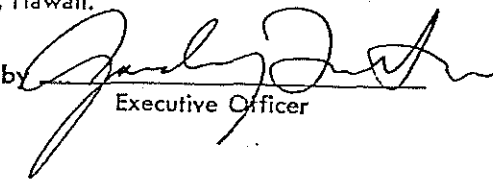


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special Permit) SP78-309
of PARADISE HUI HANALIKE) PARADISE HUI HANALIKE
_____)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

NOV 21 1978
Date

by 
Executive Officer

DECISION AND ORDER

Attachment 1

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the)	SP78-309
Petition for Special Permit)	
of PARADISE HUI HANALIKE)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
)	DECISION AND ORDER

The Land Use Commission of the State of Hawaii having duly considered the entire record in this matter, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Petition for Special Permit was filed by Paradise Hui Hanalike to allow the establishment of a community center and related improvements on twenty (20) acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-5-23:— 40.

2. The subject property is located along the Keaau side of Makuu Drive, between 16th and 17th Streets in Block 9 of the Hawaiian Paradise Park Subdivision.

3. The proposed community center is to include a caretaker's residence, an office and conference structure, a maintenance structure, a meeting hall, outdoor amphitheatre, three (3) parking areas with a total capacity for 116 vehicles, swimming pool, bar, card playing area, children's play area, softball field, basketball court, tennis courts and small pavilions. A Special Permit is

required for the caretaker's residence, meeting hall, office and conference building and maintenance structure.

4. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area for "Orchard" use. Present County Zoning is "Open" (O).

5. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property. The subject property is not classified as "Agricultural Lands of Importance" to the State of Hawaii by the State Department of Agriculture.

6. Surrounding lands are principally one acre lots, either improved with single family dwellings or which are left vacant.

7. The Petitioner has stated that the proposed community center would relieve some of the existing demand for public recreational facilities in the area.

8. The State Department of Health has cited applicable health regulations which the proposed development must comply with.

9. The County Department of Water Supply, Department of Public Works, Fire Department, Police Department, Department of Parks and Recreation, Hawaii Electric Light Company, Inc., State Department of Education, and Department of Agriculture had no objections to the proposed use.

10. A public hearing on the Special Permit application was held by the Hawaii County Planning Commission on June 1, 1978. Testimony in support of the request was presented by the Petitioner.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by Special Permit pursuant to HRS Chapter 205-6, and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of these statutory provisions is to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of Hawaii. The purpose of the subject request is to allow a community association to establish its own facilities. These facilities are primarily for recreational use and would serve the Hawaiian Paradise Park subdivision. This subdivision consists of more than 8,500 lots and is located in one of Hawaii County's fastest growing districts. The proposed site is in a relatively central location within the subdivision.

Given the nature of the proposed use, which is to serve an existing large subdivision, the surrounding area, and the quality of the subject area for agricultural production, it is determined that the proposed development will utilize the subject property in a manner which is in keeping with the public welfare of the people of the area. Further, the use of subject area for non-agricultural

activities will not have adverse effects upon the agricultural potential or productivity of the region or the island.

3. The proposed use will not adversely affect the surrounding properties. The proposed facilities will directly serve the existing Hawaiian Paradise Park Subdivision and, as such, will be a supportive part of the subdivision. The area under consideration consists of twenty (20) acres and is adequate to contain the proposed facilities as well as a sufficient buffer area so that nuisances to nearby properties can be mitigated. With the provision of the proposed facilities, surrounding properties will benefit. Among the proposed facilities is a maintenance structure to house equipment used to maintain the existing private roadway system of the subdivision. Property owners will also be provided with a community meeting place as well as recreational facilities. Although the proposed use will alter the existing character of the land since the site is vacant, such alteration will not detract from the character of the surrounding area and will be providing needed facilities.

4. Establishment of the proposed use will not unreasonably burden public agencies to provide services and facilities. The proposed use will provide the residents of the subdivision with services and facilities that are often provided by government entities. The establishment of these facilities by the community association will, it seems relieve some governmental agencies from the demands often placed upon them to provide similar facilities. As the

proposed use is to serve residents of the subdivision, traffic generated will be contained within the subdivision itself. Further, as more homes are built and as population increases within the subdivision, the community center and recreational facilities will be increasingly needed.

5. The use described in the petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit Number 78-309, for the establishment of a community center and related improvements on twenty (20) acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-5-23: 40, be approved subject to the following conditions:

1. That the proposed development shall conform substantially to the representations made by the petitioner and the plans submitted with the application.

2. That the Petitioner or its authorized representative shall submit plans for the initial improvements, consisting of the office/conference structure and appurtenant parking to the Planning Department for Plan Approval within one (1) year from the effective date of approval of the Special Permit. Construction of the initial improvements shall commence within one (1) year from the date of receipt of final Plan Approval and be completed within two (2) years thereafter. Plans shall include extensive landscaping.

3. That the Petitioner or its authorized representative shall submit plans for any and all subsequent improvements to the Planning Department for Plan Approval. Plans shall include extensive landscaping.

4. That all structural improvements, parking areas and recreational facilities shall be a minimum of fifty (50) feet from all property lines.


5. That the Petitioner or its authorized representative shall provide all-weather, dust-free surface parking areas. The number of stalls to be provided shall be determined at the time of plan approval for the various phases of the development.

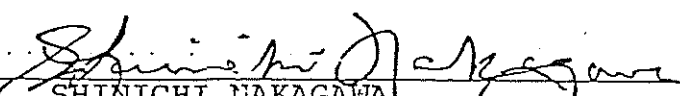
6. That the bar area shall not be used for commercial purposes, except for occasional fund-raising and special, short-term functions.

7. That all other State Statutes and County Ordinances and applicable rules, regulations and requirements shall be complied with.

8. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

DATED: Honolulu, Hawaii, November 9, 1978.

By 
C. W. DUKE
Chairman and Commissioner

By 
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES CARRAS
Commissioner

By Colette Y. Machado
COLETTE MACHADO
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George Pascua
GEORGE PASCUA
Commissioner

By Carol B. Whitesell
CAROL WHITESELL
Commissioner

By Edward K. Yanai
EDWARD K. YANAI
Commissioner