



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393

October 10, 2024

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

Dear Mr. Darrow:

Subject: Attn: Christian Kay
Special Permit Application Resubmittal (PL-SPP-2024-000075)
Applicant: Teppy Mountain LLC
Agent: Land Planning Hawaii LLC
Pāpa‘ikou, South Hilo, Hawaii TMK: (3) 2-7-007:001 (por)

Transmitted here within for your review and processing is the resubmittal of an application requesting a Special Permit to host an annual four (4) – day event with overnight camping and to store up to six work vehicles on the property. The property is located at the top of Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road in Pāpa‘ikou, South Hilo, Hawai‘i.

This resubmittal includes a revised background and environmental report addressing additional information requested from your office. Additional information provided in the revised report includes more details on the types of activities which are anticipated to take place during the annual event, mitigations with regard to sound impacts, potential traffic impacts and additional information on fire and security mitigations and relevant correspondence. The revised report also reiterates that the event is proposed to take place only once per year and be located in a relatively remote area so as to not disrupt surrounding property owners.

We trust that everything is in order for your acceptance and processing of this application. 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
Planning Administrator

SPECIAL PERMIT APPLICATION

COUNTY OF HAWAII
PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Teppy Mountain LLC

APPLICANT’S SIGNATURE: Andrew Tepper DATE: Aug 27 2024 16:35 PDT

ADDRESS: 4717 Middle Rd, Allison Park, PA 15101

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

PHONE: (Bus.) 412-973-7914 (Res.) _____ (Email) 

REQUEST: To hold an annual multi-day event with overnight camping and to store commercial vehicles

TAX MAP KEY: (3) 2-7-007:001 ZONING: A-20a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 1419.17 acres / 14.9 acres

LANDOWNER(S): Teppy Mountain LLC

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION
(may be provided by letter with the below statement included):

Andrew Tepper DATE: Aug 27 2024 16:35 PDT

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) 

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

ORIGINAL: Agent COPIES: Applicant

**COUNTY BACKGROUND & ENVIRONMENTAL REPORT
COUNTY SPECIAL PERMIT REQUEST
TEPPY MOUNTAIN LLC
ONOMEA, PĀPA‘IKOU, SOUTH HILO, HAWAI‘I COUNTY, HAWAI‘I
TMK: (3) 2-7-007:001 (por)**

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- Exhibit B – Correspondence with Fire Department
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- Exhibit D – Neighbor Support Letters

I. INTRODUCTION

Teppy Mountain LLC (“**applicant**”) is requesting a Special Permit to host an annual four (4) – day event with overnight camping on a portion of the property identified by TMK (3) 2-7-007:001. Additionally, the applicant also requests to allow vehicle storage on the property for up to six (6) trucks. The property is located at the top of Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road in Pāpa‘ikou, South Hilo, Hawai‘i (**Figure 1**). This request seeks to utilize a 14.7-acre portion of the overall 1,419.17-acre parcel for the event and truck parking.

The property is located within the State Land Use Agricultural District and thus a Special Permit is required to host events and overnight camping. Although the applicant had informed the County Planning, Police and Fire Departments prior to hosting the event in 2023, unfamiliar with the County and State regulations requiring a Special Permit, the applicant regrets that he misunderstood County requirements and held the 2023 event without obtaining a Special Permit. In order to comply with all governmental regulations, the applicant is now requesting a Special Permit to hold the event annually. The event will be centered on principles of inclusion, gifting, self-reliance, self-expression, communal effort, civic responsibility, and respect for the environment, emphasizing the practice of “leave no trace”. The event will be offered on a donation basis and attendees will be encouraged to bring all that they need, share with others and leave the environment better than they found it. The applicant’s intention is to offer only one (1) event per year and for the event to provide attendees with a fun and enriching environment in which to enjoy art and self-expression while maintaining reverence for the land, respect for the community and leaving virtually no impact on the property.

Additionally, the applicant leases a portion of the property to a local rancher who utilizes approximately 1,000 acres of the property as pasture for his cattle. This application also requests approval for the rancher to utilize an approximately 0.46-acre portion of the requested 14.7-acre Special Permit area to legitimize storage for up to six (6) work vehicles. These vehicles are used for on-site cattle ranching purposes, but while not in agricultural use the vehicles are also used to deliver gravel to local businesses and thus storage of the vehicles on the property requires a Special Permit.

II. PROJECT DESCRIPTION

3A. Project Concept and Components

If approved, the Special Permit area would consist of a 14.7-acre portion of the overall 1,419.17-acre parcel. Approximately 14.24 acres, inclusive of access roads, would be used for the annual four (4)-day camping event and include designated camping areas and a bonfire area and the remaining approximately 0.46-acres would be used for vehicle storage. The check-in area for the event will also be located within the vehicle storage area of the parcel. The applicant believes that the natural pastoral beauty of this relatively small portion of the parcel is an ideal location to host the proposed event centered on art, nature and self-expression. The event will be held annually in November and will not require any



3 Matsue Kawahara
4 Matsue Kawahara - 1/2
Yukio Kawahara & wf.
Takayo Kawahara - T/E - 1/2

Parcels Dropped: 2, 8, 11, 12, 7,

THIRD DIVISION		
ZONE	SEC.	PLA
2	7	07

CONTAINING PARCEL
SCALE: 1 in. = 1000 ft.

ADVANCE SHEET
SUBJECT TO CHANGE

PRINTED.....

FIGURE 1

permanent structures or land altering activity and thus should have virtually no impact on the property.

Additionally, the applicant requests that an approximately 20,000 square foot area be permitted to be used for work vehicle storage (see conceptual site plan attached as **Figure 2**).

The applicant proposes the following elements as part of the Special Permit:

1. **Camping:** Three (3) areas totaling approximately 14.24 acres (inclusive of three campsite areas, access roads and a bonfire area) will be reserved for camper use. Attendees will be encouraged to share their own artistic contributions, workshops, and performance ideas to create a vibrant and engaging sense of community within the camp.
2. **Hours:** The camping event will be contained to an annual four (4)-day period each November. During that 4-day period, events may occur at any time of the day.
3. **Attendance:** The 2024 event proposes hosting only 200 attendees, with future events eventually expanding to up to 500 attendees.
4. **Bonfire Area:** The bonfire area will consist of approximately 0.31 acres and will serve as additional gathering space for attendees.
5. **Access:** Access to the property will be from Indian Tree Road. Attendees will enter through an entry gate and check-in to the event. They will then proceed down an existing approximately 1-mile long, 10-foot-wide gravel driveway within a 20-foot-wide unobstructed right-of-way providing access to the campsites. The driveway consists of approximately 3.33 acres. Multiple adequate pull off sites are available along the driveway to allow for passing of cars traveling in opposite directions.
6. **Parking:** Participants will park in designated lawn areas within the campsites. The designated parking areas can accommodate up to 200 vehicles.
7. **Water:** Attendees will be required to bring all of their own water and supplies. A 3,000-gallon rainwater catchment tank is located near the existing agricultural storage building and is available for emergency fire protection use. An additional water tank will be provided in the bonfire area if required.
8. **Wastewater:** As the event will only be held once per year and is intended to have as minimal an impact on the land as possible, portable bathrooms will be rented for the duration of the event and removed from the property immediately upon completion of the event.
9. **Amplified Sound:** Amplified sound will be permitted during the event. All amplified sound will be directed in a westerly direction, toward the bulk remainder of the

NOTES:

Issued
Current

Shewigun

Revisions

[illegible]

Project

PRELIMINARY: NOT FOR CONSTRUCTION

Drawing
Table

TEPPY MOUNTAIN
SPECIAL PERMIT APPLICATION
CONCEPTUAL SITE PLAN

Drawing No.

A-00

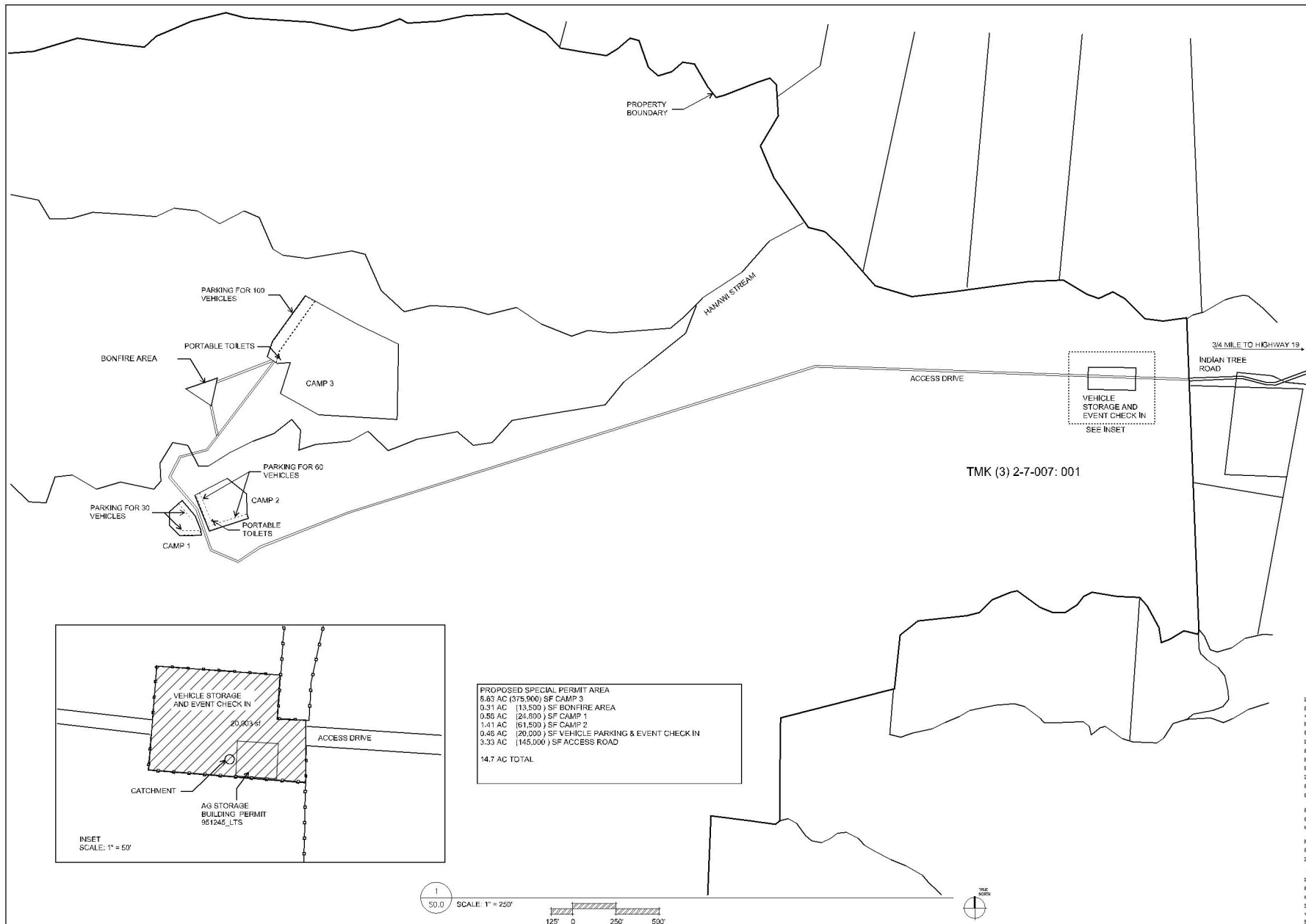


FIGURE 2

vacant 1,419.17-acre parcel, away from any neighboring dwellings. As such, sound impacts to neighboring landowners should be minimal.

