Rec'd - Nov 22 '76

Action Spm -
Nov 22 - JAN 7

SP76-253 -RICHARD SMART DBA PARKER RANCH (HI.)

December 27, 1976

MR. RICHARD SMART DBA PARKER RANCH
P. O. Box 458
Kamuela, Hawaii 96743

Attention: Mr. James M. Whitman, Business Manager

Dear Sir:

The original of the attached letter is on file in the office of the Hawaii Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Very truly yours,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encls.

December 27, 1976

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

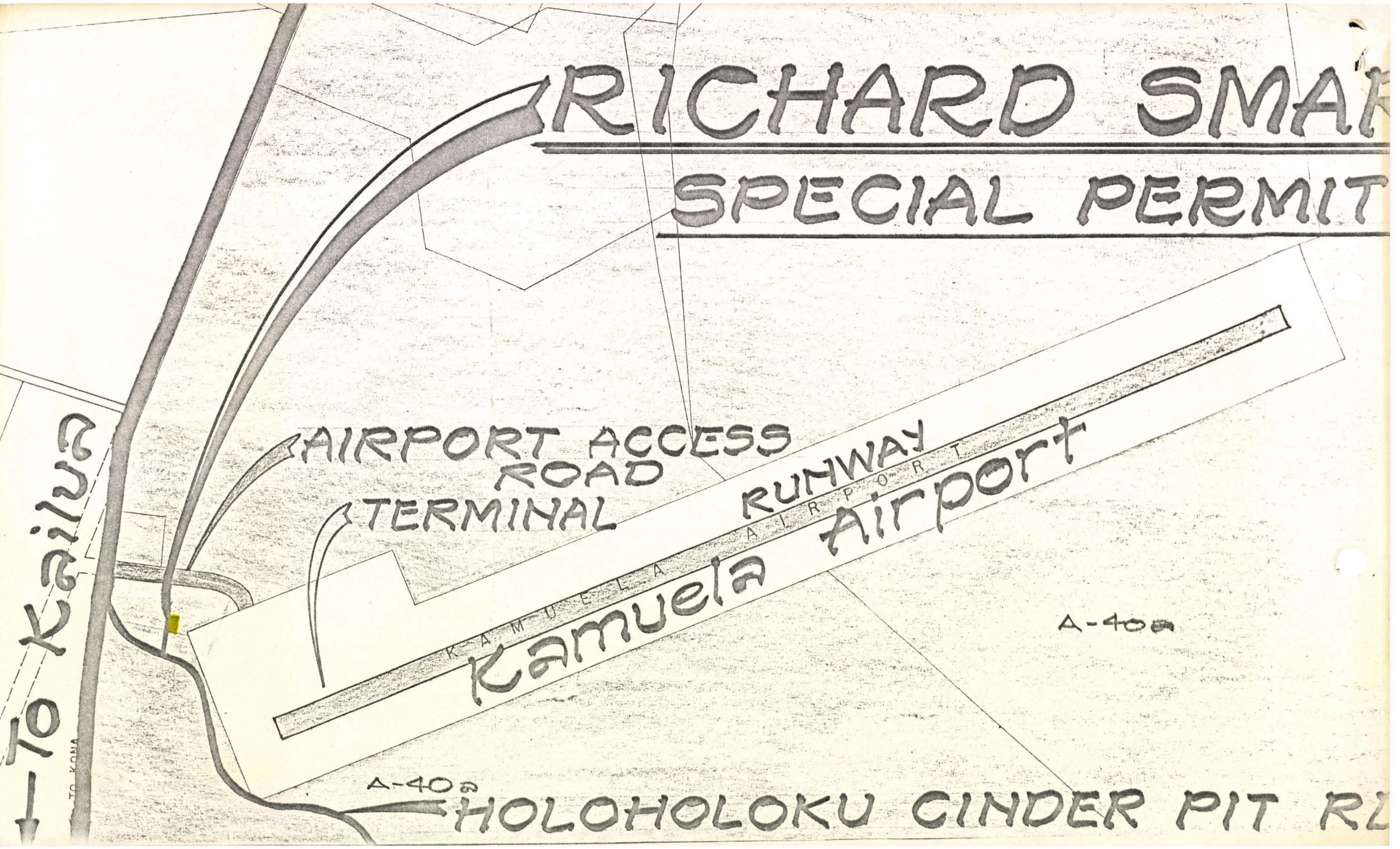
At its meeting on December 20, 1976, the Land Use Commission voted to approve a Special Permit request by Richard Smart dba Parker Ranch (SP76-253) to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, TMK 6-7-01: portion of 25; subject to the conditions imposed by the Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Very truly yours,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encls.
cc: Richard Smart dba Parker Ranch
Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control


RICHARD SMAR
SPECIAL PERMIT
AIRPORT ACCESS ROAD
TERMINAL
RUNWAY
KAMUELA AIRPORT
Kamuela Airport
A-40
A-40
HOLOHOLOKU CINDER PIT RD
TO Kailua
TO KONA

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Lanai Community School Library
Lanai City, Lanai

December 20, 1976 - 9:30 a.m.

Approved 3/9/77

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
James Carras
Charles Duke
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Benjamin Matsubara, Consultant
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

Chairman Tangen called the meeting to order and swore in all those planning to testify during today's proceedings.

REMANDED EVIDENTIARY HEARING - ALLAN DALE STARR

Mr. Benjamin Matsubara, Special Deputy Attorney General representing the Commission in the litigation arising out of the 1974 boundary review entitled Allan Dale versus the Land Use Commission, identified as Civil No. 2648, reported on the background relative to this matter presently pending before the Second Circuit Court in Maui, as follows:

1. On January 16, 1975, Mr. Starr filed Notice of Appeal in the Second Circuit Court of the Commission's denial of his boundary amendment request from Conservation to Urban for his Lanai property during the 1974 boundary review.

2. Judge Fukuoka of the Second Circuit Court remanded the matter back to the Land Use Commission for the purpose of permitting Mr. Starr to present further and additional evidence in support of his request to change the boundary designation from Conservation to Urban. It was for this purpose that the hearing was called today.

All statements, letters, transcripts of Mr. Starr's participation before the Commission on all prior proceedings.

Mr. Spencer, attorney representing Mr. Starr, testified and was examined as set forth in the transcript on ----------Pages

Testimony by Mr. Spencer ----------11 to 16
19 to 25
34 to 35

Questioned by Vice Chairman Sakahashi----------36 to 39

Since there was no further discussion, the evidentiary hearing on the case of Allan Dale Starr was closed.

ACTION

SP76-253 - RICHARD SMART DBA PARKER RANCH
APPLICATION TO CONSTRUCT A SMALL ANIMAL SHELTER ON APPROXIMATELY 4,445 SQUARE FEET AT WAIKOLOA, SOUTH KOHALA, HAWAII

Mr. Furutani summarized the staff report relative to the subject Special Permit and pointed the area out on the map.

It was reported by the Executive Officer that the records did not indicate any response to the Department of Transportation's concern over the adverse impact upon the animals from the airport noise. Mr. Furutani observed that there were only 2 flights a day into Waimea.

Commissioner Oura moved to approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission. The motion was seconded by Commissioner Duke and unanimously approved.

A75-405 - KULA ALII, LTD.

In the matter of the boundary amendment petition by Kula Alii, Ltd., Docket A75-405, on which hearings were held on January 15, 1976, March 22, 1976, August 5, 1976 (petition as amended), September 24, 1976, the Commission discussed the following documents which had been previously distributed to the Commission members, prior to taking action on the petition:

1. Petitioner's Proposed Findings of Fact and Conclusions of Law

2. Michael Town's Proposed Findings of Fact and Conclusions of Law

3. DPED's Concurrence to Mr. Town's Proposed Findings of Fact and Conclusions of Law

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP76-253 - RICHARD SMART DBA PARKER RANCH

DATE December 20, 1976

PLACE Lanai Community School Library, Lanai City, Lanai

TIME 9:30 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
S	DUKE, CHARLES	X			
	WHITESELL, CAROL	X			
M	OURA, MITSUO	X			
	MACHADO, COLETTE	X			
	MIYASATO, SHINSEI	X			
	SAKAHASHI, STANLEY	X			
	CARRAS, JAMES	X			
	YANAI, EDWARD	X			
	TANGEN, EDDIE	X			

Comments: I move that we approve the Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission December 20, 1976
9:30 a.m.

FROM: Staff

SUBJECT: SP76-253 - Richard Smart dba Parker Ranch

The petitioner, Richard Smart dba Parker Ranch, is requesting this Special Permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01: portion of 25.

The subject property is a portion of a 22,000+ acre parcel that is located near the Kamuela Airport Access Road - Mamalahoa Highway intersection and approximately 630 feet from the nearest point of the airport runway or "touch down" area.

In support of his request, the petitioner states that:

"1. There is an urgent need for this facility at the present time. The County Dog Warden assigned to the Kohala area is presently picking up 80 animals per month with no permanent facility to house them. These animals have to be taken to the Kona Animal Shelter. These animals have primarily been unwanted pets and the stray animal population still remains virtually unchallenged.

"2. The need to locate the Kennels on agricultural lands rather than those with urban designation stems from a genuine public objection to locating such a facility near populated areas for obvious reasons.

The area proposed for the Kennels is at the western end of the Waimea-Kohala airport runway, a considerable distance and downwind from the terminal building. Any noise or odor which might emanate from the building couldn't possibly be offensive to anyone.

"3. The proposed building site is truly a remnant portion of the parcel in question, located outside of the fenced pasture area and bounded by Mamalahoa Highway and the Airport Access Road. This area is

arid and rocky and unsuitable for grazing or any other agricultural pursuit. Even if this area were suitable for grazing, the noise of approaching airplanes would keep any animals out of the area.

