



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

February 13, 1992

Ms. Ann Rogers
PO Box 383466
Waikoloa, HI 96738

Dear Ms. Rogers:

Special Permit Application (SP91-27)
Applicant: Ann Rogers
Request: Establish Equestrian Activities
at Waikoloa Stables Complex
Tax Map Key: 6-8-02:Portion of 20

The Planning Commission at its duly held public hearing on February 6, 1992, voted to approve your application, Special Permit No. 804, to allow the establishment of equestrian activities at the existing Waikoloa Stables Complex, which consists of approximately 7 acres of land situated within the State Land Use Agricultural District. More specifically, the requested activities would include rodeos, horse races, horse shows, team penning, concerts and various other social events. The subject property is the site of the existing Waikoloa Stables Complex, located along the north side of Waikoloa Road approximately 6 miles east (mauka) of the Queen Kaahumanu Highway-Waikoloa Road intersection, Waikoloa, South Kohala, 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. Soils within the

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project site are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map. Soils within the area are of the Kawaihae Series, which are generally utilized for pasture, wildlife areas and recreational uses. Therefore, the requested use would not be contrary to the objectives of the State Land Use Law for the agricultural district. In addition, the applicant wishes to utilize the existing Waikoloa Stables Complex for the proposed uses. No additional improvements are being proposed. As such, the proposed uses will not require that additional land be removed from potential agricultural use. It can therefore be determined that the proposed use will not have a detrimental effect on the agricultural resources of the County or State.

The desired use will not adversely affect the surrounding properties, provided that the recommended conditions of approval are complied with. The existing Waikoloa Stables Complex is located in excess of 200 feet from its property boundaries. Vacant lands presently surround the project site, further reducing the potential of any adverse impacts to surrounding properties. On-site paved and grassed parking are already available, thereby reducing the potential of any adverse impact to air quality in the immediate area through the generation of vehicular traffic. However, the Mauna Kea Soil and Water Conservation District did have concerns regarding the generation of dust from the arena. It is recommended that this approval recommendation require best effort measures by the applicant to control dust generated by the use of the facilities. With the existing Waikoloa Village and proposed Waikoloa Highlands Golf Estates located in the immediate vicinity, there may be some adverse noise impact to these areas caused by the vehicles which will be generated by the proposed uses. Therefore, it is recommended that the proposed uses be limited to no later than 11:00 p.m., seven days a week. The nearest residential community, represented by the Waikoloa Community Association, had no objections to the request.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water to the project site will be provided by a private water system. Waikoloa Road provides adequate access to the project site. The affected agencies had no objections to the proposed uses.

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The use will not substantially alter or change the essential character of the land and the present use. The construction of the Waikoloa Stables Complex was permitted to allow for equestrian uses. The applicant wishes to extend on this theme by providing a variety of activities which convey the "Paniolo" and ranching lifestyles of the county to visitors as well as its residents.

The request is not contrary to the General Plan. The proposed use is compatible with the Extensive Agricultural designation of the LUPAG Map of the General Plan.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval for the proposed uses shall be secured from the Planning Department within one year 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 associated with the proposed use.
3. The applicant shall establish the proposed uses within one year from the date of receipt of Final Plan Approval. The applicant shall notify the Planning Department, in writing, of the commencement of the proposed uses.
4. Activities held at the Waikoloa Stables Complex shall be limited to no later than 11:00 p.m.
5. During use of the stables complex, best effort measures shall be taken by the applicant to control fugitive dust generated from the complex.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall

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proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

7. Comply with all other laws, rules, regulations and requirements of State and County agencies.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
9. 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 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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jdk

xc: Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Department of Liquor Control
West Hawaii Office
State Land Use Commission
DLNR
Waikoloa Community Association
Plan Approval Section