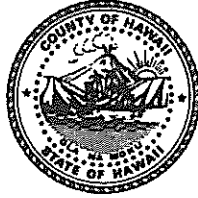


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 299

March 8, 1996

Mr. Charles A. C. Young  
P.O. Box 92  
Naalehu, HI 96772

Dear Mr. Young:

Special Permit Application No. 95-19  
Applicant: Charles A. C. Young  
Request: Establish a Storage Facility for Explosive Materials  
Tax Map Key: 9-4-3:Portion 25

The Planning Commission at its duly held public hearing on February 23, 1996, voted to approve the above-referenced application. Special Permit No. 927 is hereby issued to allow the establishment of a storage facility for explosive materials on approximately 1.0 acre of land situated within the State Land Use Agricultural District. The property, consisting of 35.85 acres, is located approximately 1,900 feet mauka of the Mamalahoa Highway at Kiolakaa-Keaa Homesteads, Kau, 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 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 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 uses.

The land on which the use is proposed is suitable for agricultural uses. Soils within the property are unclassified according to the ALISH map system and "E" or "Very Poor" by the Land Study Bureau for agricultural productivity. Although the lands are not classified of the highest quality for agricultural uses, they may be used for agricultural purposes. The proposed storage containers of explosive materials will take only one acre of land out of the total 35 acres. The parcel is presently in pasture use and will continue to be used as such. The proposed use is not expected to impact the agricultural inventory within the County nor take significant lands out of agricultural use.

02394

MAR 08 1996

Mr. Charles A. C. Young  
Page 2  
March 8, 1996

The desired use will not adversely affect the surrounding properties. The applicant owns several of the adjacent parcels which are vacant of dwelling uses and presently used as pasture land. The applicant's residence is located on an adjacent parcel to the west. According to building permit records, other abutting parcels do not have dwellings on them. In addition, the subject parcel is approximately 35.85 acres in size and used as pasture; the two storage containers would utilize only a small portion of the land. Access to the storage area is only from the applicant's adjacent parcel where he lives, and there is no direct access from the road. This would minimize anyone entering or vandalizing the property. For safety, the applicant would be required to comply with all applicable agency requirements in order to store the explosive materials on the property. It is not expected that the proposed use will impact surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and police and fire protection. Agencies had no objections to the proposed use. The applicant would be required to comply with any agency requirements regarding storage of explosive materials on the property.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The property is classified as unclassified by the ALISH map system and classified as E or "Very Poor" according to the Land Study Bureau ratings. The subject property has been in pasture use and will continue to be used as such. The subject property is suitable for agricultural uses; however, the legitimizing the storage of explosive materials on a portion of the property is not expected to take significant amount of lands out of agricultural uses.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Due to the distance of driving to Hilo for materials, storing extra explosive materials for construction jobs on a short term basis would avoid the applicant making additional trips to purchase materials. Uses as proposed by the applicant may be made possible through the special permit process.

The proposed use will not substantially alter or change the essential character of the land and the present use. The two storage containers are approximately 5'H x 4'D x 3'W and 3'H x 4'D x 4'W in size. The land will continue to be used as pasture and the essential character of the land will not change.

The request will not be contrary to the General Plan. The proposed request supports the following goals, policies and standards of the General Plan:

Land Use Element

- \* Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural and physical environments of the County.
- \* The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Based on the above considerations, allowing the applicant to store explosive materials would be 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:

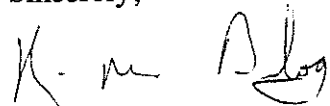
1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, successors, or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors or agents under this permit or relating to or connected with the granting of this permit.
3. Final Plan Approval shall be secured from the Planning Director in accordance with Chapter 25-244 (Zoning Code). Plans shall identify all existing and proposed structures associated with the proposed use.
4. Construction related to the storage containers shall be completed in three (3) years.
5. The applicant shall comply with all applicable agency requirements regarding the storage of explosive materials on the subject property.
6. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor 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 original reasons for granting of the permit.
  - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - D. The time extension granted does not 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning 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.

Mr. Charles A. C. Young  
Page 4  
March 8, 1996

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

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

AK:syw  
LYoung01.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission