



DEPARTMENT OF PLANNING  
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

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Suite 1795, Pacific Trade Center, 190 S. King Street, Honolulu, Hawaii 96813

December 2, 1977

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Executive Officer

HAWAII PLANNING COMMISSION  
25 Aupuni Street  
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on December 2, 1977, the Land Use Commission voted to approve a Special Permit request by the County of Hawaii, Department of Public Works (SP77-282) to allow the establishment of a baseyard use on approximately 1.8 acres of land situated within the State Land Use Agricultural District at Lalamilo, South Kohala, Hawaii, Tax Map Key 6-6-1: 56.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii Planning Commission.

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

Sincerely,

GORDAN Y. FURUTANI  
Executive Officer

GYF:jy  
Encl.

- cc: County of Hawaii, Dept. of Public Works
- Department of Taxation, Hawaii
- Tax Maps Recorder, Dept. of Taxation
- Property Technical Office, Dept. of Taxation
- Real Property Tax Assessor, Dept. of Taxation
- Dept. of Planning and Economic Development
- Office of Environmental Quality Control
- Division of Land Management, DLNR

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission December 2, 1977  
10:00 a.m.

FROM: Staff

SUBJECT: SP77-282 - County of Hawaii, Department of Public Works

The petitioner, County of Hawaii, Department of Public Works, is requesting a Special Permit to allow the establishment of a baseyard use on approximately 1.8 acres of land situated within the State Land Use Agricultural District at Lalamilo, South Kohala, Hawaii, Tax Map Key 6-6-1: 56. The subject property is located about 1,200 feet Waimea side (east) of the Kohala Mountain Road and Waimea-Kawaihae Road junction. The Hawaii Electric Light Company substation and the Kamuela Rubbish Dump (see attached County Exhibit K-1) are situated near the property in question.

The subject site is presently being used as a baseyard by the County. This baseyard was established prior to the adoption of the land use law and is a non-conforming use in the Agricultural District. The baseyard operation presently includes a gas pump and a storage and office building.

Although a baseyard already exists on the site, this Special Permit is being requested because, under current procedures, a Special Permit must be obtained for any expansion or intensification of a non-conforming use and the County Department of Public Works wants to expand the non-conforming use by proposing to construct an equipment storage building. The proposed building is a metal structure approximately 60' X 168' in size and about 10,080 square feet in area. This structure is intended to house road maintenance equipment and vehicles.

After a review of this request, the Hawaii County Planning Department advised that in anticipation of future improvements and expansion to the non-conforming baseyard, the entire 1.8 acres should be established under the Special Permit for a County baseyard operation. This modification would preclude the applicant from obtaining a Special Permit for other future improvements on the site. The Special Permit request has been changed to incorporate the County's recommendation that the baseyard use be requested rather than the equipment storage building or individual improvements.

In support of the permit request, the petition has in part stated the following:

"The proposed project consists of a metal 'rigid frame' building which will house road maintenance equipment and vehicles for our Waimea Road Maintenance crew for work in the South Kohala area. This project will perpetuate an existing use since the vehicles are presently using the baseyard site. The project will allow the vehicles to be sheltered. The vehicles would then be protected from the elements and the mechanic that works on these vehicles will similarly be protected. Since the use will not change, we feel that it will not alter the character of the land nor affect surrounding property nor burden public agencies.

"The subject parcel is on State land. An executive order (E.O. No. 2360) was executed giving the County of Hawaii jurisdiction over this property for baseyard use.

"An environmental assessment has been written and routed for review.

"A historic preservation report was written and sent to Mrs. Jane Silverman of the DLNR. A reply has not yet been received but we feel that since the land is level and has been used as a parking area, there is nothing of historic significant at the site."

The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject property for Low Density uses. Under this designation single family residential uses at a maximum density of 4 units per acre and ancillary community and public uses are permitted. County zoning of the subject site is Unplanned (U).

