

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR SPECIAL PERMIT)
by)
ROBERT BEHRENS)
to)
ALLOW STORAGE AND MAINTENANCE)
OF HEAVY EQUIPMENT)
in)
WAIKOLOA, SOUTH KOHALA, HAWAII)
_____)

SPECIAL PERMIT
NO. 482

SPECIAL PERMIT

The County Planning Commission at its duly held public hearings on March 11 and April 15, 1981, considered the application of ROBERT BEHRENS for a Special Permit in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission relating to Special Permit to allow the storage and maintenance of heavy equipment in Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02:Portion of 15.

The Commission has found the following:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for 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 not only includes land with high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava, which is in the U. S. Department of Agriculture, Soil Conservation Service's capability Class VIII. Class VIII soils have severe limitations that preclude their use for commercial plants. This class is the lowest in the Soil Conservation Service's ranking system for agricultural activity. The Land Study Bureau's rating of these lands for overall agricultural productivity is also very poor as they are classified as Class "E". It is therefore determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the capability class rating of the subject property for agricultural productivity and the above-cited criterion for determining the Agricultural District.

Further, the subject area has already been effectively removed from agricultural production by the granting of

Special Permit 70-85 which allowed quarrying and related activities to be conducted in this area of the Waikoloa Development. The continued use of this area for non-agricultural pursuits will have no effect on the overall agricultural potential of the region or of the Island and State.

2. That the proposed use will not adversely affect surrounding properties. The subject area is a portion of an existing quarrying operation which was permitted under Special Permit 70-85. This Special Permit allowed the operation of a quarry and ancillary activities on approximately 45-acre site adjacent to the Waikoloa Village urban area. Consequently, this 45-acre site, which has subsequently been developed with the Waikoloa Quarry, ancillary activities including a rock crusher and a screening facility, a repair and maintenance facility and a building tile manufacturing operation, has been in what can be characterized as industrial uses since the granting of the Special Permit in 1970. The storing of heavy equipment on the premises and the use of an existing building as a maintenance area will not adversely affect the existing industrial character of the area. The addition of the proposed use may in fact support and effectively commingle these existing uses. It is therefore felt that the addition of the proposed equipment storage and maintenance activity will have no detrimental effect on the surrounding properties.

Furthermore, the subject area is adequately buffered from other surrounding uses. The subject area is situated approximately 2,000 feet from the nearest residential zoned district and approximately 1,900 feet from the highway. Any adverse impacts to these areas will be primarily visual in nature. These impacts can be adequately mitigated by virtue of the relative isolation of the subject area and by the imposition of conditions.

3. That the proposed use will not unreasonably burden public agencies to provide roads, sewers, water and drainage improvements, and police and fire protection. The Waikoloa Development has been relatively independent with respect to the provision of these services including the development of their own water system and the maintenance of the Waikoloa Volunteer Fire Department. Furthermore, the subject area is already improved and serviced by these facilities and infrastructures.
4. That approval of the subject request will be consistent with the General Plan designation of Industrial for the area. Industrial uses include, "Manufacturing and processing; wholesaling; large storage and transportation facilities; power plants; and government baseyards."

Therefore, the Commission hereby grants to the petitioner a Special Permit to allow the storage and maintenance of heavy equipment in Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-02:Portion of 15, pursuant to the authority vested in it by Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission.

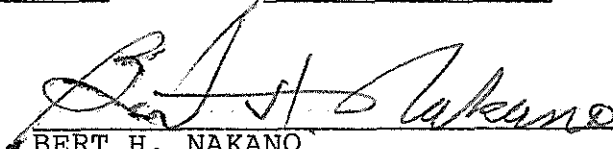
Approval of the Special Permit is subject to the following conditions:

1. That the petitioner, Robert Behrens, will be responsible for complying with all of the stated conditions of approval.
2. That the petitioner shall submit a subdivision application and secure tentative subdivision approval to create two lots consisting of approximately 1.23 acres and 1,956.401 acres, respectively, by March 11, 1982. The petitioner shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval. This Special Permit will be automatically void or nullified if final subdivision approval has not been secured by the required deadline date.
3. That plans for Plan Approval, including a landscaping plan, shall be submitted to the Planning Department within one (1) year from the effective date of the Special Permit.
4. That all other applicable rules and regulations, including those of the Department of Health, shall be complied with.

Should the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

The effective date of the Special Permit shall be April 15, 1981.

Dated at Hilo, Hawaii, this 14th day of May, 1981.


BERT H. NAKANO
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 12 May 81

March 24, 1982

Mr. Robert Behrens
2 Puako Beach Drive
Kamuela, HI 96743

Dear Mr. Behrens:

Time Extension to Special Permit No. 482
Tax Map Key 6-8-02:Portion of 15

The Planning Commission at its duly held public hearing on March 17, 1982, voted to approve your request for a time extension to comply with Condition No. 2 of the Special Permit No. 482 which allowed the storage and maintenance of heavy equipment on 1.23+ acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

That the requested time extension will provide the petitioner sufficient time to submit a subdivision application and secure tentative subdivision approval to create two lots consisting of approximately 1.23 acres and 1,956.401 acres, respectively. The petitioner has shown good faith in following through the original Special Permit and the other conditions stipulated therein. Since compliance with the time condition is dependent on the actions of others, the petitioner is not entirely responsible for the additional time required for complying with the condition. However, it should be noted that the one year time extension should provide sufficient time for a solution to be worked out between the necessary parties. Therefore, additional time extension requests will not be favorably considered unless extenuating circumstances can be cited to support such a request.

Approval of the time extension request is subject to the condition that all other applicable rules, regulations, and requirements be complied with.

MAR 24 1982

Mr. Robert Behrens

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Alfredo Orita
Chairman, Planning Commission

smn

cc: Building Division, Public Works
Kona Services Office
State Land Use Commission
Jim Lium

bcc: Plan Approval Section, Planning Department