10. **Safety:** The Police Department, Fire Department and Planning Department will be notified prior to the annual event. Volunteers will be stationed at the access gate to ensure that all attendees are registered. Additionally, depending on the number of attendees anticipated, between 4 and 10 volunteer “rangers” will be on site. The rangers are individuals trained to watch out for and de-escalate conflicts. The rangers will call the appropriate authorities should a situation arise which cannot be safely resolved.
11. **Fire protection:** A 3,000-gallon water tank exists in the vehicle storage area and will be available for emergency fire protection. Additionally, fire extinguishers will also be located within the bonfire area and each of the campsite areas. If required, the applicant is willing to install an additional water tank within the bonfire area.
12. **Vehicle storage:** An approximately 0.46-acre area will be utilized continuously to store up to six (6) vehicles. These vehicles are used for cattle ranching purposes; however, when not in agricultural use, the vehicles are also used to transport gravel to local businesses. The check-in station for the annual event will be located in the area identified for vehicle storage.

As mentioned above, the annual event will be centered on principles of inclusion, gifting, self-reliance, self-expression, communal effort, civic responsibility, and respect for the environment. Activities and workshops offered during the event will be dynamic and may change year-to-year as they will be initiated by the event participants, not the organizers. Thus, the number of possible activities which may occur during each event will depend on the number of participants. Examples of possible events, activities and workshops include fire performances/dancing, light installations (i.e. projection of light onto waterfalls or holograms), art installations celebrating native Hawaiian culture, flora and fauna, live music and DJ sets, eco-conscious workshops featuring topics such as permaculture, sustainable building and ocean conservation, healing and wellness spaces (i.e. medication zones and yoga areas), interactive community projects (i.e. collaborative art-making), environmental activism meetups and a burning ceremony involving the burning of a symbolic effigy to close out the event.

All attendees are expected to leave no physical trace of their activities wherever they gather. They are required to clean up after themselves and endeavor, whenever possible, to leave such places in a better state than when they were found. No permanent structures will be constructed for the event, and with the exception of portable bathrooms, which will be removed immediately upon completion the event, no temporary structures will be provided. Attendees will bring their own rain gear and camping supplies. Additionally, in the spirit of gifting, the event will be offered on a donation basis and is not anticipated to return a profit. The camping area will be located on a central portion of the property and will not impact any agricultural activities taking place on the property in any way. This is a very large parcel with many grazing paddocks and the cattle will be grazing distant areas of the property while the event occurs. Additionally, it is noted that attendees will be welcome to

enjoy the waterfalls on the property during the event as an outdoor recreational use which is permitted on agricultural land.

With regard to the request to utilize a 0.46-acre area of the parcel for vehicle storage, these vehicles are used to support the ranching activities on the property. However, while not being used for ranching purposes, the rancher who owns the vehicles also uses them to haul gravel. His ability to use his farm vehicles for other commercial purposes is vital to his ability to finance the vehicles and earn a living. However, because the use of the vehicles is not strictly related to agriculture use, a Special Permit is required to store the vehicles on agricultural land.

Fencing and signage throughout the property will ensure that attendees remain within the boundaries of the Special Permit areas. The special Permit areas were determined by overlaying Google Maps imagery of the property with an AutoCAD scale-drawn site plan. While the boundaries identified are not precise, they are accurate within a relatively small margin of error. In order to account for the margin of error, the applicant has chosen to decrease the overall Special Permit area to 14.7 acres. This should ensure that even if the precise boundaries of the Special Permit area are slightly breached, the overall area will remain under 15 acres. Additionally, it is noted that the Special Permit areas are located within a central portion of this large property. The nearest property boundary is nearly 2,000 feet away and walking to the boundary would require crossing multiple fenced cattle paddocks. Thus, the likelihood of attendees accidentally (or purposely) trespassing onto adjacent properties is very low.

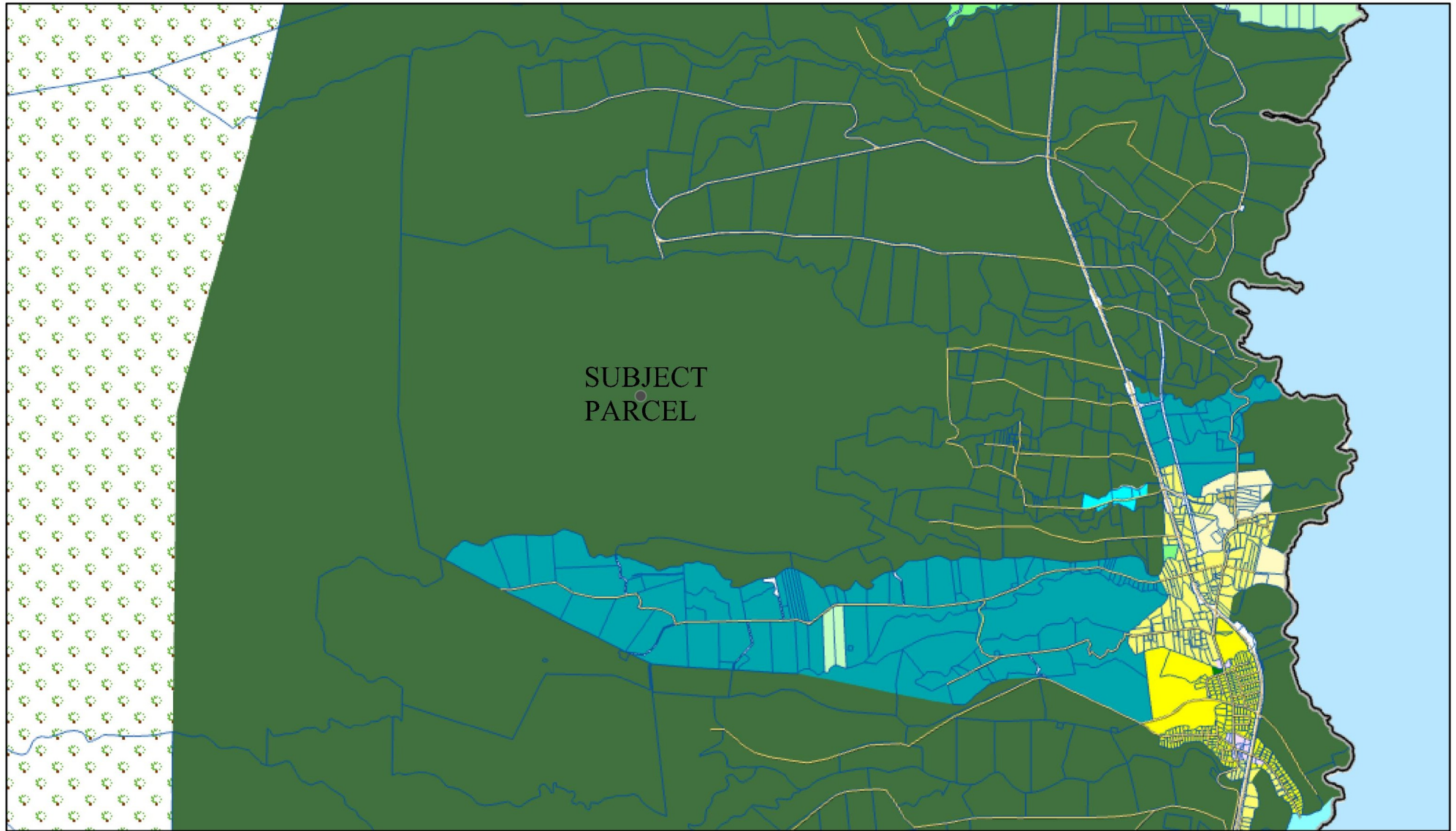
3B. Subject Property Description

The subject site, identified as TMK (3) 2-7-007:001, consists of 1,1419.17 acres of land and is zoned Agricultural 20-acres (A-20a) (**Figure 3**). The parcel is located at the top of Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road in Pāpa‘ikou, South Hilo, Hawai‘i (**Figure 1**). Access to the site is via Indian Tree Road, an existing paved private roadway with access off Hawaii Belt Road. A series of streams run throughout the property. Vegetation on the property consists primarily of non-native shrubs and grasses.

Approximately 1,000 acres of the parcel is utilized as pasture for grazing cattle and an approximately 20,000 square foot area of the property contains a permitted agricultural storage structure, a 3,000-gallon rainwater catchment tank and a parking area where six (6) work vehicles are stored. The remainder of the property is vacant of structures and uses.

The Land Use Pattern Allocation Guide (LUPAG) designates the parcel as Important Agricultural Lands (**Figure 4**) and the Land Study Bureau classifies the property as containing primarily a combination of “C”, or “Fair” and “D” or “Poor” soils with areas along the streams that run through the property designated as “E” or “Very Poor” (**Figure 5**). According to the Agricultural Lands of Importance to the State of Hawai‘i (ALISH), the project area is classified as primarily prime farmland, with portions of the property along the streams unclassified (**Figure 6**). The U.S. Department of Agricultural *Natural Resource Conservation Service* has designated the soil in the project area as Hilo hydrous silty clay loam with 10 to 20 percent slopes. This soil type is formed from ash fields over lava flows,

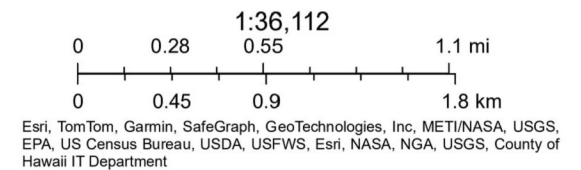
ArcGIS Web Map



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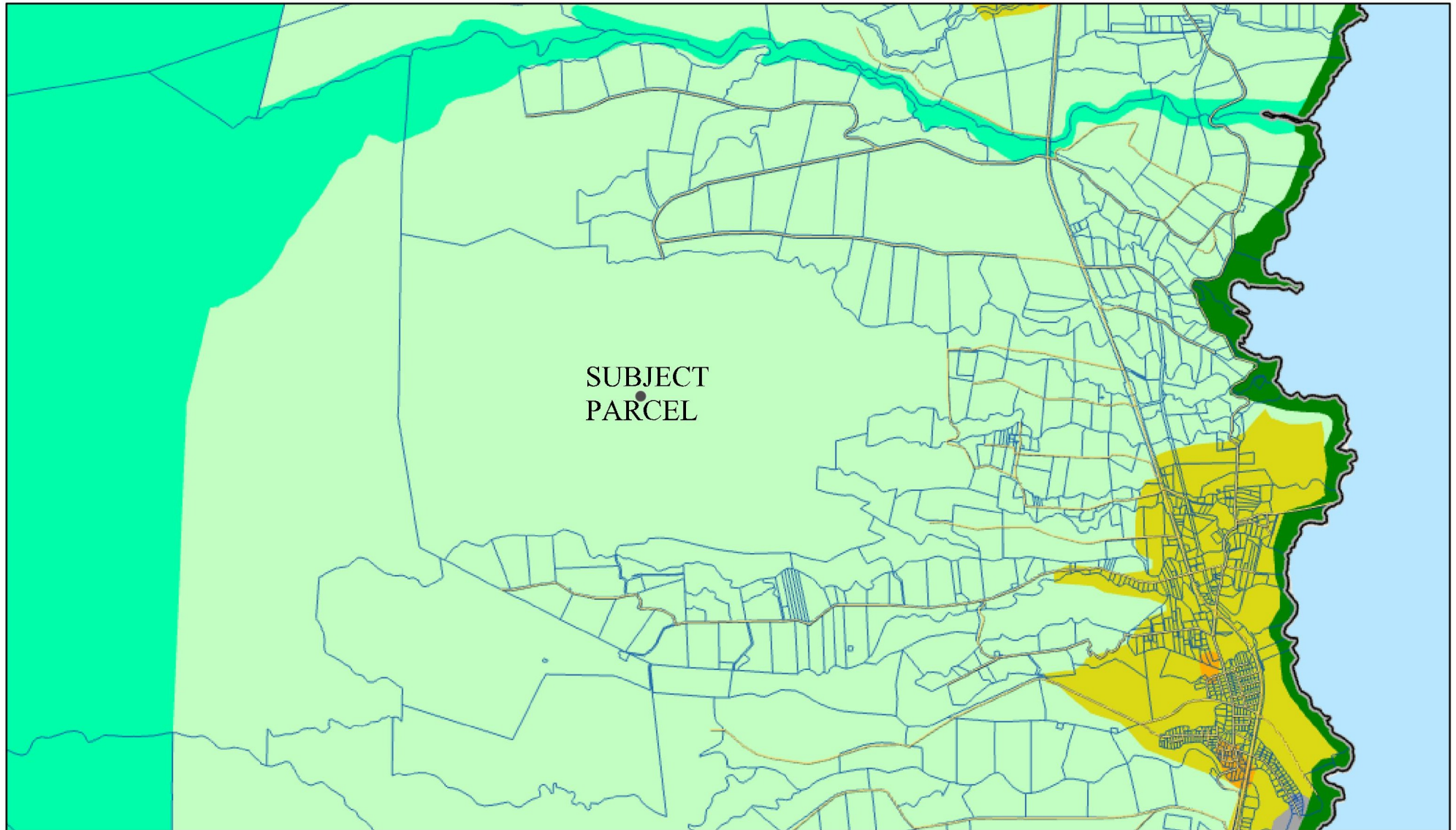
FIGURE 3



