

CERTIFIED MAIL

August 19, 1982

Dr. Marvin Royce, M.D.
P. O. Box 1269
Kilua-Kona, HI 96740

Dear Dr. Royce:

Special Permit Application (82-8)
TMK: 9-2-17:9

The Planning Commission at its duly held public hearing on August 17, 1982, voted to approve your application, Special Permit No. 518, to allow the conversion of a portion of an existing single family dwelling into a doctor's office located on 2 acres of land and situated within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, Ka'u, Hawaii.

Approval of this request is based on the following:

The subject vicinity is composed of a few large nonconforming subdivisions with a total of 12,288 lots and 190+ houses as of April 1981. Since that time an unknown number of additional homes have been constructed in the area. While these trends have arisen giving further rise to the need for medical care no such care is presently available within approximately 25 miles of the subject property. Based on these needs it is determined that the approval of the subject request would not be contrary but would promote the intent of the State Land Use Law and Regulations which is "to preserve, protect and encourage the development of lands within the State for those uses to which these lands are best suited in the interest of public health and welfare of the people of the State of Hawaii (emphasis added)."

The proposed use would basically be limited to the petitioner and his wife although outside yard and paperwork help may be included. No additional professional staff will be employed except these persons residing in the dwelling.

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Further, the petitioner intends to schedule visits by appointment and thus should result in a relatively low volume service well-spaced over time. These circumstances are not anticipated to adversely affect public agencies to provide the necessary infrastructural and other-related services.

Additionally, the relatively low well-spaced volume of business and the generally quiet nature of the business should not create significant adverse impacts to surrounding properties.

Finally, the land upon which the use is proposed is not highly suited to the pursuit of agricultural endeavors. This land is classified as A'a lava by the Soil Conservation Service and given a Master Productivity Rating of Class E or Very Poor by the Land Study Bureau. Further the land is not classified as Prime, Unique or Other Important Land by the State Department of Agriculture ALISH classification system.

Although it is recognized that the proposed use would not be located in the Alternate Urban Expansion area intended for such uses the proposal does meet many of the guidelines for determining a home occupation. In this case the petitioner proposes to conduct the activity entirely within the dwelling, provide the essential services by himself with assistance from his wife both of whom would reside in the dwelling, post no signs visible from the outside, and thus the use would be subordinant to the residential use of the property. Based on this limited compliance with the guidelines for home occupations and the great need for the service being offered, it is determined that the request should be approved. However, recognizing the long term need to centralize commercial activities in areas appropriately designated on the General Plan Land Use Pattern Allocation Guide Map this permit is being issued for a 5-year time period only. At the end of this period the petitioner will either have to relocate to a more suitable location or seek an extension to the permit from the Planning Commission. In this way the approval of the request will not necessarily be contrary to the long term intent of the General Plan.

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

1. That the petitioner, or his authorized representative, shall be responsible for complying with all conditions of approval.

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2. That the proposed use shall be established within one (1) year from the effective date of the Special Permit.
3. That final Plan Approval in accordance with Chapter 8 (Zoning Code), of the Hawaii County Code shall be obtained prior to the start of the proposed use.
4. That this permit shall become automatically void five (5) years from the date of approval of the Special Permit.
5. That the requirements of the State Department of Health shall be complied with.
6. That all other applicable rules, regulations, and requirements shall 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: State Land Use Commission
Department of Public Works
Department of Water Supply
County Kona Office

bcc: Plan Approval Section