

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

BACKGROUND REPORT

TIRTHA LUITEL

SPECIAL PERMIT APPLICATION (PL-SPP-2024-000062)

TIRTHA LUITEL is requesting a Special Permit to allow the development and operation of a commercial parking lot on an approximately 18,000-square foot portion of a larger 98.2850-acre parcel in the State Land Use Agricultural District. The subject property is situated directly makai of ‘Akaka Falls State Park on the south side of ‘Akaka Falls Road, Honomū Homesteads, South Hilo, Hawai‘i, TMK: (3) 2-8-010:014 (por.).

APPLICANTS’ REQUEST

1. **Request:** The applicant is requesting a Special Permit to operate a 49-stall commercial parking lot for visitors to ‘Akaka Falls State Park. According to the application, an existing 11,500-square-foot concrete pad plus an additional concrete pad of 5,000 square feet will serve as the parking lot in the 18,000-square foot permit area. An automatic gate system is proposed for vehicular access and the applicant will provide a pedestrian gate for visitors to access ‘Akaka Falls State Park.
2. **Reason for Request:** According to the applicant, the existing parking lot at ‘Akaka Falls State Park is insufficient to handle the daily vehicular traffic of visitors, resulting in congestion and hazardous conditions due to overflow parking along ‘Akaka Falls Road. The applicant proposes to utilize an existing concrete area on the subject property for paid parking to alleviate the problem of roadside parking and pedestrian hazards.
3. **Staffing/Employees:** The parking lot will be operated by the applicant and an attendant, who will be present to manage the parking lot.
4. **Hours of Operation:** The parking lot is proposed to operate 7 days a week from 8:00 AM to 7:00 PM.
5. **Project Timetable and Cost:** The applicant anticipates completing construction within 6 months, at an estimated cost of between \$400,000 to \$500,000.
6. **Landowners:** Tirtha Raj Luitel, Danta Maya Luitel, Bhim Prasad Dhakal & Rishi Punnakhar Dhakal.

7. **Supportive Information:** A Special Permit is required to establish a commercial parking lot in the State Land Use Agricultural District. The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 1 – Special Permit Application dated January 11, 2024)**

BACKGROUND INFORMATION

8. **Agricultural-Based Commercial Operation (ABCO):** The Planning Department issued an ABCO certification on August 25, 2020, to allow one State of Hawai‘i licensed retail food establishment on the subject property. The ABCO certification approved two mobile food service trailers structurally connected by a covered platform deck under one state restaurant license on the portion of the property fronting ‘Akaka Falls Road and that 20 acres of the property would be used for productive agriculture including fruit, vegetable, herb and root crops. The Planning Department is in the process of rescinding this certification as the agriculture and the operation has not been established as of the date of this report. **(Planning Department Exhibit 2 – Agricultural-Based Commercial Operation Certification dated August 25, 2020)**

STATE & COUNTY PLANS

9. **State Land Use District:** Agricultural.
10. **General Plan Land Use Pattern Allocation (LUPAG) Map:** The General Plan LUPAG map classifies the subject property as Important Agricultural Land (ial) which refers to land that has better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors.
11. **County Zoning:** Agricultural-20 acres (A-10a).
12. **Hāmākua Community Development Plan (CDP):** The Hāmākua CDP, adopted by the Hawai‘i County Council via Ordinance 2018-078 in August 2018, designates the subject property as important agricultural land.
13. **Special Management Area (SMA):** The property is not within the County’s Special Management Area and is located approximately 3 miles mauka of the nearest shoreline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

14. **Subject Property and Permit Area:** The subject 98.2850-acre property is improved with a 11,500 square-foot concrete pad, located adjacent to the northeast property line and ‘Akaka Falls Road. Additionally, an existing 4-foot-tall fence on top of retaining walls is

located along the north, east and south property lines and an existing water catchment tank is located near the south property line. There are no existing structures on the remainder of the property.

15. **Surrounding Zoning/Land Uses:** Properties surrounding the subject property to the north and west are zoned Forest Reserve, while properties to the south are zoned Agricultural-20 acres (A-20a). The 464-acre property immediately to the east is zoned Family-Agricultural-1 acre (FA-1a) and is owned by the Department of Hawaiian Home Lands. Uses on surrounding properties consist of agriculture, single-family residential dwellings, and vacant, undeveloped lands. The closest residence to the proposed permit area is located approximately 0.25 miles to the south. 'Akaka Falls State Park is located on property just north of the subject property on lands zoned Forest Reserve and designated as Conservation by the State. The State Park is open from 8:30 AM to 5:00 PM.
16. **U.S.D.A. Soil Type:** Kaiwiki hydrous silty clay loam, with 0 to 10 percent slopes. This soil type is well drained, has a medium runoff class, and is considered prime farmland.
17. **Land Study Bureau's Detailed Land Classification System:** Soils within the 18,000-square foot permit area are classified as "C" or "Fair" for agricultural productivity with the remainder of the property classified as "D" or "Poor".
18. **Agricultural Lands of Importance to the State of Hawai'i (ALISH):** The 18,000-square foot permit area is located on a portion of the subject property classified as "Prime Agricultural Lands," with the remainder of the property classified as "Other" or "Unclassified."
19. **Flood Insurance Rate Map (FIRM):** The property is classified as Flood Zone "X," (Area of Minimal Flood Hazard) according to the FEMA Flood Insurance Rate Mapping system.
20. **Flora/Fauna Resources:** No formal flora/fauna study was submitted with the application. According to the applicant, vegetation on the subject property consists of areca palm, albizia, coconut palm, ti, hapu'u, octopus tree, swiss cheese plant, guinea grass, gunpowder tree and African tulip tree. In addition, animal species present include dove, Japanese White-eye, house finch and myna as well as domestic animals such as cats, dogs, goats, chickens and feral animals such as rats and pigs. The applicant states that there is a possibility that endangered or threatened species such as the Hawaiian Hawk and Hawaiian Hoary Bat are present on or near the subject property. As such, the applicant notes that

mitigation measures will be followed and, if necessary, consultation will occur with the Department of Land and Natural Resources -Division of Forestry and Wildlife (DOFAW).

21. **Archaeological/Cultural/Historical Resources:** No archaeological and cultural study was conducted as the permit area has been previously impacted by ground-disturbing activities associated with construction of the concrete pad, retaining wall and fences. The subject site is not adjacent and/or proximate to the shoreline, therefore gathering of marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. The applicant states that it is not known whether the permit area or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians.
22. **Public Access:** According to the applicant, there is no designated public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

23. **Access/Parking/Traffic:** Access to the subject property is from ‘Akaka Falls Road, a State-owned and maintained roadway with an approximately 30-foot-wide pavement. The applicant proposes to use an existing paved driveway, located approximately 200 feet south of the ‘Akaka Falls State Park parking lot, for access to the permit area. Additionally, the applicant will construct a gate to limit access to paying customers. According to the Hawaii Department of Transportation (HDOT), access driveway connection to ‘Akaka Falls Road (State Route 220) must meet all applicable engineering criteria set forth by the HDOT, Hawai‘i District, including design standards, sight distance requirements, and all necessary permits prior to any construction work. The applicant notes that existing traffic conditions may improve by providing a safer alternative to overflow parking that currently congests ‘Akaka Falls Road.
24. **Water:** The subject property is not served by the existing county water system, however, the applicant indicated that water is not necessary for the proposed parking lot use.
25. **Wastewater:** The subject property is not served by the existing county sewer system; thus, the applicant shall follow Department of Health (DOH) regulations for wastewater.
26. **Solid Waste:** According to the Department of Health (DOH), solid waste shall be properly recycled or disposed of at DOH-permitted solid waste facilities.
27. **Essential Utilities and Services:** Electrical, telephone and internet services are not currently available to the subject property, however the applicant does not expect to require

use of these utilities. The nearest fire and police stations are located in Hilo, approximately 10 miles from the subject property.

AGENCY COMMENTS

28. **State Department of Health: (Planning Department Exhibit 3 – February 2, 2024 Memo).**
29. **State Department of Transportation: (Planning Department Exhibit 4 – February 16, 2024 Letter).**
30. **State Office of Planning & Sustainable Development: (Planning Department Exhibit 5 – February 27, 2024 Letter).**
31. **Department of Finance - Real Property Tax: (Planning Department Exhibit 6 – January 30, 2024 Memo).**
32. **Department of Environmental Management: (Planning Department Exhibit 7 – February 8, 2024 Memo).**
33. **Department of Public Works – Engineering Division: (Planning Department Exhibit 8 – February 26, 2024).**

AGENCIES – NO COMMENTS/NO CONCERNS

34. Police Department, Department of Water Supply.

AGENCIES – NO RESPONSE

35. Land Use Commission, Department of Land and Natural Resources, Department of Agriculture, Fire Department.

APPLICANT’S RESPONSE TO AGENCY COMMENTS

36. **Planning Department Exhibit 9 – Applicant’s October 2, 2024 letter responding to comments from Department of Land and Natural Resources – Division of State Parks dated August 1, 2024.**

PUBLIC COMMENTS

37. **Planning Department Exhibit 10 – Mamolani King Testimony received by the Planning Department on April 1, 2024.**
38. **Planning Department Exhibit 11 – Megan Isaac Testimony received by the Planning Department on April 3, 2024.**

SPECIAL PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION (Type or legibly print the requested information)

APPLICANT(S): Tirtha Luitel

APPLICANT'S SIGNATURE: Tirtha Raj Luitel DATE: Jan 11 2024 10:31 PST

ADDRESS: 75-6111 Kaanee Place, Kailua-Kona, HI 96743

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 808-933-8570 (Res.) _____ (Email) luitel1969@gmail.com

REQUEST: To operate a parking lot

TAX MAP KEY: (3) 2-8-010:014 ZONING: A-20a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 98.285 acres / 0.4 acres

LANDOWNER(S): Tirtha Raj Luitel, Danta Maya Luitel, Bhim Prasad Dhakal & Rishi Punnakhar Dhakal

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

Tirtha Raj Luitel Jan 11 2024 10:31 PST Danta Maya Luitel DATE: Jan 09 2024 14:51 PST
Bhim Prasad Dhakal Jan 10 2024 17:14 PST Rishi Punnakhar Dhakal DATE: Jan 10 2024 17:13 PST

Note: The above written authorization of the landowner(s) gives permission for the applicant/petitioner to file the application/petition and acknowledges that the landowner(s) and their successors are bound by the Special Permit and its conditions.

AGENT: Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

**COUNTY BACKGROUND AND ENVIRONMENTAL REPORT
COUNTY SPECIAL PERMIT REQUEST
TIRTHA LUITEL
HONOMŪ, SOUTH HILO, COUNTY OF HAWAI‘I
TMK (3) 2-8-010: 014 LOT B**

TABLE OF CONTENTS

I.	INTRODUCTION	4
II.	PROJECT DESCRIPTION	4
3A.	Project Concept and Components	4
3B.	Subject Property Description	7
3C.	Institutional Considerations	7
i.	State Land Use	7
ii.	Special Management Area	13
iii.	County Zoning and General Plan.....	13
iv.	Hāmākua Community Development Plan	16
3D.	Surrounding Zoning and Land Uses	17
3F.	Archaeological Resources.....	17
3G.	Floral and Faunal Resources	17
3H.	Valued Cultural Resources	19
3I.	Public Access	19
3J.	Description of Access	20
3K.	Traffic Impacts	20
3L.	Availability of Utilities	20
III.	REGULATORY ANALYSIS.....	20
4A.	Coastal Zone Management	20
4B.	Impacts to Surrounding Properties.....	20
4C.	Impacts to Public Agencies	21
4D.	Unusual Conditions.....	21
4E.	Land Suitability for Permitted Uses.....	21
4F.	Land Character and Present Use	21
4G.	Relationship to General Plan	22
4H.	Unusual and Reasonable Use.....	22

FIGURES

Figure 1: Location Map	5
Figure 2: Site Plan.....	6
Figure 3: LUPAG Map.....	8
Figure 4: Land Study Bureau Map.....	9
Figure 5: Agricultural Lands of Importance to the State of Hawai‘i (ALISH) Map	10
Figure 6: Lava Hazard Zone Map	11
Figure 7: State Land Use Designation Map	12
Figure 8: County Zoning Map	14
Figure 9: FIRM Map	18

EXHIBITS

Exhibit A: Agricultural-Based Commercial Operation (ABCO) Approval Letter from the Hawai‘i County Planning Department

I. INTRODUCTION

Tirtha Luitel (“**applicant**”) is requesting a Special Permit to operate a paid parking lot for Akaka Falls State Park visitors on the 98.285-acre subject parcel identified as TMK (3) 2-8-010: 014 Lot B. The subject property is located at the end of Highway 220 (or Akaka Falls Road) on the *mauka* side, approximately 200 feet south of the Akaka Falls State Park parking lot (**Figure 1**).

Under the Special Permit request, the applicant intends to operate a forty-nine (49) stall parking lot for overflow parking from Akaka Falls State Park. An 11,500 square foot concrete pad is already developed on the property. An additional 5,000 square feet of concrete will be required to complete the parking lot. The total Special Permit area is proposed to be 18,000 square feet, or 0.4 acres.

The existing parking facility at Akaka Falls State Park is insufficient to handle the daily vehicular traffic of visitors. This inadequacy has led to overflow parking along Highway 220, resulting in hazardous conditions and congestion.

On August 25, 2020, the applicant was granted an Agricultural-Based Commercial Operation (ABCO) for a restaurant on the subject property (**Exhibit A**). Although a firm timeline for completion of the restaurant is not known, construction of the restaurant will likely take at least two years to complete. The purpose of this Special Permit Application is to utilize the existing concrete area on the subject property, with a small addition, to help alleviate the problem of roadside parking and pedestrian hazards along Highway 220 at Akaka Falls Park.

II. PROJECT DESCRIPTION

3A. Project Concept and Components

The applicant respectfully requests a Special Permit to operate a forty-nine (49) stall parking lot, including one (1) ADA stall for visitors of Akaka Falls State Park to help alleviate the issue of overflow parking on Highway 220. Construction of the permitted Restaurant will eventually reduce the total number of parking spaces by eight (8). Parking from that point onward would be shared between restaurant patrons and paid parking for Akaka Falls visitors. The proposed parking lot would utilize an existing 11,500 square foot paved area developed on the subject site with an additional 5,000 square feet of pavement to complete the lot. Users of the parking lot will be directed toward Akaka Falls Park along the subject property frontage to a pedestrian gate. Refer to **Figure 2** for site plan details.

The parking lot is proposed to operate 7 days per week from 8AM to 7PM. An automatic vehicular gate system is proposed for access and validation; however, an attendant will be present to manage the parking lot. Construction of the proposed parking lot is expected to be complete within six months of securing permissions. The total cost for the entire parking area is expected to be between \$400,000 and \$500,000.

*Ding No. 7-601
By: PK January 1945
Source: Tex. Maps Bureau & Survey Dept.*



Figure 1

3B. Subject Property Description

The subject site, identified as TMK (3) 2-8-010: 014 Lot B, consists of 98.285 acres of land zoned Agricultural 20-acres (A-20a). The subject property is located at the end of Highway 220 (or Akaka Falls Road) on the *mauka* side, approximately 200 feet south of the Akaka Falls State Park parking lot.

An 11,500 square foot concrete pad is developed adjacent to the northeast property line and Highway 220. In addition, an existing 4-foot-high fence on top of CRM retaining wall lies on the north, east, and south borders. Fencing extends west from the north and south border walls. A water catchment tank is also located near the southern property line.

The Land Use Pattern Allocation Guide (LUPAG) designates this land as *Important Agricultural Land* (**Figure 3**), and the Land Study Bureau (LSB) Overall Productivity Rating classifies the soil within the special permit area as “C” (fair) and “D” (poor) (**Figure 4**).

The U.S. Department of Agricultural Natural Resource Conservation Service (NRCS) has designated the soil within the special permit area as Kaiwiki hydrous silty clay loam, with 0 to 10 percent slopes (*2km42*). This soil type is well drained, has a medium runoff class, and is considered prime farmland. According to the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), the subject site has both prime agricultural land and other important agricultural land (**Figure 5**). Vegetable farming occurs on portions of the rest of the property.

The subject property lies within Lava Zone 8, on a scale ranging from 9 to 1 (least hazardous to most) (**Figure 6**). The site is approximately 3 miles from the coastline and is not within the Conservation District or Special Management Area.

Vegetation in the area consists of areca palm (*Dyopsis lutescens*), albizia (*Falcataria Moluccana*), coconut palm (*Cocos nucifera*), ti (*Cordyline fruticosa*), hapu‘u (*Cibotium menziesii*), octopus tree (*Schefflera actinophylla*), swiss cheese plant (*Monstera deliciosa*), guinea grass (*Megathyrsus maximus*), gunpowder tree (*Trema orientale*), and African tulip tree (*Spathodea campanulata*).