Web AppBuilder for ArcGIS

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ArcGIS Web Map



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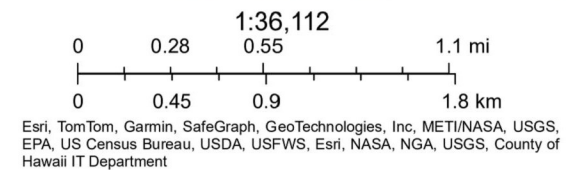
Land Use Pattern Allocation Guide (LUPAG)

- Conservation
- Important Ag. Lands
- Industrial

- Low Density Urban
- Medium Density Urban
- Open Area
- Parcels (current boundary lines)

FIGURE 4

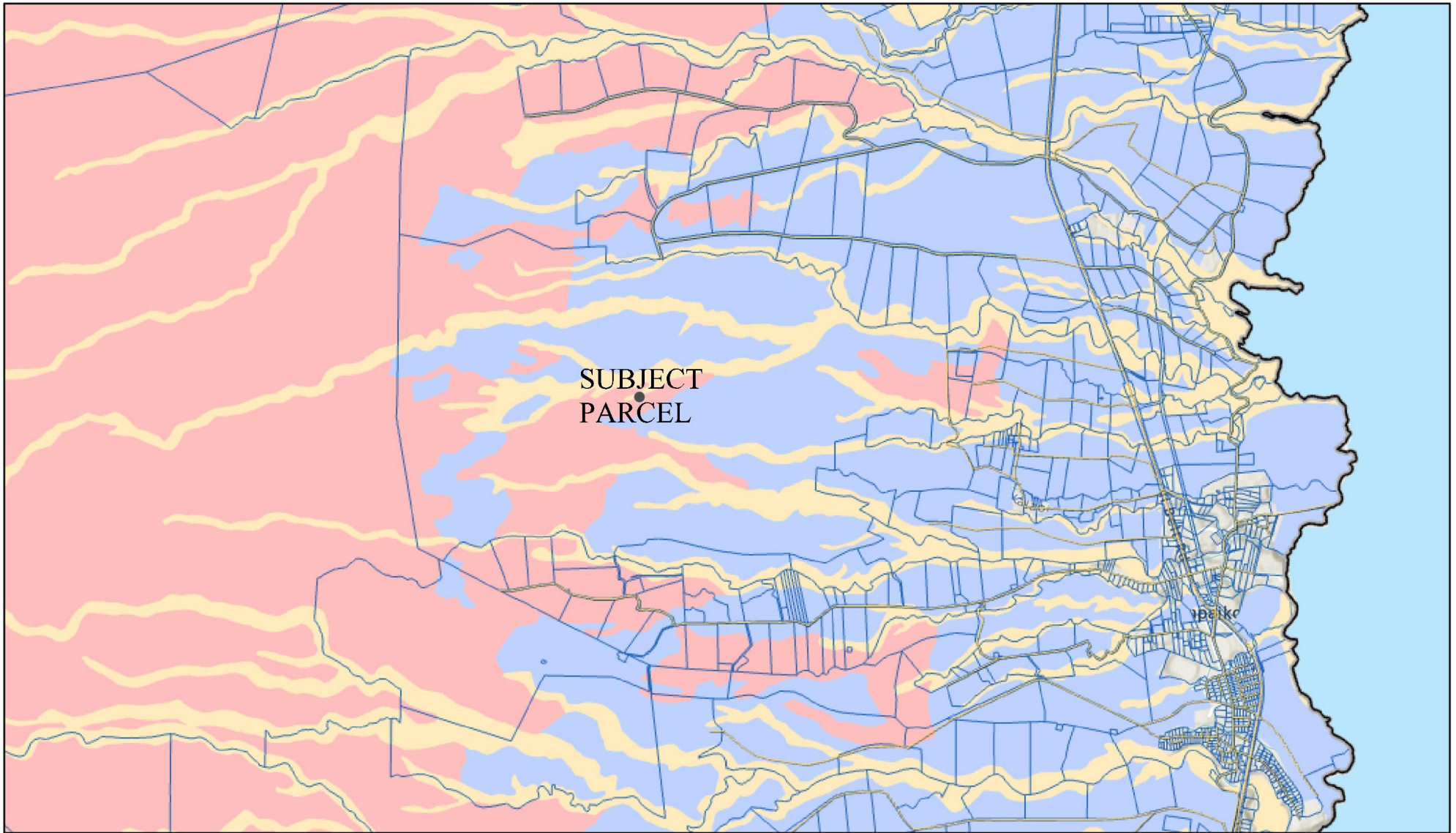
- Street Centerlines
- Hawaii County District Boundary
- Coastline



Web AppBuilder for ArcGIS

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ArcGIS Web Map



SUBJECT
PARCEL

FIGURE 5

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Land Study Bureau Soil Type (LSB)

C

D

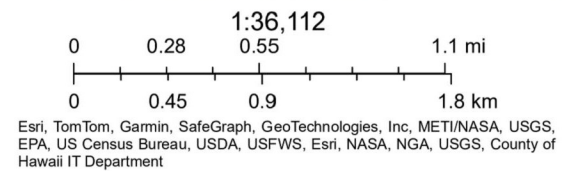
E

Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary

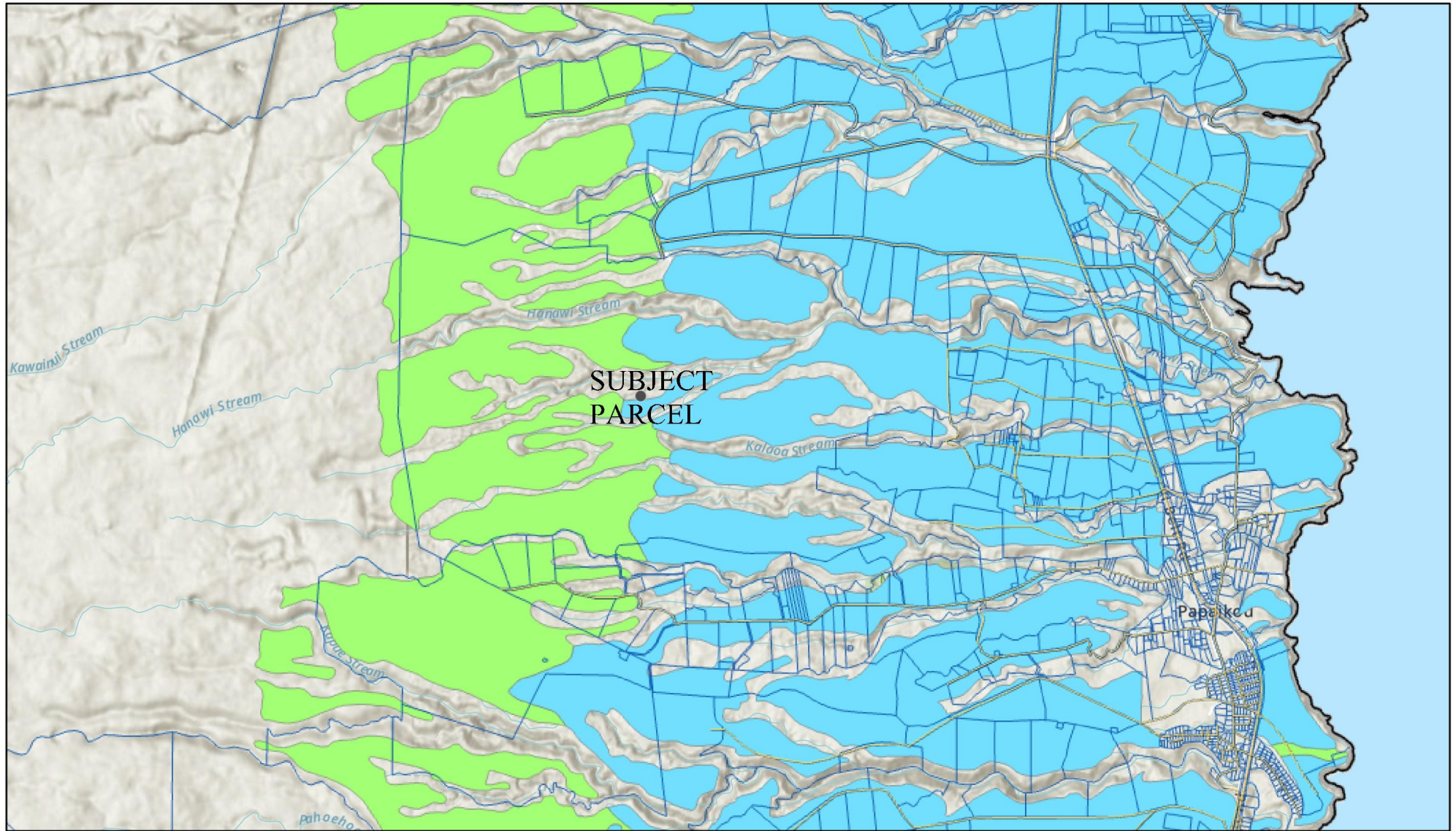
Coastline



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ArcGIS Web Map



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

1

3

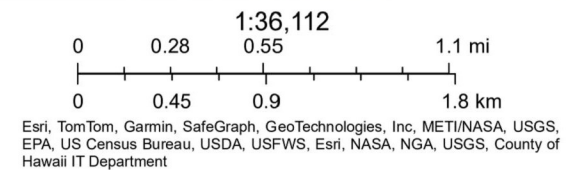
Parcels (current boundary lines)

Street Centerlines

Hawaii County District Boundary

Coastline

FIGURE 6



Web AppBuilder for ArcGIS

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is well drained and has a medium runoff class. It is noted that the Special Permit use will not affect any current or potential future agricultural uses on the property as the events will be contained to a small portion of the overall property and be short-lived.

Access through the property to the campsites will be via an existing 10-foot-wide gravel driveway within a 20-foot wide unobstructed right-of-way and all attendees will park within designated areas within the campsite zones. The areas proposed for camping already contain relatively level grassy terrain suitable for camping and parking. Additionally, the area designated for vehicle storage and event check-in has been previously cleared for parking and agricultural storage use. Thus, no new ground disturbance will be required in conjunction with the proposed project.

This area of Hilo is considered Lava Zone 8, on a scale ranging from 9 to 1 (least hazardous to most). The property is located over 1 mile from the coastline and is outside the Special Management Area (SMA). The property is not located in the Conservation District.

3C. Institutional Considerations

State Land Use

The subject site is designated State Land Use Agricultural (**Figure 7**), and the proposed Special Permit area consists of 14.7 acres. As such, no State Land Use Commission action is required and the County of Hawai‘i can process the Special Permit request.