Aside from the airport property, the adjacent lands are exclusively in pasture belonging to Parker Ranch, to which there could be no adverse affect whatsoever from this proposal.

"4. The building will be erected in a natural depression and the character of the land will not be altered in any way. The building itself will be unobtrusive from the highway and completely out of view of the airport because of this depression.

"5. Water and power are readily available to the site. Access to Mamalahoa Highway will be provided by private road and the owner will provide his own cesspool.

"6. The owner will not make a request for a subdivision of this property. Only the improvements will be rented to the West Hawaii Humane Society."

Petitioner has also submitted a plot plan showing the proposed animal shelter facility. The building is approximately 26' X 24.5' in size (about 640 square feet) and a parking area for four cars is proposed. Sewage disposal will be by cesspool.

The land in question is presently vacant and situated in a natural depression. The surrounding lands are primarily used for grazing purposes and the Land Study Bureau's overall master productivity rating for soils in the area is Class E or very poor. The Lalamilo Farm Lots are located approximately 3,500 feet northwest of the subject property.

The area under consideration is designated for Extensive Agricultural use on the County General Plan Land Use Pattern Allocation Guide Map. County zoning for the area is Agricultural 40-acre (A-40a).

Pertinent Comments from governmental agencies:

1. Department of Water Supply:

"The nearest public water system available to serve this special permit application for the construction of an animal shelter is from the 6-inch waterline along the Airport Access Road."

2. Department of Transportation:

"We have no objections to the proposed application provided the portion of the animal shelter access within

our right-of-way is constructed to our standards and specifications, of which one requirement is that the connection be constructed at a 90° angle, or normal, to the State highway. Plans for the construction work must be submitted to us for our review and approval, and a permit for said work obtained from us before any work is to be done within our right-of-way.

"We also question the advisability of locating such a facility so close to the airport runway and the attendant noise of aircraft landing and taking off"

3. County Fire Department:

"Waimea Fire Station is located 2 miles distant. No fire hydrants provided in this area, other than a 2½" standpipe. Construction of this 24' X 26' animal shelter pose no fire problems to adjoining properties or to our departmental operations."

4. Department of Agriculture:

"The Department of Agriculture has no objection to the above-cited application inasmuch as there is no apparent agricultural impact."

5. Department of Transportation, Airports Division:

"The Department of Transportation has no objections in the construction of a small animal shelter as indicated in the attachments. The problem, if any, may be that the aircraft noise may be more of a problem with the animals than the animals with the airport."

6. Mauna Kea Soil Conservation and Water Conservation District:

"We see no severe adverse effects on the proposed small animal shelter to be located near the Kamuela Airport. The soil type present is Puu Pa stony fine sandy loam. The stoniness may have some effect on constructing roads and the building. We encourage landscaping and planting grass on disturbed areas as indicated on the drawing."

Other cooperating agencies had no comments or objections to the subject request.

The Planning Commission at a duly advertised public hearing held on October 14, 1976 at the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona, Hawaii, discussed the subject request. The Commission on November 15, 1976 voted to recommend the approval of the special permit to the Land Use Commission as it was found:

"1. That the animal shelter which will be operated by the West Hawaii Humane Society, will be situated on a small area of land of approximately 4,445 square feet. The

building itself will be only 640 square feet in size. A paved parking area will be provided on the remainder of the area. With the exception of the Waimea-Kohala Airport, the surrounding lands are primarily used for grazing. The closest residential structure to the subject area is approximately 800 feet away.

Although the proposed facility will be situated only about fifty (50) feet from the airport property, the airport runway or "touch down" area and terminal building are over 600 feet away from the proposed use. In light of the above, it is determined that the proposed small animal shelter will not adversely affect the surrounding properties or their improvements. This is further substantiated by the State Department of Transportation, Airports Division, who stated no objections in having the proposed use established adjacent to the Waimea-Kohala Airport.

"2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agriculture. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the animal shelter would be beneficial and well-suited to accommodate the present needs of the area. There presently exists no facility of this nature within the Waimea area. The animals are currently being transported to the Kona Animal Shelter which is a distance of approximately forty (40) miles. In light of this, it is determined that the establishment of the proposed use in this particular area of Waimea would meet with and fulfill the needs of the residents. Furthermore, since the proposed building will be constructed in a natural depression, it will not be visibly conspicuous from Mamalahoa Highway which is about 300 feet away.

"3. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage 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. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity

rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Waimea area and the island.

"4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. Furthermore, as will be required as a condition of approval, the petitioner will be required to make some improvements to the access road to the proposed area. In light of the above, it is determined that the proposed animal shelter facility is warranted as it will not unreasonably burden public agencies to provide roads, sewers, water and other similar infrastructures."

"The favorable recommendation was also subject to the following conditions:

"1. That construction of the proposed facility shall commence within one (1) year from the effective date of the Special Permit and shall be completed within two (2) years thereafter.

"2. That should Richard Smart dba Parker Ranch decide to also lease the land to the West Hawaii Humane Society, then the land shall be subdivided at a minimum lot size of one (1) acre.

"3. That the petitioner shall provide for an oil-treated surface to the access road from Mamalahoa Highway to the proposed facility at the width of twelve (12) feet. Such improvement to the roadway shall meet with the approval of the County Department of Public Works and the State Department of Transportation, Highways Division.

"4. That all other applicable rules and regulations, including the Plan Approval process be complied with."

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

December 7, 1976

Mr. Raymond Suefuji
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP76-253 Richard Smart Dba Parker Ranch

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

December 7, 1976

Mr. James M. Whitman
Business Manager
Parker Ranch
P. O. Box 458
Kamuela, Hawaii 96743

Dear Mr. Whitman:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP76-253 Richard Smart Dba Parker Ranch

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

December 7, 1976

Mr. Richard Smart
Parker Ranch
Kamuela, Hawaii 96734

Dear Mr. Smart:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

Please note that petition

SP76-253 Richard Smart Dba Parker Ranch

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,

GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

December 20, 1976 - 9:30 a.m.
Lanai Community School Library
Fraser Avenue
Lanai City, Lanai

A G E N D A

I. REMANDED EVIDENTIARY HEARING

Allan Dale Starr

To reclassify 7.46 acres from Conservation to Urban at Kaohai, Lanai.

II. ACTION

1. A75-405 Kula Alii, Ltd.

To reclassify 26.7 acres from Agricultural to Rural at Kula, Maui.

2. SP76-253 Richard Smart Dba Parker Ranch

To construct a small animal shelter on approximately 4,445 square feet which will be operated by the West Hawaii Humane Society at Waikaloa, South Kohala, Hawaii.

III. MISCELLANEOUS

1. Adoption of Minutes

2. Meeting Schedule

*** A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATION ON THE ATTACHED MAILING LIST. 12/8/76**

1. All island 2. Maui 3. Hawaii

7522

COUNTY OF HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

LAND USE COMMISSION
STATE OF HAWAII
Nov 22 8 11 AM '76

November 16, 1976

SP76-253

Mr. Ah Sung Leong
Acting Executive Officer
Land Use Commission
190 South King Street, Suite 1795
Honolulu, HI 96813

Re: Special Permit Application - Richard Smart dba Parker Ranch

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District. The property involved is located at the southeast corner of the Waimea Airport Access Road - Mamalahoa Highway intersection, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-7-01:portion of 25.

The Planning Commission at a duly advertised public hearing held on October 14, 1976 at the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona, Hawaii, discussed the subject request. The Commission on November 15, 1976, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the animal shelter which will be operated by the West Hawaii Humane Society, will be situated on a small area of land of approximately 4,445 square feet. The building itself will be only 640 square feet in size. A paved parking area will be provided on the remainder of the area. With the exception of the Waimea-Kohala Airport, the surrounding lands are primarily used for grazing. The closest residential structure to the subject area is approximately 800 feet away.

Although the proposed facility will be situated only about fifty (50) feet from the airport property, the airport runway or "touch down" area and terminal building are over 600 feet away from the proposed use. In light of the above, it is determined that the proposed small animal shelter will not adversely affect the surrounding properties or their improvements. This is further substantiated by the State Department of Transportation, Airports Division, who stated no objections in having the proposed use established adjacent to the Waimea-Kohala Airport.

2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agriculture. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the animal shelter would be beneficial and well-suited to accommodate the present needs of the area. There presently exists no facility of this nature within the Waimea area. The animals are currently being transported to the Kona Animal Shelter which is a distance of approximately forty (40) miles. In light of this, it is determined that the establishment of the proposed use in this particular area of Waimea would meet with and fulfill the needs of the residents. Furthermore, since the proposed building will be constructed in a natural depression, it will not be visibly conspicuous from Mamalahoa Highway which is about 300 feet away.

3. That the proposed use will not be contrary to the objectives sought to be accommplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage 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. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristices may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activites may be conducted within the subject area,

it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Waimea area and the island.

4. That all essential utilities and facilites are or will be made available for the development of the area for the proposed use. Furthermore, as will be required as a condition of approval, the petitioner will be required to make some improvements to the access road to the proposed area. In light of the above, it is determined that the proposed animal shelter facility is warranted as it will not unreasonably burden public agencies to provide roads, sewers, water and other similar infrastructures.

The favorable recommendation was also subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of the Special Permit and shall be completed within two (2) years thereafter.

2. That should Richard Smart dba Parker Ranch decides to also lease the land to the West Hawaii Humane Society, then the land shall be subdivided at a minimum lot size of one (1) acre.

3. That the petitioner shall provide for an oil-treated surface to the access road from Mamalahoa Highway to the proposed facility at the width of twelve (12) feet. Such improvement to the roadway shall meet with the approval of the County Department of Public Works and the State Department of Transportation, Highways Division.

