

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

August 18, 2005

Mr. Melvin W. Miranda
P.O. Box 2000
Kamuela, HI 96743

Dear Mr. Miranda:

Special Permit Application (SPP 05-009)
Applicant: Melvin W. Miranda
Request: Establishment of a Contractor's Yard on 1 Acre of
Land Within the State Land Use Agricultural District
Tax Map Key: 4-7-7:55

The Planning Commission at its duly held public hearing on August 5, 2005, voted to approve the above-referenced application to allow the establishment of a contractor's base yard on approximately one acre of land situated in the State Land Use Agricultural District. The property is located along the north (makai) side of the Hawaii Belt Highway (Highway 19) at approximately 47.5-mile marker, Kapoaula, Hamakua, Hawaii.

The Planning Director recommended denial of the subject request; however, the Planning Commission voted to approve the application based on the following:

The Planning Commission found that the applicant's request for a contractor's baseyard was misnamed and that the use is more properly called an agricultural trucking baseyard. This decision was based on supportive documentation from the applicant showing that 61% of Miranda's Trucking business is agricultural related, including the hauling of livestock, ranch and farm supplies, livestock feed and water and material for agriculture.

The Planning Commission also found that there is insufficient daily traffic generated by Miranda's Trucking business to warrant traffic concerns. Access to the project site is from Mamalahoa Highway (Highway 19) between the 47 and 48 mile

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markers. This is a State Highway that has a 42-foot paved roadway with paved shoulders within an 80-foot wide right-of-way. The property is accessed from parcel 53, which is a private 60-foot wide right-of-way. The Department of Transportation commented that the applicant would be required to channelize the roads for turns and to put in guardrails. Miranda's Trucking operates only four (4) semi trucks, which leave early in the morning and return in the evening. The trucks are usually empty when they leave and return. The Planning Commission decided that this amount of traffic did not warrant channelization of the highway. The Planning Commission added a condition of approval limiting the amount of semi-trucks to six (6) that can be used by the applicant. They also added a condition prohibiting the applicant to allow other businesses to store vehicles on their property.

Lastly, the Planning Commission found that the applicant has addressed the adverse negative visual impacts by moving all of the heavy equipment into an area that is not visible from the highway or from neighboring properties.

Based on the above considerations, the request to establish an agricultural trucking business on the subject property would be an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. Final Plan Approval from the Planning Director shall be secured within one year from the effective date of this permit in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, driveway access and the amount of parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties that may be caused by the proposed auto repair operation, in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping for the area covered by the special permit (1 acre) shall follow the standards applicable to light industrial zones that abut residential zones.
3. The agricultural trucking baseyard shall be conducted in substantial conformance with representations made in the application.

4. There shall be no vehicle storage allowed for other businesses on the property.
5. No more than six (6) semi-trucks shall use the baseyard.
6. Fuel storage, fueling and oil changes shall be conducted on a paved area.
7. The applicant shall collect and dispose of waste oil, batteries, tires, etc., in accordance with all applicable government regulations.
8. A description of the 1-acre permit area in map and written form by metes and bounds as certified by a registered surveyor shall be submitted to the Planning Department. All vehicles and equipment storage shall be limited to the specified 1-acre area.
9. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
10. 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).

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.

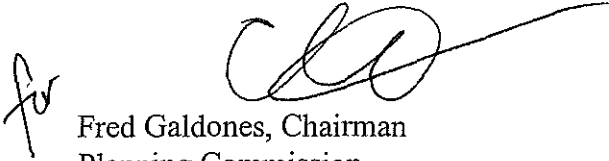
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Melvin W. Miranda

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred Galtones', is written over a large, stylized circular scribble.

Fred Galtones, Chairman
Planning Commission

Lmiranda01PC

cc: 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