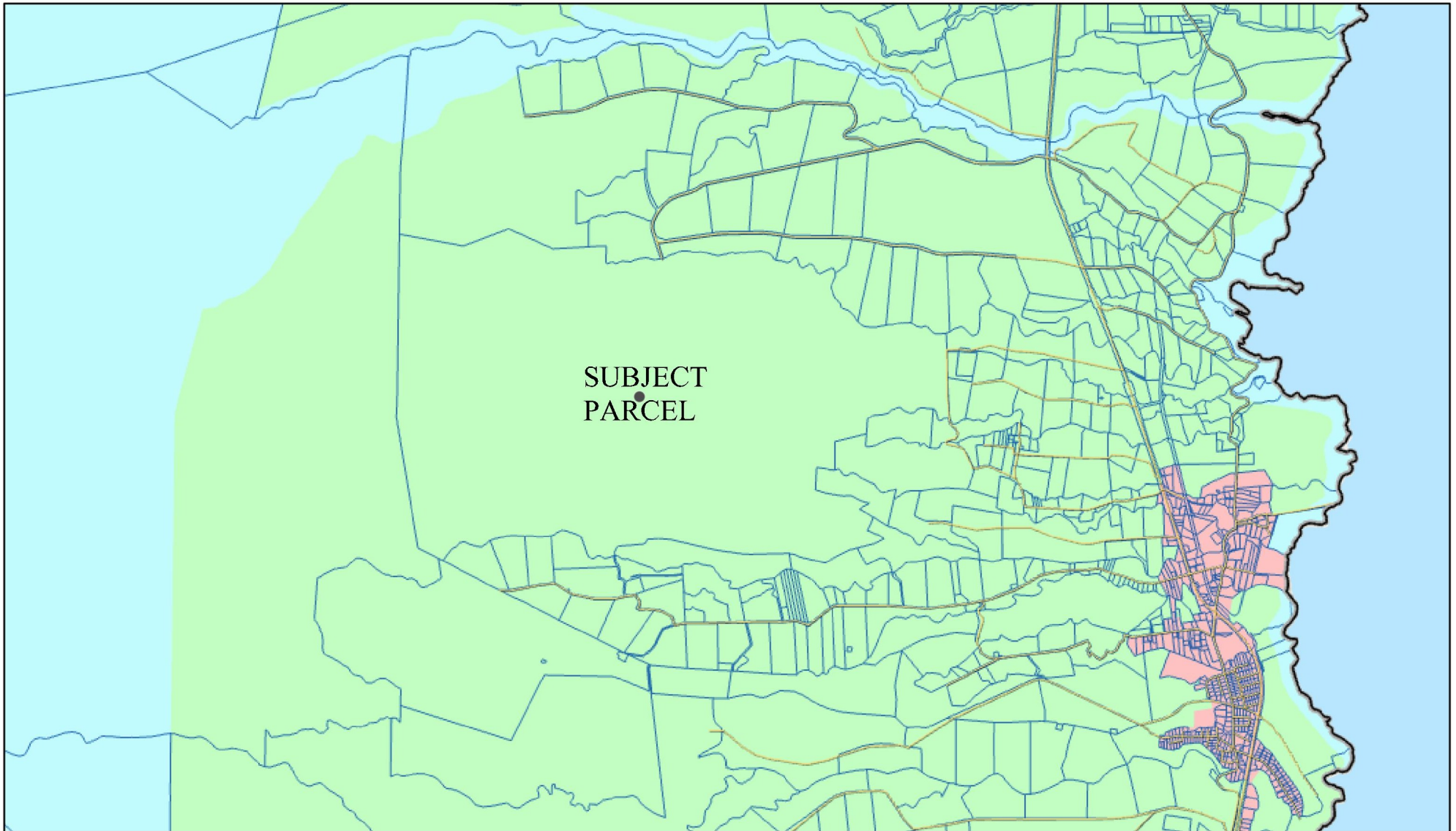
Under the Agricultural Lands of Importance to the State of Hawai‘i (ALISH) classification system, the subject site is primarily designated as prime farmland. However, based on the Land Study Bureau Overall Maser Productivity Rating, the subject property is classified as primarily “C” and “D” soils (**Figure 5**). It is noted that the proposed Special Permit area is primarily located within the “C” soil area. However, given that the use will only take place once per year and will not require any permanent structures or ground disturbance, the request should have no impact on the agricultural potential of the land.

In recognizing that lands within the 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 §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.

Special Management Area

The project area is located over 1 mile from the coastline and is outside the Special Management Area. The property is not located in the Conservation District.

ArcGIS Web Map



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State Land Use Classifications (SLU)

Agricultural
Conservation

Urban

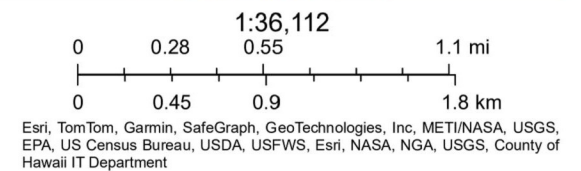
Parcels (current boundary lines)

Street Centerlines

FIGURE 7

Hawaii County District Boundary

Coastline



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County Zoning and General Plan

The subject property is zoned A-20a (**Figure 3**). The County General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the parcel as Important Agricultural Land (**Figure 4**). Relative to this designation, the General Plan allows consideration for a “Special Permit” on agricultural land where the requested uses meet certain criteria as outlined in Section 4 of this report 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. The proposed project is conducive to the General Plan’s guidelines as it conforms to the following goals, policies, and standards of the General Plan:

Economic Goals and Policies

- *Provide residents with opportunities to improve their quality of life through economic development that enhances the County’s natural and social environment*
- *Encourage the development of a visitor industry that is in harmony with the social, physical, and economic goals of the residents of the County.*
- *Identify the needs of the business community and take actions that are necessary to improve the business climate.*
- *Encourage new industries that provide favorable benefit-cost relationships to the people of the County. Benefit-cost relationships include more than fiscal considerations.*

Environmental Goals and Policies

- *Take positive action to further maintain the quality of the environment*

Natural Beauty Goals and Policies

- *Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.*
- *Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.*

Recreation Goals and Policies

- *Provide a wide variety of recreational opportunities for the residents and visitors of the County.*
- *Provide a diversity of environments for active and passive pursuits.*

Land Use Goals and Policies

- *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.*

Agricultural Land Use Goals and Policies

- *Preserve the agricultural character of the land.*
- *Coordinate and encourage efforts to solve the problems of the agricultural industry in the County of Hawaii.*
- *Encourage other compatible economic uses that complement existing agricultural and pastoral activities.*

Discussion: The subject property is designated on the LUPAG map as Important Agricultural Land and is primarily utilized as pasture for grazing cattle. The proposed request will utilize only a 14.7-acre portion of the overall 1,1419.17-acre parcel. With regard to the proposed events, the events will only take place once per year and will not require construction of any permanent structures or improvements and thus should have a very minimal effect on the property and its agricultural potential. Rather, the intent of the event is to provide a beautiful, natural, pastoral backdrop in which visitors and residents alike can celebrate art and self-expression in a manner which emphasizes civic responsibility, respect for the environment and the practice of “leave no trace”. Attendees are required to bring their own supplies, clean up after themselves and endeavor, whenever possible, to leave the environment in a better state than it was found.

With regard to the request to utilize a 0.46-acre area of the parcel for vehicle storage, the vehicles stored on the parcel are owned by the rancher who leases the property and used in conjunction with the ongoing ranching activities on the property. However, while not being used for ranching purposes, the rancher also uses them to haul gravel to other local businesses as a means to offset the cost of the vehicles. Thus, the ability to use the vehicles for other commercial purposes while not being used for on-site agriculture will support the ranching operations by providing diversified income streams and economic benefit to the rancher.

Hāmākua Community Development Plan

The Hāmākua Community Development Plan (HCDP) attempts to further define the General Plan and serve as a guide for decision-makers. The proposed Special Permit request is conducive to the following objectives outlined in the HCDP:

- *Objective 1: Protect, restore, and enhance watershed ecosystems, sweeping views, and open spaces from mauka forests to maki shorelines, while assuring responsible public access for recreational, spiritual, cultural, and sustenance practices.*
- *Objective 2: Protect and restore viable agricultural lands and resources. Protect and enhance views and open spaces that exemplify Hāmākua’s rural character.*
- *Objective 11: Enhance and promote local and sustainable agriculture, farming, ranching, renewable energy, and related economic support systems.*
- *Objective 13: Promote appropriate rural tourism that welcomes guests for an alternative visitor experience. Promote Hawai‘i’s host culture and Hāmākua’s*

heritage, including historic roads and plantation towns, and festivals that celebrate our rich multi-cultural music, art and agriculture.

Discussion: The proposed annual event will be located on a relatively small portion of this very large property and is intended to have virtually no impact on the land. The event will not interfere with the ongoing cattle operation on the property and will take place while the cattle are grazing distant paddocks. As proposed, no permanent structures will be constructed and no land altering activities will take place. Thus, the events will not detract from the agricultural potential of the land. Rather, the annual events will ensure that the area is protected and preserved for future uses. Additionally, the ability to use the farm trucks stored on the property for other commercial uses will enhance and promote local agriculture by providing enhanced economic opportunity to the rancher leasing the land.

3D. Surrounding Zoning and Land Uses

The subject parcel and the majority of the surrounding area is zoned A-20a, with a few parcels located just south of the subject parcel designated as A-10a (**Figure 3**). The land use in the surrounding area is primarily agricultural with some residential use as well. Directly west of the subject parcel is an approximately 11,395-acre parcel, primarily consisting of Conservation land and also owned by the Applicant. The proposed campsite areas will be centered on the property, with the nearest dwelling approximately 2,200 feet away. Thus, the proposed location is intended to provide ample privacy and provide significant buffer from adjacent properties.

3E. Flood Insurance Rate Map

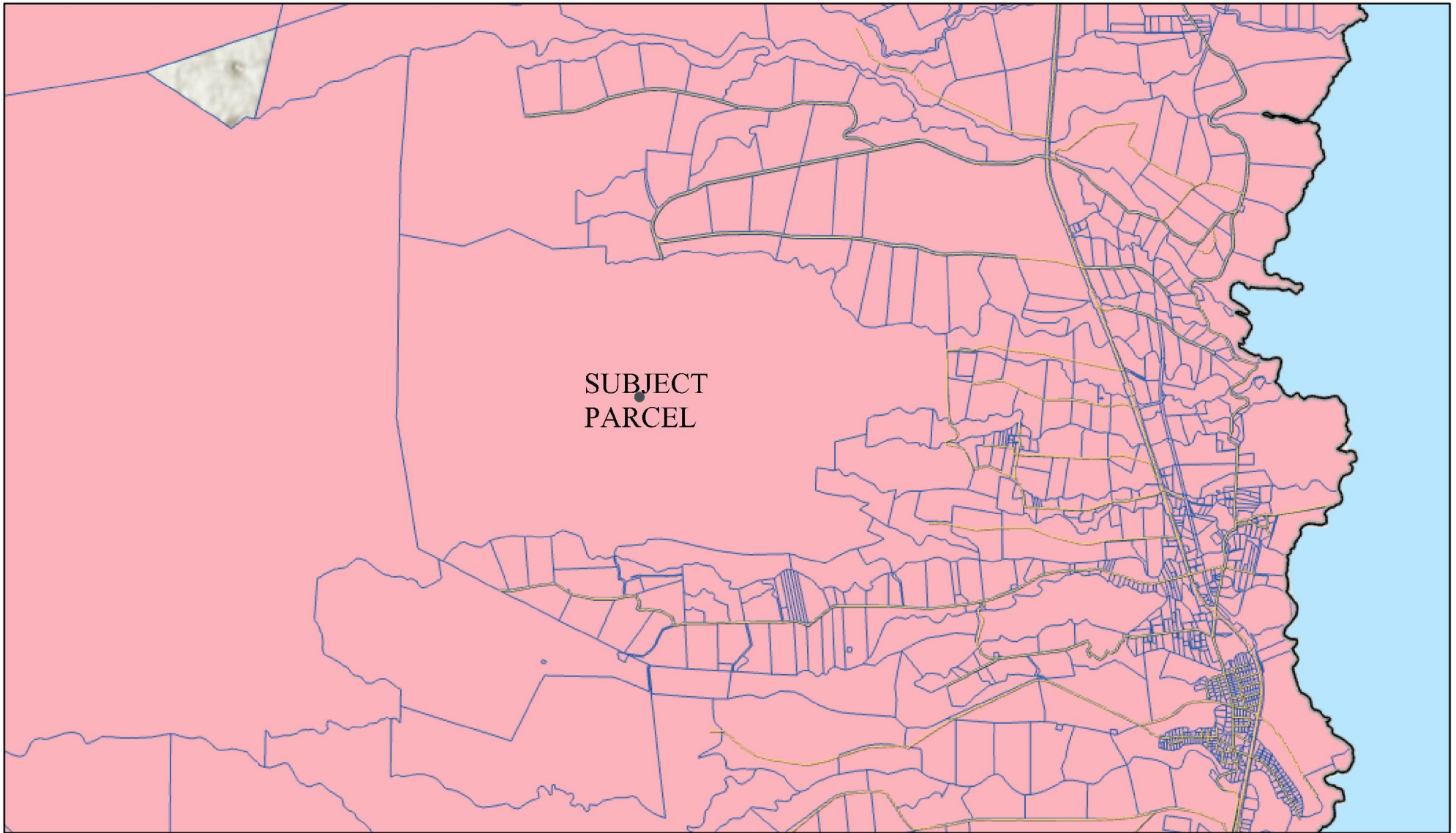
The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) designates the subject site to be in Flood Zone X, or outside the 500-year floodplain (**Figure 8**).

