

CERTIFIED MAIL

March 24, 1983

Mr. E. C. Craddick, President
Barnwell Geothermal Corporation
2828 Paa Street, Suite 2085
Honolulu, HI 96819

Dear Mr. Craddick:

Special Permit Application (82-16)
Water Resources International
Tax Map Key 1-4-90:21-25

The Planning Commission at its duly held public hearing on March 17, 1983, considered the above application for a Special Permit to allow the establishment of a geothermal-related office and warehouse/storage buildings on approximately 5.8 acres of land situated within the State Land Use Agricultural District at Puna, Hawaii.

The Commission voted to approve the warehouse/storage uses on a temporary basis, based on the following:

Approval of the temporary uses will meet the support service needs of the geothermal exploration drilling programs in the immediate vicinity. The provision of equipment maintenance and storage facilities within close proximity of the geothermal exploration activities will allow for more efficient and cost effective exploration of the resource. Existing geothermal exploration drilling permits in the area will not expire until July 1984. Should geothermal activities proceed beyond the exploration phase, the permanent support service needs can be accommodated in future applications for development. Until such time that a firm commitment is made to commercially develop the geothermal resource, any permanent support service facility would be premature.

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The temporary equipment maintenance and storage uses will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent 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 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 not only includes lands with a 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 reasons of topography, soils and other related characteristics. The subject property's dominant soil type is Kesukaha extremely rocky muck. These soils have very severe limitations that make them unsuited to cultivation and restricts their use largely to pasture or range, woodland or wildlife. The Land Study Bureau's rating of these lands for overall agricultural productivity is Class "E" or Very Poor. Furthermore, the subject area has not been included in the Department of Agriculture's classification of Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property and the above-cited criterion for determining the Agricultural District.

The temporary maintenance and storage uses will not adversely affect surrounding properties. Potential noise and visual impacts can be mitigated with conditions of approval involving siting, natural buffers, and operational constraints.

The temporary maintenance and storage uses will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, school improvements, and police and fire protection. The subject property is already served by all necessary infrastructure and services.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Since the district boundaries and regulations were established, four separate geothermal exploration drilling permits have been approved for property in the immediate vicinity. To date, five wells have been drilled and nineteen more may be drilled under

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existing permits. Therefore, although the land use designations have remained agriculture, geothermal exploration activity has been introduced into the area.

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

1. The petitioner or its authorized representative shall be responsible for complying with all of the stated conditions of approval.
2. Plans shall be submitted to the Planning Department for Plan Approval within one year from the effective date of the Special Permit.
3. A natural vegetative buffer be maintained around the perimeter of the property at the structural setback line.
4. The security fence shall observe all structural setback requirements.
5. The hours of operation for the maintenance and repair work shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday, except in cases of emergency directly associated with problems of the geothermal activities in the immediate area.
6. No direct access shall be permitted from Pohoiki Road.
7. The temporary maintenance and storage uses shall be permitted for a maximum of three years or for the duration of exploratory drilling permits in the immediate vicinity, whichever occurs sooner.
8. All other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Permit shall be automatically void.

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Also, the Commission voted to deny the office use request, based on the following:

The proposed office will not promote the effectiveness and objectives of Chapter 205, HRS, as amended. Through the passage of Chapter 205, HRS, known as the Land Use Law, the State Land Use Commission was established. It called for the classification of all lands in the State and authorized the adoption of rules of practice and procedures and regulations for land use within the various land use districts. The four land use districts created by the State Land Use Commission, Agricultural, Rural, Urban, and Conservation, provide the basic legal framework of land uses in the State of Hawaii and help implement the long-range land use objectives of the State and Counties.

At the County level, these broader statewide objectives are articulated through the County General Plan. In that respect, consistency with the goals, objectives and policies of the General Plan will also promote the effectiveness and objectives of Chapter 205, HRS.

It is felt that the granting of this particular request would, in fact, be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations, as well as the County General Plan.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for orchard uses. Although it could be argued that the soil or character of the land may not be immediately conducive for agricultural usage, we are basically reviewing the proposed use from a land use pattern standpoint. It is felt that the introduction of the proposed office use through the Special Permit process for this particular location may create an undesirable situation.

Unlike the equipment maintenance and storage uses the proposed office use will not enjoy any direct locational benefits by being situated in close proximity to the geothermal exploration activity. All office activities could be conducted on appropriately zoned sites with equal efficiency. From a land use perspective it would be preferable to concentrate office related activities in given locations. Without an apparent demand, the General Plan LUPAG Map has not provided urban designated areas to accommodate office related uses in this portion of the Puna District.

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Approval of the proposed office use at this particular location could create a situation wherein other lands through this section of the Puna District would be in a vulnerable position for similar actions. It would definitely create an undesirable situation of a scatteration of urban/commercial activity through the Special Permit process. Furthermore, approval of the subject request may debilitate the potential for a centralized urban area for the future in this general area of Puna. As such, it is felt that, in this particular case, the area's needs would not necessarily be better served with the proposed office use being situated in the requested location.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,


CLYDE IMADA
Chairman, Planning Commission

db

cc Mr. Vern Yamanaka
Department of Public Works
Department of Water Supply

bcc: Plan Approval Section

February 15, 1985

Mr. E. C. Craddick, President
Water Resources International, Inc.
2828 Paa Street, Suite 2085
Honolulu, HI 96819

Dear Mr. Craddick:

Special Permit No. 527
Tax Map Key 1-4-90:21-25

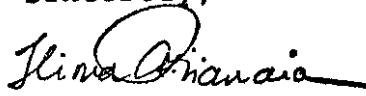
At its March 17, 1983 meeting, the Planning Commission approved the subject special permit to allow the establishment of warehouse/storage uses, on a temporary basis, for geothermal related purposes. The area involved, approximately 5.8 acres, is located along the southwest side of Ponoiki Road and in the vicinity of the HGP-A Geothermal Power Plant, Kapoho Estates Subdivision, Puna.

Condition No. 2 of the permit states, "Plans shall be submitted to the Planning Department for Plan Approval within one year from the effective date of the Special Permit." In addition the permit also states that, "Should any of the foregoing conditions not be met, the Permit shall be automatically void."

Since the effective date of the Special Permit was March 17, 1983, the submittal of plans for plan approval should have been on or before March 17, 1984. Our records indicate that plans were not submitted by said due date. Therefore, due to noncompliance with Condition No. 2, this is to officially notify you that **Special Permit No. 527 is hereby deemed void.**

Should you have any questions, please feel free to contact our office.

Sincerely,


ALBERT LONO LYMAN
Planning Director

AK:lv
cc: Planning Commission
Mr. Vern Yamanaka
Department of Public Works
Department of Water Supply
bcc: Plan Approval

FEB 19 1985