

CERTIFIED MAIL

January 21, 1987

Mr. Dennis Tanigawa  
Hawaii Electric Light Company, Inc.  
P. O. Box 1027  
Hilo, HI 96721-1027

Dear Mr. Tanigawa:

Special Permit Application (86-25)  
TMK: 2-5-02:28, 34 and 35

The Planning Commission at its duly held public hearing on January 15, 1987, voted to approve your application, Special Permit No. 636, to allow the establishment of a temporary construction staging area for the installation of the Kaumana-Keamuku 138KV transmission line on approximately 5.9 acres of land situated within the State Land Use Agricultural District at Kaumana, South Hilo, Hawaii.

Approval of this request is based on the following:

- 1. Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations.

The classification of lands and uses to which such lands may be put is established through Chapter 205, HRS. The intent of the provisions of Chapter 205 in providing for the establishment of rural or urban, agricultural and conservation districts 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 Hawaii. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

Pursuant to the rules of the State Land Use Commission, the provisions of Chapter 205, specifically HRS 205-2, also recognizes that agricultural districts "may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics."

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In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the special permit process to allow certain unusual and reasonable uses within the agricultural districts.

Here, the U.S.D.A. Soil Conservation Service Soil Survey Report classifies the soil on the subject property as Kaimu extremely stony peat (rKED) with 6 to 20 percent slopes. This soil is an extremely stony peat, generally 3 inches thick, and located over fragmental A'a lava. Permeability is rapid, runoff is slow, and the erosion hazard slight. The Capability subclass of this soil is VII on nonirrigated lands, which are not generally suitable for cultivation. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies the parcel as approximately 10 percent "Prime". The balance is not classified according to the ALISH system. The Land Study Bureau Overall Productivity Ratings for the site are approximately 50 percent "E306" and the other 50 percent "C75". By this method of classification, this parcel has fair to poor productivity potential for most agricultural purposes. Under these circumstances, the petitioner's request for a temporary staging area does not seem to be an unreasonable request. A condition of approval will be imposed to terminate the requested use by March 31, 1988 in agreement with the right of entry document between the applicant and the landowners. The petitioner also intends to remove all material, equipment sanitation facilities and trash upon completion of the project. The petitioners will be the sole users of the staging area and no other traffic or access by the general public will be permitted to this area.

Thus, while the establishment of the proposed temporary facility will temporarily remove approximately 5.9 acres from the available inventory of agricultural lands, it will not diminish the availability of this area for agricultural activity. As a result, the temporary removal of 5.9 acres from the agricultural land inventory will not have a deleterious effect on the agricultural industry in this district or in the County of Hawaii. In fact, the temporary nature of the proposed use will also not have a negative impact on the existing use as presently there are no active agricultural uses being conducted on the property. Therefore, in a sense, because of the existing circumstances, the proposed use will not be contrary to the objectives sought to be accomplished by Chapter 205, HRS.

2. The desired use will not adversely affect surrounding properties.

The surrounding properties, which are also within the agricultural district, primarily consist of vacant land.

A potential adverse effect may be from noise generated by the movement of the truck and helicopter traffic through this area. However, such impacts are expected to be minimal as the majority of the area is overgrown and vacant.

3. The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drains, school improvements, and police and fire protection.

The Department of Water Supply, in response to the subject request, had no objections to the petition. The Department of Public Works had no adverse comments on the subject petition. The State Health Department indicated that it found no environmental health concerns with regulatory implications in the submittal. The Waiakea Soil Conservation Service also had no adverse comments on the proposal. With regard to Police and Fire protection, the Police Department has responded that no adverse effects from the proposed use are anticipated, and the Fire Department had no adverse comments to offer.

4. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.

The proposed improvements are meant to improve the transmission of bulk electrical energy from East to West Hawaii. The growth of the resort industry and appurtenant developments in West Hawaii has necessitated the need for a reliable source of electrical energy. The proposed improvements will provide this needed public service to the West Hawaii community in recognition of the present and anticipated growth demands of the district.

5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

As indicated previously, the land upon which the proposed use is sought has some soil and productivity limitations and is currently vacant of uses. The subject lands are suited for agricultural use and will be utilized for such uses at a later date. As such, it is recognized that the land is suited for agricultural purposes. However, the suitability of the land for agricultural purposes should not in this particular instance, be in conflict with the temporary use of the proposed project. The proposed areas will also be in a contained environment, with

adequate vegetative growth to serve as buffers to the surrounding areas.

6. The proposed use will not substantially alter or change the essential character of the land and the present use.

The essential character of the land and its present use is vacant. Although the special permit will be issued for a 5.9 acre parcel portion of the property, no substantial permanent alterations to the whole parcel are envisioned. The physical improvements to be placed on the property will include a material storage area, work area and Helicopter support area. As such, the proposed use will not substantially alter the essential character of the land. The construction of this project will help to serve the West Hawaii community with this particular service.

7. The request is not contrary to the General Plan and official Community Development Plan (Kona Regional Plan).

The proposed temporary use of the property to assist in the construction of the new transmission line will be in keeping with the general plan's policy of "Providing utilities and service facilities which minimize total cost to the public and effectively service the needs of the community." Furthermore, the size and nature of the temporary use is minimal in comparison to the larger portion of the surrounding agricultural lands. However, because of the temporary nature of the proposed use and in light of the existing use and conditions of the area, and the lack of any development plans which would complement the General Plan's Land Use Pattern Allocation Guide Map designations, it is determined that the temporary request is reasonable and could be deemed to be complementary with the surrounding area. It should also be noted that a condition of approval would require the petitioner to terminate the temporary staging area use within a given time period. As such, the necessary precautionary measures would be in place to provide for the opportunity for the future agricultural development of the subject properties.

In view of the foregoing, it is determined that the proposed use is an unusual and reasonable use, which would not be contrary to the objectives sought to be accomplished by the land use law and regulations.

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

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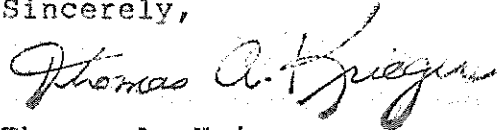
The approval of this Special Permit request is subject to the following conditions:

1. The petitioner, successors or assigns, shall be responsible for complying with all stated conditions of approval.
2. The plans for the proposed temporary staging area shall be submitted for "Plan Approval" within one year from the effective date of approval of this Special Permit. The plans should indicate a visible safety perimeter with appropriate signage for the helipad area.
3. Establishment of the proposed improvements shall commence within one year from the effective date of final Plan Approval.
4. The petitioner shall submit a flight path pattern to minimize impact on urban areas to the Planning Department.
5. This Special Permit shall automatically be voided on March 31, 1988, or sooner should the proposed transmission line project be completed prior to March 31, 1988. Otherwise, on or by March 31, 1988, the petitioner shall remove all temporary structures and improvements and restore the land as is reasonably possible to its original condition.
6. The petitioner shall be responsible for complying with the necessary requirements of the Department of Public Works, relative to grading, drainage, etc. of the property.
7. All other applicable rules, regulations and requirements shall be complied with.
8. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission (sent 4/11/87)

bcc: Plan Approval Section