

County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

JUN 7 2005

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application (SPP 04-018)
Applicant: Gerald and Wendy Yamada
Request: Commercial Retail and Office Complex
Tax Map Key: 1-6-9:418, 419, 420, 421

Attached is a certified copy of the Planning Commission's Findings of Fact, Conclusions of Law and Decision and Order regarding the denial of the above Special Permit Application.

Should you have questions regarding the above, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

Fred Galdones, Chairman
Planning Commission

Att.

cc w/att: Orchidland Community Association
Gerald & Wendy Yamada
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Department of Land & Natural Resources-HPD/Kona
Rodney Haraga, Director/DOT-Highways, Honolulu

JUN 7 2005

PLANNING COMMISSION OF THE COUNTY OF HAWAII

STATE OF HAWAII

Application of GERALD AND WENDY YAMADA for a special permit on a parcel of land situated at Orchidland Estates, Keaau, Puna, Hawai'i, TMK: 1-6-9: 418 (portion), 419, 420 and 421.

SPP 04-018

FINDINGS OF FACT; CONCLUSIONS OF LAW; AND DECISION AND ORDER

Hearing Dates: April 1, 2005 and
May 12, 2005

**FINDINGS OF FACT; CONCLUSIONS OF LAW;
AND DECISION AND ORDER**

I. FINDINGS OF FACT

1. **GERALD AND WENDY YAMADA** ("Applicants") submitted an application for a Special Permit to allow the establishment of a commercial retail and office complex on approximately 3.17 acres of land situated in the State Land Use Agricultural District. The property is located at the southwest corner of the Keaau-Pahoa Road (Highway 130) and Aulii Drive intersection, Orchidland Estates, Keaau, Puna, Hawaii, TMK: 1-6-9: 418 (portion), 419, 420 and 421.

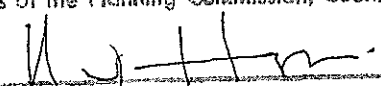
2. **Applicants' Request:** The applicants are requesting a Special Permit to allow the establishment of a commercial retail and office complex (Orchidland Business Center), which includes the following:

- Supermarket (30,000 square feet)
- 5000 square feet for restaurant, personal service (hairdresser, etc.), retail, professional services/office use (financial institution, medical, real estate, etc.)
- 160 paved parking stalls, including employee parking and a minimum of 8 handicapped stalls
- 30-foot wide landscaping strip along Kea`au-Pahoa Road and Aulii Drive located within the project area.

These proposed uses would be in two (2) major structures. They would be single-story structures. These would include:

- 30,000 square-foot Supermarket
- 5000 square-foot other uses.

I hereby certify that this is a true copy from the
Records of the Planning Commission, County of
Hawaii


Custodian of Records, Planning Commission
County of Hawaii

Date:

JUN 7 2005

PLANNING COMMISSION OF THE COUNTY OF HAWAII

STATE OF HAWAII

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I. FINDINGS OF FACT

1. **GERALD AND WENDY YAMADA** ("Applicants") submitted an application for a Special Permit to allow the establishment of a commercial retail and office complex on approximately 3.17 acres of land situated in the State Land Use Agricultural District. The property is located at the southwest corner of the Keaau-Pahoa Road (Highway 130) and Aulii Drive intersection, Orchidland Estates, Keaau, Puna, Hawaii, TMK: 1-6-9: 418 (portion), 419, 420 and 421.

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These proposed uses would be in two (2) major structures. They would be single-story structures. These would include:

- 30,000 square-foot Supermarket
- 5000 square-foot other uses.

3. **Construction Timetable/Estimated Cost:** The applicants propose to commence construction within the next six months. The construction timetable is estimated at 10-14 months, with a planned opening during spring of 2006. The estimated construction cost of the project is \$1.5 million.

4. **Supportive Information:** At the time of the initial application, the landowner of the subject properties is the Arshad Family Limited Partnership. Muhammad Yunis D.V.M., General Partner of the Arshad Family Limited Partnership, has authorized the applicants to file the Special Permit. The applicants have submitted the attached in support of the request. By the end of the hearing, applicants had taken fee title to the project area. (**Exhibit references are to Application for Special Permit dated November 2004, on record, See Exhibit A**).

5. **State Land Use Designation:** Agricultural.

6. **County Zoning:** Agricultural-3 acre (A- 3a).

7. **General Plan LUPAG Map:** Rural.

8. **Amendments to the General Plan:** The proposed General Plan amendments currently pending approval by the County Council, include several proposed revisions to the Land Use Pattern Allocation Guide (LUPAG) Map in the immediate vicinity to accommodate commercial and industrial uses. Within the Orchidland Estates Subdivision, in the vicinity of Orchidland Drive/Highway 130 where the Sure Save Wikiwiki Mart is located, there is an area proposed to be revised from Orchards to Medium Density Urban. This area is approximately 0.6 mile northwest from the subject property. In addition, within the Hawaiian Paradise Park Subdivision, there are three additional nodes proposed for Medium Density Urban and one node proposed for Industrial.

9. **Hawaiian Paradise Park Plan:** The County Council passed Resolution No. 184-97 adopting the Hawaiian Paradise Park Community Master Plan as a planning guide for the County. Part of the plan included a concept map that identified a light industrial area of approximately 20 acres on Kaloli Drive and 14th Avenue. Further, there are three (3) other 20-acre nodes that have been identified for commercial uses. Two sites are along Kaloli Drive and one site is proposed along Maku'u Drive.

10. **Special Management Area (SMA):** The property is not located within the Special Management Area (SMA) and is approximately four miles from the coastline.

11. **Coastal Zone Management, HRS Chapter 205A:** The State of Hawai'i defines the coastal zone as the entire state, and therefore, the activities are subject to compliance with the State Coastal Zone Management (CZM) Program. In addition to compliance with the State CZM Program, the proposed action must also comply with requirements of the County's CZM Program. This includes review of impacts to recreational resources, historic resources, scenic and open space preserves, coastal systems, coastal hazards, marine resources or other natural and environmental resources.

DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA

12. **Orchidland Estates Subdivision:** This subdivision, consisting of 2,571 lots ranging in size from ½ acre to 3 acres in size, was created in 1958.

13. **Subject Properties:** The subject properties, consisting of four (4) separate parcels, are approximately one acre each and are located on the southwest corner of the Highway 130 and Aulii Drive intersection in Orchidland Estates Subdivision. Although the properties total 4 acres in size, the applicants are proposing to utilize approximately 3.17 acres. A large portion of parcel 418 where the existing dwelling is located is not part of the requested area. The subject properties have a width of approximately 400 feet, which fronts the Highway 130 and a length of approximately 430 feet, which fronts Aulii Drive. The remainder of the properties has been completely graded and there is no vegetation.

14. **Consolidation 1089:** The landowner has consolidated TMKs: 1-6-9: 418, 419, 420 & 421 into one lot. This was approved on May 13, 2004. The Planning Department is awaiting Land Court approval before a new parcel number can be issued.

15. **Surrounding Zoning/Land Uses:** Surrounding properties are zoned Agricultural 3-acre (A-3a) and Agricultural 1-acre (A-1a). The surrounding properties consist mostly of vacant lands, scattered single-family dwellings and agricultural uses. The nearest dwelling is located on parcel 418, on which a portion of the property will be proposed for access. The Hawaiian Paradise Park Subdivision, consisting of properties zoned A-1a, is located on the makai side of Highway 130. Towards Pahoehoe, across Aulii Drive, are lots zoned A-1a, which is part of Orchidland Estates Subdivision. To the northeast and southeast of the properties are lots zoned A-3a, which are also part of Orchidland Estates Subdivision.

16. **U.S.D.A. Soil Type:** The property is Lava flows, pahoehoe (rLW), a miscellaneous land type. This lava has a billowy, glassy surface that is relatively smooth. Pahoehoe lava has no soil covering and is typically bare of vegetation except for mosses and lichens.

17. **Land Study Bureau Soil Rating:** "E" or Very Poor.

