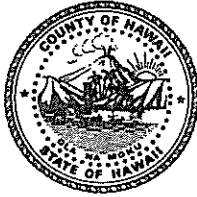


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
7099 3220 0000 4869 6230

JUN 02 2000

Mr. Robert Barry
Hawaiian Ranchos Road
Maintenance Corporation
P.O. Box 7007
Ocean View, HI 96737

Dear Mr. Barry:

Special Permit Application (SPP 00-009)
Applicant: Hawaiian Ranchos Road Maintenance Corporation
Request: Establishment of a Baseyard for Stockpiling Materials,
Supplies and Equipment
Tax Map Key: 9-2-197:001

The Planning Commission at its duly held public hearing on May 19, 2000, voted to approve the above-referenced application. Special Permit No. 1057 is hereby issued to establish a baseyard for stockpiling materials, and storage of equipment and supplies for road maintenance purposes on approximately 2.5 acres of land situated in the State Land Use Agricultural District. The property is located in the Hawaiian Ocean View Ranchos Subdivision Increment 3, at the west corner of the Mamalahoa Highway and Kohala Boulevard intersection, Kahuku, Kau, Hawaii.

Approval of this request is based on the following:

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), as amended. In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the Legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. In addition, 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

005380

JUN 02 2000

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.

The subject property is a vacant approximately 2.5-acre parcel and not in agricultural use. The applicant proposes to establish a baseyard for the storage of materials, supplies and equipment for the maintenance of roads in the Hawaiian Ocean View Ranchos Subdivision. The land on which the proposed use will be located is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the ALISH Map. Therefore, the nature of the proposed use will not have an adverse effect on the County's agricultural land inventory. It is therefore determined that the proposed use is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended.

The proposed request is not contrary to the General Plan. Although the General Plan for the area is designated Extensive Agricultural and the zoning is Agricultural (A-3a), the subject property is not used for agricultural purposes. The proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which has very limited agricultural activities. Although the establishment of a baseyard would not take significant lands out of existing or potential agricultural use, it would allow uses other than agricultural uses within the subdivision.

The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Land Use Element:

- * Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.

Industrial Sub-element:

- * Designate and allocate industrial areas in appropriate proportions and in keeping with the social, cultural, and physical environments of the County.
- * Industrial development shall be located in areas adequately served by transportation, utilities, and other amenities. Redeveloping of newly developing areas shall be developed in concert with programmed public and privately funded infrastructure to meet the expected needs.

The desired use will not adversely affect surrounding properties. Surrounding lands are predominantly vacant with the nearest residence located across the Mamalahoa Highway. There is a .4582-acre easement to HELCO on the northeast corner of the property. The proposed baseyard will be confined to the subject property, and the existing storage container and tank will have minimal visible impact from Mamalahoa Highway and Kohala Boulevard. Therefore, the character of the property or its surrounding area will not be significantly altered. Possible noise generated by the activity on the site is expected to be negligible, as the proposed site will be used approximately three weeks per year for four hours a day by truck traffic, delivery of materials and subsequent distribution to the roads. Hours of operation will be limited to daytime hours. A planting buffer will be required to mitigate any adverse noise or visual impacts to adjacent properties. The topography of the subject property is such that there is a difference in elevation between the front (portion fronting the easement) and rear of the property. The storage container and tank are located approximately in the middle, slightly level portion of the property and is naturally screened from the Mamalahoa Highway. The property is of sufficient size for adequate setbacks and buffers that will minimize any physical, social, or other impacts. Therefore, the proposed use will not alter or change the essential character of the land and present use nor will it impact the surrounding area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject property is located off the Mamalahoa Highway on a 40-foot wide frontage road easement that connects this site to Kohala Boulevard. Access is taken from the road easement as well as Kohala Boulevard. It is not anticipated that the proposed use will impact or burden public agencies given that the requested uses are intended to service the existing population. While County water is not available to the site, the requested use does not require water. All other essential utilities and facilities are available to support the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Hawaiian Ocean View Ranchos Subdivision is served by approximately 50 miles of private and often substandard roadways. A baseyard will provide the necessary road maintenance storage/support facility to service the needs of the residents of the subdivision. Increasing residential uses and accelerating deterioration of the road network has intensified the need for adequate support/storage facilities. According to the applicant, the trend appears to suggest that the Hawaiian Ocean View area will continue to grow, albeit slowly. Therefore, the requested use would provide some of the needed support facilities of existing and future populations.

Mr. Robert Barry

Page 4

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The soil within the subject property is classified as "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. The nature of the request is to allow the establishment of a baseyard. The subject property is located within Increment 3 of the 1,233-lot Hawaiian Ocean View Ranchos Subdivision, which received Final Subdivision Approval on March 8, 1971. There are several Special Permits granted in the area which are industrial in nature. They include Special Permit No. 653 (TMK: 9-2-185: 93) effective 10/5/87 to Ocean View Investment Co. for various commercial and industrial uses (located in Ocean View Commercial Complex) and Special Permit No. 1000 (TMK: 9-2-197: 51) effective 5/28/98 to Steve Kuhnert for a light industrial/commercial complex (located approximately four lots Kona side of the subject property). There are no existing, developed industrial zoned lands to establish a baseyard within the Hawaiian Ocean View Ranchos Subdivision. Therefore, the applicant is seeking to establish a baseyard in a convenient location within the subdivision. The Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on these considerations, the approval of the Special Permit request to establish a baseyard for the storage of materials, supplies and equipment is supportive of the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of the request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. The baseyard shall be established within two (2) years from the effective date of this permit. This time period shall include securing Final Plan Approval from the Planning Director. Plans shall identify structures, fire protection measures, parking stalls and driveway and other improvements associated with the proposed uses. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.
3. Any exterior signs shall meet with the approval of the Department of Public Works.
4. Access shall be from the road easement fronting the subject property and Kohala Boulevard. Access from the Mamalahoa Highway shall be prohibited.


5. The hours of operation shall be limited from 6 a.m. to 7 p.m. Mondays through Fridays.
6. The applicant shall comply with applicable laws, rules and regulations of the appropriate State and County agencies for the proposed use.
7. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
8. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
9. An initial 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, 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.
 - 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).

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. Robert Barry
Page 6

Should you have any questions, please contact Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lhawnrancho01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu
Hawaiian Ranchos Board of Directors