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#276



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT
* * *



LAND USE COMMISSION

250 South King St. / Honolulu, Hawaii 96813 / P. O. Box 2359 / Honolulu, Hawaii 96804

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Executive Officer

September 23, 1975

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji
Planning Director

Gentlemen:

At its meeting on September 22, 1975, the Land Use Commission voted to approve a special permit to Hawaiian Ocean View Estates Community Association, Inc. (SP75-207) to allow a community association building on approximately 2 acres of land situated in the Agricultural District at Kahuku, Ka'u, Tax Map Key 9-2-09: 50; subject to the conditions imposed by the Hawaii County Planning Commission.

A copy of the staff memorandum is enclosed for your information.

Very truly yours,

AH SUNG LEONG
Acting Executive Officer

Encls.

- cc: Haw'n Ocean View Est. Comm. Assoc.
- Dept. of Taxation, Hawaii
- Property Technical Office, Dept. of Tax.
- Tax Maps Recorder, Dept. of Tax.
- Real Property Tax Assessor, Dept. of Tax.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

Sept. 22, 1975
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP75-207 - HAWAIIAN OCEAN VIEW ESTATES COMMUNITY ASSOCIATION, INC.

A special permit request to allow a community association building on approximately 2 acres of land situated in the Agricultural District at Kahuku, Ka'u Hawaii, has been submitted by the Hawaiian Ocean View Estates Community Association, Inc. The subject property is described as Tax Map Key 9-2-09: 50, and is owned by the Association.

The subject property lies within the Hawaiian Ocean View Estates Subdivision and fronts Leilani Circle at its makai intersection with Leilani Avenue. The Belt Highway is approximately 1/2 miles to the south. At the present time, approximately 150 single-family dwelling units have been constructed within the Hawaiian Ocean View Estates Subdivision. This non-conforming subdivision contains a total of 10,821 one-acre lots.

There are approximately 155 miles of privately owned, oil-treated cinder surfaced roads within the subdivision which are maintained by the subdivider and property owners; water is provided by individual roof catchment; electric power and telephone lines exist along Belt Road and extends to the subject property; and sewage is accommodated by individual cesspools. The subject property is adjacent to a ten-acre parcel set aside by the original developer and dedicated to the County of Hawaii for "Elementary School and Park."

The subject area basically consists of A'a lava. The Soil Conservation Service classifies this as a miscellaneous land type. A'a lava has practically no soil covering and is bare of vegetations except for mosses, lichens, ferns, and small ohia

trees. The soil is rated "E" or very poor for overall agricultural productivity; unsuited for machine tillage; and consists mostly of sharp aa clinkers with little or no soil material. The subject property located at the 2,100 foot elevation and the average annual rainfall ranges from 20 to 24 inches.

Petitioner proposes to construct a two-story (40' x 80') building to be used for community purposes. The facility will also be utilized for adult education, Red Cross training, and by youth groups, senior citizens and the Ladies Club. Space will also be made available to members of the Association who need electricity for freezers, irons, sewing machines, etc. It is expected that facilities will be expanded in the future and will include recreational areas for tennis, badminton, volleyball, etc. The ground floor of the proposed building, which will be of concrete block construction with cement floor, will be divided into a freezer room, an office space, and possibly a sewing room. The upstairs floor will be a kitchen at one end, a meeting hall and a stage on the other end. The proposed building will be erected without expense to the County or State and maintained privately by the Association.

COUNTY RECOMMENDATION

At its meeting on May 8, 1975, the Hawaii County Planning Commission voted to recommend the approval of the Special Permit as it was found:

- "1. That the proposed use will not substantially alter nor change the essential character of the land and the present use. Hawaiian Ocean View Estates subdivision consists of more than 10,800 one-acre lots. The proposed use is to be a supportive part of the existing subdivision and as such will not greatly alter the present character of the area. Further, the proposed use will not adversely affect surrounding property. The proposed use will enhance the area by providing a facility which will benefit the entire community. The facility will provide amenities which are not now available to residents of the area, such as a meeting place and a facility with electricity.
- "2. That unusual trends and needs have arisen since the district boundaries and regulations were established. There are approximately 150 dwellings in the subdivision in which the proposed use will be located. The population is expected to increase in the future. The facility is needed to serve existing as well as future residents.

"3. That the proposed use will not unreasonably burden public agencies to provide facilities and services. The proposed use will, in fact, relieve some of the burden upon public agencies to provide various facilities and services. The community association has taken upon itself the provision of various amenities which public agencies may find difficult to provide, based on existing population, conditions, and overall governmental priorities. Furthermore, it is the intent of the applicant to retain the facility under the community association's jurisdiction rather than turning it over to a governmental agency.

"4. That the land upon which the proposed use is sought is unsuited for the uses permitted within the district. The subject property is comprised of A'a lava and is in capability Class VIII, according to the Soil Conservation Service. Class VIII soils rank lowest in terms of agricultural production. Due to the smallness of the subject property as well as the lots in the entire Hawaiian Ocean View Estates Subdivision, it is determined that the View Estates Subdivision, it is determined that the varieties of agricultural uses which could be feasibly pursued are quite limited. Further, the character of the existing one-acre lots subdivision in which the land is located, makes it unlikely that the area would be put to intensive agricultural uses.

"The favorable recommendation was also subject to the following conditions:

- "1. That construction of the proposed facility begin within one (1) year from the date of approval of the special permit.
- "2. That all other applicable rules and regulations, including "Plan Approval;" be complied with."

The subject area is designated as extensive agriculture on the General Plan land use pattern allocation guide map and is zoned Agriculture one-acre (A-1a).

Letters in support of the Special Permit request have been received from attorney Andrew C. Levin and Hawaii County Council members Dante K. Carpenter and Josephine R. Yadao. They noted that the proposed facility will provide a place within the community in which various recreational, educational and social needs can be accommodated.

Further comments were received as follows:

1. Ka'u Soil and Water Conservation Service - no objections.
2. Department of Parks and Recreation - no objections but questions whether the facility will eventually be dedicated to the County.
(Note: The Association indicated at the subsequent public hearing that their facility will be privately operated and maintained)
3. Department of Water Supply - Notes that there is no County water system in the area; however, it has no objections since no additional lots are created.

4. State Department of Agriculture - Foresees no adverse impact on agriculture.
5. Fire Department - Notes that fire protection is provided by a volunteer fire unit; that there is a 25,000 gallon water tank near the site; and that the nearest fire station is 15 miles away at Naalehu.
6. Police Department - Foresees no adverse impact.
7. Department of Public Works - No comments.
8. State Department of Education - No comments.
9. State Department of Health - Recommends approval of the special permit.

These are the pertinent facts relating to this Special Permit as summarized by staff.