3F. Archaeological Resources

Although no formal archaeological study was conducted in conjunction with the proposed request, it is unlikely any archaeological resources exist in the project area as the subject property has long been used for sugar cane cultivation and as pastureland for grazing cattle. An aerial photo of the area taken in 1965 (**Figure 9**) shows that the area cleared for agricultural use, with several access roads crossing the property. Additionally, the project does not propose any new ground disturbing activities. Thus, it is unlikely that the project would have an effect on any archaeological resources.

Nevertheless, in the event any inadvertent archaeological discoveries are made in conjunction with this project, the applicants will immediately notify the Planning Department and the State Historic Preservation Division (SHPD) and secure proper clearances before proceeding with any activities.

ArcGIS Web Map



8/14/2024, 7:17:46 AM

FIGURE 8

National Flood Hazard Layer Flood Zones



X

Parcels (current boundary lines)



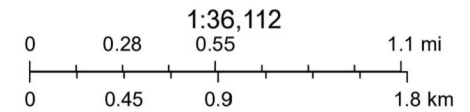
Street Centerlines



Hawaii County District Boundary



Coastline



Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, Esri, NASA, NGA, USGS, County of Hawaii IT Department

Web AppBuilder for ArcGIS

The contents of this map were prepared for informational and planning purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.

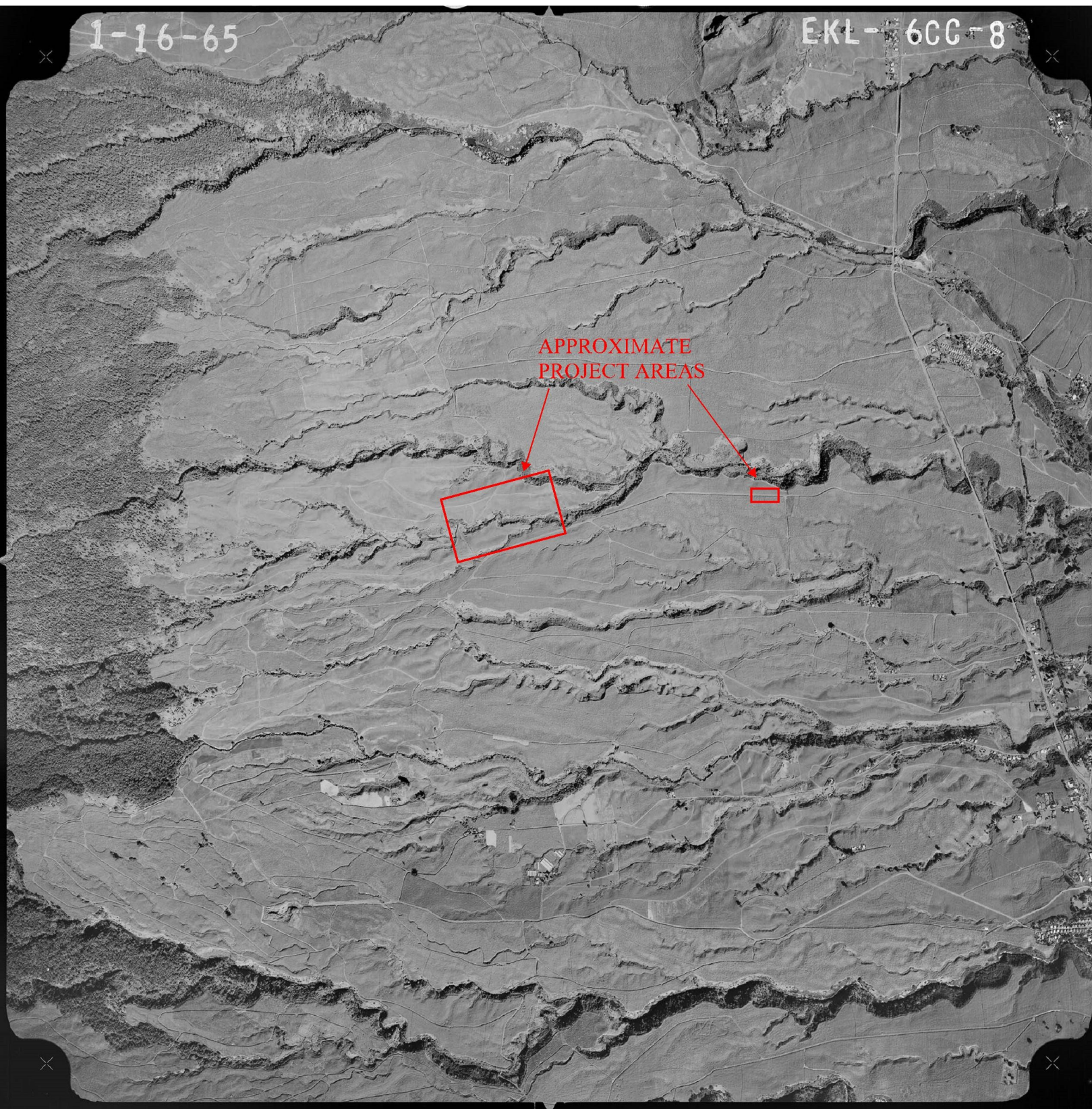


FIGURE 9

3G. Floral and Faunal Resources

Vegetation in the project area consists primarily of non-native shrubs and grasses. The area has a history of use for sugar cane cultivation and pastureland and thus the applicant does not believe there are any threatened or endangered species in the area.

The majority of the property is currently used as rangeland for grazing cattle. Introduced bird species such as Dove, Japanese White-eye, House finch, and Common Myna are common in the area. Domestic animals such as cats, dogs, and feral pigs are also common and not considered endangered.

It is possible that the Hawaiian Hawk (*Buteo solitarius*) and Hawaiian owl (*Asio flammeus sandwichensis*) may be seen on or near the subject site due to the property's rural nature. The Hawaiian Hoary Bat or 'Ōpe'ape'a (*Lasiurus cinereus semotus*) may also utilize the site as they are far ranging and utilize habitats across the island.

As the project will utilize previously cleared areas and does not propose any ground disturbing activity, no impacts are anticipated to any floral or faunal resources.

3H. Valued Cultural Resources

The Hawai'i State Supreme Court's PASH and Ka Pa'akai O Ka 'Aina decisions require decision-makers to consider a project's impact to native Hawaiian practices and resources. Specifically, prior to deciding, State and County agencies must identify the cultural, historical, and natural resources and associated traditional and customary practices of this site, the impacts of the proposed project to those resources and practices, and the feasible action (i.e., mitigation measures), if any, to protect such resources and practices.

There are no public access points to mountainous areas from the subject site and no cultural resources are known to be located on the property. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. Since the property has been used for agricultural purposes for many years, it would appear unlikely that the site would serve such a purpose today and/or in the recent past. However, in the event any cultural resources were to be found on the property, all activity would cease in the immediate area, and the Department of Land and Natural Resources State Historic Preservation Division would be contacted immediately.

Based on the above, it does not appear that the project would have any potential adverse impact relating to the cultural resources of this area.

3I. Public Access

This request will not affect any coastal public access as the site is over 1 mile from the shoreline and outside of the Special Management Area. There are no public access points from the property to mountainous areas.

3J. Description of Access

Access to the site is via Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road. Indian Tree Road is a private paved roadway with a 50-foot right-of-way and pavement widths varying between 12 and 16 feet. The road is generally well maintained, but does contain a few potholes. The applicant is willing to repair the potholes if deemed necessary. The applicant has legal easement access over the private roadway (**Exhibit A**).

An existing 10-foot-wide gravel driveway with a 20-foot right-of-way will provide attendees with access through the property and to the campsites. A section of the driveway crosses a stream. The applicant will comply with Fire Department access requirements.

Designated parking areas are provided within the campsite zones for up to 200 vehicles.

3K. Traffic Impacts

As the event will take place only once per year and attendees are anticipated to remain on the property for the duration of the event, traffic impacts from the proposed project will be short-lived and minimal. Guests are anticipated to carpool to the site with an average of 2.5 people per vehicle. Thus, with a maximum attendance of 500, approximately 200 vehicles would be anticipated. Arrival and departure times will be staggered with approximately half of the attendees arriving on Friday and the other half arriving on Saturday. Likewise, it is anticipated that approximately half of the attendees will leave on Sunday and the other half will leave on Monday. Thus, while overall traffic on Indian Tree Road is anticipated to increase during the 4-day event, the hourly traffic increase will be minimal given that traffic will be spread out throughout the weekend. Furthermore, given that the event will only take place once per year, the overall traffic impacts will be short-lived.

Additionally, the proposed storage of up to six (6) work vehicles will not result in any significant increase in traffic.

3L. Availability of Utilities

Water

The property currently contains one 3,000-gallon rainwater catchment tank for non-potable and emergency fire suppression use. As the request is to hold only one event annually and to have as little impact on the property as possible, event attendees will be required to bring their own potable water to the event. Thus, the water needs of the project will be minimal, if at all. This area receives more than 170 inches of rainfall annually and there are no permanent structures in the vicinity of the campsites or bonfire area and thus the risk of fire emergencies related to the event is low. However, if required, the applicant is willing to install an additional rainwater catchment tank within the bonfire area for emergency fire suppression purposes. No water is necessary for vehicle storage use.

Wastewater

The applicant will rent portable toilets for the duration of the annual events. The toilets will be removed immediately upon completion of the events. No wastewater facilities are necessary for vehicle storage use.

Electricity

The event is intended to be an off-grid, sustainable camping experience. The property is not connected to the electrical grid and no electricity will be provided for the event or campsites. Attendees of the event may opt to bring their own generators or solar energy systems, although most guests do not. Otherwise, electricity will not be available or necessary for the proposed camping event. Additionally, no electricity is necessary for vehicle storage use.

Other Utilities

No other utilities will be required for the proposed Special Permit use. Police, fire, and medical services are available roughly 6.5 miles south of the property in Hilo.

It is noted that prior to the 2023 event the applicant had reached out to the Fire Department and the Police Department to inform them of his plans and solicit safety and/or fire prevention recommendations. An inspector from the Fire Department visited the property at that time and agreed that there was very little risk of fire in this rainy mauka area of Pāpa‘ikou. Consultation with the Police Department at that time indicated that there were no requirements for private event security.

A formal request for comments regarding the proposed use and any fire and/or security requirements was sent to both the Fire and Police Departments in preparation of this application (**Exhibits B & C**). The Fire Department had indicated that water and access applicable codes would apply and that they would be willing to assist the event organizers with additional safety provisions if needed; however, we have yet to hear back on any specific fire code requirements. A response from the Police Department has not been received to date. Both departments will have the opportunity to comment on this application during the application review process and the applicant will comply with any recommendations provided by the respective agencies.

III. REGULATORY ANALYSIS

4A. Coastal Zone Management

The subject property is located over 1 mile from the nearest coastline and is not located within the Special Management Area. It is unlikely that any archaeological features, threatened or endangered plants, animals, or avian species will be adversely affected by the proposed use. There is no designated public access to the mountain areas over the property. Therefore, the proposed use will not adversely impact any recreational resources, including

access to and along the shoreline, scenic and open space resources, coastal ecosystems, and marine and coastal resources.

