFORCING "b"	LONGITUDINAL REINFORCING "c"	REMARKS
F-1	5'-0"	5'-9"	12"	N/A	(7)- #5 BARS	-	DET. 7 / S-2
F-2	5'-0"	5'-0"	12"	N/A	(6)- #5 BARS	-	DET. 7 / S-2
F-3	3'-6"	3'-6"	12"	N/A	(4)- #5 BARS	-	DET. 8 / S-2
GB-1	2'-6"	-	2'-0"	N/A	N/A	(4)- #5 TOP (4)- #5 BOT	DET. 5 & 6 / S-2
TB-1	12"	-	2'-0"	N/A	N/A	(2)- #5 CTR.	DET. 9 / S-2

DOOR SCHEDULE



METAL EXTERIOR DOOR &
METAL FRAME BY PEMB

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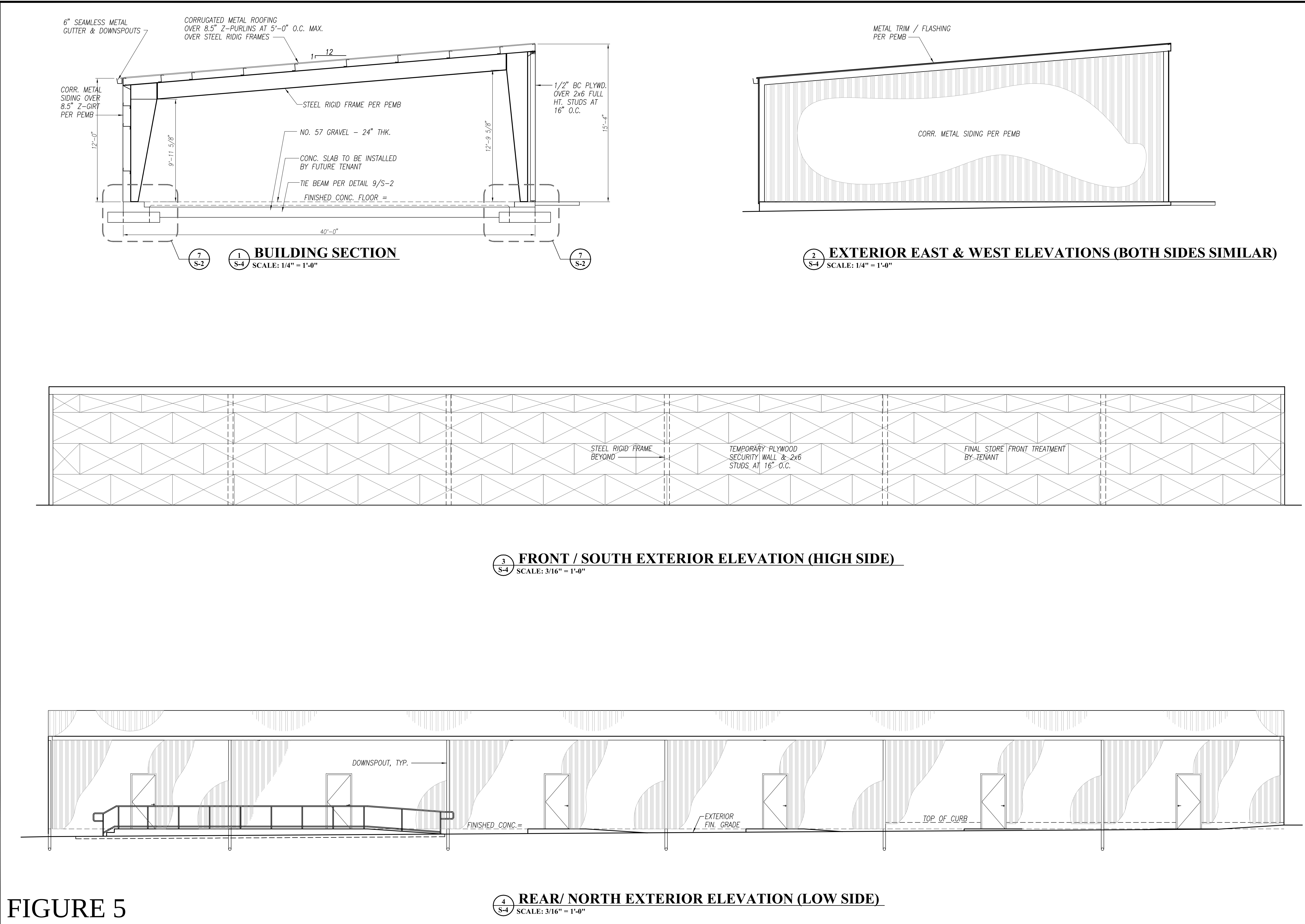


FIGURE 5

Engineering Partners, Inc.
Progressive Solutions
P.O. Box 4159
Hilo, Hawaii 96720
Tel: (808) 933-7900
Fax: (808) 933-3533
contact@epihawaii.com
www.epihawaii.com

YEN WEN FANG
LICENSED PROFESSIONAL ENGINEER
Exp. 04/30/12
No. 9361-S
HAWAII, U.S.A.

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

Yen Wen Fang
SIGNATURE

BUILDING A - BUILDING SECTION & EXTERIOR ELEVATIONS

DATE:	SEPTEMBER 24, 2010	REV.	△
REV.		REV.	△
REV.		REV.	△

SITE IMPROVEMENT PLANS FOR:

ORCHIDLAND TRADE CENTER
KEAAU, PUNA, ISLAND OF HAWAII, HAWAII
T.M.K.: (3) 1-6-010: 083

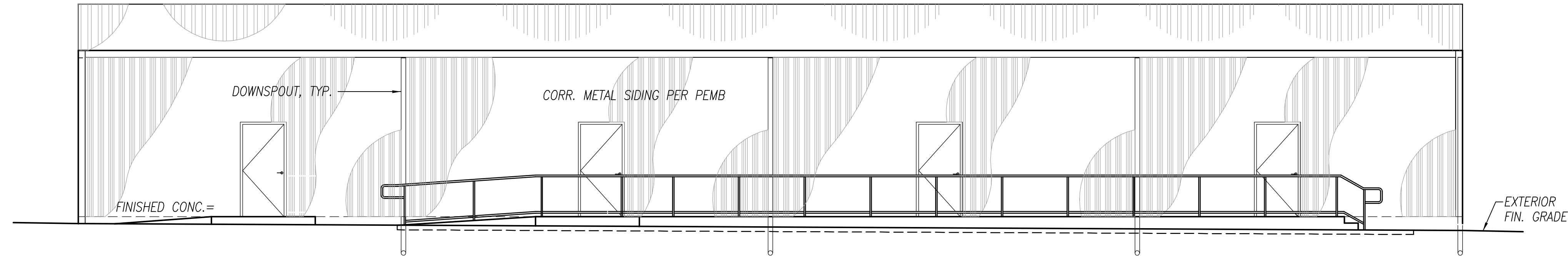
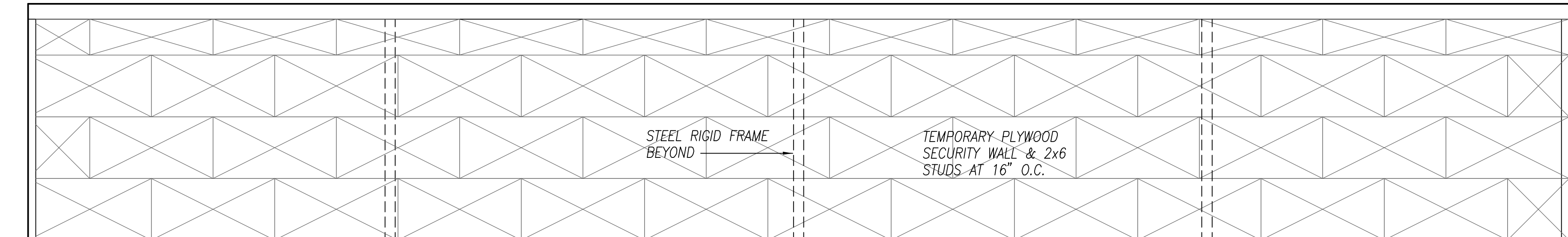
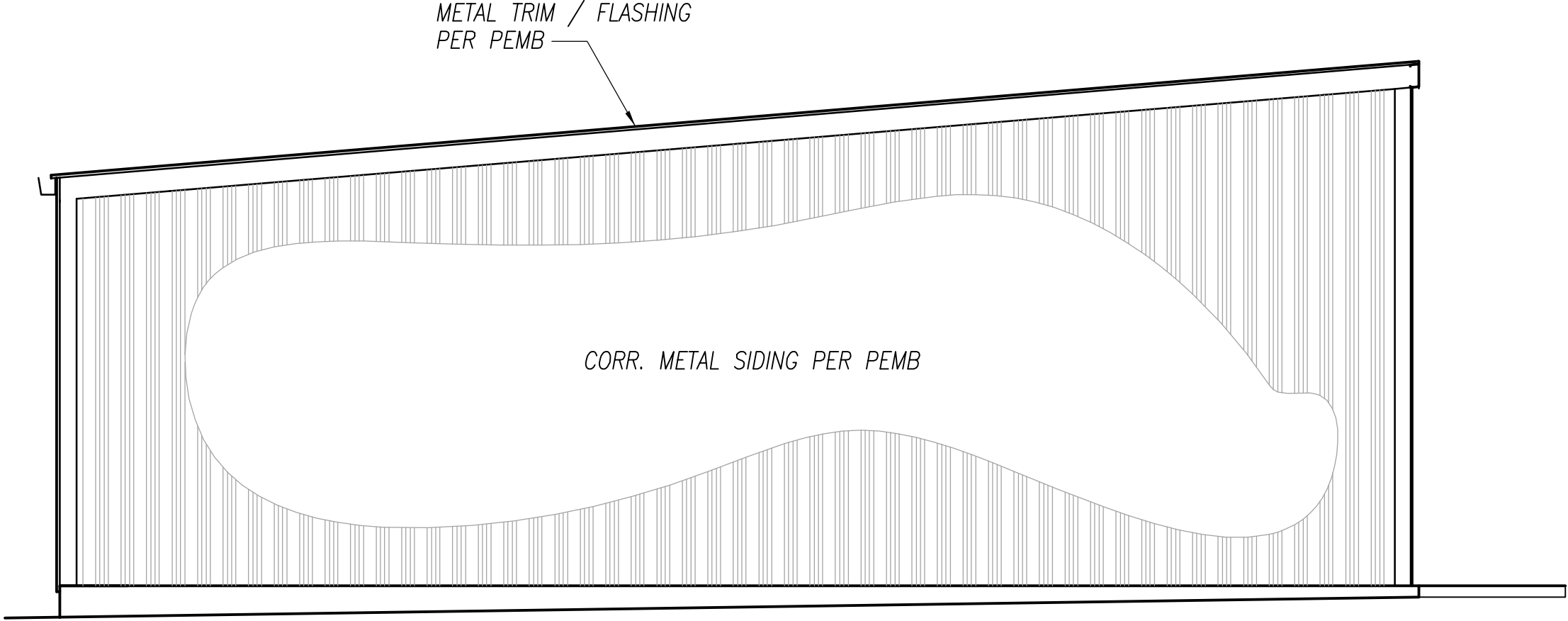
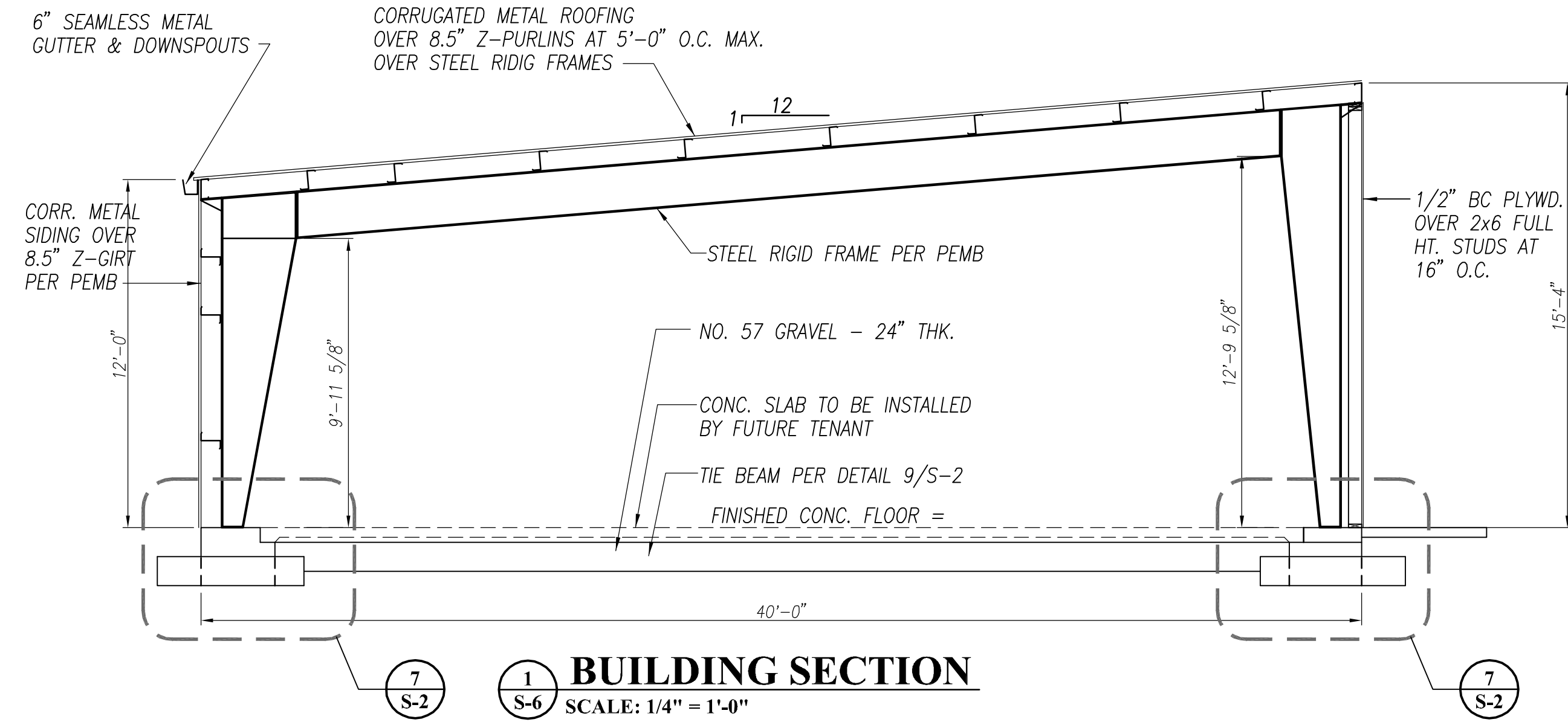
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S-4

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FIGURE 6



Engineering Partners, Inc.
Progressive Solutions
P.O. Box 4159
Hilo, Hawaii 96720
Tel: (808) 933-7900
Fax: (808) 933-3533
contact@epihawaii.com
www.epihawaii.com

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LICENSED PROFESSIONAL ENGINEER
Exp. 04/30/12
No. 9361-S
HAWAII, U.S.A.

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Yen Wen Fang
SIGNATURE

BUILDING B - BUILDING SECTION & EXTERIOR ELEVATIONS			
DATE:	SEPTEMBER 24, 2010	REV.	REV.
REV.		REV.	REV.
REV.		REV.	REV.

