

**APPLICATION FOR
SPECIAL USE PERMIT**

**REQUEST: PROPOSED LIGHT INDUSTRIAL AND
COMMERCIAL OFFICE USE OF EXISTING
STRUCTURES, AS WELL AS THE USE OF AN
EXISTING RODEO ARENA FOR SPECIAL EVENTS**

APPLICANT: PARKER RANCH, INC.

**WAKILOA AND PUUKAPU
SOUTH KOHALA, HAWAII
TAX MAP KEY: 6-7-001 Por. 025 & 6-7-002: Por. 017**

**Prepared For:
Parker Ranch, Inc.**

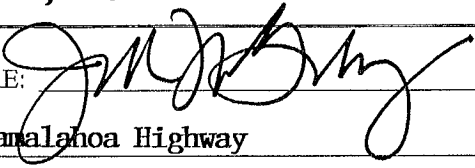
**Prepared By:
Sidney M. Fuke, Planning Consultant**

August 2010

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

(Type or Print the requested information)

APPLICANT PARKER RANCH, INC.

APPLICANT'S SIGNATURE:  DATE: 8/29/10

ADDRESS: 67-1435 Mamalahoa Highway
Kamuela, HI 96743

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

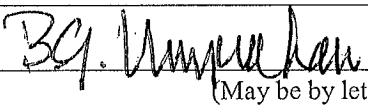
TELEPHONE: (Bus.) 885-2320 (Home) _____ (Fax) 885-5602

REQUEST: Proposed Light Industrial and commercial office use of existing structures and use of an existing rodeo arena for special events

TAX MAP KEY: 6-7-1: Por 25 & 6-7-2: por 17 ZONING: A-40a

AREA OF PROPERTY/AREA OF REQUESTED USE 14.897 acres /

LANDOWNER: Parker Ranch, Inc.

LANDOWNER'S SIGNATURE:  DATE: 8/29/10
(May be by letter)

LANDOWNER'S ADDRESS: 67-1435 Mamalahoa Highway
Kamuela, HI 96743

AGENT: Sidney Fuke, Planning Consultant

ADDRESS: 100 Pauhi Street, Suite 212
Hilo, HI 96720

TELEPHONE: (Bus.) 969-1522 (Home) _____ (Fax) 969-7996

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

ORIGINAL Sidney Fuke COPIES: Parker Ranch, Inc.

**SPECIAL PERMIT APPLICATION
PARKER RANCH, INC.
WAIKOLOA AND PUUKAPU, SOUTH KOHALA, HAWAII
TAX MAP KEY: (3) 6-7-001: Por 025; (3) 6-7-002: Por 017**

I. INTRODUCTION

The applicant, Parker Ranch, Inc. ("PRI"), is requesting a Special Permit to allow the use of PRI's existing office and ranching related structures for office and warehouse/industrial uses. At the same time, PRI is proposing to utilize the existing equestrian facility as a venue for special events and similar non-equestrian public events. The requests encompass portions of two parcels, TMK: 6-7-001: 025 and 6-7-002: 017 for a combined area of 14.897 acres.

The site is the applicant's existing headquarters and equestrian or rodeo facility located on the *mauka* side of the Mamalahoa Highway. More specifically, it is located about ½ miles south of the Waimea Elementary and Middle School and generally across of the Mamalahoa Highway/Lalamilo Road intersection. The Luala'i residential subdivision is located generally north of the subject site.

II. PROJECT LOCATION

As noted earlier, the subject site is the site of the applicant's headquarters and rodeo/equestrian facility located on the *mauka* side of the Mamalahoa Highway. The intersection of Lalamilo Road and the Mamalahoa Highway is located immediately *makai* or directly across of the subject site. The Luala'i residential subdivision is located generally north of the subject area. **(Figures 1 & 2)**

The proposed uses, covering 14.897 acres, affect portions of two parcels. The first and primary parcel consists of 84.4 acres and is identified by TMK: 6-7-002: 017. The requested uses encompass 14.667 acres of this parcel. The uses proposed for this area include the existing rodeo arena/equestrian facility (6.140 acres); existing warehouse and related structures (6.968 acres); and most of the applicant's headquarters (1.559 acres). The balance of uses on this parcel includes a security house and open/pastoral area.

The other parcel, consisting of 22,173+ acres, is identified by TMK: 6-7-001: 025. This parcel is essentially used for cattle grazing. However, a portion (.230 acres) of an existing garage and parking area associated with the applicant's headquarters falls on this property. This area is also part of the Special Permit application. **(Figure 3)**

The general character of this area is rural. There are homes that dot the northeast side of the Mamalahoa Highway towards Waimea, as well as within the developing

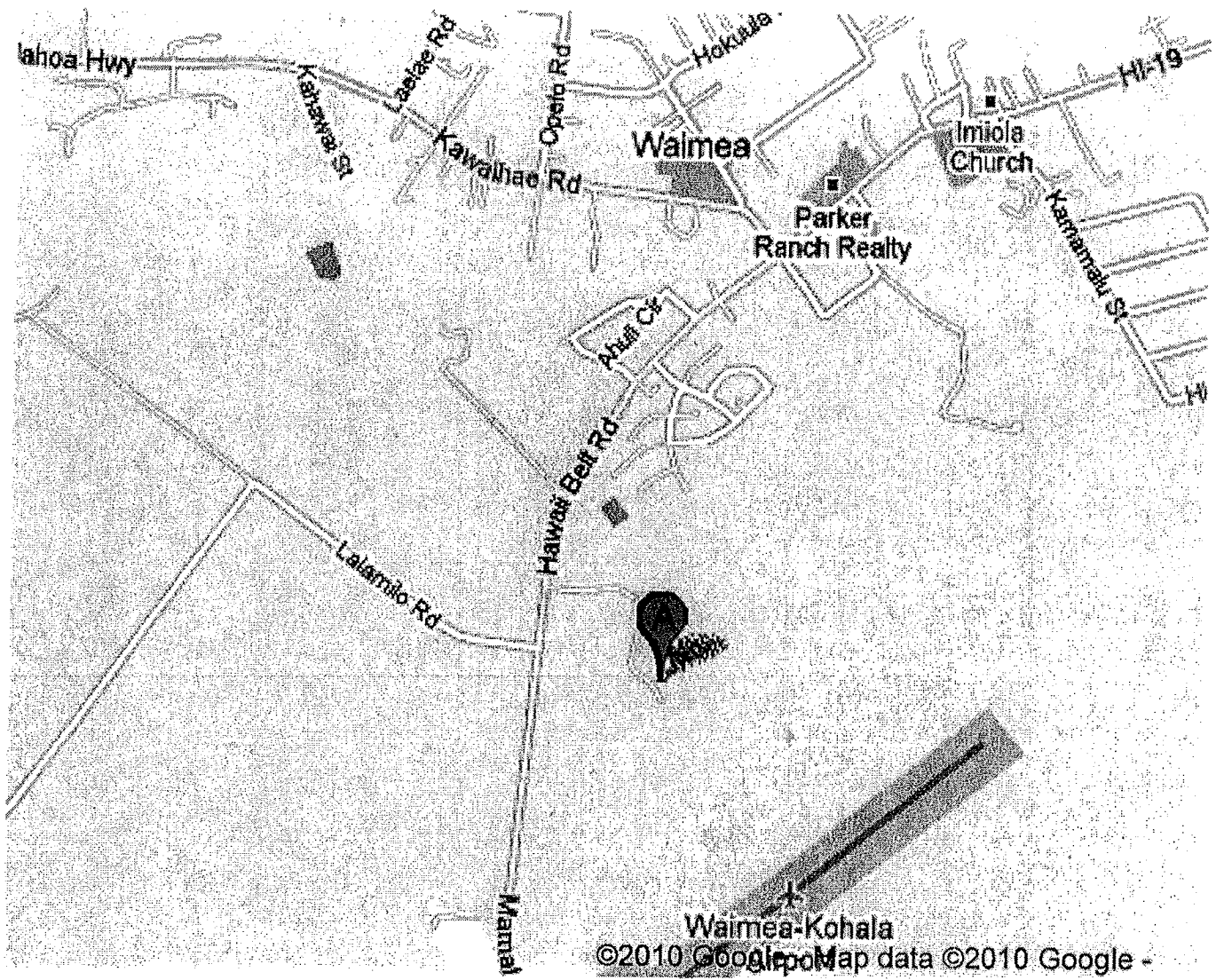
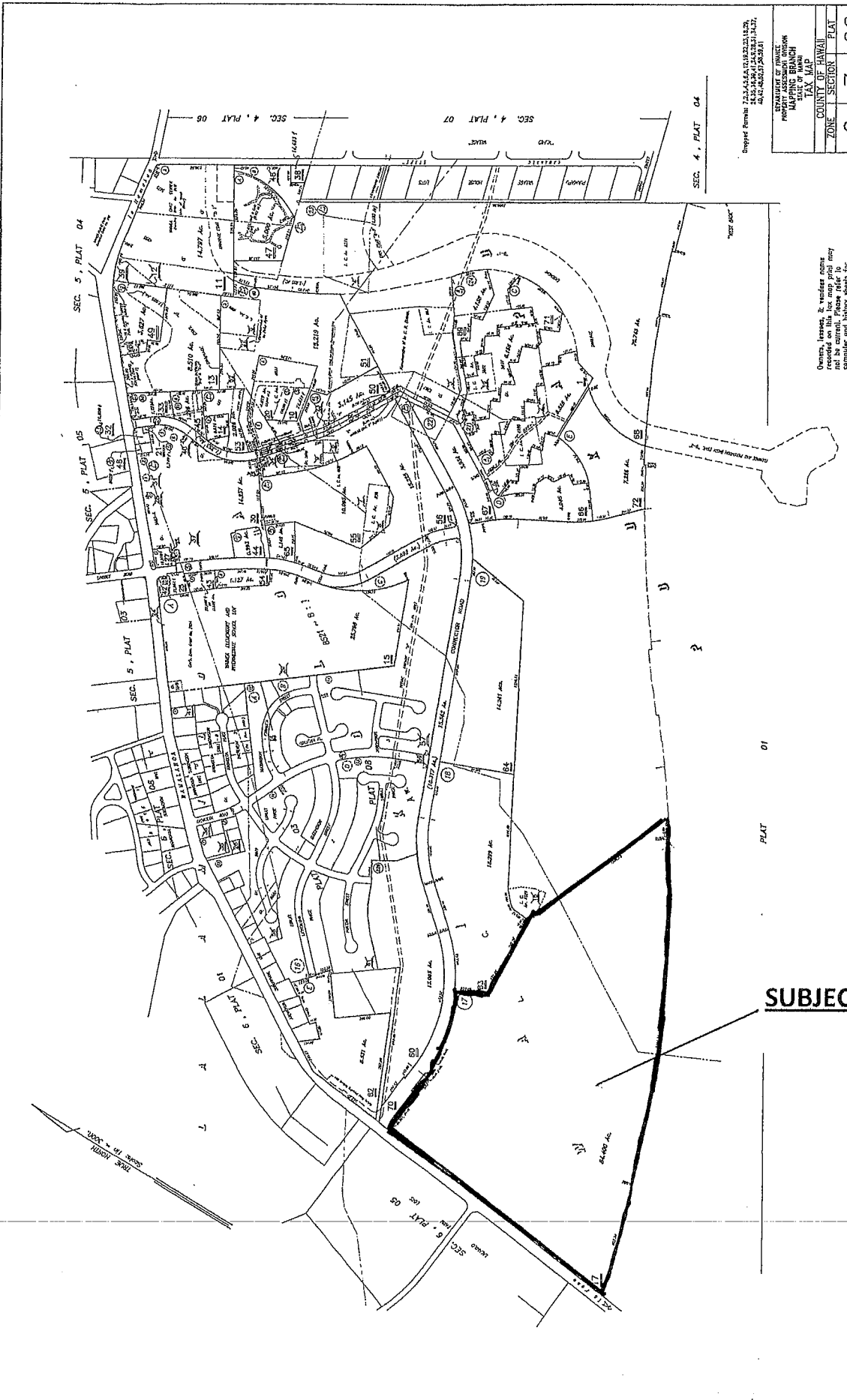


FIGURE 1

JUN 24, 2001
 JUN 26, 2001
 DEC 04, 2001
 DEC 11, 2001
 OCT 15, 2002
 NOV 26, 2002
 JUL 5, 2002
 JUN 24, 2005
 JUN 27, 2005

DMC NO. 2545 DATE JUL 22, 2001 BY NV SOURCE: L. M. B.



SUBJECT SITE

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

Owners, lessees, & holders of
 interests in the property shown
 on this map are urged to verify
 the accuracy of the information
 shown on this map by comparing
 it with the original records in
 the office of the County Assessor.
 This map is not a warranty of
 title or a guarantee of value.
 It is for informational purposes
 only and does not constitute
 an offer of insurance or any
 other financial product.

Dropper format: 11257 AL, 11258 AL, 11259 AL, 11260 AL, 11261 AL, 11262 AL, 11263 AL, 11264 AL, 11265 AL, 11266 AL, 11267 AL, 11268 AL, 11269 AL, 11270 AL, 11271 AL, 11272 AL, 11273 AL, 11274 AL, 11275 AL, 11276 AL, 11277 AL, 11278 AL, 11279 AL, 11280 AL, 11281 AL, 11282 AL, 11283 AL, 11284 AL, 11285 AL, 11286 AL, 11287 AL, 11288 AL, 11289 AL, 11290 AL, 11291 AL, 11292 AL, 11293 AL, 11294 AL, 11295 AL, 11296 AL, 11297 AL, 11298 AL, 11299 AL, 11300 AL

EXAMINATION OF PLAT	
PROPERTY ASSESSMENT DIVISION	
COUNTY OF HAWAII	
TAX MAP	
ZONE	SECTION
6	7
PLAT	02

SCALE: 1 IN. = 300 FT.

PRINTED:

FIGURE 2

**PLAN SHOWING
PROPOSED AREAS FOR SPECIAL USE PERMIT**

BEING PORTIONS OF LOT 17 AND REMAINDER LOT
OF PARKER RANCH 2020 SUBDIVISION UNIT 1
BEING PORTIONS OF ROYAL PATENT 5671,
LAND COMMISSION AWARD 8621-B APANA 1 TO G. D. HUEU
AND
DEED, HAWAIIAN HOMES COMMISSION TO RICHARD SMART,
DATED JULY 7, 1956 AND RECORDED IN LIBER 3136, PAGE 426
(C.S.F. NO. 12,243)

WAWOLOA AND PUIKAPU, SOUTH KOHALA ISLAND OF HAWAII, HAWAII
TAX MAP KEYS: (CSD DK) 6-7-001; PORTION 025
(CSD DK) 6-7-002; 017

ENGINEER:
PARKER PAVES, INC.
100 PUNAHU STREET, SUITE 206
HONOLULU, HAWAII 96813



100 PUNAHU STREET, SUITE 206
HONOLULU, HAWAII 96813
August 12, 2010

ACCION
Professional Engineer
License No. 1007
State of Hawaii

SUMMARY OF SUP AREAS
SUP AREA A-1 = 1.559 ACRES
SUP AREA A-2 = 0.230 ACRES
SUP AREA B = 6.968 ACRES
SUP AREA C = 6.160 ACRES
TOTAL OF SUP AREAS = 14.917 ACRES

- NOTES:
1. Allowing and Conditions as stated in Ordinance.
 2. Survey conducted by Parker Paves, Inc. on 08/12/10.
 3. All Property to be improved shall be subject to the provisions of the Ordinance.
 4. Ordinance as amended to L.L.C.C. by "HAWAII" Ordinance 2008-11, dated 11/11/2008.
 5. Date of Field Survey: November 21, 2009 to January 11, 2010.

