April 12, 2017

Mr. Daniel Orondenker
Executive Officer
State Land Use Commission
Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Orondenker:

SUBJECT: Special Use Permit Application No. 2016/SUP-1
Gill Ewa Lands, LLC

By Findings of Fact, Conclusions of Law, and Decision and Order dated April 12, 2017, the City and County of Honolulu Planning Commission approved the Special Use Permit (SUP) application by Gill Ewa Lands, LLC, File No. 2016/SUP-1 to supersede Special Use Permit File No. SP64-4 (City File No. 63/Z-68), subject to conditions.

Attached is a copy of the Commission's Findings of Fact, Conclusions of Law, and Decision and Order, and the Director's report and recommendation. The approved SUP allows the expansion of an existing overnight recreational camp.

Because this site is less than 15 acres in size, this letter and attachments are sent to you for information only.

Sincerely,

[Signature]
Dean I. Hazama, Chair
Planning Commission

FORWARDED:

[Signature]
Kathy K. Sokugawa
Acting Director

Attachments
BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII  

IN THE MATTER OF THE APPLICATION  
OF  
GILL EWALANDS, LLC  
FOR A  
STATE SPECIAL USE PERMIT  

FILE NO. 2016/SUP-1  

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER  

This matter came before the Planning Commission of the City and County of Honolulu (hereinafter the “Commission”), for public hearing on December 7, 2016 which was continued to March 15, 2017, at the Mission Memorial Conference Room in Honolulu, Hawaii. Based on the record in this matter, the Commission hereby finds as follows:

FINDINGS OF FACT  

1. This matter involves Gill Ewa Lands, LLC’s (“Petitioner”) Special Use Permit (“SUP”) application to the Department of Planning and Permitting (“DPP”) to modify an existing SUP file number 63/Z-68 and also known as Land Use Commission file number SP64-4, which allowed the establishment of an overnight camp for youths and related facilities (the “Camp”) within the State Land Use Agricultural District on Land Study Bureau Overall Master Productivity rating Class “D” and Class “E” lands.

2. The Camp is located approximately one mile northwest of Makakilo City, Ewa, Oahu, and approximately 1.5 mile east of the Nanakuli Residential District. Access to the Camp is provided by a driveway off of Palehua Road, a private, gated roadway which is maintained for the Petitioner, a ranch, communication uses, and a small number of homes.

3. The existing SUP approved area consists of approximately 9.4 acres. Petitioner proposes to expand the existing SUP area by 5.44 acres to a total of 14.84 acres which includes Tax Map Keys 9-2-049: 008, 9-2-045: portion of 002, 9-2-049: portion of 007 and 009 (hereinafter the “Petition Area”). The Petition Area is owned by the Petitioner.
4. On September 10, 1964, the Land Use Commission (LUC) approved the SUP to allow an existing camp known as Camp Timberline (now known as Camp Palehua), to continue operations, subject to conditions stated in the City's Zoning Board of Appeals (ZBA) Decision and Order dated August 14, 1964. The conditions of the ZBA's decision are as follows:

"1. The use of the premises shall be subject to all City and County and State laws, including regulations of all City and County and State agencies.

2. The use of the premises shall be limited to the operation of a resident camp providing instruction and supervised recreational activity for children, 7 through 14 years of age.

3. The licensee shall take all necessary actions to confine activities of users of the camp facilities to the subject premises, except as may be permitted by surrounding owners.

4. Any construction, other than that authorized by the Special Permit, shall be undertaken only with the prior approval of the Zoning Board of Appeals."

5. The Petitioner proposes to modify the SUP to remove the age limitation for campers and to expand the approved area and permitted structures and uses to include educational seminars, teacher and professional training, company retreats and planning sessions, family gatherings and celebrations, other community and cultural events/practices and exhibitions, conservation activities, educational tours of agriculture, forestry, conservation and historic points of interest, and outdoor sporting and spectator events.