18. **Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map:** Unclassified.

19. **FIRM:** Zone X, areas determined to be outside the 500-year flood plain.

20. **Floral and Fauna Resources:** The properties have been completely graded and there are no floral or fauna resources.

21. **Archaeological Resources:** A grading permit was issued for the properties with the approval of the State Historic Preservation Division. It is not anticipated that there will be any archaeological resources on the properties.

22. **Public Access:** There is no public access to the mountains or the shoreline that traverses through the properties.

23. **Valued Cultural Resources:** There is no evidence of traditional and customary Native Hawaiian Rights being practiced on the properties.

RELEVANT INFORMATION ON OTHER APPLICATIONS

24. **Special Permit No. 569 (Orchidland Estates Convenience Center):** Special Permit No. 569 was **approved** by the Planning Commission to allow the establishment of a Wiki Wiki Mart convenience store on Orchidland Drive near Highway 130. The permit was later amended to allow the addition of a general store, laundromat, postal service, fast food operation, video rental and arcade stores, real estate office and a neighborhood convenience center office (Orchidland Estates Convenience Center) on the site and an adjacent 1-acre parcel.

25. **Special Permit No. 815 (Greenhouse Specialists, Inc):** On February 27, 1992, the Planning Commission **denied** a request by Greenhouse Specialists, Inc. for a Special Permit to allow the establishment of a warehouse/office complex for greenhouse supplies on a parcel situated on Highway 130, approximately 3,700 feet southeast of the project site. One of the reasons cited by the Planning Commission in its denial of the request was based upon the principles of establishing an effective land use pattern for the region. The Planning Commission noted the Orchidland Estates Convenience Center located along Orchidland Drive as the commercial core for this area of Puna. The Planning Commission also noted that approval of the request would have debilitated the potential for a centralized urban area like the one being established at the Orchidland Estates Convenience Center area.

26. **Special Permit No. 869 (Donald and Charlene Pascual):** On May 19, 1994, the Planning Commission **denied** a request by Donald and Charlene Pascual to establish a community-oriented commercial center on approximately 2.8 acres of land on the northeast side corner of the Highway 130 and Paradise Drive intersection in the Hawaiian Paradise Park Subdivision. The request included a farmer's market, water center that would consist of a laundromat and retail center for bottled water and catchment supplies, a café, a general store, a home improvement outlet, a warehouse, sheltered bus stops and office space for such uses as a health clinic and business-tutoring center. Similar to Special Permit No. 815, one of the reasons cited by the Planning Commission for denial is the request would not establish an effective land use pattern for the area. The proposed development would have been located approximately 1,400 feet away from the approved Orchidland Estates Convenience Center area, which has already established itself as the central commercial area for such services for this particular section of Puna.

27. **Special Permit No. 870 (Verne and Melody Wood):** On June 7, 1994, the Planning Commission **approved** a request by Verne and Melody Wood to establish a regional trade center (Orchidland Trade Center) on approximately 1.15 acres of land on the Hilo side of Orchidland Drive approximately 1600 feet mauka of the Highway 130/Orchidland Drive intersection (near the Orchidland Estates Convenience Center). General services approved for the regional trade center include a variety of home, garden and animal supplies; catchment supplies, sales and service; solar water heaters; office space for service businesses such as electrical, plumbing, landscaping, gardening, auto repair, farmer cooperative and home business outlet. The permit was later amended to include the adjoining one-acre parcel of land, to amend

Condition No. 4 (complete construction), amend Condition No. 8 (hours of operation) and to allow the addition of “food service uses.”