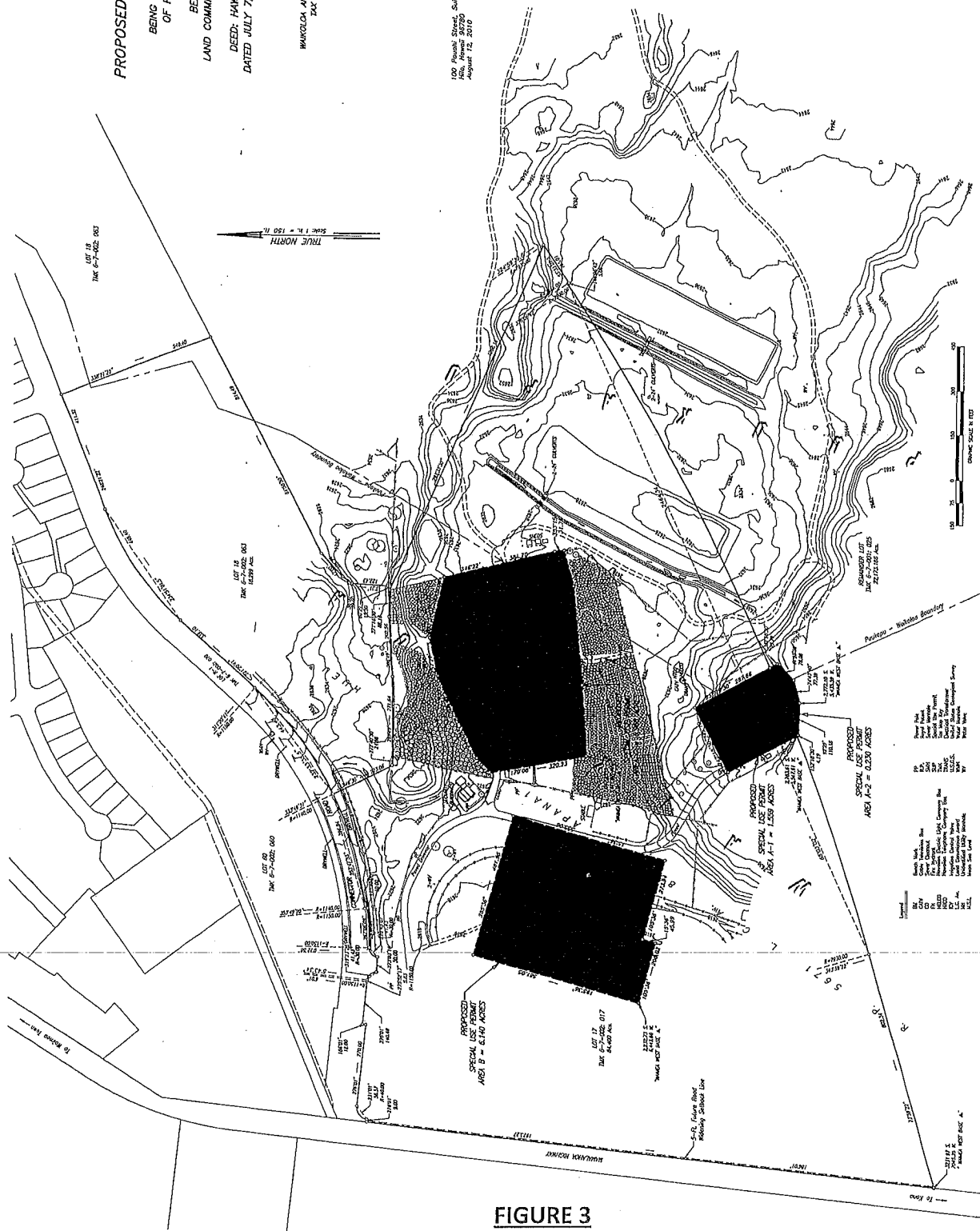


FIGURE 3

ACCION
Engineer & Surveyor

Professional Engineer
License No. 1007
State of Hawaii

Luala'i Subdivision. There are also residential/agricultural residences within the Lalamilo Farm Lots and commercial/residential uses in the heart of Waimea town, located about one mile from the subject site.

III. PROJECT DESCRIPTION

A. Project Objective and Components

To help financially stabilize PRI's ranching activity, the applicant is proposing to maximize the use of its existing underutilized facilities by making them more accessible to the general public. At the same time, it wishes to do so in areas which minimize impacts to adjoining properties while fulfilling some of the community's land use needs.

In the regard, the applicant is proposing the following:

- Making a portion or all of the applicant's 8,133 square foot headquarters or office building available for office and related uses for business that may not necessarily be associated with the ranch. This area also includes a 1,802 square foot carport that can accommodate 10 vehicles. There is also an open paved parking area that can accommodate over 50 vehicles. These areas consist of a combined area of **1.739 acres** (.230 acres on parcel 025 and 1.559 acres on parcel 017).
- Making a portion of the applicant's existing warehouse and maintenance facility situated on parcel 017 available for light industrial and general commercial uses. Some of the proposed uses would include vehicular maintenance/repair shops; equipment maintenance and repair shops; and general warehousing or storage. The warehouse presently consists of 9,000 square feet, while the maintenance structure has approximately 15,600 square feet. This area would consist of approximately **5.968 acres**.
- If necessary, legitimizing the use of a riding academy that is currently located within an existing 5,007 square foot structure identified as "stables" on the site plan (**Figure 3**). This area consists of about **1.000 acre** and is part of the 6.968 acre area found on **Figure 3**.
- Allowing the use of the rodeo arena, 3,673 square foot grandstand, and related structures as a venue for special events and other non-equestrian functions. This area consists of **6.140 acres**.

Although all structures (with the exception of the riding academy) and, periodically, the rodeo arena are presently being used by the applicant, they are somewhat underutilized. As such, the applicant wants to make greater use of these facilities, particularly as there have been frequent demands for use of these structures and rodeo arena by residents and others. Being proximate to the commercial core of Waimea Village and yet not too close to existing residential areas, the applicant believes that the requested uses would fulfill an important land use need in an area that should not generate any significant adverse impact to neighboring areas.

In addition to making modest improvements to the existing warehouse and maintenance structure, which may include any ADA requirement, the applicant does not believe any major other improvements would be necessary. There may be a need for interior renovation and the restriping of the parking area to accommodate handicapped accessible parking stalls.

B. Project Timetable and Cost

The applicant hopes to finalize its plans and begin any needed renovation within the next six months after securing all required construction permits. The headquarters can be utilized almost immediately, though. Any required construction or improvements is estimated to take 2-4 months, with a planned availability of this area early next year. The estimated construction cost of this project is less than \$100,000.

IV. INSTITUTIONAL CONSIDERATIONS

A. State Land Use

The State Land Use designation of the subject property is *Agriculture*. As such, a Special Permit is required to authorize the requested use. The County Leeward Planning Commission is authorized to make this decision, as the subject site is less than fifteen acres.

B. County General Plan

The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the northern sector of the subject property *Low Density* and the balance, *Important Agriculture*. The *Low Density* designation refers to “*Residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre.*” The *Important Agriculture* classification is described

as *“those with better potential for sustained high agricultural yields because of the soil type, climate, topography, or other factors.”*

Inasmuch as this is a Special Permit application, an amendment to the General Plan LUPAG map would not be required to effectuate this action.

C. South Kohala Community Development Plan (“CDP”)

Relative to the South Kohala CDP, Section 15.1 of the County General Plan called for the development and eventual County Council adoption of Community Development Plans. The General Plan states that the CDP *“will translate the broad General Plan statements to specific actions as they apply to specific geographical areas.”* The General Plan also notes that should the CDP require a General Plan amendment, it could be considered concurrent with the adoption of the CDP. However, *“If there is a direct conflict between the Community Development Plan and the General Plan, the General Plan shall be controlling.”*

Pursuant to the above, the South Kohala CDP was developed and adopted by the County Council during the latter part of the year 2008 as Ordinance No. 2008 159.

Relative to the Waimea Town Plan portion of the CDP, the subject site is not discussed as being an active part of this Plan. It is located outside of the “Conceptual Plan” of Figure 4.4. Notwithstanding the Conceptual Plan, however, the CDP identified several land use policies and strategies to implement these policies for Waimea Town. These – and their relationship to the requested Special Permit – follow.

Policy 1: Preservation of Waimea’s Sense of Place.

- Three (3) of the seven (7) identified strategies definitely do not apply. These are *acquisition of critical open space; expansion of the Lalamilo Farm Lots; and encourage small-scale farming through expanded tax credits.*
- Three (3) have some marginal relationship. These are *“protection of the Pu`u”*; *protection of important cultural and historic sites, structures and landscapes;* and *“recognition and protection of significant trees and other plants in Waimea.”* There is no *pu`u* within the affected area and neither will the proposed uses visually compromise the views of any *pu`u* in this area. There are no historic sites, significant trees or plants within the affected areas.

