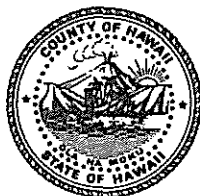


Stephen K. Yamashiro
Mayor



SPP 1066

County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
7099 3220 0000 4868 8648

JUL 27 2000

Mr. Robby Hind
Parker Ranch, Inc.
P.O. Box 458
Kamuela, HI 96743

Dear Mr. Hind:

Special Permit Application (SPP 00-018)
Applicant: Parker Ranch, Inc.
Request: Establishment of a Quarry and Related Uses
Tax Map Key: 6-8-1:Portion of 1

The Planning Commission at a duly advertised public hearing on July 7, 2000, considered the above-referenced request for a Special Permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, for the establishment of a quarry and related uses on approximately 14.75 acres of land within the State Land Use Agricultural District. The project area is located in the vicinity of Puu Pa, a cinder cone approximately 2 miles on the west (makai) side of Mamalahoa Highway and the Waimea/Kohala Airport, Waikoloa, South Kohala, Hawaii.

The Commission voted to deny Special Permit No. 1066 based on the following findings:

The denial is based upon review of the request against the guidelines for a granting of a Special Permit, public testimony and documentary evidence along with the corresponding supportive documents that were prepared by the applicant and his representative.

The proposed use is contrary to the objectives, policies and guidelines as contained in Chapter 205, Hawaii Revised Statutes and Rule 6, Planning Commission Rules, relating to Special Permits. The intent of Chapter 205 is 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.

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In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed use would displace an existing agricultural activity and diminish the agricultural potential of the area. Therefore, the proposed use would be contrary to the objectives of the State Land Use Law for Agricultural district.

Planning Commission Rule No. 6

1. The request is contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for extensive agricultural uses, such as pasturage and range lands. The existing and historical land uses of the property have been cattle ranching operations.
2. The desired use will adversely affect the surrounding properties. The proposed quarry site is located approximately 1 mile north of Lalamilo Farm Lots and 2.5 miles south of the Waimea/Kawaihae Road junction. Lalamilo Farm Lots zoned A-5a, consists of residential and agricultural dwellings. The proposed use would be incompatible with the agricultural and residential uses of the subject area. The public testimony indicate that the requested use has the potential to create adverse impacts to surrounding properties relating to noise, dust and odor. Therefore, approval of the request at this particular location would not be in keeping with the social, cultural and physical environment envisioned for the area.
3. Rule 6(5)(E) of the Planning Commission Rules of Practice and Procedure states one of the criteria upon which a Special Permit should be granted. This criteria states: "The land upon which the proposed use is sought is unsuited for the uses permitted within the district." The testimony presented indicates that area continues to be utilized for grazing purposes and/or open space by Parker Ranch. Therefore, the agricultural uses as permitted within the district are suited for the area surrounding the vicinity of Puu Pa.
4. The proposed use will substantially alter or change the essential character of the land and the present use. The proposed use is approximately 1 mile north of Lalamilo Farm Lots and the proximity of the proposed use to residential homes will alter the visual character and alter existing land forms and vegetation.

Special Permit Criteria

5. Under Rule 6-6(a), Planning Commission Rules, the Planning Commission shall not approve a Special Permit unless it found that the proposed use is an unusual and unreasonable use of land situated within the Agricultural District.

Mr. Robby Hind

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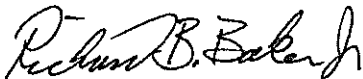
6. Under Rule 6-6(b), Planning Commission Rules, the Planning Commission shall not approve a Special Permit unless it is found that the proposed use would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.
7. The Planning Commission concluded that the proposed project was not an unusual and unreasonable use of land situated within the Agricultural District;
8. The Planning Commission concluded that the proposed project would not promote the effectiveness and objectives of Chapter 205, HRS considering the criteria under Section 6.3(b)(5)(A) (B) (E) and (F), public testimony, and documentary evidence along with the corresponding supportive documents that were prepared by the applicant and his representative.

Based on the above considerations, the establishment of the quarry and related uses is hereby denied. The Planning Commission's decision is appealable to the Third Circuit Court.

As stated in Rule 6-9, "The Planning Commission's decision is appealable to the Third Circuit Court."

Should you have any questions on this matter, please contact Eleanor Mirikitani of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lparkerranch01PC

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
Corporation Counsel
West Hawaii Office
Mr. William L. Moore