

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
MAUNA LOA MACADAMIA NUT CORPORATION))	
from)	
MINIMUM ROADWAY IMPROVEMENT)	VARIANCE NO. 573
REQUIREMENTS)	
in)	
Keaau, Puna, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on April 12, 1979, considered the application of MAUNA LOA MACADAMIA NUT CORPORATION for a variance from Chapter 9 (Subdivision Control Code), Article 2, Section 5.04; more specifically, to allow the use of existing gravel roads in lieu of the minimum requirement of a twenty (20) foot wide oil-treated surface for a proposed subdivision. The property involved is located in the vicinity of the Puna-South Hilo district boundary, Keaau, Puna, Hawaii, Tax Map Key 1-6-01:8 & 23, and 1-6-03:28 & 79.

The Commission has found:

That unusual circumstances existing where all the lands adjacent to the proposed roadways are in macadamia nut orchard use and are under the control of the petitioner. Given these circumstances it is felt that the intent of the roadway improvement provisions of the Subdivision Control Code can be achieved by the existing improvements in-place. The roadway improvement provisions of the Subdivision Control Code are intended to assure adequate access to all lots created by the provision of an all-weather dust-free surface. The existing roadways have 50-foot wide driving surface which is in excess of the minimum 20-foot wide standard contained within the Subdivision Control Code. These roads have a rolled gravel surface and provide for adequate access to the proposed lots. The roadways are currently in good condition and are maintained by the petitioner as part of the overall macadamia nut operations.

Any dust problems that may result from the use of the gravel roads would affect primarily the petitioner's macadamia nut orchards. Thus, to a great extent any problems would be internalized. The nearest non-macadamia use is the sugar cane fields to the south. It is not anticipated that dust from the use of the existing gravel roads would adversely affect the sugar cane fields as these fields are themselves serviced by gravel roads. Further, the nearest dwelling unit is located approximately 10,000 feet to the west of the subject properties.

Given this distance it is not anticipated that the approval of the variance request would have an adverse affect on that dwelling unit.

Thus, as the intent of the Subdivision Control Code can be met by the use of the existing gravel roads it is determined that the strict and literal enforcement of the Subdivision Control Code would interfere with the best manner of development of the subject property.

Therefore, the Commission hereby grants to the applicant a variance to allow the use of existing gravel roads in lieu of the minimum requirement of a twenty (20) foot wide oil-treated surface for a proposed subdivision, pursuant to the authority vested in it by Article 1, Section 5 of Chapter 9 (Subdivision Control Code), Hawaii County Code, as amended, subject to the following conditions:

1. That the petitioner, or his authorized representative, obtain final subdivision approval within one (1) year from the effective date of the Variance Permit.
2. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.


The effective date of this permit shall be from April 12, 1979.

Dated at Hilo, Hawaii, this 3rd day of May, 1979.



WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel

Date: APR 30 1979