

CERTIFIED MAIL

October 18, 1979

Mr. A. L. Bell
Mauka Enterprises Development, Inc.
P. O. Box J
Kealahou, HI 96750

Dear Mr. Bell:

Special Permit Application
Tax Map Key 8-1-17:1

The Planning Commission at a duly advertised public hearing on October 11, 1979, considered your request for a special permit in accordance with Chapter 205-6 Hawaii Revised Statutes and Rule 6 of the Planning Commission, to allow the establishment of an Adult Mobile Home Park Community which includes 51 spaces for mobile home placement, swimming pool, tennis court, putting green, and community clubhouse on 8.3 acres of land situated within the State Land Use Agricultural District at Keopuka, South Kona, Hawaii.

The Commission voted to deny the special permit based on the following findings:

That the request is contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The objectives of the Land Use Law and Regulations is 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 the public health and welfare of the people of the State of Hawaii. Consistent with these objectives the County of Hawaii adopted the General Plan in 1971 which sets forth goals, policies and standards to guide the development of the island. The subject request proposes to develop 51 mobile home sites on 8.35 acres for a new density of one (1)

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unit per 7,132 square feet of land area. Such a density is higher than would be permissible within a Single Family Residential zoned district. Although the subject request is for mobile home sites, the overall density approaches densities allowable within Multiple Family Residential zoned districts. The General Plan Multiple Family Residential Element states as a standard, "Areas shall be located in such a manner that traffic generated by high density development will not be required to travel through areas of lesser density enroute to principle community facilities." The subject property is located at the end of a private road approximately 3,200 feet in length which terminates at the Mamalahoa Highway. This is the only access to the subject property. Thus, the traffic generated by the 51-unit development would have to pass through the Agricultural-5 acre (A-5a), Agricultural-1 acre (A-1a), and Single Family Residential - 10,000 square foot (RS-10) zoned districts below the subject property. Such a situation would disrupt the environments of these lower properties and would be contrary to the above-cited General Plan standard. In this regard, the subject request is also contrary to the Special Permit guideline which states that "the desired use shall not adversely affect surrounding properties."

Further, the proposed development would add a significant amount of traffic on a substandard road. The road which provides access to the subject property has a 9-foot wide pavement for most of its length. Such a pavement width is not adequate to allow two (2)-way traffic. This problem is further compounded by the steep grades and poor vertical sight distances in certain sections of the road. Approval of the subject request would intensify these hazards by encouraging greater utilization of the substandard road. Such an outcome would be contrary to the public safety and welfare.

As stated previously, the proposed development would be at a higher density than would be permissible within the Single Family residential zoned areas. Such a development would be contrary to the purpose and intent of the State Land Use Agricultural district. Essentially the State Land Use Agricultural district is intended to set aside lands suitable for the agricultural activities and to provide a holding zone for those areas that may be suitable for urbanization but the need for these areas to develop has not yet arisen. The subject request to allow the development of a mobile home park

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would clearly not be agricultural in nature, but rather seeks to develop the land at residential densities that are urban in nature. As such the appropriate procedure would be to seek a State Land Use District boundary amendment from Agriculture to Urban. This suggestion as to the appropriate procedure should not, however, be viewed as an endorsement of such an amendment by the Planning Director.

It is recognized that the County Zoning Code permits mobile home parks within the County Agricultural zoned areas. However, for any development to be approved it must be in compliance with all applicable statutes and requirements. Based on the intent of the State Land Use District rules and regulations it is determined that the proposed development does not meet this requirement and should be denied.

The Commission would like to point out that this denial recommendation is not reflective of the Department's position on mobile homes in general. Rather, this denial recommendation is based on land use considerations, specifically the access to the property and the intent of the State Land Use Agricultural District.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

Should there be further questions on this matter, please do not hesitate to call or write us.

Sincerely,

/s/ROY KAGAWA

for William F. Mielcke
Chairman, Planning Commission

lgv

cc State Land Use Commission
Land Use Division, DPED
Kona Services Office