

Planning Commission

STEPHEN K. YAMASHIRO
Mayor

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

CERTIFIED MAIL

March 3, 1993

Mr. Theodore E. M. Young
PO Box 372
Hakalau, HI 96710

Dear Mr. Young:

Special Permit Application (SPP 92-28)
Applicant: Theodore E. M. Young
Request: Establish A Boarding Kennel
for Dogs and Cats
Tax Map Key: 2-9-2:20

The Planning Commission at its duly held public hearing on February 25, 1993, voted to approve your application, Special Permit No. 838, to allow the establishment of a boarding kennel for cats and dogs on approximately 10.87 acres of land situated within the State Land Use Agricultural District. The project site is located on the south (Hilo) side of Chin Chuch Road approximately 4500 feet mauka of its intersection with the Mamalahoa Highway, Hakalau, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use.

The land on which the proposed use is located is suitable for agricultural uses. Soils within the property are classified as "Prime" agricultural land according to the ALISH map system and "C" or "Fair" by the Land Study Bureau for agricultural productivity. While the proposed kennel facility will commit approximately 9,000 square feet of land for non-agricultural use, it is not anticipated that this loss of agricultural land will not adversely impact the agricultural land inventory within the County of Hawaii. Only 9,000 square feet of a 10.87-acre

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parcel will be encumbered by the proposed use. As stated by the applicant, the remainder of the property will be maintained as a homesite and for agricultural uses.

While a Special Permit is being required to establish the proposed boarding kennel for dogs and cats, such a facility is closely related to the following permissible uses as defined by Section 205-4.5(3) and (4):

- "(3) Raising of livestock, including but not limited to poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
- "(4) Farm dwellings, employee housing, farm buildings, or activity or uses related to farming and animal husbandry;"

The propagation and care of animals, irrespective of their ultimate use, is most appropriate within the Agricultural District. The very nature of the Agricultural District, with its larger land areas and limited residential uses, would be better able to accommodate such animal propagation/care facilities than the Urban Districts, where conflicts between uses may occur. A Special Permit is being requested since the proposed use is not specifically permitted within the Agricultural District. However, we would like to express our position that such a use would be most appropriate within the Agricultural District.

The request is not contrary to the General Plan. The proposed use is consistent with the Land Use policy of the General Plan which states: "Designates and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County" and "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The relatively large lots sizes within the affected area, its remote location and the availability of essential infrastructure should be able to easily accommodate the proposed use without generating conflicts with other types of uses.

The proposed use will not have any significant adverse effects on the surrounding properties. The proposed facility will be located at an approximately distance of 65 feet from its property boundaries. Wooden perimeter fencing will be provided around the facility. Existing macadamia, wili wili and paper bark trees border a portion of the property. Staff member(s)

will be available to monitor the facility 24 hours a day. These elements combined should sufficiently mitigate any adverse noise or visual impacts to surrounding properties. As an additional element of noise mitigation, it is recommended that the applicant provide additional landscaping along the perimeter of the facility.

The proposed use will not substantially alter or change the essential character of the land and the present use. The applicant intends to maintain the remaining 10.5 acres of the 10.87-acre parcel as a homesite and in agricultural uses. With the provision of appropriate landscaping and the limited number of visitations to the facility, the proposed use is not anticipated to impose on the agricultural character of the area.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Chin Chuch Road provides adequate two-way access to the property. Wastewater disposal will be accommodated within two cesspools. The Department of Health will enforce wastewater disposal regulations. County water is available to the subject property, as well as other essential utilities and services.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Pets have always been an integral part of society. However, as we evolve into a more mobile and independent society, the same cannot be said for pets. Therefore, the need to have proper accommodations for those pets whose owners are temporarily absent are expected to increase. As urban lands are used for more intensive uses, such facilities, which require an adequate amount of land area to provide for comfortable accommodations, are more easily accommodated within surrounding rural and agricultural communities.

As with other requests for a Special Permit which attract traffic beyond the local level, it is recommended that the applicant provide paved driveway access and parking for the proposed facility. These improvements should also assist in noise and dust mitigation which may affect surrounding properties.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval of the proposed clinic 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 existing and proposed structures, perimeter wooden fencing around facility, landscaping, and paved (concrete or asphalt-concrete) driveway and parking areas associated with the boarding kennel facility. Appropriate landscaping and perimeter wooden fencing shall be provided for the purpose of mitigating any noise and visual impacts generated by the facility.
3. Construction of the proposed boarding kennel facility shall be completed (certificate of occupancy) within two years from the date of receipt of Final Plan Approval.
4. The hours of operation for the boarding kennel facility shall be from 8:30 a.m. to 4:30 p.m., daily. The applicant shall provide 24-hour monitoring of the facility to ensure the safety and well-being of its occupants.
5. The boarding of animals at the proposed kennel facility shall be limited to dogs and cats.
6. The boarding kennel facility's driveway connection with Chin Chuch Road shall meet with the approval of the Department of Public Works.
7. The applicant shall comply with applicable laws, rules and regulations of the affected agencies, including those of the State Department of Health.
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 proposed 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 with and the Planning Director acknowledges that further reports are not required.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is

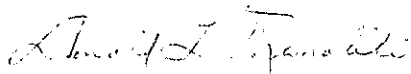
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the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General 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 this 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.

Should you have any questions, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LYoung01.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
Department of Health
County Real Property Tax Division
State Land Use Commission
Plan Approval Section