4. That all other applicable rules and regulations, including the Plan Approval process be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.

Leon K. Sterling, Jr.
Chairman, Planning Commission

lat:sb

Enclosures

cc: Mr. James Whitman
Land Use Division, DPED

LIST OF EXHIBITS - RICHARD SMART dba PARKER RANCH

LAND USE COMMISSION
STATE OF HAWAII
Nov 22 8 11 AM '76

A. Application form

A-1. Applicant's 7/9/76 letter and reasons

A-2. Applicant's site plan

A-3. Applicant's development plan

B. Acknowledgment letter (7/21/76)

C. Letter to agencies (7/20/76)

D. DWS (7/21/76)

E. DOT, Highways (7/27/76)

F. Helco (7/28/76)

G. Fire (7/29/76)

H. DOA (7/30/76)

I. DPW (8/2/76)

J. Police (8/2/76)

K. DOT, Airport (8/4/76)

L. SCS (7/28/76)

M. Letter to applicant (8/31/76)

N. Staff presentation map-location

O. Staff background

P. Public hearing notice (9/16/76)

Q. Public hearing notice in HTH (9/16/76)

R. Minutes (9/16/76)

S. Letter to applicant (9/17/76)

T. Public hearing notice (10/14/76)

U. Public hearing notice in HTH (10/14/76)

V. Letter to applicant (10/1/76)

W. Minutes (10/14/76)

X. Hearing transcript (10/14/76)

Y. Letter to applicant (10/15/76)

Z. Letter to applicant (11/1/76)

AA. Staff recommendation

BB. Voting sheet

CC. Minutes (11/15/76)

DD. Letter to applicant (11/16/76)

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

LAND USE COMMISSION
STATE OF HAWAII
Nov 22 8 12 AM '76

APPLICANT: Richard Smart dba Parker Ranch

APPLICANT'S SIGNATURE: James M. Whitman His Attorney-in-Fact

ADDRESS: P.O. Box 458, Kamuela, Hawaii 96743

TELEPHONE: 885-7311

TAX MAP KEY: Parcel F 6-7-01-03(por) & 6-7-01-04 AREA: 22,469 acres (Size of Parcel).

OWNER: Richard Smart dba Parker Ranch

OWNER'S SIGNATURE: James M. Whitman His Attorney-in-Fact

APPLICANT'S INTEREST, IF NOT OWNER:

REQUESTED USE: Construct a small animal shelter for the use of the West Hawaii Humane Society

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: *(Please attach)*

NOTE: The applicant must show that:

(a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
(b) the desired use shall not adversely affect surrounding properties;
(c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
(d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
(e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
(f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
(g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

(a) 16 copies of the completed application form with attachments.
(b) 16 copies of a location map.
(c) 16 copies of a site plan with existing and proposed uses.
(d) any additional information.
(e) $100.00 processing fee.

For Official Use:

Date received
120th day
Public Hearing date
Action date
To Land Use Commission

EXHIBIT A

P.D. 3 2/75

PARKER RANCH
KAMUELA, HAWAII 96743

July 9, 1976

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Gentlemen:

Special permit to construct a small animal shelter for the West Hawaii Humane Society is hereby requested:

a) There is an urgent need for this facility at the present time. The County Dog Warden assigned to the Kohala area is presently picking up 80 animals per month with no permanent facility to house them. These animals have to be taken to the Kona Animal Shelter. These animals have primarily been unwanted pets and the stray animal population still remains virtually unchallenged.

b) The need to locate the Kennels on agricultural lands rather than those with urban designation stems from a genuine public objection to locating such a facility near populated areas for obvious reasons.

The area proposed for the Kennels is at the western end of the Waimea-Kohala airport runway, a considerable distance and downwind from the terminal building. Any noise or odor which might emanate from the building couldn't possibly be offensive to anyone.

c) The proposed building site is truly a remnant portion of the parcel in question, located outside of the fenced pasture area and bounded by Mamalahoa Highway and the Airport access road. This area is arid and rocky and unsuitable for grazing or any other agricultural pursuit. Even if this area were suitable for grazing, the noise of approaching airplanes would keep any animals out of the area.

Aside from the airport property, the adjacent lands are exclusively in pasture belonging to Parker Ranch, to which there could be no adverse affect whatsoever from this proposal.

d) The building will be erected in a natural depression and the character of the land will not be altered in any way. The building itself will be unobtrusive from the highway and completely out of view of the airport because of this depression.

e) Water and power are readily available to the site. Access to Mamalahoa Highway will be provided by private road and the owner will provide his own cesspool.

EXHIBIT A-1

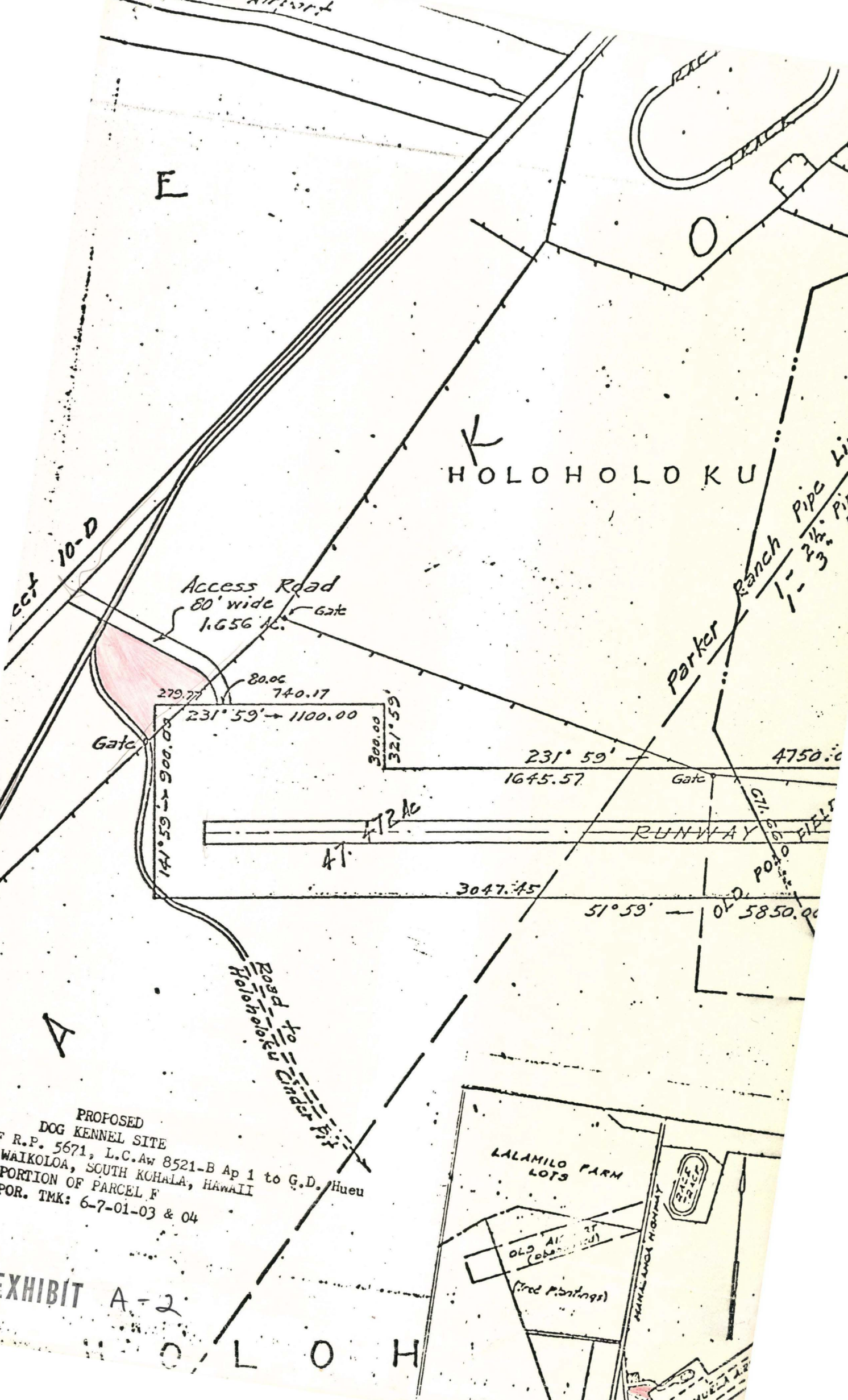
f) The owner will not make a request for a subdivision of this property. Only the improvements will be rented to the West Hawaii Humane Society.

Very truly yours,

PARKER RANCH

James M. Whitman
Business Manager

JMW:ap


F
K
HOLOHOLOKU
O
TRACK
Access Road
80' wide
1.656 Ac.
Gate
Gate
Parker Ranch Pipe Li
1 - 2½"
1 - 3"
231° 59' — 1100.00
279.77
80.00
740.17
300.00
321° 59'
231° 59' —
1645.57
4750.
Gate
141° 59' — 900.00
RUNWAY
3047.45
51° 59' —
5850.
Road to Holoholoku Cinder Pit
A
LALAMILO FARM LOTS
OLD AIR
(Coral Pavings)
MAMALAHOA HIGHWAY
PROPOSED
DOG KENNEL SITE
F R.P. 5671, L.C.Aw 8521-B Ap 1 to G.D. Hueu
WAIKOLOA, SOUTH KOHALA, HAWAII
PORTION OF PARCEL F
POR. TMK: 6-7-01-03 & 04
EXHIBIT A-2
H O L O H

SP76-253

EXHIBIT A-3

July 21, 1976

Mr. James Whitman
P. O. Box 458
Kamuela, HI 96743

Re: Richard Smart dba Parker Ranch
Special Permit - Construction of a Small Animal Shelter (Kennels)
TMK: 6-7-01:portion of 3

This is to acknowledge receipt on July 16, 1976 of the above-described special permit application.