6. No new structures are proposed to be constructed in the Petition Area at this time. However, the SUP application includes possible future expansion of overnight camp facilities to include two pavilions, an education center, a conference hall, a camp office, a traditional hale, two senior cabins, and 28 small cabins for a total of 36 new structures.

7. At full build out, there may be up to 52 structures on the Petition Area with uses and activities as described by the Petitioner in its SUP amendment application (hereinafter the "Project").

8. Since the approval of the SUP in 1964, other unauthorized uses and structures have been added without an approved modification to the SUP or with building permits. These structures include construction of the following:

- A large bunkhouse with toilet and bath facilities adjacent to the swimming pool;
- Two cabins along the Petition Area's eastern boundary;
- A cabin/work shed adjacent to the playcourt;
- A pavilion and a treehouse adjacent to the existing swimming pool;
- A field bathhouse located adjacent to the trailer cabin; and,
• Apparent modifications to the meeting hall during its use by the International Baptist Church.

9. The Petitioner indicates that the SUP amendment is needed to assure the viability of the overnight camp, protect agricultural and conservation land, and continue providing an outdoor learning experience for adults and children for many years to come. As part of the effort to make the overnight camp economically viable, the camp has been renamed and rebranded as Camp Palehua.

10. The Petition Area does not contain Important Agricultural Land. Two small portions, together consisting of less than 10 percent of the Petition Area, are classified as Other Important Agricultural Land under the Agricultural Lands of Importance in the State of Hawaii rating system.

11. The Project is subject to obtaining a Conditional Use Permit, Minor, and grading and building permits. The Project is not subject to environmental disclosure requirements of Chapter 343, Hawaii Revised Statutes, (HRS). Weddings, wedding receptions, and other personal services are not permitted uses in the City's AG-2 General Agricultural District and are subject to an approved Zoning Variance.

12. The Commission received a report from the Director of the DPP (Director) dated November 15, 2016. The report provides an analysis of the request and a recommendation for approval of the Application subject to conditions. The Director also recommended that the existing SUP and conditions of approval, File No. 63/Z-68, also referred by the Land Use Commission as SUP File No. SP64-4, be superseded by the current SUP, File No. 2016/SUP-1.

13. At its public hearing of December 7, 2016, the Commission accepted testimony in support of the SUP application. The public hearing was continued to March 15, 2017 to allow the Petitioner to address the DPP's proposed conditions of approval relating to traffic, sewage disposal, and to provide clarification as to the proposed uses.

14. At the continued public hearing of March 15, 2017, the Petitioner, together with the DPP, agreed to defer the Director's recommended condition of approval relating to the confirmation of sewage capacity to the submittal and processing of the required Conditional Use Permit and the deletion of the recommended condition of approval relating to the setback of the Palehua gate at Umema Street since a proposed condition of approval relating to traffic demand management will be sufficient to address this concern.

CONCLUSIONS OF LAW

The Commission hereby concludes as follows:

1. The Commission has jurisdiction to permit unusual and reasonable uses within the agricultural districts, pursuant to Section 205-6, HRS.

2. The Project is an “unusual and reasonable” use as set forth in Section 205-6, HRS, and the five guidelines established by the Commission, pursuant to Section 2-45 of the Rules of the Commission.

3. The Project will not have an adverse impact on the agricultural use of surrounding agricultural lands.
4. Granting the SUP modification would allow the modernization and modest expansion of an existing overnight camp that was granted a SUP over 40 years ago.

5. The Project would not be contrary to the objectives sought to be accomplished by the State Land Use Law.

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, the Commission hereby APPROVES the Application for a State Special Use Permit, File No. 2016/SUP-1, for approximately 14.84 acres, Tax Map Keys 9-2-049: 008, 9-2-045: portion of 002, 9-2-049: portion of 007 and 009, for the modernization and modest expansion of an overnight camp recreational, as shown on Exhibits A and B, subject to the following conditions.

1. Prior to building permit approval for new structures or within 180 days of the Planning Commission’s Decision and Order, whichever occurs sooner, the Petitioner will submit to the DPP for review and approval, the following:

a. A Traffic Management Plan (TMP) to include Traffic Demand Management (TDM) strategies to minimize the amount of vehicular trips being generated by the camp activities of up to 300 persons and for other large events. TDM strategies could include carpooling and ride sharing programs and other similar TDM measures. A plan on how the six school buses will be utilized should be provided, and identify where the staging area will be for the buses to pick up and drop off visitors. A management plan should also be included, as necessary, to take into account how the access from the gate will be managed for large events to prevent queuing and noise onto Umema Street and affected residents. Updates to the TDM may be required by the Director at any time wherein the Petitioner proposes alterations to the Project that may have a significant increase in impacts on roadways used for access to the Petition Area.

b. A Soil Stabilization Plan, which include Best Management Practices and a site plan showing areas in need of soil stabilization, a description of the methods to be employed to stabilize soils, and mitigative measures to stabilize grounds on the Petition Area that are subject to heavy traffic. Methods to be employed should emphasize the use of "green" materials or methods to avoid environmental degradation. Any planting program plan will include an estimate of water consumption and whether water, in sufficient quantities, is available.

c. A Lighting Plan with catalog cuts showing exterior fixtures are fully shielded and that the level of lighting in lumens is appropriate for its intended use. Lighting wavelength will be 590 nanometers or a correlated color temperature of 3,000 Kelvin or lower to minimize blue light for protecting wildlife, human health, and the night sky. The Lighting Plan will consider dimming controls or being turned off during off-peak hours.

d. A Site Plan to show all structures and uses and landscaping, including existing trees. Mature trees will be maintained to continue screening of the Project from view from public vantage points.

3. Vehicular transport of visitors to and from the Petition Area will be limited to the hours between 5:00 a.m. and 9:00 p.m. on weekdays. On weekends and holidays, the hours for visitor transport will be between 6:00 a.m. and 10:00 p.m.
4. Uses permitted by this SUP at the Petition Area will be as follows: overnight camping, education, training and conservation programs, and other permitted uses pursuant to Chapter 205, HRS. Camp Palehua, including any other operator (i.e., the Malama Learning Center) who locate operations at the Petition Area, will be limited to no more than 300 people, including staff, support personnel, and vendor staff.

The Petitioner will maintain a log of the number of people on site on a daily basis and provide this log to the DPP as part of its Annual Report, until the Director deems the log is no longer necessary.

5. Incremental approval of future structures, as shown on Exhibit B, will be granted by the Director on a prima facie evidence that the Petitioner has performed satisfactorily in accordance with the conditions of SUP approval, that the subsequent increment remains a valid part of the Petitioner's modernization program, and that the future uses continue to be uses normally associated with an overnight camp.

6. On or before December 31 of each year that the SUP is in effect, the Petitioner or its successor will file an Annual Report to the DPP that demonstrates the Petitioner's compliance with conditions of the SUP.

7. Major modifications to: (1) the approved site plan; (2) amendments to the conditions of approval; (3) any increases in acreage of the approved area; or (4) change in approved uses stated herein, will be subject to the review and approval of the Planning Commission. Minor modifications, including minor additions to accessory uses and structures in the approved area, are subject to review and approval by the Director.

8. The Petitioner and/or landowner will notify the Director of:

a. Any change or transfer of licensee on the Petition Area;

b. Any change in uses on the Petition Area;

c. Termination of any uses on the Petition Area; and/or

d. Transfer in ownership of the Petition Area.

The Planning Commission, in consultation with the Director, will determine the disposition of this SUP, and the facilities permitted herein.

9. Enforcement of the conditions of the SUP will be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.

IT IS ALSO the Decision and Order of the Planning Commission that State Special Use Permit File No. 2016/SUP-1 Supersede State Special Use Permit File No. 63/6-68 upon 2016/SUP-1 taking effect and that all conditions previously placed on the land under SP64-4 shall be null and void.

Dated at Honolulu, Hawaii this 12th day of April, 2017.