

CERTIFIED MAIL

June 21, 1982

Ms. Betty Pettingill
Star Route Box 6128
Captain Cook, HI 96704

Dear Ms. Pettingill:

Special Permit Application (82-4)
TMK: 9-2-86:14

The Planning Commission at its duly held public hearing on June 17, 1982, voted to approve your application, Special Permit No. 515, to allow the establishment of a real estate office within portion of the existing single family dwelling located on 55,306 square feet of land and situated within the State Land Use Agricultural District within the Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations 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 of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics. The subject property's dominant soil type is A'a lava. The Land Study Bureau's rating of these lands for overall agricultural productivity is Class "E" or Very Poor. Furthermore, the subject area has not been included in the Department of Agriculture's classification of

JUN 24 1982

Ms. Betty Pettingill
Page 2
June 21, 1982

Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property and the above-cited criterion for determining the Agricultural District.

The proposed use will not adversely affect the surrounding properties. The nature and scale of the proposed real estate office is compatible with the County's Zoning Code definition of a "home occupation." Therefore, the primary use of the structure remains residential in character and the impacts resulting therefrom are anticipated to remain the same.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. Again, the limited nature of the proposed real estate office will not require any additional demands or expansion to those services and facilities already available to the subject property.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. In terms of population, this section of the Ka'u district has grown since the district boundaries and regulations were established. The demand for increased real estate-type services in the area is evidenced by the approval of four (4) other Special Permits for the establishment.

Based on the foregoing findings, it is determined that the proposed home occupation for a real estate office is an unusual and reasonable use of land within the State Land Use Agricultural district. As such, it is further determined that approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this Special Permit request is subject to the following conditions:

1. That the petitioner or her authorized representative shall be responsible for complying with the stated conditions of approval.
2. That the realtor/broker must inhabit the affected single family dwelling.

Ms. Betty Pettingill

Page 3

June 21, 1982

3. That the real estate office use shall be restricted only to persons living in the subject dwelling unit.
4. That there be no visible sign or display on the premises advertising the real estate activity.
5. That one (1) parking stall, meeting with the approval of the Planning Director, shall be provided for the real estate office.
6. That all other rules, regulations and requirements be complied with.

Should any of the foregoing conditions not be met the Special Permit shall be automatically void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



ALFREDO ORITA
CHAIRMAN, PLANNING COMMISSION

lgv

cc: Department of Public Works
Department of Water Supply
Kona Services Office

bcc: Plan Approval Section