

CERTIFIED MAIL

December 19, 1984

Ms. Shirley Isaacs  
Puakea Bay Ranch Partnership  
P. O. Box 10280  
Honolulu, HI 96816

Dear Ms. Isaacs:

Special Permit Application (84-23)  
TMK: 5-6-01:24 & 43

The Planning Commission at its duly held public hearing on December 12, 1984, voted to approve your application, Special Permit No. 84-23, to allow the construction of a guard house at the entrance of the Puakea Bay Ranch Subdivision situated within the State Land Use Agricultural District at Puakea, North Kohala, 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 Agriculture by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also includes lands which are surrounded by or contiguous to agricultural lands that are not suited to agricultural or ancillary activities by reasons of topography, soils, and other related characteristics. The Land Study Bureau's overall master productivity for the soil in this area rating is "D" or poor.

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

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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 security building is considered to be minor in terms of its physical and visual impact to any scenic or view planes in this area. Therefore, the size, bulk, architecture, function and placement of the proposed structure and the impacts resulting therefrom are not anticipated to adversely affect the surrounding lands or properties.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. Puakea Bay Ranch subdivision is still in the process of providing the necessary infrastructural requirements for the development. Thus, the minor nature of the construction of the security building will not require any additional demands or expansion to service and facilities already available to the subject property.

The land upon which the proposed use is sought is unsuited for the land uses permitted within the district. The area in which the proposed security building is to be constructed is within a parcel which has been subdivided for road access purposes. The road right-of-way was established at one hundred and twelve (112) feet for this main access, far exceeding the minimum County Subdivision standard right-of-way of sixty (60) feet. Thus far, the right-of-way has been improved with a pavement width of twenty (20) feet and shoulders; these improvements and the use of the right-of-way for access purposes negates any further options or potential for agricultural purposes.

Furthermore, the small scale and location of the structure and the proposed use will not substantially alter or change the essential character for the land and the present use as the roadway access has already been constructed.

Based on the foregoing findings, it is further determined that the proposed security building is an unusual and reasonable use of the land within the State Land Use Agricultural District and that the 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:

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1. That the Petitioner or its authorized representative shall be responsible for complying with the stated conditions of approval.
2. That the plans for the security building, including a detailed landscaping plan be submitted for final "Plan Approval" within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
3. That the location of the proposed structure shall meet with the approval of the Chief Engineer, Department of Public Works.
4. That the Department of Health and the Department of Water Supply requirements be complied with.
5. That all other rules, regulations and requirements be complied with.
6. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely manner, this 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: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
County of Hawaii, Kona Office  
State Land Use Commission

bcc: Plan Approval Section