

CERTIFIED MAIL

February 20, 1986

Ms. Ida Smith  
P. O. Box 1209  
Pahoa, HI 96778

Dear Ms. Smith:

Special Permit Application (85-23)  
TMK: 1-5-06:23

The Planning Commission at its meeting on February 13, 1986, voted to approve your application, Special Permit No. 612, to allow the establishment of a store and restaurant on 23,196 square feet of land situated within the State Land Use Agricultural District at Nanawale Homesteads, Pahoa, Puna, Hawaii.

Approval of this request is based on the following:

1. One of the principal objectives of the Land Use Law 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 Hawaii. In this case, the subject property is classified Agricultural by the State Land Use Commission, and consequently, it is important to assess this request's impact from an agricultural perspective.

In this situation, the subject property, although being within the Agricultural District, is not used in any material way for agricultural pursuits. There is an existing dwelling on the property, and any agriculturally-related uses are domestic in nature such as a yard and the small anthurium area. From all practical standpoints, the property is being used for residential and not agricultural purposes.

Furthermore, the size of the property (23,196 square feet) does not readily lend itself to active agricultural activities. It is a size that is generally found and authorized within the Urban or Rural districts.

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While it could be argued that even an 1/2 acre parcel could have agricultural value, it should be noted that in this case, the subject parcel does not have any unique soil or other natural resource characteristics to render it agriculturally significant from a resource standpoint. The Land Study Bureau does not classify this property, and more so, the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) map classifies this land as being within the category of "Other Important Agricultural Land." Had this land been deemed agriculturally significant, it probably would have been placed in the "Prime" category.

The immediate surrounding area is not in any active agricultural use. The public high school in that area is situated across or south of the subject property. Residential activities, including a church, are found to the west; and commercial activities are situated in that area, approximately 800 feet or less than a block away. The area to its rear or north is characterized by abandoned canefields and not in any active agricultural activity.

That area is also situated in the Low Density Urban Development area of the General Plan and therefore scheduled for some sort of urban related development in the future. Thus, approval of this request should not have any immediate or long-term agricultural impact to the existing and surrounding areas.

At the same time, the proposed activities may indirectly benefit the agricultural industry. Some of the existing and proposed uses, such as the anthurium garden and the sale of products grown on the premises are already permitted. The other uses would complement these allowable uses, and in turn may aid the island's overall agricultural industry. The proposed flower shop and country store will provide new opportunities to market and promote locally raised and produced ornamental agricultural products. The provision of these new marketing opportunities as well as the increased visibility of the products will, to some extent, benefit the overall agricultural potential of this area and of the State and County in general.

2. As noted above, the proposed use would not adversely affect surrounding properties and their improvements. Adequate on-site parking will be provided to minimize any adverse impact to the immediate neighbors. Other off-site improvements, as may be required by the affected government agencies, should also be made to mitigate any potential impacts to surrounding properties.

While a point has been made of this project's possible adverse impact to the existing commercial core, it should be noted that the commercial area is less than a normal commercial block away -- 800 feet. Thus, the request would appear to extend rather than create a new commercial district. The subject area is still part and parcel of Pahoa Town. It is therefore believed that this use would not be taking away from the existing commercial activities. Instead, it should complement and strengthen this entire area as a true regional center for the lower Puna District.

3. The proposed use will not unreasonably burden public agencies to provide roads, water and other similar infrastructure or services. All necessary infrastructure and services are already or will be available to the subject property.

Based on the foregoing, the Commission finds that the subject request is for an unusual and reasonable use which would promote the objectives sought to be accomplished by the Land Use Law and Regulations.

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

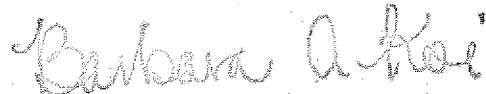
1. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
2. Plans for the proposed uses shall be submitted for Plan Approval within one year from the effective date of the Special Permit. 2/20/86
3. The proposed uses shall be in operation within one year from the date of receipt of Final Plan Approval.
4. All water runoff generated by the development shall be disposed of on-site; shall not be directed toward any adjacent properties; and shall be built in accordance with the requirements of the Department of Public Works.
5. A future road widening setback shall be established to continue the existing right-of-way to the east (TMK: 1-5-06:25) of the subject property at the time of Final Plan Approval.
6. All new structural improvements shall respect the residential setbacks applicable to properties of this size; provided further that no structural improvements shall occur within the future road widening setback area.

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7. That access to the property under consideration shall conform to the requirements and standards of the State Department of Transportation, Land Transportation Facilities Division, and of the County Department of Public Works.
8. All other applicable rules, regulations, and requirements shall be complied with.
9. 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 A. Koi  
Chairperson, Planning Commission

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

bcc: Plan Approval Section