- The remaining one *encourages the use of design and architectural guidelines that promote the “paniolo” heritage*. The applicant, in its design of the existing headquarters and related structures, has attempted to do that, and it will continue this tradition.

Policy 2: “Responsible Growth”: Moderate the Pace of Growth and Change in Waimea.

- Like the above, Strategies 2.2 (working with Parker Ranch on its Parker 2020 Plan); 2.3 (revision of the Subdivision Code); and 2.4 (amending the General Plan) do not directly apply to the requested uses. Suffice to say, however, the applicant has been and intends to continue working cooperatively with the County, particularly in the construction of the in-town by-pass or connector road and other matters.
- Relative to Strategy 2.1 relating to land use decisions that protect important agricultural lands or culturally, visually sensitive areas, the requested uses would not be contrary to that strategy. The uses already exist and none of the improved areas have been deemed to be culturally or visually significant.
- Strategy 2.5 relates to a secondary commercial center east of Waimea. The requested uses would not result in a commercial center per that would compete and/or implement that strategy. Nevertheless, they provide a different land use alternative (quasi or light industrial and special events venue) that are currently not readily available in this area.

Policy 3: Environmental Stewardship.

- There is only one strategy – Protection of Important Agricultural land. While a portion of the subject site falls in this category, the requested uses would NOT remove any actively used agricultural lands. The requested area already has uses and structures; the intent is to enable greater use of these structures and facilities and not necessarily expand its area of activity.

Policy 4: Develop Affordable Housing For Waimea.

This policy is not applicable.

Policy 5. Timely Implementation of Needed Transportation and Circulation Improvements.

This policy is also not applicable. Of the eight (8) identified strategies, four (4) talk about trails and bikeways. None of these fall within the subject property. The remaining four (4) discuss traffic improvements within the Town and connector roads. Because of the existing driveway leading to the subject area is close to the connector road, the request has some relationship to two of these strategies – Parker Ranch Connector Road and the Lalamilo Connector Road. In that regard please note that should there be a need to, the applicant could eventually connect to the connector (by-pass) through other portions of its property at some time in the future.

D. Special Management Area

The subject site is not situated within the County Special Management Area (SMA). However, as the entire island falls within the SMA, a general discussion of this project's relationship with the SMA objectives follows.

1. Recreational Resources

The proposed use and improvements should not have any adverse impact to the recreational resources of the area. The property is not a coastal property, and there are intervening properties between the project site and the ocean. There is also no known access to the shoreline through or from this site.

2. Historical and Cultural Resources

The area of the proposed uses has already been improved. The proposed action would not result in further land disturbance activity. Should there be any, such as for parking, they would be in areas that have already been previously disturbed. As such, the prospects of finding any archaeological features in the area of the proposed improvements appear remote.

However, should there be any inadvertent finds during the development of this project, work will immediately cease until clearance from the County Planning Department is secured.

Relative to cultural resources, the site of the requested area has been improved. The applicant also notes that there have been no reported

observation of any native Hawaiians gathering plants within or proximate to the subject site. Accordingly, it would appear very unlikely that the site would serve such purpose today and/or in the recent past.

In sum, given the disturbed nature of the area of the existing and proposed improvements, it can be reasonably concluded that this project would have no significant adverse impact relating to native Hawaiian cultural and historical resources and/or practices that cannot be otherwise mitigated. .

3. **Scenic and Open Space Resources**

The subject site is located *mauka* of the Belt Highway and located well over 10 miles from the shoreline. As such, the improvements and/or use of this site would not adversely impact any scenic coastal view plane and/or resources.

4. **Coastal Ecosystem**

The proposed improvements should not generate any adverse impacts to the area's coastal ecosystem. At this time, no physical improvements are being contemplated. Should there be any, they would be principally interior renovations.

Furthermore, the site is situated nearly 10 miles from the shoreline, and any direct interaction between the proposed improvements and the coastal water should be barely existent, if at all. Additionally, the project's wastewater will be disposed off in existing wastewater system previously approved by the State Department of Health. These systems are either a cesspool or septic system.

5. **Economic Uses**

The project itself should have some measure of direct economic impacts, due to the short-term and long-term jobs this project could potentially generate. The short-term jobs, although modest, would be principally in the construction industry. The long-term employment would come in the form of employees of the various commercial and/or industrial related businesses.

At the same time, by providing a convenient area for storage and light industrial activities, the site would minimize drive time for many area

residents and workers who would otherwise have to travel outside of the area to get their needs serviced. These people could more productively utilize the time that would otherwise have been lost on the road.

6. Coastal Hazards

The site is designated Zone "X" on the Flood Insurance Rate Map. Furthermore, it is located well away from the shoreline and outside of the Civil Defense Tsunami Evacuation Zone. Thus, the site is not subjected to any coastal hazards.

Based on the foregoing, it is concluded that the proposed improvements are consistent with the objectives, policies and guidelines of the Special Management Area Rules and Regulations. Specifically:

- A. The proposed project will not have any substantial, adverse environmental or ecological effect. Any effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety and welfare, and other compelling public interest.

Further, it will not generate any adverse effects by themselves or in conjunction with other individual developments, the potential cumulative impacts of which would result in a substantial adverse environmental or ecological effect and the elimination of planning options. Appropriate mitigative measures will be taken to address any potential adverse impacts of this project;

- B. The proposed activities - as discussed earlier - are consistent with the objectives, policies, and guidelines of the SMA Rules and Regulations; and

- C. The proposed activities are consistent with the County General Plan and County Zoning Code, as noted in Chapter VIII A-2 of this document.

E. County Zoning

The County zoning designation of the site is *Agricultural (A-40a)*. The minimum lot size for this zoning district is 40 acres.

The required front yard setback is 30 feet. The existing structures for the most part are set back more than 100 feet from the Highway. The only issue

is the existing carport which currently straddles the property line. The applicant intends to cure this by consolidating and resubdividing the properties to have the structure and parking area become part of parcel 17.

