

CERTIFIED MAIL

February 4, 1987

Mr. David Ramos, Business Manager  
Parker Ranch  
P. O. Box 458  
Kamuela, HI 96743

Dear Mr. Ramos:

Special Permit Application (86-27)  
Petitioner: Richard Smart Trust dba Parker Ranch  
TMK: 6-6-03:Portion of 4

The Planning Commission at its duly held public hearing on January 28, 1987, voted to approve your application, Special Permit Permit No. 639, to allow the establishment of an art gallery/museum at Lalamilo, Waimea, South Kohala, Hawaii.

Approval of this request is based on the following:

The subject request is consistent with the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration, involving approximately 5.5 acres of a 46.9-acre parcel, has been utilized for residential and related uses for over 20 years. The remainder of the subject parcel has been and will continue to be used for grazing purposes. The addition of the original Parker Family home to the subject site and approval of the art gallery/museum activity will not substantially alter or change the essential character of the land and the present use. It should be noted that the State Department of Agriculture has stated "Inasmuch as the proposed project does not involve the removal of potentially productive land from agricultural use, we do not have any objections." Based on the foregoing, it has been determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and

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The proposed use will not adversely affect the surrounding properties and their improvements. The primary use of the subject area will continue to be the principal residence of Mr. Richard Smart while the remaining area of the parcel will continue to be used for grazing purposes. Moreover, the limited nature of the operation, between 15-20 hours per week, will keep any impacts to a minimum. The proposal to establish a art gallery/museum on the subject property will be beneficial and well-suited to accommodate the needs of the public, in this particular case, the residents and visitors of the Island of Hawaii. It should be further noted that the approval of an art gallery/museum will complement with the General Plan Land Use Pattern Allocation Guide Map designation of Low Density Urban for the subject area.

The proposed use will not unreasonably burden public agencies to provide roads and streets and other infrastructures and services. All essential services and facilities are or will be made available to the subject property.

Based on the foregoing, it has been determined that the proposed art gallery/museum is an unusual and reasonable use of land situated within the State Land Use Agricultural district and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Approval of this special permit request is subject to the following conditions:

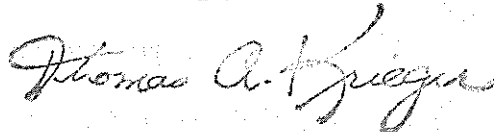
1. The petitioner, its successors, or assigns shall be responsible for complying with all conditions of approval.
2. The petitioner, its successors, or assigns shall apply for "Plan Approval" within one year from the effective date of the Special Permit.
3. Relocation of the original Parker family home shall commence within one year from the effective date of final "Plan Approval" and be completed within two years thereafter.
4. All applicable rules, regulations, and requirements shall be complied with.

Mr. David Ramos  
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5. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the Special Permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Hawaii County Services, Deputy Managing Director's Office  
State Land Use Commission (sent 2/11/87)

bcc: Plan Approval Section

August 22, 1988

Mr. David Ramos  
Business Manager  
Parker Ranch  
P.O. Box 458  
Kamuela, HI 96743

Dear Mr. Ramos:

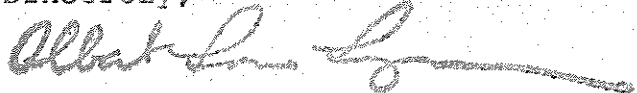
Parker Ranch Tours

This is in response to your letter of August 4, 1988, regarding the recently established Parker Ranch Tours.

Since the corrals and Puukalani Stables will primarily be used for the daily operations of the cattle ranching activity, a Special Permit would not be required. However, if the use of these areas become more oriented towards the visitor industry, then a Special Permit would be required at that time.

Should you have any questions, please feel free to contact us again.

Sincerely,

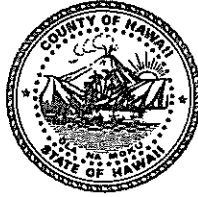


ALBERT LONO LYMAN  
Planning Director

NH:lv

AUG 23 1988

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
7099 3220 0000 4869 5660

JUL 21 2000

Mr. Robby Hind  
Parker Ranch, Inc.  
P.O. Box 458  
Kamuela, HI 96743

Dear Mr. Hind:

Special Permit Application No. 639 (SPP 639) (86-2)  
Applicant: Richard Smart Revocable Personal Trust  
Request: Amendment to Establish the Puopelu Heritage Area, Including Art Gallery  
and Museum, Food Services, Retail Sales, Lodging, Special Events and Other Related Uses  
Tax Map Key: 6-6-3:Portion of 4

The Planning Commission at its duly held public hearing on July 7, 2000, voted to approve the above-referenced request to amend Special Permit No. 639, which allowed the establishment of an art gallery/museum on approximately 5.5 acres of land. The amendment is to allow the establishment of the proposed Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses on approximately a total of 14.5 acres of land within the State Land Use Agricultural District. The project area is located between Waimea Homesteads and Lalamilo Farmlots Subdivision, to the southwest of Puu Opelu Road and approximately 3,400 feet west (makai) of the Mamalahoa Highway, Lalamilo, Waimea, South Kohala, Hawaii.

Approval of this request is based on the following:

A favorable recommendation of this request would not be contrary to the General Plan or the Zoning Code nor the original reasons for the granting of Special Permit No. 639. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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. In the case of the

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Mr. Robby Hind

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Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map for the majority of the project except for less than five acres of land designated "Important" and "Other Important Agricultural Lands" located near the driveway. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

The subject property is situated within the County's Agricultural-1 acre (A-1a) zone district. The project site has been in residential and related uses since the establishment of the original residence on this property in 1862. In 1879, Puopelu was purchased by John Palmer Parker and has served as the primary residence for the Parker family. Since that time, it has been the social and entertainment center of the Ranch until the death of Richard Smart in 1992. The proposed amendment is to allow the establishment of the proposed Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses on approximately a total of 14.5 acres of land within a larger 46.974 acre parcel in the State Land Use Agricultural District. The proposed expansion would be situated on 14.5 acres of land, which include the former residence of Richard Smart and the Mana House, three (3) single family dwellings, saddle house, wash house, formal garden area, paved tennis court, water reservoir and pump house and landscaped open areas. The proposed 14.5 acres of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resource of the area, as the proposed use will be confined to an area which has been utilized for residential and related uses and no additional surrounding lands are to be developed. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish the proposed use.

Therefore, based on the above circumstances, approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this portion of the larger parcel has not been in agricultural use in years. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. The subject property area has been used as a art gallery/museum approved by Special Permit No. 639 since January 28, 1987. The site is located approximately 3,400 feet west of Mamalahoa Highway and is situated between Lalamilo Agricultural Park and Waimea Homesteads. The private driveway is 3,000 feet long and naturally screened from Mamalahoa Highway. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this proposed use may have on the area. Surrounding parcels are primarily used for grazing. Other land uses in the vicinity include intensive farming activities, dwellings and commercial activities which are a part of the Waimea town complex. The nearest residence is approximately 400 feet and is over 1,200 feet from the areas that are proposed for special events.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and police and fire protection. The site is currently served by water, telephone and electrical utilities. There would be an increase in traffic from the proposed Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses, but would not increase to a significant amount which would adversely impact Mamalahoa Highway. There is an existing parking facility available within the driveway and turnaround areas with overflow parking available along the service road and open grassed areas that are currently being utilized by the art gallery/museum. Bus parking areas will be provided along the service road on the east side of the project area. Overflow parking for the special events will be available within the grassed areas and along the access driveway. All parking will be accommodated on site. In addition, the proposed use has not generated concerns for additional services as reflected by the agencies' responses. All requirements of the Department of Health, Department of Public Works and Fire Department shall be complied with prior to establishment of the proposed use.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district. The soils within the project area are not suitable for many types of agriculture uses. The nature of the request is to allow for the establishment of a Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses. The Soil Survey Report classifies soils within the project site as Waimea very fine sandy loam (WMC). The Waimea series consists of well drained very fine sandy loams that formed in volcanic ash. These soils are gently sloping to moderately steep. They are on the uplands at an elevation ranging from 2,000 to 6,000 feet and receives from 25 to 45 inches of rainfall annually. The natural vegetation consists of cactus, bermuda grass, rattail, and ilima. In a representative profile, the surface layer is about 17 inches thick, dark-brown and very dark-brown very fine sandy loam and loam. The subsoil is dark brown silt loam about

25 inches thick. It is underlain by weathering, hard basalt bedrock at a depth of about 42 inches. The surface layer is neutral; the subsoil is mildly alkaline. In places the surface is extremely stony. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight. The soil is used for pasture and irrigated truck crops. The Land Study Bureau's Detailed Land Classification System indicate the soils within the subject property are classified as "C" or "Fair."

The use will not substantially alter or change the essential character of the land and the present use. The proposed use will not alter the character of the land. The project site has been in residential and related uses since the establishment of the original residence on this property in 1862. In 1879, Puopelu was purchased by John Palmer Parker and has served as the primary residence for the Parker family. Since that time, it has been the social and entertainment center of the Ranch until the death of Richard Smart in 1992. The applicant intends to utilize the existing facilities for the Puopelu Heritage Area, including food services, retail sales, lodging and special events. The applicant proposes to establish the Puopelu Heritage Area (PHA), centered around the art gallery/museum within the former Richard Smart residence and the Mana House which is permitted pursuant to Special Permit No. 639. In addition to these permitted uses, the proposed uses within the PHA include, but not necessarily limited to special events including weddings, parties, and meetings, retail and food and beverage sales and other related activities. The existing residences within the PHA are proposed to be used as guest facilities for transient accommodations. All proposed uses will be primarily uses established within the existing structures or utilize the existing open areas. No changes or improvements to the former Richard Smart residence and the Mana House are being proposed as part of this request. Proposed new construction may include a restroom facility adjacent to the formal garden area, a gazebo on the former pump house foundation in the reservoir, viewing platforms and other structures to support the proposed uses and activities within the PHA. During special events, tents and other portable structures may be set up to accommodate the guests and to protect them from possible wind and rain. These temporary structures will be removed upon completion of the special event. Any future structures shall be conditioned to be approved by the Planning Director through the Plan Approval process. This condition of approval will help ensure that the structural, visual and public safety concerns will be mitigated to the best extent possible.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid tourist growth experienced in East and West Hawaii have resulted in an increase desire for agriculture and historic tourism. The Richard Smart Residence offers a unique combination of landscaped grounds, historic buildings, and scenic setting. Although the property is situated within the State Land Use Agricultural District, it is not being utilized for commercial agricultural use



and is currently occupied by a number of structures, gardens and lawn areas which preclude any intensive agricultural use within this area. Therefore, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on the subject property. As such, other undeveloped areas are still available for agricultural development and the removal of 14.5 acres of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii.

The request is not contrary to the General Plan. The subject request is not contrary to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates the project site as Low Density which is single family residential in character, ancillary community and public uses, and convenience type commercial uses.

The request would also support the General Plan's goals and policies of the Economic and Land Use Elements of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment."

The Waimea Design Plan was adopted by the County Council as Resolution No. 214-86 on October 1, 1986. The Land Use Concept Map contained in the Waimea Design Plan depicts the subject property for future urban uses.

Based on the above considerations, the proposed Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions (material to be added is underlined and material to be deleted is bracketed). Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate the revocation of the Special Permit.

1. The [petitioner] applicant, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- [2. The petitioner, its successors, or assigns shall apply for "Plan Approval" within one year from the effective date of the Special Permit.

3. Relocation of the original Parker family home shall commence within one year from the effective date of final "Plan Approval" and be completed within two years thereafter.
4. All applicable rules, regulations, and requirements shall be complied with.
5. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the Special Permit.]
2. The Puopelu Heritage Area, including food services, retail sales, lodging, special events and other related uses shall be established within five (5) years from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director. Plans shall identify existing structures, existing and proposed parking areas and driveway, and landscaping to mitigate any visual or noise impacts. The applicant, its successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the proposed use.
3. Access(es) to the subject property shall meet with the requirements of the Department of Public Works and Planning Department.
4. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Department of Water Supply, Fire Department and the Department of Public Works.
5. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide in writing, a final status report to the Planning Director.
6. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

Mr. Robby Hind  
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- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

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

Should you have any questions, please contact Eleanor Mirikitani of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

Lrichardsmartrpt01PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Mr. William L. Moore