

CERTIFIED MAIL

February 3, 1989

Mr. Ken Melrose  
Director of Planning  
Waikoloa Land Co.  
P. O. Box 3028, WVS  
Kohala Coast, HI 96743-3028

Dear Mr. Melrose:

Special Permit Application (88-18)  
Applicant: Waikoloa Sanitary Sewer Co.  
Tax Map Key: 6-8-02:19 (Portion)

The Planning Commission at its duly held public hearing on January 31, 1989, voted to approve your application, Special Permit No. 690, to legitimize an existing sewage treatment plant and to allow for expansion of the facility which is situated on 12.7 acres of land within the State Land Use Agricultural District at Waikoloa, South Kohala, 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 classifying the Waikoloa Village area as an Urban District, the State has shown its intent that suitable public services be provided to the residents. The nature of the sewage treatment plant is such that a location outside of the urban area is best suited for such development.

The desired use will not adversely affect the surrounding properties. The present treatment plant is approximately 800 feet away from the nearest residential zoned area. The topography of the site serves to protect the development from view. Surrounding Open zoned lands will buffer future residential development from undesirable impacts.

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The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The present and proposed development is an essential public service. The development is serviced by a private road and water system and will not require additional public services.

The use will not substantially alter or change the essential character of the land and the present use. The site is presently occupied by a sewage treatment plant. The site is relatively small and additional facilities will not significantly alter the site nor the environment. The loss of this area of grazing land is not considered to have a significant impact on the inventory of available agricultural lands.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Rapid population growth in the South Kohala/North Kona area has resulted in accelerated residential construction. Sewage treatment facilities must be enlarged to accommodate the growth.

The request is not contrary to the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map designates the property for Open Use. Though sewage treatment plant is not a designated use in an Open area, such use is not considered contrary to the intent of the General Plan. An amendment to the General Plan redesignating the Waikoloa area required construction of a sewage treatment plant to serve the urban area. The location of the facility furthers the goal of the General Plan to designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environment of the County. As previously mentioned, the remote location of the site is appropriate to the needs of the community.

Based on the above considerations, it is determined that the legitimization and expansion of a sewage treatment 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:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

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2. Final Plan Approval of the first increment of the plant expansion shall be secured from the Planning Department within one year from the effective date of this permit. 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. Plans for future expansions shall likewise be submitted to the Planning Department for plan approval.
3. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
4. 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.
5. 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 conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

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

bcc: Plan Approval Section