The County Planning Commission shall conduct a public hearing on the request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission shall then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will then be forwarded to the State Land Use Commission for final action.

However, the Planning Commission may deny the request if it is found that the proposed use does not meet the special permit guidelines. In this case, their decision is final. In accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a denial by the Planning Commission may be appealable to the Circuit Court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing shall be forwarded when the application is scheduled for Commission action.

Please be informed that upon review of the Tax Map Key involved, parcel 4 of TMK: 6-7-01 is not situated within the area under consideration.

Should any questions arise, please contact Norman Hayashi or Ilima Piianaia of this department at 961-8288.

Raymond Suefuji
Director

EXHIBIT 13

NH:sb

JUL 22 1976

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Soil Conserv., Dept. of Ag., Helco, DOT, Airports Div.

Date: July 20, 1976

From: Planning Director

Subject: Special Permit Application
Mr. Richard Smart dba Parker Ranch
Tax Map Key: 6-7-01:portion of 3

Attached is an application of Richard Smart dba Parker Ranch for a Special Permit Application. Please review and send us any comments within two weeks from the above date.

Raymond Suefuji
Director

ekk
Enclosure

EXHIBIT C

JUL 2 ? 19

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820 • HILO, HAWAII 96720 • 25 AUPUNI STREET

July 27, 1976

TO: Planning Department

FROM: Department of Water Supply

SUBJECT: SPECIAL PERMIT APPLICATION
MR. RICHARD SMART DBA PARKER RANCH
TMK: 6-7-01:PORTION OF 3

The nearest public water system available to serve this special permit application for the construction of an animal shelter is from the 6-inch waterline along the Airport Access Road.

Akira Fujimoto
Manager

GK

cc: Mr. Richard Smart

EXHIBIT D

... Water brings progress...

GEORGE R. ARIYOSHI
GOVERNOR

E. ALVEY WRIGHT
DIRECTOR

DEPUTY DIRECTORS
DOUGLAS S. SAKAMOTO
WALLACE AOKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
P. O. BOX 276
HILO, HAWAII 96720

IN REPLY REFER TO:

HWY-H 76-2.941

July 27, 1976

MEMORANDUM:

TO: Director, Planning Department
County of Hawaii

FROM: District Engineer, Hawaii

SUBJECT: ( ) Change of Zone Application

( ) Variance Application

( ) Subdivision Application No.

(X) Special Permit Application
Mr. Richard Smart dba Parker Ranch
TMK: 6-7-01:portion of 3

We have no objections to the proposed application provided the portion of the animal shelter access within our right-of-way is constructed to our standards and specifications, of which one requirement is that the connection be constructed at a 90° angle, or normal, to the State highway. Plans for the construction work must be submitted to us for our review and approval, and a permit for said work obtained from us before any work is to be done within our right-of-way.

We also question the advisability of locating such a facility so close to the airport runway and the attendant noise of aircraft landing and taking off.

CHAS L. SCHUSTER

EXHIBIT E

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720

July 28, 1976

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji
Director

Subject: Special Permit Application
Mr. Richard Smart dba Parker Ranch
Tax Map Key: 6-7-01:portion of 3

Gentlemen:

We have no comments to the above application as per your memorandum of July 20, 1976.

Very truly yours,

Jitsuo Niwao, Manager
Engineering Department

JN:bk

EXHIBIT F

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning **DATE:** July 29, 1976

FROM: Fire

SUBJECT: Special Permit Application
Mr. Richard Smart dba Parker Ranch
Tax Map Key: 6-7-01:portion of 3

Waimea Fire Station located 2 miles distant. No fire hydrants porvided in this area, other than a 2½" standpipe. Construction of this 24' x 26' animal shelter pose no fire problems to adjoining properties or to our departmental operations.

Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT G

GEORGE R. ARIYOSHI
GOVERNOR

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

July 30, 1976

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Department of Planning, County of Hawaii

Subject: Special Permit Application
Mr. Richard Smart dba Parker Ranch
TMK: 6-7-01: portion of 3

The Department of Agriculture has no objection to the above-cited application inasmuch as there is no apparent agricultural impact.

Thank you for the opportunity to review and comment.

John Farias Jr.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT H

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Date August 2, 1976

MEMORANDUM

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Parker Ranch
Location: Kamuela, South Kohala, HI
TMK: 6-7-01:3 (por.) and 4

We have reviewed the subject application and we have no comments to offer.

EDWARD HARADA, Chief Engineer

EXHIBIT I

POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720

OUR REFERENCE

YOUR REFERENCE

GUY A. PAUL

CHIEF OF POLICE

August 2, 1976

TO : MR. RAYMOND SUEFUJI, PLANNING DIRECTOR

FROM : GUY A. PAUL, CHIEF OF POLICE

SUBJECT: CHANGE OF ZONE APPLICATION
MAUNA KEA SUGAR CO., INC.

CHANGE OF ZONE APPLICATION - KONA VILLAGE RESORT
HUALALAI DEV. CORP./ISLAND COPRA & TRADING

✓ SPECIAL PERMIT APPLICATION
MR. RICHARD SMART DBA PARKER RANCH

SPECIAL MANAGEMENT AREA USE PERMIT
TENNIS COMPLEX - KEAUHOU BEACH HOTEL

SPECIAL MANAGEMENT AREA USE PERMIT
KAMEHAMEHA DEVELOPMENT CORPORATION

We have reviewed the attached subject applications for traffic considerations and have no comments to offer at this time.

The opportunity to comment on these matters is appreciated.

Guy A. Paul
GUY A. PAUL
CHIEF OF POLICE

GCA:mf

Attachments

EXHIBIT J

GEORGE R. ARIYOSHI
GOVERNOR

E. ALVEY WRIGHT
DIRECTOR

DEPUTY DIRECTORS
WALLACE AOKI
RYOKICHI HIGASHIONNA
DOUGLAS S. SAKAMOTO
CHARLES O. SWANSON

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
HONOLULU INTERNATIONAL AIRPORT • HONOLULU, HAWAII 96819

IN REPLY REFER TO:
AIR-PM
76.405

August 4, 1976

Mr. Raymond Suefuji
Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Subject: Dog Kennels Near
Kamuela Airport, Hawaii

This is to acknowledge receipt of your memorandum dated July 20, 1976, a copy of which is attached hereto.

The Department of Transportation has no objections in the construction of a small animal shelter as indicated in the attachments. The problem, if any, may be that the aircraft noise may be more of a problem with the animals than the animals with the airport.

Very truly yours,

Owen Miyamoto

OWEN MIYAMOTO
Chief, Airports Division

Enclsoure

cc: AIR-N

EXHIBIT K

Mauna Kea
Soil & Water Conservation District

P. O. Box 86[illegible] • Honokaa, Hawaii
P.O. Box 1089, Kamuela, Hi. 96743



July 28, 1976

TO: Director, Hi. County Planning Dept.

FROM: Mauna Kea Soil & Water Conservation District

SUBJECT: Review of application for special permit: Parker Ranch; small animal shelter

We see no severe adverse effects on the proposed small animal shelter to be located near the Kamuela Airport. The soil type present is Puu Pa stony fine sandy loam. The stoniness may have some effect on constructing roads and the building. We encourage landscaping and planting grass on distumbed areas as indicated on the drawing.

James P. O. Thropp Jr.
Jim Thropp Jr., Chairman
Mauna Kea SWCD

cc: Jim Whitman, Parker Ranch

EXHIBIT L

August 31, 1976

Mr. Richard Smart
Parker Ranch
Kamuela, HI 96743

Re: Notice of a Public Hearing
Special Permit - Small Animal Shelter
TMK: 6-7-01:Portion of 03

This is to inform you that your request has been scheduled for a public hearing. Said hearing, among others, will be held at the Sgt. Yano Memorial Hall, Captain Cook, South Kona, Hawaii, beginning at 7 p.m., on Thursday, September 16, 1976.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

for Sidney M. Fuke
RAYMOND SUEFUJI
Director

rfd
Enclosure

EXHIBIT A

AUG 31 1976

SP76-253

EXHIBIT N

SPECIAL PERMIT: RICHARD SMART dba PARKER RANCH

The petitioner, Richard Smart dba Parker Ranch, is requesting a Special Permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District. The property involved, which is a portion of a 22,000+-acre parcel, is located at the southeast corner of the Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala (TMK: 6-7-01:portion of 25).

The proposed building will be approximately 640 square feet in size. A paved parking area will also be provided.

The General Plan Land Use Pattern Allocation Guide Map designates the area for Extensive Agricultural uses. The County zoning classification is Agricultural 40-acre (A-40a).

According to the U. S. Department of Agriculture Soil Conservation Service's Soil Survey Report issued in December, 1973, the land is of the Puu Pa soil series which consists of well-drained, stony, very fine sand loams that formed in volcanic ash. The surface layer is about 6 inches thick. Permeability is moderately rapid, runoff is medium, and the erosion hazard is moderate. The report states that the Puu Pa soils are basically used for pasture.

The area in question is in a natural depression. The area receives from 20 to 35 inches of rainfall annually. The wind direction is from the northeast.

The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

EXHIBIT O

This particular portion of the 22,000+-acre parcel is vacant. The remaining area of the parcel, as well as other adjacent parcels in the vicinity, are used primarily for grazing. The Lalamilo Farm Lots is located approximately 3,500 feet northwest of the area in question. The proposed use to the edge of the airport property is approximately fifty (50) feet. However, the airport runway or "touch down" area is about 630 feet from the proposed use.

