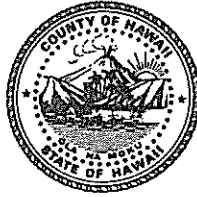


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
7099 3220 0000 4869 5783

AUG 22 2000

Mr. Marion Price
P.O. Box 802
Kamuela, HI 96743

Dear Mr. Price:

Special Permit Application (SPP 00-014)

Applicant: Marion Price

Request: Establishment of a Small Agricultural Equipment Repair Service

Tax Map Key: 6-4-11:42

The Planning Commission at its duly held public hearing on August 4, 2000, voted to approve the above-referenced application. Special Permit No. 1068 is hereby issued for the establishment of a small agricultural equipment repair service in an existing 480 square foot garage within the State Land Use Agricultural District. The property is located in the Kamuela Lakeland Subdivision on the east side of Leleaka Loop, Pu'ukapu, Waimea, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed establishment of the small agricultural equipment repair service is an unusual and reasonable use of land situated within the State Land Use Agricultural District. 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. The proposed establishment of the small agricultural equipment repair service will be confined to an existing 480-square foot carport and a storage shed located on a 9,320-square foot property. Although the soils in the area of the subject project are considered suitable for agricultural uses, it is also recognized that this area has been developed as a residential subdivision. The

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proposed activity will not displace existing agricultural activity nor significantly diminish the agricultural potential of the area since the project site is not used for agricultural purposes.

The granting of this request would promote the effectiveness and objectives of Chapter 205 and 205A, 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. The proposed use will be located within an area whose soils are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating. The Agricultural Lands of Importance to the State of Hawaii (ALISH) Map classifies the area of the subject property as existing urban development. The subject property is situated within the County's Agricultural-1 acre (A-1a) zoned district and within the State Land Use Agricultural District. Soils within the project site are suitable for agricultural uses, and typically used for truck crops. However, as the subject property has already been developed for residential uses as part of the existing Kamuela Lakeland Subdivision, the proposed use will not adversely affect the agricultural potential of the project site or its surrounding area. Therefore, the approval of the subject request shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The desired use shall not adversely affect the surrounding properties. The subject property is a roughly rectangular shaped flag lot, consisting of 9,320 square feet of land area, located within the Kamuela Lakeland Subdivision. This subdivision is located at the eastern end of Waimea Town, approximately five miles east of the Kawaihae Road-Mamalahoa Highway intersection, just west of the South Kohala/Hamakua District Boundary, on the south side of Mamalahoa Highway. The subject property is located on the east side of Leleaka Loop, an interior roadway within the subdivision, and approximately 460 feet south of Mamalahoa Highway. The property has been improved with a 1,064 square foot dwelling and an attached 480 square foot carport. The proposed use will be confined to the carport and a storage shed. A minimal amount of noise will be generated by the proposed use, as the operator will perform equipment tests lasting two to five minutes. These tests will only be run between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, and between 9:00 a.m. and 1:00 p.m. on Saturdays. No equipment servicing will be performed on Sundays. Traffic impacts associated with the operation of the small agricultural equipment repair service should be minimal, as the owner-operator will provide pick-up and delivery service for many of his customers. It is expected that no more than one client will drive to the property on a daily basis. Properties immediately adjacent to the subject property are also located within the Kamuela Lakeland

Subdivision and zoned Agricultural (A-1a). One of the lots adjacent to the subject property is vacant, while the remaining lots have been developed with dwellings. The subdivision is essentially non-conforming, with lots ranging in size from 8,000 to 12,000 square feet. Properties to the east, south and west of Kamuela Lakeland Subdivision are generally 1-acre+ lots, which are also zoned Agricultural (A-1a). These properties are located in the surrounding subdivisions of Waimea Vacationland, Wailani Ranchos and Puukapu Acres.

The desired use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Only electrical service is required for the proposed use and this is already available to the property. Access to the property is deemed adequate to accommodate the anticipated traffic generated. Fire, police and emergency services are available from the fire station and police station located in Waimea, approximately five miles away. The applicant shall meet all applicable agency requirements of the Department of Health, Department of Water Supply, Department of Public Works and the Fire Department prior to the establishment of the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The subject property is located in the Kamuela Lakeland Subdivision, a residential development located on the extreme eastern side of Waimea Town consisting of 8,000 to 12,000 square foot lots and surrounded by several other residential subdivisions. The growth of this area for residential uses has created increased demand for services and consequently spurred the growth of small businesses. The Kamuela Lakeland Subdivision is located approximately five miles from the commercial hub of Waimea Town. The proposed use would enable the local community in and around this area to have small agricultural equipment serviced in a convenient location, as opposed to transporting their equipment to town to be serviced.

The land upon which the proposed use is sought is not unsuited for the uses permitted within the district. However, the area of the proposed use has been developed as a residential subdivision and the proposed use, in and of itself, will not interfere with permitted agricultural uses. The Land Study Bureau Detailed Land Classification System classifies soils within the subject property as "C" or "Fair". The Agricultural Lands of Importance to the State of Hawaii (ALISH) Map recognizes the area of the subject property as existing urban development. Thus the proposed use will not seriously impair the agricultural productivity or potential of the subject property, nor will it seriously or significantly deplete the County of Hawaii's agricultural land resource.

The proposed use will not substantially alter or change the essential character of the land and the present use. The proposed use will be located in an existing 480

square foot carport and a storage shed located on a 9,320-square foot flag lot located within the Kamuela Lakeland Subdivision. The property has also been improved with a 1,064 square foot dwelling, which is attached to the carport. As no structures or additional improvements are requested, the proposed small agricultural equipment repair service will not substantially alter or change the essential character of the land nor alter or change the existing uses on the property.

The request will not be contrary to the General Plan. Although the subject property is within an area designated for Intensive Agricultural uses by the General Plan LUPAG Map, the project area is limited to the area of the existing carport and a proposed storage shed, and thus does not preclude the other portions of the property from being used for agricultural purposes by the owner. Also, the proposed use is consistent with the following goals and policies of the General Plan.

Economic Element

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- The County of Hawaii shall strive for diversity and stability in its economic system.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- The County of Hawaii shall encourage the research, development and implementation of advanced technologies and processes in existing and potential economic endeavors.

Land Use Element

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

Based on the above considerations, the approval of the proposed small agricultural equipment repair service is 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. Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

1. The applicant, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure a building permit and final inspection for the change of use within six months of the effective date of this permit. The applicant shall also comply with all building and zoning code requirements for the establishment and use of the storage shed within six months of the effective date of this permit.
3. The small agricultural equipment repair service shall be confined at all times to the existing 480 square foot carport and a proposed storage shed to be located on the subject property.
4. The hours of operation shall be limited to 9:00 a.m. to 5:30 p.m., Monday through Friday, and from 9:00 a.m. to 1:00 p.m. on Saturday.
5. The applicant shall comply with all applicable laws, rules and regulations of the affected agencies.
6. Upon compliance with applicable conditions of approval, and upon completion of construction for any portion of the development, the applicant shall submit a written status report to the Planning Director.
7. If the applicant fails to comply with the conditions of approval or causes complaint(s) relating to any interference, nuisance or added off-site parking and is unable to resolve them with the surrounding community, the Planning Director shall investigate and, if necessary, suspend the permit. The Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicant fails to comply with the conditions of approval or has caused any unreasonable interference, nuisance or added off-site parking on the surrounding community, the permit may be revoked.

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8. 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.

Should you have any questions, please contact Daryn Arai of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lprice02PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Kazu Hayashida, Director/DOT-Highways, Honolulu