

CERTIFIED MAIL

August 15, 1988

Mr. William Price, Vice Commander
Veterans of Foreign Wars-Post 3830
P. O. Box 13
Pahoa, HI 96778

Dear Mr. Price:

Special Permit Application (88-5)
Tax Map Key: 1-5-09:Por. of 45

The Planning Commission at its duly held public hearing on August 9, 1988, voted to approve your application, Special Permit No. 670, to allow the establishment of a VFW lodge and clubhouse on 2 acres of land situated adjacent to and west of the Nanawale Estates Subdivision, Puua, Puna, Hawaii.

Approval of this request is based on the following:

1. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 the State of Hawaii. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The two-acre project site has a very poor to fair potential for productive agricultural uses. The General Plan Land Use Pattern Allocation Guide Map depicts the area to be suitable for Orchard use. The proposed project will not take any land out of active production nor should it deprive the landowner of conducting such activities on the remaining 222+ acres of available land. Therefore, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law given the current

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vacant state of the two acre portion of land; the presence of urban development at the adjacent Nanawale Estates Subdivision; and the large tract of land that could still be used for agricultural pursuits.

2. The desired use will not adversely affect the surrounding properties. As stated previously, the subject parcel is surrounded by vacant land on three sides. The proposed lodge and clubhouse would be over 160 feet from the nearest residence in Nanawale Estates Subdivision. The project area is sufficient size, 2 acres, to enable adequate setbacks and buffers to be established. Visual and noise considerations can be addressed through conditions of approval and the "Plan Approval" process established in the Zoning Code. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to adversely affect surrounding lands or properties nor significantly affect the character of the area.
3. The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. County water is available from an 8-inch waterline along Nanawale Boulevard. Any extension and connection to this line shall be reviewed and approved by the Department of Water Supply. Nanawale Boulevard and Maluhia Street are county roadways having approximately 20-foot wide pavement. Since the project would be immediately off the Maluhia Street extension, this is not expected to generate a significant adverse impact on the roads or surrounding area.
4. The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As stated previously, the lands have a very poor to fair potential for agricultural activity. Since the enactment of the State Land Use Law in 1961, the land has not been in active agricultural production. While two acres of land would be taken out of the total "potential" production, it is felt that the proposed VFW lodge and the direct benefits afforded the Pahoia community and Puna District would be in the interest and welfare of the general public.

5. The proposed use will not substantially alter or change the essential character of the land and the present use. Since the land is presently vacant of any use, the introduction of a lodge and clubhouse will alter a two acre portion of the subject property. This change, in relation to the total 224.461 acre parcel, is not expected to significantly affect the character of the land.
6. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. It should be mentioned that the Hawaii County Zoning Code would allow "[P]rivate clubs or lodges . . . and fraternal and social orders" as permitted uses within the Agricultural zoned district. There has been a growing number of requests and demand for this type of use within the Agricultural District in order to provide feasible sites on land usually unproductive but located close to urban areas.
7. The request is not contrary to the General Plan. Granting of this request would support the goal in the Land Use Element of the General Plan which reads "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County."

Based on the above considerations, it is determined that the establishment of a VFW lodge and clubhouse is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The petitioner shall be responsible for complying with all stated conditions of approval.
2. This permit is not transferable without the approval of the Hawaii County Planning Commission.
3. The sale of alcoholic beverages is prohibited.
4. The site and improvements shall be used exclusively for functions sponsored by the Veterans of Foreign War-Post

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3830 and shall not be used for private functions or functions sponsored by any other organization.

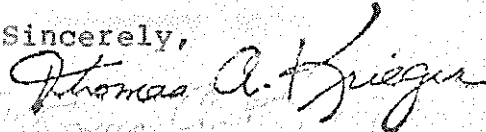
5. Plans for the proposed lodge and clubhouse shall be submitted for Plan Approval review within one year from the effective date of this permit. The proposed lodge and clubhouse shall be sited and landscaped so as to mitigate any negative visual and noise impacts to surrounding properties, especially those within Nanawale Estates Subdivision. Parking shall be provided in accordance with Chapter 25-Hawaii County Zoning Code.
6. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
7. A drainage system meeting with the approval of the Department of Public Works shall be installed.
8. The lodge and clubhouse facility shall be allowed to operate between the hours of 10:00 a.m. to 10:00 p.m. daily.
9. Comply with the requirements of the Department of Water Supply and the Fire Department.
10. All other laws, rules, regulations, and requirements shall be complied with.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code;

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c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission

bcc: Plan Approval Section