28. **Recent Special Permits in the area:** There have been several other special permits approved in this area with a condition limiting the life of the permit to five (5) years from the effective date of the permit, or after suitable industrial zoned lands become available for use. The reason for the limited life of the permit is to have the use(s) relocate to an area more appropriately zoned for these uses as these areas become available. The following are a summary of these permits:

- **Special Permit No. 1136:** Issued on March 15, 2002 to Excavation Tech, LLC to allow a contractor’s baseyard for heavy equipment storage and excavation operation (TMK: 1-6-9: 237, 238, 239 & 240).
- **Special Permit No. 1139:** Issued on March 15, 2002 to George and Shaleen Curlee to allow an auto repair shop and towing service operation on 4,421 square feet of land (TMK: 1-5-41: portion of 190).
- **Special Permit No. 1184:** Issued on December 16, 2002 to Whitney Investment Trust/Manago Trust to legitimize a contractor’s warehouse and baseyard for storing equipment and supplies on approximately 0.91 acre of land.
- **Special Permit No. 1194:** Issued on January 17, 2003 to Robert and Ruby Kobayashi to establish an auto repair shop on approximately 3,500 square foot portion of 1.04 acres of land (TMK: 1-6-9: portion of 166).

PUBLIC FACILITIES, UTILITIES AND SERVICES

29. **Access:** Access to the project site is from the Highway 130 and from Aulii Drive. Highway 130 is a two-lane paved State owned highway with an 80-foot right-of-way width. Aulii Drive is a two-lane paved private road with a 40-foot right-of-way. The Highway 130/Aulii Drive intersection is channelized with a deceleration lane and a short acceleration lane. The applicants propose to have an ingress-only from Highway 130, subject to the approval of the Department of Transportation. Also proposed is an ingress-egress to the site from Aulii Drive. The applicants propose to improve Aulii Drive with dedicated right turn and left turn lanes.

30. **A Traffic Assessment Report:** A Traffic Impact Analysis Report (TIAR) for Orchidland Business Center was prepared by M&E Pacific, Inc. on November 4, 2004. The report concludes that “current peak hour traffic volumes on Highway 130 are already high and causing unacceptable traffic conditions at the Orchidland Drive and Paradise Drive intersections in the morning peak, and at the former intersection during the afternoon peak. The projected increase in ambient traffic over the next two years would exacerbate the situation and both intersections would be operating at unacceptable traffic conditions. These conditions would indicate the need for regional traffic improvements to mitigate the traffic problem. The project site intersection at Aulii Drive is operating at a level of service C in both peak periods and is forecast to remain so with ambient traffic conditions. The proposed project is forecast to generate under 250 trips in both the morning and afternoon peak hours. However, the majority

of these trips would be attracted from the traffic flow on Highway 130 and less than half would be directly generated trips. These trips would have a major impact on the project site intersection, changing the level of service for outbound trips from C to F in both peak periods. The traffic delay on the outbound approach of Aulii Drive can be mitigated by providing separate left and right turn lanes. No traffic operations problems are forecast at the intersection of the project access driveway and Aulii Drive in both peak periods.” By letter dated April 26, 2005, the State of Hawaii Department of Transportation found the TIAR acceptable subject to a reservation of rights to remove the recommended traffic signals, and subject to the State’s right to require a traffic warrant study.

31. **Water:** Water can be made available from a 12-inch waterline along Highway 130. According to the Department of Water Supply, there are four (4) units of water available for the project site.

32. **Wastewater:** According to the applicants, they are proposing to utilize a septic system designed and constructed in accordance with the requirements of the State Department of Health, or an alternative system deemed necessary by the State.

33. **Other Essential Utilities and Services:** Telephone and electrical services are available to the site. Police and Fire services are located in Pahoia and Keaau.

AGENCIES’ COMMENTS

34. **Civil Defense Agency (December 16, 2004 Memo):**
“The hazards are adequately described by this plan, however the following issues are addressed below: The proposed site is located beyond the acceptable range of the nearest Emergency Outdoor Warning Siren. Recommend developer purchase and install approved Emergency Outdoor Warning Siren.”

35. **Department of Public Works: (See Exhibit B – December 15, 2004 Memo)**

36. **Department of Water Supply: (See Exhibit C – December 28, 2004 Memo)**

37. **Department of Environmental Management-Solid Waste Division: (See Exhibit D – November 23, 2004 Memo with attached guidelines)**

38. **Department of Health: (See Exhibit E - December 3, 2004 Memo)**

39. **Land Use Commission: (See Exhibit F – December 7, 2004 Letter)**

40. **Orchidland Community Association, Inc.: (See Exhibit G – December 16, 2004 Letter)**

41. **State Department of Transportation (See Exhibit AA – January 20, 2005 Letter)**

AGENCIES – NO COMMENTS

42. **Police Department and Fire Department**

AGENCIES – NO RESPONSE

43. **Department of Land and Natural Resources –Land Division and State Historic Preservation Division.**

APPLICANT’S RESPONSE SUBMITTALS

44. The applicant’s representative has submitted the following in response to agency comments and/or letters from the public. **(See Exhibit H – December 20, 2004 and January 10, 2005 Letters)**

PUBLIC COMMENTS

45. The following are letters that have been received by the Planning Department regarding the subject application: **(See Exhibit I – Letters from Public)**

- a) Jon Olson, Chairman of the Puna Traffic Safety Council
- b) Ellie and Michael Eich
- c) Gisela Krammer-Coleman
- d) Margaret James
- e) Robert Ely
- f) Connie Cappos
- g) Carol Noel
- h) Margaret and Raynard Pang
- i) Andrew Coyne
- j) Kristie Goin (2 letters)
- k) Luke Bailey
- l) Craig Shimabukuro
- m) Douglas Oki
- n) Rueben Kay
- o) Keone Iranon
- p) Mark Rodriguez
- q) Frank Lucas
- r) Steven Matsuura
- s) Douglas Pang
- t) Gilbert Chang
- u) Shawn Suga
- v) Bob Dean
- w) Phillip Abadilla
- x) Harold Uyeno
- y) John Kalawe Jr.

Additional letters have been received by the Planning Department regarding the subject application: **(See Exhibit BB – Letters from Public)**

- aa) Dolly Julian
- bb) Muhammad Yunis
- cc) Sandra Kimi Yokomizo for William J. Kimi Jr.

- dd) Kristopher Whiting
- ee) Big Island Land Co., Ltd.
- ff) Robert Kobayashi
- gg) Marlene and Floyd Lundquist
- hh) Gary Safarik
- ii) Mark William
- jj) GW Construction (2 transmittals)

46. The Orchidland Community Association (“OCA”) timely applied for and was granted standing as a party to a contested case, based on the OCA’s responsibility for maintenance and liability for the private roadway which the project would use for access. OCA and Applicants came to agreement regarding the OCA’s concerns, and OCA offered to withdraw as a party if certain conditions were included in the special permit. These conditions were that the applicant will limit the project to a full-serviced grocery store and retail/office type facility, install a traffic light at the Aulii Street-Highway 130 intersection, construct a right turn movement access from the Highway into the project site, improve Aulii Road along the entire frontage of the project to the highway with a minimum 20-foot wide pavement and shoulders with dedicated right/left turn lanes at Aulii Road to the Highway, pay a \$100/day trash impact fee to the Association for any drive throughs, and pay 4 cents per square foot of sales area to the Association to help defray the cost of the required insurance

47. The Planning Director, Applicants and OCA stipulated on the record at hearing on May 13, 2005 to hold an informal contested case hearing at that time, and to allow the Commission to vote upon disposition of the application based on that informal hearing.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Planning Commission makes the following Conclusions of Law, including mixed findings of fact and conclusions of law:

1. The Planning Commission has jurisdiction over this application pursuant to Hawaii Revised Statutes Section 205-6. In considering a Special Permit for any proposed use, the Planning Commission must find that the proposed use:
 - 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.

2. **The proposed use will not promote the effectiveness and objectives of Chapter 205, H.R.S., as amended.** Through the passage of Chapter 205, H.R.S., otherwise known as the State Land Use Law, the State Land Use Commission was established. It called for classification of all lands in the State and authorized the adoption of rules of practice and procedure and regulations for land use within the various land use districts. The four land use districts (Agricultural, Rural, Urban and Conservation) created by the State Land Use Commission provided the basic legal framework of land uses in the State of Hawaii and assisted in the implementation of the long-range land use objectives of the State and Counties. The intent

of these statutory provisions is 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 in Hawaii. The proposed request is located in an area designated Agricultural by the State Land Use Commission. As the requested uses are not permitted in the State Land Use Agricultural District, a special permit is required to allow the use to be permitted. The development of a commercial retail and office complex at this particular location would not be best suited for this area of Puna. Similar uses have been established and are located in an area that is more suitable for the residents of lower Puna.