According to the plans submitted, the disposal of sewage will be by cesspool.

According to the Department of Water Supply, the nearest public water system is available from the 6-inch line along the Airport Access Road.

Access to the property from Mamalahoa Highway is via the existing gravel Holoholoku Cinder Pit Road (10 feet wide).

Upon review of the request, the State Department of Transportation, Highways Division, had the following comments:

"We have no objections to the proposed application provided the portion of the animal shelter access within our right-of-way is constructed to our standards and specifications, of which one requirement is that the connection be constructed at a 90-degree angle, or normal, to the State highway. Plans for the construction work must be submitted to us for our review and approval, and a permit for said work obtained from us before any work is to be done within our right-of-way.

"We also question the advisability of locating such a facility so close to the airport runway and the attendant noise of aircraft landing and taking off."

The Department of Transportation, Airports Division, stated that they had "no objections in the construction of a small animal shelter as indicated in the attachments. The problem, if any, may be that the aircraft noise may be more of a problem with the animals than the animals with the airport."

The State Department of Agriculture stated no objection to the application inasmuch as there is no apparent agricultural impact.

The Fire Department commented that "Waimea Fire Station located 2 miles distant. No fire hydrants provided in this area, other than a 2-1/2 inch standpipe. Construction of the 24 feet x 26 feet animal shelter pose no fire problems to adjoining properties or to our departmental operations."

The Mauna Kea Soil and Water Conservation District offered the following comments:

"We see no severe adverse effects on the proposed small animal shelter to be located near Kamuela Airport. The soil type present is Puu Pa stony fine sandy loam. The stoniness may have some effect on constructing roads and the building. We encourage landscaping and plenty grass on disturbed areas as indicated on the drawing."

All other cooperating agencies had no comments on or objections to the subject request.

For the Commissioners' and petitioner's information, should the land be leased to the West Hawaii Humane Society, the area must be subdivided out from the rest of the property. Within the State Land

Use Agricultural District, the minimum building site area requirement is one (1) acre. Although the County zoning for the area is Agricultural 40-acres (A-40a), through the Special Permit a variance to create a one-acre size lot may be permitted. In regards to this, the petitioner stated that the land will not be subdivided. Only the improvements will be rented.

In support of the request, the petitioner has stated the following:

(Read Exhibit A-1)

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Sgt. Yano Memorial Hall, Capt. Cook, South Kona, Hawaii

DATE: Thursday, September 16, 1976

TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. AMENDMENT TO CONDITION B OF CHANGE OF ZONE, ORDINANCE #185

   Proposed amendment to Condition B of Ordinance #185, relating to a change of zone request granted to Gilbert McConnell in February 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads, North Kohala, TMK: 5-5-08:03.

2. PETITIONER: RICHARD SMART dba PARKER RANCH

   LOCATION: Southeast corner of Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala.

   TMK: 6-7-01:Portion of 25

   PURPOSE: Special Permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District.

EXHIBIT P

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed development are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION

Leon K. Sterling, Chairman

By Raymond Suefuji
Planning Director

(Hawaii Tribune Herald: September 5 and 14, 1976)

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Sgt. Yano Memorial Hall, Capt. Cook, South Kona, Hawaii
DATE: Thursday, September 16, 1976
TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. AMENDMENT TO CONDITION B OF CHANGE OF ZONE, ORDINANCE #185 Proposed amendment to Condition B of Ordinance #185, relating to a change of zone request granted to Gilbert McConnel in February 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads, North Kohala, TMK: 5-5-08:03.

2. PETITIONER: RICHARD SMART dba PARKER RANCH
   LOCATION: Southeast corner of Waimea Airport Access Road—Mamalahoa Highway intersection, Waikoloa, South Kohala.
   TMK: 6-7-01: Portion of 25
   PURPOSE: Special Permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed development are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
Leon K. Sterling, Chairman
By Raymond Suefuji
Planning Director

(975 Hawaii Tribune-Herald: September 5, 14, 1976.)

EXHIBIT Q

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
September 16, 1976

The Planning Commission met in regular session at 2:10 p.m. in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr.
Scott Asai
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles Sakamoto, Jr.

ABSENT: Lorraine Jitchaku
Akira Fujimoto, Ex-officio Member

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
ILima A. Piianaia, Planner

Clifford Lum, Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada

and about 11 people in attendance at 2:00 p.m. and one person at 7:00 p.m.

ZONING AMENDMENT
CONDITION B OF
ORDINANCE NO. 185

A duly advertised public hearing was held on a County initiated proposed amendment to Condition B of Ordinance No. 185 relating to a change of zone request granted to Gilbert McConnell in February, 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads, Kaauhuhu, North Kohala, TMK: 5-5-08:3.

Staff presented background information on file. It was explained that the income provision in Condition B is being deleted on the proposed amendment.

Planning Director clarified that the income stipulation created all kinds of problems and to require this condition for this particular case was found to be an arbitrary imposition. The intent was to make it applicable to all types of agricultural subdivisions.

Mr. Martin moved to close the public hearing; seconded by Mr. Asai; carried.

Mr. Martin moved to send a favorable recommendation to the County Council according to the staff report; seconded by Mr. Mielcke; carried unanimously.

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART DBA
PARKER RANCH
WAIKOLOA, SOUTH KOHALA

A duly advertised public hearing was held for a special permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District. The property involved is located at the southeast corner of the Waimea Airport Access Road - Mamalahoa Highway intersection, Waikoloa, South Kohala, TMK: 6-7-01: portion of 25.

Staff presented background information on file. Read Exhibit A-1 into the record.

Dr. William Bergin, on behalf of the Parker Ranch and as President of the West Hawaii Humane Society, stated that they have 80 members. He mentioned that the reason Richard Smart became actively involved in the Humane Society was because of the need to control the dogs that killed his livestocks. In 1975, there were 400 cattle deaths from dogs. He indicated that their plans include 10 dog runs which will accommodate up to 40 dogs and a euthanasia to euthanize cats and dogs. The Parker Ranch will own the building and the building will be leased to the Humane Society.

Mr. Martin moved to close the public hearing; seconded by Mr. Murakami; carried.

No action was taken in accordance with the State Land Use Commission's regulations since decisions on such petitions cannot be made earlier than 15 days after the public hearing.

MEETING SCHEDULE

Staff announced that the next meeting will be held in Hilo on September 30. The workshop will be scheduled in the morning and part of the afternoon. Subsequent meetings will be on October 14 and the 28th.

EXHIBIT R

September 17, 1976

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Tax Map Key 6-7-01:25 (por.)

The Planning Commission at its meeting of September 16, 1976 held a duly advertised public hearing on your application for a Special Permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii. No action was taken in accordance with the provisions of Section 205-6, Hawaii Revised Statutes, which prohibits rendering of a decision earlier than fifteen (15) days after the said hearing.

We learned today that certain provisions of the Sunshine Law had not been fully complied with. Chapter 92-7, HRS, requires, in part, that the agenda be filed with the County Clerk's office at least seventy-two hours before the meeting; additionally, the law requires that a copy of the agenda be mailed to the press. Because of an oversight, those activities were not done.

The law further notes that any final action taken in violation of the Sunshine Law shall be voidable upon proof of willful violation. We contend that there has not been a willful violation of the law; it was an inadvertent oversight on our part. Thus, the meeting could probably be left to stand.

Nonetheless, after discussing this matter with our Corporation Counsel, Planning Commission Chairman, and the Mayor; the Mayor encouraged the Commission to reschedule another meeting to fulfill the "spirit" of the Sunshine Law. The Mayor further noted that because the agenda was not filed with the County Clerk's office and the press did not have a copy, the public may not have had a

EXHIBIT S

SEP 2 0 1976

reasonable opportunity to provide its comments to the Commission. More so, such a meeting would be needed to eliminate even the appearance of having a secret meeting.

As such, we would like to apologize for this inconvenience, but beg your understanding of this matter.

Please be informed, therefore, that the Planning Commission will hold another public hearing concerning your request on Thursday, October 14, 1976 in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall at Captain Cook, South Kona, Hawaii. As soon as the agenda is prepared and the time of the meeting confirmed, we will notify you accordingly.

In the meantime should you have any questions regarding your request, please feel free to contact Norman Hayashi or Ilima Piianaia of the Planning Department at 961-8288.

Raymond Suefuji

Raymond Suefuji
Director

SF:lat

cc State Land Use Commission
Land Use Division, DPED

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Sgt. Yano Memorial Hall, Captain Cook, South Kona, Hawaii

DATE: Thursday, October 14, 1976

TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. AMENDMENT TO CONDITION B OF CHANGE OF ZONE, ORDINANCE #185
   Proposed amendment to Condition B of Ordinance #185, relating to a change of zone request granted to Gilbert McConnell in February 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads, North Kohala, TMK: 5-5-08:03.

2. PETITIONER: RICHARD SMART dba PARKER RANCH
   LOCATION: Southeast corner of Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala.
   TMK: 6-7-01:Portion of 25

EXHIBIT T

PURPOSE: Special Permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District.

3. PETITIONER: EMILY HARDEN

LOCATION: Along the northwest or Kawaihae side of Laelae Road, Waimea Homesteads, South Kohala.

TMK: 6-5-02:57

PURPOSE: Variance request to allow the creation of a 40,095 square foot lot in lieu of the required 1-acre (43,560 square feet) as stipulated within the Agricultural 1-acre (A-1a) zoned district.

4. PETITIONER: LANIHAU CORPORATION

LOCATION: Along the southeast side of Palani Road, Lanihau 1st, North Kona.

TMK: 7-5-04:10 & 28

PURPOSE: Request for a one (1) year time extension to commence construction of a commercial complex granted under Planned Unit Development (PUD) Permit No. 72-6.

