



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

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December 27, 1976

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HAWAII PLANNING COMMISSION
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#349

GORDAN FURUTANI
Executive Officer

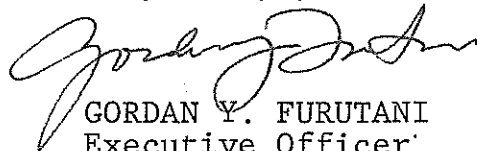
Attention: Mr. Raymond Suefuji, Planning Director.

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

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."