

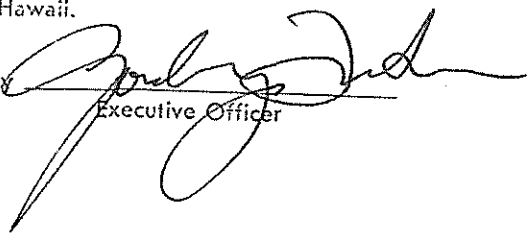
BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the )	SP78-322
Petition for Special Permit )	
of J. M. TANAKA CONSTRUCTION, )	J. M. TANAKA CONSTRUCTION,
INC. )	INC.
)	
)	
)	

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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.

APR 20 1979  
Date

by   
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the ) SP78-322  
Petition for Special Permit )  
of J. M. TANAKA CONSTRUCTION, ) FINDINGS OF FACT,  
INC. ) CONCLUSIONS OF LAW AND  
 ) DECISION AND ORDER  
 )  
\_\_\_\_\_ )

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

FINDINGS OF FACT

1. The Petition for Special Permit was filed by J. M. TANAKA CONSTRUCTION, INC., to allow the construction of an office building on approximately 11.6 acres of land situated within the State Land Use Agricultural District at Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-07: 15.
2. The subject property is situated at the northern corner of the Kuakini Highway and North Kona Belt Road junction at Keauhou 1st, North Kona.
3. The subject area is the present site of the Petitioner's existing quarry and batching plant. The Petitioner proposes to construct a new 1,296 square foot office building to replace an older structure.
4. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject property.
5. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject site for

Orchard uses. The area is also identified by the General Plan for Alternate Urban Expansion. Present County Zoning is Agricultural-1 acre (A-1a).

6. The U.S.D.A. Soil Conservation Service's Soil Capability Rating for soils of the subject site is Class VII. These soils have very severe limitations which make them unsuited to cultivation and restrict their uses largely to pasture, range, woodland or wildlife.

7. Access to the subject property is from Kuakini Highway and the North Kona Belt Road. The Kuakini Highway has an 80-foot right-of-way and a 22-foot pavement, while the North Kona Belt Road has a 50-foot right-of-way and a 20-foot pavement.

8. The old Keauhou Elementary School, scattered single family residences, and the Petitioner's quarry site and baseyard surround the subject site.

9. The Petitioner has stated that the proposed use would not adversely affect the surrounding area, nor unreasonably burden public agencies to provide services and facilities.

10. The County Department of Water Supply, Department of Public Works, Department of Research and Development, Fire Department, Police Department, Hawaii Electric Light Co., Inc., State Department of Transportation, Department of Health and Department of Agriculture had no objections to the permit request.

11. The Hawaii County Planning Department has recommended approval of the Special Permit request.

12. A public hearing on the application for Special Permit was conducted by the Hawaii County Planning Commission

on August 31, 1978. At that time, the only person testifying regarding the application was a representative of 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 be consistent with 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 they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District includes lands surrounded by or contiguous to agricultural lands but which are not suited to agricultural activities by reason of topography, soil and other related characteristics. The soils of the subject area consist of thin organic soils over pahoehoe bedrock. The Land Study Bureau has classified this soil type as Class "E" or "Very Poor". This area has not been included in the State Department of Agriculture's Lands of Agricultural Importance to the State of Hawaii classification system. In addition, the subject area is the present site of J. M. Tanaka's construction and quarrying operation. These uses were established prior to the adoption of the State Land Use Law and Regulations and therefore are permitted as non-conforming uses. Because of the poor soil conditions and the existing non-agricultural use of this area,

it is concluded that the requested use will not be detrimental to the island's agricultural resource base nor will it have any adverse impact on the overall agricultural potential of the region, island, or State.

3. The proposed use will not adversely affect surrounding properties. The subject area is currently the site of J. M. Tanaka, Inc.'s construction and quarrying operation and thus the concerns for surrounding properties are restricted to the additional impacts that may result from the construction and use of the proposed office building. Inasmuch as the office building is intended only to replace the existing facility, it is concluded that any impact which may occur would be minimal. Further, any impact which may occur can be adequately mitigated through conditions of approval.

4. The proposed use will not create unreasonable demands on public facilities and utilities. All essential infrastructure is or will be available to the subject area.

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 78-322 for the construction of an office building on approximately 11.6 acres of land situated within the State Land Use Agricultural District at Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-07: 15, be approved subject to the following conditions:

1. That the development shall conform to the plans submitted and the representations made by the Petitioner.

2. That the Petitioner or its authorized representative shall submit plans for Plan Approval within one year from the effective date of the Special Permit.

3. That construction shall commence within one year from the date of receipt of final Plan Approval and shall be completed within two years thereafter.

4. That all other applicable rules, regulations and requirements shall be complied with.

5. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, April 18, 1979.

LAND USE COMMISSION

By C. W. Duke  
C. W. DUKE  
Chairman and Commissioner

By Shinichi Nakagawa  
SHINICHI NAKAGAWA  
Vice Chairman and Commissioner

By James R. Carras  
JAMES R. CARRAS  
Commissioner

By \_\_\_\_\_  
COLETTE Y. MACHADO  
Commissioner

By Shinsei Miyasato  
SHINSEI MIYASATO  
Commissioner

By Mitsuo Oura  
MITSUO OURA  
Commissioner

By Carol B. Whitesell  
CAROL B. WHITESELL  
Commissioner