While no improvements are contemplated at this time, aside from perhaps some maintenance and interior renovations, the applicant understands that any new extension, however, would have to comply with the required 30-foot setback requirement.

All of the other code requirements, such as landscaping and parking would be complied with. Given the nature of the proposed uses and pursuant to Section 25-4-54(d), the applicant is proposing that additional paved parking not be required. The applicant will improve any required parking in a manner that will *"eliminate erosion, mud and standing water."*

F. Other Permitting Considerations

If the Special Permit is approved, other ministerial permits may still be required. These include Plan Approval and Building Permit. Then, too, other permits and/or data may be required to comply with any conditions of approval of the Special Permit.

V. INFRASTRUCTURE CONSIDERATIONS

A. Water

There is a County water line that fronts the Mamalahoa Highway. The subject area is serviced from this line by a 1.5 inch water meter. This has been proved to be more than adequate for all existing uses.

Nevertheless, should there be a need for any upgrade to accommodate the expanded uses, the requirements of the Department of Water Supply will be complied with.

B. Wastewater

All of the existing main buildings are serviced by their respective septic system. These should be sufficient to accommodate the proposed or expanded uses; in that event the respective system can be upgraded consistent with the requirements of the State Department of Health.

C. Drainage

The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the project site to be located in Zone "X", areas outside of the 500-year flood zone.

As there may be a need for parking improvements, there may be an issue relating to potential increased run-off. In that event and if necessary, drywell or similar type of accommodations can be implemented on site, subject to the review and approval of the Department of Public Works. The depth of these drywells - if needed - will be sufficient to avoid potentially high groundwater table. The latter will be addressed in conjunction with the processing of any NPDES or UIC permits from the Department of Health.

D. Roadway

The site is located on the *mauka* side of the Mamalahoa Highway, near its intersection with Lalamilo Road. The State-owned Highway has a right-of-way of 50 feet with a 22-24-foot wide pavement in this area.

The "in-town" by-pass is situated immediately north of the project's existing driveway. The by-pass is nearing completion and should be accessible within the next year.

The existing driveway is a fully improved 20+-foot wide paved road. There is no dedicated left-turn lane at the Highway. The applicant eventually intends to construct a new access road that would connect the subject area to the by-pass.

Although no traffic impact analysis report of this project was prepared, the applicant believes that the projected traffic generation should not be significant as it should be somewhat comparable to the existing activity. When special events are held, however, the applicant intends to require of the event user to prepare a traffic plan that would include the necessary staffing for on- and off-site traffic control and related security.

E. Public Protective Services

Police and fire protective services are within serviceable distances and are currently available to the site. The police and fire stations are located in Waimea, less than 2 miles away.

F. Solid Waste

Solid waste will be handled by commercial haulers who will dispose of the refuse at the County landfill at Pu`uanahulu, North Kona. Although the applicant does not believe one is needed, if required, a Solid Waste Management Plan can be prepared to help address ways to further accommodate and reduce the project's waste.

F. Other Utilities

Electrical and telephone lines are already available at the site.

VI. ENVIRONMENTAL CONSIDERATIONS

A. General Description

The subject site is located *mauka* of the Mamalahoa Highway, near its intersection with Lalamilo Road. The Lalamilo Farm Lots is located directly across (*makai*) of the subject site, while the town of Waimea and the Luala`i residential subdivision are located to the north. The general character of the area is rural/agricultural in nature.

Sitting at about the 2,000-foot elevation level, the site is located about 10 miles from the ocean. The average annual rainfall is about 40 inches. The average annual temperature ranges between 68 to 76 degrees Fahrenheit, with occasional higher and lower ranges during certain periods such as summer or winter months.

The prevailing wind patterns in the area are often light and variable, dominated by tradewinds (easterly) during the day and westerly or mountain winds during the evenings.

The subject parcel is generally trapezoidal in shape, with its longest side fronting the Mamalahoa Highway. As noted earlier, the site is generally pastoral in nature, with the exceptions of the existing structures.

B. Soils

The Land Study Bureau's Detailed Land Classification System classifies the site C-247 or "Fair" from an agricultural resource perspective. This *Waimea* soil series is characterized as being deep, medium texture, dark brown volcanic ash. It is well drained and poorly suited for machine tillability. The erosion hazard is moderate.

The site is classified "Other Agricultural Land" on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) map. This designation reflects the agricultural potential of this site.

Notwithstanding those designations, the area of the requested improvements and/or use will not result in the removal of any active farming area. As such, the use should not create any significant impact to the agricultural resources of this area or the County.

C. Flora and Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the subject site.

The area of the requested uses has already been graded, and there already are structures on the site. No new removal of vegetation is planned. Thus, floral impacts should be minimal. The surrounding vegetation includes *kikuya* grass, non-native trees such as the *eucalyptus robusta*, and introduced native trees like the *ohia lehua*, used principally for landscaping. None of these are identified as being endangered or threatened.

The site is not known to be a habitat of any rare or endangered animal life. Given its elevation, however, it may be possible to find the Hawaiian Hawk (*I'o*) and the Hawaiian Owl (*Pueo*) foraging in this general area. Nesting, however, generally occurs more in the forested areas. Further, the disturbed and rural nature of the surrounding areas would make it less likely to find endangered animal life in the area.

Accordingly, it does not appear that the proposed uses would have any significant negative impact, if at all, on the floral and fauna resources in the area.

D. Archaeological Resources

As noted earlier, the site of the requested improvements and uses have already been cleared. As such, the archaeological resources of this site appear to be non-existent.

Nonetheless, should there be inadvertent discoveries during the construction of this project, work will stop and contacts with the County Planning Department and State Historic Preservation Division will be made.

E. Valued Cultural Resources

The recent Hawaii State Supreme Court's "PASH" and "*Ka Pa`akai O Ka`Aina*" decisions require decision-makers to consider a project's impact to native Hawaiian gathering and fishing rights. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this site and the impact of this project to these resources and practices.

In this situation, the subject site is not adjacent and/or proximate to the shoreline. As such, fishing and coastal access is not an issue. Furthermore, as noted earlier, the requested area has been entirely cleared of its native vegetation in the past. To date, the applicant has not received any reported observations of the site being used in the recent past by any native Hawaiians for gathering of plants within or proximate to the subject site. Accordingly, it would appear very unlikely that the site would serve such purpose today and/or in the recent past.

Given the above, it can be reasonably concluded that this site would have no significant adverse impact relating to native Hawaiian cultural and historical resources and/or practices which cannot be reasonably mitigated.

F. Volcanic and Earthquake Hazards

The United States Geological Survey (USGS) designates the area Lava Flow Hazard Zone 8, on a scale of ascending risk 9 to 1. This risk is very low when compared to urban areas like City of Hilo and Kailua-Kona, which fall within Zone 3.

The Building Code identifies the entire island of Hawaii in Earthquake Zone 4 and contains certain structural requirements to address the relative seismic hazards. All improvements, if required, will be designed to reflect this standard.

G. Other

During the construction of this project, there will be some construction **noise**. Contractors will be required to comply and observe the State Department of Health's noise standards. When completed, there will also be some measure of noise associated with traffic and the operation of the proposed uses. Mitigation such as landscaping and limiting hours of operation to 10:00 p.m. can be taken.

The **air quality** in this area is mostly affected by emissions from natural, agricultural, and/or vehicular sources. Vehicular traffic to and from the site should also have an impact, but those vehicles now must comply with the higher emission standards of the State Department of Health and Federal Environmental Protection Agency (EPA).

The proposed uses and existing structures will generate little, if any **visual** impacts. There will essentially be no new structures constructed that could compromise any existing view plane in this area.

Furthermore, as part of the Plan Approval process, a landscaping plan may have to be prepared and implemented. This should minimize the visual impact of the project from the Mamalahoa Highway. Should there be a need for lights within the project, including the parking area, they will have to comply with the County's indirect, low sodium standards. However, at this time, no lights within the parking and other areas are being planned.

It is thus reasoned that the requested project should not generate any significant short or long term noise, air quality, or visual impacts.

VII. PLANNING AND LAND USE CONSIDERATIONS

A. Surrounding Land Uses

The subject site is located in a relatively rural area. There are urban uses generally north of the subject area. There are farm lots on the *makai* or west of the subject site.

The subject site and the general area are zoned A-40. The residential subdivision is zoned RS-10 and RS-7.5. Most of the existing uses in this area are consistent with their respective zoning.

B. Agricultural Impacts

As discussed in section VI-B (Soils), the soil characteristics is "C" and the General Plan LUPAG map has designated this area Important Agriculture. While those are important agricultural and land use considerations, relative to the proposed uses, there are extenuating circumstances.

For one, the project will not result in the removal of any producing agricultural lands. The area of the request consists of existing structures as well as improved and unimproved areas for parking. All of the requested areas are not being actively agriculturally used.

Then, too, the proposed uses should not diminish the agricultural use and/or potential of the balance of the property. The balance of the property is intended to still be used as part of the applicant's ranching operations.

It is thus reasoned that this project should have little, if any, adverse agricultural impacts to the area and the industry overall.

C. Economic Impacts

As noted earlier, this project itself will have some measure of direct economic impacts, due to the short-term and long-term jobs this project could potentially generate. The short-term jobs would be principally in the construction industry, albeit small. The long-term direct employment would come in the form of employees of the office space, warehouse, and repair area. Then, too, the periodic special event use of the equestrian facility should help generate a number of part-time employment.

There would also be indirect employment created through the project's multiplier effect. At the same time, by providing a convenient area for office and light industrial activities, it would minimize drive time for many area workers who would otherwise have to travel outside of the district to get their needs serviced. These people could more productively utilize the time lost on the road.

VIII. JUSTIFICATIONS FOR SPECIAL PERMIT REQUEST

In determining whether the requested use is an "unusual and reasonable use" and thus should be permitted within the Agricultural District, certain guidelines are used. These guidelines and their relationship to the requested use follow.

A. Relationship to Land Use Law and Objectives

The subject request will not be contrary to the Land Use Commission Rules (HAR, Title 15, Chapter 15), Planning Commission Rules (Rule 6), or Chapter 205, Hawaii Revised Statutes, which purposes are

- to preserve, protect and encourage the development of lands in the State for their best uses in the interest of the public welfare, and
- protect, conserve, and rationally develop the State's urban, agricultural, and conservation lands using a coordinated and balanced approach.

In this situation, the subject site's soil resource is categorized as Class C, a designation that is somewhat agriculturally important. Although this type of soil does yield some measure of agricultural potential, the requested uses do not involve a substantial area relative to the entire site. Furthermore, as the intended uses will occur in areas that have already been developed and used non-agriculturally, there would be no diminution or loss of agricultural lands.

At the same time, the requested uses would provide some services to farmers in the area. These services come in the form of supplies, equipment repair, storage, and the like. As such, converting an area already out of agriculture for other uses, uses that have a potentially broader public benefit, including the agricultural community, is a reasonable one.

B. Relationship to General Plan and Other Planning Requirements

The County General Plan Land Use Pattern Allocation Guide ("LUPAG") map designates the northern sector of the subject property *Low Density* and the balance, *Important Agriculture*. The *Low Density* designation refers to "*Residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses; overall residential density may be up to six units per acre.*" The *Important Agriculture* is described as "*those with better potential for sustained high agricultural yields because of the soil type, climate, topography, or other factors.*"

Inasmuch as this is a Special Permit application, an amendment to the General Plan LUPAG map would not be required to effectuate this action.