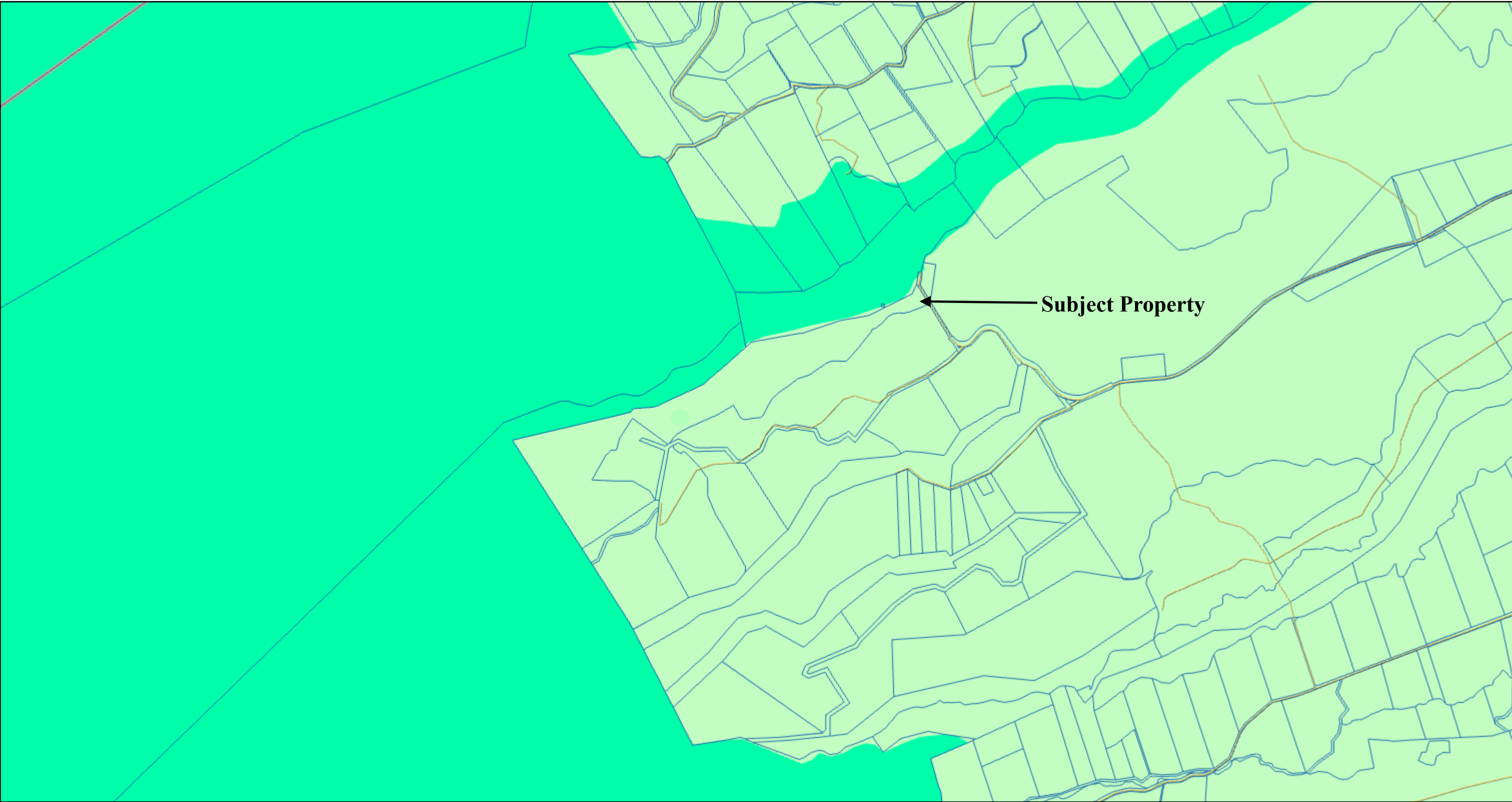
The Special Permit area will encompass approximately 18,000 square feet, or 0.4 acres including the parking lot and access driveway.

3C. Institutional Considerations

i. State Land Use

The subject site is designated State Land Use *Agricultural* (**Figure 7**), and the Special Permit area consists of 18,000 square feet. As such, no State Land Use Commission action is required. The County of Hawai‘i can process the Special Permit request.

Land Use Pattern Allocation Guide Map TMK (3) 2-8-010: 014 Lot B



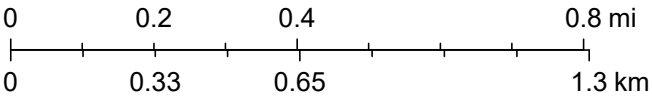
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Land Use Pattern Allocation Guide (LUPAG)

- Conservation
- Important Ag. Lands

- Parcels (current boundary lines)
- Street Centerlines
- Hawaii County District Boundary

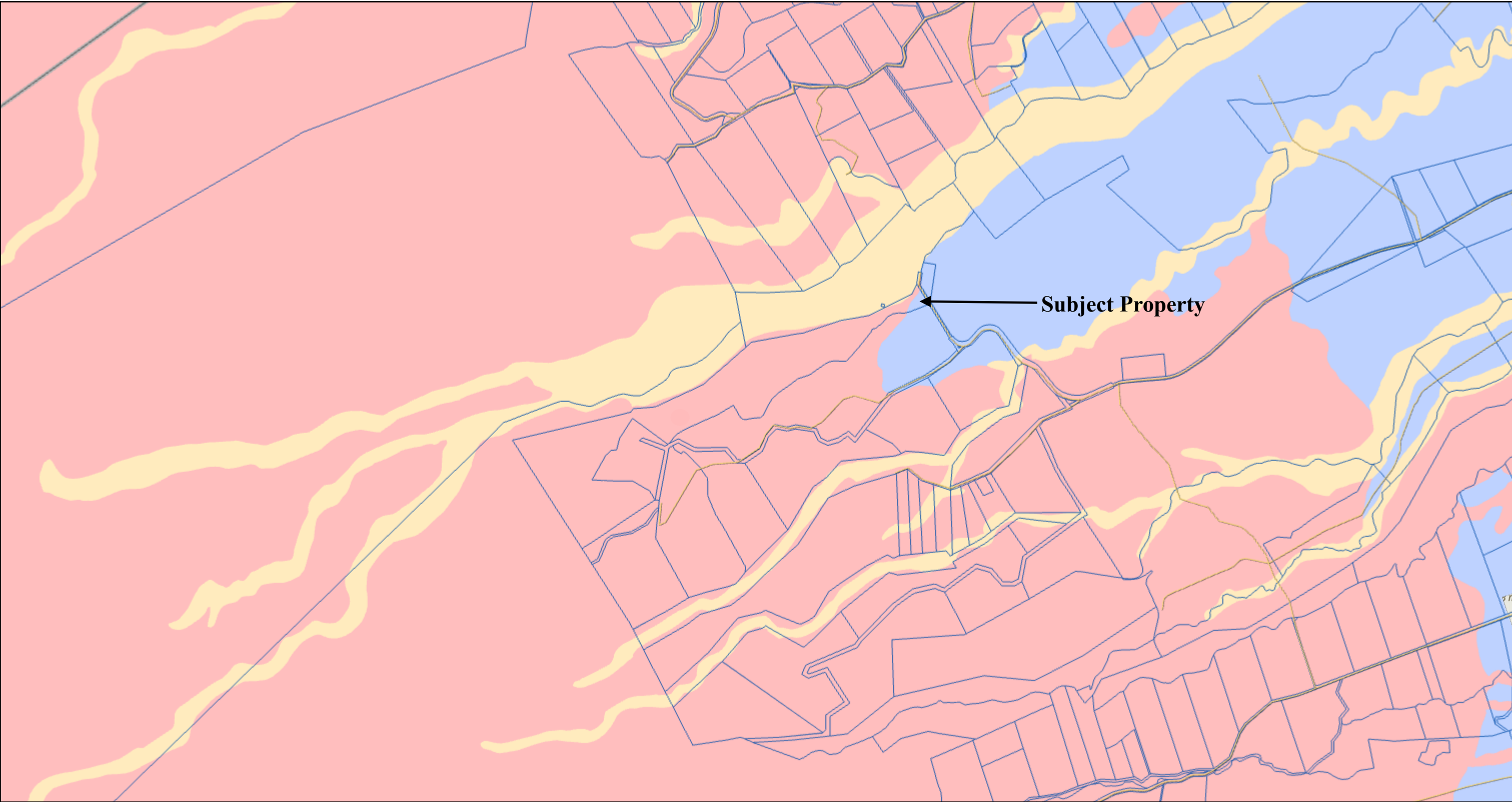
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Figure 3

Land Study Bureau (LSB) Overall Productivity Map TMK (3) 2-8-010: 014 Lot B



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Land Study Bureau Soil Type (LSB)

C

D

E

Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary

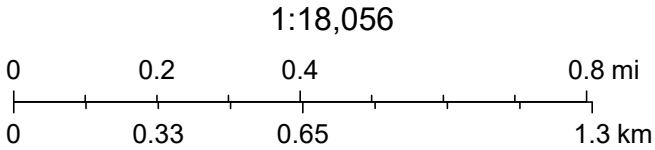
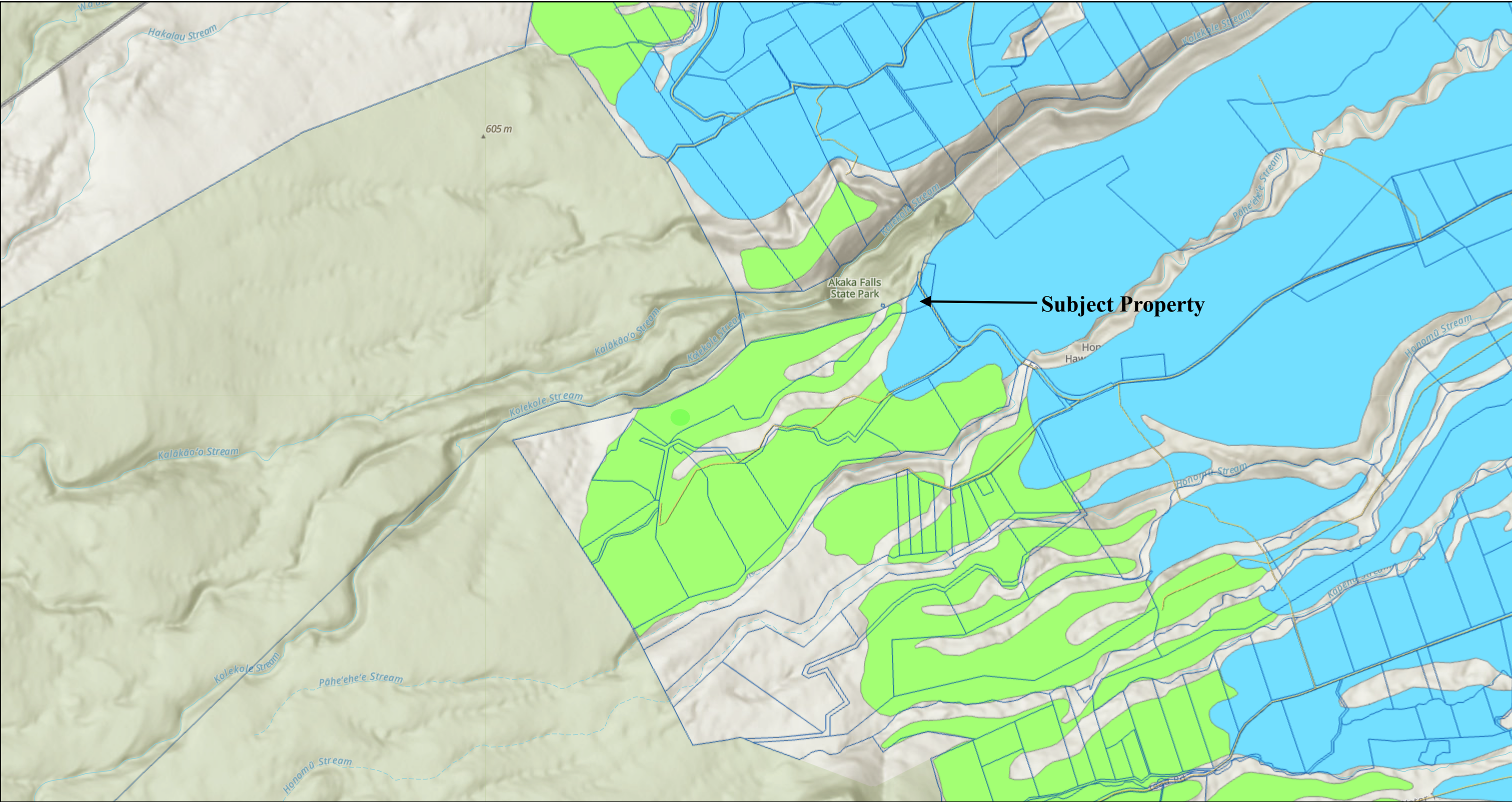


Figure 4

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Agricultural Lands of Importance to the State of Hawaii (ALISH) TMK (3) 2-8-010: 014 Lot B



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Agricultural Lands of Importance to the State of Hawaii (ALISH)

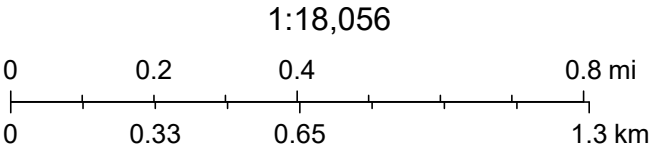
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3

Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary



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Figure 5

Volcanic Hazards Map TMK (3) 2-8-010: 014 Lot B

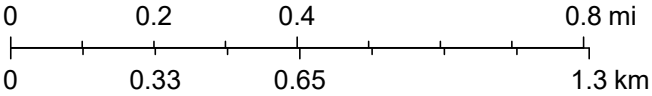


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Volcano Hazard Zones

- 8
- Parcels (current boundary lines)
- Street Centerlines
- Hawaii County District Boundary

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Figure 6

State Land Use Map TMK (3) 2-8-010: 014 Lot B



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State Land Use Classifications (SLU)  Parcels (current boundary lines)

 Agricultural

 Conservation

 Street Centerlines

 Hawaii County District Boundary

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0 0.2 0.4 0.8 mi
0 0.33 0.65 1.3 km

Figure 7

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In recognizing that lands within agricultural districts might not all 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, Hawai‘i Revised Statutes Chapter 205-6 allows County Planning Commissions to permit certain unusual and reasonable uses within the agricultural and rural districts other than those for which the district is classified.

ii. Special Management Area

The subject property is approximately 3 miles inland from the coast and is outside of the Special Management Area.

iii. County Zoning and General Plan

The subject property is zoned *A-20a* (**Figure 8**). The County General Plan LUPAG map designates the parcel as *Important Agricultural Lands*. Relative to this designation, the General Plan allows consideration for a “Special Permit” on agricultural land where the requested use meets certain criteria as outlined in Section 4 of the permit application and Chapter 205 of the Hawai‘i Revised Statutes as amended.

General Plan Discussion

The Hawai‘i County General Plan serves as a guide for decision-makers in land use matters. It provides direction for balanced growth in the County. The proposed action will retain the essential character of the land and will be consistent with the surrounding area and with the goals, policies, and standards of the General Plan document.

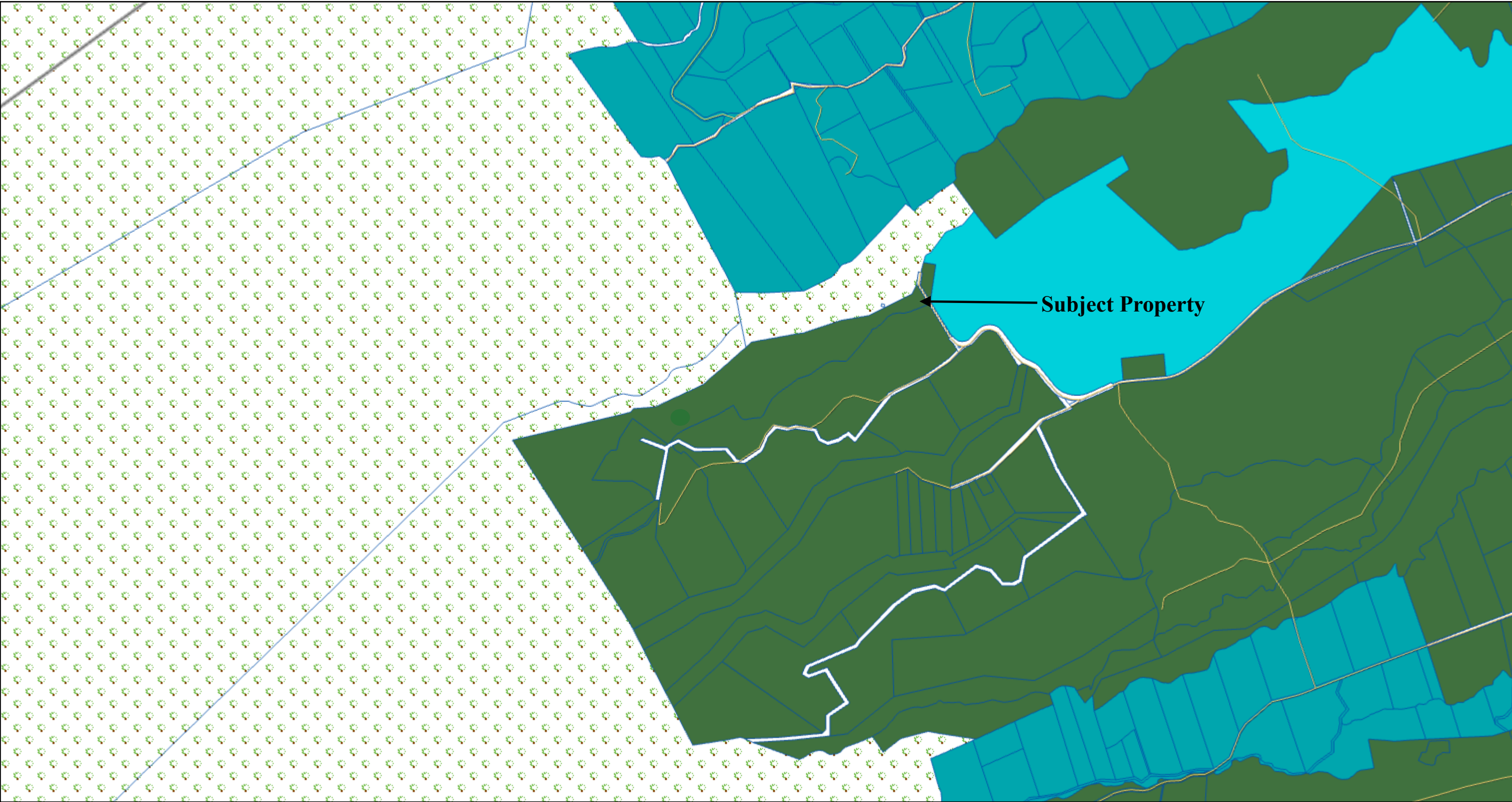
The proposed parking lot would support the **economy** through the purchase of construction materials and labor from on-island suppliers. This will stimulate and support the general economic stability and development of Hawai‘i Island by allowing for local businesses to thrive and gain income from the proposed project. In the long-term, establishing a paid parking lot will provide the applicant the opportunity to provide a valuable service to the public, while supporting the operation of an essential State Park in the area. The addition of a safe parking lot will enhance the visitor experience of Akaka Falls.