SITE IMPROVEMENT PLANS FOR:
ORCHIDLAND TRADE CENTER
KEAAU, PUNA, ISLAND OF HAWAII, HAWAII
T.M.K.: (3) 1-6-010: 08.3

JOB NO.
6042-10-001

DWG. NO.
S-6

SHEET NO. OF



Figure 7: Hawai'i County Zoning
TMK (3) 1-6-010: 083

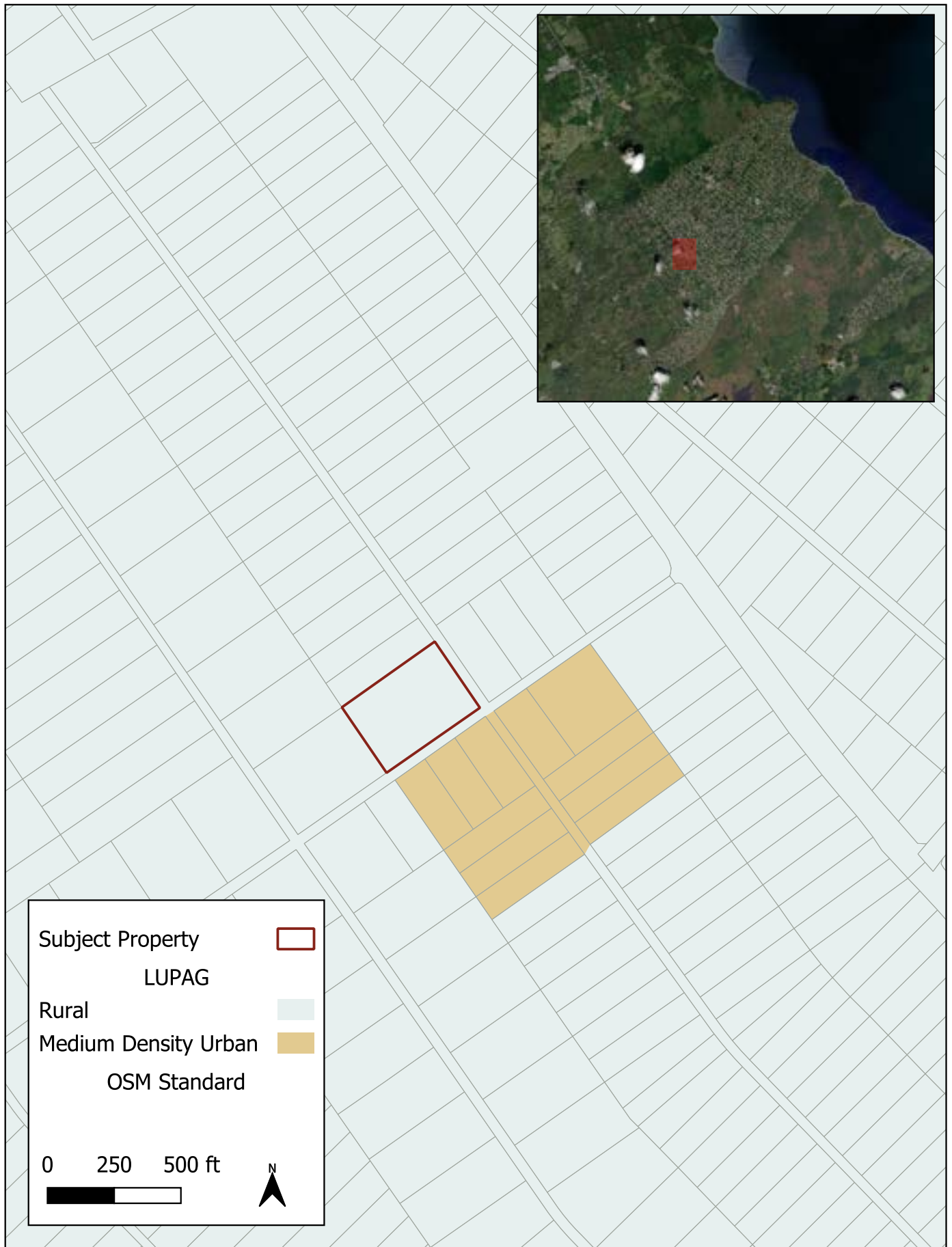


Figure 8: Land Use Pattern Allocation Guide
TMK (3) 1-6-010: 083

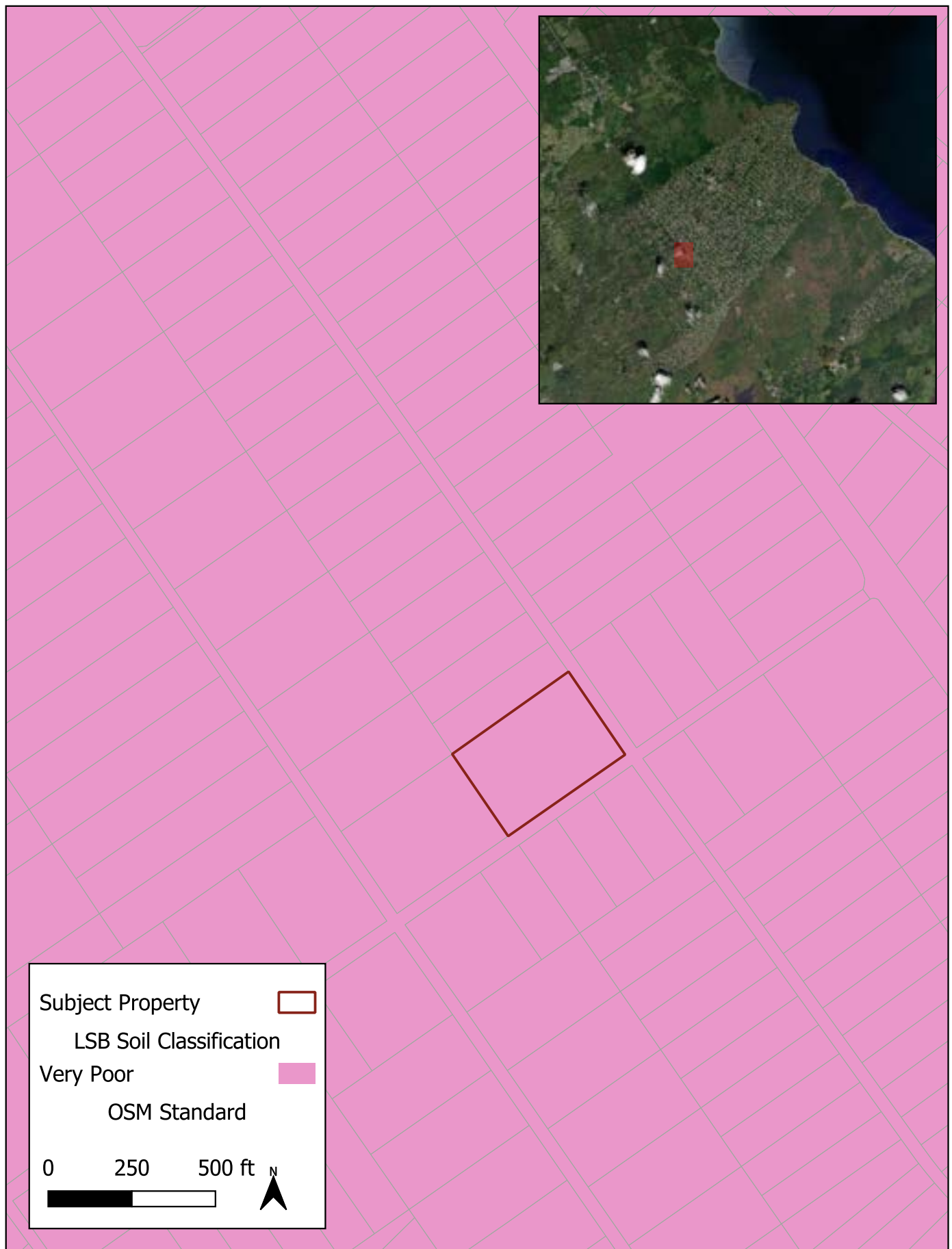


Figure 9: Land Study Bureau Soil Classification
TMK (3) 1-6-010: 083

3C. Institutional Considerations

State Land Use

The subject site is designated State Land Use *Agricultural* (**Figure 10**) and the property is 2.311-acres. As such, no State Land Use Commission action is required. The County of Hawai‘i can process the Special Permit Amendment request. As mentioned above, based on the Land Study Bureau Overall Master Productivity Rating, soils on the subject property are classified as “E”, or “very poor”. Under the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification system, the property is unclassified.

Granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended. In the case of the Agricultural District, the State Land Use Law is intended to preserve or keep lands of high agricultural potential in agricultural use. However, in recognizing that lands within Agricultural districts might not all 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, Hawai‘i Revised Statutes §205-6 allows County Planning Commissions to permit certain unusual and reasonable uses within the Agricultural and Rural districts other than those for which the district is classified.

In this case, the requested use will be located within the existing structures and will be similar to the previously approved Trade Center under SPP 94-000003. Although the property is within the Agricultural district, the soil is not suitable for agricultural activities, and the agricultural potential of the property is very low. Therefore, the use is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

Special Management Area

The subject property is not within the designated Special Management Area. Thus, no impacts to the Special Management Area are expected.

County Zoning and General Plan

The subject property is zoned *A-3a*. The County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as *Rural*. This category includes existing subdivisions in the State Land Use Agricultural and Rural districts 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. Relative to this designation, the General Plan allows consideration for a “Special

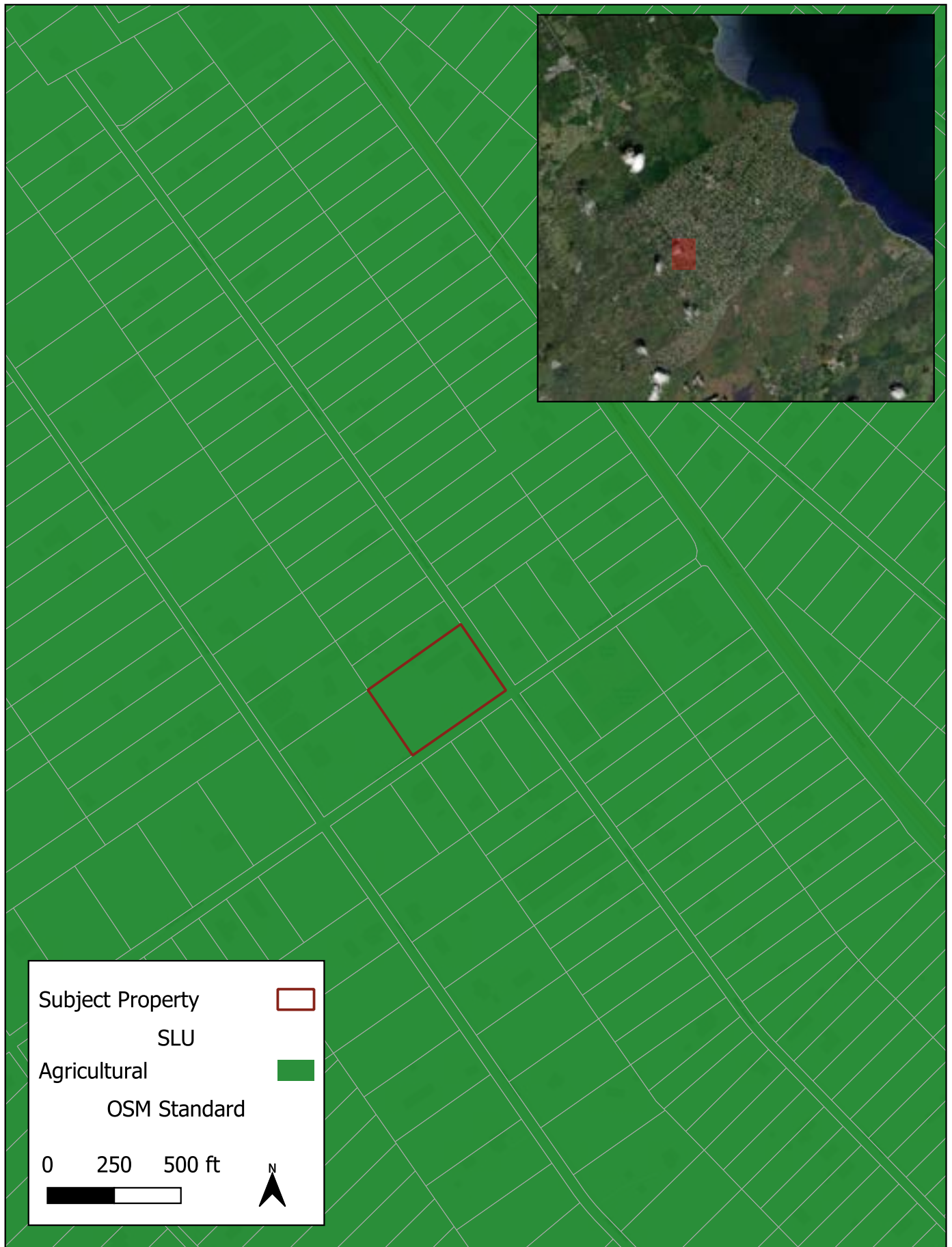


Figure 10: State Land Use Designation
TMK (3) 1-6-010: 083

Permit” on agricultural land where the requested use meets certain criteria as outlined in Section 4 of the permit application and Chapter 205 of the Hawai‘i Revised Statutes as amended.

General Plan Discussion

The Hawai‘i County General Plan serves as a guide for decision-makers in land use matters. The proposed project is conducive to the General Plan’s guidelines as it conforms to the following goals, policies, and standards of the General Plan.

Economic Elements:

2.2 Goals

- *Provide residents with opportunities to improve their quality of life through economic development that enhances the County’s natural and social environments.*
- *Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawai‘i.*
- *Strive for diversity and stability in the economic system.*
- *Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County’s cultural, natural and social environment.*
- *Strive for an economic climate that provides its residents an opportunity for choice of occupation.*
- *Strive for diversification of the economy by strengthening existing industries and attracting new endeavors.*

Environmental Elements:

4.2 Goals

- *Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.*

Land Use Elements:

14.1.2 Goals

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

14.1.3 Policies

- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*

14.3.2 Goals

- *Provide for commercial developments that maximize convenience to users.*
- *Provide commercial developments that complement the overall pattern of transportation and land usage within the island's regions, communities, and neighborhoods.*

14.3.3 Policies

- *Distribution of commercial areas shall meet the demands of neighborhood, community and regional needs.*
- *Encourage the concentration of commercial uses within and surrounding a central core area.*
- *The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.*
- *Encourage commercial areas to develop on an axis perpendicular to the highway.*

Discussion: Approval of the requested Special Permit Amendment would be in line with the aforementioned economic, environmental and land use goals and policies of the General Plan by providing an opportunity for the applicant to utilize the property to establish a Trade Center and provide commercial space to the Orchidland area. One of the reasons for approval of the trade center in 1994 was to provide and promote limited industrial uses to serve the needs of residents in this area of Puna, which would not be available in the existing Orchidland Estates Convenience Center. The proposed Trade Center would provide economic opportunities to rural residents and reduce commute times and costs for products and services. Additionally, the Trade Center would provide space for Fire Truck storage and water usage for volunteer fire services within Orchidland in the period before an official fire station is able to be constructed. This will have a positive impact on safety and emergency service access within the rural area.

Puna Community Development Plan

Community Development Plans are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they serve as important frameworks for a community's intended outcome and vision and are often used as forum for

community input in terms of land-use, availability of public resources, and overall development.

The Puna Community Development Plan (PCDP) was developed through the implementation of the 2005 County of Hawai‘i General Plan with a vision for the residents of Puna to “live in harmony with the land, while promoting a sustainable vibrant local economy, healthy community, and a viable transportation system that is accessible, friendly and safe for now and future generations.” Section 5.2.3 of the PCDP outlines the area of the Orchidland Neighborhood Village Center, which includes the subject property (**Figure 11**). The Orchidland Neighborhood Village Center location was identified by the community to be located along Orchidland Drive from Highway 130 to halfway between 34th and 35th Avenues, encompassing 15 parcels and an area of about 16 acres. The proposed project aligns with the General Use and Design Criteria for Neighborhood Village Centers outlined in the PCDP.

