

Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

August 10, 1992

Mr. Gerald E. Kremkow
General Partner
Waiki'i Ranch Associates II
c/o Marysue Joyce
PO Box 357
Kamuela, HI 96743

Dear Mr. Kremkow:

Special Permit Application (SP 92-15)
Applicant: Waiki'i Ranch Associates II
Request: Homeowner's Association Building &
Related Improvements
Tax Map Key: 6-7-4:4

The Planning Commission at its duly held public hearing on July 30, 1992, voted to approve your application, Special Permit No. 821, to allow the establishment of a homeowners' association building and related improvements on approximately two acres of land situated within the State Land Use Agricultural District. Please be advised that the Commission denied your request for three guest units. The project site is located within the Waiki'i Ranch Subdivision on the north side of Palekaiko Road and adjacent to the polo field, Waikoloa, South Kohala, Hawaii.

Partial 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 purpose of the

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request is to allow for recreational and social activities for owners, their families and guests within a structure which is also accessory to ranch livestock operations. We are not recommending approval of the guest units since the main purpose of the structure is to provide a place where activities could be held for homeowners. It is felt that guests should be accommodated by the homeowners and not housed within a homeowner's association building. Also, it would be difficult to monitor or ensure that the guest units were maintained as such and not converted into general lodging facilities.

The proposed project will be located within an area whose soils are identified as Waimea (WMC) by the Soil Conservation Service and is generally utilized pasture or irrigated truck crops. The soil is classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and classified by the Department of Agriculture's ALISH map as "Other Important Agricultural Land". The proposed use would not displace agricultural activity or diminish the agricultural potential of the area since the lands have not been used for agricultural use for the last 20 years. It is determined that the proposed use would be compatible with the agricultural district and approval of the request would not be contrary to the objectives of the State Land Use Law.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered residential and agricultural uses. It is anticipated that the impacts will be minimal due to the fact that the proposed use is for the Waiki'i Ranch property owners.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wastewater disposal system will be provided on site by the owner. Water will be provided by the Waiki'i Ranch's private water system. Due to the distance of the project from Kamuela (12 miles), the Fire Department recommends that automatic fire sprinklers as well as a wet standpipe with fire hose cabinets be installed to initiate the suppression of fire. Installation of fire protection standards that meet with the approval of the Fire Department will be required as a condition of approval. Waiki'i Ranch also has its own private security system and personnel to minimize any burden on public safety departments. Consulted agencies had no objections to the proposal.

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Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The establishment of a relatively remote agricultural subdivision unrelated to an established community core has created a need for facilities to accommodate recreational and social requirements of the community.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district, however, the proposed use will not interfere with permitted uses.

The request is not contrary to the goals, standards and policies of the General Plan. The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The proposed is consistent with the policy that, "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

Approval of this request, with the exception of the three guest units, 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 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 all structures, landscaping, and paved parking stalls associated with the meeting hall. All structures shall conform to setback requirements of Chapter 25 (Zoning Code). Parking shall comply with the requirements of the Zoning Code.
3. Construction of the homeowner's association building and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.

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4. Fire protection standards shall meet the requirements and approval of the Fire Department prior to the issuance of the certificate of occupancy.
5. Dinning room and kitchen facilities shall be limited to use for those activities hosted or sponsored by homeowner(s)/ residents and their guests.
6. An archeological survey shall be conducted and the report shall be filed with the Planning Director in conjunction with the subdivision application.
7. 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 during land preparation activities, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
8. Comply with all other laws, rules, regulations and requirements.
9. Should the Council adopt a Unified Impact Fees ordinance setting forth criteria for the imposition of exactions or assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance.
10. 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.
11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director

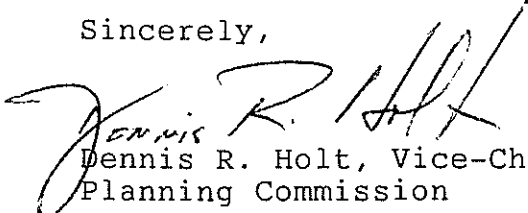
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upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting 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.

Should you have any questions, please feel free to contact Susan Gagorik or Connie Kiriu of the Planning Department at 961-8288.

Sincerely,


Dennis R. Holt, Vice-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
West Hawaii Office
State Land Use Commission
DLNR
Plan Approval Section
Fire Department
R. Ben Tsukazaki