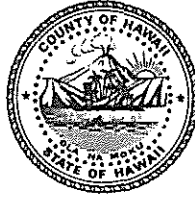


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 416 228 842

September 7, 1995

Mr. Paul Monka
5950 Pickford Street
Los Angeles, CA 90035

Dear Mr. Monka:

Special Permit Application No. 95-11
Applicant: Paul Monka
Request: Establish a Satellite Quarantine Station for Cats
Tax Map Key: 3-5-2:2

The Planning Commission at its duly held public hearing on August 24, 1995, voted to approve the above-referenced application. Special Permit No. 910 is hereby issued to establish a satellite quarantine station on a portion of land within the State Land Use Agricultural District. The property, consisting of 7.247 acres, is located on the makai side of the Mamalahoa Highway approximately 900 feet southeast of its intersection with Kapehu Road at Kealau, 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 Rules 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 of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural uses.

The land on which the use is proposed is suitable for agricultural uses. Soils with the property are classified as "Prime" agricultural land according to the ALISH map system and "C" or "Fair" by the Land Study Bureau for agricultural productivity. The proposed satellite quarantine station will house six kennels for cats in an approximately 900 square foot area. It is not anticipated that this loss of agricultural land will adversely impact the agricultural inventory within the County. As stated by the applicant, the property will continue to be used as pasture.

While animal quarantine stations are listed as a permitted use within the General Industrial (MG) district, a Special Permit is required to establish a satellite quarantine station

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within the State Land Use Agricultural district. Such a facility is closely related and compatible with permitted uses in Agricultural districts, which include "uses related to animal husbandry, aquaculture, and game and fish propagation." The care of animals is most appropriate in the Agricultural district, with its larger land areas and limited residential uses.

The desired use will not adversely affect the surrounding properties. The State Department of Agriculture has established guidelines for establishing satellite quarantine stations. The applicant would be required to construct double-door entrances and exits to the station, and double perimeter fences around the entire structure. The station manager or an employee will be on the property 24 hours a day to monitor the animals housed in the facility. The station will only have six public stalls, and it will be for cats only. Cat owners will be permitted to visit their pets by appointment only between the hours of 12:00 noon and 5:00 p.m. The proposed quarantine station should have little impact on surrounding properties because of its limited scale. In addition, the subject parcel is approximately 7.47 acres in size and buffered by the Hawaii Belt Road and landscaping along the front property boundary. It is also bordered by the ocean along the eastern (makai) property boundary and vacant adjacent lands so as not to cause any adverse impacts to surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. Water for the station will be provided by a private catchment system, as proposed by the applicant. Waste generated by the station will be disposed of by cesspool. Visits will be allowed by appointment only from 12:00 noon to 5:00 p.m. daily so as not to impact public roadways. The establishment of six stalls for cats is not expected to burden public agencies.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Although the property is classified as Prime Agricultural Lands by the ALISH map system, the subject soils are classified as C or "Fair." The subject property has been used for cattle grazing and will continue to be used as such. The subject property is suitable for agricultural uses; however, the establishment of a satellite quarantine station for six cats on a portion of the property is not expected to take significant amount of lands out of agricultural uses.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. At the present time, the only quarantine station for Big Island residents is the State-run quarantine facility on Oahu. Although, in December 1994, the Planning Commission approved a request to establish a dog and cat satellite quarantine station in Orchidland Estates, subject to conditions of approval, it is not in operation to date. Presently, new residents who would like to import their dog or cat to the island must house their pets at the State facility on Oahu. The State is actively encouraging the establishment of satellite quarantine stations on the neighbor islands--to give residents of these islands an alternative to quarantining their pets on Oahu. The State Department of Agriculture maintains a stringent 120-day quarantine requirements for all dogs, cats and other carnivores entering Hawaii in order to prevent the introduction of rabies into the State. They have reviewed the applicant's proposal, and have found that it meets with their standards for a satellite facility. Because it would be the first such facility in the State, the Department of Agriculture will be actively involved in monitoring and evaluating the operation of this station.

The proposed use will not substantially alter or change the essential character of the land and the present use. The entire structure is twenty feet by fifteen feet in size, with a

capacity to house a maximum of six cats. The applicant proposes to construct two other farm dwellings in addition to the dwelling above the quarantine station. The land will continue to be used for cattle and, therefore, the essential character of the land will not change.

The request will not be contrary to the General Plan. The proposed satellite quarantine station will provide a much needed public service to the residents of the Big Island, without substantially impacting the environment or the atmosphere of the surrounding community. The proposed request supports the following goals, policies and standards of the General Plan:

Public Facilities Element

- * Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.
- * The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.

The Department of Agriculture has worked with the applicant to ensure that the proposed facility complies with State regulations.

In regards to comments from the Civil Defense Agency on the occurrence of land erosion along the Hamakua Coast, a 100-foot structural setback for all structures is being required from the subject property's northeastern (makai) property boundary.

Based on the above considerations, the construction of a satellite quarantine station for six cats would be 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:

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all conditions of approval of Special Management Area Minor Permit No. 29.
3. The applicant, successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors or agents under this permit or relating to or connected with the granting of this permit.
4. Construction shall be completed within five (5) years from the effective date of the permit. This time period shall include securance of Final Plan Approval from the Planning Director in accordance with Chapter 25-244 (Zoning Code). Plans shall

identify all existing and proposed structures, landscaping, paved driveway and parking stalls (chip-seal, asphalt or asphalt-concrete) associated with the proposed use.

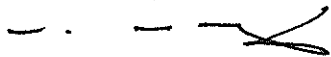
5. A minimum 100' structural setback is required for all structures from the subject's northeastern (makai) property boundary and such setbacks shall also be delineated on the plans submitted for plan approval.
6. Visits to the facility will be allowed only during the hours from 12:00 noon to 5:00 p.m., daily, by appointment only. Public visits shall be limited to owners of animals housed at the facility.
7. The satellite quarantine station shall be limited to no more than six (6) cats.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease, and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
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. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 original reasons for granting of the permit.
 - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - D. The time extension granted does not 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).
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

Mr. Paul Monka
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Wilton K. Wong, Chairman
Planning Commission

AK:syw
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cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources
Plan Approval Section
Dewey V. Sturges, DVM, Ph.D./Animal Quarantine Branch