4B. Impacts to Surrounding Properties

Temporary and minor noise may occur during the event. The event will be restricted to a 4-day period and will only occur once per year. During that time noise impacts to surrounding properties are not expected to be significant as the camping and bonfire areas will be centrally located within this large parcel to provide an adequate buffer to surrounding property owners, with the nearest dwelling situated approximately 2,200 feet from the nearest campsite area. Additionally, the Applicant owns the adjacent parcel to the west which does not contain any dwellings and consists of over 11,000 acres; therefore, all amplified sound will be oriented in the western direction so that sound is projected away from any nearby residences.

Approximately two (2) generators are anticipated to support live music/DJ events. With regard to individual campsite use, participants will be allowed to bring generators, but generally speaking, most do not, and those who do will be encouraged to bring battery operated generators which do not emit sound. It is therefore anticipated that any sound impacts will be mitigated by minimal use, remoteness of the site and the limited duration of the event. If additional mitigation measures are deemed necessary, with the exception of the generators used to support live music/DJ events, the applicant is willing to restrict the personal use of generators to between the hours of 9:00 a.m. and 9:00 p.m.

With regard to noise generated by vehicle storage, as these vehicles are also used for agricultural purposes, noise generated by the vehicles will continue to be comparable to noise generated by standard agricultural use.

The proposed request will not have an effect on scenic views as no new permanent structures or ground disturbance are proposed. The camping event areas will be centrally located within the parcel so as to provide a natural buffer from adjacent properties. Additionally, no coastal view planes will be impacted by the proposed request.

Light pollution is another important aspect of minimizing impacts to surrounding properties and the visibility of the night sky. As electricity will not be provided to the event/campsites and the event will only be once per year, light pollution from the event will be minimal and short-lived. Any attendees who bring their own power supply from which to power their own light fixtures or battery-operated light fixtures will be required to conform to the standards established by the Hawai'i County Outdoor Lighting Ordinance (Hawai'i County Code Chapter 14, Article 9: "Outdoor Lighting") and any lighting fixture should be fully shielded. This means that all lighting fixtures must emit zero light above the horizontal plane.

With regard to traffic, impacts to surrounding properties should be minimal. While traffic on Indian Tree Road is expected to increase during the event, the increase will be minimal and short-lived as the event will only take place once per year. Additionally, event traffic would generally be spread out throughout the day of arrival and the day of departure, with

attendees expected to remain on site for the duration of the event. Furthermore, it is anticipated that the majority of the event traffic will not interfere with morning school and work traffic as the majority of attendees will only attend during the weekend and peak guest trip times will be outside of normal peak traffic periods.

It is also noted that prior to the 2023 event, the Applicant had contacted several nearby neighbors to inform them of the event. Upon following up with neighbors after the event, only one neighbor reported being able to hear amplified music but reported that the sound was not bothersome. Since then, the applicant has received letters from surrounding property owners who support this Special Permit request and attest to his merits as a good neighbor (**Exhibit D**).

With respect to the proposed vehicle storage, commercial use of the vehicles outside of general on-site agricultural use will be sporadic and minimal and is thus not expected to have a significant impact on traffic. As the commercial use of the vehicles will involve picking up materials off-site to be delivered to other off-site locations, the commercial use of the vehicles will not involve transport of heavy loads to and from the property.

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

In recognizing that lands within the agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, Hawai'i Revised Statutes Chapter 205-6 allows County Planning Commissions to permit certain unusual and reasonable uses within the Agricultural districts other than those for which the district is classified.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. As noted in the General Plan, in recent years many niche tourism markets, such as eco-tourism and health and wellness tourism have established themselves throughout the island. Additionally, the importance of agricultural land and food security has emerged as a dominant topic in our community, as has the need to support local farmers and ranchers who must rely on supplemental forms of income to support their agricultural pursuits. This Special Permit request mirrors these trends. The subject 1,419.17-acre parcel is located within the Agricultural district and the vast majority of the parcel is used as pastureland for grazing cattle. The proposed Special Permit request will not interfere with or inhibit the ongoing agricultural use of the property in any way. Rather, the intent of the event will be to provide a beautiful, natural, pastoral backdrop in which visitors and residents alike can celebrate art and self-expression in a manner which emphasizes respect for the environment and the practice of "leave no trace". The event is designed in such a way as to have a minimal footprint on the land and attendees will be required to bring their own supplies, clean up after themselves and endeavor to leave the

environment in a better state than it was found. To this end, it is the Applicant's goal that the proposed events will provide a fun and enriching experience that complements, enhances and celebrates its host agricultural backdrop.

Additionally, with regard to the vehicle storage, the ability to utilize the stored vehicles for other commercial purposes while not in agricultural use will provide the rancher leasing the property with an important secondary source of income, critical to offsetting the cost of the vehicles and generating supplemental income.

4E. Land Suitability for Permitted Use

The Land Use Pattern Allocation Guide (LUPAG) designates this land as Important Agricultural Lands (**Figure 4**) and the Land Study Bureau classifies the property as containing primarily a combination of "C", or "Fair" and "D" or "Poor" soils with areas along the streams that run through the property designated as "E" or "Very Poor" (**Figure 5**). According to the Agricultural Lands of Importance to the State of Hawai'i (ALISH), the project area is classified as primarily prime farmland, with portions of the property along the streams unclassified (**Figure 6**). The land is well-suited for agricultural uses and is primarily used for agriculture. The proposed request will not interfere with or inhibit the ongoing agricultural use in any way as this is a very large parcel with many grazing paddocks and the cattle will be grazing distant areas of the property while the event occurs.

4F. Land Character and Present Use

The vast majority of the property is currently used as pastureland for grazing cattle. An approximately 0.46-acre portion of the property is used to store the vehicles which are used for on-site agricultural uses as well as for other off-site commercial purposes. The proposed events will be limited to a 14.7-acre portion of the property, will only be held once per year, will not require construction of any new improvements or alterations to the land, and will not interfere with the ongoing agricultural use of the property. Thus, the Special Permit request will not alter the essential character of the land; rather, it will realize its fuller potential through the addition of an unusual, yet compatible and reasonable use.

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. As discussed in Section 3C of this report, the proposed use conforms to the General Plan's economic, environmental, natural beauty, recreation and land use goals and policies. The proposed project will provide the Applicant with the opportunity to provide an annual recreational event highlighting art, self-expression, civic responsibility, respect for the environment and the practice of "leave no trace". Approval of the requested Special Permit will also provide the rancher leasing the property with the ability to offset the cost of his farm vehicles by using them for other commercial purposes.

4H. Unusual and Reasonable Use

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

The request is unusual in that it is not strictly agricultural in nature; the use would allow the applicant to hold an annual camping event on the property and for the applicant's tenant to utilize his farm vehicles for other commercial purposes. The request is reasonable in that the event would utilize a relatively small portion of the property, only take place once per year, would not require any new ground disturbance, would not interfere with or detract from any ongoing agricultural uses, and would highlight the pastoral history and beauty of the Hāmākua area while providing recreational opportunities to the community and visitors alike. Additionally, use of the farm vehicles for other commercial purposes is reasonable as it will support local agriculture by helping to offset the cost of the farm vehicles.

In conclusion, the proposed use 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. Rather, it would provide the growing number of residents and tourists in the area with an additional recreational opportunity while showcasing an active Hawaiian ranch and will provide a source of diversified income to the rancher storing his work vehicles on the property.

R-153

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

AUG 16, 2000 08:01 AM

Doc No(s) 2000-113159

/s/CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN TO: BY: MAIL ☒ PICKUP ☐

HAWAII FOREST PRESERVATION LLC
91-188 KALAELOA BLVD
KAPOLEI, HI 96707

TG : 256719 - S
TGE: A01060257
GAIL MUNEOKA

THIS DOCUMENT CONTAINS 12 PAGES

Tax Map Key Nos.: (3) 2-8-03-001 (Burdened Property)
(3) 2-8-01-002 (Benefited Property)

GRANT OF PERPETUAL, NONEXCLUSIVE EASEMENT

THIS INDENTURE, made this _____ day of AUG - 7, 2000, by and between **MAUNA KEA AGRIBUSINESS CO., INC.**, a Hawaii corporation, whose post office address is P.O. Box 1826, Papaikou, Hawaii 96781 ("Grantor") and **HAWAII FOREST PRESERVATION, LLC**, a Hawaii limited liability company, whose address is 91-188 Kalaeloa Boulevard, Kapolei, Hawaii 96707 ("Grantee");

WITNESSETH THAT:

WHEREAS, Grantor is the owner of that certain parcel of land currently designated on the tax maps of the Third Taxation Division of the State of Hawaii as TMK No. 2-8-03-001, more particularly described in Exhibit "A-1" attached hereto and incorporated herein by this reference and shown on the map attached hereto and incorporated herein as Exhibit "A-2" (the "Mauna Kea Parcel"); and

WHEREAS, Grantee is the owner of that certain parcel of real property currently designated on the tax maps of the Third Taxation Division of the State of Hawaii as TMK No. 2-8-01-002, more particularly described in Exhibit "B" attached hereto and incorporated herein by this reference (the "HFP Parcel"); and

WHEREAS, Grantee, as the owner of the HFP Parcel desires to obtain a perpetual, nonexclusive right and easement for roadway purposes over, across, upon and through the Mauna Kea Parcel in favor of the HFP Parcel; and

WHEREAS, Grantor is willing to grant such a right and easement upon and subject to the terms and conditions hereinafter set forth and provided.

NOW, THEREFORE, in consideration of the sum of TEN AND NO/100 DOLLAR (\$10.00) to Grantor paid by Grantee, the receipt and sufficiency whereof is hereby acknowledged, and of the terms, conditions and covenants of Grantor and Grantee as hereinafter contained, the parties hereto agree as follows:

A. Grant of Easement and Grantor's Covenants.

1. Grantor does hereby grant, bargain, sell and convey unto Grantee and its Authorized Users a 50-foot wide perpetual, nonexclusive right and easement for roadway purposes over, across, upon and through the Mauna Kea Parcel, beginning at the western end of the county road located on the northerly side of the Mauna Kea Parcel and ending at the eastern boundary of the HFP Parcel, all as shown marked in red on the map shown in Exhibit "C" attached hereto and incorporated herein by this reference ("Easement 6"); together with a right of entry in favor of Grantee to enter unto the adjoining lands of Grantor as may be reasonably necessary in connection with the construction, reconstruction, installation, maintenance, replacement, repair or removal of any improvements or equipment on or within Easement 6.

2. As used herein, "Authorized Users" means and includes Grantee's tenants, partners, joint venturers, franchisees, subtenants and concessionaires, and each of their respective agents, consultants, contractors, suppliers, patrons, customers, guests, employees and invitees.

3. The easement herein granted shall inure to the benefit of Grantee as an appurtenance to the HFP Parcel and any and all portions thereof, and shall be binding upon the Grantor as an encumbrance upon the Mauna Kea Parcel, and shall run with the land. Any conveyance or transfer of any interest in all or any portion of the Mauna Kea Parcel affected by this Grant of Perpetual, Nonexclusive Easement shall refer to this Grant of Perpetual, Nonexclusive Easement, but this Grant of Perpetual, Nonexclusive Easement shall be binding upon Grantor's successors and assignees whether or not such reference is made in the instrument of transfer or assignment.

4. Grantor shall not do or permit any act or acts that will unreasonably prevent or hinder the ingress or egress of Grantee and its Authorized Users.

B. Grantee's Covenants.

1. Grantee shall use Easement 6 solely for roadway purposes for pedestrian and vehicular ingress and egress and utilities improvements to and from the HFP Parcel.

2. Grantee shall give prior written notice to Grantor of Grantee's entry upon Easement 6 for the purpose of construction, installation, maintenance, repair or replacement of any roadway or any utility lines or equipment, except in the event of emergency, in which case Grantee will provide said notice as soon as reasonably possible.

3. Following the completion of any construction, reconstruction, installation, maintenance, replacement, repair or removal work by Grantee on Easement 6, Grantee shall restore the surface of any adjoining ground to the same or better condition than that existing immediately prior to commencement of such work.

4. Grantee shall be solely responsible for obtaining at no cost to Grantor any governmental approval, permit or consent required by law for or in connection with the easement herein granted and Grantee's use thereof or any improvement thereon made by Grantor.

5. Grantee shall pay when due all taxes and assessments levied against the easement herein granted or the improvements or equipment of Grantee on the Easement 6, provided, however, that this covenant shall not be construed to require Grantee to pay the taxes or assessments levied against the land of Grantor.

6. Maintenance of all improvements made by Grantee on or within Easement 6 shall be the sole responsibility of Grantee.

7. Except as otherwise provided herein, Grantee shall indemnify, defend and save harmless Grantor against any and all claims and demands for loss or damage, including property damage, personal injury and wrongful death, arising out of or resulting from the acts or omissions of Grantee, and anyone claiming by, through or under Grantee in connection with the exercise of the rights and privileges granted herein.

8. Grantee shall not commit or cause to be committed any waste to, in or upon Easement 6 nor permit Easement 6 to be used for any improper, offensive or unlawful purpose.

C. Mutual Covenants.

1. The rights and easements granted herein to Grantee and its Authorized Users are nonexclusive and Grantor hereby reserves all rights with respect to the Easement Area other than as specifically conferred hereby upon Grantee and its Authorized Users, including, without limitation, the right to (i) use Easement 6 for purposes consistent with the terms hereof, (ii) make one or more nonexclusive grants of rights and easements to Easement 6 from time to time to governmental authorities, public or private utilities, corporations or others, and Grantee hereby consents thereto provided such uses by Grantor or others do not unreasonably interfere with the rights of Grantee and its Authorized Users hereunder.

2. Grantor shall have the right at least one (1) day every four (4) years to close off the roads within the easement area to prevent the use thereof by all persons not having a legal right to use the same.

3. Grantor shall have the right to alter or relocate Easement 6 without first obtaining Grantee's prior written consent if, and only if, all of the following conditions are first satisfied:

a. The alteration or relocation of Easement 6 does not unreasonably limit access or increase the distance between the HFP Parcel and the aforementioned county road.

b. At least thirty (30) days before commencing any alterations, improvements or relocation, Grantor has provided Grantee with notice of Grantor's intent to alter or relocate Easement 6.

c. All required permits and consents have been acquired from all appropriate governmental entities in connection with the alterations or relocation.

d. The altered or relocated Easement 6 will have a width and surface improvements that are substantially similar to the width and surface improvements of Easement 6 before the alteration, improvement or relocation.

e. Prior to any relocation of Easement 6, Grantor and Grantee shall have executed an amendment to this Grant of Perpetual, Nonexclusive Easement amending the definition of Easement 6 to be that of the real property on which Easement 6 is relocated and such amendment shall have been recorded in the Bureau of Conveyances of the State of Hawaii.

If all of the foregoing conditions are not satisfied, Grantor may alter or relocate Easement 6 only upon having first obtained the prior written consent of Grantee, which consent shall not be unreasonable withheld. In the event of any

alteration, improvement or relocation of Easement 6 by Grantor, Grantor, at Grantor's sole cost and expense, shall restore all utility lines and equipment located within Easement 6 to the same or better condition than that existing immediately prior to such alteration, improvement or relocation.

4. Nothing contained in this Grant of Perpetual, Nonexclusive Easement shall be deemed a gift or dedication of any portion of Easement 6 to or for the general public or for any public purpose whatsoever. Upon any dedication of Easement 6 to any governmental entity having jurisdiction thereof, this Grant of Perpetual, Nonexclusive Easement shall automatically cease and be of no further effect.

5. If Grantor shall involuntarily and without any fault on its part be made a party to any litigation or arbitration commenced by or against Grantee, or otherwise without fault incur any expense because of litigation or arbitration, arising out of this Grant or Grantee's use of the Easement Area, then all costs, expenses and reasonable attorneys' fees incurred by or imposed upon Grantor will be borne by Grantee in such amount as the Court or the arbitration panel, as the case may be, may determine to be reasonable.

6. Each right and remedy of Grantor provided for herein shall be cumulative, and shall be in addition to every other right or remedy to which Grantor may be entitled at law or in equity. The exercise or the commencement of the exercise by Grantor of any one or more of the rights or remedies herein shall not preclude the simultaneous or later exercise by Grantor of any or all other rights or remedies provided for in this Grant or now or hereafter existing at law or in equity or by statute or otherwise.

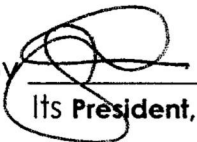
7. The failure of Grantor to insist on the strict performance of any term hereof or the failure to exercise any right or remedy shall not constitute a waiver of any such breach of any term hereof. Efforts by Grantor to mitigate the damages caused by incorrect use, default or breach of the terms and covenants of this Grant shall not be construed to be a waiver of Grantor's right to recover damages or any monies due Grantor.

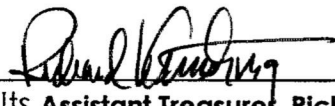
8. The terms "Grantor" and "Grantee" and related verbs and pronouns in the singular shall also include the plural. Where appropriate, the masculine gender shall be deemed to include the feminine or neuter genders, the term "Grantor" wherever used herein shall be held to mean and include Grantor, its successors and assigns, and that the term "Grantee" wherever used herein shall be held to mean and include Grantee and its successors and permitted assigns, and that this instrument shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

9. This Grant shall be governed by and construed in accordance with the law of the State of Hawaii except such of its conflict of laws provisions that would require reference to the law of another jurisdiction.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

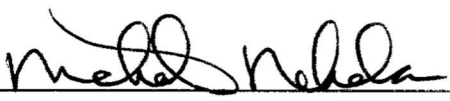
MAUNA KEA AGRIBUSINESS CO., INC.

By  C. Cross
Its President, John C. Cross

By 
Its Assistant Treasurer, Richard V. Armstrong

"Grantor"

HAWAII FOREST PRESERVATION, LLC

By 
Its Manager
"Grantee"

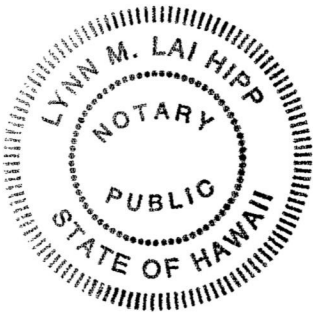
STATE OF HAWAII

COUNTY OF HAWAII

)
) SS.
)

On this 27th day of July, 2000, before me personally appeared

JOHN C. CROSS and **RICHARD V. ARMSTRONG**, to me personally known, who, being by me duly sworn or affirmed, did say that they are the President and the Assistant Treasurer, respectively, of MAUNA KEA AGRIBUSINESS CO., INC., a Hawaii corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officers acknowledged said instrument to be the free act and deed of said corporation.




Print Name: Lynn M. Lai Hipp
Notary Public, State of Hawaii

My Commission Expires: 06-28-2004

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this 7th day of August, 2000, before me personally appeared Michael Nekoba, to me personally known, who, being by me duly sworn or affirmed, did say that he is the manager, of HAWAII FOREST PRESERVATION, LLC, a Hawaii limited liability company, and that the foregoing instrument was signed on behalf of said corporation under the authority conferred by, and in accordance with the requirements of the Bylaws of said corporation, and said officer acknowledged said instrument to be the free act and deed of said corporation.



Anita Matsuzaki

Print Name: ANITA MATSUZAKI
Notary Public, State of Hawaii

My Commission Expires: 12/21/2002

Exhibit "A-1"

("Mauna Kea Parcel")

All that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7192, Land Commission Award 8559-B, Apanas 17 and 18 to William C. Lunalilo, Certificate of Boundaries No. 36, being a portion of the Ahupuaa of Makahanaloa) situate, lying and being north of the lands of Kawainui, south of Kaupakuea Homesteads, District of South Hilo, Island and County of Hawaii, State of Hawaii, being designated on the tax maps of the Third Taxation Division of the State of Hawaii as TMK No. 2-8-03-001, as shown on the map set forth in Exhibit "A-2" attached hereto.

10

Source: Tax Maps Bureau and Survey Dept.
By: RA and RK May 1922



MAUKA POR. MAKAHANALOA, S. HILO, HAWAII Pepeekeo Sugar Co.

THIRD DIVISION		
ZONE	SEC	PLAT
2	8	03
CONTAINING		PARCELS
SCALE: 1" = 400'		

PRINTED

Exhibit "B"

("HFP Parcel")

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7192, Land Commission Award Number 8559-B, Apanas 17 and 18 to William C. Lunalilo, Certificate of Boundaries No. 36, being portion of the Ahupuaa of Makahanaloa) situate, lying and being north of the lands of Papaikou, south of the Government Lands of Kaiwiki, and west of Kaupakuea Homesteads, District of South Hilo, Island and County of Hawaii, State of Hawaii, being LOT H, and thus bounded and described as per survey of Robert K.Y. Lee, Registered Land Surveyor, dated May 20, 1994, to-wit:

Beginning at the southwest corner of this parcel of land, on the boundary with the Lands of Papikou, the coordinates of said point of beginning, referred to Government Survey Triangulation Station "AAHUWELA" being 13,234.50 feet north and 45,526.89 feet east, and running by azimuths measured clockwise from true South:

- | | | | | | |
|----|------|-----|-----|-----------|--|
| 1. | 170° | 29' | 20" | 2,874.86 | feet across the Lands of Makahanaloa, along the remainder of R.P. 7192, L.C.Aw. 8559-B, Apanas 17 and 18 to William C. Lunalilo; |
| 2. | 261° | 05' | 15" | 26,882.88 | feet along the Government Lands of Kaiwiki and Honomu; |
| 3. | 259° | 56' | 00" | 1,454.19 | feet along the Government Lands of Honomu; |
| 4. | 13° | 50' | 44" | 2,219.96 | feet across the Lands of Makahanaloa, along the remainder of R.P. 7192, L.C.Aw. 8559-B, Apanas 17 and 18 to William C. Lunalilo; |
| 5. | 69° | 09' | 47" | 3,110.53 | feet along the Government Lands of Kawainui; |
| 6. | 80° | 35' | 05" | 24,405.51 | feet along the Lands of Onomea and Papaikou, to the point of beginning and containing an area of 1,735.080 acres, more or less. |

3.575 MILES

3.95 MILES

1.95 MILES

H I L O F O R E S T R E S E R V E

TMK 3-2-7-01-1
11,394 ACRES

"PAUKAA"
"PAPAUKOU"
"ONOMEA"
"ALAKAH"
"ALAHU"

TMK 3-2-8-01-2
1,735 ACRES
"MAGANAH"

TMK 3-2-9-01-2
3,137 ACRES
"HAKARAU NUI"

"PAUKAA"

"PAPAUKOU"

"ONOMEA"

"ALAKAH"

"ALAHU"

"MAGANAH"

"HAKARAU NUI"

PAUKAA ROAD

PAPAUKOU ROAD

HAKARAU NUI ROAD

PAUKAA BAY

PAPAUKOU BAY

ONOMEA BAY

ALAKAH BAY

ALAHU BAY

1 MILE

ALL LOCATIONS ON MAP ARE APPROXIMATE

RE: Request for Comment Relating to Proposed Special Permit Application TMK (3) 2-7-007:001



Me <[REDACTED]>

Thu, 03 Oct 2024 9:49:10 AM -1000 •

To "Henderson, Royd" <royd.henderson@hawaiicounty.gov>

Cc "Fire Admin" <fire@hawaiicounty.gov>, "Goo, Tyson" <Tyson.Goo@hawaiicounty.gov>, "John Pipan" <[REDACTED]>

Aloha Royd,

We submitted a Special Permit application for the landowner of the subject property to hold an annual 4-day camping event on his property up Indian Tree Road in Papaikou. Campers will be encouraged to participate in/observe a wide range of dynamic activities which will be initiated by event participants and will include things like fire dancing, light installations, art installations, music, eco-conscious workshops, etc. Campfires will only be permitted within designated raised fire pits and all fire-related uses will be within an open mowed area of the property.

