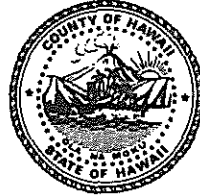


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 179 517 356

JAN 2 8 1998

Arte L. McCollough, President
RT's Service, Inc.
P.O. Box 1581
Kamuela, HI 96743

Dear Mr. McCollough:

Special Permit Application (SPP 97-24)

Applicant: RT's Service, Inc.

Request: Establish an Office and Secured Storage Facility and Related Improvements

Tax Map Key: 6-4-1:85

The Planning Commission at a duly advertised public hearing on January 16, 1998, considered the above-referenced request for a Special Permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of an office and secured storage facility and related improvements on approximately one acre of land within the State Land Use Agricultural District. The property is located on the south side of Mamalahoa Highway in Puukapu Homesteads 1st Series, Waimea, South Kohala, Hawaii.

The Commission voted to deny Special Permit No. 991 based on the following findings:

The granting of this request would not 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. According to the Land Study Bureau's Detailed Land Classification System, the soils within the subject property are classified as "B" (Good) for agricultural productivity. Further, the Agricultural Lands of Importance to the State of Hawaii (ALISH) System classifies the subject property as "Prime" agricultural land. "Prime" agricultural lands have the soil quality, growing season and moisture supply needed to produce high sustained yields of crops economically when treated and managed according to modern farming methods. The proposed use and structures would displace agricultural activity or agricultural potential of the area. Therefore, the proposed use would be contrary to the objectives of the State Land Use Law for Agricultural district.

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The request is contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the front portion of the subject property fronting Mamalahoa Highway as Low Density Urban Development. Low Density Urban Development, allows for single family residential in character, ancillary community and public uses and convenience type commercial uses. The remaining major portion of the property is designated as Intensive Agricultural, which includes those agricultural lands which supports productive sugar, orchard, diversified agriculture and floriculture. In this instance, the proposed use would be within an area where specific settlement patterns have been determined and, therefore, contrary to the Low Density Urban Development and Intensive Agricultural designations of the General Plan.

The proposed establishment of an office and secured storage with related uses would, in fact, be incongruous with the objectives sought to be accomplished by the Land Use Law and Regulations and the County General Plan.

The desired use will adversely affect the surrounding properties. The adjacent lands to the west, south and east of the subject property are zoned A-5a. Lands to the north across Mamalahoa Highway are zoned A-40a. The properties located one mile east toward Honokaa are zoned A-3a. Existing single family residences are situated along the Mamalahoa Highway and the diversified agriculture activities are located primarily to the rear of the properties. Other lands in the surrounding area are in grazing, diversified farming or vacant lands. Therefore, the proposed use would be incompatible with the agricultural uses envisioned by the subject area in the County General Plan. Although a Special Permit was granted on the adjacent property to allow the establishment of an automotive repair shop, the use is confined within an existing garage, which was constructed in the 1940's. Further, the life of this Special Permit is limited to five (5) years.

The office and secured storage facility of repossessed vehicles is definitely an urban use, its characteristics are considered appropriate in Industrial zoned areas. The requested use has the potential to create adverse impacts to surrounding properties relating to noise, dust and negative visual impacts associated with increased number of vehicles over normal levels. The adjacent properties are zoned Agricultural-5 acre (A-5a). One of the goals contained in the Agricultural Element of the General Plan is 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 to protect and encourage the intensive utilization of the County's important agricultural lands." Therefore, approval of the request at this particular location would not be in keeping with the social, cultural and physical environment envisioned for the area.

The subject property is also situated approximately 1.7 miles from Parker 2020's Industrial designated land in Waimea. The proposed secured storage facility is an industrial use. Utility facilities, public and private, including offices or yards for equipment, material, vehicle storage, repair or maintenance are specifically covered within the industrial zoning designation as permitted uses. As such, there is ample space available for the proposed storage yard within the appropriately zoned land in the immediate vicinity. Given the above described situation, approval of this request at

Arte L. McCollough, President
RT's Service, Inc.
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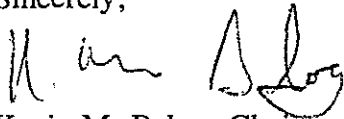
this particular location would circumvent the purpose and intent of the Land Use Law and be inconsistent with the goals, objectives and policies of the General Plan.

Based on the above considerations, the proposed storage facility and related uses are not considered an unusual and reasonable use of land within the State Land Use Agricultural District. Further, it is determined that the approval of the request will not promote the effectiveness and objectives of Chapter 205, HRS and, therefore, is hereby denied.

As stated in Rule 6-9, "The Planning Commission's decision is appealable to the Third Circuit Court."

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,



Kevin M. Balog, Chairman
Planning Commission

LRTSSE01.PC

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
Corporation Counsel