

CERTIFIED MAIL

April 27, 1984

Messrs. Paul & Alfred Andrade
VV, 31 Orchidland
Keaau, HI 96749

Dear Messrs. Andrade:

Special Permit Application (84-8)
TMK: 1-6-09:237 and 238

The Planning Commission at its duly held public hearing on April 25, 1984, voted to approve your application, Special Permit No. 552, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions 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 in Hawaii. In the case of the Agricultural District, the intent is to preserve lands of high agricultural potential for agricultural use. The purpose of the subject request is to allow for storing heavy equipment which are utilized, in large part, for providing services to agricultural activities. The establishment of this facility will help to provide essential services such as clearing, grading, plowing, and reservoir construction for the agricultural industry in the Puna district. Such support for the industry will help to keep good agricultural lands in agricultural use and thereby fostering its preservation.

On the Island of Hawaii the objectives of the State Land Use Law are translated into the goals, policies, and standards contained within the General Plan. Approval of the subject

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request would complement the General Plan orchard designation of the property in the same way that it complements the State Land Use Agricultural designation.

Approval of the subject request would also complement the General Plan Economic goals which states, "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

Further, the proposed use would normally be considered accessory to the uses permitted within the Agricultural District. Within the State Land Use and County Agricultural zoned districts, these accessory uses are permitted, provided that they are accessory to other uses on the premises. Although macadamia nut trees will be planted on the subject property, the heavy equipment will be utilized on other agricultural properties within the Puna district. In spite of the fact that the equipment will be utilized on other properties, the use of the Special Permit procedure is appropriate in view of the direct relationship between the requested use and the uses permitted within the Agricultural District. It is apparent that the requested use will complement and not be detrimental to the underlying district designation, and that it is not such a large scale intrusion that would make it inappropriate for placement within the State Land Use Agricultural district.

Based on the above consideration, it is concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

The approval of the subject request is not expected to adversely affect surrounding properties. Potential noise and visual impacts can be mitigated with conditions of approval involving siting, natural buffers, and operational constraints.

The approval of the subject request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. All essential utilities and services will be provided by the petitioner. It should be noted that none of the cooperating agencies had any objections to the subject request.

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Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. In terms of agricultural activities, the Puna district is currently in a period of transition. With the scheduled closing of Puna Sugar Company only a few months away, the complexion of agricultural activities will change from one dominated by a large scale, single industry, to many independent diversified operations. As such, the services provided by the petitioner is well suited to meet the changing needs of the agricultural activities in the area.

Based on the foregoing findings, it is determined that the proposed storage of heavy equipment is an unusual and reasonable use of land within the State Land Use Agricultural district. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this special permit request is subject to the following conditions:

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. Plans for consolidating parcels 237 and 238 shall be submitted to the Planning Department for review and approval within one year from the effective date of the Special Permit.
- c. Plans for parking, a single access driveway and detailed landscaping, shall be submitted to the Planning Department for "Plan Approval" within one year from the effective date of approval of the Consolidation action.
- d. Grading and drainage plans meeting the requirements of the Department of Public Works shall be submitted along with plans for Final Plan Approval.
- e. A vegetative buffer shall be maintained around the perimeter of the property at the structural setback line.
- f. Repair and maintenance activities conducted on the subject property shall be limited to those vehicles stored on the property.

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- g. The stockpiling of materials shall not be permitted on the premises.
- h. The Special Permit shall terminate within five years from its effective date.
- i. All other applicable rules, regulations, and requirements, including those of the State Department of Health, shall be complied with.
- j. Should the Planning Department determine that any of the foregoing conditions have not been met, the Special Permit shall be void.

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

Sincerely,



ROY KAGAWA

Chairman, Planning Commission

cc: Real Property Tax Division
Chief Engineer
Building Section, Public Works
Dept. of Water Supply

bcc: Plan Approval Section