

CERTIFIED MAIL

January 21, 1987

Mr. Robert Perkins
5200 Santa Fe Avenue
Vern, CA 90058

Dear Mr. Perkins:

Special Permit Application(86-24)
TMK: 9-2-189:1

The Planning Commission at a duly advertised public hearing on January 15, 1987, 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 automobile repair facility on 3 acres of land situated within the State Land Use Agricultural District at Kahuku, Ka'u, Hawaii.

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

The proposed use 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. 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.

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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 Extensive Agricultural 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 commercial-type use through the Special Permit process for this particular location may create an undesirable situation.

Within this section of the Ka'u District, the State Land Use Commission and the Planning Commission have previously approved several Special Permits relating to commercial activities. It is felt that to allow yet another commercial-type complex at the requested location would definitely create an undesirable land use pattern. By allowing this particular request, we would be creating another commercial "Pocket" through the Special Permit process. Preferably, from a land use perspective, it would be a definite benefit to concentrate these types of commercial and commercially-related activities in given locations. Recognizing this, the General Plan LUPAG Map does provide for an Alternate Urban Expansion (AUE) designation within this section of Ka'u in a centralized location which includes the area of the Ocean View Store. The subject property is almost a mile from this AUE designated area.

It is also undeniable that approval of this particular request at its requested location could create a situation wherein other lands through this section of the Ka'u District would be in a vulnerable position for similar actions. It would definitely create an undesirable situation of a scatteration of urban/commercial activities in the area through the Special Permit process. The further proliferation or scatteration of such activities may tend to debilitate the potential for a centralized urban area for the future in this general area of Ka'u. As such, it is felt that, in this particular case, the

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area's needs would not necessarily be better served with the proposed use being situated at the requested location.

Further, inasmuch as the proposed use is commercial in nature, it should be pointed out that the granting of this particular request would also be in conflict with the Commercial Element of the General Plan. One of the stated policies in the General Plan is to discourage "strip" commercial developments and to promote the cluster concept utilized in designing commercial areas. As presented earlier, the granting of this particular Special Permit request for commercial purposes would create a "strip" or "strung out" development in this area of Ka'u. Therefore, approval of this request at its particular location will further extend the desired limits of a concentrated or centralized commercial core.

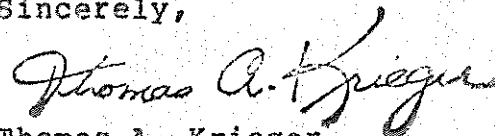
We do concur that this section of Ka'u has grown in terms of population, and that unusual conditions, trends and needs have arisen since the district boundaries and regulations were established that may justify certain commercial uses as proposed. As pointed out earlier, however, a more centralized location has been provided on the General Plan LUPAG Map to establish such uses. To grant such a request at the subject location, at this particular time, would definitely alter and change the essential character of the land. The granting of this request would also adversely affect the surrounding properties and their improvements.

Based on the above, it is determined that the approval of the subject request will not promote the effectiveness and objectives of Chapter 205, HRS, and should therefore be denied.

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 feel free to contact the Planning Department at 961-8288.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: State Land Use Commission
Corporation Counsel
Mr. Lance Sundquist
Mr. Jack Delaney
bcc: Plan Approval Section