The proposed Special Permit Amendment is conducive to the following goals and objectives outlined in the PCDP:

3.1.1 Goals

- *The quality of life improves, and economic opportunity expands for Puna’s residents.*
- *Services and community facilities are more accessible in village/town centers that are distributed throughout the region, including the underserved subdivisions that have been experiencing higher levels of development growth.*

3.1.2 Objectives

- *Enhance the role of existing and proposed village/town centers, including criteria for their location, scale, uses and design.*

4.1.1 Goals

- *The percentage of residents who commute to employment or travel for services outside of Puna is reduced.*

4.1.2 Objectives

- *Provide more services and employment within Puna’s village and town centers.*
- *Create new employment opportunities in Puna in order to reduce long commuting.*

Discussion: Approval of the subject Special Permit Amendment request will allow the applicant to establish a Trade Center on the subject property. The trade center would economically benefit the Orchidland area and support the development of the Neighborhood Village Center. Employment and service opportunities would be increased, leading to a decrease in the need to commute

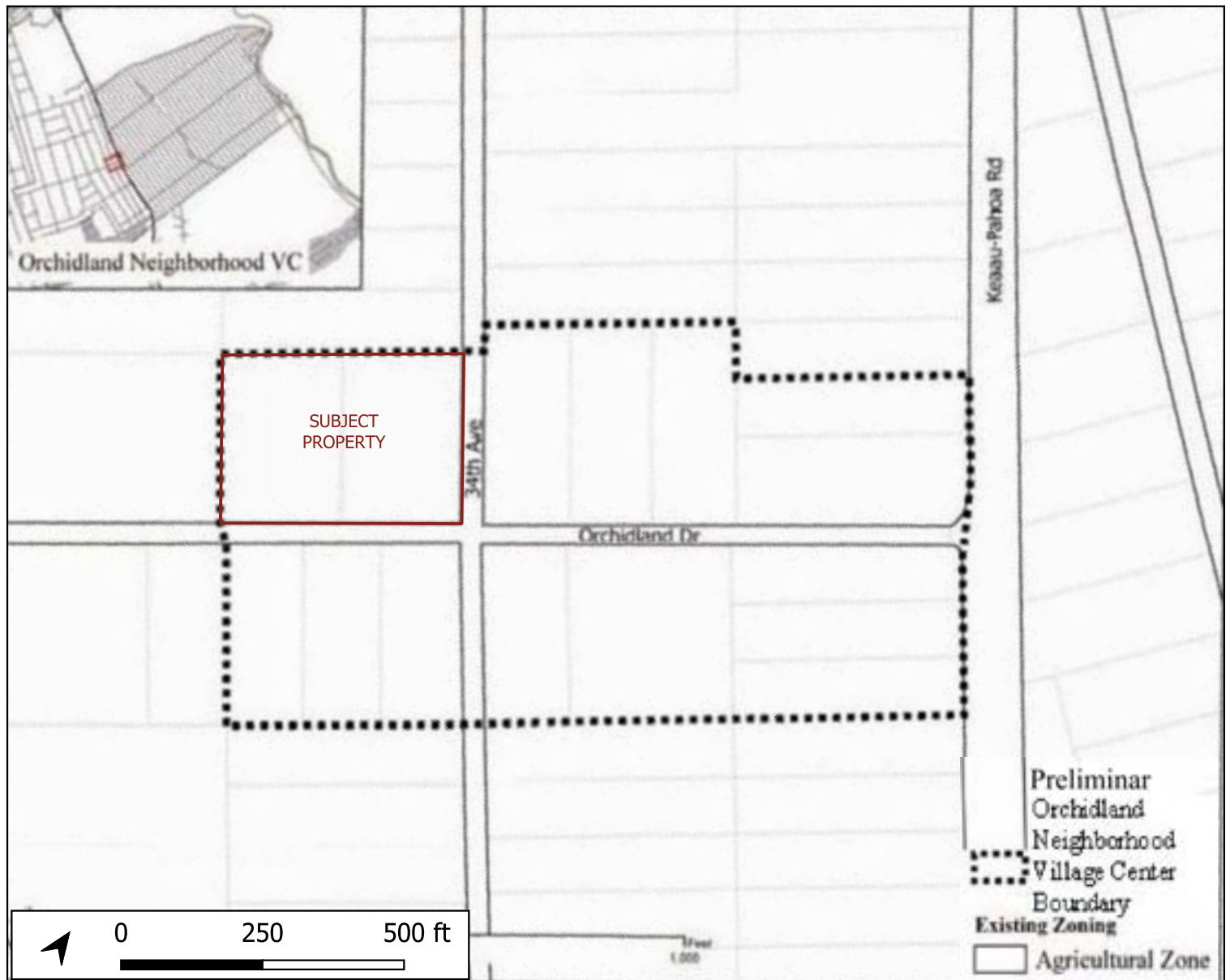


Figure 11: Orchidland Neighborhood Village Center
TMK (3) 1-6-010: 083

Puna Community Development Plan

for residents. Access to emergency fire services and community safety would also be improved under the proposed project.

3D. Surrounding Zoning and Land Uses

The subject parcel and surrounding parcels in all directions are zoned *Agricultural 3-acre (A-3a)* and generally range in size from 1 - 3 acres. The surrounding area is composed of a mixture of small farms, single-family residences, a commercial center (Orchidland Estates Convenience Center), a restaurant, a church, and vacant parcels. The Orchidland Estates Convenience Center includes a convenience store and gas station, Blaine's Drive Inn and the Orchidland General Store.

The Special Permit Amendment request would remain in keeping with the surrounding area and would contribute to the small-scale commercial uses in the Orchidland Neighborhood Village Center.

3E. Flood Insurance Rate Map

The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the subject property to be in Flood Zone X (areas outside of the 500-year flood) (**Figure 12**). There are no identified drainage ways through the property and the site has not been and should not be at risk of flooding.

3F. Archaeological Resources

As construction will be limited to areas that have been previously cleared, archaeological resources are not expected to be encountered. No commissioned archaeological survey of the site was carried out. Nevertheless, in the event any inadvertent discoveries are made during any land disturbance activity relating to this project, work will cease, and the applicants will immediately notify the Planning Department and the State Department of Land and Natural Resources and secure their clearances before proceeding further.

3G. Valued Cultural Resources

In view of Hawai'i State Supreme Court's "PASH" and "*Ka Pa'akai O Ka 'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion of the cultural, historical and natural resources and associated traditional and customary practices of this site.

The requested action involves utilizing the existing structures on the property to establish a Trade Center. No archeological, historical or cultural resources are known to be located on the property. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. However, it would appear unlikely that the site would serve such a purpose today and/or in the recent past due to previous development. Furthermore, the subject property is not proximate to the shoreline and thus coastal access and traditional practices are not affected.



Figure 12: Flood Hazard Zones
TMK (3) 1-6-010: 083

Additionally, the property does not contain any trails to mauka forested areas for gathering or hunting. The previous development of the property makes the discovery of new resources unlikely. However, in the event any archeological resources were to be found on the property, all uses of the land would cease, and the Department of Land and Natural Resources State Historic Preservation Division would be contacted immediately.

Based on the above, it does not appear that the project would have any potential adverse impact relating to the cultural and historical resources in the area.

3H. Flora and Fauna Resources

Although there was no professional survey of the floral and faunal resources of the site, the parcel has been previously cleared and developed. As such, the applicant does not believe that any rare or endangered floral or faunal resources are likely to be found on the site. Thus, it is unlikely that this project would cause any adverse faunal impacts.

Introduced bird species such as dove, Japanese White-eye, house finch and myna are common in the area. Domestic animals such as cats, dogs, goats, chickens and other animals such as rats and feral pigs are also common and are not considered endangered. It is possible that the Hawaiian Hawk (*Buteo solitarius*) and Hawaiian owl (*Asio flammeus sandwichensis*) may use the area. The endemic Hawaiian hoary bat (*Lasiurus cinereus semotus*) also may utilize the site as they are far ranging and utilize diverse habitats across the island. However, no new building construction is proposed. Thus, potential impacts to native birds and the Hawaiian hoary bat should be negligible.

Vegetation on the property primarily includes introduced grasses and shrubs, such as fireweed, sleeping grass, and Asian sword fern. Again, as the property has been cleared, the project does not anticipate an impact on floral resources.

3I. Public Access

The subject parcel is located approximately 4.5 miles from the shoreline. As such, no public access will be affected by this request.

3J. Description of Access

The subject parcel is accessed via Orchidland Drive, approximately 1,000 feet west of the intersection of Orchidland Drive and the Keaau Pahoa Road. The project does not propose to take access from 34th Avenue. Orchidland Drive is privately owned and maintained by the Orchidland Community Association (OLCA). Orchidland Drive is a 60-foot right-of-way with approximately 28 feet pavement width at its intersection with the Kea'au Pahoa Road, however, it narrows as it approaches the proposed parcel, decreasing in width to approximately 24 ft. The trade center will be accessed from Orchidland Drive via a 30 ft driveway as shown in the site plan. 47 standard parking spaces and 2 ADA compliant spaces are proposed. It is noted that a letter was mailed to

the Orchidland Community Association requesting their comments on this application on November 13, 2025 (**Exhibit C**). To date we have not received comments.

3K. Traffic Impacts

Traffic on Orchidland Drive is generally low and made up primarily of residents of the area and users of the shopping/commercial area east of the parcel. While the proposed use would generate an increase in traffic to the subject site, the increase in peak hour trips is not expected to be significant. According to the Institute of Traffic Engineers Trip Generation Manual, 11th Edition, the proposed project is estimated to generate approximately 27 peak hour trips. This trip generation estimate is based on an estimated 1.93 average peak hour trips per 1,000 square feet of specialty trade contractor space and an average 9.05 peak hour trips per 1,000 square feet of high turnover sit-down restaurant space. Note, specialty contractor space trip generation rates are also used for the commercial kitchen uses since there is no standard trip generation in the manual for this use. The commercial kitchen use is not anticipated to be a significant traffic generator since no customer visits or retail use would be allowed.

The intersection between Orchidland Drive and Highway 130 is the primary intersection of concern. The Department of Transportation (HDOT) has planned improvements to this intersection to mitigate concerns surrounding congestion and intersection safety. These improvements (HS17) are outlined on their Statewide Transportation Improvement Program (STIP) and are scheduled for construction in 2026. In addition, the establishment of the trade center has the potential to positively affect traffic through providing additional commercial and employment opportunities within Orchidland, reducing the need for community residents to travel for work or services.

3L. Availability of Utilities

HELCO power is available to the site. The existing buildings on the site have installed stub-ups for utilities. Wastewater will be handled by the septic system constructed alongside the existing buildings pursuant to Department of Health regulations. County water service is available to the site via the waterline extension across Orchidland Drive from the master meter located on parcel number 1-6-009:388.

All other necessary utilities (i.e. phone, cable, internet) are available to the site.

III. REGULATORY ANALYSIS

4A. Coastal Zone Management

The proposed use is not contrary to Chapter 205A, Coastal Zone Management as the existing dwellings were permitted through the Special Management Area process. There are no public access, scenic or open space resources on the subject site.

4B. Impacts to Surrounding Properties

The proposal to establish a Trade Center on the subject property will not have a significant adverse impact on the surrounding properties. It will not contain activities which would generate substantial adverse impacts of a noxious character, with most of the proposed uses being service-oriented.

Additionally, the property is within the Orchidland Neighborhood Village Center, which designates it as the area most appropriate for commercial development. The proposed project would provide economic opportunities for Orchidland residents and potentially decrease the need to travel further for commercial products and services. Furthermore, as the proposed uses will occur within existing structures, visual and noise impacts will be minimal. Appropriate landscaping will also be incorporated to mitigate any potential visual and/or noise impacts.

4C. Impacts to Public Agencies

The proposed project will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject site is accessible via Orchidland Drive and no additional utilities will need to be provided by public agencies.

4D. Unusual Conditions

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, Hawai'i Revised Statutes §205-6 allows County Planning Commissions to permit certain unusual and reasonable uses within the Agricultural and Rural districts other than those for which the district is classified.

The subject property is in the Agricultural district and is classified by the Land Study Bureau Overall Master Productivity Rating as containing "E" or "very poor" soils, making it unsuitable for productive agriculture. The property is not ideal for agricultural uses, as shown by the previous Special Permits for the original trade center and elementary school. Additionally, being located within the Orchidland Neighborhood Village Center makes the subject site ideal for commercial use and aligns with County land use goals.

Approval of the applicant's special permit amendment request to establish a Trade Center will allow the existing structures to be used similar to their original purpose, as being constructed under the plans for the original regional trade center. Additionally, operating the Trade Center will allow the applicant to provide economic opportunities, products, and services to the rural area of Orchidland.

Thus, the Special Permit Amendment seeks to establish the Trade Center on the property while keeping with the intent of the agricultural district. Therefore, it is reasonable that the applicants be permitted to pursue this unusual use in the Agricultural district.

4E. Land Suitability for Permitted Use

As mentioned above, according to the Land Study Bureau Overall Master Productivity Rating, the subject property is classified as “E” or “very poor”. Thus, the soils on the property are not suitable for agricultural uses. Although it is possible that some agricultural activities may be conducted on the subject property, the approval of the requested Special Permit Amendment would not be contrary to the objectives of the State Land Use Law and Regulations given the soil’s poor agricultural potential and relatively small parcel size. Therefore, approval of this request would not represent a significant impact to the agricultural land inventory within the County and would not be contrary to the intent and purpose of State Land Use laws. Additionally, the property has already been permitted for the trade center under SPP 94-000003.

4F. Land Character and Present Use

The proposed use will not substantially alter or change the essential character or use of the land. The Trade Center will be established within the existing structures and no new construction outside of access and parking improvements are proposed under the Special Permit Amendment request. The subject property is currently unused although there has been significant investment in site infrastructure and improvements. The proposed Trade Center would allow these improvements on the property to be utilized as originally intended under the initial Special Permit request. The commercial developments and church to the northeast of the subject property have solidified this area as a core of neighborhood services, and the proposed use is in alignment with this trend.

Therefore, the Special Permit Amendment request will not alter or be detrimental to the essential character of the land or surrounding area; rather, it will assist the landowner in realizing the property’s potential through the addition of an unusual, yet compatible and reasonable use.

4G. Relationship to General Plan

The proposed use will not be contrary to the goals, policies, and standards of the General Plan or the Puna Community Development Plan. As discussed in Section 3C, the proposed use conforms to the General Plan’s economic, environmental and land use goals and policies. The project will provide valuable services and opportunities for the surrounding community. Additionally, the project is consistent with goals and objectives in the Puna Community Development Plan and the future vision outlined for the Orchidland Neighborhood Village Center.

4H. Unusual and Reasonable Use

The proposed use is an unusual and reasonable use of the land, which would not be contrary to the objectives sought by Land Use Law and Regulations, which, for the Agricultural District, seek to preserve or keep the land of high agriculture potential in agriculture usage. Lands in the Agricultural District include areas with a high capacity or potential for agricultural uses but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural uses by reason of topography, soils or other related characteristics.

The soils on the subject property are not suited for agricultural use as they are classified by the Land Study Bureau as “E” or “very poor”. Although it is possible that some agricultural uses may be conducted on the subject property, approval of the proposed use would not be contrary to the objectives of the State Land Use Law and Regulations given the poor soil quality and classifications and the small parcel size. Thus, it is the landowner’s intent to establish an alternate use for the property while optimizing the overall use of the land by utilizing existing improvements on the property.

Therefore, the approval of the subject request would be an usual yet reasonable use of the land and will not adversely impact the agricultural land inventory in the County of Hawai‘i nor would it be contrary to the intent and purpose of the State Land Use Law.

EXHIBIT A



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

APR 14 2014

130 Holdings LLC
519 Manono Street
Hilo, HI 96720

Gentlemen:

Special Permit No. 870 (Docket No. 94-000003)

Applicant: 130 Holdings LLC

Request: Five-Year Time Extension to Comply with Condition No. 2 (Time to Complete Construction) and Additional Amendments to Conditions of Special Permit No. 870, Which Allowed the Development of the Orchidland Trade Center of 2.3 Acres of Land

Tax Map Key: 1-6-010:083

The Windward Planning Commission, at its duly held public hearing on April 3, 2014, voted to approve your request for amendments to Condition Nos. 2 (time to complete construction), 5 (access) and 7 (hours of operation) and deny request for amendments to Condition Nos. 3 (design guidelines), 4 (water storage) and 6 (intersection improvements) of Special Permit No. 870, which allowed the establishment of the Orchidland Trade Center on 2.311 acres of land situated within the State Land Use Agricultural District. The property is located within the Orchidland Estates Subdivision on the northwest corner of Orchidland Drive and 34th Street, Orchidland Estates, Kea'au, Puna, Hawai'i.

Approval of the request is based on the following:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. If County water becomes available for this project, the applicant(s) shall submit the anticipated maximum daily water usage calculations as prepared by a

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APR 14 2014

professional engineer licensed in the State of Hawai'i and submit a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within 180 days from the effective date of this amended permit.

3. Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) standards for CV zones adjoining a RS zone.
4. The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994, except for the requirement for the project to operate on county water and provide an additional fire hydrant.
5. The applicant shall develop sufficient water storage to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting purposes for the proposed development. The storage facility shall be completed prior to Certificate of Occupancy and kept filled with enough water to meet the applicable Department of Health and Fire Department requirements. If an improvement district or similar project is proposed which would make county water available to the property, the owner shall participate and pay its fair share of any applicable construction costs and connect to the County water system.
6. The applicant shall provide pavement improvements to the northern half of Orchidland Drive along the subject property's entire Orchidland Drive frontage meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for any portion of the proposed project.
7. Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchidland Drive shall be provided by the applicant if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.

8. The regional trade center operations shall be limited to 6:00 a.m. to 11:00 p.m. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the Planning Director's Background Report dated May 10, 1994 as Exhibit E - Orchidland Trade Center – Project Overview and food service uses.
9. The applicant shall provide an 8-foot high chain link fence or of comparable security effect along the boundaries with the adjacent properties identified by TMK: 1-6-10: 46 and 81.
10. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
11. The applicant(s) shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Fire Department.
12. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
13. If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the Planning Commission for appropriate action.

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Approval of this amendment is based on the reasons given in the attached recommendation report.

130 Holdings LLC

Page 4

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288, ext 8142.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Gonzales', with a stylized, cursive script.

Ronald Gonzales, Chairman
Windward Planning Commission

L130holdingsamendspp870wpc

Enclosure: PC Recommendation Report

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

**COUNTY OF HAWAII
PLANNING COMMISSION RECOMMENDATION**

130 HOLDING LLC

AMENDMENT TO CONDITION NOS. 2, 3, 4, 5, 6 & 7 OF SPECIAL PERMIT NO. 870

The applicant is requesting amendments to various conditions of Special Permit No. 870, which was originally approved to allow the establishment of a regional trade center on 2.311 acres of land. General services approved for the regional trade center include a variety of home, garden and animal supplies; catchment supplies, sales & service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative and home business outlet. Additionally, the permit was amended in 2003 to include food service uses (restaurant). The following conditions are requested to be amended by the applicant:

Condition No. 2 (time to complete construction): The applicant is requesting a 5-year time extension to complete construction of the proposed development. The condition states the following:

“Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) standards for CV zones adjoining a RS zone.”

The applicant states that they have made significant progress since the last time extension approval in 2008. There have been two (2) building shells constructed that are stubbed out with electricity and plumbing. There have also been significant infrastructure improvements including drywells, waterlines, a septic system and drain lines. The applicant states that they have invested one million dollars towards this

project. The Planning Department recommends that this amendment request for Condition No. 2 **be approved**.

Condition No. 3 (comply with design guidelines): The applicant is requesting that Condition No. 3 be deleted. The applicant states that most of the requirements detailed in Orchidland Estates Community Association's letter dated February 24, 1994 are no longer applicable. The condition states the following:
"The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994, except for the requirement for the project to operate on county water and provide an additional fire hydrant."

The community association's letter dated February 24, 1994 (P.D. Exhibit 2) was an agreement between the association and the applicant by which the applicant agreed to abide by the conditions stated within the Association's letter that was subsequently incorporated as conditions within the Planning Commission's approval. The Orchidland Estates Community Association requested not to delete this condition. Therefore, it is recommended that the amendment request **be denied** at this time.

Condition No. 4 (water storage): The applicant states that they have entered into an agreement with Orchidland Gulsons LLC to connect to the existing waterline and that construction plans have been approved. They are requesting that the condition be amended to allow for either on-site water storage or connection to County water. The condition states the following:

"The applicant shall develop sufficient water storage to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting purposes for the proposed development. The storage facility shall be completed prior to Certificate of Occupancy and kept filled with enough water to meet the applicable Department of Health and Fire Department requirements. If an improvement district or similar project is proposed which would make county water available to the property, the owner shall participate and pay its fair share of any applicable construction costs."

When this project was originally approved, the applicant was required to connect to County water and to provide a fire hydrant based on the February 24, 1994 agreement letter between the community association and the applicant. Although County water was supplying Orchidland Estates Convenience Center across Orchidland Drive, the applicant could not come to an agreement with the owners to hook up to the private water line.

The other option was to have the applicant construct a new water line from Highway 130 to their property to connect to County water, which would have been very costly. On September 4, 2008, the applicant requested an amendment to allow the option to develop a sufficient water storage on-site to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting instead of hooking up to County water. Although the condition was amended to allow on-site water storage, a portion of the condition still required that applicant to hook up to County water if it became available. At this time, the applicant is requesting to allow either the option of hooking up to County water or to have an on-site water storage system.

The Planning Department recommends that the condition remain as it is currently written, which allows the applicant to store water on-site if County water does not become available but still requires the applicant to hook up to County water if it does become available. With the agreement with Orchidland Gulsons, LLC in place, County water is now available and the Planning Department is recommending for the applicant to connect to the water system. Therefore, it is recommended that this amendment request **be denied.**

Condition No. 5 (access improvements): The applicant is requesting to delete portions of the condition that requires the applicant to provide improvements within the un-improved portions of Orchidland Drive up to and including the subject property's entire Orchidland Drive's frontage and to only improve one-half of Orchidland Drive in front of the subject property's Orchidland Drive frontage. The condition states the following:

"Access to the subject property from Orchidland Drive shall be designed and engineered to substantially conform to the Department of Public Works specifications for commercial driveways, without sidewalks. The applicant shall provide pavement

improvements within the un-improved portions of Orchidland Drive up to and including the subject property's entire Orchidland Drive frontage meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for the proposed development. Road improvements to Orchidland Drive as specified under this condition shall not include those obligation(s) for roadway improvements as required under Special Permit No. 569.”

The Planning Department sent a letter to the applicant dated November 1, 2010 (Exhibit D of the Special Permit Application) clarifying the Planning Department’s position regarding the required road improvements along Orchidland Drive and supports the amendment request for this condition.

The Planning Department, in consultation with the Department of Public Works, has revised this condition for access improvements and requests that this amendment request for Condition No. 5 **be approved.**

Condition No. 6 (intersection improvements): The applicant is requesting that this condition to improve the intersection of Orchidland Drive and Highway 130 with channelization, signalization and street lighting, if required by the Department of Transportation, be deleted because its cost could render the project unfeasible. The condition states the following:

“Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchidland Drive shall be provided by the applicant if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.”

Since this project was first approved in 1994, there have been several safety improvements to the Orchidland Drive and Highway 130 intersection, including a left turn lane, a storage lane and a deceleration lane. There are still significant concerns regarding the safety of this intersection as it is not signalized. In a recent Special Permit approval in the immediate area, a condition was added that no building permit for any portion of the proposed commercial retail office building be granted until the contract for the construction of the traffic light at the Shower Drive, Pohaku Drive and Highway 130 intersection is awarded by the State Department of Transportation and that Certificate of

Occupancy shall not be approved until the traffic light at the Shower Drive, Pohaku Drive and Highway 130 intersection is complete. This condition was added because of safety concerns at the intersection with the increase of traffic as a result of the added uses.

The Planning Department understands the applicant's request to delete this condition because of the significant cost burdens upon a single applicant. The Department of Transportation did make contact with the Planning Department and asked that the condition remain the same and not be deleted. As a result, the Planning Director does **not support deletion** of Condition No. 6.

Condition No. 7 (hours of operation): The applicant is requesting to change the hours of operation from 6:00 a.m. to 9:00 p.m. The hours of operation requested would be from 6:00 a.m. to 11:00 p.m. The applicant states that the 9:00 p.m. closing time would be too restrictive for food service establishments, gas stations, grocery stores, and places where meetings are held. The condition states the following:

"The regional trade center operations shall be limited to 6:00 a.m. to 9:00 p.m. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the Planning Director's Background Report dated May 10, 1994 as Exhibit E - Orchidland Trade Center - Project Overview and food service uses."

Additionally, the uses permitted for this project are listed in the above referenced May 10, 1994 exhibit (refer to Planning Department Exhibit 6), which does not list gas stations and grocery stores as permitted uses as reflected within the applicant's amendment request. Food service uses were added later as an amendment on June 20, 2003. The Planning Department would like to be clear on the record that the "food service uses" proposed and approved at the time of the previous amendment in 2003 was for a restaurant and not gas stations and grocery stores.

The Planning Department received a response from the Orchidland Estates Community Association just before the Planning Commission hearing in which they were supportive of the request amend Condition No. 7 and therefore, it is recommended that this request **be approved** at this time

The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence. The project was originally approved to allow numerous uses including a hardware and garden supply store, which was designed as the anchor tenant for the project. Due to the economic downturn, the applicant has been unable to locate a credible anchor tenant or to obtain financing for the project. Without an anchor tenant, it is nearly impossible to obtain financing. They have invested over one million dollars in construction costs from their own funds. Additionally, the progress of the project was severely hampered when a hardware store was built across the street within the Orchidland Estates Convenience Center under the guise of a general store (True Value-Orchidland General Store). As a result, the applicants have had to re-design the project and identify an alternative use as the anchor tenant.

In the past, the project has been severely hampered by unexpected delays in the process of extending a County waterline to service the project site. The applicants had plans engineered and submitted to the Department of Water Supply that detailed an extension from the existing 12-inch waterline fronting the Orchidland Estates Convenience Center on Orchidland Drive. The plans were rejected by the Department of Water Supply because the owner of Orchidland Estates Convenience Center did not dedicate the existing waterline to the County. The Department of Water Supply suggested that the applicant engineer an additional waterline up the opposite (Hilo) side of Orchidland Drive from the Keaau-Pahoa Road (Highway 130) to the subject property. The applicant paid for additional plans that received a favorable response from the Department of Water Supply. It was then discovered that the applicant would need permission from the Department of Transportation to access the main waterline, which resides 6 inches within the State right-of-way on Highway 130 and which could require the applicant to conduct an Environmental Assessment. The applicant previously estimated the cost of installing a waterline from Highway 130 to the Trade Center site to exceed \$350,000. There is, in addition, a problem with obtaining an easement within the Orchidland Drive right-of-way to install the waterline because Orchidland Drive was never conveyed to the Community Association and still belongs to the original

subdivision developer, Hilo Development, an inactive corporation. On September 4, 2008, the applicant requested and received approval of an amendment to allow the option to develop a sufficient water storage system on-site to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting instead of hooking up to County water, unless County water became available. Previously, the Orchidland Community Association has found that the new proposal to truck in and store water on the property to be an acceptable alternative to the installation of a municipal water system.

All of these complications have prompted the applicant to request several amendments to conditions, including a 5-year time extension to complete construction of the proposed project. As discussed and recommended above, the Planning Director is recommending approval for several amendment requests and denial of several amendment requests.

Based on the overall information, the non-performance is the result of conditions that could not have been foreseen and are beyond the control of the applicant, and was not the result of their fault or negligence.

Approval of the selected requests would not be contrary to the General Plan or Zoning Code, or the original reasons for the granting of the Special Permit. Since the original approval of the Special Permit request, the General Plan has been amended. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map has been revised from Orchards to Rural in this area. Additionally, there is a Medium Density Urban node located across the street on the Pahoehoe side of Orchidland Drive between 35th Street and Highway 130. The zoning for the area and the property has remained the same, which is designated as State Land Use Agricultural and County Agricultural (A-3a). Therefore, the approval of this request would not be contrary to the General Plan or the Zoning Code.

Additionally, since the original approval of this Special Permit as amended, the Puna Community Development Plan (CDP) was adopted by the Hawai'i County Council, Ordinance 08 116, on September 10, 2008. The Puna CDP has identified this area as the Orchidland Neighborhood Village Center. The Orchidland neighborhood village

center location was identified by the community association to be “located along Orchidland Drive from Highway 130 to halfway between 34th and 35th Avenues”, which encompasses 15 parcels and an area of about 16 acres. The subject property is located on the boundary within the village center.

The approval of this time extension request and the selected amendments would not be contrary to the original reasons for granting Special Permit No. 870, which was approved to allow the establishment of a regional trade center and include a variety of home, garden and animal supplies; catchment supplies, sales & service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative, home business outlet and later to include food service uses. One of the original reasons for approval for the regional trade center was to provide and promote limited industrial uses to serve the needs of residents in this area of Puna, which would not be available in the existing Orchidland Estates Convenience Center.

Conditions of approval have been updated and revised based on compliance with certain conditions and to reflect requests from governmental agencies.

Based on the above, amendments to Condition No. 2 (time to complete construction), Condition No. 5 (access improvements), and Condition No. 7 (hours of operation) are approved and amendments to Condition No. 3 (comply with design guidelines), Condition No. 4 (water storage) and Condition No. 6 (intersection improvements) are denied.

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
Z 095 324 034

JUL 28 1998

Mr. Verne A. Wood
P.O. Box 1217
Keaau, HI 96749

Dear Mr. Wood:

Special Permit No. 870 (SPP 870)
Applicant: Verne A. and Melody Lynn Wood,
Jeffrey Phillip Bloom and Laura Ann Santi
Request: Amendment to Condition No. 4 (Complete Construction)
Tax Map Key: 1-6-10:82

The Planning Commission at its duly held public hearing on July 17, 1998, voted to approve the above-referenced request for an amendment to Condition No. 4 (complete construction) of Special Permit No. 870, as amended, which allowed the establishment of a regional trade center on approximately 1.15 acres of land within the State Land Use Agricultural District. The property is located in Orchidland Estates on the Hilo side of Orchid Land Drive approximately 1,600 feet west of its intersection with the Pahoa Government Road (Highway 130) and in the vicinity of Wiki Wiki Mart, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 Hawaii. The applicant originally received an administrative extension of time from the Planning Director until June 7, 1998, to complete construction on the subject property. The applicants are requesting additional time in which to complete construction of the proposed development due to existing unfavorable economic conditions. This request would not be contrary to Chapter 205, Hawaii Revised Statutes.

The desired use will also not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicants are requesting an extension of four (4) years to complete

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JUL 28 1998

Mr. Verne A. Wood

Page 2

the project. This extension of time should not unreasonably burden public agencies nor have any adverse impact on existing public services to the area. The applicant would still be required to provide roadway improvements up to the frontage of the subject property in coordination with Sure Save Supermarkets, Ltd. All other agency requirements would still need to be complied with.

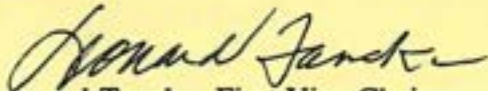
Based on the above, the request to amend Condition No. 4 of Special Permit No. 870 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. Condition No. 4 is amended as follows [bracketed material to be deleted and underlined material to be added]:

4. Construction of the proposed regional trade center and related improvements shall be completed and a certificate of occupancy issued within [two] four (4) years from the effective date of this [Special Permit] amendment.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Leonard Tanaka, First Vice-Chairman
Planning Commission

LWoodV01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Carl Okuyama

Harry Kim
Mayor



County of Hawaii PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

JUL 01 2003

Mr. Verne Wood
741 Kanoelehua Avenue
Hilo, HI 96720

Dear Mr. Wood:

Special Permit (SPP 870)

Applicant: Verne and Melody Wood

Request: To Amend Special Permit No. 870 to Include the Adjoining One-Acre Parcel of Land, to Amend Condition No. 4 (Complete Construction) for the Establishment of the Orchidland Trade Center and Also to Amend Condition No. 8 by Increasing the Hours of Operation from "daylight hours" to 6:00 a.m. to 9:00 p.m., and to Allow the Addition of "food service uses"

Tax Map Key: 1-6-10:82 and 83

The Planning Commission at its duly held public hearing on June 20, 2003, voted to approve the above-referenced request to amend Special Permit No. 870. The request was to amend Condition No. 4 (complete construction) for the establishment of the Orchidland Trade Center in the State Land Use Agricultural District. The request was to also amend Condition No. 8 by increasing the hours of operation from "daylight hours" to "6:00 a.m. to 9:00 p.m." and to allow the addition of "food service uses." The properties are located in Orchidland Estates Subdivision at the northwest corner of Orchidland Drive and 34th Street, approximately 1,600 feet west (mauka) of Keaau-Pahoa Road, in the vicinity of the Orchidland Wiki Wiki Mart, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 Hawaii. The applicants are requesting an amendment to an existing permit to expand the development to 1) include an adjoining one-acre parcel of land; 2) allow additional time to complete construction by July 17, 2006; and 3) increase the hours of operation and expand the permitted uses to include food services. In addition to TMK: 1-6-10: 82, the proposed development would include the adjoining one-acre of land identified as TMK: 1-6-10: 83. This request would not be contrary to Chapter 205, Hawaii Revised Statutes.

JUL 01 2003

The desired use will also not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Special Permit No. 870 was approved by the Planning Commission on June 7, 1994 to establish a regional trade center on TMK: 1-6-10: 82. The applicants are requesting an amendment to the scope of the project to include an adjacent additional one-acre parcel of land (TMK: 1-6-10: 83). Parcels 82 and 83 will be required to be consolidated. The applicants are also requesting a time extension of four (4) years to complete the project, citing unfavorable economic conditions. This extension of time should not unreasonably burden public agencies nor have any adverse impact on existing public services to the area. The applicants are also requesting an amendment to Condition No. 8 to increase the hours of operation from "daylight" hours to "6:00 a.m. to 9:00 p.m.", and to allow food service uses. Although this is an expanded use, it would not unreasonably burden public agencies to provide additional infrastructure. All other agency requirements would still need to be satisfied.

A Traffic Assessment Report dated March 17, 2003 was conducted for the proposed development by Phillip Rowell and Associates. The report concluded that 1) a traffic impact study would not be necessary given the estimated increase in traffic; 2) the levels of service will remain the same with or without the proposed project; and 3) traffic signals are warranted for existing conditions and not as a result of traffic generated by the proposed project. The Department of Public Works had no comments or objections on the traffic assessment report, and the Department of Transportation stated that the proposed amendments would not have a significant impact on State highway facilities.

Based on the above, the request to expand the project to include an adjoining one-acre parcel of land, and to amend Condition Nos. 4 and 8 of Special Permit No. 870 would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. Related to the amendment requests, additional conditions are proposed as follows. (Material to be deleted is bracketed; material to be added is underscored):

1. The applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.

3. Tax Map Keys 1-6-10: 82 and 83 shall be consolidated prior to receipt of Final Plan Approval.
- [3.] 4. Final Plan Approval of the regional trade center complex shall be secured from the Planning Department in accordance with Chapter 25-243 of the Zoning Code. Plans shall identify proposed structures, paved (concrete or asphalt-concrete) driveway and parking areas associated with the proposed use. Appropriate landscaping shall be provided for the purpose of mitigating any noise and visual impacts which may be generated by the facility.
- [4.] 5. Construction of the proposed regional trade center and related improvements shall be completed and a certificate of occupancy issued within [two] four (4) years from the effective date of this [Special Permit] amendment.
- [5.] 6. The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994.
- [6.] 7. Access to the subject property from Orchidland Drive shall meet with the approval of the Department of Public Works. The applicant shall provide pavement improvements within the un-improved portions of Orchidland Drive up to and including the subject property's entire Orchidland Drive frontage in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development. Road improvements to Orchidland Drive as specified under this condition shall not include those obligation(s) for roadway improvements as require of Sure Save Supermarkets under Special Permit No. 569.
- [7.] 8. Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchidland Drive shall be provided by the applicants if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.
- [8.] 9. The regional trade center operations shall be limited to [daylight hours] 6:00 a.m. to 9:00 p.m. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the

Planning Director's Background Report dated May 10, 1994 as Exhibit E -
Orchidland Trade Center - Project Overview and food service uses.

10. The applicant shall provide an 8-foot high chain link fence or of comparable security effect along the boundaries with the adjacent properties identified by TMK: 1-6-10:46 and 81.
- [9.] 11. The applicant(s) shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Fire Department.
- [10.] 12. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
- [11.] 13. An 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 the granting of the permit; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Verne Wood
Page 5

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

Sincerely,

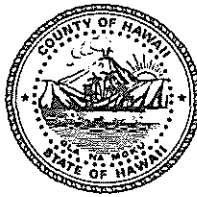


Fred Galdones, Chairman
Planning Commission

Lvernewoodpcappspp870

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Rodney Haraga, Director/DOT-Highways, Honolulu
Orchidland Gulsons, LLC

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

June 6, 1994

Mr. Verne Wood
P. O. Box 1217
Keaau, HI 96749

Dear Mr. Wood:

Special Permit Application (SPP 94-3)

Applicant: Verne A. and Melody Wood; Jeffery Philip Bloom and
Laura Ann Shanti

Request: Establish a Regional Trade Center

TMK: 1-6-10:82

The Planning Commission at its duly held public hearing on May 19, 1994, voted to approve the above application. By letter of May 25, 1994, Special Permit No. 870 was issued to Verne A. & Melody Lynn Wood; Jeffery Phillip Bloom; and Laura Ann Shanti to establish a regional trade center on approximately 1.15 acres of land in the State Land Use Agricultural district. The project is situated on the Hilo side of Orchidland Drive approximately 1600 feet mauka of its intersection with the Keaau-Pahoa Highway, Orchidland Estates, Keaau, Puna, Hawaii.

Special Permit No. 870 is being revised by this correspondence to reflect the Planning Commission's amendment of the Planning Director's recommendation regarding the hours of operation. Our letter of May 25, 1994 incorrectly included the Planning Director's recommended hours of operation.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules and Regulations are intended to preserve, protect, and encourage

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Mr. Verne Wood
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Page 2

the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

In the case of the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics.

The land on which the proposed regional trade center is located is not well suited for agricultural uses. Soil within the property, which consist of pahoehoe lava, is not classified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) map system and is designated as "E" or "Very Poor" by the Land Study Bureau for agricultural productivity. Although it is possible that some agricultural activities may be conducted on the project site, approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the soil's capability class rating for agricultural productivity, it not being classified by the ALISH map system, its soil structure and small parcel size. Therefore, it is anticipated that the proposed use will not adversely impact the agricultural land inventory within the County of Hawaii and not be contrary to the intent and purpose of the State Land Use Law.

The request is not contrary to goals, policies and standards of the General Plan. Approval of the proposed use would compliment the following goals and policies of the *Economic Element* of the General Plan:

- o Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- o 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.
- o The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The approval of this request would also be consistent with the following goals and policies of the *Land Use Element* of the General Plan which states:

- o Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- o Protect and encourage the intensive utilization of the County's important agricultural lands.
- o The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- o Industrial development shall maintain or improve the quality of the present environment.
- o Industrial activities may be located close to raw materials or key resources.
- o Buffer zones shall be established between industrial and adjacent noncompatible uses of land.
- o Industrial development shall be conveniently located to its labor resource.

Although the major component of the request is limited industrial in nature, its approval at this particular location would compliment the existing Orchidland Estates Convenience Center by providing and promoting limited industrial uses to create a "regional trade center" which will serve the needs of residents in this portion of Puna within a centralized and convenient location. The proposed regional trade center will provide convenient space for various trades people within the Puna area to conduct their business, thereby concentrating and promoting the talents of the people of Puna for the benefit of the entire community. The regional trade center would provide for potable water-related sales and services as well as the retail sale of hardware, garden and animal supplies. These are services which will not be available at the Orchidland Estates Convenience Center nor the immediately surrounding region, but which are essential to the residents of this portion of Puna.

The proposed use will not have any significant adverse effects on the surrounding properties. The proposed "regional trade center" will not contain activities which

Mr. Verne Wood
June 6, 1994
Page 4

would generate substantial adverse impacts of a noxious character or involve the use of noxious materials. With the exception of a home and garden center, many of the proposed uses are service-oriented, meaning that much of its business will not be conducted on the project site. Trades people such as carpenters, electricians, and plumbers will utilize the proposed trade center as a base for their operations. However, to ensure the mitigation of any adverse visual or noise impacts to adjoining single family residences, appropriate landscaping and paved access and parking areas are recommended. It is also recommended that the operation of the regional trade center be limited to daylight hours.

The proposed use will not substantially alter or change the essential character of the land and the present use. The project site is currently vacant of any use. Surrounding properties are improved as residential homesites or remain vacant. While the proposed use will change the existing character of the project site, it is a change which complements the progression of uses along this portion of Orchidland Drive. Makai of the project site along Orchidland Drive is an existing church. Mauka of the church is an existing Wiki Wiki Mart. The proposed Orchidland Estates Convenience Center will rise on the Wiki Wiki Mart site and an adjacent mauka parcel. The church, Wiki Wiki Mart and proposed Orchidland Estates Convenience Center have solidified this portion of Puna as the "core" for services to be provided to surrounding communities. Therefore, the proposed "regional trade center" will not change the character of the area, but will enhance its standing as the focal point for commercial/limited industrial uses servicing the region. A condition of approval is recommended to ensure that the proposed regional trade center accommodates only those uses as specified by the applicants. This prevents the proposed development from accommodating a use not considered by the Planning Commission.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wastewater disposal will be accommodated within an individual wastewater treatment (septic) system. The Department of Health will enforce wastewater disposal regulations. County water is available to the subject property. Other essential utilities and services are or will be made available. Access from Highway 130 to the subject property will be via Orchidland Drive, a private roadway having a right-of-way of 60 feet. Orchidland Drive is currently improved with an approximately 20-foot wide pavement from Highway 130 to a point just mauka of the

Mr. Verne Wood
June 6, 1994
Page 5

existing Wiki Wiki Mart driveway. Access then proceeds over a 20-foot wide gravel surface to the project site. It is recommended that the applicants improve Orchidland Drive to County standards beyond any roadway improvements required of Sure Save Supermarket as condition of approval of the Orchidland Estates Convenience Center (Special Permit 569). The Department of Transportation recommends that channelization, street lighting and signalization improvements be provided at the Highway 130-Orchidland Drive intersection. This intersection is already channelized and has street lighting. The extent of additional channelization and street lighting improvements and the installation of traffic signals, if any, are not known at this time. Therefore, it is recommended that a general condition requiring such improvements, if any, be provided by the applicants. All other essential public utilities, services and facilities are or will be made available to support the proposed development.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. This portion of Puna contains large subdivisions such as the 2,500+-lot Orchidland Estates Subdivision and 8,000+-lot Hawaiian Paradise Park Subdivision. These massive subdivisions are located between the towns of Keaau and Pahoa, which provides for the commercial and industrial uses which support the entire district. However, these towns are located approximately 5 miles from the project site and does not provide the level of convenience one associates with a typical residential area. Unfortunately, this portion of Puna does not contain the comprehensive infrastructural improvements which would support an Urban core such as those found in Hilo, Keaau and Pahoa. While recognizing the remote location of these subdivisions, the inability of the area to support substantial Urban development, and the need to provide limited convenience services to area residents, the applicants have sought an available land use mechanism which recognizes the opportunities to establish unusual and reasonable uses on agricultural lands to benefit the community while not compromising the integrity of the State Land Use Law and Regulations.

Based on the above consideration, it is determined that the establishment of a regional trade center is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

Mr. Verne Wood
June 6, 1994
Page 6

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Plan Approval of the regional trade center complex shall be secured from the Planning Department in accordance with Chapter 25-243 of the Zoning Code. Plans shall identify proposed structures, paved (concrete or asphalt-concrete) driveway and parking areas associated with the proposed use. Appropriate landscaping shall be provided for the purpose of mitigating any noise and visual impacts which may be generated by the facility.
4. Construction of the proposed regional trade center and related improvements shall be completed and a certificate of occupancy issued within two (2) years from the effective date of this Special Permit.
5. The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994.
6. Access to the subject property from Orchidland Drive shall meet with the approval of the Department of Public Works. The applicant shall provide pavement improvements within the un-improved portions of Orchidland Drive up to and including the subject property's entire Orchidland Drive frontage in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development. Road improvements to Orchidland Drive as specified under this condition shall not include those obligation(s) for roadway improvements as required of Sure Save Supermarkets under Special Permit No. 569.
7. Channelization, signalization and street lighting improvements to the intersection of Highway 130 and

Orchidland Drive shall be provided by the applicants if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.

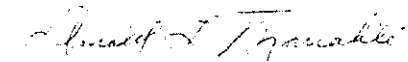
8. The regional trade center operations shall be limited to daylight hours. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the Planning Director's Background Report dated May 10, 1994 as Exhibit E - Orchidland Trade Center - Project Overview.
9. The applicant(s) shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Fire Department.
10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
11. An 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 the granting of the permit; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Verne Wood
June 6, 1994
Page 8

Should you have any questions, please feel free to contact Daryn Arai or Rodney Nakano of the Planning Department at 961-8288.

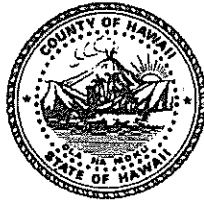
Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State Department of Transportation
State Department of Health
Fire Department
Plan Approval 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

September 17, 2008

130 Holding LLC
c/o Mr. Verne Wood
519 Manono Street
Hilo, HI 96720

Dear Mr. Wood:

Special Permit (SPP 870)

Applicant: 130 Holding LLC

Request: Amendment to Condition 5 (Construction Time Requirement) and
Condition 6 (OLA Design Guidelines Requiring County Water)

Tax Map Key: 1-6-10:82 and 83

The Planning Commission at its duly held public hearing on September 4, 2008, voted to approve the above-referenced request for an amendment to Condition Nos. 5 (construction time requirement) and 6 (requirement of County water) of Special Permit No. 870, which allowed the development of the Orchidland Trade Center on 2.3 acres of land situated within the State Land Use Agricultural District. The property is located along the north side of Orchidland Drive, approximately 1,600 feet west of the Keaau-Pahoa Subdivision, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The applicants are requesting a five (5) year time extension to comply with Condition No. 5 of Special Permit No. 870, which was approved to allow the establishment of a regional trade center on 2.311 acres of land. General services approved for the regional trade center include a variety of home, garden and animal supplies; catchment supplies, sales & service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative and home business outlet. Additionally, the permit was amended to include food service uses. Condition No. 5 states:

SEP 17 2008

"Construction of the proposed regional trade center and related improvements shall be completed and a certificate of occupancy issued within four (4) years from the effective date of this amendment."

Additionally, the applicant is requesting to delete the requirement within the Orchidland Estates Community Association's letter dated February 24, 1994 for the project to operate on county water and provide an additional fire hydrant, as required by Condition No. 6, which states:

"The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994."

Orchidland Community Association drafted a letter dated February 24, 1994, which stated certain design guidelines for the Orchidland Trade Center that were agreed upon by the Association and the applicant. The Planning Commission conditioned the applicant to comply with these guidelines as stated within the letter. One of these guidelines stated that the project was to operate on county water and provide an additional fire hydrant. The applicant is requesting to truck in and store potable water on the property for the needs of the project. The applicant is the owner and founder of Puna Water Service and has the resources to truck and store water on the property.

The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence. The project was originally approved to allow numerous uses including a hardware and garden supply store, which was designed as the anchor tenant for the project. According to the applicant, the progress of the project was severely hampered when a hardware store was built across the street within the Orchidland Estates Convenience Center under the guise of a general store (True Value-Orchidland General Store). As a result, the applicants have had to re-design the project and identify an alternative use as the anchor tenant.