The project would not provide adverse effects on the **environment** or the natural resources of the region. The General Plan identifies five (5) areas of environmental concerns – air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not be contrary to any of these objectives.

The project will not require the use of power and thus will be **energy** efficient.

The proposed action will have minimal impact on **air pollution** levels. There may be a modest increase in vehicular emissions during the laying of concrete for the parking lot, with exhaust and dust as the main sources of short-term air pollutants.

Hawaii County Zoning Map TMK (3) 2-8-010: 014 Lot B



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Hawaii County Zoning

	A-20a		Parcels (current boundary lines)
	(road)		Street Centerlines
	A-10a		FR
			Hawaii County District Boundary

0 0.2 0.4 0.8 mi
0 0.33 0.65 1.3 km

Figure 8

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Rules and regulations outlined in Hawai'i Administrative Rules Chapter 59 "Ambient Air Quality," and Chapter 60.1 "Air Pollution," will be followed during all construction and operation activities. HAR §11-60 on Fugitive Dust prohibits visible emissions of dust from construction activities. These regulations will be strictly followed to prevent dust impacts to Highway 220. In addition, reasonable measures to control airborne and visible fugitive dust from road areas are outlined by the Department of Health's Clean Air Branch. These measures include, but are not limited to:

- Focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact.
- Providing adequate water sources at the site prior to start-up of construction activities.
- Minimizing airborne, visible fugitive dust from shoulders, and access roads.
- Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities.

Long term traffic generation, and thus vehicular emissions, will be limited to forty-nine (49) vehicles during operating hours. The project's sole purpose is to create parking spaces for vehicles already destined for Akaka Falls State Park, which currently park in undesignated spots along Highway 220. Vehicular trips are expected to stay the same as they exist today. The project is therefore not expected to increase emissions or **noise** in the area during operation.

No impacts are anticipated to **water quality**. The special permit area is already cleared and graded. A 11,500 square foot paved area already exists on site. The project proposes to add approximately 5,000 square feet of pavement to complete the lot. Construction Best Management Practices (BMPs) will prevent impacts from stormwater runoff. No impacts are expected to the Akaka Falls waterway located north of the subject site.

In addition, the low-impact and small-scale nature of the request will not impact **soil** quality on site.

No significant **visual impacts** are expected to occur as the parking lot is low-lying in nature. In fact, visual impacts may improve since organized parking spaces will be provided off Highway 220.

No **hazardous materials** will be required for this project. A 5,000 square foot concrete pad is the only proposed development.

With regards to **flooding**, The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Flood Zone "X" (areas outside of the 500-year flood).

With regards to **historic sites**, although no commissioned archaeological survey of the site was conducted, it is highly unlikely that any historic sites would be found in the special permit area of the property. This area has been previously cleared, graded, and

partially paved with concrete. However, in the event any archaeological or historical features are found, all activities will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes.

The General Plan also emphasizes that developments be mindful of an area's **natural beauty**. The parcel is located roughly 3 miles from the coast and has no access to mountainous regions. The project will have no impact to Akaka Falls State Park.

Coastal resources and access will not be impacted since the subject property is not adjacent to the shoreline.

The proposed parking lot would offer paid parking spaces to members of the public for use when visiting Akaka Falls State Park, which aligns with the goal of providing **public facilities** that effectively service community needs, while remaining in keeping with the environmental and aesthetic concerns of the area.

Given the above, the project specifically fulfills the following pertinent **land use** goals, policies, and standards of the General Plan:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*
- *Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.*

The proposed project is the most desirable use of land, with an immediate need to improve the safety conditions on Highway 220. The parking lot will be consistent with the character of the surrounding area and will not result in an intensity of land use that is no higher than what is permitted by the existing zoning. In view of the foregoing goals and policies, it is noted that the requested Special Use Permit would not be contrary to the County General Plan.

iv. Hāmākua Community Development Plan

Community Development Plans are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they serve as important framework for a community's intended outcome and vision and are often used as forum for community input of land-use, availability of public resources, and overall development. The proposed project aligns with the following objectives of the Hāmākua Community Development Plan (HCDP).

1.7.1 Community Objective

Objective 2: Protect and restore viable agricultural lands and resources. Protect and enhance viewscales and open spaces that exemplify Hāmākua’s rural character.

Discussion: The proposed parking lot will not alter the essential character of the land or impede on the agricultural potential of the property. The project is small-scale and will have a very low impact on the area. Viewscales may improve under the request as it will increase organized and consolidated parking, thereby reducing the congestion of both moving and parked vehicles along Highway 220.

3D. Surrounding Zoning and Land Uses

The subject property is zoned A-20a. Properties to the South and East are also zoned A-20a. Forest Reserve (FR) and A-10a lie to the north. The parcel on the *makai* side of Highway 220 is zoned FA-1a. All properties in the area are therefore agricultural in nature, aside from Akaka Falls State Park, which is Conservation land.

3E. Flood Insurance Rate Map

The Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) designates the subject property to be in Flood Zone X (areas outside of the 500-year floodplain) (**Figure 9**). The applicants have not experienced any drainage or flooding issues on site.

3F. Archaeological Resources

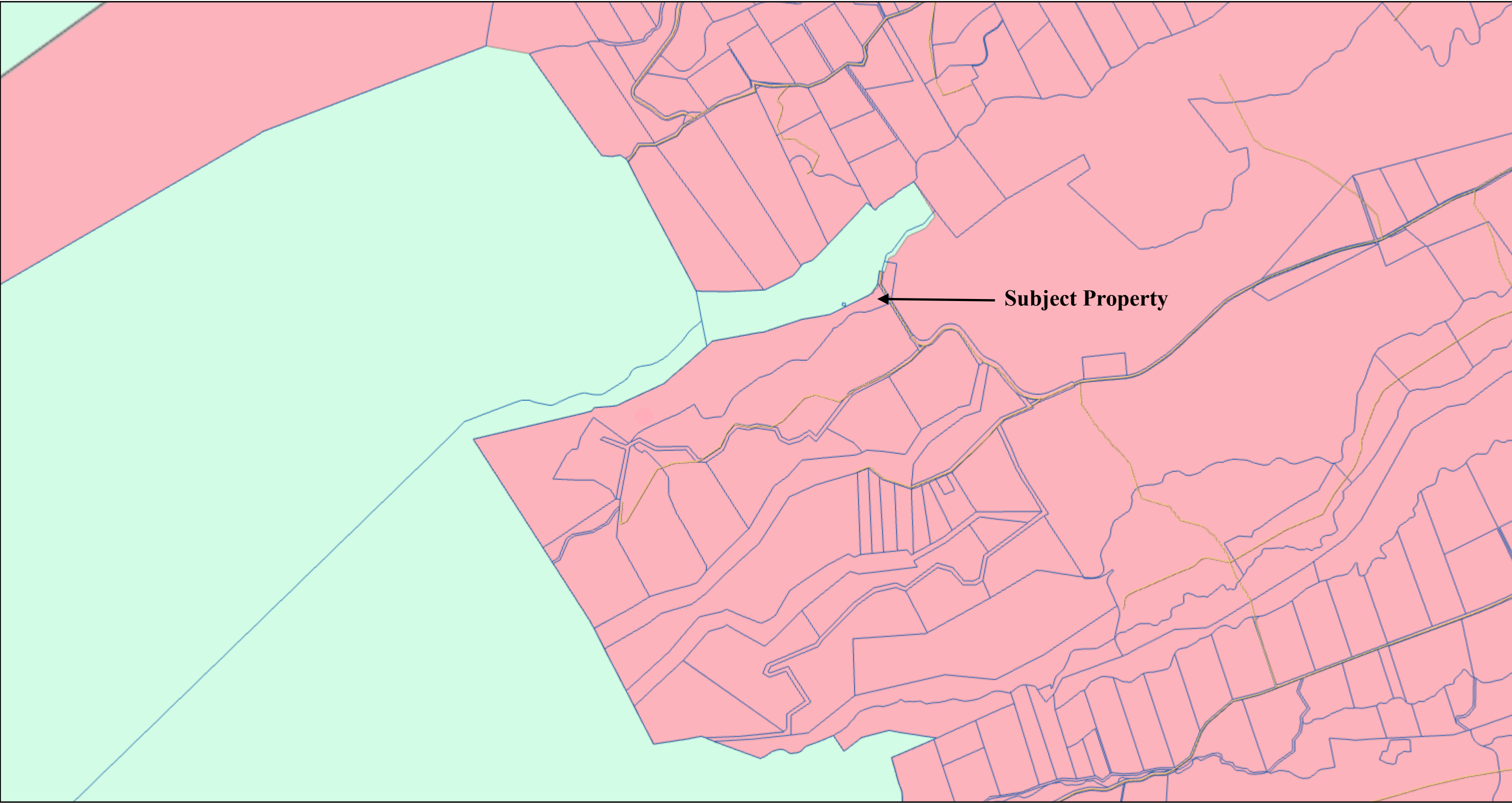
The applicant does not believe any archaeological resources will be encountered on the subject property since the Special Permit area has been previously cleared, graded, and partially paved with concrete. However, in the event any inadvertent discoveries are made during any land disturbance activity relating to this project, work will cease, and the applicant will immediately notify the Planning Department and State Historic Preservation Division to secure their clearances before proceeding further.

3G. Floral and Faunal Resources

No professional survey of the flora and fauna was done on the property; however, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found on site.

Vegetation in the area generally consists of areca palm (*Dyopsis lutescens*), albizia (*Falcataria Molluccana*), coconut palm (*Cocos nucifera*), ti (*Cordyline fruticosa*), hapu‘u (*Cibotium menziesii*), octopus tree (*Schefflera actinophylla*), swiss cheese plant (*Monstera deliciosa*), guinea grass (*Megathyrsus maximus*), gunpowder tree (*Trema orientale*), and African tulip tree (*Spathodea campanulata*).

Flood Hazard Zone Map TMK (3) 2-8-010: 014 Lot B



11/11/2023, 1:22:56 PM

National Flood Hazard Layer Flood Zones

D
X

Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary

1:18,056

0 0.2 0.4 0.8 mi
0 0.33 0.65 1.3 km

Figure 9

Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, Esri, NASA, NGA, USGS, County of Hawaii IT Department

Introduced bird species such as dove, Japanese white-eye, house finch, and myna are all common in the area. Domestic animals such as cats, dogs, chickens, goats, and other animals such as feral rats and pigs are also common and not considered endangered.

It is also possible for the endangered Hawaiian Hoary Bat (*Lasiurus cinereus semotus*), and the formerly endangered Hawaiian Hawk (*Buteo solitarius*) to fly over, roost or utilize resources near the property. The potential presence of native endangered birds in the area means the applicant will commit to mitigating measures if necessary. Hoary bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed or removed. If this cannot be avoided, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or 'Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first.

The movement of plant or soil material between worksites, such as fill, must be minimized. Soil and plant material may contain invasive fungal pathogens such as Rapid 'Ōhi'a Death (ROD), vertebrate and invertebrate pests such as Little Fire Ants (*Wasmannia auropunctata*), or invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned, and sprayed with 70% alcohol solution to prevent the spread of ROD and other harmful fungal pathogens. If any material removed from the site is moved to areas without fire ants or ROD, the material will be inspected and treated if necessary.

3H. Valued Cultural Resources

In view of the Hawai'i Supreme Court's "PASH" and "Ka Pa'akai O Ka 'Aina" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this site.

No known archaeological sites, historical, or cultural resources are known to be located on the property. It is not known whether the subject site or immediate area was ever used for traditional and customary rights by native Hawaiians. Given that the special permit area has already been cleared, graded, and partially paved with concrete, it would appear very unlikely that the site would serve such a purpose today and/or in the recent past. Thus, the project does not appear to present any cultural impacts. However, in the event documented claims of gathering or access are made of this site the applicant will honor them.

3I. Public Access

The subject parcel is not adjacent to or near any shoreline or mountainous areas, therefore public access will not be impacted by the request.

3J. Description of Access

Access to the subject property is off State Highway 220 approximately 200 feet south from the Akaka Falls State Park parking lot via an existing driveway, which leads to the existing concrete pad. A gate will be constructed to limit access to paying customers.

3K. Traffic Impacts

The proposed parking lot would allow forty-nine (49) vehicles to park on site daily between 8:00 a.m. and 7:00 p.m. The project is not expected to increase traffic in the area, but to provide a safer alternative to overflow parking that currently occurs on the side of Highway 220. Therefore, traffic conditions are expected to improve under the request.

Traffic to the subject site is not expected to cause significant impacts to roads. Highway 220 is a State-owned highway that is in good condition and is well maintained.

3L. Availability of Utilities

The subject site does not have electricity, water, or wastewater. However, none of these utilities will be required under the Special Permit request. The paved area for the parking lot is already developed and will remain unchanged under the proposed action.

III. REGULATORY ANALYSIS

4A. Coastal Zone Management

The proposed use is not contrary to Chapter 205A, Coastal Zone Management as the subject parcel is approximately 3 miles inland from the shoreline. The project will therefore not be impacted by coastal hazards, affect erosion, coastal ecosystems, or marine resources. There is no public access, scenic or open space resources that will be impacted by the project.

4B. Impacts to Surrounding Properties

Noise

Noise is not expected to change under the proposed action. The main sources of noise in the area are from visitors and vehicular traffic. The project's purpose is to create parking spaces for vehicles already destined for Akaka Falls State Park, which currently park along Highway 220. Vehicular trips and number of visitors are therefore expected to stay the same as they exist today.

Traffic

The proposed parking lot would allow forty-nine (49) vehicles to park on site daily between 8:00 a.m. and 7:00 p.m. The project is not expected to increase traffic in the area

but would provide a safer alternative to overflow parking that currently occurs on the side of Highway 220. Therefore, traffic conditions in the area are expected to improve under the request.

4C. Impacts to Public Agencies

The proposed project will not unreasonably burden public agencies to provide roads, streets, sewers, water, drainage, school improvements, and police and fire protection.

4D. Unusual Conditions

Hawai'i Revised Statutes §205-6 allows the County Planning Commission to permit certain unusual and reasonable uses within the Agricultural and Rural districts, acknowledging that lands within agricultural districts might not be best suited for agricultural activities.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The subject property is located within the Agricultural district. The special permit area of the site is classified by the Land Study Bureau Overall Master Productivity Rating as "C" (fair) and "D" (poor). However, the soil type is considered prime farmland according to the NRCS.

The special permit area will only encompass approximately 18,000 square feet at the front of the subject site. The low-impact and small-scale nature of the request will not hinder the agricultural potential of the site.

4E. Land Suitability for Permitted Uses

The project proposes to use an existing 11,500 square foot paved area on site with the addition of 5,000 square feet of concrete to complete the parking lot. This modest request will not substantially alter or change the essential character of the land.

According to the Land Study Bureau Overall Master Productivity Rating, the special permit area of the site is classified as "C" (fair) and "D" (poor). However, the soil type and ALISH designate the site as prime farmland. The low-impact nature of the project means that granting this request would not have a negative impact on the agricultural potential of the site.

4F. Land Character and Present Use

The proposed use will not substantially alter or change the essential character of the land. The proposed Special Permit area would encompass 18,000 square feet. The requested use intends to utilize a portion of the property, which has a Land Study Bureau rating of "C" (fair) and "D" (poor), to complement the agricultural use of the property in a manner that is unusual, reasonable, and mutually beneficial to both.

Therefore, the Special Permit request does not intend to alter the essential character of the land, but rather to realize its potential through the addition of an unusual, yet compatible, and reasonable use that will have a positive impact on the surrounding community.

4G. Relationship to General Plan

The proposed use will not be contrary to the goals, policies, and standards of the General Plan or the Hāmākua Community Development Plan. Further, as discussed in Section 3C, the proposed use conforms to the General Plan’s economic, environmental, and land use goals and policies, including the following:

Economic Element

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County’s natural and social environments.

Public Facilities Element

- Encourage the provision of public facilities that effectively service community and visitor needs and seek ways of improving public service through better and more functional facilities in keeping with the environmental and aesthetic concerns of the community.

Land Use Element

- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Discussion: Approval of the requested Special Permit would be in line with the economic, public facilities, and land use goals and policies of the General Plan. The project would allow the applicant to operate a forty-nine (49) space parking lot for Akaka Falls State Park visitors to alleviate traffic conditions on Highway 220. The project would therefore provide an essential public facility that would benefit the community and surrounding area without hindering the agricultural potential of the land.

4H. Unusual and Reasonable Use

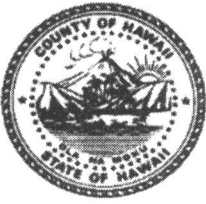
The proposed use is an unusual and reasonable use of the land, which would not be contrary to the objectives sought by the Land Use Law and Regulations, which for the Agricultural District, seek to preserve or keep the land of high agriculture potential in agriculture use.

Lands in the Agricultural District include areas with high capacity or potential for agricultural uses but also lands which are surrounded by or contiguous to agricultural lands, and which are not suited to agricultural uses by reason of topography, soils, or other related characteristics.

The parking lot would be located on land that is not well suited for commercial agricultural use as it is classified by the Land Study Bureau Overall Productivity Rating as “fair” and “poor.”

Approval of this Special Permit would enable the applicant to optimize the overall use of the land by establishing a forty-nine (49) stall parking lot for visitors of Akaka Falls State Park to use. The current parking lot for Akaka Falls is inadequate to accommodate the high number of visitors each day. Overflow parking occurs along Highway 220, which creates pedestrian safety concerns and traffic congestion. The subject property is located adjacent to the Akaka Falls State Park entry gate and has an existing 11,500 square foot paved area that could serve as extra parking for visitors. With the minimal addition of 5,000 square feet of concrete, a substantial number of vehicles could be accommodated on site to alleviate parking and traffic concerns in the area.

Therefore, the subject property is a reasonable and ideal setting for the parking lot, it would not adversely impact the agricultural land inventory in the County of Hawai‘i and would not be contrary to the intent and purpose of the State Land Use Law.



County of Hawai'i Planning Department

www.hiplanningdept.com · planning@hawaiicounty.gov

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Phone (808) 961-8288 · Fax (808) 961-8742

West Hawai'i Office · 74-5044 Ane Keohokālole Hwy · Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770 · Fax (808) 327-3563

AGRICULTURAL-BASED COMMERCIAL OPERATION CERTIFICATION

Agricultural-based commercial operations are allowed in the County of Hawai'i on lands classified within the State Land Use AGRICULTURAL district. The state law, **Hawai'i Revised Statutes (HRS) section 205-2(d)(15)** states:

'(d) Agricultural districts shall include:

....(15) Agricultural-based commercial operations registered in Hawaii, including:

- (A) *A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i;*
- (B) *Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawai'i, value-added products that were produced using agricultural products grown in Hawai'i, logo items related to the producer's agricultural operations, and other food items; and*
- (C) *A retail food establishment owned and operated by a producer and permitted under Title 11, Chapter 12 of the rules of the Department of Health that prepares and serves food at retail using products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i.*
- (D) *A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and*
- (E) *A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.*

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meets the requirements of this paragraph.'

CERTIFICATION: I, Tirtha Raj Luitel & Suresh Neupane, CERTIFY THAT I HAVE READ THE ABOVE AND THAT THE AGRICULTURAL PRODUCTS DISPLAYED OR SOLD BY THIS OPERATION MEET THE REQUIREMENTS OF HRS SECTION 205-2(d)(15). I AM THE AGRICULTURAL PRODUCER WHO OWNS AND OPERATES THIS AGRICULTURAL-BASED COMMERCIAL OPERATION. I HAVE A COPY OF THIS SIGNED CERTIFICATION.

<u>Tirtha Raj Luitel & Suresh Neupane</u> Owner/Producer/Operator's Name (print)	<u>[Signature]</u> Owner/Producer/Operator's Signature
TMK: <u>(3)2-8-010-014 h + B</u>	Date: <u>10/28/19</u>
Phone number: <u>(508) 310-3364</u>	Email: <u>huitel1969@gmail.com</u>

(over)

Planning Dept.
Exhibit 2

SCANNED
NOV 10 2019
By: 129106

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PLANNING DEPARTMENT
COUNTY OF HAWAII

If the operator cannot meet the requirements of HRS sec. 205-2(d)(15), a Special Permit is required. Contact Planning Division staff at (808) 961-8288 for additional information about the Special Permit application process.

Landowner(s): (print)	<u>Suresh Neupane; Tirtha Raghunath</u>
Landowner(s): (sign)	<u>[Signature]</u>
Location	
(Address):	<u>Akaka Falls Road-TMK (3) 2-8-010:014 lot B</u>
Description of Agricultural-based Commercial Operation (Type of activity; type and size of structures; days/hours of operation; expected number of vehicles; number of off-street parking stalls, ADA parking, etc.):	<u>Mobile food service park and 20 acres of crops. 2 mobile food trucks, 10 portable tables, 2 portable restrooms, 20x8 storage container, and 15 parking stalls (1 ADA). Future horseback riding, trail rides. Open 8am-6pm, 7 days week. Expected 20 cars per day.</u>
Primary Hawaii-Grown Agricultural Products Promoted:	<u>coffee, banana, pineapple, coconut, sugarcane, avocado, taro, lettuce, cabbage, corn, cucumber, zucchini, lili koi, various herbs & roots (ginger) using on the plate lunches and a select few sold in raw form.</u>
Other Information:	<u>Please see narrative attached.</u>

Clearance (To be completed by Planning Department):			
SLU: _____	Zoning: _____	Size of Property: _____	District: _____
☐ ALLOWED	☐ NOT ALLOWED: SPECIAL PERMIT REQUIRED		
Comments: _____			

Planning Department Reviewer: _____		Date: _____	

Agricultural-related Activities: (please answer the following questions on a separate page)

1. Describe in detail, the Agricultural activity you want to operate on your property.
2. Is owner/operator growing or raising Agriculture on the subject property or on other property owned or leased? List what is grown.
3. Will owner/operator sell what is grown or raised in its raw form? List what will be sold.
4. Will the owner/operator process, package, sell what is grown on the premises?
5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.
6. Will owner/operator use what is locally grown or raised by others in creating/ serving the commercial product? List all ingredients.
7. Will the owner/operator need to use ingredients or serve items that are not locally grown?
8. Will owner/operator create and sell value-added products on the premises? List items.
9. Will owner/operator sell logo items related to the ag operations and other food items? List items.
10. What type of structure will be built for your business operation?
11. Is a retail food establishment permit required from DOH? If Yes, Certification required that you are in compliance with DOH rules.
12. If proposing Ag-based Commercial Operation what type of operation are you proposing?

FOR STAFF USE ONLY:

Categories:

- ☐ Determination: Ag-Processing Minor
- ☐ Determination: Ag-Processing Major
- ☐ Determination: Ag-Tourism
- ☐ Determination: Special Permit
- ☐ Determination: Ag-based Commercial (A) Roadside stand (Sell Ag products grown in HI & valued- added products using locally-grown)
- ☐ Determination: Ag-based Commercial (B) Retail activities in Enclosed structure (Sells Ag products grown in HI, value-added, logo, food)
- ☐ Determination: Ag-based Commercial (C) Retail Food Establishment (prepare/serve food in facility approved by DOH)
- ☐ Determination: Ag-based Commercial (D) Farmers' Market
- ☐ Determination: Ag-based Commercial (E) Food Hub

Description of Agricultural-Based Commercial Operation

1. Describe in detail, the agricultural activity you want to operate on your property.

The subject property is a 98.285 acre parcel which is located on Akaka Falls Road in the agricultural use district and adjacent to Akaka Falls State Park. The property is presently undeveloped and no agriculture is produced at this time. The owners are proposing to establish a mobile food service park on the portion of the property that fronts Akaka Falls Road and to agriculturally develop twenty acres of the land with fruit, vegetable, herb and root crops.

The food service park establishment will encompass approximately one acre of land fronting Akaka Falls Road and will consist of two mobile food trucks, ten portable dining tables with umbrellas, one future 20'x8' multi-purpose storage container, a trash dumpster enclosure on a concrete pad, one standard portable restroom with sink and one ADA portable restroom with sink, and fifteen paved parking stalls including one ADA van accessible stall.

It is projected the food service park will be open seven days a week with hours of operation from 8am – 6pm.

Horseback riding tours of the property are planned in the future. The owners plan to have horseback riding tours of the agricultural growing area and other portions of the property. The horses will be pastured on the property.

2. Is the owner/operator growing or raising agriculture on the subject property or on other property owned or leased? List what is grown.

No agriculture is grown on the property at this time, however the owners plan to grow the following crops: banana, coffee, papaya, pineapple, coconut, sugarcane, avocado, taro, lettuce, cabbage, corn, cucumber, carrot, zucchini, green bean, cilantro, Lili koi, mint, turmeric, cilantro, and ginger.

3. Will the owner/operator sell what is grown or raised in its raw form? List what will be sold.

Some of the fruit grown on the property will be sold in raw form which will include but is not limited to pineapple, papaya, Lili koi and banana.

4. Will the owner/operator process, package, and sell what is grown on the premises?

Most of the fresh fruit and vegetables grown on the premises will be used for preparing meals, deserts and beverages such as juices and smoothies, but the crops will not be processed and sold in packaging.

5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.

The owners will use most of the fruits and vegetables grown on the premises to provide the ingredients for meals, deserts and beverages that will be prepared and served from the mobile food service trucks. Products served will include breakfast dishes and plate lunches, salads, snacks, deserts, fruit juices and smoothies.

Menu items include but are not limited to:

Snacks - samosas, green bean fries, grilled corn

Garden Salad - local greens and assorted vegetables

Akaka Wrap – pineapple fried rice, local fish on wrap or with noodles

Poke Taco – local fish

Sandwiches – assorted meat and veggies

Grilled fish – local fish, rice, green salad
Burgers – beef and veggies on bread
Fresh Fruit Platters – various fresh fruits
Breakfast – bacon, eggs, rice, garden salad

6. Will owner/operator use what is locally grown or raised by others in creating/serving the commercial product? List all ingredients.

Prior to and once the crops are producing, if the fruits and vegetables grown on the premises are not at any time sufficient to provide for the food truck menu, the owners are planning to purchase the crops listed above from local farmers.

Local Fruits & Vegetables from Honaunau Market Inc. – (808) 329-1365

7. Will the operator need to use ingredients or serve items that are not locally grown?

The owners will supplement locally grown fruits and vegetables with specialty Indian spices, sugar, rice, and bread and noodle products as well as fish, meats, eggs and dairy products which are not locally grown.

8. Will owner/operator create and sell value-added products on the premises? List items.

The owners will sell canned Kona coffee and Dole Soft Serve Whip products.

Dole Soft Serve Whip Machine from Dole Food Company Hawaii – Hilo products – (808) 935-1106

9. Will owner/operator sell logo items related to Ag operations and other food items? List items.

No, the owners will not sell any logo items related to Ag operations other than food items.

10. What type of structure will be built for your business operation?

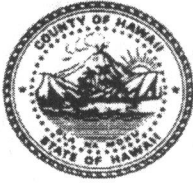
No permanent structures are planned at this time. The two mobile food service trucks, portable tables with umbrellas and portable restrooms will be used for the operation. However, permanent improvements to the property will include: new fences, gates, paved parking area, concrete pad for tables and food service trucks, concrete walkways and a fenced dumpster enclosure.

11. Is a retail food establishment permit required from DOH? If yes, what certification is required that you are in compliance with DOH rules?

The establishment will be in full compliance with DOH rules as established for mobile food truck operations and will be using Kamana Kitchen restaurant in Hilo as a support kitchen. Food menu items will be prepared on the mobile food truck or in the support kitchen.

12. If proposing Ag-based commercial operation what type of operation are you proposing?

The owners will be planting crops on twenty acres of the property to be used in the food service park operations.



County of Hawai'i Planning Department

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- (B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawai'i, value-added products that were produced using agricultural products grown in Hawai'i, logo items related to the producer's agricultural operations, and other food items; and
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- (D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and
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The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meets the requirements of this paragraph.'

CERTIFICATION: I, _____, CERTIFY THAT I HAVE READ THE ABOVE AND THAT THE AGRICULTURAL PRODUCTS DISPLAYED OR SOLD BY THIS OPERATION MEET THE REQUIREMENTS OF HRS SECTION 205-2(d)(15). I AM THE AGRICULTURAL PRODUCER WHO OWNS AND OPERATES THIS AGRICULTURAL-BASED COMMERCIAL OPERATION. I HAVE A COPY OF THIS SIGNED CERTIFICATION.

TIRTHARAJ Luitei, SURESS NEUPANE *[Signature]*

Owner/Producer/Operator's Name (print)

Owner/Producer/Operator's Signature

TMK: 3280100140000

Date: 08/13/2015

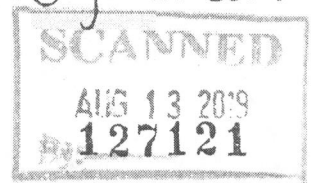
Phone number: 508-3103364

Email: luitei1969@gmail.com

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LUI TEL 1969@gmail.com

2-8-010-014
Lot B



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PLANNING DEPARTMENT
COUNTY OF HAWAII
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PLANNING DEPARTMENT
COUNTY OF HAWAII

Agricultural-related Activities: *(please answer the following questions on a separate page)*

1. Describe in detail, the Agricultural activity you want to operate on your property.
2. Is owner/operator growing or raising Agriculture on the subject property or on other property owned or leased? List what is grown.
3. Will owner/operator sell what is grown or raised in its raw form? List what will be sold.
4. Will the owner/operator process, package, sell what is grown on the premises?
5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.
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10. What type of structure will be built for your business operation?
11. Is a retail food establishment permit required from DOH? If Yes, Certification required that you are in compliance with DOH rules.
12. If proposing Ag-based Commercial Operation what type of operation are you proposing?

FOR STAFF USE ONLY:

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- ☐ Determination: Ag-based Commercial (D) Farmers' Market
- ☐ Determination: Ag-based Commercial (E) Food Hub

1. Describe in detail, the agricultural activity you want to operate on your property.

On 20 acre we plan to plant fruits, vegetables, herbs and corn.

2 Acre- Banana, 3 Acre coffee, 2 Acre papaya, 3 acre pineapple, 1 acre Coconut, 3 acre sugarcane, 10 Acre- various vegetables-mint, ginger, cilantro, broccoli, eggplant, corn.

We are planning a horseback riding tour that perimeters agricultural farm and other fall scenery in approximately 15 acre in the premise.

2. Is owner/operator growing or raising Agriculture on the subject property or on other property owned or leased? List what is grown.

No ag is grown on property at this time; ✓
On the property we will be growing following items:

Fruits- Papaya, pineapple, lilikoi, bananas, sugarcane, avocado etc

Vegetables- Mint, ginger, Turmeric, cilantro, cauliflower, broccoli, egg plants, lettuce, beans, carrots, cucumber and more

3. Will owner/operator sell what is grown or raised in its raw form? List what will be sold.

Fruits and vegetables grown in the property will be sold on a food truck.

Fruit juice (pineapple, coconut, sugarcane, papaya, lilikoi, banana) and smoothies will be sold.

Vegetables (mint, ginger, cilantro, cauliflower, broccoli, eggplant, lettuce, Green beans, corn) will be sold.

cabbage

4. Will the owner/operator process, package, sell what is grown on the premises?

The fruits and vegetables grown on premise will be sold in the food truck. Fruits will be used in juice and smoothies, and vegetables will be used in food items served.

5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.

Yes, we will use all the vegetables and fruits grown on the premises to build menu for a food truck. We will be selling whole fruits and vegetables, juice, smoothies of fruits grown on a property.

6. Will owner/operator use what is locally grown or raised by others in creating/serving the commercial product? List all ingredients.

If fruits and vegetables grown on premises are not enough for food truck we plan in partnering with Dole Tropical food producer of Hawaii and local farmers. So we will be bringing in similar items such as pineapple, coconut, papaya, lilikoi, banana, hawaiian water bottles, hawaiian chips, hawaiian juices.

*name of distributor
written documentation*

*list = name - address
ph. # - farm*

*fr. Dole - name ph. #
address - official business info*

7. Will the owner/operator need to use ingredients or serve items that are not locally grown?

Mostly we will be selling all the items that are grown locally except for some spices we need. Other items we will need to make food items such as rice, sugar, salt, pepper, and other spices. - list

How Indian spices

8. Will owner/operator create and sell value-added products on the premises? List items.

We will sell smoothies and juice grown from fruits and vegetables grown on premises.

9. Will owner/operator sell logo items related to ag operations and other food items? List items.

We are planning to partner with Dole Tropical food distribution for a food truck and are planning to sell the following items. of Dole brand

Fruits, juice, smoothie, 100% Kona coffee, 100% hawaiian Ice Cream/soft serve Dole brand (whip)

We will have the following items on the menu:

Snacks- Samosa, Green bean fries, grilled corn,

Main food- Food platter, Garden salad (local greens, spinach, Broccoli, soyabean, asparagus, carrot, grilled corn), Akaka wrap, pineapple fried rice, local fish (poke tacos), sandwiches, locally produced when available Bacon & eggs (Bacon, eggs, rice served with garden salad), Local fish grilled (with rice and side of green salad.), burgers (Home grown veggie and fesh)

10. What type of structure will be built for your business operation?

The structures planned for this business operations are mobile and movable- food truck, temporary restroom, shipping container used for storage, picnic tables.

We are planning a horseback riding tour that perimeters agricultural farm and other fall scenery in approximately 15 acre in the premise. We will build a stable for horses, and will clear/clean way for horseback riding.

11. Is a retail food establishment permit required from DOH? If Yes, Certification required that you are in compliance with DOH rules.

Yes The retail food establishment will require permit from DOH, and the establishment will be in full compliance with DOH rules.

for food truck + fruit trucks
(2 retail food trucks)

Gordon
322-1502

approved by State Health Dept. - in writing

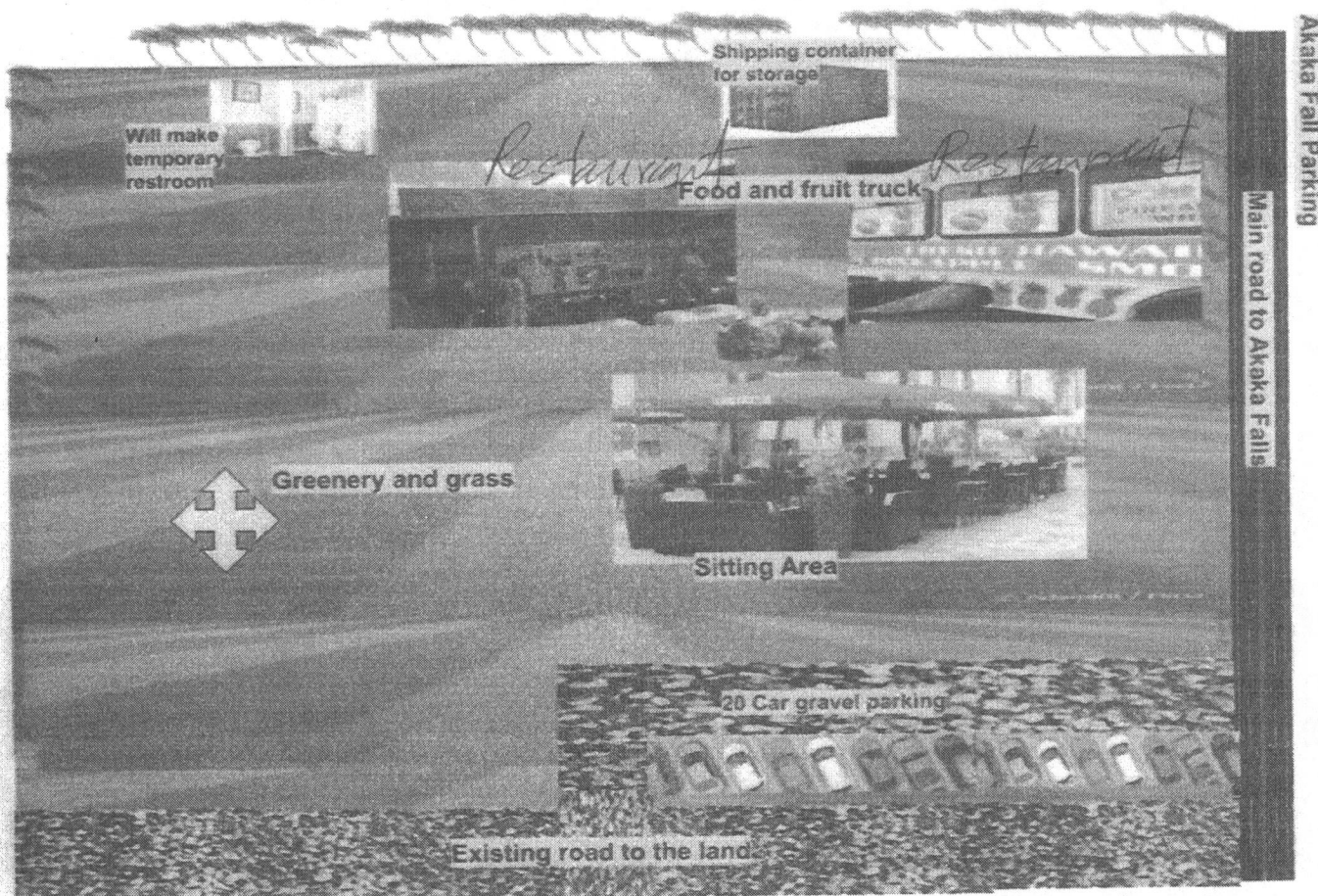
Does the PRR come written w/ DOH (att.) approval

*explain two trucks =
 food truck + juice
 smoothie
 fruit truck*

12. If proposing Ag-based commercial operation what type of operation are you proposing?

The agriculture based commercial will be based in a food truck, mostly sell pineapple juice served in a pineapple, coconut water, other tropical fruit smoothies and juices. All the produce and ingredients used for the beverage and food items will either be grown in the property or in Hawaii. Following shows our plan what we want to do with property.