5. PETITIONER: HUALALAI DEVELOPMENT CORPORATION AND ISLAND COPRA TRADING CO., LTD.

LOCATION: Within the existing Kona Village Resort Complex at Kahuwai Bay, Kaupulehu, North Kona.

TMK: 7-2-03:portion of 2

PURPOSE: (a) Change of zone request in accordance with Chapter 8, Article 1, Section 6, Hawaii County Code, as amended, for fifteen (15) acres of land from an Open (O) to a Resort-Hotel - 3,000 square foot (V-3) zoned district.

(b) Planned Development Permit (PDP) request to allow the construction of twenty-nine (29) additional hotel units.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
LEON K. STERLING, JR., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(Hawaii Tribune-Herald: October 4 and 12, 1976)

PUBLIC HEARINGS

PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Sgt. Yano Memorial Hall, Captain Cook, South Kona, Hawaii
DATE: Thursday, October 14, 1976
TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. AMENDMENT TO CONDITION B OF CHANGE OF ZONE, ORDINANCE #185 Proposed amendment to Condition B of Ordinance #185, relating to a change of zone request granted to Gilbert McConnell in February 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads North Kohala, TMK: 5-5-08:03.

2. PETITIONER: RICHARD SMART dba PARKER RANCH.
   LOCATION: Southeast corner of Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala.
   TMK: 6-7-01:Portion of 25
   PURPOSE: Special Permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District.

3. PETITIONER: EMILY HARDEN
   LOCATION: Along the northwest or Kawaihae side of Laelae Road, Waimea Homesteads, South Kohala
   TMK: 6-5-02:57
   PURPOSE: Variance request to allow the creation of a 40,095 square foot lot in lieu of the required 1-acre (43,560 square feet) as stipulated within the Agricultural 1-acre (A-1a) zoned district.

4. PETITIONER: LANIHAU CORPORATION
   LOCATION: Along the southeast side of Palani Road, Lanihau 1st, North Kona.
   TMK: 7-5-04:10 & 28
   PURPOSE: Request for a one (1) year time extension to commence construction of a commercial complex granted under Planned Unit Development (PUD) Permit No. 72-6.

5. PETITIONER: HUALALAI DEVELOPMENT CORPORATION AND ISLAND COPRA TRADING CO., LTD.
   LOCATION: Within the existing Kona Village Resort Complex at Kahuwai Bay, Kaupulehu, North Kona.
   TMK: 7-2-03:portion of 2
   PURPOSE: (a) Change of zone request in accordance with Chapter 8, Article 1, Section 6, Hawaii County Code, as amended, for fifteen (15) acres of land from an Open (0) to a Resort-Hotel—3,000 square foot (V-3) zoned district.

   (B) Planned Development Permit (PDP) request to allow the construction of twenty-nine (29) additional hotel units.

EXHIBIT 4

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments are on file in the office of the Planning Department in the County Building at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION
LEON K. STERLING, Jr., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(869—Hawaii Tribune-Herald: October 4, 12, 1976.)

October 1, 1976

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Notice of a Public Hearing
Special Permit Application
Tax Map Key 6-7-01:Portion of 25

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, October 14, 1976, at the Sgt. Yano Memorial Hall, Captain Cook, South Kona, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.

Raymond Suefuji

Raymond Suefuji
Director

lat:eyh

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

EXHIBIT V

OCT 1 1976

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
October 14, 1976

The Planning Commission met in regular session at 3:30 p.m. in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona, with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr.
Scott Asai
Lorraine Jitchaku
Arthur W. Martin
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: William F. Mielcke
Akira Fujimoto, Ex-officio Member

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford Lum, Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada

and about 16 people in attendance at 3:30 p.m. and about 20 people at 7:00 p.m.

There were two people testifying for continuance of the public hearing.

Mr. Martin moved to continue with the public hearing pending submittal of additional information; seconded by Mrs. Jitchaku; carried.

AMENDMENT TO CONDITION B OF ORDINANCE NO. 185

A duly advertised public hearing was held on a proposed amendment to Condition B of Ordinance No. 185 relating to a change of zone request granted to Gilbert McConnell in February, 1976. The change of zone request was from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district for a 15.1-acre lot at Kaauhuhu Homesteads, Kaauhuhu, North Kohala, TMK: 5-5-08:3.

Staff presented the background information. Gilbert McConnell was contacted and he had no objection to the proposed amendment.

Mr. Murakami moved to close the public hearing; seconded by Mr. Asai; carried.

Mr. Murakami moved to send a favorable recommendation to the County Council; seconded by Mr. Asai; carried.

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART dba
PARKER RANCH
WAIKOLOA, SOUTH KOHALA

A duly advertised public hearing was held for a Special Permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District. The property involved is located at the southeast corner of the Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25.

Staff submitted Exhibits A through P and presented background information on file.

The petitioner was not present and no one testified at the hearing.

Mr. Sakamoto moved to close the public hearing; seconded by Mr. Murakami; carried.

No action was taken in accordance with the State Land Use Commission's regulations since decisions on such petitions cannot be made earlier than 15 days after the public hearing.

VARIANCE
EMILY HARDEN
WAIMEA, SOUTH KOHALA

A duly advertised public hearing was held for a variance request to allow the creation of a 40,095 square foot lot in lieu of the required 1-acre (43,560 square feet) as stipulated within the Agricultural 1-acre (A-1a) zoned district. The property involved is located along the northwest side or Kawaihae side of Laelae Road, Waimea Homesteads, Waimea, South Kohala, TMK: 6-5-02:57.

Staff reviewed background information and recommended that the request be approved based on the findings and with the conditions, on file.

Attorney Robert Carlsmith, on behalf of the applicant, stated that the second lot will be sold; and in the future, the applicant may sell the first lot.

EXHIBIT W

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
October 14, 1976

A regularly advertised public hearing, on the application of Richard Smart dba Parker Ranch, was called to order at 7:16 p.m. in the Meeting Room of the Sgt. Rodney J. T. Yano Memorial Hall, Captain Cook, South Kona, by Chairman Sterling.

PRESENT: Leon K. Sterling, Jr.
Scott Asai
Lorraine Jitchaku
Arthur W. Martin
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: William F. Mielcke
Akira Fujimoto, Ex-officio Member

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford Lum, Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada

and about 20 people in attendance

CHAIRMAN: We will go to Item No. 3, public hearing on the application of Richard Smart dba Parker Ranch for a Special Permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District. The property involved is located at the southeast corner of the Waimea Airport Access Road-Mamalahoa Highway intersection, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25.

Ms. Piianaia will be making the presentation.

PIIANAIA: Mr. Chairman, I would like to submit Exhibits A through P. The photograph is P. (Presented background information on file.) This is a special permit application. We have no recommendations. You have a 15-day mandatory waiting period. Thank you.

CHAIRMAN: Any question on the staff report? Is anyone here wishing to speak either for or against this matter? My apologies to the applicant. Dr. Bergin did appear at the meeting that was held here in Kona; but this is the meeting where we failed to notify the secretary of the County Clerk properly and the meeting therefore was voided. To bring up to date on the Commissioners that were not here, Dr. Bergin stressed the importance of this animal shelter because many of the animals....all of the animals are being brought to Kona to the Humane Society shelter here. It is becoming quite a problem in Waimea and Kohala, particularly amongst the wild dogs that are attacking the cattle. And this situation has grown in magnitude where the wild dogs are now attacking the horses and this is affecting the ranches out there to a considerable amount of money. And Dr. Bergin, very busy man, did give us his testimony

EXHIBIT X

at that meeting. Just offer this for as an update and for the consideration of the Commissioners. Of course this is a special permit. We can't act on it for 15 days. Any other questions or comments on this matter? Commissioner Martin.

MARTIN: Is Dr. Bergin here?

CHAIRMAN: No, he is not.

MARTIN: I'd like to mention another comment.

CHAIRMAN: Please do.

MARTIN: And that was, the facility itself which would accommodate up to 40 animals and they also have a place to do away with the animals if need be. I think, I'm not sure, but didn't he also say that from time to time they would be....some might be moved down to Kona?

CHAIRMAN: Yes. And then the question of the noise did come up; and in their processing, it would not seriously affect the animals at this particular location.

Any other questions or comments or discussion? Chairman will entertain a motion to close the public hearing.

MARTIN: Did we give opportunity for anyone to speak?

CHAIRMAN: I'll ask it. Is there anyone here? Again, I'll ask the question that wishes to speak either for or against this matter, please feel free to do so. With that, the Chairman will entertain a motion to close the public hearing. Commissioner Sakamoto.

SAKAMOTO: Mr. Chairman, I make a motion to close the public hearing.

CHAIRMAN: Thank you Charlie.

ASAI: Second the motion.

CHAIRMAN: Seconded by Commissioner Asai that we close the public hearing on this matter. Is there any discussion on the motion? If not, all those in favor of the motion to close the public hearing on this matter indicate by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: All those opposed? The motion is unanimously carried.

Public hearing was adjourned at 7:27 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

Leon K Sterling Jr.

Leon K. Sterling, Jr.
Chairman, Planning Commission

October 15, 1976

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Tax Map Key: 6-7-01:portion of 25

The Planning Commission at its meeting of October 14, 1976, held a duly advertised public hearing on your application for a special permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.

Leon K. Sterling, Jr.
Chairman, Planning Commission

LAT:kth

cc: Land Use Commission
Land Use Division, DPED

EXHIBIT 7

OCT 15 1976

November 1, 1976

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Tax Map Key 6-7-01:25 (por.)

This is to inform you that your application will be considered on Monday, November 15, 1976 by the Planning Commission. The meeting will be held at the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, Hawaii, and is scheduled to begin at 3:00 p.m.

