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March 1, 2016

George I. Atta, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Subject: Special Permit No. SP64-3
Department of Land and Natural Resources – Convalescent Home
58-130 Kamehemeha Highway
Waiale'e, Hawai'i
Tax Map Key: 5-8-001: 051(por.) – 12.13 acres

Special Permit No. SP64-4
Virginia Brooks – Camp Timberline
5 miles off Farrington Highway
Honouliuli, `Ewa, Hawai'i
Tax Map Key: 9-2-003: 004 – 9.4 acres

Dear Mr. Atta:

We received your letter of January 26, 2016, requesting information on two 1960-era Special Permits and how amendments to these permits might be processed. After having located historic information regarding these dockets and discussions with current permittees and agency staff, we have the following comments to provide:

Prior to 1979, State Special Permits were first processed by the respective county and then sent up for final disposition by the Land Use Commission, regardless of acreage. The State Legislature amended Chapter 205, Hawai'i Revised Statutes (HRS), by Act 221 (Session Laws of Hawai'i (SLH) 1979). That amendment provided that special permits for land the area of which is greater than 15 acres are subject to approval by the Land Use Commission; special permits for land the area of which is 15 acres or less are not subject to approval by the Land Use Commission .

Both of the subject Special Permits represent projects on lands that are less than 15 acres but because they were processed prior to 1979 had final disposition with the Land Use Commission. Any requested amendments would now be governed by the law currently in

effect. Therefore, the county would be the appropriate decision-maker on any amendments for these permits moving forward.

The county in considering any requested amendments should make sure the activities covered under the existing special permit are in fact still 15 acres or less; any conditions originally imposed are not jeopardized unless its appropriate to release them; and no rights of the permit holder, county, or State would be jeopardized by creating a new county-level Special Permit and closing out the old Special Permit.

Historic information for these two Special Permits has been uploaded to the Commission's website and can be found at <http://luc.hawaii.gov/completed-dockets/special-permit-decisions-and-order/city-and-county-of-honolulu-special-permits/completed-special-permits-oahu-1960s/>.

We appreciate the opportunity to comment on the subject matter. Should you have any questions, please feel free to contact me or Scott A.K. Derrickson, AICP of our office at 587-3822.

Sincerely,



Daniel Orodener
Executive Officer

cc: Leo Asuncion, State Office of Planning
Ray Young, Department of Planning and Permitting
Gary Gill, Gill Ewa Lands, LLC
Jody Allione, Ho'ōla Nāpua
David Robichaux, North Shore Consultants