We are planning a horseback riding tour that perimeters agricultural farm and other fall scenery in approximately 15 acre in the premise. We will submit a plan what we want to do with property.



*TMLS: (3) 2-8-10-004, Lot B (98.250 acs.)
 County A-20a + State Agricultural
 Subdiv. No. 3657 (approved: 9-17-1975)*

12. If proposing Ag-based commercial operation what type of operation are you proposing?

The agriculture based commercial will be based in a ^{retail} food truck, mostly sell pineapple juice served in a pineapple, coconut water, other tropical fruit smoothies and juices. All the produce and ingredients used for the beverage and food items will either be grown in the property or in Hawaii. Following shows our plan what we want to do with property.

We are planning a horseback riding tour that perimeters agricultural farm and other fall scenery in approximately 15 acre in the premise. We will submit a plan what we want to do with property.

Explain in writing that temporary bathroom meets state DOH standards — need DOH letter



ROMUNLETTUCE FROM

Approximate
Property
Boundaries

Site Plan
FUTURE

Alaska Falls State Park

Alaska Falls

horseback
viewing site
for Alaska Falls

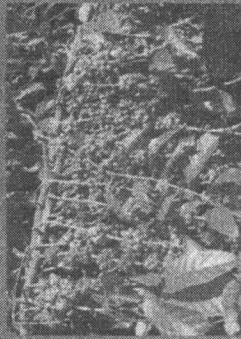
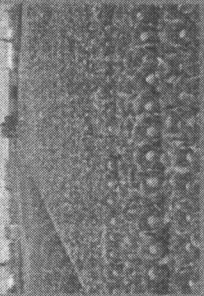
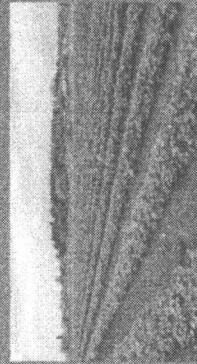
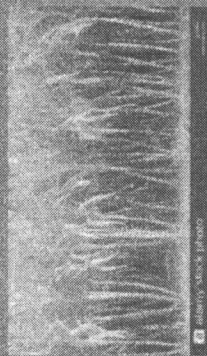
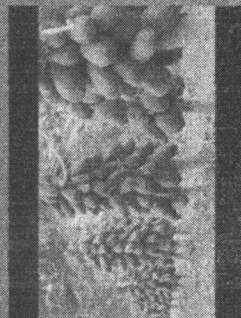
Future
Farm - AGRICULTURE
planting
1
2

Things
N. K. S
Crop Plan

MAF
(Conceptual)
(Sept 2019)

FUTURE Agriculture

Conceptual

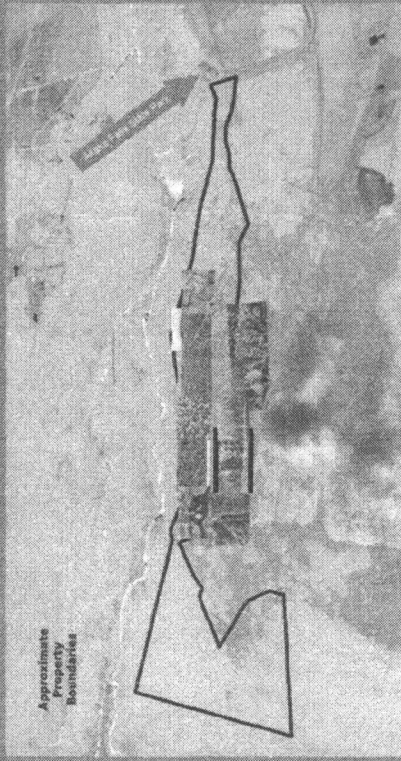


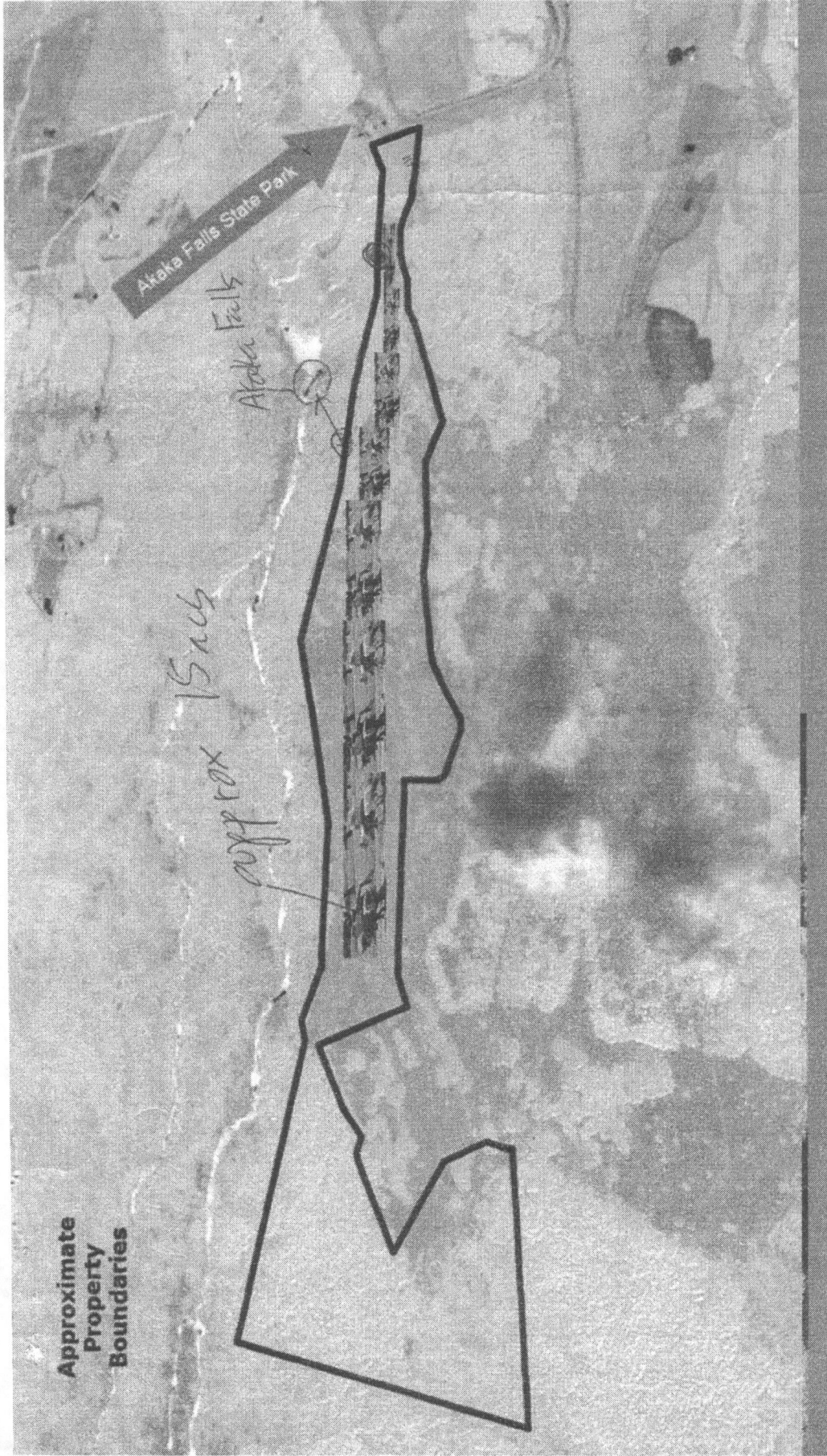
2 Acre- Banana, 3 Acre coffee, 2 Acre papaya, 3 acre- pineapple, 10 Acre- various vegetables.

Total 20 Acre of land is reserved for agriculture.

305

305





~~(Fringes)~~
Cropped HORSE RIDING ~~THINKS~~ Trail
~~HAAP~~ Plan (Conceptual)

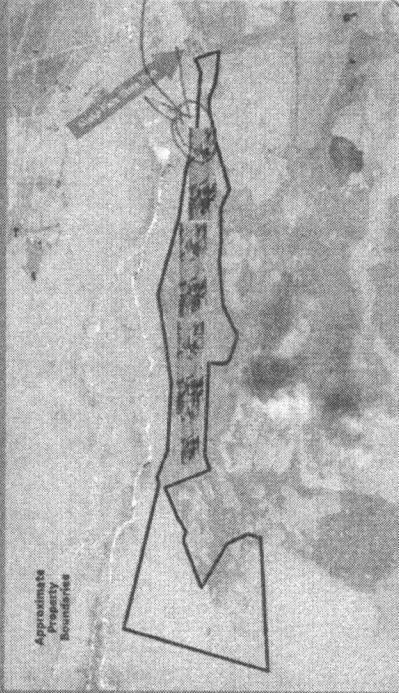
Proposed Horse Riding Plan



Proposed 3 miles horse riding course around the property showing the farm and forest, and top of Akaka Falls ^{with a view of the}

Total 15 Acre of land is reserved.

Duration of an hour, 8-15 horse



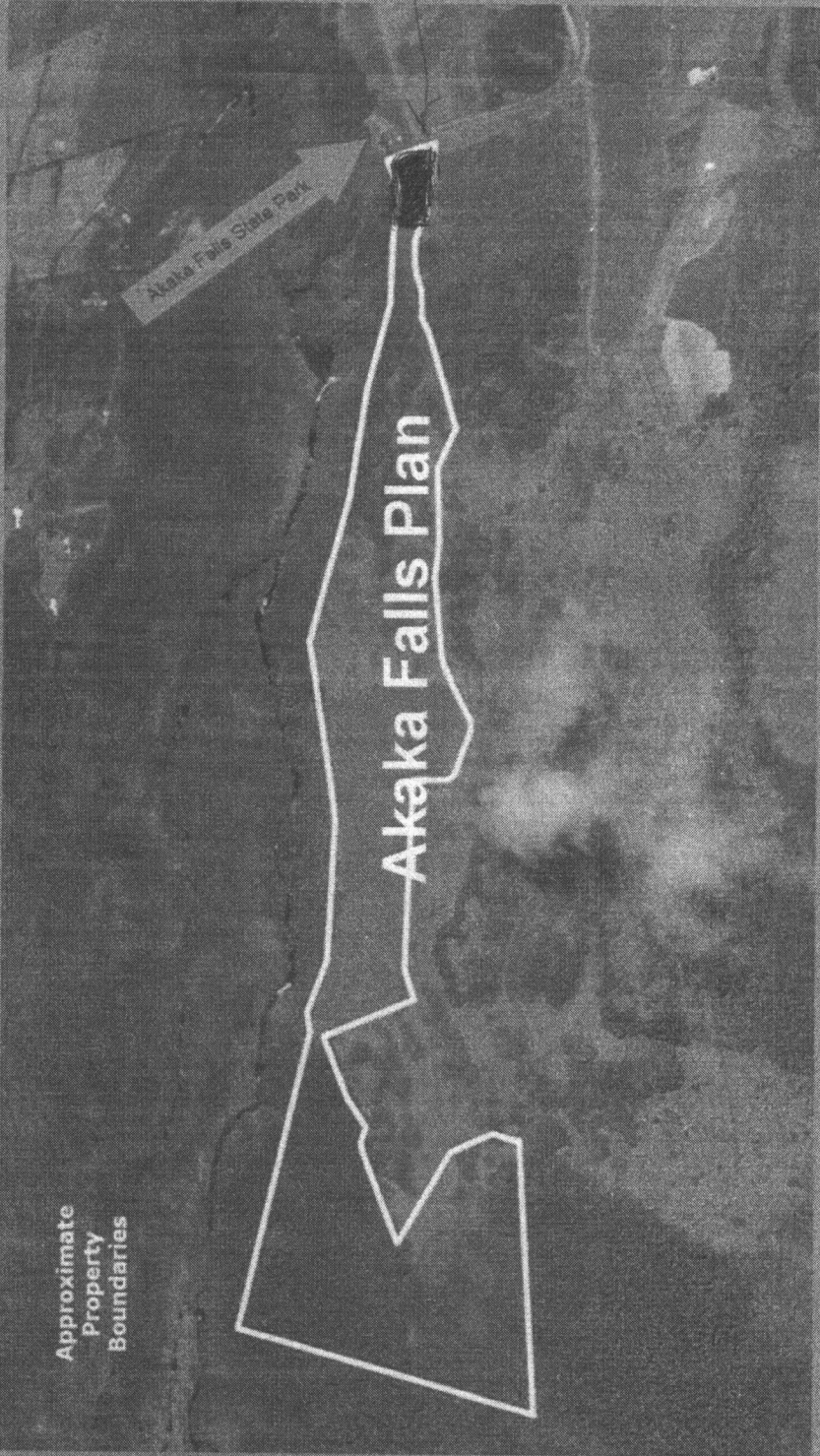
over PL

Approximate
Property
Boundaries

Akaka Falls Plan

Akaka Falls State Park

Trail Road Maps
(2) public gathering
area
maybe 1.0 ac.?



Proposed Conceptual Akaka Falls Plan (2019)

Akaka Fall Parking

Main road to Akaka Falls

Shipping container
for storage

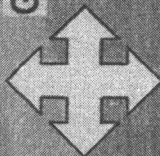
Food and fruit truck

Sitting Area

20 Car gravel parking

Existing road to the land

Greenery and grass



Will make
temporary
restroom

Proposed Conceptual Plan

Description of Agricultural-Based Commercial Operation

CDH PLANNING DEPT
JUL 30 2020 AM 10:43

1. Describe in detail, the agricultural activity you want to operate on your property.

The subject property is a 98.285 acre parcel which is located on Akaka Falls Road in the agricultural use district and adjacent to Akaka Falls State Park. The property is presently undeveloped and no agriculture is produced at this time. The owners are proposing to establish a mobile food service park on the portion of the property that fronts Akaka Falls Road and to agriculturally develop twenty acres of the land with fruit, vegetable, herb and root crops.

The food service park establishment will encompass approximately one acre of land fronting Akaka Falls Road and will consist of two custom mobile food service trailers structurally connected by a covered platform deck, ten portable dining tables with umbrellas, one future 20'x8' multi-purpose storage container, a trash dumpster enclosure on a concrete pad, one standard portable restroom with sink and one ADA portable restroom with sink, and fifteen paved parking stalls including one ADA van accessible stall.

It is projected the food service park will be open seven days a week with hours of operation from 8am – 6pm.

Horseback riding tours of the property are planned in the future. The owners plan to have horseback riding tours of the agricultural growing area and other portions of the property. The horses will be pastured on the property.

2. Is the owner/operator growing or raising agriculture on the subject property or on other property owned or leased? List what is grown.

No agriculture is grown on the property at this time, however the owners plan to grow the following crops: banana, coffee, papaya, pineapple, coconut, sugarcane, avocado, taro, lettuce, cabbage, corn, cucumber, carrot, zucchini, green bean, cilantro, Lili koi, mint, turmeric, cilantro, and ginger.

3. Will the owner/operator sell what is grown or raised in its raw form? List what will be sold.

Some of the fruit grown on the property will be sold in raw form which will include but is not limited to pineapple, papaya, Lili koi and banana.

4. Will the owner/operator process, package, and sell what is grown on the premises?

Most of the fresh fruit and vegetables grown on the premises will be used for preparing meals, deserts and beverages such as juices and smoothies, but the crops will not be processed and sold in packaging.

5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.

The owners will use most of the fruits and vegetables grown on the premises to provide the ingredients for meals, deserts and beverages that will be prepared and served from the mobile food service trucks. Products served will include breakfast dishes and plate lunches, salads, snacks, deserts, fruit juices and smoothies.

Menu items include but are not limited to:

Snacks - samosas, green bean fries, grilled corn

Garden Salad - local greens and assorted vegetables

Akaka Wrap – pineapple fried rice, local fish on wrap or with noodles

Poke Taco – local fish

Sandwiches – assorted meat and veggies
Grilled fish – local fish, rice, green salad
Burgers – beef and veggies on bread
Fresh Fruit Platters – various fresh fruits
Breakfast – bacon, eggs, rice, garden salad

6. Will owner/operator use what is locally grown or raised by others in creating/serving the commercial product? List all ingredients.