We shall notify you of the Commission's action.

A copy of the agenda is enclosed for your information.

Sidney M Fuke

Raymond Suefuji
Director

lat

Enclosure

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT Z

NOV 3 1976

RECOMMENDATION: RICHARD SMART dba PARKER RANCH

Upon review of the request against the guidelines for considering a Special Permit, staff is recommending that it be given favorable consideration based on the following findings:

1. That the animal shelter which will be operated by the West Hawaii Humane Society, will be situated on a small ~~acre~~ area of land of approximately 4,445 square feet. The building itself will be only 640 square feet in size. A paved parking area will be provided on the remainder of the area. With the exception of the Waimea-Kohala Airport, the surrounding lands are primarily used for grazing. The closest residential structure to the subject area is approximately 800 feet away. Although the proposed facility will be situated only about fifty (50) feet from the airport property, the airport runway or "touch down" area and terminal building are over 600 feet away from the proposed use. In light of the above, it is determined that the proposed small animal shelter will not adversely affect the surrounding properties or their improvements. This is further substantiated by the State Department of Transportation, Airports Division, who stated no objections in having the proposed use established adjacent to the Waimea-Kohala Airport.

2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this

EXHIBIT AA

particular portion of the property is vacant and not used for agriculture. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the animal shelter would be beneficial and well-suited to accommodate the present needs of the area. There presently exists no facility of this nature within the Waimea area. The animals are currently being transported to the Kona Animal Shelter which is a distance of approximately forty (40) miles. In light of this, it is determined that the establishment of the proposed use in this particular area of Waimea would meet with and fulfill the needs of the residents. Furthermore, since the proposed building will be constructed in a natural depression, it will not be visibly conspicuous from Mamalahoa Highway which is about 300 feet away.

3. That the proposed use will not be contrary to the objectives sought to be accommplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage 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. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristices may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activites may be conducted within the subject area,

it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Waimea area and the island.

4. That all essential utilities and facilites are or will be made available for the development of the area for the proposed use. Furthermore, as will be required as a condition of approval, the petitioner will be required to make some improvements to the access road to the proposed area. In light of the above, it is determined that the proposed animal shelter facility is warranted as it will not unreasonably burden public agencies to provide roads, sewers, water and other similar infrastructures.

It is further recommended that the request be given favorable consideration, subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of the Special Permit and shall be completed within two (2) years thereafter.
2. That should Richard Smart dba Parker Ranch decides to also lease the land to the West Hawaii Humane Society, then the land shall be subdivided at a minimum lot size of one (1) acre.
3. That the petitioner shall provide for an oil-treated surface to the access road from Mamalahoa Highway to the proposed facility

at the width of twelve (12) feet. Such improvement to the roadway shall meet with the approval of the County Department of Public Works and the State Department of Transportation, Highways Division.

4. That all other applicable rules and regulations, including the Plan Approval process be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 15 Nov, 1976

Applicant: Richard Sinnet (Animal Shelter)

Action: (approval), denied, deferred or other (circle)

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.	✓			
JITCHAKU, Lorraine	✓			
MARTIN, Arthur W.	✓			
MIELCKE, William F.			Excused	
MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
STERLING, Leon K., Jr.	✓			

EXHIBIT BB

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 15, 1976

The Planning Commission met in regular session at 3:04 p.m. at the Kealakehe School Cafetorium, Kealakehe, North Kona, with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr.
Scott Asai
Lorraine Jitchaku
Arthur W. Martin
Haruo Murakami
Charles H. Sakamoto, Jr.

ABSENT: William F. Mielcke
Akira Fujimoto, Ex-officio Member

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford Lum, Corporation Counsel
Robert Yanabu, representing Ex-officio Member Edward Harada

and about 9 people in attendance at 3:00 p.m. and about 41 people at 7:00 p.m.

MINUTES — Minutes of October 28, 1976 were accepted after a correction and inclusion in Masami Niimi's variance request. The amendment was to include Commissioner Martin's reasons for a negative vote as follows: 1) concern on how a variance is being used; 2) there was no unusual conditions of the property; 3) precedent setting; and 4) construction was completed after being informed of the required setback.

(All those testifying were duly sworn in.)

LAND USE COMMISSION
SPECIAL PERMIT
RICHARD SMART dba
PARKER RANCH
WAIKOLOA, SOUTH KOHALA

Special permit request to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4.445 square feet of land situated within the State Land Use Agricultural District. The property involved is located at the southeast corner of the Waimea Airport Access Road - Mamalahoa Highway intersection, Waikoloa, South Kohala, TMK: 6-7-01:portion of 25.

Staff recommended favorable consideration to the request based on the findings and with conditions, on file.

Mr. Murakami moved to send a favorable recommendation to SLUC for the reasons and with the conditions as stipulated by the staff; seconded by Mrs. Jitchaku; carried unanimously.

EXHIBIT CC

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET
COUNTY OF HAWAII
HILO, HAWAII 96720

November 16, 1976

Mr. James Whitman, Agent
Richard Smart dba Parker Ranch
P. O. Box 458
Kamuela, HI 96743

Re: Special Permit Application
Tax Map Key 6-7-01:portion of 25

The Planning Commission at its regular meeting of November 15, 1976 considered your application for a special permit to allow the establishment of a small animal shelter for the West Hawaii Humane Society on approximately 4,445 square feet of land situated within the State Land Use Agrigultural District at Waikoloa, South Kohala, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of the Special Permit and shall be completed within two (2) years thereafter.

2. That should Richard Smart dba Parker Ranch decides to also lease the land to the West Hawaii Humane Society, then the land shall be subdivided at a minimum lot size of one (1) acre.

3. That the petitioner shall provide for an oil-treated surface to the access road from Mamalahoa Highway to the proposed facility at the width of twelve (12) feet. Such improvement to the roadway shall meet with the approval of the County Department of Public Works and the State Department of Transportation, Highways division.

4. That all other applicable rules and regulations, including the Plan Approval process be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

EXHIBIT DD

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

cc State Land Use Commission
Land Use Division, DPED

KAMUELA

SP76-253 RICHARD SMART dba PARKER RANCH

HAWAII PREPRATORY ACADEMY

KAWAIHAE ROAD

STREAM

KAMUELA HEIGHTS SUBDIVISION

KOHOKOHAU ROAD

KINIPALI ROAD

LAELAE ROAD

WAIKOLOA STREAM

RS-7.5

WAIMEA HOMESTEADS

HOKUULA ROAD

JASSER ROAD

SPENCER ROAD

KAPIOLANI ROAD

RS-7.5

CV-7.5

RS-10

CV-7.5

WAIMEA PARK ROAD

WAIKOLOA STREAM

CHURCH ROAD

HIGHWAY To Honokaa

KOHALA FOREST RES

PUUKAPU HOMES

TRUE NORTH
Scale: 1"=800'

A-5a

A-1a

AHULI SUBDIVISION

AHULI ROAD

RS-10

WAIMEA SCHOOL

A-1a

RS-7.5

A-40a

Waimea School

LALAMILO FARM LOTS

A-5a

MAMALAHOA

Parker Ranch Race Track

PARKER RANCH RACE TRACK

A-40a

Unplanned

RICHARD SMART
SPECIAL PERMIT

AIRPORT ACCESS ROAD

TERMINAL

RUNWAY

KAMUELA AIRPORT

Kamuela Airport

A-40a

To Kailua

A-40a

HOLOHOLOKU CINDER PIT RD.

Unplanned

KAMUELA STREET

KAUIKEOULI STREET

KUHIO VILLAGE

LUNALILO STREET

KEKAULUOHI STREET

HIIAKA STREET

KAHILU

HAWAIIAN

FARM

EXHIBIT N

Hawaii

Upolu Pt.

Mahukona

Waipio Bay

HONOKAA

KAWAIHAE

Kawaihae Bay

Laupahoehoe

Hakalau

Kiholo Bay

HILO

HILO

KAILUA

Kailua

Keaau

Kealakekua Bay

Honaunau Bay

Opihikao

Kalapana

Papa Bay

KAU

Punaluu

Honuapo

SOUTH POINT

Ka Lae Pt.

N

0 2 4 6 8

SCALE IN MILES

SP76-253 RICHARD SMART dba PARKER RANCH

6 7 01

COMPLETED
OCT 6
APR
NOV 20
SEP 1 1950
JAN 29 1951
1965
1970
1973
1975
1976

SPTG-253
RICHARD SMART
KER RANCH
dba

INSET "C" Scale: 1in. = 200ft.

MAMALAHOA HWY.
FAP F-10(6)
To Kona
To Waimea
481.47 Richard Smart (County of Hawaii) Pg. PARK SITE 640.00 1.423Acs.
19

5 Boise Cascade Home & Land Corp. Trust 4.439 Acs.

18 Boise Cascade Home & Land Corp. Trust 84.473 Acs.

W A I K O L O A

SEC. 8

TRUE NORTH Scale: 1in. = 1800ft

To Kona

Gr. 1289

FAP 10-D

MAMALAHOA HIGHWAY

(165.989 Ac.)

(See Inset "A")

SEE INSET "A" FOR PASSENGER TERMINAL BUILDING

State of Hawaii (Dept. of Transportation) (Airport Division) Por. Exec. Ord. 1189 WAIMEA-KOHALA AIRPORT (United States of America-Federal Aviation Agency) 1e. over 9006 3000ft @ 13,925ft

WAIMEA-KOHALA AIRPORT 6± 2513 Ac.

Aviation Easement

SEC. 6

WAIMEA VILLAGE

ZONE 6 SEC. 02

HAWAII BELT ROAD

GOV'T. ROAD

(0.436 Ac.)

(1.38 Ac.) (60,000ft)

PRESENT (Richard Smart) G.L.S. Drawing 8424 Dr. Pipeline Easement (Unchanged)

INSET "A" SCALE: 1" = 200'

TRUE NORTH SCALE: 1: 200'

WAIMEA-KOHALA AIRPORT ACCESS

WAIMEA-KOHALA AIRPORT

25

8

Easement 1 (6.18 Ac.)

Richard Smart

Proposed Rd. RD. PAR. B

Proposed Rd. RD. PAR. A

FAP 10-D

Richard Smart 238.750 Acs. Pt. of 8521

RD. PAR. B

18 See Above

10

4

(165.989 Ac.)

Richard Smart

Exclusion "1" (Exclusion "2"

FAP F-10(6)

19 Rd. Par. C

SEE INSET "C"

5 See Above

Naonahaelki

Richard Smart

NOHONAOHAE

Keaumuku

George E. Issacs & Wf Shirley M.

Heihei

(24.752 Acs)

"Holoholoku" CINDER PIT SITE

(23.844 Acs)

QUARRY SITE

Trail

8521-B:1

Aw.

A P A U K A

Plat 01

Section 1

Zone 6

Sec. 7

Plat 07

Zone 4

Sec. 4

Plat 15

U P P E R P A A H A U K A M O K U

Hamakua

South Kohala District Boundary

N O R T H K O H A L A Z O N E 7

North Kona South Kohala District Boundary

P U U A N A H U L U Z O N E 7

Edge of Lava Flow

Gr. 1289

Keaumuku

George E. Issacs & Wf Shirley M.

T.E. 10 Pr. TELEPHONE LINE EASM'T "F-1"

(CRUSHER ROAD)

CRUSHER ROAD

Cross Island Road

THE SADDLE ROAD

Signal Hawaii Inc.

C. 6

L. A. K. I

2049.749 Ac.

23,079.000 Ac.

(23,602.814 Ac.)

Puu Heewai

Puu Kapehu

Puu Keekee

Puu Ka Pele

Nalopa Lilii

Nalopa Nui

24 Hawaii Electric Light Co., Inc. 10,1516 or 0.233 Ac. Waiki Sub-station

Richard Smart 21.360 Acs.

HOUSE LOT (1.3028)

ANTENNAE LOT (20.0672ac)

Signal Hawaii, Inc. 185.360 Ac.

21

22

Road

Trail

25

Rd. Parcel 14 to S.H. (6.326ac)

(11.626 ac)

To H-10

A H E A

III

22,478.835 Ac.

(22,244.320 Ac)

Puu Keanakeolne

Puu Ulaula

Puu Kaalialii

Puu Kikoni

L.C.

Aw. 4346

Gr. 8

Mauka

To Hwy

PARKING

FIRE RESCUE

Covered Area (2,998sf)

14,882sf (11,884sf)

12

17

24

20 284sf

23 22,440sf (Vehicle & Aircraft Parking Stalls) (Bdy undefined)

INSET "B"

PASSENGER TERMINAL BUILDING

POR. OF WAIKOLOA, SOUTH KOHALA, HAWAII.

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Administrative Directive 24-68 (Rev.) dated November 21, 1968

Dropped parcels 1, 7, 2, 11, 4,

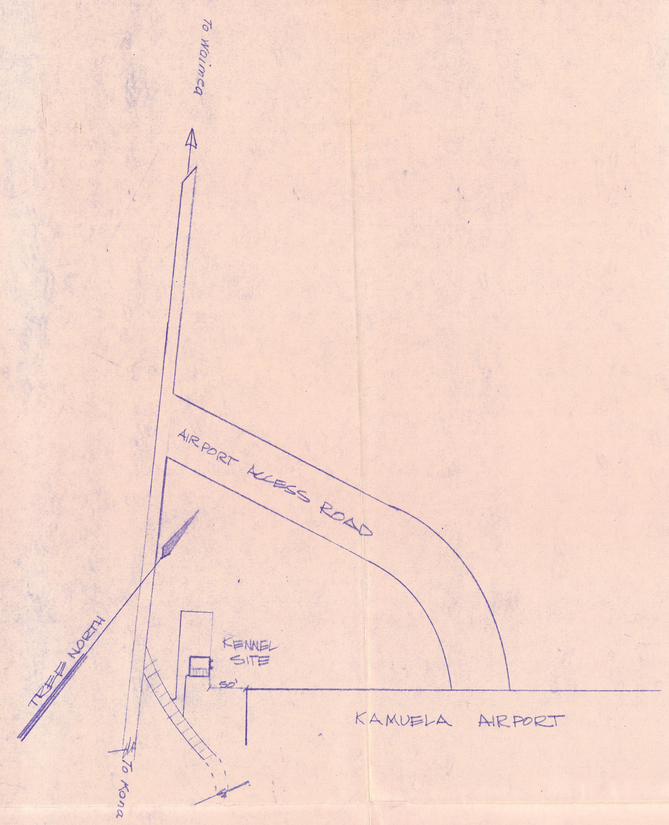
THIRD DIVISION		
ZONE	SEC.	PLAT
6	7	01
CONTAINING PARCELS		

SCALE: 1in. = 3000 ft.

PRINTED DEC 9 1976

INDEX SHEET
DOES NOT CHANGE

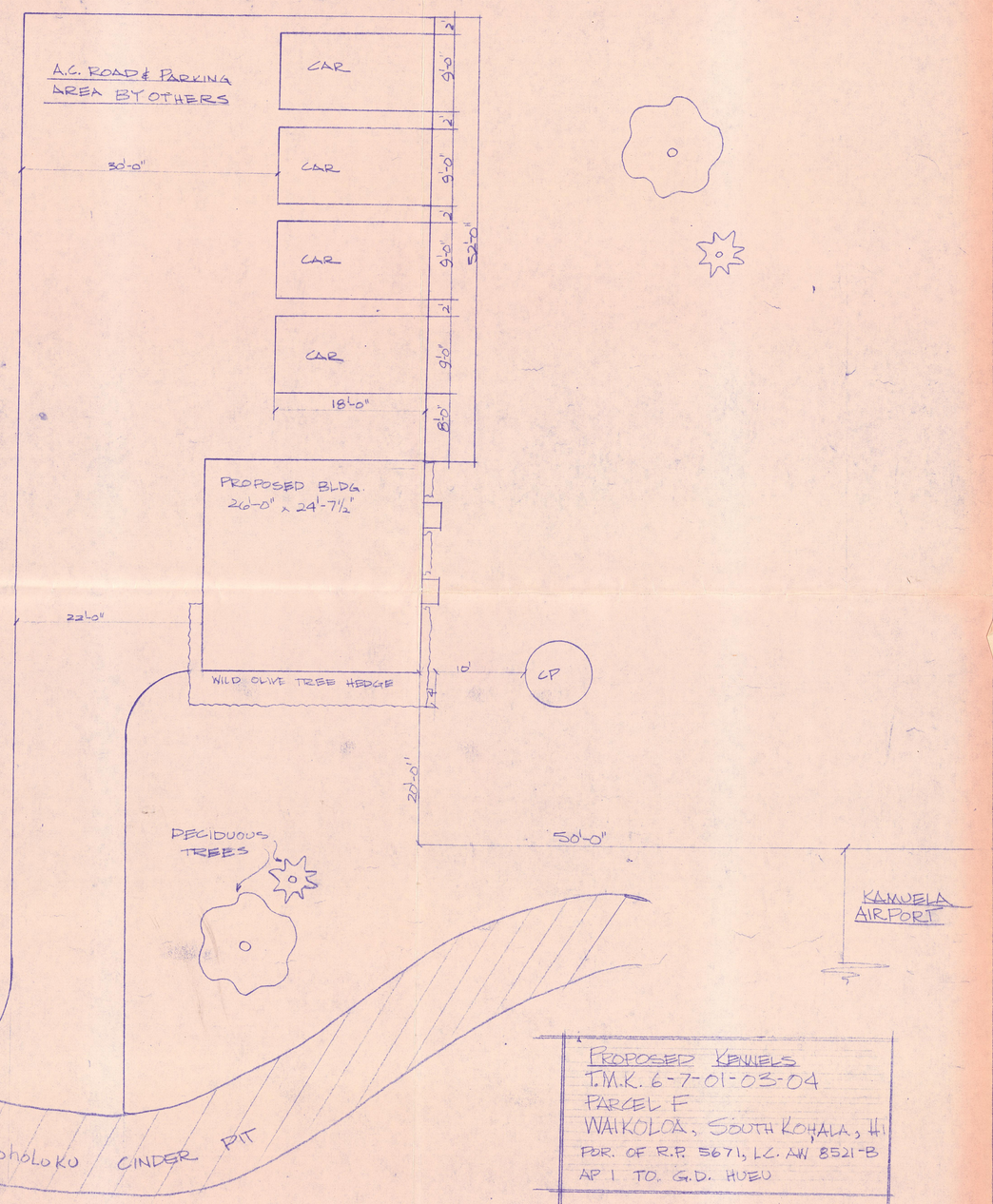
Dwg. No. 24
Source: Tax Maps Bureau
By: H.N. July 1935



VICINITY MAP
PARKER RANCH
SCALE 1"=100FT

NOTE: GRASS TO BE PLANTED WHERE DISTURBED

TREES TO BE PLANTED (DECIDUOUS TREES)



PROPOSED KENNELS
T.M.K. 6-7-01-03-04
PARCEL F
WAIKOLOA, SOUTH KOHALA, HI
POR. OF R.P. 5671, L.C. AW 8521-B
AP 1 TO. G.D. HUEU

PLOT PLAN
SCALE 1/8"-1'-0"

EXHIBIT A-3