Additionally, the project has been severely hampered by unexpected delays in the process of bringing a County waterline to the project site. The applicants had plans engineered and submitted to the Department of Water Supply that detailed an extension from the existing 12-inch waterline fronting the Orchidland Estates Convenience Center on Orchidland Drive. The plans were rejected by the Department of Water Supply because the owner of Orchidland Estates Convenience Center did not dedicate the waterline to the County. The Department of Water Supply suggested that the applicant engineer an additional waterline up the opposite (Hilo) side of Orchidland Drive from the Keaau-Pahoa Road (Highway 130) to the subject property. The applicant paid for

additional plans, which received a favorable response from the Department of Water Supply. It was learned that the applicant would require permission from the Department of Transportation to access the main waterline, which resides 6 inches within the State right-of-way on Highway 130 and which could require the applicant to conduct an Environmental Assessment. The applicant estimates the cost of installing a waterline from Highway 130 to the Trade Center site is expected to exceed \$350,000. There is, in addition, a problem with obtaining an easement from the work within the Orchidland Drive right-of-way because it was never conveyed to the Community Association and still belongs to the original subdivision developer, Hilo Development, an inactive corporation. The applicant is requesting to truck in and store potable water on the property for the needs of the project. The Orchidland Community Association has found that the new proposal to truck in and store water on the property to be an acceptable alternative to the installation of a municipal water system. The Planning Department would normally want to see waterlines extended to commercial projects. In this case, as well, extending the waterline would facilitate further extension into the subdivision to serve the lots within it if the subdivision lot owners would ever want a source of piped water. This was the idea behind the special permit requirement that the Orchidland Convenience Center extend the 12" waterline to their property. The Orchidland Community Association, however, seems not to be interested in this possibility given their response that they have no objection to the applicant's proposal to store water on the site. It appears that the applicant has made good-faith efforts to extend the waterline but has encountered major obstacles. A condition of approval will be added allowing the storage of water on-site meeting with the approval of the Department of Health for sanitation purposes and meeting with the approval of the Fire Department for fire-flow requirements, and to pay a fair share for water system improvements if the subdivision extends water to the property.

Based on the above information, the non-performance is the result of conditions that could not have been foreseen and are beyond the control of the applicant, and was not the result of their fault or negligence.

Approval of this request would not be contrary to the General Plan or Zoning Code, nor the original reasons for the granting of the Special Permit. Since the original approval of the Special Permit request, the General Plan has been amended. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map has been revised from Orchards to Rural in this area. Additionally, there is a Medium Density Urban node located across the street on the Pahoa side of Orchidland Drive between 35th Street and Highway 130. The zoning for the area and the property has remained the same, which is designated as State Land Use Agricultural and County Agricultural (A-3a). Therefore, the approval of this request would not be contrary to the General Plan or the Zoning Code.

The approval of this time extension request would not be contrary to the original reasons for granting Special Permit No. 870, which was approved to a regional trade center to include a variety of home, garden and animal supplies; catchment supplies, sales & service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative, home business outlet and later to include food service uses. One of the original reasons for approval for the regional trade center was to provide and promote limited industrial uses to serve the needs of residents in this area of Puna, which would not be available in the existing Orchidland Estates Convenience Center.

Conditions of approval have been updated and revised based on compliance with certain conditions and to reflect requests from governmental agencies. The conditions regarding improvements to Orchidland Drive have been modified because the Department of Public Works will not inspect a driveway entering a private road.

Based on the above, the time extension request is approved by the Planning Commission with the following amended conditions (Material to be deleted is bracketed and struck through; material to be added is underscored):

1. The applicant[s], successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. ~~[The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.]~~
3. ~~Tax Map Keys 1-6-10: 82 and 83 shall be consolidated prior to receipt of Final Plan Approval.~~
4. ~~Final Plan Approval of the regional trade center complex shall be secured from the Planning Department in accordance with Chapter 25-243 of the Zoning Code. Plans shall identify proposed structures, paved (concrete or asphalt concrete) driveway and parking areas associated with the proposed use. Appropriate landscaping shall be provided for the purpose of mitigating any noise and visual impacts which may be generated by the facility.~~
5. ~~Construction of the proposed regional trade center and related improvements shall be completed and a certificate of occupancy issued within four (4) years from the effective date of this amendment.]~~

Construction of the proposed development shall be completed within five (5) years from the effective date of this amendment. This time period shall include

securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels. Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) standards for CV zones adjoining a RS zone.

- [6-]3. The applicants shall comply with the design guidelines in the development of the proposed regional trade center as detailed by the Orchidland Estates Community Association in their letter to the Planning Director dated February 24, 1994, except for the requirement for the project to operate on county water and provide an additional fire hydrant.
4. The applicant shall develop sufficient water storage to meet the requirements of the Department of Health and the Fire Department for sanitation and firefighting purposes for the proposed development. The storage facility shall be completed prior to Certificate of Occupancy and kept filled with enough water to meet the applicable Department of Health and Fire Department requirements. If an improvement district or similar project is proposed which would make county water available to the property, the owner shall participate and pay its fair share of any applicable construction costs.
- [7-]5. Access to the subject property from Orchidland Drive shall ~~[meet with the approval of the Department of Public Works]~~ be designed and engineered to substantially conform to the Department of Public Works specifications for commercial driveways, without sidewalks. The applicant shall provide pavement improvements within the un-improved portions of Orchidland Drive up to and including the subject property's entire Orchidland Drive frontage ~~[in a manner meeting with the approval of the Department of Public Works]~~ meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for the proposed development. Road improvements to Orchidland Drive as specified under this condition shall not include those obligation(s) for roadway improvements as required ~~[of Sure Save Supermarkets]~~ under Special Permit No. 569.
- [8-]6. Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchidland Drive shall be provided by the applicant[s] if required by the Department of Transportation, prior to the issuance of a certificate of occupancy for any portion of the proposed development.

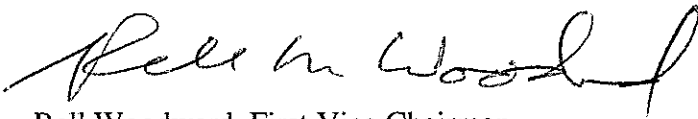
- [9-]7. The regional trade center operations shall be limited to 6:00 a.m. to 9:00 p.m. Uses permitted within the proposed regional trade center shall be limited to those uses specified by the applicants within the Planning Director's Background Report dated May 10, 1994 as Exhibit E - Orchidland Trade Center – Project Overview and food service uses.
- [10-]8. The applicant shall provide an 8-foot high chain link fence or of comparable security effect along the boundaries with the adjacent properties identified by TMK: 1-6-10: 46 and 81.
9. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
- [11-]10. The applicant(s) shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Fire Department.
- [12-]11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
- [13-]12. ~~[An 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 the granting of the permit; and 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).]~~ If the applicants should require an additional extension of time, the Planning Director shall submit the applicants' request to the Planning Commission for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

130 Holding LLC
c/o Mr. Verne Wood
Page 7

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rell Woodward", written in a cursive style.

Rell Woodward, First Vice Chairman
Planning Commission

L130holding(wood)01PC

cc: Mr. Jeffrey Melrose
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu
Department of Health
Fire Department



EXHIBIT B

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

November 9, 2021

Mr. John Pipan
Land Planning Hawai'i LLC
194 Wiwo'ole Street
Hilo, HI 96720

Dear Mr. Pipan:

Subject: Special Permit Application (SPP 21-000228)
Applicant – Arts & Sciences Center
Approved Use – Allows the Construction and Operation of an Elementary School Campus
Tax Map Key 1-6-010:083

This to acknowledge receipt of the required \$2,550.00 water commitment deposit for the subject application. We are enclosing Receipt No. 4837968 for your files.

Please remit the prevailing facilities charge balance, which is subject to change, as shown below:

1. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

17 additional units @ \$6,095.00/unit	\$103,615.00
Total FC	\$103,615.00

WATER COMMITMENT DEPOSIT (WCD):

17 additional units @ \$150.00/unit	(\$2,550.00)
Facilities Charge Balance	\$101,065.00

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

Enc.

copy - Planning Department

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

DEPT OF WATER SUPPLY
COUNTY OF HAWAII

PK10-28

10-27-2021 14:52

Receipt: 4837968

ARTS & SCIENCES CENTER;1-6-010-083;
SP 21-000228

NEW CHARGES
WATER COMMITMENT DEF 2550.00

TOTAL: 2550.00
=====

PAYMENTS
CHECK *406* 2550.00

TOTAL: 2550.00
=====

TENDERED: 2550.00
APPLIED: 2550.00

CHANGE DUE: 0.00
BALANCE 0.00

THANK YOU!
RETAIN THIS RECEIPT



EXHIBIT C

194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
[REDACTED]

November 13, 2025

Orchidland Community Association
PO Box 280
Keaau, HI 96749

Dear Sir or Madam,

Subject: Application to Amend Special Permit No. 870 to Allow a Time Extension to Develop a Trade Center
Applicant: 130 Holdings LLC
Orchidland Estates, Puna, Hawaii TMK: (3) 1-6-010: 083

Our office is in the process of submitting an application requesting to amend Special Permit No. 870 in order to allow the subject applicant additional time to complete the development of a trade center on the subject property and we would like to request your feedback on the project.

The property is located at 16-1678 34th Avenue in Orchidland Estates, Puna, approximately 1,000 feet west of the intersection of Orchidland Drive and the Kea'au Pahoa Road. In 1994 Special Permit No. 870 was granted approval for the operation of a regional trade center on the subject property. The center was planned to include a variety of services, including home, garden, and animal supplies, catchment supplies, and solar water heaters, and office space for a variety of service businesses such as electrical, plumbing, landscaping, gardening, auto repair, and a farmer cooperative. An amendment to the Special Permit approved in 2003 permitted the addition of food service uses for the proposed trade center. That project was not fully realized, although considerable infrastructure was installed including two steel frame structures, septic systems, utility stub-ups and drainage structures. The applicant wishes to complete the infrastructure improvements and develop the site into a trade center consistent with the uses identified in Special Permit No. 870. The trade center will contain one restaurant, commercial kitchen space and office space for trade workers and will not include any retail sales. Completing the trade center will not require any new structures as all proposed uses would occur within the existing steel frame structures. The applicant's goal is to concentrate and promote the talents of the trades people of Puna by creating a convenient and collaborative space for the various trades people to establish their businesses, as well as to provide an additional dining option for the Puna community.

Previous amendments to SPP 94-3 were approved in 1998, 2003, 2008, and 2014. Unfortunately, due to the combined expense of completing the required conditions, the applicant was not able to complete the Special Permit conditions within the requisite timeframe. Upon recognizing that he would not be able to meet the deadline for the required improvements, the applicant decided to instead lease the parcel to the Arts and Sciences

Center (ASC) who intended to develop an elementary school on the property. However, after obtaining a Special Permit for the elementary school operations, the applicant was unable to come to lease terms with ASC and the school decided to pursue their project elsewhere. Thus, the applicant now wishes to revert to the previous plan for a trade center and restaurant.

In order to proceed with the original trade center plans, the applicant is requesting to amend Special Permit No. 870 to allow additional time to complete the conditions of approval and to remove prior conditions relating to water storage, improvements to Orchidland Drive and improvements to the intersection of Highway 130 and Orchidland Drive. The previous Special Permit amendment included a condition to provide pavement improvements to the northern half of Orchidland Drive along the subject property's entire Orchidland Drive frontage meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards. This would involve constructing paved shoulders and swales and would be cost prohibitive for the applicant. Additionally, such improvements would be out of place with the general road design and the rural/agricultural character of the surrounding area. Other Special Permits for similar commercial-type uses, such as SPP 09-00098, which allowed for the establishment of a commercial retail and office building on TMK 1-6-010:137, have been approved in this area along Orchidland Drive without requiring such roadway improvements, further rendering the improvements out of place for the area.

The applicant is also requesting that the condition pertaining to improvements to the intersection of Orchidland Drive and Highway 130 be deleted. The cost burden associated with such improvements is unreasonable to impose upon a single applicant. Additionally, the Hawaii Department of Transportation (HDOT) has planned improvements to this intersection to mitigate concerns surrounding congestion and intersection safety. These improvements (HS17) are outlined on their Statewide Transportation Improvement Program (STIP) and are scheduled for construction in 2026.

We welcome any feedback the Orchidland Community Association can offer. We are also happy to discuss any questions or concerns you may have regarding the project. You can reach me by phone at 808-333-3391 or by email at [REDACTED] I look forward to hearing from you.

Thank you very much.

Sincerely,



John Pipan
Planning Administrator
Land Planning Hawaii LLC

From: [Pipanconsulting](#)
To: [Kay, Christian](#)
Cc: [Jackson, Maija](#)
Subject: RE: 130 Holdings Questions
Date: Wednesday, April 8, 2026 2:08:57 PM
Attachments: [2.png](#)
[1.png](#)

Aloha Christian,

Apologies for the delay. I just got clarity from the applicants this AM.

Regarding Fire truck access and parking:

There is no secondary access proposed dedicated for the fire truck. The single access point would be used. The access and trade center parking is to be paved but the fire truck parking space will not be paved.

Regarding fire flow:

I didn't see that comment from DWS, however, if required for fire suppression purposes the applicants would install a water storage tank with an approved fire department connection.

Best,

John Pipan
President
Pipan Consulting LLC
Office: (808)333-3391
Cell: (808)430-1441

From: Kay, Christian <Christian.Kay@hawaiicounty.gov>
To: "[REDACTED]" <[REDACTED]>
Cc: "Jackson, Maija" <Maija.Jackson@hawaiicounty.gov>
Date: Wed, 08 Apr 2026 13:57:03 -1000
Subject: RE: 130 Holdings Questions

Hi John,

Will you please provide me with a response to my questions below ASAP? I am trying to finalize the reports this week.

Mahalo,

Christian

**CHRISTIAN
KAY**
PLANNER

company County of Hawai'i Planning Department
phone (808) 961-8136
email christian.kay@hawaiicounty.gov
website <https://www.planning.hawaiicounty.gov/>
address 101 Pauahi Street, Suite 3
Hilo, HI 96720

From: Kay, Christian
Sent: Thursday, April 2, 2026 4:21 PM
To: [REDACTED]
Subject: 130 Holdings Questions

Hi John,

Your site plan shows a single access driveway off of Orchidland Drive for the regional trade center. However, the proposed fire truck parking area is to the west of the paved parking lot. Will the fire trucks be accessing the parking area through single driveway access point, or does the applicant propose a secondary access dedicated to the fire trucks? Also, will the fire truck parking area and access roadway thereto be paved?

Additionally, the application mentions that the waterline was extended to the property across Orchidland Drive and that a fire hydrant was constructed, however, according to DWS, the 8-inch water line serving the property does not meet the 2,000 gpm flow standard for commercial uses. How do you intend to comply with fire flow requirements for the subject property.

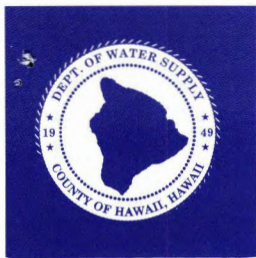
Please let me know ASAP so I can incorporate the information into my reports.

Thanks, and Happy Easter!

Christian

**CHRISTIAN
KAY**
PLANNER

company County of Hawai'i Planning Department
phone (808) 961-8136
email christian.kay@hawaiicounty.gov
website <https://www.planning.hawaiicounty.gov/>
address 101 Pauahi Street, Suite 3
Hilo, HI 96720



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

March 3, 2026

COH PLANNING DEPT
MAR 4 2026 PM 2:03

REC'D HAND DELIVERED

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Special Permit Amendment Application (PL-SPP-2026-000115)**
Special Permit No. 870 (Docket No. SPP-94-000003)
Applicant: 130 Holdings LLC
Request: To Amend Conditions No. 3, 5, 6, and 7 of Special Permit No. 870
which Permitted the Construction of a Regional Trade Center, to Reduce the
Total Number of Buildings and to Add Volunteer Fire Truck Parking
Tax Map Key 1-6-010:083

We have reviewed the subject application and have the following comments and conditions.

It is our understanding that the applicant proposes to provide potable water to the project by connecting to Orchidland Gulsons LLC water system, which is served by the Department. However, this service has a limit to the amount of water it can serve. Although 130 Holding LLC and Orchidland Gulsons LLC have entered into an agreement, the Department will need to determine if the additional water is available, and if the capacity of the existing meter is adequate for the increase in water demand for the proposed project. The available 17 units of water was based on previous water calculations for the proposed Arts & Sciences Center and secured by a water commitment that has since expired.

The Department has no objection to the proposed amended application, subject to the applicant understanding and accepting the following conditions:

1. The Department requests that the applicant submit estimated maximum daily water usage calculations for the proposed development, for review and approval. The water usage calculations shall be prepared by a professional engineer licensed in the State of Hawai'i, and should include the estimated peak-flow in gallons per minute (GPM), and the total estimated maximum daily water usage in gallons per day, including all irrigation/ landscaping use.
2. Upon receipt of the water usage calculations above, the Department will make a determination as to the water commitment deposit amount and prevailing facilities charge (subject to change) to be paid. Based on the water demand calculations, the Department will determine if the existing meter size is adequate to support the proposed development.
3. Since the proposed development will receive water service through a master meter, the Department requests that the facilities charge be paid prior to the approval of a certificate of occupancy for the property.

Ms. Jeffrey Darrow, Director
Page 2
March 3, 2026

4. Subject to other agencies' requirements to construct improvements within the project area, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Please note that the Department of Water Supply acknowledges that potable water is Hawai'i Island's most precious resource and encourages our communities to promote water conservation and reserve the highest quality of water for the most valuable end- use, which is the sustenance of life.

We request that the developer address the demand for drinking water for landscape irrigation use by reducing the demand, such as:

- Supplying water by alternate methods(i. e. rainwater catchment, reclaimed or reuse water). The County of Hawai'i, Department of Public Works, and/ or the State of Hawai'i, Department of Health has guidelines, recommendations, or regulations regarding these types of systems.
- Design landscape to use water-efficient plants that are drought-tolerant, native, or appropriate to the local environment, principles of Xeriscape.
- Select appropriately-sized turf areas, use healthy soils with the appropriate grading to reduce stormwater runoff, including shaded areas, and limit the use of high water-using plants such as turfgrass.

The Department recommends using water- efficient plants that are drought-tolerant, native, or appropriate to the local environment, using the principles of xeriscaping, and/or propose to supply landscape irrigation water by alternate methods (i.e. rainwater catchment, reclaimed or reused water). The County of Hawai'i, Department of Public Works, and/or the State of Hawai'i, Department of Health has guidelines, recommendations, or regulations regarding these types of systems.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,



Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:dfg

copy – 130 Holdings LLC
Pipan Consulting LLC

From: [DeMello, Melanie](#)
To: [Kay, Christian](#)
Cc: [Jackson, Maija](#); [Segawa, Wesley](#); [Azevedo, Neil](#); [Holzman-Escareno, Juliana](#); [Thompson, Alan \(Keone\)](#); [Cook, Amy A](#)
Subject: Re: 130 Holdings Amendment Request (PL-SPP-2026-000115/Amend SPP 870)
Date: Friday, April 24, 2026 4:32:06 PM
Attachments: [image003.png](#)
[image001.png](#)

Hi Christian,

DPW Engineering is agreeable with Planning's recommendation to retain a roadway improvement condition for this Special Permit amendment along private Orchidland Drive. The 2021 condition language (highlighted below) would still be valid.

Thank you,
Melanie

Melanie DeMello, P.E.

*Deputy Division Chief
County of Hawai'i - Department of Public Works
Engineering Division
Aupuni Center, 101 Pauahi Street, Suite 7
Hilo, HI 96720
Phone: (808) 961-8927
E-Mail: Melanie.DeMello@hawaiicounty.gov*

From: Kay, Christian <Christian.Kay@hawaiicounty.gov>
Sent: Monday, April 13, 2026 10:31 AM
To: DeMello, Melanie <Melanie.DeMello@hawaiicounty.gov>; Cook, Amy A <AmyA.Cook@hawaiicounty.gov>
Cc: Jackson, Maija <Maija.Jackson@hawaiicounty.gov>
Subject: RE: 130 Holdings Amendment Request (PL-SPP-2026-000115/Amend SPP 870)

Aloha Melanie,

I am writing to follow-up on the email below and our phone conversation last week to see if you are going to respond to our request for comment and the subject Special Permit amendment. An email response ASAP would be appreciated as I am trying to finalize our reports today.

Please let me know if you have any questions.

Mahalo,

Christian

**CHRISTIAN
KAY**
PLANNER

company County of Hawai'i Planning Department
phone (808) 961-8136
email christian.kay@hawaiiicounty.gov
website <https://www.planning.hawaiiicounty.gov/>
address 101 Pauahi Street, Suite 3
Hilo, HI 96720

From: Kay, Christian

Sent: Friday, March 27, 2026 11:14 AM

To: DeMello, Melanie <Melanie.DeMello@hawaiiicounty.gov>

Cc: Jackson, Maija <Maija.Jackson@hawaiiicounty.gov>

Subject: 130 Holdings Amendment Request (PL-SPP-2026-000115/Amend SPP 870)

Aloha Melanie,

I hope you're doing well. We sent the attached request for comments regarding the Special Permit amendment in February but have not yet received feedback from the Engineering Division. I wanted to follow up and ask for your input on the following:

- **Background:** Special Permit No. 870 was approved by the Planning Commission in 1994 to allow development of a regional trade center on Orchidland Drive within the Orchidland Subdivision. The permit has been amended several times, most recently in 2014. That amendment included Condition 6, which states: *"The applicant shall provide pavement improvements to the northern half of Orchidland Drive along the subject property's entire Orchidland Drive frontage 8 meeting with the Department of Public Works Standard Detail R-33 for Rural Collector Standards, prior to the issuance of a certificate of occupancy for any portion of the proposed project."*
- **2021 School Proposal:** After the 2014 amendment, the landowner abandoned the project and pursued a sale to HAAS for development of an elementary school. In 2021, the Planning Commission approved Special Permit SPP 21-000228 for the school. Condition 7 of that permit states: *"The applicant shall provide pavement improvements to the northern half of Orchidland Drive along the subject property's entire Orchidland Drive frontage consisting of a 12-foot wide travel lane, 8-foot wide shoulder, and 10-foot wide swale, meeting with the Department of Public Works Standard Detail R-19 for "Half-Section of Street with Shoulder" within the existing 60-foot right of way, prior to the issuance of a certificate of occupancy for any portion of the proposed project."* This

condition was crafted based on the attached correspondence between you and the Planning Department at the time. Ultimately, the school project did not move forward, and the applicant has requested to revoke the permit for the school.

- **Current Request:** The landowner is now seeking to amend the original Special Permit to proceed with the regional trade center concept. As part of the request, they are asking the Planning Commission to delete Condition 6, citing inconsistency with surrounding roadway improvements and fairness concerns, as other nearby special permits have not been required to upgrade portions of the private roadway to public standards.
- **Request for Input:** Given the scale of the proposed commercial uses, we are inclined to recommend retaining a roadway improvement condition. However, we would appreciate your perspective on whether Condition 6 should be removed or modified. If a condition is retained, would you recommend using the 2021 condition language, or is there a more current roadway standard we should consider?

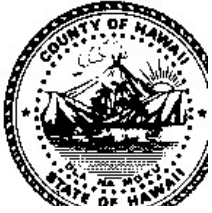
Please let me know if you have any questions or would like to further discuss.

Mahalo,

Christian

**CHRISTIAN
KAY**
PLANNER

company County of Hawai'i Planning Department
phone (808) 961-8136
email christian.kay@hawaiicounty.gov
website <https://www.planning.hawaiicounty.gov/>
address 101 Pauahi Street, Suite 3
Hilo, HI 96720



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

March 6, 2026

TO: Jessica Andrews (Planner),
Cc: JEFFREY W. DARROW (Planning Director)

SUBJECT:

Zoning Variance: PL-SPP-2026-000115
Applicant: 130 Holdings LLC
Owner: 130 HOLDINGS LLC Fee Owner

Request: To Amend Conditions No. 3, 5, 6, and 7 of Special Permit No. 870
Which Permitted the Construction of a Regional Trade Center, to Reduce the
Total Number of Buildings and to Add Volunteer Fire Truck Parking.

TMK: (3) 1-6-010:083

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

- ☐ No Building permit was issued for work done on the premises.
- ☐ No building permit was issued for the change of occupancy.
- ☐ At the time of completion, the subject complied with all Building Code regulations that were in effect.
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding:
 - ☐ Building ☐ Electrical ☐ Plumbing ☐ Sign
- ☒ X Others: Outstanding permits –

B2011-0152H - Proposed Shell Only for Building A (rear building).

B2011-0153H - Proposed Shell Only for Building B (right building).

M2011-0669H - Proposed Shell Only for Building A (Water supply, Grease
interceptor, Sewer/Drain stubout)

M2012-0196H - Proposed Shell Only for Building B (Water supply, Grease
interceptor, Sewer/Drain stubout)

Permits listed above have Expired, Request for Extension received (Building Division Chief to evaluate Request for Extension)

E2011-0497H - Proposed Shell Only for Building A (3 phase 400amp service, 9 General light and convenience outlet)

E2011-0498H - Proposed Shell Only for Building B (3 phase 600amp service, 6 General light and convenience outlet)

(E) Electrical permits Expired, Electrical Contractor no longer in business in Hawaii = New Electrical Permits required.

Note: Tenant Improvement Permits required for Occupancy of the Structures.

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 01009.26
HWY-PL 26-2.35044

March 17, 2026

Mr. Jeffrey Darrow, Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Dear Mr. Darrow:

Subject: Request for Comments to Special Permit (SP) Amendment Application and
SP No. 870 (PL-SPP-2026-000115 and SPP-94-000003)
130 Holdings LLC - Orchid Land Trade Center
Orchid Land Estates, Puna, Hawaii
Tax Map Key No. (3) 1-6-010: 083

Thank you for your letter requesting our comments for the above-referenced application. We apologize for the delay in response.

This application review relates to the SP that was approved with subsequent amendments to allow the site to be developed as a commercial trade center. The project site is located at the corner of Keeau-Pahoa Road (State Route 130) and Orchid Land Drive with access on Orchid Land Drive.

The applicant is requesting to renew and amend an existing SP to cancel the construction of new building replacements and utilize the 2 existing buildings (vacant). The requested amendment also includes the deletion of Condition No. 7, which affects the required improvements for State Highway Route 130 as it states:

- “7. Channelization, signalization and street lighting improvements to the intersection of Highway 130 and Orchid Land Drive shall be provided by the applicant if required by the Hawaii State Department of Transportation (HDOT), prior to the issuance of a certificate of occupancy for any portion of the proposed development.”

Mr. Jeffrey Darrow, Director
March 17, 2026
Page 2

HWY-PL 26-2.35044

We have reviewed the submitted applications and provided our comments in the table below.

As always, we are very appreciative of your ongoing project coordination efforts with this, and other projects with the HDOT.

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Planning Branch at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PL 2026-008.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

Attachments

ATTACHMENT
The HDOT Comments
STP 01009.26

No.	Comments
1.	We do not have any objections to the amendment requests for Conditions 3, 5, or 6.
2.	Our Hawaii District Engineer has confirmed the HDOT Roundabout infrastructure will complete its designing phase in 2026 and anticipates its completion by 2027 to provide the much-needed traffic safety enhancement at the Keeau-Pahoa Road intersection with Orchid Land Drive. This will also include channelization and street lighting work.
3.	This is also related to our attached prior letters stated in our June 25, 2015 and December 2, 2022 letters to the County of Hawaii (HWY-PS 2.0076 and PS 2.0185).
4.	Should the subject applications be conditionally approved, we recommend the following condition be included in the approval prior to obtaining any construction permits by the Petitioner: 1. Provide a Traffic Assessment or a Traffic Impact Analysis Report prepared by a licensed professional engineer (to be coordinated through the Hawaii County Public Works for the review and acceptance by the HDOT), which should include the following: a. An evaluation to identify whether the daily operations relating to trip patterns and queuing concerns based on proposed uses will have any local or regional impacts to the nearby state-owned Keeau-Pahoa Road which should include the new roundabout in the analysis. The study should also provide any recommended mitigations to be implemented at no cost to the state. c. If the project construction is phased over multiple years, interim horizon years should be analyzed for the completion of each phase. d. The study should provide a discussion on multimodal (bicycle/pedestrian) paths within the proposed site and connectivity to the rest of the area.
5.	We recommend the following strategies to reduce carbon emissions from the project. Suggestions include: a. Incorporate elements that encourage and enhance the use of multiple types of transportation to reduce carbon emissions. b. Implement energy-efficient technologies and practices, such as light-emitting diode lighting. c. Use sustainable, recycled, or low-emission materials in construction and manufacturing.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

FORD N. FUCHIGAMI
DIRECTOR

DEPUTY DIRECTORS
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:
HWY-PS 2.0076

June 25, 2015

Mr. Duane Kanuha
Director
County of Hawaii
Department of Planning
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-4224

Dear Mr. Kanuha:

Subject: State Land Use Amendment SLU 14-000041, Agriculture to Urban
Change of Zone, REZ 14-000184, A-3a to CV-1a
Orchidland Center, 130 Holdings, LLC
Puna, Hawaii, TMK: (3) 1-6-010:083

The applicant, 130 Holdings, LLC, proposes to construct a neighborhood shopping center consisting of five buildings with a leasable area of 24,000 square feet in two phases. In Phase 1, 2 buildings will provide retail, office and restaurant space amounting to a total of about 10,400 sf and Phase 2 consists of 3 buildings of a total of 13,600 sf and has not had a specific use determined. Completion of Phase 1 is expected in 2015 and Phase 2 in 2019. The project will access Orchidland Drive, a private roadway maintained by the Orchidland Community Association, which connects to Keeau-Pahoa Road, State Route 130, at an improved stop-controlled intersection. Route 130 is the main State road into Puna.

A traffic impact analysis report (Witcher Engineering, LLP, June 2014) was prepared and submitted for review. At our request, an addendum (April 2, 2015) briefly discussing mitigation measures for Orchidland Drive and Keeau-Pahoa Road was prepared.

The State Department of Transportation (DOT) has the following comments:

1. For Phase 1, a traffic signal warrant study for Orchidland Drive and Keeau-Pahoa Road shall be prepared and submitted to DOT for review and acceptance.
 - a. If warranted, a traffic signal shall be installed along with associated improvements, with DOT approval, at the applicant's expense, prior to the applicant receiving certificate of occupancy as per the Special Permit Decision and Order, as amended.

- b. If a traffic signal is not warranted at this time, an updated traffic signal warrant study shall be submitted for DOT's review and acceptance and, if warranted at that time, the applicant shall implement comment 1a, prior to receiving certificate of occupancy for Phase 2.
2. Should road improvements be constructed that eliminate the need for a traffic signal at Orchidland Drive and Keeau-Pahoa Road prior to applicable parts of comment 1, the applicant may apply to the DOT for written approval of release from the condition to provide the aforementioned traffic signal.
3. If the applicant cannot or will not prepare the necessary traffic signal warrant studies or provide a traffic signal, if warranted, the Land Use and Change of Zone should be denied.

If there are any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Planning Branch, at (808) 587-1830. Please reference file review number 2014-270 in all contacts and correspondence regarding these comments.

Sincerely,



FORD N. FUCHIGAMI
Director of Transportation

for

bc: STP, HWY-H, -PS (2014-270)

RI:emk



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
DAVID J. RODRIGUEZ
EDWIN H. SNIFFEN

IN REPLY REFER TO:

DIR 1068
HWY-PS 2.0185

December 2, 2022

VIA EMAIL: planning@hawaiicounty.gov

Mr. Zendo Kern
Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Attention: Mr. Clinton Mercado

Dear Mr. Kern:

Subject: Request for Comments
State Special Use Permit Application (PL-SPP-2022-000013)
Orchidland Neighbors – Puna, Hawaii
Tax Map Key No: (3) 1-6-010: 005 and 006

Thank you for your letter dated November 3, 2022, and the opportunity to review the above-referenced application. The project site is an existing vacant land consisting of 2 contiguous 2.0-acre parcels within the Orchid Land Estates Subdivision.

The Applicant proposes to develop the site in two phases with site grading as Phase One. Phase Two will involve the construction of a community center, public pavilion, soccer field, skateboard park, farmer's market, commercial kitchen, retail and concession stands. The project also includes educational venues to promote agriculture.

There will be a total of 109 parking spaces to be provided at the site. Two main access driveways will be proposed on 36th Avenue, via Orchidland Drive (private road), which connects to Keeau-Pahoa Road (State Route 130).

The Hawaii Department of Transportation (HDOT) has the following comments:

1. We are unable to provide an assessment or comments for the aforementioned application at this time since it did not provide a traffic study (TS) to identify the project vehicular trips and potential impacts to the state highways facilities.

