

CERTIFIED MAIL

March 9, 1984

Mr. Frank Belcher
P. O. Box V
Naalehu, HI 96772

Dear Mr. Belcher:

Special Permit Application(84-3)
TMK: 9-4-19:5

The Planning Commission at its duly held public hearing on March 7, 1984, voted to approve your application, Special Permit No. 546, at Waiomao, 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 purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for 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 and ancillary activities by reason of topography, soils, and other related characteristics. The subject area's dominant soil type is Punaluu extremely rocky peat. This soil type is rated low for agricultural activities. 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 potential for the subject area and the above-cited criterion for determining the Agricultural District.

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It should be further noted that the petitioner will be utilizing an existing single family dwelling within a non-conforming subdivision consisting of lots ranging in size from 11,000 to 67,000 square feet in size. As such, approval of the subject request will not have any impact on the agricultural potential of the subject property or the surrounding area. From a policy analysis standpoint, therefore, it is determined that approval of the subject request will not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. 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. While the Discovery Harbour Subdivision is still sparsely populated, the vast majority of the dwellings have been constructed in the past few years. This is an indication that the demand for real estate-type services in the area is on the rise.

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.

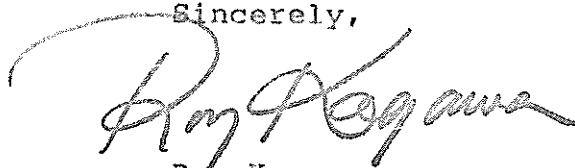
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Approval of this special permit request is subject to the following conditions:

- A. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- B. The individual utilizing the dwelling for real estate purposes must reside in the affected single family dwelling.
- C. There shall be no visible sign or display on the premises advertising the real estate activity.
- D. The use shall be restricted to a "home occupation" as defined under Section 25-4, Division 1, Article 1 of Chapter 25 (Zoning Code), Hawaii County Code 1983, as amended.
- E. All other applicable rules, regulations, and requirements shall be complied with.
- F. Should the Planning Department determine that any of the foregoing conditions have not been met, the Special Permit shall be void.

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

Sincerely,



Roy Kagawa
Chairman, Planning Commission

cc: Chief Engineer
Building Section, Public Works
Dept. of Water Supply
Kona Services Office

bcc: Plan Approval Section