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "C" or Fair for the subject site. This soil is of the Waimea series which is a very fine sandy loam.

All essential utilities, including water and electricity are available to the subject property.

Pertinent comments from governmental agencies:

1. Fire Department

"We have no objections to the approval of this application to build an equipment storage building at the Waimea Baseyard. There is a fire hydrant located on Kawaihae Road approximately 300 yards to the proposed location of the building. Water supply is considered adequate. Fire protection service is provided from the Waimea Fire Station."

Other cooperating agencies, including the State Department of Agriculture, Hawaii Electric Light Company, Inc., Department of Water Supply, U.S. Soil Conservation Service, Police Department, and State Department of Health had no objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on October 3, 1977, a representative of the petitioner testified in support of the request. Mr. C. Schuster, District Engineer for the State's Highways Division also endorsed the request. He stated that lands in the vicinity of the subject site are utilized for public service facilities of an industrial nature, and that these are well established facilities. No one testified in opposition to the request. For the Commission's information, the October 3, 1977 hearing transcript has been attached (County Exhibit N).

On October 27, 1977, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

- "1. That the granting of this particular request will not substantially alter or change the essential character of the land since a baseyard operation has been established on a non-conforming basis for many years. However, although the request filed is to allow the construction of an equipment storage building on the subject property, it is felt that the basic purpose of the request would be to legitimize the existing non-conforming uses. As stated earlier, the present County baseyard operation has been in existence for many years and prior to the adoption of the State Land Use Law and Regulations. Under the present non-conforming status, in order that improvements or expansion may be made on the property, a Special Permit must be secured. Rather than obtaining a Special Permit each time improvements, such as the equipment storage building, are contemplated, we are suggesting that the entire area of 1.8 acres be established under a Special Permit for a County baseyard operation. In doing so, improvements to the existing use can be made without applying for a Special Permit for each and every improvement. By granting a Special Permit, we are basically establishing the use of a particular property rather than the individual improvements or structures to go on the property.
- "2. That the proposed use shall not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which these lands are best suited in the interest of public health and welfare of the

people of the State of Hawaii. For many years the subject property has been used as a baseyard. This baseyard for the County Waimea Road Maintenance crew has promoted the public welfare by allowing for greater efficiency in the provision of road maintenance services. It is thus determined that the proposed use, which will allow for increased efficiency of road maintenance operations, will be the one for which the land is best suited in the interest of promoting the public health and welfare of the people of the State of Hawaii.

Further, the granting of the Special Permit will not militate against the County General Plan or be contrary to the purpose and intent of the County's Zoning Code. The Public Facilities element of the General Plan calls for the provision of such facilities to adequately service community needs and to continue to seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community. In addition, the County Zoning Code allows public service uses within its agriculturally zoned districts provided that the uses conform to the County General Plan.

- "3. That the proposed use will not adversely affect the surrounding properties and land uses. The surrounding area is in grazing and public utility/facility uses. Specifically, in addition to open pasture land there is an existing Hawaii Electric Light Company Substation, the State Department of Transportation Baseyard, and the County of Hawaii Kamuela Rubbish Dump adjacent to the subject site. It is therefore determined that the proposed use at its particular location will, in fact, complement the surrounding land uses, and also would not have an adverse impact on the overall agricultural activity for the area.
- "4. That all essential utilities and facilities are available to the area for the requested use. As such, the granting of this request for the purpose of establishing a County baseyard operation at this particular location will not unreasonably burden other governmental agencies to provide additional infrastructures."

The favorable recommendation was subject to the following conditions:

- "1. That construction of the Equipment Storage Building and related improvements commence within two (2) years from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.

- "2. That prior to construction of other future improvements on the subject property, the petitioner or its authorized representative shall submit such plans to the County Planning Department for review and approval.
- "3. That all other applicable rules and regulations, including the plan approval process, shall be complied with."

It was further stated by the Planning Commission that:  
"Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."