

CERTIFIED MAIL

May 18, 1987

Mr. Barry Bescos  
Bescos Farm  
Star Route 35  
Naalehu, HI 96772

Dear Mr. Bescos:

Special Permit Application (87-1)  
TMK: 9-3-04:7

The Planning Commission at duly advertised public hearings on April 28, and May 12, 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 a guest ranch consisting of 15 guest units, a general store, retail shops, restaurant, meeting hall, exercise building and other related improvements at Mohowae, Waipoua, Ka'u, Hawaii.

The Commission on May 12, 1987, voted to deny the special permit based on the following findings:

While a guest ranch may be allowed within the County's Agricultural zoned district, in order to establish such use within the State Land Use Agricultural District, a Special Permit is required. To establish such a use through the Special Permit process, certain criteria must be met. One of the criteria is that "Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection." While a public water system is available to the area, the property is serviced by only a 5/8-inch residential meter which is limited to 600 gallons of water per day. The 600 gallons per day is the maximum usage of an average size family. At the public hearing, the applicant testified that at least 1.6 million gallons per year (4,385+ gallons per day) would be required for the entire development. While the applicant is proposing to construct a 580,000-gallon catchment system, at this

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point in time, it is not known whether such a system will meet the State Department of Health standards, or whether it is sufficient to accommodate the total development of the property, including the agricultural uses. On occasion, this area of the Ka'u district has experienced drought conditions. Should such conditions occur upon full development of the property, the County would probably be burden to provide water to the development. Based on the above, it is determined that from a timing and staging standpoint, the granting of this particular request would be premature in light of the current water situation.

Another criterion in reviewing a Special Permit is that "The proposed use will not substantially alter or change the essential character of the land and present use." While the present agricultural use will be continued, the introduction of the guest units, store, retail shops, restaurant, etc. will change the essential character of this property and the surrounding area. If the request were to be favorably considered, we would be introducing urban-type commercial activities within an area which is basically agriculturally oriented. It will also increase the density, as well as traffic, to the property.

It should be noted that within the Ka'u District, the Planning Commission and the State Land Use Commission have approved a number of Special Permits related to commercial activities. At this particular time, 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 standpoint, it would be a definite benefit to concentrate these types of commercial and commercially-related activities in given areas. Recognizing this, the General Plan does provide for urban centers where the proposed activities could be established. In fact, visitor units and commercial activities as proposed by the applicant are available at Waiohinu Village, a distance of approximately 3 miles.

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.

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Further, inasmuch as the proposed uses are 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 new commercial "pocket" 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.

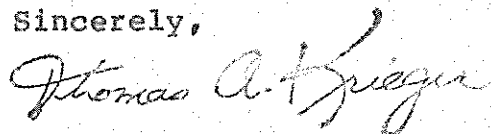
We do concur that this section of Ka'u has grown in terms of population, and that unusual conditions, trends and needs have arisen since the district boundaries and regulations were established that may justify certain commercial uses as proposed. As pointed out earlier, however, more centralized locations have been provided on the General Plan LUPAG Map to establish such uses.

Therefore, in our reassessment of the proposed development, we feel 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. Floyd W. Pulham  
Mrs. Lenore Shirakawa

bcc: Plan Approval Section