

Planning Commission

Lorraine R. Inouye
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

October 24, 1991

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (90-39)
Applicant: Kenai Air Hawaii, Inc.
Request: Helistop and Related Tour Operation Improvements
Tax Map Key: 5-9-02:Portion of 4

The Planning Commission at its duly held public hearing on October 9, 1991, voted to approve your application, Special Permit No. 784, to allow the establishment of a helistop and related tour operation improvements on 10,000 square feet of land situated within the State Land Use Agricultural District. The affected area is a portion of PonoHolo Ranch, located approximately 6,500 feet mauka of Kohala Mountain Road, Kahualiilii, 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed helistop would be established on a 10,000-square foot portion of a 2,207-acre parcel of land which is currently in pasture use. According to the applicant, operating altitudes under 500 feet above ground level (AGL) will occur within 5,000± feet of the helistop in conjunction with take-offs and landings. The area

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within this range is confined to Ponoholo Ranch property. The number of landings per day is estimated at six to eight. Agricultural activities on the property will not be displaced by the helicopter activity. No refueling will take place at the helistop site. Thus, the likelihood of petrochemical pollution is insignificant. It is, therefore, determined that the proposed use will not negatively impact the agricultural resources of the property or the region.

The desired use will not adversely affect the surrounding properties. The size of the subject property is adequate to buffer potential impacts to neighboring properties from increased noise levels associated with landing and takeoff. The helistop site is over one mile from the nearest neighboring residence and two miles from the nearest forest reserve. The applicant has stated that a minimum 500-foot AGL flight path will be maintained except during takeoff and landing and when weather conditions require flight below 500-foot AGL for safety reasons. The establishment of a minimum 500-foot AGL flight path will mitigate noise and visual impacts discussed by the Civil Defense Agency, Mauna Kea Soil and Water Conservation District, and the Kohala Community Association. To further mitigate negative impacts associated with helicopter overflights, the helicopter operations should be limited to eight landings per day between the hours of 7:30 a.m. and 5:00 p.m. as proposed by the applicant. Furthermore, in order to provide for future review and assessment of the impacts of the helicopter use, it is recommended that a three-year time limit be placed upon the permit. It is further recommended that, should the Planning Director determine that there is a need to investigate alleged violations of any condition of this permit, (s)he may schedule a public hearing before the Planning Commission.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicant will provide all necessary services to support the proposed use. Consulted agencies had no objections to the request, provided that the helistop be available to other helicopter operators for emergency use.

No permanent structures will be erected on the subject property. The portable tent proposed by the applicant will not alter the character of the land or the present use.

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The proposed use is consistent with the goals of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the county" and "Protect and encourage the intensive utilization of the County's important agricultural lands." The establishment of minimum flight levels will further the goal to "Protect and preserve forest, water, natural and scientific reserves and open areas".

Approval of this request is subject to the following conditions:

1. The applicant shall comply with all of the stated conditions of approval.
2. A metes and bounds description of the 10,000-square foot helistop site in map and written form shall be filed with the Planning Department within one year from the effective date of this permit.
3. Final Plan Approval for the proposed helistop use shall be secured from the Planning Department within one year from the effective date of the 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 temporary structures and landing and takeoff paths, associated with the proposed use.
4. Clearance from the Federal Aviation Administration shall be secured for the helistop prior to issuance of Final Plan Approval.
5. Helicopter operations at the site will be limited to a maximum of eight landings per day between the hours 7:30 a.m. and 5:00 p.m. Emergency landings will be exempted from this condition.
6. Helicopter ingress and egress from the site shall follow the paths and elevations shown on the "Proposed Helistop and Flight Paths" diagram attached hereto. As represented by the applicant, flights using the helistop shall maintain a minimum 500-foot AGL flight

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path, exclusive of ingress and egress, unless weather conditions require lower altitude flight for safety reasons.

7. The applicant shall be responsible for the prevention of fires arising from the helicopter use of the property.
8. This permit shall be effective for a three-year period from the date of receipt of Final Plan Approval.
9. Any alleged violation of the conditions of approval may cause the Planning Director to schedule a public hearing before the Planning Commission.
10. Comply with all other applicable laws, rules, regulations and requirements.
11. An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of the permit. The report shall include but not be limited to complaints received, a log of flights deviating from minimum 500-foot AGL flight path, and emergency use of the helistop.
12. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke 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,

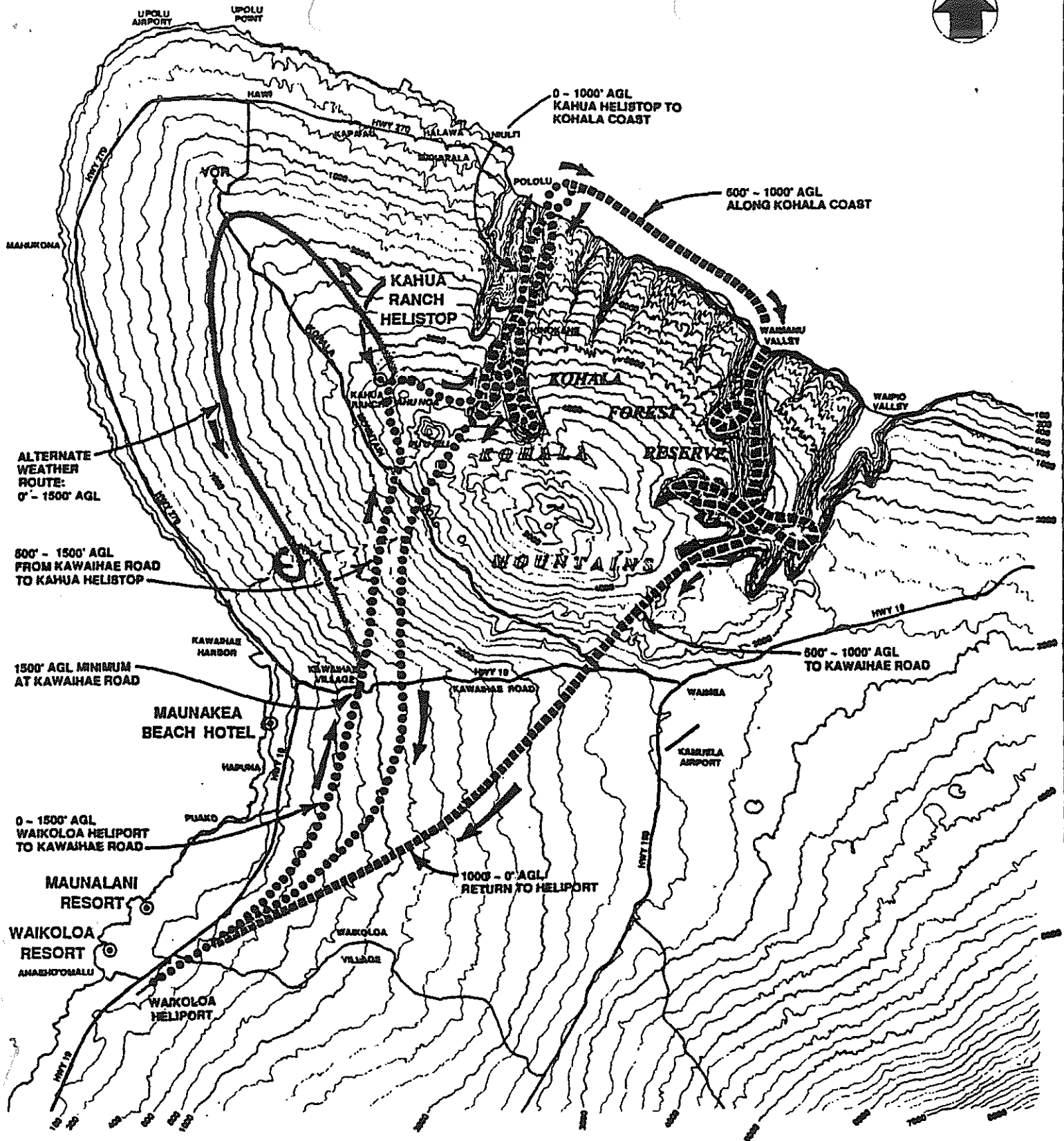
Mike Luce

Mike Luce, Chairman
Planning Commission

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Attachment

xc: Kenai Air
Bill Graham
FAA
Dept. of Transportation-Airports
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Plan Approval Section



LEGEND:

- PRIMARY FLIGHT PATH FOR 30 MIN. TOUR
- PRIMARY FLIGHT PATH FOR 60 MIN. TOUR
- ALTERNATE WEATHER ROUTE



PROPOSED HELISTOP AND FLIGHT PATHS