2. We recommend a Transportation Assessment, or a Traffic Impact Analysis Report should be prepared by a traffic engineer licensed in the State of Hawaii to be included in the Special Use Application as an addendum to address the following:
 - a. The TS should provide a full evaluation of whether the frequency of daily activities and events will have any traffic impacts to the nearby state highway facility, such as State Route 130. The TS should also provide any recommended mitigations to be implemented at no cost to the State.
 - b. The TS should provide detailed plans for multimodal (bicycle/pedestrian paths) within the proposed site and connectivity to the rest of the area.

If you have any questions, please contact Jeyan Thirugnanam, Systems Planning Engineer, Highways Division, Planning Branch at (808) 587-6336 or by email at Jeyan.Thirugnanam@hawaii.gov. Please reference file review number PS 2022-182.

Sincerely,



JADE T. BUTAY
Director of Transportation

March 30, 2026

Mr. Jeffrey Darrow, Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Mr. Darrow:

**Subject: Response to Agency Comments – Special Permit Amendment Application
No. PL-SPP-2026-000115
Applicant: 130 Holdings LLC
Orchid Land Estates, Puna, Hawaii TMK: (3) 1-6-010: 083**

On behalf of 130 Holdings LLC, we are pleased to submit the following responses to agency comments received in connection with the above-referenced Special Permit Amendment Application (PL-SPP-2026-000115). The applicant appreciates the time and effort each agency has invested in reviewing the application and is committed to complying with all applicable requirements and conditions.

1. State Land Use Commission (LUC) – Comment Dated February 4, 2026***Summary of Comment:***

The Land Use Commission (LUC) staff reviewed the information provided and has no comments at this time on the Special Permit extension request.

Applicant Response:

The applicant acknowledges and appreciates the LUC's review of the application. No further action is required in response to this comment at this time.

2. County of Hawai'i Police Department (HCPD) – Comment Dated February 11, 2026***Summary of Comment:***

After reviewing the provided documents, HCPD staff does not anticipate any significant impact to traffic and/or public safety concerns related to the proposed amendment.

Applicant Response:

The applicant is pleased that no significant traffic or public safety concerns have been identified and appreciates the Police Department's thorough review. The applicant will continue to cooperate with HCPD throughout the development process to ensure that public safety is maintained.

3. Office of Planning and Sustainable Development (OPSD) – Comment Dated February 26, 2026

Summary of Comment:

The Office of Planning and Sustainable Development has no comment on the subject Special Permit Application for 130 Holdings LLC.

Applicant Response:

The applicant acknowledges and appreciates the OPSD's review. No further action is required in response to this comment at this time.

4. County of Hawai'i Department of Water Supply (DWS) – Comment Dated March 3, 2026

Summary of Comment:

The Department of Water Supply (DWS) has no objection to the proposed amended application, subject to the following conditions: (1) the applicant must submit estimated maximum daily water usage calculations prepared by a licensed professional engineer, including peak flow in GPM and total daily usage in GPD; (2) DWS will determine the water commitment deposit amount, the prevailing facilities charge, and the adequacy of the existing meter size upon receipt and review of those calculations; (3) the facilities charge shall be paid prior to the issuance of a certificate of occupancy; and (4) the applicant shall be responsible for the relocation and adjustment of any DWS water system facilities affected by project improvements. DWS also notes that the prior water commitment has expired and recommends water conservation practices, including drought-tolerant and xeriscape landscaping and alternative water sources such as rainwater catchment or reclaimed water.

Applicant Response:

The applicant accepts and will comply with all conditions set forth by DWS. A licensed professional engineer has been retained to prepare the required water usage calculations for DWS review and approval. The applicant will coordinate directly with DWS regarding the water commitment deposit, prevailing facilities charge, and meter adequacy determination. The facilities charge will be paid prior to issuance of any certificate of occupancy, and the applicant accepts responsibility for any required relocation of DWS water system facilities. The applicant is also committed to incorporating water conservation measures consistent with DWS's recommendations, including drought-tolerant and xeriscape landscaping. We sincerely appreciate DWS's thorough review and ongoing guidance.

5. County of Hawai'i Department of Public Works – Building Division (DPW-BLDG) – Comment Dated March 6, 2026

Summary of Comment:

The Building Division reports that no building permit was issued for completed work on the premises and identifies the following outstanding and expired permits: Building Permits B2011-0152H (Building A shell) and B2011-0153H (Building B shell), both expired with requests for extension pending evaluation; Mechanical Permits M2011-0669H and M2012-0196H for

Buildings A and B respectively (expired); and Electrical Permits E2011-0497H and E2011-0498H for Buildings A and B respectively (expired, with the original electrical contractor no longer in business in Hawaii, requiring new electrical permits). The Building Division further notes that Tenant Improvement Permits will be required prior to occupancy of the structures.

Applicant Response:

The applicant acknowledges the Building Division's comments and will take all necessary steps to resolve the outstanding permit issues prior to any occupancy of the structures. The applicant will address the expired building and mechanical permits, engage a licensed electrical contractor to obtain new electrical permits as required, and secure the necessary Tenant Improvement Permits before occupancy. The applicant appreciates the Building Division's thorough records review and will coordinate directly with Division staff to ensure full compliance with all applicable Building Code requirements.

6. Hawaii State Department of Transportation – Highways Division (HDOT) – Comment Dated March 17, 2026

Summary of Comment:

HDOT has no objection to the proposed amendments to Conditions 3, 5, and 6. HDOT advises that a roundabout at the intersection of Keeau-Pahoa Road (State Route 130) and Orchid Land Drive is expected to complete its design phase in 2026 and construction by 2027, providing traffic safety enhancements, channelization, and street lighting improvements. As a condition of approval, HDOT requests that the applicant prepare a Traffic Assessment or Traffic Impact Analysis Report (prepared by a licensed professional engineer, coordinated through Hawaii County Public Works for HDOT review and acceptance), which should evaluate trip patterns, queuing, and potential impacts to State Route 130 including the new roundabout, address multimodal (bicycle/pedestrian) connectivity within and around the project site, and analyze interim phased horizon years if the project is developed in phases. HDOT also recommends that the project incorporate strategies to reduce carbon emissions, including elements encouraging multi-modal transportation, energy-efficient technologies such as LED lighting, and the use of sustainable, recycled, or low-emission materials.

Applicant Response:

The applicant acknowledges and will comply with HDOT's recommended conditions. A licensed professional engineer will be retained to prepare the required Traffic Assessment or Traffic Impact Analysis Report in coordination with the County of Hawai'i Department of Public Works, for HDOT's review and acceptance. The study will address trip generation, queuing, and potential impacts to State Route 130 inclusive of the anticipated new roundabout, will analyze interim phased horizon years as applicable, and will include a discussion of multimodal bicycle and pedestrian connectivity within the project site and to the surrounding area. The applicant is further committed to incorporating carbon emission reduction strategies as recommended by HDOT, including multi-modal transportation enhancements, energy-efficient LED lighting, and the use of sustainable and low-emission materials in construction. We greatly appreciate HDOT's detailed review and ongoing coordination.

We trust that the foregoing responses adequately address each agency's comments and demonstrate the applicant's commitment to full compliance with all applicable requirements. Should you or any of the reviewing agencies have additional questions, please do not hesitate to contact our office. Thank you very much for your continued assistance in processing this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP', with a stylized flourish extending to the right.

JOHN PIPAN
Planning Consultant

From: [Orchidland Support](#)
To: [Planning Internet Mail](#)
Subject: Request for Comments on Special Permit Amendment Application No. | PL-SPP-2026-000115 | 130 Holdings LLC on TMK: 1-6-010:083
Date: Sunday, March 8, 2026 8:33:39 AM

Aloha-

As a Board of Directors we are tasked with speaking for our community and keeping our communities best interest in mind.

Understanding that the Puna Community Development Plan (PCDP) directly violates our community by-laws to maintain our community as agricultural zoned properties is an important benchmark.

Second, the businesses that currently reside within this PCDP area do not support local business; they extort local businesses. The rent that is charged by the landlords is extreme which forces the business owners to elevate their prices to cover the rental expenses which directly impacts the community they are supposed to be supporting. This is another important benchmark.

Third, the businesses that currently reside within this PCDP do not pay their MRMA fees, although their tenants pay those fees to the landlords. This puts extreme stress on our community as Orchid Land Drive requires additional maintenance due to the amount of traffic it receives. Due to the landlords non-payment of the MRMA fees, our community suffers as it takes funds from our other roads to maintain this entry point to those businesses.

The above benchmarks relate to how 130 Holdings conduct business. They have not and do not pay their MRMS fees. They upgraded the water main within the Orchid Land Community Association (OLCA) right of-way, which is private property, without approval. They destroyed the edge of the roadway during this work and did not restore it. They made two street crossing and minimally restored the road creating two full width depressions cross the roadway. They installed a fire hydrant within the OLCA right-of-way without permission. They threatened the President of the BOD when she questioned whether or not they had permits to perform the water line extension and when she informed them that they needed permission to work in the OLCA right-of-ways. This confrontation was so extreme, the police were called and they severed them a Cease and Desist notice. Since this is how 130 Holdings has conducted business thus far, we anticipate that they will continue down this path and do the same as the other businesses; overcharge for rent and not pay their MRMA fees. 130 Holdings LLC is not pushing forward to help the community. They are pushing forward to take from the community that the PCDP was setup to support.

With these points, the OLCA BOD strongly oppose any leniency on the amendment of Conditions No. 3, 5, 6, and 7. As an association, we can not afford to support any additional businesses that do not pay their MRMA fees and do not have the funds to force them to do so.

Please feel free to reach out with any additional questions.

Mahalo

OLCA Support Team

Orchidland Community Association

PO Box 280

Keaau, HI 96749

www.orchidland.org

From: [chase peneku](#)
To: [Planning WPC Testimony](#)
Subject: Orchidland retail/trade center proposal.
Date: Friday, April 17, 2026 2:28:58 PM

To Whom It May Concern,

My name is Chase Peneku; I have a property on Orchidland Dr. directly across from the proposed project. I am writing to express my support for the proposed project at the Orchidland Retail/Trade Center. I believe it will be a positive addition to the community by creating job opportunities for residents and ease the burden of having to drive to Kea'au or Hilo for necessities. Along with eliminating the homeless who were frequenting the area and making camp within the vacant warehouses.

Thank you for your time.

From: [ralph roubique](#)
To: [Planning WPC Testimony](#)
Subject: Orchidland commercial project
Date: Tuesday, April 21, 2026 8:07:35 AM

My name is Ralph Roubique I live in Orchidland and own two lots on Orchidland Drive and 34th and Orchidland Dr and 36th and fully support this project as a benefit to the community .

I feel it will provide jobs and lessen traffic to Hilo.

Best,

Ralph Roubique

Sent from my iPhone

From: [Rob Garrett](#)
To: [Planning WPC Testimony](#)
Subject: 130 Holding Project Support
Date: Wednesday, April 22, 2026 12:50:47 PM

Hello

I am writing in support of Greg Gadd's Orchiland Commercial Project 130 Holding Project. I am moving to the Big Island and building a home at 15-2145 Government Beach Rd. This project is something that myself and other stakeholders in the area would be utilizing. We have known Greg Gadd for years and found him to be a good, honest businessman and developer. His project makes sense for the area and after talking to Greg he is trying to do a very good job for the community

Please feel free to reach out to me at any time at 808-938-7534

Thank you,
Rob Garrett

Rob Garrett
Talon 1 Properties
3333 E Camelback Rd Suite 275
Phoenix, Arizona 85018
rob@talon1properties.com

Greg Gadd / 130 Holdings LLC

March 25, 2026

Windward Planning Commission
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, HI 96720

**Re: Response to Orchardland Support Comments – Special Permit Amendment
Application No. PL-SPP-2026-000115 | 130 Holdings LLC | TMK: 1-6-010:083**

Aloha, Honorable Commissioners:

I am writing on behalf of 130 Holdings LLC to respectfully respond to comments submitted by "Orchidland Support" on March 8, 2026, in connection with the above-referenced Special Permit Amendment application. While we appreciate the opportunity for community members to participate in the review process, we believe the record must be corrected on several material points. We offer the following responses in the spirit of transparency and constructive engagement.

1. Authorship and Standing of the Submitted Comments

The comment letter submitted to the Planning Commission was sent from an account identified as "Orchidland Support" and was not signed by any individual or formally attributed to the Orchardland Community Association ("OLCA") Board of Directors. The letter claims to represent the OLCA Board of Directors; however, applicant has been unable to confirm that this submission reflects a duly adopted board position rather than the views of an individual acting on behalf of the association. The Commission is respectfully asked to weigh this consideration when evaluating the letter's assertions.

2. MRMA / MRMS Fee Obligations

The comment letter alleges that 130 Holdings LLC has not paid MRMA fees. This characterization is inaccurate. 130 Holdings LLC has paid all applicable Homeowners' Association (HOA) dues assessed for the property under its current use classification. The property is not classified as a commercial property and, accordingly, commercial MRMA rates do not apply. We note that the comment letter itself acknowledges that the applicability of commercial rates to properties in the PCDP area is a matter of ongoing dispute among property owners in the community – a dispute that 130 Holdings LLC is not party to and which has no bearing on this permit application.

The broader allegation that all landlords in the PCDP area routinely fail to remit MRMA fees collected from tenants is a systemic concern, if accurate, that properly belongs

before OLCA's own enforcement mechanisms or a court of competent jurisdiction. It is not an appropriate basis upon which to oppose this permit amendment request.

3. Water Main Upgrade and Road Work – Permits and Contractor Compliance

The comment letter alleges that 130 Holdings LLC performed work within the OLCA right-of-way without approval, damaged the roadway, and failed to restore it. These allegations are inaccurate and unsupported.

All work associated with the water main upgrade and related infrastructure was performed: (a) under proper permits issued by the relevant county and state agencies; (b) by a licensed contractor; and (c) with prior notification to the Department of Health before commencement, as required. All construction was completed in conformance with the approved plans without deviation. Road surfaces disturbed during the work were restored upon completion.

We respectfully request that the Commission consider the documentary record – including permit records and contractor certifications – rather than unsubstantiated characterizations of the work performed.

4. Alleged Confrontation, Police Involvement, and Cease and Desist Order

The comment letter makes the serious allegation that 130 Holdings LLC “threatened” the President of the OLCA Board of Directors, that the confrontation was so extreme the police were called, and that a Cease and Desist order was issued. These allegations are categorically denied.

To the applicant’s knowledge and recollection, he has spoken with the Board President on two occasions, both by telephone, for approximately one hour each. Those conversations were constructive discussions regarding the project and associated community concerns. There was no physical altercation, no threatening conduct, and – to the applicant’s knowledge – no Cease and Desist order issued arising from any such interaction. No documentation of a police report or Cease and Desist order has been submitted with the OLCA comments.

The Commission is respectfully asked to note the absence of any supporting evidence for these allegations and to give them the weight they deserve in the absence of documentation.

5. Nature and Scope of the Current Application

It bears emphasis that the current application concerns the completion of two existing structures that are already approximately 50% built under prior approved permits – not the construction of new buildings or a significant expansion of the project footprint. This application represents considerably less than what was previously approved for this site. The work before the Commission is modest in scope, and the concerns raised in

the OLCA letter – to the extent they are directed at the commercial impact of fully operational businesses – do not yet reflect the actual state of this project.

6. General Observations Regarding the PCDP and Commercial Rent Practices

The OLCA letter devotes considerable attention to general criticisms of commercial rent practices and MRMA non-payment by landlords operating within the Puna Community Development Plan ("PCDP") area. These are community-wide concerns that predate 130 Holdings LLC's involvement in this area and do not arise from 130 Holdings' own conduct. This applicant should not be held responsible for the practices of other unrelated property owners, nor should such concerns form the basis for opposing this permit amendment.

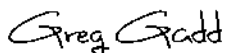
Conclusion

130 Holdings LLC is committed to being a responsible participant in the Orchidland community and to operating in full compliance with all applicable permits and regulations. We welcome dialogue with the Commission and with community stakeholders, and we remain open to reasonable conditions that address legitimate land-use concerns.

We respectfully request that the Commission evaluate this application on its merits and the applicable planning criteria, and that it afford the allegations in the OLCA comment letter the appropriate weight given the absence of supporting documentation and the factual inaccuracies identified above.

Mahalo for the Commission's consideration of these responses.

Respectfully submitted,



Greg Gadd
Manager, 130 Holdings LLC

