

CERTIFIED MAIL

July 9, 1985

Ms. Pamela Kvicala  
SR 4615  
Keaau, HI 96749

Dear Ms. Kvicala:

Special Permit Application(85-19)  
TMK: 1-6-64:187

The Planning Commission at its duly held public hearing on July 2, 1985, voted to approve your application, Special Permit No. 597, to allow the establishment of a real estate business as a home occupation within an existing single family dwelling situated on 2 acres of land within the State Land Use Agricultural District at Orchidland Estates Subdivision, Keaau, Puna, 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 these statutory provisions 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 in Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The property is not classified by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system. Further, the Land Study Bureau's overall master productivity rating for agricultural uses is Class "E" or Very Poor. However, while the soil may not be suitable for agricultural use, the proposed use within the existing dwelling will not restrict the land from being used for agricultural purposes. The remainder of the area is currently vacant and can be put into agricultural use.

It should be further noted that approval of the subject request will not have any adverse impact on the future agricultural potential of the subject property or the

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surrounding area. As such, from a policy analysis standpoint, it is determined that approval of the subject request would not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. As stated previously, the proposed use will be situated within the existing single family dwelling. The nature and scale of the proposed real estate business will be compatible with the County's Zoning Code definition of a "home occupation." Therefore, the primary uses on the subject property will remain residential and agricultural 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, water, and other similar infrastructure or services. Again, the limited nature of the proposed use will not require any additional demands or expansion to those services and facilities already available to the subject property.

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

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

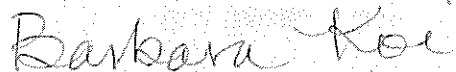
- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. The proposed use shall be restricted to the individual(s) residing in the single family dwelling on the subject property.
- c. The proposed use shall be in operation within one year from the effective date of the Special Permit.
- d. There shall be no visible sign or display on the premises advertising the real estate business.
- e. 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.

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- f. All other applicable rules, regulations, and requirements shall be complied with.
- g. Should the Planning Director determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

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

Sincerely,



Barbara Koi, Vice Chairman  
Planning Commission

cc: State Land Use Commission  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division

bcc: Plan Approval Section