

July 17, 1970

Mr. Francis G. Ruddle
1781 Kinooole Street
Hilo, Hawaii 96720

Re: State Land Use Special Permit - Mobile Home Park
Waiakea Homesteads, South Hilo, Hawaii, TMK: 2-4-03:13

The Planning Commission at a duly advertised public hearing on December 18, 1969 and May 21, 1970 and in regular session of 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 the development of a proposed mobile home park.

The Commission voted to deny the special permit and to adopt the staff's recommendation as it was determined 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 98-H-5 thereof because of the following findings of the staff:

- 1. When evaluated against the guidelines established by the State Land Use Commission in determining whether the proposed development would constitute an "unusual and reasonable" use within an agricultural zone, the staff has found that the guidelines have not been met.
 - a. "Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations." Essentially, the Law was designed to protect agricultural lands from urban development when other lands less suited for agricultural pursuits are available. Here in Hilo and on the Big Island, there are sufficient unused urban lands that could be devoted for residential purposes. In the South Hilo District, there are currently 4,339 acres of vacant land zoned for single-family residential uses. True, some of this area may not be desirable for residential purposes due to topographical conditions, but as a whole this statistic does depict a picture of the amount of vacant residential land within this one district.

- b. "That the desired use would not adversely affect surrounding property." The concern here is more for the impact such development would have upon the agricultural district classification bounding the three sides of the development. An approval could establish an unsolicited precedent of developing agricultural land regardless of the availability of ample, vacant urban land for uses other than for which it is zoned.
- c. "That such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection." This development, although providing some of the aforementioned services, would still generate an immediate demand for school improvements. Assuming that three hundred families move into that area within a period of two years and using a standard ratio of 1.7 children per family, there would be an increase of 510 students. According to the Department of Education, the elementary and intermediate school with their existing facilities would not be able to adequately accommodate such a sizable increase. Whether school facilities could expand fast enough to meet the immediate demands is questionable. It is also a fact that the lands zoned urban in the homesteads area will, as homes are developed, contribute to a normal growth of student population.
- d. "That unusual conditions, trends and needs have arisen since the district boundaries and regulations were established." The staff concurs with the petitioner that there exists a need to provide housing within the economic reaches of most people. However, as indicated above, there are ample urban lands which could be devoted for residential purposes while preserving agricultural land.
- e. "That the land upon which the proposed use is sought is unsuited for the uses permitted within the district." The soil classification within this area ranges from almost bare pahoehoe to moderately deep soil. Although the land is not necessarily suited for intensive agricultural pursuits, it still has the potentials for other agricultural-related pursuits.
- f. "That the proposed use will not substantially alter or change the essential character of the land and the present use." The proposed development would definitely transform the character of the land. Since the petitioner's request is for a high-density type of dwellings in an area bounded on three sides by either pasture land and forest reserves and the fourth side by large lot single-family detached residential units, the proposal would be incompatible to the character of the area.

g. "That the proposed use will make the highest and best use of the land involved for the public welfare." Although such a high-density residential proposal may provide immediate housing, it would generate other problems such as the additional traffic and educational facilities demand. More so, it would consume agriculturally-zoned land at a time when ample, vacant urban-zoned land is available.

2. In addition to the request not meeting the State Land Use guidelines for determining an "unusual and reasonable" use, the staff also finds the following:

Testimony from the applicant states that the proposed project is a permanent home community and not a travel trailer park. From all indications, the proposed units are conventional modular dwellings and, in essence, the proposal is a prefabricated move-on housing project.

The Department of Public Works and also the Department of Health look upon these housing units as homes designed for permanent living and not trailer homes but factory prefabricated homes which will be bodily moved onto the site. Both departments add that their respective regulations governing conventional dwellings will have to be complied with.

In view of these testimonies, the Planning Department is inclined to look upon this proposal as a high density housing project and believe that the intent of Ordinance No. 63, Section 13-B-5, pertaining to trailer parks, is being circumvented. The subject section lists trailer parks as permitted uses in agricultural districts and the project as proposed by the applicant does not apply to a trailer park which is intended to accommodate mobile dwellings on a less than permanent basis.

3. The Planning Department further recommends denial on the basis that the proposed project is located in an area general planned for diversified agricultural uses and other low density agriculturally-related uses. Therefore, granting of the special permit would be contrary to the objectives of the General Plan and to the intent of the State Land Use Laws in view of the high density development proposal. The proposed density of 1 unit per 5700 square feet is a significant deviation from the present 1 unit per 10 acres for that area. It should be added that such a high density housing development is allowable only in urban zoned areas, and then too, only in an apartment or higher use zone.

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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.

Should there be further questions on this matter, please do not hesitate to call or write us.

Anthony C. Veriato
Chairman

GTM:lat

cc Accent Enterprises