

CERTIFIED MAIL

November 22, 1988

Mr. Norman Oss, President
Hawaii Electric Light Company, Inc.
P.O. Box 1027
Hilo, Hawaii 96720

Dear Mr. Oss:

Current TMK: 1-6-152:24

Special Use Permit Application(88-22)
TMK: 1-6-03: Por. of 5

The Planning Commission at its duly held public hearing on November 15, 1988, voted to approve your application, Special Use Permit No. 686, to allow the establishment of an electric power plant and related improvements on 9.3 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

Approval of this request is based on the following:

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 agricultural use. While the subject area has been classified "Prime" by the ALISH Map system, the land has been improved with the sugar mill operations and the existing power plant. This approval should not affect the agricultural resources of this parcel, since sugar is no longer a viable agricultural product in this area. Furthermore, a facility for anthurium packing and processing and a papaya dehydration were given special permits by the Planning Commission within 1,000 feet of the power plant. Because of the current industrial pressures occurring in the vicinity of the

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proposed site coupled with the non-productive state of the land, approval of this request would not adversely affect the potential productivity of the area.

The desired use will not adversely affect the surrounding properties. As stated previously, the subject parcel is largely surrounded by vacant land. Since the power plant and sugar mill have been in existence over a period of time, the impacts to nearby residences would not be an introduction of anything new to the area. Access will be gained along a private roadway system which runs through abandoned cane lands. This is not anticipated to generate new adverse impacts.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Responding agencies raised no objections to the existing use.

The use will not substantially alter or change the essential character of the land and the present use. As previously mentioned, the character of the area is a mix of industrial-type uses interspersed with vacant sugar land and nearby residential uses. The continuation of the power plant operation will not significantly change the environment.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The slow decline and eventual shutdown of a major industry have led to an unusual condition in Keaau where a power plant stands independent of former agricultural support systems. Nevertheless, HELCO's need to supply the current demand can be met with the 14 megawatt plant.

The request is not contrary to the General Plan. In fact, the Land Use Pattern Allocation Guide (LUPAG) Map designates the property for Industrial uses.

Based on the above considerations, it is determined that the establishment of an electric power plant 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:

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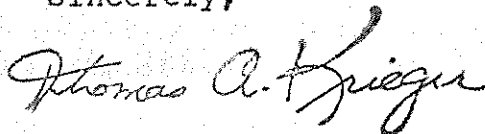
1. The petitioner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final subdivision shall be secured within one year from the effective date of this permit.
3. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. While no additional requirements, such as parking and landscaping, will be imposed at the time of plan approval review, the purpose of this condition is to have detailed plans and review on file. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
4. Comply with all other applicable laws, rules, regulations and requirements.
5. 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.
6. 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; 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

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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