

COUNTY PLANNING COMMISSION
County of Hawaii

July 22, 1970

Mr. Carl C. Adair, President
Kona Hawaiian Investment Corp.
P. O. Box 425
Kailua-Kona, Hawaii 96740

The County Planning Commission at a duly advertised public hearing on 3-15-68, 7-12-68 and in regular session on July 16, 1970 discussed your request for a Special Permit from Section 98H-5 of Act 205, Land Use Regulation of the State of Hawaii to allow

construction of a commercial/resort complex

The Commission voted to deny the Special Permit as it was determined beyond a reasonable doubt that public interest and general welfare will not be served nor will the above request be in accord with the purpose and intent of the Land Use Law as set forth in Section 98H-5 thereof because of the following findings: the severe water shortage would not supply this proposal.

The staff recommendation was as follows:

Upon review of the subject request, the staff is recommending denial of the special permit to allow construction of the commercial/resort complex.

The guidelines as established by the SLUC for determining "unusual and reasonable" uses within an agriculture district and the staff findings are as follows:

- a) such use shall not be contrary to the objective sought to be accomplished by the Land Use Law and regulations.

The staff finds that the proposed commercial/resort complex does not promote the development of urban areas in an orderly and relatively compact manner in order to provide for economy and efficiency in public services and utilities. Although the proposed development would indeed provide a service to the traveling public as well as to the surrounding residents, it is felt that this service will be adequately met by the development under construction on the McKee parcel. The establishment of the commercial/resort development as proposed by the Kona Investment Corporation would be undesirable from the standpoint of the objectives

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure. (See attache

Please do not hesitate to call or write us should there be further questions on this matter.

Anthony C. Veriato
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Chairman

of the land use law relating to the prevention of scattered urban areas.

- b) that the desired use would not adversely affect surrounding property.

The concern here is that the urban character proposed would be in conflict with the agricultural classification of the area as designated by the SLU and County Zoning District. Another concern would be the untimely development of agricultural zoned lands for urban related pursuits.

- c) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements and police and fire protection.

A development of this magnitude would place an unreasonable burden on public agencies inasmuch as fire and police protection would have to be provided for and these services would have to come from Waiohinu and Naalehu located approximately 13 miles away.

- d) Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

There is no urbanization foreseen in the immediate future (5-10 years), as there are approximately 11,500 subdivided lots of 1 to 3 acres in the immediate vicinity upon which only 59 dwellings are built or under construction.

- e) That the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Although the land is mainly composed of "aa" clinkers with seasonal rainfall of 20-40 inches annually and may not be deemed productive agricultural land, the area may still be included in the agriculture district. Act 205 relating to land uses in the State of Hawaii states that agriculture districts may include areas which are not used for or which are not suited to, agricultural and ancillary activities by reason of topography, soils and other related characteristics.

Lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may also be included in the agricultural district.

- f) That the proposed use will not substantially alter or change the essential character of the land and the present use.

The proposed commercial/resort development would indeed alter the present character of the land in changing it from an open area into high density urban area.

- g) That the proposed use will make the highest and best use of the land involved for the public welfare.

The proposed high density development is not compatible to the agriculture classification as designated by the SLU and by County Zoning Ordinance.

The public welfare and public needs can be provided in this area with the McKee development near by.