

CERTIFIED MAIL

January 21, 1987

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (86-26)
Petitioner: Quentin Arbo
TMK: 9-2-83:3 & 4

The Planning Commission at its duly held public hearing on January 15, 1987, voted to approve the above application, Special Permit No. 637, to allow the establishment of a new hardware store, postal facility and commercial building on approximately 2 acres of land situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

Approval of this request is based on the following:

The proposed uses will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. One of the principal objectives of the Land Use Law 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 this case, the property is classified Agricultural by the State Land Use Commission, and consequently, it is important to assess this request's impact from an agricultural perspective.

In this situation, the property, although being within the Agricultural District, is not used in any material way for agricultural pursuits. While it could be argued that the 2-acre area could have some agricultural value, it should be noted that in this case, the property does not have any unique soil or other natural resource characteristics to render it

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agriculturally significant from a resource standpoint. The Land Study Bureau's overall master productivity rating for agricultural use is Class "E" or Very Poor. Further, the property is not classified by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

The immediate surrounding area is not in any active agricultural use. While the lots within the Hawaiian Ocean View Estates Subdivision are about 1-acre in size, the basic usage of those lots have been for residential purposes. Further, the Ocean View Store complex is situated directly across from the property. Like the Ocean View Store site, the property is situated in the Alternate Urban Expansion area of the General Plan, and therefore, is scheduled for some sort of urban development.

Based on the above, approval of this request should not have any immediate or long-term agricultural impact to this area of the Ka'u District.

As noted above, the proposed use would not adversely affect the surrounding properties and their improvements. Adequate on-site and off-site improvements, as may be required by the affected governmental agencies will be provided to mitigate any potential impacts to surrounding properties. Therefore, the proposed uses will not unreasonably burden public agencies to provide these improvements.

Further, as noted earlier, the property has been identified as part of the commercial core established for this section of the Ka'u District. Unlike other proposals for commercial developments in the Ka'u District, the proposed commercial uses will be within a centralized location designated for future urban expansion, rather than dispersing such uses throughout the entire Hawaiian Ocean View Estates Subdivision. Therefore, the granting of this particular request would eventually provide a centralized commercial core in this section of the Ka'u District which would provide the necessary commercial services for present as well as future residents of the area. It is felt that the establishment of the proposed uses on the property will result in an easier and more convenient access to such services for the residents in the area. As such, the granting of this particular request at its location would tend to concentrate rather than proliferate or create strip commercial developments

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in the area. Furthermore, as noted earlier, the proposed uses will be ideally situated adjacent to existing commercial activities in the area.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rate of population growth for this section of the Ka'u District have risen substantially. This added growth has resulted in an increasing demand for services which represents a significant shift in conditions, trends and needs for the area.

Based on the foregoing, it is determined that the granting of the proposed uses will result in an appropriate land use pattern that will further the public necessity and convenience of the general public, and will promote the effectiveness and objectives of Chapter 205, HRS, as amended.

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

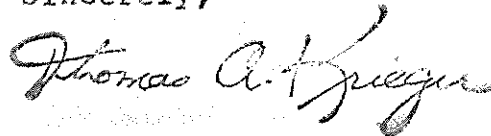
1. The applicant, successors, or assigns, shall be responsible for complying with all of the stated conditions of approval.
2. Plans for the proposed uses, including the uses within the commercial building, shall be submitted for plan approval review within one year from the effective date of approval of the Special Permit.
3. Construction of the proposed buildings shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
4. No access shall be permitted from the Hawaii Belt Road. Access shall be from Lotus Blossom Lane.
5. A minimum 10,000 gallon capacity water tank be provided for fire fighting purposes.
6. A drainage system in accordance with the requirements of the Department of Public Works be installed.
7. All other applicable rules, regulations and requirements be complied with.
8. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should any of

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the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Mr. Quentin Arbo
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission (Sent 2/11/87)

bcc: Plan Approval Section