



Planning Commission

Larry S. Tanimoto
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

July 16, 1990

Mr. Earl A. Russell
P. O. Box 449
Honaunau, Hawaii 96726

Dear Mr. Russell:

Special Permit Application(90-8)
Tax Map Key: 9-2-92:1

The Planning Commission at a duly advertised public hearing on July 5, 1990, 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 self-service storage facility on 76,383 square feet of land at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

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

The proposed use would not 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. For this purpose the State Land Use Commission has established four land use districts: Agricultural, Rural, Conservation and Urban. The subject property is situated within the Agricultural district. It is recognized that the Agricultural district "may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics." In establishing the land use districts, the State Land Use Commission has also designated lands for urban use which are regulated by the County General Plan and the Zoning Code. Since the proposed use is an urban-type use, it should be viewed in

JUL 16 1990

Mr. Earl A. Russell
July 16, 1990
Page 2

terms of the County General Plan's goals, policies and standards for urban development.

The proposed use will be incongruous with the objectives sought to be accomplished by the General Plan. It is felt that, in this particular case, the introduction of the proposed use is not appropriate from a land use standpoint. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map provides a graphic representation of existing and anticipated land use zones. The LUPAG Map designates the subject property for Extensive Agricultural uses. The subject property is almost 1 mile east of the area designated on the LUPAG map as an Urban Expansion Area (UEA). This designation allows alternate development patterns when: 1) designated urban areas become largely developed; 2) designated urban areas develop too slowly; 3) developers propose to develop marginally acceptable areas and extend their own infrastructure; 4) the potential for urbanization exists via non-conforming subdivision; 5) new non-contiguous urban clusters may be desirable; 6) the urban form of an area has not yet been desirable. A number of Special Permits have been granted to allow commercial uses for the convenience of residents of the Hawaii Ocean View area, which is located at some distance from any urban district. In the review of special permit applications in recent years, the area designated for UEA has been determined to be centered in the vicinity of the Ocean View General Store. By allowing this request, we would be creating another commercial pocket. Furthermore, the granting of this request would be in conflict with the policy of the General Plan to discourage strip commercial development. Approval of this request would create an undesirable scattering of urban/commercial activities which would tend to debilitate the potential for a centralized urban area for this area of Ka'u.

It is felt that approval of this particular request at this location could create a precedent for similar action outside of the designated UEA. Requests for special permits for a shopping center and an auto repair shop in the vicinity of the subject property have been denied for the reason that approval of commercial-type activities at this location would create an undesirable land use pattern.

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

Mr. Earl A. Russell
July 16, 1990
Page 2

established that may justify the establishment of certain commercial uses. As previously stated, however, a more centralized location has been provided on the General Plan LUPAG Map to establish such uses.

The desired use will adversely affect the surrounding properties. Commercialization of this property will substantially alter the essential character of the land and the present use and will create a precedent for further urban expansion along the Hawaii Belt Road.

Based on the above considerations, it is determined that the establishment of a self service storage facility at this particular location would be contrary to the objectives sought to be accomplished by the Land Use Law 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,



for Fred Y. Fujimoto
Chairman, Planning Commission

xc: State Land Use Commission
Corporation Counsel

bcc: Plan Approval Section