3. In addition to the above, Rule 6 of the Planning Commission relating to Special Permits require that such action conform to the following criteria:

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

4. **It is felt that the granting of this particular request at this particular location would, in fact, be inconsistent with the objectives to be sought to be accomplished by the Land Use Law and Regulations as well as the County General Plan.** A goal of the General Plan 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” while maintaining a policy to “. . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.”

5. The applicants propose to develop a “commercial retail and office complex (Orchidland Business Center)”, which would a full service 30,000 square foot supermarket, and a 5000 square foot restaurant, personal services and office building. Within this particular section of the Puna District, commercial development has been established on Orchidland Drive with the establishment of the Orchidland Convenience Center and the Orchidland Trade Center, a distance of approximately ½ mile northwest of the project site. These establishments have been approved to allow similar uses that are being proposed by the applicants for this area.

6. The proposed request fails to address the fundamental problems associated with the development of the commercial center in this particular area, which is the inability to establish an effective land use pattern. Effective land use planning requires a regional perspective towards establishing a proper land use pattern within a given area. The proposed commercial retail and office complex will be located approximately ½ mile away from the approved Orchidland Estates Convenience Center and Orchidland Trade Center area on the same side of Highway 130. As previously mentioned, Orchidland Drive area has already established itself as the central commercial area for such services for this particular section of Puna.

7. The Planning Department has sought to concentrate commercial and similar types of uses along Orchidland Drive in an attempt to control traffic and related infrastructure improvements within a localized area. Until such time as regional infrastructure is able to accommodate widespread urban level of development, it would not be prudent to sanction the spread of such traffic-generating uses in a manner which would frustrate the government's efforts to control the amount of impacts such uses will create. It is likely that the intersection with major commercial uses will eventually have to be signalized. Orchidland Drive, for example, will probably be signalized. Additional signalizing of Aulii Drive would worsen the flow of traffic on the highway.

8. Another consideration is the potential for encouraging strip commercial development should the request be approved. Approval of the request would establish two separate commercial nodes that may attract the "in-filling" of lands between these nodes by other commercial developments. Such strip development would create rapid growth increase in adverse impacts to traffic as multiple access points would be required for such developments. The proposed development alone would create another traffic generator at another intersection (Aulii Drive) along a very congested Highway 130. As noted in the submitted Traffic Impact Analysis Report, the proposed project would have a major impact on the project site intersection, changing the level of service for outbound trips from C to F in both peak periods. The project would create significant delays for Orchidland residents trying to leave the subdivision on Aulii Drive at peak periods. By attempting to concentrate commercial and related uses along Orchidland Drive, it would ease the need for further roadway improvements in the area to accommodate these commercial uses.

9. From a visual point of view, it would be better to support commercial development that grows on an axis perpendicular to Highway 130, like the Orchidland Drive development, than projects that seem highly dependant on highway frontage.

10. In summary, the proposed request is essentially similar to the existing Orchidland Convenience Center and Orchidland Trade Center in its approved expansion, which is located approximately ½ mile from the proposed site. Approval of commercial developments for this area in Puna, at this point in time, should be concentrated along Orchidland Drive in the Orchidland Estates Subdivision. As cited above, approval of this request in this particular location would not be consistent with the following policies of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments" and to ". . . 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, it is determined that the establishment of a “commercial retail and office complex” at this particular location would not promote the effectiveness and objectives of the State Land Use Law.

III. DECISION AND ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, Special Permit application SPP No. 04-018 is hereby **DENIED**.

DATED: Hilo, Hawai‘i, JUN 7 2005.

PLANNING COMMISSION
COUNTY OF HAWAI‘I



Fred Galdones, Chairman