Prior to and once the crops are producing, if the fruits and vegetables grown on the premises are not at any time sufficient to provide for the food truck menu, the owners are planning to purchase the crops listed above from local farmers.

Local Fruits & Vegetables from Honaunau Market Inc. – (808) 329-1365

7. Will the operator need to use ingredients or serve items that are not locally grown?

The owners will supplement locally grown fruits and vegetables with specialty Indian spices, sugar, rice, and bread and noodle products as well as fish, meats, eggs and dairy products which are not locally grown.

8. Will owner/operator create and sell value-added products on the premises? List items.

The owners will sell canned Kona coffee and Dole Soft Serve Whip products.

Dole Soft Serve Whip Machine from Dole Food Company Hawaii – Hilo products – (808) 935-1106

9. Will owner/operator sell logo items related to Ag operations and other food items? List items.

No, the owners will not sell any logo items related to Ag operations other than food items.

10. What type of structure will be built for your business operation?

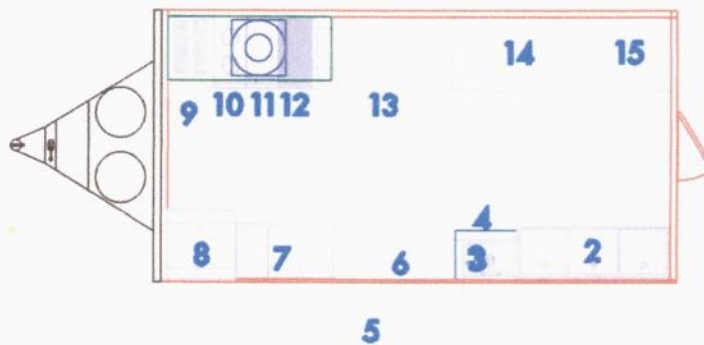
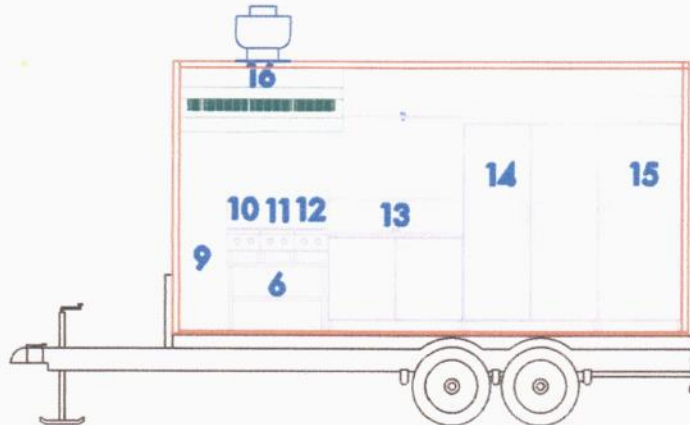
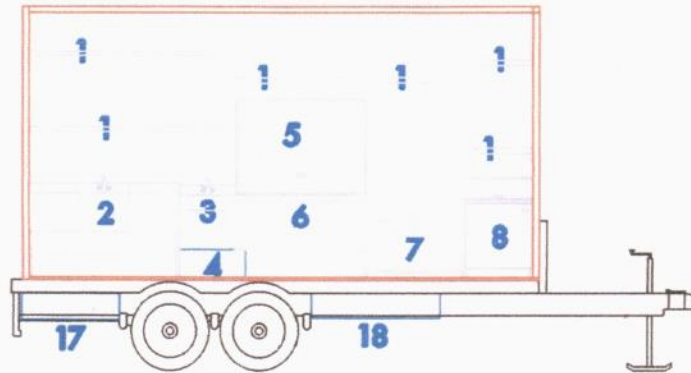
The two custom mobile food service trailers structurally connected by a covered platform deck, portable tables with umbrellas and portable restrooms will be used for the operation. Other permanent improvements to the property will include: new fences, gates, paved parking area, concrete pad for tables and food service trailers, concrete walkways, water tank, propane tank, and a fenced dumpster enclosure.

11. Is a retail food establishment permit required from DOH? If yes, what certification is required that you are in compliance with DOH rules?

The establishment will operate under a single retail food establishment permit and will be in full compliance with DOH rules as established for mobile food trailer operations and will be using Kamana Kitchen restaurant in Hilo as a support kitchen. Food menu items will be prepared on the mobile food truck or in the support kitchen.

12. If proposing Ag-based commercial operation what type of operation are you proposing?

The owners will be planting crops on twenty acres of the property to be used in the food service park operations.

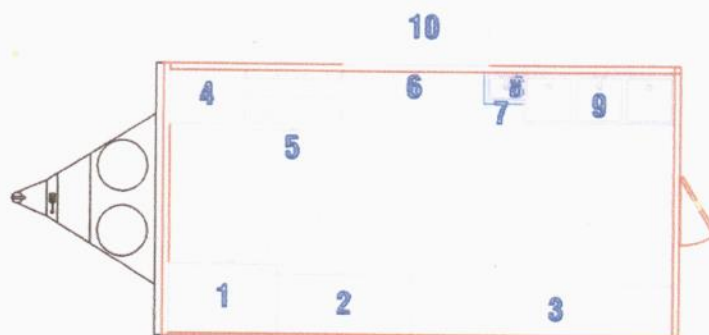
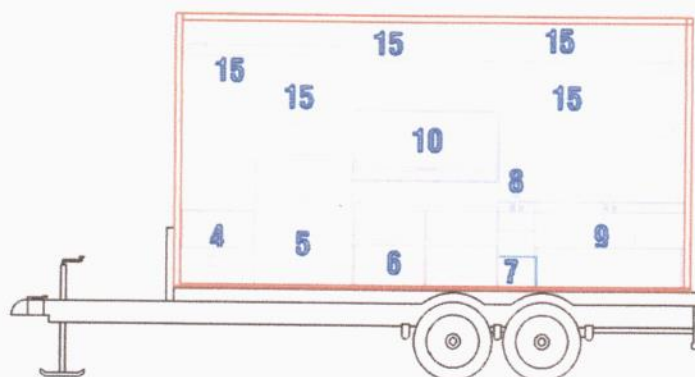
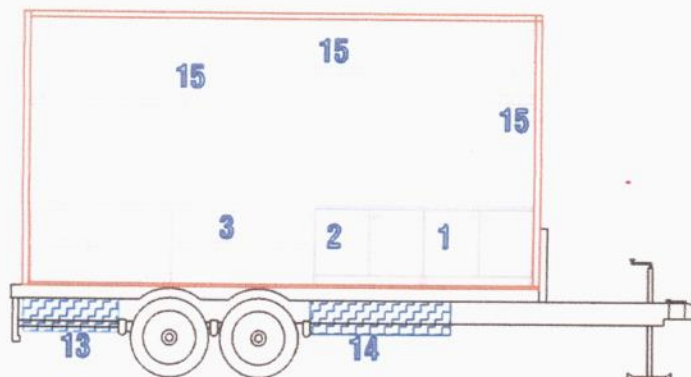


1	REF. Shelving	10	REF. 2 Burner Stove Top
2	REF. 3 Compartment Sink	11	REF. 12" Grill
3	REF. Hand Sink	12	REF. 12" Flat Top
4	REF. 25 Lb Grease Trap	13	REF. Prep Top Refrigerator - 2 Door
5	REF. Service Window	14	REF. 2 Door Reach In Refrigerator
6	REF. Stainless Steel Work Tables	15	REF. 1 Door Reach In Freezer
7	REF. 3 Well Steam Table	16	REF. Exhaust Hood & Fan
8	REF. Prep Top Refrigerator - 1 Door	17	REF. 20 Gal Fresh Water Tank
9	REF. 40Lb Fryer	18	REF. 25 Gal Grey Water Tank

TYPE OF VEHICLE	Kamana Kitchen Food Trailer
VEHICLE VIN#	
VEHICLE TAG	
ADDRESS CITY	
DATE	02.26.20

DRAWING by
TRIGO ENTERPRISES INC
(808)845-5052 (808)497-6004
919 KEKAULIKE ST HONOLULU HI. 96817
WWW.RESTAURANTEQUIPMENTHAWAII.COM

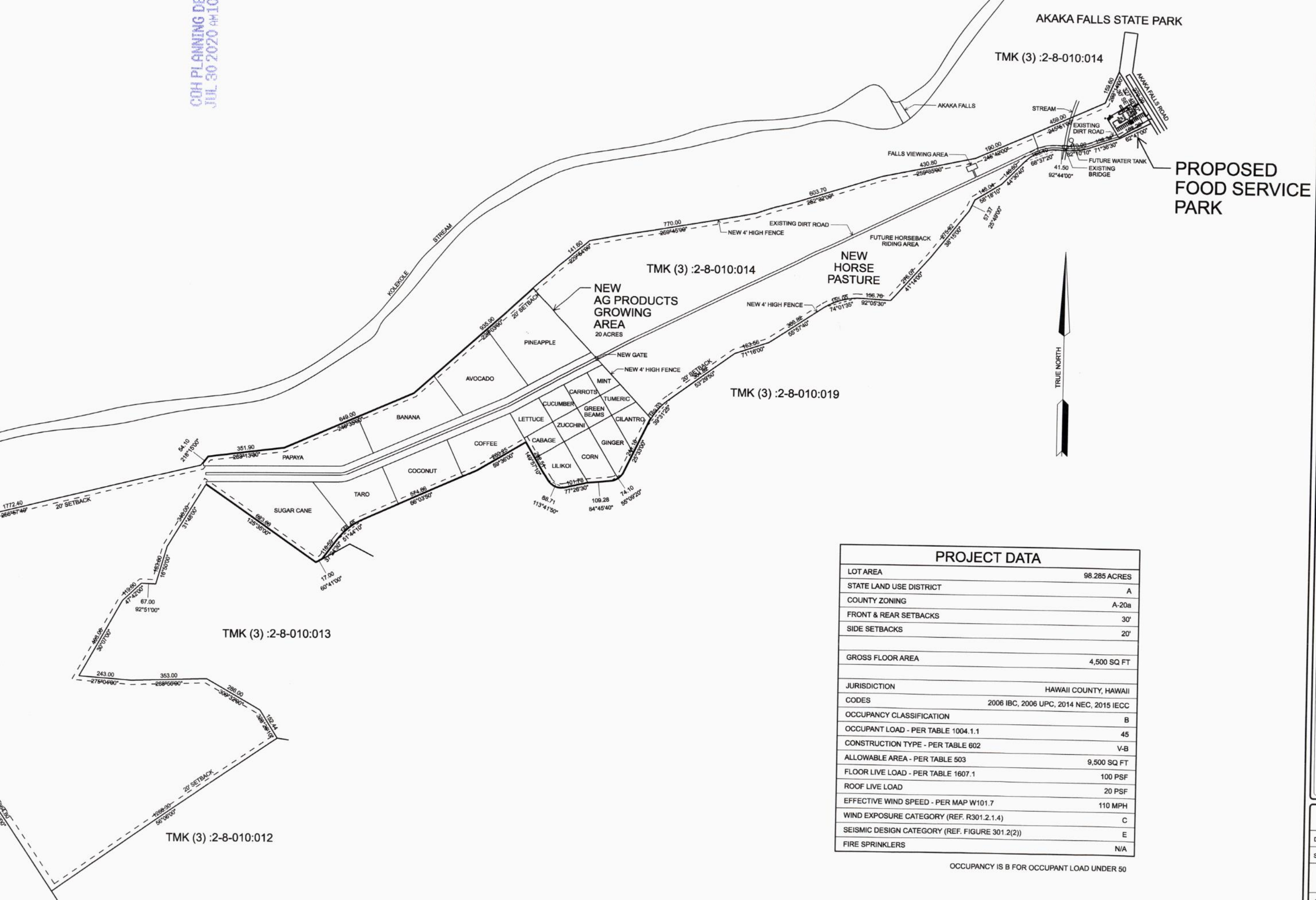
COH PLANNING DEPT
JUL 30 2020 AM 10:43



1	REF. Undercounter 2 Door Freezer	9	REF. Three Compartment Sink
2	REF. Undercounter 2 Door Refrigerator	10	REF. Service Window
3	REF. Work Table	11	REF. NA
4	REF. Undercounter Ice Machine	12	REF. NA
5	REF. Dip Cabinet Freezer	13	REF. 20 Gal Fresh Water Tank
6	REF. Work Table	14	REF. 25 Gal Grey Water Tank
7	REF. 25lb Grease Trap	15	REF. Shelving
8	REF. Hand Sink	16	REF. Work Table

TYPE OF VEHICLE	Kamana Kitchen Juice Trailer
VEHICLE VIN#	
VEHICLE TAG	
ADDRESS CITY	
DATE	02.28.20

DRAWING by
TRIGO ENTERPRISERS INC
(808)845-5052 (808)497-6004
1818 KANAKANUI ST HONOLULU HI. 96819
WWW.RESTAURANTEQUIPMENTHI.COM

COH PLANNING DE
JUL 30 2020 AM 10

PIPER DESIGNS

Pete Piper
75-5944 Kuakini Hwy, Ste 2
Kailua Kona, HI 96740
331-2244

A PROPOSED FOOD SERVICE PARK & AG PRODUCTION FARM FOR:
SURESH NEUPANE & TIRTHA RAJ LUITEL
 KAILUA KONA, HAWAII
 T.M.K. (3) 2-8-010:014 LOT B

PROJECT DATA	
LOT AREA	98.285 ACRES
STATE LAND USE DISTRICT	
COUNTY ZONING	A-20
FRONT & REAR SETBACKS	30'
SIDE SETBACKS	20'
GROSS FLOOR AREA	4,500 SQ FT
JURISDICTION	HAWAII COUNTY, HAWAII
CODES	2006 IBC, 2006 UPC, 2014 NEC, 2015 IECC
OCCUPANCY CLASSIFICATION	E
OCCUPANT LOAD - PER TABLE 1004.1.1	48
CONSTRUCTION TYPE - PER TABLE 602	V-B
ALLOWABLE AREA - PER TABLE 503	9,500 SQ FT
FLOOR LIVE LOAD - PER TABLE 1607.1	100 PSF
ROOF LIVE LOAD	20 PSF
EFFECTIVE WIND SPEED - PER MAP W101.7	110 MPH
WIND EXPOSURE CATEGORY (REF. R301.2.1.4)	C
SEISMIC DESIGN CATEGORY (REF. FIGURE 301.2(2))	E
FIRE SPRINKLERS	N/A

OCCUPANCY IS B FOR OCCUPANT LOAD UNDER 50

DRAWN : PJP	JOB # : P19-044
DATE :	10/23/2019
SCALE :	1"=200'
DRAWING: PLOT PLAN	
SHEET	

PIPER DESIGNS

331-2244

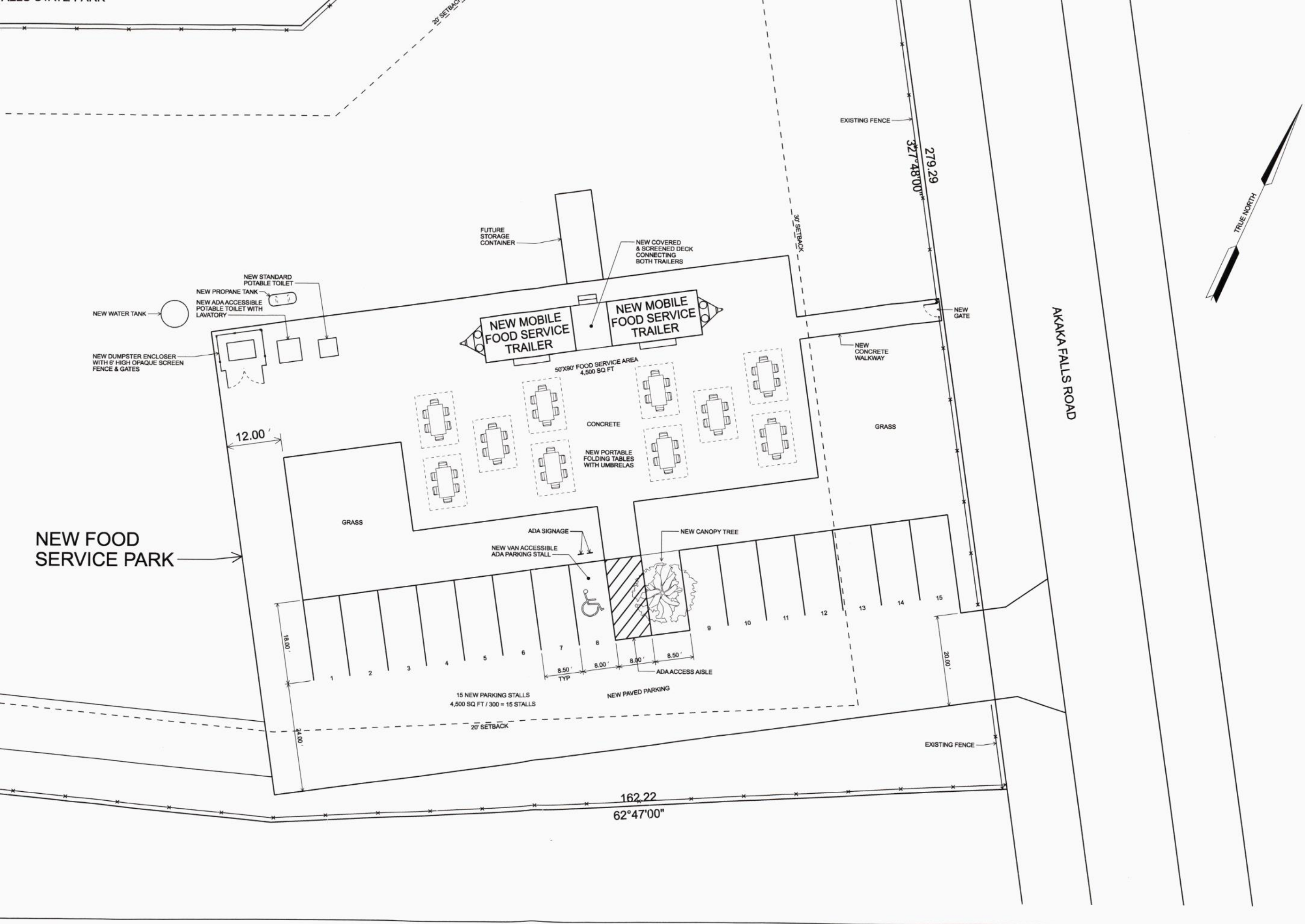
Kailua Kona, HI 96740



Pete Piper

75-5944 Kuakini Hwy. Ste. 2





PIPER DESIGNS



Pete Piper
75-5944 Kuaia Hwy, Ste 2
Kailua Kona, HI 96740
331-2244

A PROPOSED FOOD SERVICE PARK & AG PRODUCTION FARM FOR:

SURESH NEUPANE & TIRTHA RAJ LUITEL

KAILUA KONA, HAWAII

T.M.K. (3) 2-8-010:014 LOT B

DRAWN : PJP
JOB # : P19-044

DATE : 10/23/2019

SCALE : 1"=10'

DRAWING:
SITE PLAN

SHEET

3

Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i

PLANNING DEPARTMENT

Michael Yee
Director

April Surprenant
Acting Deputy Director

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

August 25, 2020

Mr. Tirtha Raj Luitel
Mr. Suresh Neupane
75-6111 Ka'ane'e Place
Kailua-Kona, Hawai'i 96740-7958

Dear Mr. Luitel & Mr. Neupane:

SUBJECT: Land-Owner Certification of Agricultural-Based Commercial Operation:
Retail Food Establishment [HRS sec. 205-2 (d)(15)(C)]
Land Owners: Suresh Neupane & Tirtha Raj Luitel
Location: Adjacent to 'Akaka Falls Park on 'Akaka Falls Road,
Honomū Homesteads, Honomū, S. Hilo, Hawai'i Island
Tax Map Key: (3) 2-8-010: parcel 014, Lot B (98.28 acres)

Thank you for submitting the above-referenced certification for an Ag-Based Commercial Operation (ABCO) (received: November 4, 2019) for a State of Hawai'i licensed retail food establishment (a restaurant). The ABCO certification is according to state law, as provided by Hawai'i Revised Statutes (HRS) section (sec.) 205-2 (d)(15)(C). As the landowners-producers of parcel 14's ABCO building site, the certification is to establish at this location, ONE permitted ABCO for one state licensed restaurant.

Certification of One ABCO Restaurant: Permitted Land Use of parcel 14. Generally, the proposed ABCO-restaurant is a permitted agricultural land use of parcel 14, consistent with state law, HRS Chapters 205 and 165.

ABCO Restaurant. As the owners-producers-operators of the proposed ABCO restaurant, you are certifying that the restaurant will be preparing and serving food at retail using products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i, consistent with the statutory requirements of HRS section (sec.) 205-2 (d)(15) (C).

Please proceed to develop the parcel 14 ABCO site, according to the representations stated in the submitted certification materials for the proposed ABCO restaurant.

Note: Subject to Performance Conditions. The establishment and operation of the ABCO restaurant is subject to the following discussion, findings, and conditions.

Findings:

1. **Agricultural State Land Use & County Zoning.** Parcel 14's ABCO site, is classified in the state and county Agricultural districts: the county zoning is A-20a (Agricultural-20 acres) and the State Land Use is Agricultural.
2. **Permitted Use: Certification of ONE ABCO Restaurant.** The state law of HRS Chapter 205 regulates the permitted uses of lots classified in State Land Use (SLU) Agricultural, such as parcel 14: the proposed ABCO for parcel 14 is a permitted land use, according to HRS sec. 205-4.5 (a)(9) and sec. 205-2 (d)(15), the state laws that preempts and permits certified ABCOs in Hawai'i's State Land Use Agricultural District. In addition, the Hawai'i Right to Farm Act, sec.165-2 (1)'s includes ABCOs in its definition of "Farming operation."
3. The Planning Director finds that the statutory language of sec. 205-2 (d)(15) (C) is **written in the singular tense; and therefore, the Planning Director accepts the Luitel and Neupane certification** for ONE ABCO restaurant proposed for parcel 14's agricultural classified building site.
4. The landowner-applicants, Luitel and Neupane, are the **owners-operators-producers** of the proposed ONE ABCO restaurant for parcel 14.
5. The **owner certified ABCO restaurant** is subject to the conditions and requirements of HRS sec. 205-2 (d)(15)(C); and, the ABCO owners have certified that the restaurant will prepare and serve foods at retail using products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i.
6. The Luitel and Neupane ABCO restaurant shall operate with the respective restaurant license permit of the State of Hawai'i Department of Health, Hawai'i District Health Office Sanitation Branch, Hilo, Hawai'i.
7. The proposed ABCO restaurant will operate two 'mobile food service trailers' under ONE Department of Health restaurant license; according to Health Department instructions and requirements, the two food service trailers may operate under one restaurant license with a '... structurally connected ... covered platform deck,' See Luitel and Neupane's Description of ABCO at # 10 and 11 (received: July 30, 2020); see also, second Neupane and Luitel Plot Plan (received: July 30, 2020) (sheet 1 Plot Plan & sheet 2 Site Plan): for TMK: (3) 2-8-10:014, Lot B ('A Proposed Food Service Park & Ag Production Farm').

The proposed ABCO restaurant and farming operation on parcel 14's ag site is substantiated by the submitted certification and the plot plan - site plan; these materials are accepted in substantiation of the ABCO certification.

Conditions to Perform:

For parcel 14, the certified proposed ABCO restaurant, **is subject to the following conditions:**

1. **One ABCO Restaurant License.** The state statutory language that describes and permits the ABCOs of sec. 205-2 (d)(15) (C) - **is stated in the singular tense**; therefore, on parcel 14, the certified ABCO is permitted to operate, only:
 - **ONE retail food establishment**, or restaurant, that is permitted to operate **with ONE restaurant license** of Title 11, Chapter 12 of the rules of the State of Hawai'i Department of Health; furthermore,
 - the proposed ABCO restaurant may operate with **two mobile food service trailers structurally connected by a covered platform deck under one state restaurant license** - in accordance with State of Hawai'i Department of Health instruction and requirements received from the Hawai'i District Health Office – Sanitation Branch, 1582 Kamehameha Ave., Hilo, HI 96720-4623 [Jeff Mukai, Food Safety Specialist; phone: (808) 933-0490].
 - **Original Restaurant License:** Luitel and Neupane are to bring to the Planning Department Hilo office the original restaurant license issued by the state Department of Health for the parcel 14 ABCO location. The department will make a photocopy of the restaurant license for its TMK file.
2. **Ownership & Operations.** Certification of the ABCO requires ownership and operation by a producer; therefore, for the ABCO restaurant, the Planning Department interprets the term, 'producer,' to mean the landowners of parcel 14, Neupane and Luitel, according to county Real Property Tax Division online parcel records.
3. **Off-Street Parking.** Vehicle parking for the one ABCO restaurant is required to be off the street and located on-site, on parcel 14's ag building-site, according to Hawai'i County Zoning Code sec. 25-4-50.
 - Off-street pavement and parking improvements do not apply to a permitted use in a county Agricultural-zoned district;
 - secondly, any material may be used to eliminate erosion, mud, and standing water for the off-street parking spaces on parcel 14's ABCO building site. Z. Code sec. 25-4-54 (d).

4. **Plan Approval** does not apply to developments in the county Agricultural zone.
Z. Code sec. 25-2-71 (a).
5. **Written Notification Requirement.** The county Planning Department is required to be notified in writing of any plans to change or expand the ABCO restaurant project description stated in the ABCO certification materials.
6. **Special Permit Issues.** A Special Permit application to the Hawai'i County Planning Commission shall be required for any land use or structures that is not a specified permitted use, according to the applicable state and county laws.
7. **County Construction Standards & Building Permit Requirements.** Any proposed construction or built improvements for the ABCO restaurant is required to obtain the applicable county building, plumbing, and/or electrical permits from the County of Hawai'i Department of Public Works – Building Division.

Furthermore, the landowners-applicants shall comply with all applicable rules, standards, specifications, conditions, and requirements of the county building permit application process, including the State of Hawai'i Department of Health, the County of Hawai'i Fire Department, and for a reviewing agency required to review and complete the county building permit application process.

8. The owners-producers-operators on parcel 14 **shall comply with any amendments** to the Hawai'i County Zoning Code Chapter 25 that govern or apply to ABCOs.

Should you have any questions, please contact staff planner, Earl M. Lucero, of this office at (808) 961-8160, or via email at Earl.Lucero@hawaiiicounty.gov.

Sincerely,



MICHAEL YEE
Planning Director

EML:jaa

P:\Admin Permits Division\Ag based Commercial Operations\2019 - TMK folders ABCO\ABCO Letter_Luitel & Neupane_TMK
280100140000.doc

Enclosure: ABCO Certification (received: November 4, 2019)



County of Hawai'i Planning Department

www.hiplanningdept.com · planning@hawaiiicounty.gov

East Hawai'i Office · 101 Pauahi Street, Suite 3 · Hilo, Hawai'i 96720
Phone (808) 961-8288 · Fax (808) 961-8742

West Hawai'i Office · 74-5044 Ane Keohokālole Hwy · Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770 · Fax (808) 327-3563

AGRICULTURAL-BASED COMMERCIAL OPERATION CERTIFICATION

Agricultural-based commercial operations are allowed in the County of Hawai'i on lands classified within the State Land Use AGRICULTURAL district. The state law, **Hawai'i Revised Statutes (HRS) section 205-2(d)(15)** states:

'(d) Agricultural districts shall include:

....(15) Agricultural-based commercial operations registered in Hawaii, including:

- (A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i;
- (B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawai'i, value-added products that were produced using agricultural products grown in Hawai'i, logo items related to the producer's agricultural operations, and other food items; and
- (C) A retail food establishment owned and operated by a producer and permitted under Title 11, Chapter 12 of the rules of the Department of Health that prepares and serves food at retail using products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i.
- (D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and
- (E) A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meets the requirements of this paragraph.'

CERTIFICATION: I, Tiertha Rajhuitel's Suresh Neupane, CERTIFY THAT I HAVE READ THE ABOVE AND THAT THE AGRICULTURAL PRODUCTS DISPLAYED OR SOLD BY THIS OPERATION MEET THE REQUIREMENTS OF HRS SECTION 205-2(d)(15). I AM THE AGRICULTURAL PRODUCER WHO OWNS AND OPERATES THIS AGRICULTURAL-BASED COMMERCIAL OPERATION. I HAVE A COPY OF THIS SIGNED CERTIFICATION.

Tiertha Rajhuitel's Suresh Neupane
Owner/Producer/Operator's Name (print)

[Signature]
Owner/Producer/Operator's Signature

TMK: (3)2-8-010-014 Lot B

Date: 10/28/19

Phone number: (508) 310-3364

Email: lhuitel1969@gmail.com

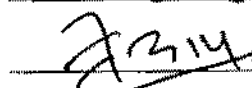
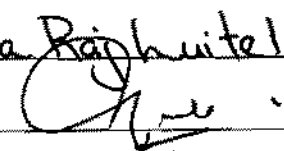
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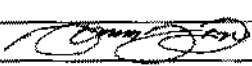
SCANNED

NOV 10 2019
By: 129106

2019 NOV 11: 46
PLANNING DEPARTMENT
COUNTY OF HAWAII

If the operator cannot meet the requirements of HRS sec. 205-2(d)(15), a Special Permit is required. Contact Planning Division staff at (808) 961-8288 for additional information about the Special Permit application process.

Landowner(s): (print)	Suresh Naupane; Tirtha Rajhuite
Landowner(s): (sign)	 
Location (Address):	Akaka Falls Road-TMK (3) 2-8-010:014 lot B
Description of Agricultural-based Commercial Operation (Type of activity; type and size of structures; days/hours of operation; expected number of vehicles; number of off-street parking stalls, ADA parking, etc.):	Mobile food service park and 20 acres of crops. 2 mobile food trucks, 10 portable tables, 2 portable restrooms, 20x8 storage container, and 15 parking stalls (1 ADA). Future horseback riding, trail rides. Open 8am-6pm, 7 days week. Expected 20 cars per day.
Primary Hawaii-Grown Agricultural Products Promoted:	coffee, banana, pineapple, coconut, sugarcane, avocado, taro, lettuce, cabbage, corn, cucumber, zucchini, lilikoi, various herbs, roots (ginger) using on the plate lunches and a select few sold in raw form.
Other Information:	Please see narrative attached.

Clearance (To be completed by Planning Department):			
SLU: <u>A</u>	Zoning: <u>A-20a</u>	Size of Property: <u>98,235 sq. ft.</u>	District: _____
☐ ALLOWED	☐ NOT ALLOWED: SPECIAL PERMIT REQUIRED		
Comments: <u>Reviewed by Earl Lucero</u>			
Planning Department Reviewer: 			Date: <u>8/20/20</u>

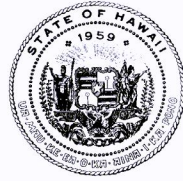
Agricultural-related Activities: (please answer the following questions on a separate page)

1. Describe in detail, the Agricultural activity you want to operate on your property.
2. Is owner/operator growing or raising Agriculture on the subject property or on other property owned or leased? List what is grown.
3. Will owner/operator sell what is grown or raised in its raw form? List what will be sold.
4. Will the owner/operator process, package, sell what is grown on the premises?
5. Will owner/operator use what is grown or raised to create a finished commercial product that will be sold/served on the premises? List items to be sold.
6. Will owner/operator use what is locally grown or raised by others in creating/ serving the commercial product? List all ingredients.
7. Will the owner/operator need to use ingredients or serve items that are not locally grown?
8. Will owner/operator create and sell value-added products on the premises? List items.
9. Will owner/operator sell logo items related to the ag operations and other food items? List items.
10. What type of structure will be built for your business operation?
11. Is a retail food establishment permit required from DOH? If Yes, Certification required that you are in compliance with DOH rules.
12. If proposing Ag-based Commercial Operation what type of operation are you proposing?

FOR STAFF USE ONLY:

Categories:

- ☐ Determination: Ag-Processing Minor
- ☐ Determination: Ag-Processing Major
- ☐ Determination: Ag-Tourism
- ☐ Determination: Special Permit
- ☐ Determination: Ag-based Commercial (A) Roadside stand (Sell Ag products grown in HI & valued- added products using locally-grown)
- ☐ Determination: Ag-based Commercial (B) Retail activities in Enclosed structure (Sells Ag products grown in HI, value-added, logo, food)
- ☒ Determination: Ag-based Commercial (C) Retail Food Establishment (prepare/serve food in facility approved by DOH)
- ☐ Determination: Ag-based Commercial (D) Farmers' Market
- ☐ Determination: Ag-based Commercial (E) Food Hub



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: February 2, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Special Permit Application (PL-SPP-2024-000062)
Applicant: Tirtha Luitel
Request: To Construct and Operate a Forty-Nine (49)-Stall Commercial
Parking Lot
Tax Map Key: (3) 2-8-010:014 (por.), Honomū, South Hilo District, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'ŌKELE

Deputy Directors
Nā Hope Luna Ho'ōkele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 00396.24
HWY-PL 24-2.35305

February 16, 2024

Mr. Zendo Kern
Planning Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Attention: Christian Kay

Dear Mr. Kern:

Subject: Request for Comment for Special Permit Application (PL-SPP-2024-000062)
Parking Lot Operation at Akaka Falls Park
Honolulu, South Hilo, Hawaii
Tax Map Key No. (3) 2-8-010: 014 (Portion)

Thank you for your letter dated January 26, 2024, requesting our comments on the subject application.

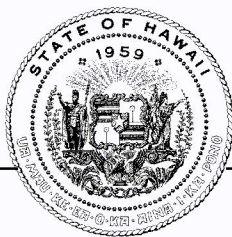
Access driveway connection to Akaka Falls Road (State Route 220) must meet all applicable engineering criteria set forth by the Hawaii Department of Transportation, Hawaii District, including design standards, sight distance requirements, and all necessary permits prior to any construction work.

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Planning Branch at (808) 587-6366 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review numbers PL 2024-007.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Sniffen".

EDWIN H. SNIFFEN
Director of Transportation



STATE OF HAWAII OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS 202401261413NA

Coastal Zone
Management
Program

February 27, 2024

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

Jeffery W. Darrow, Deputy Director
Planning Department
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Dear Deputy Director Darrow:

Subject: Special Permit Application (PL-SPP-2024-000062)
Request: To Construct & Operate a Commercial Parking Lot
Applicant: Tirtha Luitel
TMK: (3) 2-8-010:014 (por.)
Honolulu, Hawai'i

The Applicant is applying for a Special Permit to construct and operate a paid parking lot involving 49 stalls (Project) on 0.4 acres in the State Agricultural District (Permit Area). To construct the proposed parking lot, approximately 5,000 square feet of concrete will be poured, adding to an existing 11,500-square-foot concrete pad. The Project is intended to provide overflow parking from 'Akaka Falls State Park. The application suggests the existing parking facility at 'Akaka Falls State Park is insufficient to handle the daily vehicular traffic of visitors, resulting in hazardous conditions and congestion along State Highway 220 (or 'Akaka Falls Road). The Project aims to alleviate roadside parking and pedestrian hazards along 'Akaka Falls Road. Construction of the Project is expected to be complete within six months of securing entitlements. The total cost of the Project is estimated to range between \$400,000 and \$500,000.

Additionally, an Agricultural-Based Commercial Operation (ABCO), in the form of a restaurant, has been certified by the County of Hawai'i and will be constructed on land that involves the Permit Area. The restaurant is expected to take at least two years to complete and will eliminate eight parking stalls from the Project. The Project will accommodate both 'Akaka Falls visitors and restaurant patrons when the restaurant is operational.

Permit Area

The Permit Area is located on a 98.285-acre parcel (Property) at the end of 'Akaka Falls Road, approximately 200 feet south of the existing 'Akaka Falls State Parking lot. The Property is identified as Tax Map Key (3) 2-8-010:014.

