

Planning Commission

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

Larry S. Tanimoto
Mayor

CERTIFIED MAIL

August 29, 1990

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application
Yamaguchi Bus Service, Inc.
TMK: 7-8-6:55

The Planning Commission at its duly held public hearing on August 15, 1990, voted to approve the above application, Special Permit No. 744, to allow the construction of a bus storage area, operations office, and related improvements on 4.4+ acres of land within the State Land Use Agricultural District on the east (mauka) side of Mamalahoa Highway between the Fuku-Bonsai Center and the Department of Water Supply's Kona baseyard and office facility, Keauhou 1st, North Kona, 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 agriculture use. 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. The purpose of the request is to allow a storage yard and office for a school bus service. The land for which the project is proposed is classified as "E" or Very Poor by the Land Study

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Bureau for agricultural productivity and "Unclassified" by the ALISH Map. The proposed use would not displace existing agricultural activity or diminish the agricultural potential of the area. It is, therefore, determined that approval of the request would not be contrary to the objectives of the State Land Use Law.

The desired use will not adversely affect the surrounding properties. Surrounding land uses include the Water Supply baseyard to the north, a commercial botanical garden to the south, and coffee farms and scattered single family dwellings to the east and west. Bus storage will be concentrated near the highway, away from dwellings on adjacent land to the east. In order to mitigate noise and visual impacts to neighboring properties, it is recommended that 50-foot setbacks from all property lines be imposed for the maintenance building. Landscaping buffers will also be required as a condition of Plan Approval to mitigate noise and visual impacts resulting from the bus operations. The topography of the property will further buffer the bus storage area from residential areas.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water is available to the property. Consulted agencies had no objection to the request. Traffic will be concentrated during limited hours of the day. As a condition of approval, it is recommended that the applicant excavate the bank along the curve of the road sufficiently to improve sight distance to Department of Public Works standards.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Significant population growth in Kona over the past decade has taken place in a linear form from North to South Kona. Schools are scattered, with one high school in South Kona serving the entire region. The proposed site is centrally located and may serve the area more efficiently than existing industrial-zoned sites in Kailua-Kona.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As previously mentioned, the subject property was formerly used as a quarry and is classified as Very Poor in agricultural productivity. Although agricultural activity could be conducted on the property, no significantly valuable agricultural land would be lost by establishment of the proposed use.

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The Department of Land and Natural Resources has stated that the undisturbed portion of the property may contain historic sites associated with the Kona Field System. The portion of the property proposed for bus storage and maintenance has previously been altered by use as a baseyard; therefore, it is unlikely that significant historic sites are present and an archaeological survey is not required. However, it is recommended that an archaeological inventory survey and mitigation plan be established prior to land disturbance on the unaltered portion of the property.

The request is not contrary to the General Plan. The establishment of the proposed bus facility would be consistent to the following goals, policies, and standards of the Transportation Element of the General Plan:

- * Provide a transportation system whereby people and goods can move efficiently, safely, comfortably, and economically.
- * Make available a variety of modes of transportation which best meets the needs of the County.
- * The improvement of transportation service shall be encouraged.

Based on the above considerations, it is determined that a bus storage and maintenance yard 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 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.
2. Final Plan Approval 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 shall identify structures, landscaping buffers, and paved parking stalls associated with the bus storage facility. Landscaping shall buffer the maintenance building from the

adjoining property to the south and from the highway. Plans shall show minimum 50-foot setbacks from all property lines for the bus maintenance structure. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.

3. Construction of the office/maintenance building and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Sight distance along Mamalahoa Highway shall be improved to meet with the approval of the Department of Public Works prior to issuance of a certificate of occupancy.
5. An archaeological inventory survey and, if appropriate, mitigation plan shall be submitted and approved by the Planning Department in consultation with the Department of Land and Natural Resources-Historic Sites Section prior to any land alteration of the undisturbed portion of the property.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.
7. Comply with all other laws, rules, regulations, and requirements of State and County agencies.
8. 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.

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8. 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 shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,

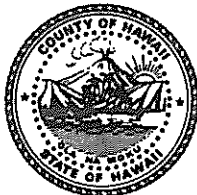


Fred Y. Fujimoto
Chairman, Planning Commission

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

bcc: Plan Approval Section

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
P 364 320 028

March 21, 1996

Mr. Howard Yamaguchi
Yamaguchi Bus Service, Inc.
P.O. Box 58
Kilauea, HI 96754

Dear Mr. Yamaguchi:

Revocation of Special Permit No. 744 (SPP 744)
Initiator: Planning Director
Tax Map Key: 7-8-6:55

The Planning Commission at its duly held meeting on March 14, 1996, voted to revoke Special Permit No. 744 issued to Yamaguchi Bus Service, Inc. which allowed the construction of a bus storage area, operations office and related improvements on approximately 4.4 acres of land within the State Land Use Agricultural District. The property is located along the east (mauka) side of the Old Mamalahoa Highway approximately 950 feet north of the Old Mamalahoa Highway-Ha'awina Street intersection at Keauhou 1st, North Kona, Hawaii.

Revocation of Special Permit No. 744 is based on the fact that the applicant has not complied with any of the conditions of approval.

Should you have any questions regarding the above, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in black ink, appearing to read "K. M. Balog".

Kevin M. Balog, Chairman
Planning Commission

AK:syw

LYamag01.pc

cc: West Hawaii Office
Planning Director

C3016

MAR 21 1996