

FEB 21 1979

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, HI 96813

Dear Mr. Furutani:

Special Permit Application
Petitioner: State Department of Transportation,
Land Transportation Facilities Division

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

This special permit request was to establish a non-conforming maintenance baseyard operation with the State Land Use Agricultural District. The request also includes the construction of an equipment storage shed addition. The property involved is the site of the existing Waimea Maintenance Baseyard, situated on the south side of Kawaihae Road, adjacent to the County Baseyard site, Lalamilo, South Kohala, TMK: 6-6-01:40.

The Planning Commission at a duly advertised public hearing held on January 11, 1978 in the County Councilroom, County Building, South Hilo, Hawaii, discussed the subject request. The Commission on February 8, 1979 voted to recommend the approval of the Special Permit to the Land Use Commission based on 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. Although, the request filed is to also allow the construction of an equipment storage shed addition to an existing building, it is felt that the

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basic purpose of the request would be to legitimize the existing non-conforming uses. As stated earlier, the present 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 shed addition, are contemplated, we are recommending that the entire area of 2.41 acres be established under a Special Permit for a State baseyard operation. In doing so, improvements to the existing use can be made without applying for a Special Permit for each and every improvement. In this particular case, by granting a Special Permit, we are basically establishing the use of a particular property rather than the individual improvements of structures to go on the property.

2. That the proposed use will 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 State Department of Transportation, Land Transportation Facilities Division, 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 County Baseyard operation for which a similar Special Permit was recently granted, and the County of Hawaii Kamuela Rubbish Dump. 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 State baseyard operation at this particular location will not unreasonably burden other governmental agencies to provide additional infrastructures.

As part of this application, we are also recommending that the petitioner be allowed to construct the proposed equipment storage shed addition with a setback of twenty (20) feet in lieu of the thirty (30) feet.

The favorable recommendation was also subject to the following conditions:

1. That construction of the equipment storage shed addition commence within one (1) year 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 should be noted that failure to comply with the delineated conditions, particularly those relating to time commencement and expiration, shall be reason for termination of the Special Permit.

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission
cc Land Use Division. DPEN