

CERTIFIED MAIL

January 17, 1989

Mr. Benjamin Alonzo, Sr.
P.O. Box 335
Keaau, Hawaii 96749

Dear Mr. Alonzo:

Special Permit Application (88-26)
TMK: 1-5-36:90

The Planning Commission at a duly advertised public hearing on January 10, 1989, 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 temporary storage of trucks, cars and trailers at Keaau, Puna, Hawaii.

The Commission voted to deny the special permit based on the following findings:

Chapter 205-6, Hawaii Revised Statutes, allows the County Planning Commission to issue special permits for "certain unusual and reasonable uses within agricultural districts other than those for which the district is classified," "but only when the use would promote the effectiveness and objectives of [HRS Ch. 205]." The proposed vehicle storage lot does not meet the guidelines set forth in the Land Use District Regulations, which may determine its use as unusual and reasonable.

1. The use is contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission. The intent of these statutory provisions 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. The agricultural subdivision in question is a low density rural residential area. The industrial nature of the proposed use is not believed consistent with the character of

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the existing community. The Planning Commission concurs with the objections of the Office of State Planning that such use would be contrary to the intent of Chapter 205-6, HRS.

2. The desired use would adversely affect surrounding property. The close proximity of dwellings conflicts with the proposed use by applicant. This application for special permit is the outcome of several complaints filed by area residents. The vehicle storage presently in use is visually offensive and would require at least 435 feet of a 6 - 8 foot high buffer to shield the north and west sides from the property from view. While the south and east sides of the property are presently bordered by vacant forested lots, there is a possibility that the parcels could be developed at any time in the future. Therefore, additional visual buffers would be needed.

Frequent use of the unpaved road by heavy trucks may adversely affect the condition of the private roadways which are otherwise subject only to residential and agricultural uses.

3. Unusual conditions, trends and needs have arisen since the district boundaries and rules were established. We understand that the lack of commercial and industrial space in Puna has been a real problem. However, the recent rezoning and subdivision of the W. H. Shipman Industrial Park in Keaau has created a new supply of available industrially zoned lands. In fact, the applicant is negotiating with Shipman for a permanent site. Approval of this request could postpone the negotiations and relocation indefinitely. In any case, deviations from existing district uses should be restricted to areas having minimum impact on the existing community. The absence of available commercial and industrial space is not sufficient reason to override other land use considerations.

4. The request is contrary to the intent of the General Plan. The General Plan LUPAG Map designates the subject property for Orchard use. The type of use proposed is normally permitted only within the County's Industrial zoned district. The applicant states that the water tank trucks are of agricultural value in that they are needed for delivery of water to nurseries and agricultural enterprises in times of drought. However the value of the proposed use to agriculture would not be diminished by being located elsewhere.

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This denial is upheld by a goal of the Land Use Element of the General Plan to "designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." The establishment of such an industrial use in the Hawaiian Paradise Park Subdivision would create an undesirable situation in conflict with the present residential neighborhood.

Should this request be approved, it could lead to a proliferation of other such requests, with an accompanying potential for disruption of the community. Even temporary permitted use may set a damaging precedent.

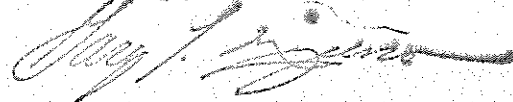
The extensive fence construction and landscaping needed to shield the storage area from view is not consistent with the temporary nature of the request and would be an economic incentive to continue use of the site.

Based upon the above, it is determined that the subject request is an unusual and unreasonable use of land, which 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,



Gary Mizuno
Chairman, Planning Commission

xc: State Land Use Commission
Corporation Counsel
Paradise Hui Hanalike

bcc: Plan Approval Section