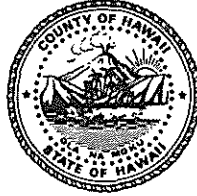


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

March 23, 1994

Rev. Harrison Roy Hesketh, D.D.
HCR-1, Box 5709
Keaau, HI 96749

Dear Rev. Hesketh:

Special Permit Application (SPP 93-14)
Applicant: Rev. Harrison Roy Hesketh, D.D.
Request: Establish an Agricultural Retreat for
Church and School Work
Tax Map Key: 1-4-40:2 & 3, and 1-4-30:4

The Planning Commission at a duly advertised public hearing on March 17, 1994, considered your request for a Special Permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to establish an agricultural retreat for church and school work on approximately 10.2 acres of land within the State Land Use Agricultural district. The project site is located on the west (mauka) side of Road A, approximately 5000 feet from its intersection with Road D, Nanawale Farm-Ranch Lands, and Nanawale Estates, Puua, Puna, TMK: 1-4-40:2 & 3, and 1-4-30:4.

The Commission voted to deny the Special Permit based on the following findings:

In considering a Special Permit for any proposed use, Rule 6 of the Planning Commission relating to Special Permits require that such action *conform to the following guidelines:*

- a. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- b. The desired use shall not adversely affect surrounding properties;

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- c. Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- d. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- e. The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- f. The proposed use will not substantially alter or change the essential character of the land and the present use;
- g. The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans;

In addition to the guidelines detailed above, the Planning Commission must also find that the proposed use:

- a. Is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and
- b. Would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Should review of the request find that any one of the above-mentioned guidelines cannot be met, then the subject request shall be denied.

The applicant is requesting a Special Permit to allow the establishment of an agricultural/religious retreat on two 5-acre parcels of land located within the Nanawale Farm-Ranch Lands Subdivision. The applicant also owns a smaller 8,998 square foot parcel located within Nanawale Estates Subdivision and adjacent to the 5-acre parcels which will be utilized solely as an access driveway to the agricultural/religious retreat facility. Primary access to the agricultural/religious retreat facility as well as all lots within the Nanawale Farm-Ranch Lands Subdivision is from Road A, a private substandard roadway having an unpaved surface of 9 feet within a 40-foot right-of-way. However, the applicant is proposing that access for the agricultural/religious retreat facility utilize Seaview Drive, a roadway located within the adjoining Nanawale Estates Subdivision which is owned and maintained by the Nanawale Estates Community Association, who have expressed its opposition to the use of its private roadways to accommodate the proposed

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use. As the County does not have authority over the use of private roadways, it should respect the position expressed by the Nanawale Estates Community Association. The Planning Department is also in receipt of letters from several owners of parcels within the Nanawale Estates Subdivision, expressing their opposition to the proposed use. It would be inappropriate to establish this particular use on these specific parcels at this time as it would not be in the best interest of the residents in the immediate community of Nanawale Estates Subdivision.

The project site is located within an area which cannot support the proposed agricultural/religious retreat use. The agricultural/religious retreat facility will be located within a subdivision whose roadway is not able to support the proposed use. The applicant has therefore pursued an alternative which will utilize Parcel 4 as an access point to gain entry onto Nanawale Estates Subdivision and the use of its roadway system. As with all similar types of requests before the Planning Commission, access to the project site must be adequate to support the proposed use. However, the ability to obtain adequate access to a project should not compromise the integrity of a subdivision and its roadway system. Road A was established to serve all lots within the Nanawale Farm-Ranch Lands Subdivision. Seaview Drive was established to serve lots within the Nanawale Estates Subdivision. The transfer of traffic between subdivisions could compromise the integrity of its roadway system, especially if traffic generated by lots within the Nanawale Estates Subdivision are allowed to gain access onto the substandard Road A. As such, approval of this request would result in an *unreasonable burden on public agencies to provide roads and streets improvements* to Road A to support the proposed use. An option available to the applicant is to improve Road A to a minimum roadway standard as specified within Chapter 23 of the Subdivision Code, which could require a minimum 24-foot wide pavement for a distance in excess of 1 mile. Such roadway improvements would not be feasible given the size and scope of the proposed use.

Approval of the request *would also be contrary to a goal of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and its policy to ". . . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."*

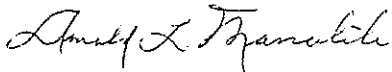
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Based on the above considerations, the Planning Director has determined that the establishment of an agricultural/religious retreat on the subject properties is contrary to the objectives to be accomplished by the Land Use Law and Regulations and should, therefore, be denied. (copy from recommendation)

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 Daryn Arai or Rodney Nakano of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
State Land Use Commission
Corporation Counsel
Plan Approval Section

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