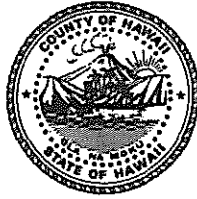


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 447

August 8, 1996

Mr. Richard Mastronardo
P.O. Box 5045
Kukuihaele, HI 96727

Dear Mr. Mastronardo:

Special Permit Application (SPP 96-13)
Applicant: Richard Mastronardo
Request: Establish Two (2) Bedroom Vacation Rental Facility
Tax Map Key: 4-8-4:Portion of 30

Pursuant to Rule 6 of the Hawaii County Planning Commission Rules of Practice and Procedure, the Planning Commission, at its duly held public hearing on July 25, 1996, considered Special Permit Application No. 96-13 to allow the establishment of a two-bedroom vacation rental facility within the existing second residence (ohana dwelling) on approximately 6,000 square feet of land situated within the State Land Use Agricultural District. The property is located on the makai side of the Honokaa-Waipio Road, approximately 500 feet east of the Waipio Lookout Site at Lalakea, Hamakua, Hawaii, TMK: 4-8-4:Portion of 30. The Planning Commission denied the request as the proposed vacation rental establishment will adversely affect the surrounding properties and will substantially alter or change the essential character of the land and the present use.

The Commission voted to deny Special Permit No. 940 based on the following findings:

In considering a Special Permit for any proposed use, Rule 6 of the Planning Commission relating to Special Permits states, "The Planning Commission shall not approve a Special Permit unless it is found that the proposed use:

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Mr. Richard Mastronardo

Page 2

August 8, 1996

- (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."

The Planning Commission shall also consider the following criteria for granting a Special Permit:

- "(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;
- (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; and
- (G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans."

Non-conformance with any of the above-mentioned criteria would require that the requested Special Permit be denied.

The proposed use will cause substantial and adverse impact to the community's character and to surrounding properties. While vacation rental establishments as a whole are recognized by the County as viable commercial entities which could be appropriate within the Agricultural District, the County also recognizes that the establishment of such an operation within certain locations may not be appropriate given the character or physical attributes of that particular locale, hence, the

Mr. Richard Mastronardo

Page 3

August 8, 1996

requirement that a Special Permit be secured from the Planning Commission to permit the thorough assessment of each proposed use within the area it wishes to operate.

The Planning Commission had before it the opportunity to assess a proposed use and its effect on surrounding properties and the community and its effect on the character of the land and present use before such a use is approved by the Commission. The residents who reside in the vicinity of the subject property as well as in the community have expressed their opposition to the request. They expressed the potential adverse impact to the character of the rural lifestyle and affected agricultural area, increase in property value and taxes and increase in traffic to the already congested government road. The residents also expressed that there are existing facilities and commercial areas available in Honokaa town and proposed resort areas which allow for vacation accommodations. Hence, the proposed use or any commercial uses should not infringe and be established in the subject agricultural areas.

The discussion above indicates that the proposed use will not be consistent with the goals of the County General Plan which states that the County shall "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Based on the foregoing, the request for a Special Permit to allow the establishment of a two (2) bedroom vacation rental facility located on the subject property is denied.

Pursuant to its Rules, the Planning Commission's denial decision is appealable to the Circuit Court of the Third Circuit within thirty (30) days of August 8, 1996, which is the date this letter is being mailed to you.

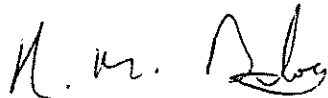
Mr. Richard Mastronardo

Page 4

August 8, 1996

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

Sincerely,

A handwritten signature in cursive script, appearing to read "K. M. Balog".

Kevin M. Balog, Chairman
Planning Commission

AK:syw

LMastr01.pc

cc: Honorable Stephen K. Yamashiro, Mayor
Corporation Counsel
Planning Director
State Land Use Commission
Department of Public Works
Department of Water Supply