The Planning Department recently returned the Special Permit application and requested additional information before they will accept it. One of their requests was to consult with the Fire Department to determine the minimum requirements for fire suppression water and Fire Department Access. For context, I'm attaching the conceptual site plan here. The campsites are accessed via old cane roads which are approximately 10 feet wide. Section 18.23.5.1.1 requires an unobstructed width of not less than 20 feet, or as approved by the authority having jurisdiction. While the gravel width of the road is only 10 feet, there is certainly more than 5 feet of unobstructed width on either side of the gravel. Would this be sufficient for Fire Dept. access?

Also, can you confirm what is needed for fire suppression water? The only structures within the campsite areas will be temporary tents and temporary art installations set up by the campers. Fire extinguishers will be stored throughout the property in case of emergency. If needed, the landowner can install a water tank in the campsite area for fire suppression, but we are unsure if this is required under code and what the required storage capacity would be.

Also, for additional context, according to the landowner, Andrew Tepper, he held the camping event last fall and had contacted the Fire Department beforehand to let you know about the event and solicit fire prevention recommendations. Andrew said that someone from the Fire Dept inspected the property last year and agreed that there was very little fire risk in this rainy mauka area of Papaikou.

We're trying to provide Planning with the additional information they've requested as quickly as possible. Your input and comment is greatly appreciated.

Thank you,

Kim Chiodo
Project Manager
Land Planning Hawaii
194 Wiwoole St, Hilo, HI 96720
(808) 333-3393 (office)
(808) 333-3576 (direct)
kim@landplanninghawaii.com



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EXHIBIT B

----- On Tue, 03 Sep 2024 14:15:25 -1000 **Kim Chiodo** <[REDACTED]> wrote ---



Hi Royd,

Thank you for your reply. A Special Permit application has been submitted to the Planning Department.

Aloha,

Kim Chiodo
Project Manager
Land Planning Hawaii
194 Wiwoole St, Hilo, HI 96720
(808) 333-3393 (office)
(808) 333-3576 (direct)
[REDACTED]



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----- On Tue, 03 Sep 2024 13:09:17 -1000 **Henderson, Royd** <royd.henderson@hawaiicounty.gov> wrote ---

Kim,

All water and access applicable codes will apply. We are willing to assist the event organizer with additional safety provisions if needed.

Thank you,

Royd

From: Fire Admin <fire@hawaiicounty.gov>
Sent: Tuesday, August 20, 2024 2:28 PM
To: Henderson, Royd <Royd.Henderson@hawaiicounty.gov>
Subject: FW: Request for Comment Relating to Proposed Special Permit Application TMK (3) 2-7-007:001

Hello Prevention,

Please see request for comments attached.

Mahalo!

Jordyn Mantz
Clerk III, Administration
Hawaii Fire Department
(808) 932-2900

From: Kim Chiodo <[REDACTED]>
Sent: Tuesday, August 20, 2024 9:36 AM

To: Fire Admin <fire@hawaiicounty.gov>

Cc: John Pipan <[REDACTED]>

Subject: Request for Comment Relating to Proposed Special Permit Application TMK (3) 2-7-007:001

Aloha,

Please see the attached letter requesting your Department's comments. A hard copy of this letter will also be mailed to your office.

Thank you,

Kim Chiodo
Project Manager
Land Planning Hawaii
194 Wiwoole St, Hilo, HI 96720
(808) 333-3393 (office)
(808) 333-3576 (direct)
kim@landplanninghawaii.com

[REDACTED]



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August 20, 2024

Kazuo S.K.L. Todd, Fire Chief
County of Hawaii
Fire Department
25 Aupuni St, Suite 2501
Hilo, HI 96720

Dear Chief Todd:

Subject: Early Request for Comment Regarding Proposed Special Permit Request to Host an Annual Event
Landowner: Teppy Mountain LLC
(3) 2-7-007:001, 27-476 Indian Tree Rd., Pāpai‘kou, South Hilo, Hawai‘i

The landowner of the subject property has contracted with our office to assist with the preparation and submittal of a Special Permit application requesting approval to hold an annual 4-day event with overnight camping on the subject property. The intention of the event will be to provide a fun and enriching environment in which attendees can enjoy art and self-expression. The event will be centered on principles of inclusion, gifting, self-reliance, self-expression, communal effort, civic responsibility, and respect for the environment, emphasizing the practice of “leave no trace”.

The property is located at the top of Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road in Pāpa‘ikou, South Hilo, Hawai‘i. The Special Permit will request to utilize a 14.9-acre portion of the overall 1,1419.17-acre parcel for the event. No permanent or temporary structures are proposed apart from portable bathrooms which will be removed immediately upon completion of the event. Attendees will bring their own camping equipment and supplies.

The event will include an area designated for bon fires. The risk of fire emergencies related to the event appears low as this area of the island receives 170+ inches of rainfall annually and there are no structures in the project area. Nevertheless, the landowner intends to have fire extinguishers available on the property in case of emergency and will consider any additional safety mitigation measures recommended by your department. If required, the applicant is willing to also install a rainwater catchment tank to store water for emergency fire protection use.

Your comments on the proposed use are requested and appreciated. Please feel free to direct any questions or comments directly to me.

Sincerely,



John Pipan
Planning Administrator



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393

September 30, 2024

Benjamin Moszkowicz, Chief
County of Hawaii
Police Department
349 Kapi'olani Street
Hilo, HI 96720

Dear Chief Moszkowicz:

Subject: Early Request for Comment Regarding Proposed Special Permit Request to Host an Annual Event
Landowner: Teppy Mountain LLC
(3) 2-7-007:001, 27-476 Indian Tree Rd., Pāpai'kou, South Hilo, Hawai'i

Our office recently submitted a Special Permit application on behalf of the subject landowner requesting approval to hold an annual 4-day event with overnight camping on the subject property. The Planning Department returned the application with a request that we contact the Police Department to determine whether there are any public safety requirements for the proposed event.

The property is located at the top of Indian Tree Road, approximately 0.7 miles west of Hawaii Belt Road in Pāpa'ikou, South Hilo, Hawai'i. The Special Permit requests to utilize a 14.9-acre portion of the overall 1,1419.17-acre parcel for the event. The intention of the event will be to provide a fun and enriching environment in which attendees can enjoy art and self-expression. The event will be centered on principles of inclusion, gifting, self-reliance, self-expression, communal effort, civic responsibility, and respect for the environment, emphasizing the practice of "leave no trace". The next annual event is anticipated to be attended by up to 200 people with the hope of eventually hosting up to 500 attendees.

The landowner plans to have community volunteers trained to mediate and de-escalate conflicts on-site for the duration of the event. These volunteers will contact the authorities should a situation arise which cannot be safely resolved.

Your comment on the proposed use and any required safety protocols is requested and appreciated. Please feel free to direct any questions or comments directly to me.

Sincerely,

John Pipan
Planning Administrator

EXHIBIT C

Evan Rock
27-495 Indian Tree Road
Papaikou, HI 96781
PO Box 604
Papaikou, HI 96781

Date: August 16, 2024

**County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720**

Dear Sir/Madam,

I am writing to express my support for Andrew Tepper's event, Falls on Fire, which is planned for the weekend of November 9, 2024. My name is Evan Rock, and I have been a resident and landowner on Indian Tree Road since 2013. I consider Mr. Tepper to be a responsible neighbor and a considerate member of our community.

I have observed Mr. Tepper's commitment to hosting his events in a manner that respects both the environment and the local community. I was under the impression that during last year's Falls on Fire, Mr. Tepper proactively engaged with the planning department, the police department, and the fire department to ensure all necessary approvals and safety measures were in place. Following the event, he reached out to confirm that the noise and traffic levels were manageable, and I told him that there was no bother at all.

I can personally attest to the fact that the event did not create significant disturbances. A couple of his guests politely smiled and waved kindly when I happened to pass them on the road. Mr. Tepper has consistently shown himself to be a great neighbor, and his efforts to host such events in a responsible manner are commendable.

I believe that Falls on Fire contributes positively to our community by providing a venue for people to gather, enjoy various activities, and foster a sense of camaraderie. I am confident that Mr. Tepper will continue to uphold the highest standards of consideration for our neighborhood.

Thank you for considering my support for Mr. Tepper's event. Should you require any further information, please feel free to contact me at 808 464 3847.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evan Rock', with a stylized, cursive script.

Evan Rock

EXHIBIT D

Fwd: Falls on Fire 2024

TE

Tue, 20 Aug 2024 8:01:42 PM -1000 •

To "Kim Chiodo" <[REDACTED]>

----- Forwarded message -----

From: **Scott Hoyt** <scott.hoyt@gmail.com>

Date: Mon, Aug 19, 2024 at 6:14 PM

Subject: Re: Falls on Fire 2024

To: Andrew Tepper <[REDACTED]>

Aloha Teppy -

If it is appropriate to send this letter directly, please let me know where to direct it.

Otherwise, please feel free to forward the following if that is sufficient:

Scott Hoyt
27-447 Indian Tree rd
Papaikou, HI 96781
scott.hoyt@gmail.com
(808)345-0438

August 18, 2024

County Planning Department
County of Hawaii

Dear County Planning Department,

I am the primary resident and caretaker at 27-447 Indian Tree Road. I am writing to express my strong support for the application submitted by my neighbor, Andrew Tepper, to host a large weekend-long party with friends on their farm. I was happy to support this party verbally last year, and I stand by that. Please consider this my written statement of support for this year's event. I can attest to the fact that it was a well-organized event with minimal impact on the surrounding area.

Andrew Tepper is a considerate and responsible neighbor with a spirit of aloha in all of his communications. He has always been mindful of the neighborhood and has taken steps to ensure that any potential noise or traffic concerns are addressed. In fact, during his previous event, there was little to no disruption to the neighborhood and all attendees were well-behaved.

I believe that allowing Andrew Tepper to host this party will have a positive impact on the overall cohesiveness of our neighborhood. It provides an opportunity for residents to come together, strengthen community bonds, and create lasting memories.

I respectfully urge the County Planning Department to approve Andrew Tepper's application for the weekend-long party. I am confident that all participants will uphold the standards of courtesy and respect that they have demonstrated in the past.

Thank you for considering my input on this matter. Please do not hesitate to contact me if you require any further information.

Sincerely,

Scott Hoyt



194 Wiwoole St. Hilo, HI 96720
(808) 333-3393

October 15, 2024

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

Dear Mr. Darrow:

Subject: Attn: Christian Kay
Early Comments from Police Department Regarding Special Permit
Application (PL-SPP-2024-000075)
Applicant: Teppy Mountain LLC
Agent: Land Planning Hawaii LLC
Pāpa'ikou, South Hilo, Hawaii TMK: (3) 2-7-007:001 (por)

Shortly after resubmitting the subject application we received a response to our request for comments from the Police Department. The response states that they do not anticipate significant traffic impacts from the proposed project. Their response letter is attached here.

We trust that everything is in order for your acceptance and processing of this additional information. 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
Planning Administrator

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

October 8, 2024

Mr. John Pipan
Planning Administrator
Land Planning Hawaii LLC
194 Wiwoole Street
Hilo, Hawaii 96720

Email: info@landplanninghawaii.com

Dear Mr. Pipan:

**SUBJECT: EARLY REQUEST FOR COMMENT REGARDING PROPOSED
SPECIAL PERMIT REQUEST TO HOST AN ANNUAL EVENT**

Staff, upon reviewing the documents available, does not anticipate any significant impact to traffic with all vehicles being located on the subject property during the event and not on Indian Tree Road or Hawaii Belt Road.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact our South Hilo District Commander, Captain Brian Prudencio, at (808) 961-2316 or via email at Brian.Prudencio@hawaiicounty.gov.

Sincerely,


KENNETH A.K. QUIOCHO
ASSISTANT POLICE CHIEF

BP:ws/24HQ1048