

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

March 24, 2010

Mr. Sidney T. Mizukami, Trustee
Sidney T. Mizukami Revocable Living Trust
73-1388 Hikimoe Street
Kailua-Kona, HI 96740

Dear Mr. Mizukami:

Special Permit Application (SPP 09-000096)

Applicant: Sidney T. Mizukami Revocable Living Trust

Request: To Store Telecommunication Equipment and Vehicles on
.66 Acre of Land

Tax Map Key: 2-6-32:15

The Windward Planning Commission at its duly held public hearing on March 5, 2010, voted to approve the above-referenced application to use an existing agricultural equipment building and surrounding area for parking, deploying and storing non-agricultural equipment and materials used for a telecommunications cable installation business on approximately 28,704 square feet of land in the State Land Use Agricultural district. The property is located in the Wainaku Farms Subdivision, approximately 650 feet south of the intersection of Kulana Kea Drive and Kaohu Lehua Place, Wainaku, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant requests a Special Permit to use an existing agricultural equipment building and surrounding area to park, deploy and store equipment and materials used in the applicant's telecommunications cable installation business, Telecable Systems Inc. Equipment stored on the site includes two bucket trucks, one digger truck, one flatbed truck, one equipment trailer, a compressor and two cable trailers. Only the cable trailers are not used for agricultural activities. All other equipment is used on the subject property to prune the surrounding macadamia nut trees and to install piping and other agricultural-related improvements. There are currently nine full time employees who work for Telecable Systems Inc. Only those employees needing to pick up materials or drive equipment come to the subject property, all other employees go directly to job sites around the island. The applicant intends on operating between 7:00 a.m. to 5:00 p.m.,

weekdays. The equipment is also mobilized to assist public utility companies such as HELCO, Hawaiian Tel, and Time Warner Cable during emergency outages.

The subject property and surrounding properties were planted in macadamia nuts in the 1980's by C. Brewer. The applicant bought the subject property in July 1999 and constructed an equipment building in late 1999 with the intention of using it to store agricultural equipment and facilitate nut processing. Due to the fall in macadamia nut prices, the applicant's agricultural operation became unprofitable after 2007 and he began using the building to store equipment associated with his telecommunication cable business. In recent years, this has become the primary use of the equipment building, although some of the equipment is still used to maintain the orchard.

The criteria for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. Rule 6-6 states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The project site will utilize only a 28,704-square foot portion of an approximately 8.205-acre parcel. The requested use is unusual because the applicant uses some of the equipment associated with the telecommunication cable business to maintain the existing macadamia nut orchard and other agricultural properties in the area. Since all activities will be contained within the existing structure and nearby surrounding area it is reasonable because existing agricultural activity on the property will not be adversely affected. Based on the minimal use of land for the requested use, the minimal impacts to existing or potential agricultural activities and the majority of the property to be maintained as a macadamia nut orchard, the subject request is considered an unusual and reasonable use of agricultural land.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i 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 Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Soils on the subject property

are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and are classified as Prime Agricultural Land by the Department of Agriculture's ALISH Map. The requested use will not displace any existing agricultural activity or diminish the agricultural potential of the site because the requested use will take place in an existing agricultural equipment building and immediately surrounding area. Additionally, although the macadamia nut orchard is not currently profitable, a condition of approval will require the applicant maintain agriculture as the primary use of the land. Therefore, the proposed use will not adversely affect the preservation of the County's prime agricultural lands for agricultural use, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of agricultural lands. The requested use will not adversely affect the preservation and agricultural use of the County's prime agricultural land; thus, the request is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are zoned A-20a and consist of four- to twenty-acre sized lots that are planted in macadamia nuts or used for pasture land. Many of these properties contain farm dwellings. The agricultural equipment building is surrounded on all sides except the north by the applicant's macadamia nut orchard. To minimize views of the existing structure from surrounding properties a condition of approval will require the applicant provide a landscape buffer on the north side of the special permit area. There is the potential that noise caused by employees and equipment going to and from the property will adversely impact surrounding neighbors. For that reason, a condition of approval will limit the hours of operation related to the telecommunication cable business to weekdays from 6:00 a.m. to 8:00 p.m., except during emergency outages. With the implementation of these two conditions, the requested use will not adversely affect surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the site is via private roadways. County water for the existing agricultural equipment building is provided by a 5/8-inch water meter and sewage is disposed of in an existing cesspool. Cellular telephone and electrical services are

available to the site as well. Expansion of the use beyond what currently exists is not proposed at this time; therefore the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. Since then the macadamia nut industry has become less profitable. In the 1990's C. Brewer subdivided and sold many of the surrounding properties that were planted in macadamia nuts. Several of the orchards have since been removed and replaced with pasture uses due to economic instability of the macadamia nut industry.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The subject property is currently planted in macadamia nuts, so is suited for agriculture. However, due to the low gate price of macadamia nuts it is not profitable to harvest the nuts at this time. The applicant intends to continue to maintain the orchard with some of the equipment used for the telecommunication cable business until macadamia nuts become profitable again.

(F) The use will not substantially alter or change the essential character of the land and the present use. The agricultural equipment building, which will be used to store dual-purpose agricultural and non-agricultural equipment, was constructed in 1999. All activities will occur within this existing structure and immediately surrounding area. No new construction or expansion is proposed and the existing macadamia nut orchard will remain. Therefore, the proposed use will not substantially alter or change the essential character of the land.

(G) The request will not be contrary to the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The project site is located in an area identified as Important Agricultural Land on the LUPAG Map. Important agricultural lands are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. The requested use is defined in the Zoning Code as a "contractor's yard for equipment, material, and vehicle storage, repair, or maintenance", which is considered a permitted use only in the limited and general industrial districts

(ML, MG). Although the requested use will not reduce the agricultural potential of this important agricultural land, the Planning Department believes this industrial-type land use would be better suited in the ML or MG zoning districts which are located in close proximity, approximately three miles away in Hilo town. Therefore, the Planning Department recommends limiting the life of the permit to five (5) years. This will provide sufficient time for the applicant to relocate the equipment, materials and activities associated with the telecommunication business to industrially-zoned lands.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management Program. The subject property is located outside of the Special Management Area about half a mile from the nearest coastline, above Māmalahoa Highway at an elevation of 300 feet mean sea level. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the properties distance from the shoreline, the request will not impact recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources. No historic properties exist on the property due to extensive cultivation of the land. Further, there is no evidence of valued cultural, historical or native resources, nor evidence of any traditional and customary Native Hawaiian rights being practiced on the site.

Based on the above considerations, approval of the request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The life of the permit shall not exceed a period of five (5) years from the effective date of this permit.
3. Within ninety (90) days from the effective date of this permit the applicant shall finalize all permits required by the Department of Public Works-Building Division.
4. A description of the 28,704-square foot permit area in map and written form by metes and bounds as certified by a registered surveyor shall be submitted to the Planning Department within ninety (90) days from the effective date of this permit. All activities associated with the proposed use shall be conducted entirely within the permit area.
5. Transportation of employees and equipment to and from the site related to the telecommunication cable business shall be limited to weekdays, between 6:00

a.m. and 8:00 p.m., except to assist public utility companies during emergency outages.

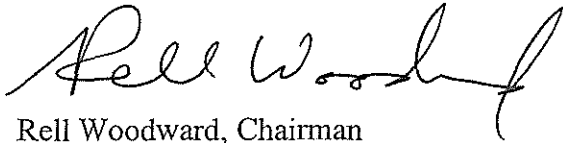
6. The applicant shall maintain agriculture as the primary use of the property.
7. A landscape buffer shall be established and maintained at a minimum height of ten (10) feet and minimum depth of four (4) feet along the northern property line to screen views of the special permit area from surrounding properties. The required landscaping shall be installed within ninety (90) days from the effective date of this permit.
8. All exterior lighting shall be shielded.
9. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
10. An initial administrative time extension 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.
11. Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may 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. Sidney T. Mizukami, Trustee
Sidney T. Mizukami Revocable Living Trust
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Should you have any questions, please contact the Planning Department at 961-8288.

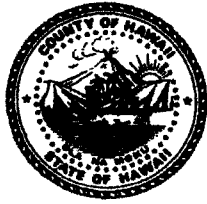
Sincerely,

A handwritten signature in black ink, appearing to read "Rell Woodward". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rell Woodward, Chairman
Windward Planning Commission

Lmizukamispp09-000096WWPC

cc: Mr. Jeffrey Melrose/Island Planning
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu
Mr. Gilbert Bailado



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
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JAN 20 2016

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

SUBJECT: Special Permit No. 09-000096
Applicant: Sidney T. Mizukami Revocable Living Trust
Request: Amendment to Allow for a 10-Year Time Extension for Parking,
Deploying, and Storing Non-Agricultural Equipment and
Materials Used for a Telecommunications Cable Installation
Business
Tax Map Key: 2-6-032:por. 015

The Windward Planning Commission, at its duly held public hearing on January 7, 2016, voted to approve the above-referenced request to amend Special Permit No. SPP-09-000096 for a 10-year extension to the life of permit to allow for the continued use of the property and existing agricultural building for the parking, deployment and storing of equipment and materials associated with a telecommunications cable installation business. The project site is located in the Wainaku Farms Subdivision, approximately 650 feet south of the intersection of Kulana Kea Drive and Kaohu Lehua Place, Wainaku, South Hilo, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.

2. The life of the permit shall not exceed March 24, 2025.
3. All activities associated with the proposed use shall be conducted entirely within the permit area accepted by the Planning Department by its May 14, 2010 letter.
4. Transportation of employees and equipment to and from the site related to the telecommunication cable business shall be limited to weekdays, between 6:00 a.m. and 8:00 p.m., except to assist public utility companies during emergency outages.
5. The applicant shall maintain agriculture as the primary use of the property.
6. A landscape buffer shall be established and maintained at a minimum height of ten (10) feet and minimum depth of four (4) feet along the northern property line to screen views of the special permit area from surrounding properties.
7. All exterior lighting shall be shielded.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements.
9. If the applicant should require an additional extension of time, the applicant shall submit their request to the Planning Commission for appropriate action.
10. Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke the permit.

[Note: Ramseyer version available upon request.]

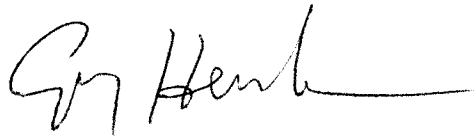
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Sidney M. Fuke
Planning Consultant
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Approval of this permit is based on the reasons given in the attached Findings Report

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8288, ext. 8136.

Sincerely,



Gregory Henkel, Vice-Chair
Windward Planning Commission

LSMizukamiAmendSPP09-096wpc

Enclosure: PC Findings Report

cc: Sidney T. Mizukami Revocable Living Trust
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
State Department of Transportation
Mr. Gilbert Bailado

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

SIDNEY T. MIZUKAMI REVOCABLE LIVING TRUST
SPECIAL PERMIT APPLICATION (SPP 09-000096)

Based on the below considerations, approval of the amendment to Special Permit No. 09-000096 to allow for a 10-year extension to the life of permit is approved.

SIDNEY T. MIZUKAMI REVOCABLE LIVING TRUST has submitted a request to amended Special Permit No. 09-000096 to allow for a 10-year extension to the life of permit to allow for the continued use of the property and existing agricultural equipment building and surrounding area for parking, deploying and storing non-agricultural equipment and materials used in the applicant's telecommunications cable installation business be approved on approximately 28,704 square feet of land within the State Land Use Agricultural District. The property is located in the Wainaku Farms Subdivision, approximately 650 feet south of the intersection of Kulana Kea Drive and Kaohu Lehua Place, Wainaku, South Hilo, Hawai'i, TMK: 2-6-032:015.

The applicant is requesting an amendment to Special Permit No. 09-000096 to allow for a 10-year extension to the life of permit to allow for the continued use of a 28,704-square foot portion of the 8.205-acre subject property and existing agricultural building for the parking, deployment and storing of equipment and materials associated with a telecommunications cable installation business. According to the original Special Permit (SPP) application, equipment stored on the site would include two bucket trucks, one digger truck, one flatbed truck, one equipment trailer, a compressor, and two cable trailers. Only the cable trailers would not be used for agricultural activities. All other equipment would be used on the subject property to prune the surrounding macadamia nut trees and to install piping and other agricultural-related improvements.

According to the original SPP application, nine full time employees work for Telecable Systems Inc. Only those employees needing to pick up materials or drive equipment come to the subject property, all other employees go directly to job sites around the island. The original SPP application requested the following hours of operation: 7:00 a.m. to 5:00 p.m. on weekdays.

Telecommunications equipment is also mobilized to assist public utility companies such as HELCO, Hawaiian Tel, and Time Warner Cable during emergency outages.

The grounds for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The project site will utilize only a 28,704-square foot portion of an approximately 8.205-acre parcel. The requested use is unusual because the applicant uses some

of the equipment associated with the telecommunication cable business to maintain the existing macadamia nut orchard and other agricultural properties in the area. Since all activities will be contained within the existing structure and nearby surrounding area the continued use is considered reasonable because existing agricultural activity on the property will not be adversely affected as demonstrated over the past 5 years by the continued macadamia nut cultivation and no evidence that this use has compromised the viability of agriculture on the property. Based on the minimal use of land for the requested use, the minimal impacts to existing or potential agricultural activities and the majority of the property to be maintained as a macadamia nut orchard, the subject request is considered an unusual and reasonable use of agricultural land.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i 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 Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Soils on the subject property are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and are classified as Prime Agricultural Land by the Department of Agriculture's ALISH Map. The continued use will not displace any existing agricultural activity or diminish the agricultural potential of the site because it will continue to take place in an existing agricultural equipment building and immediately surrounding area.

Additionally, the primary use of the property has been agricultural in nature as the applicant has and will continue to maintain a macadamia nut orchard on the majority of the parcel as required by Condition 6 of the SPP. Therefore, the proposed use will not adversely affect the preservation of the County's prime agricultural lands for agricultural use, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of agricultural lands. The requested use will not adversely affect the preservation and agricultural use of the County's prime agricultural land; thus, the request is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are zoned A-20a and consist of four- to twenty-acre sized lots that are planted in macadamia nuts or used for pasture land. Many of these properties contain farm dwellings, the closest of which is over 360 feet away from the permit area. The agricultural equipment building is surrounded on all sides except the north by the applicant's macadamia nut orchard. To minimize views of the existing structure from surrounding properties, the SPP required applicant provide a landscape buffer on the north side of the special permit area as a condition of approval (Condition 7). Compliance with condition 7 was acknowledged by a Planning Department letter on July 14, 2010 therefore that portion of the condition will be deleted from this amended permit.

The original SPP cited the potential for noise caused by employees and equipment going to and from the property to adversely impact surrounding neighbors. For that reason, Condition 5 of the original Special Permit limited the hours of operation related to the telecommunication cable business to weekdays from 6:00 a.m. to 8:00 p.m., except during emergency outages. To date, the Planning Department has not received any complaints about the approved use from surrounding property owners. With the completion of Condition 7, continued compliance with Condition 5 and lack of public complaints, the continued use will not adversely affect surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the site is via private roadways. County water for the existing agricultural equipment building is provided by a 5/8-inch water meter and sewage is disposed of in an existing cesspool. Cellular telephone and electrical services are available to the site as well. Expansion of the use beyond what currently exists is not proposed at this time; therefore the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964.

The Planning Commission originally limited the life of the permit to 5 years because they determined that the requested use is defined in the Zoning Code as a "contractor's yard for equipment, material, and vehicle storage, repair, or maintenance", which is considered a permitted use only in the limited and general industrial districts (ML, MG). Although the requested use has not reduced the agricultural potential of this important agricultural land, the Planning Commission believed that this industrial-type land use would be better suited in the ML or MG zoning districts located approximately three miles away in Hilo town. It was their belief that that 5-year time limit would be sufficient time for the applicant to relocate the equipment, materials, and activities associated with the telecommunication business to industrially-zoned lands.

However, there has been a gradual decline of adequate, available, industrially zoned properties in the City of Hilo as demand for such properties has increased. The County is in the process of updating its General Plan, which should identify appropriate areas to meet this demand, but that update is still several years out. In addition, there has been no Community Development Plan adopted for the area identifying additional, appropriate lands for industrial uses, therefore a continuation of this permit for an additional 10-years should provide time for additional industrial-type areas to be identified through the completion of these plans.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The majority of the subject property is currently planted in macadamia nuts, so it is suited for agriculture. Condition 4 of the original SPP required the applicant to provide a metes and bounds survey of the 28,704-square foot portion of the property designated as the "permit area", where the proposed, non-agricultural uses could take place. The

applicant complied with this requirement in May of 2010 and this amendment will reiterate the requirement which limits those non-agricultural uses within this designated area. As such. The continued use will not conflicted with the continued agricultural use on the remainder of the 8.205-acre property.

(F) The use will not substantially alter or change the essential character of the land and the present use. The agricultural equipment building, which has been used to store dual-purpose agricultural and non-agricultural equipment, was constructed in 1999. All activities have and will continue to occur within the existing structure and designated 28,704-square foot area. No new construction or expansion is proposed and the existing macadamia nut orchard will remain. Therefore, the continuation of this use will not substantially alter or change the essential character of the land.

(G) The request will not be contrary to the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The project site is located in an area identified as Important Agricultural Land on the LUPAG Map. Important agricultural lands are those with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors.

Given that the permit area will continue to utilize only a 28,704-square foot, non-cultivable portion of an approximately 8.205-acre parcel, the continuance of this permit will not be contrary to the General Plan.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management Program. The subject property is located outside of the Special Management Area about half a mile from the nearest coastline, above Māmalahoa Highway at an elevation of 300 feet mean sea level. There is no record of a designated public access to the shoreline or mountain areas traversing the property. Due to the properties distance from the shoreline, the request will not impact recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources. No historic properties exist on the property due to extensive cultivation of the land. Further, there is no evidence of valued cultural, historical or native resources, nor evidence of any traditional and customary Native Hawaiian rights being practiced on the site.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.