The Permit Area is zoned Agricultural District 20-acres (A-20a), and the County General Plan Land Use Pattern Allocation Guide designates most of the Property as *Important Agricultural Lands*. Properties to the south and east are also

zoned A-20a. Forest Reserve and A-10a-zoned land lie to the north. The parcel on the makai side of Highway 220 is zoned Family Agricultural District. All properties in the area are therefore agricultural in nature, aside from Akaka Falls State Park, which is Conservation land.

The Permit Area contains “Prime Agricultural Land” and “Other Important Agricultural Land”, as defined by the Agricultural Lands of Importance to the State of Hawai‘i (ALISH). The Land Study Bureau (LSB) classifies the soils of the Permit Area as “C” and “D”. Vegetable farming occurs on portions of the Property.

The Permit Area is located within Flood Zone X, areas of minimal flood risk outside the 0.2% annual chance floodplain.

OPSD Comments

The Office of Planning and Sustainable Development (OPSD) has the following comments:

1. The proposed use does not appear to be contrary to the objectives sought by Chapters 205 and 205A for the State Agricultural District because it would provide supplemental income to a farm. OPSD will defer to the Department of Land and Natural Resources (DLNR) regarding the need for the Project to alleviate parking demands of the existing ‘Akaka Falls State Park parking lot. OPSD will further defer to the Hawai‘i Department of Transportation to comment on whether the Project will improve pedestrian safety and alleviate roadside parking along ‘Akaka Falls Road. It would have been helpful to see evidence of coordination with these agencies to confirm that the Project is not contrary to these state agencies’ plans for future improvements, if any, to their properties.
2. Depending on the parking fee charged, the proposed use may prevent visitors from parking in unsafe areas along the sides of the road leading to ‘Akaka Falls. OPSD is uncertain whether a new commercial parking facility would attract more visitors to the Falls. However, given the project’s size and scale, it would likely not adversely affect surrounding properties because visitor traffic to ‘Akaka Falls State Park already exists; and 11,000 square feet of concrete parking pad already exists.
3. While OPSD has not consulted with utility and service providers, given the proposed use and scale, it appears that the project would not unreasonably burden public agencies to provide new roads, sewers, school improvements and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the State Agricultural District boundaries and rules were established in 1969. The current economics of small-scale farming no longer generate enough income to support a farm household and additional supplemental income is often needed to allow a farm family to continue to operate a farm.
5. Based on Figure 2 of the Application, the future restaurant will be located within the 0.4-acre Permit Area. The Applicant should disclose information about the relationship between the future restaurant and the Project so the Hawai‘i County Planning Commission can evaluate the Project against the five guidelines established in Hawai‘i Administrative Rules §15-15-95 for determining “unusual and reasonable” special uses within the State Agricultural District.

- a. The Applicant should provide details related to the additional traffic volumes expected from the restaurant, how many stalls are expected to be occupied by restaurant patrons compared to the stalls occupied by visitors to the 'Akaka Falls State Park, and whether visitors to 'Akaka Falls will be charged the same parking fee as customers to the restaurant. If DLNR's State Parks Division plans for visitors to 'Akaka Falls State Park to have free parking unless they also purchase food at the future permitted restaurant, then the SP conditions of approval should define and separate parking lot use between restaurant and 'Akaka Falls patrons through a parking management plan.
 - b. The Application refers to "Exhibit A" as the ABCO approval letter from the Hawai'i County Planning Department, but "Exhibit A" is not included in the Application. The Applicant should provide the ABCO approval letter.
6. OPSD has concerns that the Project and restaurant operations could hinder agricultural use of the property by restricting vehicular access. The Applicant should explain how existing agricultural use would be accessed should the Project be approved.
7. There is no evidence that the Applicant conducted research into the existence of any traditional and customary native Hawaiian practices or archaeological resources in the Permit Area. Without the benefit of such research, the Hawai'i County Planning Commission may not have the factual basis to determine whether the Hawai'i Supreme Court's three Ka Pa'akai case law requirements are satisfied. The Applicant should be required to conduct a Cultural Impact Assessment, including a Ka Pa'akai analysis, for the Permit Area.
8. The Application indicates that best management construction practices will be implemented. However, there is no discussion about the degree to which the stormwater runoff and erosion from the proposed 5,000-square-foot concrete pad would be mitigated. The Applicant should show how the Project will prevent adverse impacts on surrounding properties and 'Akaka Falls Road.

Thank you for the opportunity to comment on this application. Should you have any questions regarding the comments provided, please contact Brandon Soo at brandon.a.soo@hawaii.gov. If you wish to respond to this comment letter, please include DTS 202401261413NA in the subject line.

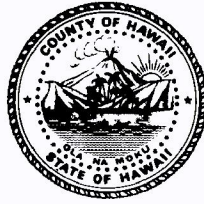
Mahalo,

Mary Alice Evans

Mary Alice Evans
Interim Director

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Diane Nakagawa
Finance Director

Aaron K. H. Brown
Deputy Director

County of Hawai'i

DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hilo, Hawai'i 96720-4679 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

Date: January 30, 2024 Tax Map Key: 2-8-010-014-0000

To: Planning Director

From: Real Property Tax Office

Subj: Request for Comments and/or Review

Comments from the Appraisal Section:

- ☐ Property is receiving agricultural use value
- ☐ Property is dedicated to agricultural use
- ☐ Possible rollback taxes
- ☒ There are no comments at this time

Remarks: _____

Appraiser to Contact: Saesha Hanselman

Phone: (808) 961-8857

Comments from the collection section:

- ☐ Status of real property taxes:
- ☒ Current
- ☐ Delinquent / Amounts \$ _____
Amount includes tax, penalty & interest up to _____

Remarks: Paid up to June 30, 2024

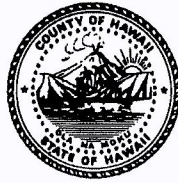
Collection personnel to contact: Karen Visaya

Phone: 808-961-8290

Planning Dept. Exhibit <u>6</u>

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

A handwritten signature in black ink, appearing to read "Brenda Iokepa-Moses".

DATE: February 8, 2024

SUBJECT: (PL-SPP-2024-000062)
Applicant: Tirtha Luitel
Request: To Construct and Operate a Forty-Nine (49)-Stall Commercial Parking Lot
Tax Map Key: (3) 2-8-010:014 (por.), Honomū, South Hilo District, Hawai'i

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details).

- Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details).

- No County sewer system in area. Applicant shall follow Hawai'i Department of Health, and all other applicable federal, state, and county regulations.

Planning Dept.
Exhibit <u>7</u>

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: February 26, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: Special Permit Application (PL-SPP-2024-000062)

Applicant: Tirtha Luitel

Request: To Construct and Operate a Forty-Nine (49)-Stall Commercial
Parking Lot

TMK: 2-8-010:014 por.

We have reviewed the subject request and provide the following comments:

1. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
2. All activities shall comply with the requirements of Hawaii County Code (HCC), Chapter 10, Erosion and Sedimentary Control.
3. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit <u>8</u>

October 2, 2024

Mr. Jeffrey Darrow, Deputy Director
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Darrow:

Subject: Response to Comments Regarding Special Permit Application (PL-SPP-2024-000062)
Applicant: Tirtha Luitel
Honomū, South Hilo District, Hawai‘i TMK (3) 2-8-010: 014 (por.)

Thank you for your review of the subject application. This letter is in response to comments from the Division of State Parks (**Exhibit A**). In response to those comments, we provide the following:

- Patronage to the ‘Akaka Falls State Park already exceeds the capacity of the existing parking lot, leading to guests parking along the sides of Akaka Falls Road and then walking up the road to the park. The proposed parking lot will provide safe overflow parking and a pedestrian trail for those guests. Thus, the goal of the proposed parking lot is simply to mitigate the existing safety hazard posed by the number of vehicles and pedestrians who currently park along Akaka Falls Road after the State’s parking lot is full, not to increase visitation to the park. The notion that providing appropriate overflow parking to support the current need will increase patronage to the park is speculative.
- We appreciate being informed that the Division of State Parks is considering enacting a reservation-based entry system for ‘Akaka Falls State Park. The applicant has taken this information into consideration and still wishes to pursue the subject Special Permit request. The applicant will reassess his plans as needed in the future should the viability of the parking lot diminish.
- We appreciate being informed that the Division of State Parks has been granted approval to solicit a Mobile Food Service. The applicant has taken this information into consideration. As the applicant has already been granted an agricultural-based commercial operations certificate to establish a food truck on his property, his food truck is not part of the subject Special Permit request and is separate from the proposed parking lot.

We trust that this letter sufficiently addresses the comments provided. If not, or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,



John Pipan
Land Planning Hawai‘i LLC

EXHIBIT A

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

July 5, 2024

MEMORANDUM

TO: DLNR Agencies:
___ Div. of Aquatic Resources
___ Div. of Boating & Ocean Recreation
X Engineering Division (DLNR.ENGR@hawaii.gov)
X Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
X Div. of State Parks (curt.a.cottrell@hawaii.gov)
X Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
___ Office of Conservation & Coastal Lands
X Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
X Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: Request for Agency Comments Regarding Special Permit Application (PL-SPP-2024-000062) to Operate an Overflow Parking Lot for Akaka Falls State Park

LOCATION: Honomu, South Hilo District, Island of Hawaii; TMK: (3) 2-8-010: 014 (por.)

APPLICANT: Land Planning Hawaii LLC on behalf of Tirth Luitel

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **August 1, 2024**.

If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Darlene Nakamura at darlene.k.nakamura@hawaii.gov. Thank you.

BRIEF COMMENTS:

- () We have no objections.
() We have no comments.
() We have no additional comments.
(X) Comments are included/attached.

Signed: *Alan Carpenter*

Print Name: ALAN CARPENTER

Division: STATE PARKS

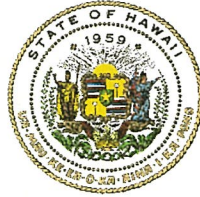
Date: 8/1/24

Attachments

cc: Central Files

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF STATE PARKS
P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 1, 2024

The Hawaii Division of State Parks (DSP) administers and derives significant parking and entry fee revenue from 'Akaka Falls State Park, adjacent to the subject property.

While DSP has no objections, per se, to the effort of this landowner to help mitigate overflow impacts and create a viable business plan, State Parks has not been consulted on this matter and we feel the following information should be taken into consideration:

- Increasing the parking capacity adjacent to 'Akaka Falls, while potentially mitigating overflow parking issues, may actually increase patronage to the park to a level that increases crowding on the singular walking route and decreases the overall quality of visitor experience.
- DSP has been migrating its fee areas toward capacity-based reservation systems for heavily toured parks in an effort to reduce overcrowding, enhance visitor quality, and allow ample space for local residents to return to cherished places they have been increasingly pushed out of. 'Akaka Falls is among the fee areas under consideration for such a system, which typically requires an advanced reservation for both parking and entry through our partner vendor and an official state website interface (<https://gostateparks.hawaii.gov/>). Should a reservation model be adopted for 'Akaka, it could have impacts to the viability of the proposed private parking lot.
- The Board of Land and Natural Resources has granted DSP approval to solicit for a Mobile Food Service (Food Truck) concession at 'Akaka Falls State Park. This has the potential to compete with the proposed food truck at the adjacent private parcel and dilute the profitability of both food concessions.

Mahalo for the opportunity to comment on the proposed Special Permit Application
(PL-SPP-2024-00062)

To: Windward Planning Commissioners
c/o Planning Department
East Hawaii Office
2101 Pauahi St. Suite 3
Hilo, Hawaii 96720

COH PLANNING DEPT
APR 1 2024 AM 8:32

From: Mamolani King
P. O. Box 831093
Pepeekeo, Hawaii 96783

REC'D HAND DELIVERED

Re: Special Permit Application
(PL-SPP-2024-000062)

CC: wpctestimony@Hawaiicounty.gov

.....

Aloha kakou! I am writing to you to express my adamant opposition to expanding the offensive, unsightly cement eyesore with storage trailer, water tank, porta-potties and a food trailer on TMK (3) 2-8-010:014 next to Akaka Falls State Park. Many of my friends in the neighborhood and acquaintances from the greater East Hawaii community are also opposed to the expansion and commercialization of this parking area and "restaurant".

The Special Permit application, PL-SPP-2024-000062 being considered by you, the Windward Planning Commission, is misleading in many, many ways. The project is far from being low impact as it is claimed in the application. Nor would it "retain the essential character of the land".

First, on Page 4, lines 7-8 of the special permit application references an 11,500 square foot concrete pad already developed on the property. (This is part of the eyesore mentioned in paragraph one above.) Question: How was this cement pad constructed on state agricultural zoned property to begin with? To repeat throughout the application that the soil within the special permit area is "C" (fair) or "D" (poor) is highly misleading. According to a map included in the application, the soil is rated C. The NRCS (US Department of Agriculture Natural Resource Conservation Service considers "prime farmland". I myself farm on soil type "C" with amazing productivity despite no additional inputs such as commercial fertilizer.

Tirtha Luitel, the applicant, along with Suresh Neupane, was granted an Agricultural-Based Commercial Operation (ABCO) in August 2020, for a restaurant composed of two mobile food service trailers structurally connected with a covered platform deck. However, on Page 4 of the Special Permit application, lines 16-17 state “construction of the restaurant will likely take at least two years to complete”. It seems to me strange that the linking of two mobile food trailers would take so long... unless another type of commercial restaurant is being planned by a future special permit application.

Also bothersome here is that the ABCO description by Mr. Luitel anticipated 20 cars per day for 15 parking spaces, and the special permit application as written by Land Planning Hawaii LLC, anticipates only 49 cars all day for 49 parking stalls. (Note here that Land Planning Hawaii LLC is the company which the Director of the Planning Department, Zendo Kern, owns or works for when he is in private practice.)

To continue: Most visitors to Akaka Falls stay for less than an hour, which could then total as many as 500 cars in a day in a 49 stall parking lot covering 16,500 square feet. (A little less if the two food trailers occupy eight stalls.)

Luitel and Neupane’s ABCO plan had two porta-potties for customers of 15 parking spaces. How many more would be needed for as many as one to two thousand parking clients of 41-49 parking stalls, not to mention the additional restaurant clients arriving from the state parking lot or parking along the road?. Diamond Parking attendants of the state parking lot have been told that the new commercial lot on the Luitel and Neupane property will be for buses and vans which is not mentioned at all in the special permit application. The original ABCO permit mentions 10 tables for the two food service trailers. How many more would be needed in the new commercial parking lot, along with water tanks and storage trailers? The supporting clutter of the original ABCO is already horribly visually unsightly, and will only get worse with a larger parking lot.

On Page 13, the applicant claims that “the proposed action will retain the essential character of the land...” and I am wondering how this can be done by covering the land with 16,500 square feet of concrete and a mass of porta-potties, food storage trailers, water tanks, buses and vans and 500 cars per day.

On Page 13, it is also claimed that the proposed parking lot would support the economy through the purchase of construction materials and labor, estimated at \$500,000.... a valuable resource to the community.” I would like to point out that

“the community” is a large population of struggling local residents who bring their children to “Animal Falls Road” to see farm animals and for a no-cost hike to a spectacular, and to us, a sacred waterfall of overpowering mana. Locals park on the street because they cannot or will not pay for parking. I was told by a parking attendant in the state lot in December that residents had to pay \$5 to park and tourists \$10, despite the DLNR website which says that resident parking at Akaka Falls is free. Therefore, my grandsons and I parked along the roadside. Hawaii residents (a.k.a. locals) will continue to park on the road despite an additional paid parking lot until the state fulfills its duty to its constituents and guests by providing proper, fee-less parking in the State Parking Lot.

Pages 15 and 16 of the Special Permit application are so full of bogus claims that it is an embarrassment:

“No significant visual impacts are expected to occur as the parking lot is low-lying in nature.”

“With regard to historic sites, although no commissioned archaeological survey of the site was conducted, it is highly unlikely that any historic sites would be found in the special permit area of the property”... because it has already been bull-dozed and partially covered with cement!

“The General Plan also emphasizes that developments be mindful of an area’s natural beauty”... which is true of the General Plan but not of this expanded commercial parking lot on private agriculturally zoned land.

Page 19: See 3H. Valued Cultural Resources...”Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this site.” I agree... let’s discuss it with people of the land. To continue: “No known archaeological sites, historical, or cultural resources are known to be located on the property” [92.8 acres]. It is not known whether the subject site or immediate area was ever used for traditional and customary rights by native Hawaiians.”... People of the land would know but perhaps not foreign land owners or Caucasian American settlers (a.k.a. malihini). “However, in the event of documented claims of gathering or access are made of this site the applicant will honor them.”

Page 19, see 3I: Public Access – “The subject parcel is not adjacent to or near any shoreline or mountainous areas...” However, it is adjacent to the most sacred waterfall in all Hawaii. To ignore that significance to the people of this land is to disrespect native Hawaiians and long time residents of the Hawaiian Islands.

Ua mau ke ‘ia o ka aina i ka pono!

From: [Megan Isaac](#)
To: [WPCtestimony](#)
Subject: Objection to APPLICANT : TIRTHA LUITEL PL-SPP-2024-000062
Date: Wednesday, April 3, 2024 10:55:28 PM
Attachments: [APPLICANT - TIRTHA LUITEL PL-SPP-2024-000062 .pdf](#)

Windward Planning Commission

4/3/24

From: Megan Isaac , Hilo Resident /Bnb operator

APPLICANT : TIRTHA LUITEL PL-SPP-2024-000062

I wish to file an objection to this submission due to the negative visual and environmental impact of an 18,000 sq foot parking lot.

I have concerns for the visual impact on a nature area that is a famous Big Island landmark.

An 18,000 sq foot parking lot has a capacity that doesn't reflect the narrow road access to the lot or the narrow pathway and limited capacity of the Akaka Falls trail.

It will be irresponsible to approve this and there are objections to the degree of impact this will have due to traffic congestion in the town of Hononu which has several sharp turns and a difficult entrance onto a highway. Please do not approve this parking lot as it is not in keeping with the appropriate scale of development suited for this area.