

CERTIFIED MAIL

May 16, 1989

Mr. Austin P. Nakoa
Hawaiian Bitumuls & Paving Company
P.O. Box 2240
Honolulu, HI 96804

Dear Mr. Nakoa:

Special Permit Application (89-11)
Tax Map Key: 3-8-01:Portion of 7

The Planning Commission at its duly held public hearing on May 9, 1989, voted to approve your application, Special Permit No. 702, to allow the establishment of a temporary base camp (dormitory quarters) for individuals working on the construction of the Mauna Kea Observatory Access Road. The 1-acre area is within the State Land Use Agricultural District and situated off the west side of the observatory road and across from the Humuula Sheep Station, over one mile from the Saddle Road-Observatory Road Junction, Humuula, North Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law 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 agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The request is to establish a temporary base camp (dormitory quarters) on approximately one-acre of land for construction workers who will be paving the Mauna Kea Observatory Access Road. The one-acre area has a poor productivity rating by the Land Study Bureau and is considered to be suitable for the existing pasture and

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grazing use by the ALISH map system. The entire 20,377.137 acre parcel of land is being leased by the Department of Hawaiian Homes to Parker Ranch who has stipulated that the applicant is responsible for not disturbing or harassing the livestock and for returning the area to its original state when completed. The temporary reduction of one acre from the large land holding should not significantly deplete the agricultural resources of the region.

The establishment of a temporary base camp should not adversely affect the surrounding properties. Parker Ranch has already indicated the conditions under which it would allow the base camp to be constructed. The life of this permit is proposed to be one year, which would assure short-term impacts, if any.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The base camp will be utilizing its own water system, a generator for electricity and a septic tank. These will be removed upon completion of the Observatory Access Road paving project. The Mauna Kea Observatory Access Road to the proposed base camp is presently paved and the driveway leading to the camp would also be paved. Both accesses are felt to be adequate considering the limited nature of the nine man camp.

The proposed use will not substantially alter or change the essential character of the land and the present use. The base camp consists of modular temporary homes, septic tank, water tank and a generator. These will be removed upon completion of the paving project. Additionally, the applicant will be required to return the land to its original state upon termination of the temporary use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The promotion of Mauna Kea as an excellent observatory site has lead to the rapid development of the summit of Mauna Kea and support facilities by the State of Hawaii within the past decade. The paving of the Mauna Kea Observatory Access Road has been the subject of considerable discussion and study. The project is the result of a determination by the State that such a need exists. The establishment of a base camp to house the construction workers, who will be paving the Access Road, is an indirect response to these changing needs.

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The request is consistent with the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for extensive agricultural uses. The temporary disruption of livestock grazing within the one acre area should not restrict existing 20,377 acre pasturage by Parker Ranch.

In view of the foregoing, it is determined that the proposed temporary base camp for individuals working on the construction of the Mauna Kea Observatory Access Road is an unusual and reasonable use, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval of the base camp shall be secured from the Planning Department within two months from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, septic and water tanks, generator, and parking.
3. Construction shall commence within two months from the date of receipt of Final Plan Approval and shall be completed within two months thereafter.
4. The life of this permit shall be for a period of one year from the effective date of this permit, unless otherwise extended under Condition No. 10.
5. The temporary base camp shall not interfere with the grazing and pasturage of livestock in the area. Should a conflict arise, which cannot be mitigated or mediated, the base camp operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding agricultural uses.

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6. Upon termination of the base camp operations, all temporary support facilities and equipment shall be removed from the area and the land returned to its original state.
7. Secure appropriate approval from the State Department of Hawaiian Home Lands prior to commencing construction of the trailer buildings (building permit).
8. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
9. The applicant shall notify the Planning Department of the termination of its base camp operations and of compliance with Condition No. 6.
10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

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

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission

bcc: Plan Approval Section