Although the requested uses are not specifically consistent with the General Plan LUPAG map, they are consistent with certain goals, policies, and standards of the General Plan:

ECONOMIC ELEMENT

Goals

- *Provide residents with opportunities to improve their quality of life;*
- *The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment*
- *The County shall strive for diversification of its economy by*

strengthening existing industries and attracting new endeavors

Policies

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

LAND USE ELEMENT

Goals

- *Designate and allocate land use in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County*
- *Protect and encourage the intensive utilization of the County's important agricultural lands*

Policies

- *The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment*
- *Protect and encourage the intensive utilization of the County's limited prime agricultural lands.*

Land Use Element (Commercial)

Goals

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

Policies

- *Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs.*
- *Distribution of commercial areas shall be such as to best meet the demands of neighborhood, community and regional needs.*
- *The development of commercial facilities should be designed to fit into the locale with minimum intrusion while providing the desired services. Appropriate infrastructure and design controls shall be incorporated into the review of such developments*

Standards

- *Commercial developments shall be located in areas adequately served by transportation, utilities, and amenities. Commercial developments shall provide for adequate internal circulation amongst commercial facilities in the area.*
- *Off-street parking and loading facilities shall be provided.*
- *Commercial development shall maintain or improve the quality of the present environment through the consideration of visual, access, landscaping, and other design elements in their development.*
- *Preference shall be given to commercial lands with a reasonably level topography.*

NATURAL RESOURCES ELEMENT

Goals and Policies

- *Protect and preserve forest, water, natural, and scientific resources and open areas.*
- *Ensure that alterations to existing landforms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.*

- *The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.*

Discussion

Although portions of the subject area is designated *Intensive Agriculture* on the General Plan LUPAG map, the proposed uses would not result in the removal of the island's critical agricultural land.

If approved, the project would provide an opportunity where some amount of goods and services could be provided to area residents. There is a dearth of vacant light industrial land within the town core. As such, the location, which is slightly outside of the core but reasonably close, would save important driving time for residents who otherwise would have to travel outside of Waimea.

Relatedly, all required infrastructures are there or, if not, will be provided by the applicant without taxing government's servicing ability.

Further, the site does not have on-site developmental constraints, and the natural resource impact should not be significant. The site is designated "X" on the FIRM map. It has already been cleared and improved and does not have any significant landforms worthy of preservation or that would create a hazard for further development.

Then, too, there are no known archaeological or cultural features associated with the site. Furthermore, if there are inadvertent archaeological features found on the site, work will stop and the State DLNR and County Planning Department will be consulted before further activities occur within the affected area.

Any expansion will comply with the Zoning Code setback standards. The existing encroachment is intended to be rectified through the subdivision consolidation/resubdivision process. Other basic Code requirements such as parking (pursuant to agricultural standards) and landscaping will be complied with.

The project would also provide a source of employment, albeit modest, for area residents. This would allow these residents to live and work in the same area rather than commuting more than 5 miles to work.

Dust control attenuation measures will be exercised during the minimal construction phase of this project. When completed, the landscaping should also help minimize dust pollution, as well as provide some visual relief of the improvements to this site.

3. Impacts to Surrounding Properties

Impacts to neighboring properties should not be significant. The Lalamilo Farm lots are located *makai* of the Highway, while the Luaia residential subdivision is located across of the by-pass. Additionally, the subject site is relatively large (84 acres) and the requested uses are more centrally located within that parcel. Furthermore, the basic uses will not be significantly altered, as the intent is to allow more public or non-applicant use of the existing facilities. Thus, the requested uses should not significantly detract from the existing ambiance.

The existing background ambient noise level in this area is wind, foliage, birds, and the like. However, the significant manmade noise is influenced by the traffic associated along the Highway. Appropriate landscaping, if necessary, will be implemented to minimize both potential visual and noise impacts to surrounding properties.

Upon completion of the by-pass or connector road, the existing driveway access to the project would be less than 100 feet from it. As such, in the future, if there is a need to, the applicant will construct an alternative access to the by-pass from its property. That, however, is a longer term objective but one that is feasible.

There will also be limited short-term noise impacts during the construction phase. To mitigate this impact, the development of this project – particularly the site work - will be limited to daylight hours and on weekdays. Contractors will also be required to comply with established State Department of Health guidelines and standards relating to noise and emission controls.

The proposed development should not generate any direct air quality impacts. As the project itself is not expected to have uses that generate adverse air pollutants, the only discernible air quality impact would be associated with vehicular traffic to and from the site. While the added traffic will have an impact to the ambient air quality, the impact should not be significant. This is due in part to the higher EPA standards for vehicular air emissions and the prevailing tradewinds.

4. **Infrastructure and Government Services Impacts**

All existing utilities are in place. Should there be a need for any upgrade such as wastewater or water systems, this will be done by the applicant. Additionally, the project is not expected to generate any additional police and other public safety services. These agencies already service the subject site and surrounding communities. As such, the project should not result in an extension of these services.

5. **Suitability of the Site**

The site is suitable for the requested uses. As noted earlier, the uses already exist. There is a need for additional light industrial areas proximate to town, and this area can accommodate that need readily and in a manner – because of their current activities now - that does not compromise the quality of life for surrounding properties.

Then, too, there are no topographic or other environmental, archaeological, or cultural constraints that would render the site unfeasible for the requested use. All of the basic infrastructure is or can be made available to the site by the applicant.

6. **Altering Character of Land**

The use of this site should not transform the character of the land. As noted earlier, the uses and structures already exist. The applicant's objective is to maximize their use. As such, visually, the character of the land should not be significantly, if at all, altered.

Notwithstanding the above, if there is a need to further minimize the visual impact of the project additional landscaping can be implemented within and surrounding the subject site.

7. **Unusual Conditions or Trends**

Prior to adoption of the County General Plan (1971), the State Land Use District boundaries were established in this area. Since that time, growth has incessantly occurred and in an effort to manage this growth, the General Plan has been periodically updated, while the South Kohala CDP was adopted in 2006. Both of these documents provide the land use framework to guide or manage growth in this area.

Those documents, particularly the CDP and as noted particularly in Chapter IV, emphasize the need to contain the village proper while protecting important agricultural lands. At the same time, to address much needed land uses (such as light and heavy industrial) that cannot be reasonably accommodated within the village core, alternative areas must be found without compromising the principles outlined in the General Plan and CDP. In that regard, the requested Special Permit helps achieve those objectives.

The requested uses are proximate to the village core and thus satisfy the growing commercial/industrial needs of the community. At the same time, the process (Special Permit) and its location, would still allow the retention of the village's "sense of place" while not removing any significant important agricultural land from production.

At some point in time, there may be a need to re-examine the GP and CDP to address the growing and variegated land use needs of the community. During the interim, however, the Special Permit process – in this particular instance – helps address this need without frustrating the existing broader objectives of the GP and CDP.

Based upon the foregoing, it is concluded that the project is an "unusual and reasonable" use of the subject site and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes.