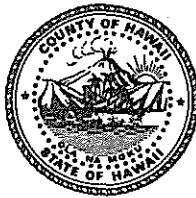


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
P 101 317 908

NOV 01 1999

Mr. Jeffrey Melrose
Kamehameha Schools Bernice
Pauahi Bishop Estate
101 Aupuni Street, Suite 227
Hilo, HI 96720

Dear Mr. Melrose:

Special Permit Application (SPP 99-008)
Applicant: Kamehameha Schools Bishop Estate (KSBE)
Request: Establish the KSBE Land Management Office in an Existing Dwelling
Tax Map Key: 4-2-002:Portion of 6

The Planning Commission at its duly held public hearing on October 15, 1999, voted to approve the above-referenced application. Special Permit No. 1035 is hereby issued to allow the establishment of a land management office in an existing dwelling, on approximately 20,000 square feet of land area situated in the State Land Use Agricultural District. The property is located approximately 300 feet on the mauka side of Hawaii Belt Road approximately 1/2 mile east of Kainehe Village, Kukaiau, Hamakua, 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 for those uses to which they are best suited in the interest of the public 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 applicant proposes to establish a land management office within an existing dwelling on a portion of an approximately 206 acre parcel. The subject property is owned by KSBE and is in active agricultural use and leased out by KSBE for eucalyptus tree farming. Allowing the establishment of the office would allow the applicant to maintain a presence in the Hamakua area and to continue the management of surrounding lands. The parcel is rated as "C" or Fair and the area upon which the dwelling is located is considered Existing Urban Development while the surrounding area is Prime Agricultural Lands. Based on the establishment of the use in the existing dwelling, the proposed use would not remove

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significant lands from agricultural use and would not be contrary to the objectives of the State Land Use Law for the Agricultural District.

The desired use will not adversely affect the surrounding properties. The subject parcel is approximately 206 acres in size and is actively used for agricultural activities and is in tree farming. There is another dwelling that is located approximately 200 yards southeast of the subject dwelling that is a KSBE rental unit. Surrounding properties are also zoned Agricultural (A-40a) and used for eucalyptus tree farming. The residential structure was originally constructed in 1909 and used by employees of the sugar company. Renovations will include converting the bedrooms and living area into offices, storage and meeting rooms. Improvements will also be made to the roof, exterior paint and internal electrical and plumbing upgrades. The driveway will be repaved and additional parking for staff and visitors will be provided on site. Based on the size of the property and the nature of an office, it is not anticipated that noise generated will have an impact on the additional dwelling located 200 yards southeast or to other surrounding properties. Based on the above, it is not anticipated that the establishment of the proposed office will cause significant adverse impacts to surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The project site is located within an area adequately served with essential services and facilities such as water, transportation systems and other utilities. Access to the subject property is from the Hawaii Belt Highway onto a private paved road owned by KSBE. The existing driveway is immediately off to the right approximately 100 yards from the Hawaii Belt Highway. A private paved driveway leads up to the existing dwelling. The applicant will be resurfacing the driveway and provide parking areas for staff and clients. In addition, agencies reviewing the request had no objections to the proposed development.

Electricity, telephone, water and other essential services are or will be made available for the proposed office and related improvements.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The existing office facilities in Hilo and Paauilo are proposed to be consolidated into the proposed office. The establishment of the office in this vicinity would allow KSBE to maintain a presence in the Hamakua area and to continue the management of surrounding lands which they own. Finally, the Special Permit process provides an option for establishing the proposed use on lands within the State Land Use Agricultural District.

The use will not substantially alter or change the essential character of the land and the present use. The subject property was formerly used for sugar cane production and have been converted to eucalyptus tree farming. Lands continue to be actively used for agriculture. The subject dwelling was originally constructed in 1909 and will involve some renovations before occupancy. Overall, the structure and uses are already present on the lands and therefore, the essential character of the land will be not be altered.

The land upon which the proposed use is sought is suitable for the uses permitted in the district, however, the proposed use will not interfere with permitted uses. The property is actively used for agricultural purposes and the dwelling is existing. The land

management office will allow KSBE to maintain a presence in the Hamakua area and to continue to manage surrounding lands. Therefore, no agricultural activity will be diminished and no significant lands will not be taken out of use.

The proposed use is consistent with the following goals, policies and standards of the General Plan. The subject parcel falls within an area designated as Intensive and Extensive Agricultural on the General Plan LUPAG Map. The zoning for the property is Agricultural (A-40a) with a State Land Use designation of Agricultural. This would allow a Special Permit to be applied for to allow the office on the subject property. The proposed request would complement and be consistent with the following goals, policies and standards of the General Plan:

Land Use Element

- * Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.
- * The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- * The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.

Economic Element:

- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

Based on the above considerations, the request to establish the KSBE land management office and related improvements would be an unusual and reasonable use of land within the State Land Use Agricultural District, which would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. Final Plan Approval for the office and related improvements shall be secured from the Planning Director in accordance with the Zoning Code Section 25-2-72. Plans shall identify existing and proposed structures, fire protection measures, paved driveways and paved parking stalls (asphalt or asphalt-concrete), and detailed landscaping associated with the proposed use.
3. Drainage improvements, if required, shall be installed in accordance with the Department of Public Works.

4. Comply with all applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
5. Upon compliance with applicable conditions of approval, and prior to the issuance of a certificate of occupancy for any portion of the development, the applicant shall submit a status report, in writing, to the Planning Director.
6. An initial extension of time for the performance of conditions of 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, 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 the Zoning Code.
 - C) Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - 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).

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 contact Susan Gagorik or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Leonard S. Tanaka, Chairman
Planning Commission

LKameh01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu