

CERTIFIED MAIL

October 22, 1985

Ms. Faye Balga  
SR 4060  
Keaau, HI 96749

Dear Ms. Balga:

Special Permit Application(86-27)  
TMK: 1-5-37:27

The Planning Commission at its duly held public hearing on October 15, 1985, voted to approve your application, Special Permit No. 606, to allow the establishment of a commercial kitchen to prepare food for a lunchwagon operation within a single family dwelling situated on 1 acre of land within the State Land Use Agricultural District at Hawaiian Paradise Park 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 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 pahoehoe lava. 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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The proposed use will not adversely affect the surrounding properties and their improvements. The proposed commercial kitchen of only 100 square feet in floor area will be contained within the structure of the single family dwelling. The subject property is of sufficient size, 1.0 acres, to enable adequate setbacks and buffers to be established. Additionally, the nature and scale of the proposed commercial kitchen 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 and other similar infrastructure or services. The current roadway conditions are adequate given the scale and nature of the proposed use. Access to the subject property is provided by 22nd Avenue which has a 40-foot wide right-of-way and approximately a 10-foot wide hard packed cinder surface. Shower Drive leading to 22nd Avenue is a 60-foot wide right-of-way with a 20-foot wide pavement from the highway to 26th Avenue, a 20-foot wide cinder surface road from 26th Avenue to 23rd Avenue and narrowing to a 12-foot cinder surface road from 23rd to 22nd Avenue. Water supplies, as required by the Department of Health and the Fire Department, will also be required as conditions of approval.

Based on the foregoing findings, it is determined that the proposed commercial kitchen within a single family dwelling 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.

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 family members and individuals residing in the single family dwelling on the property.
- c. 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, and the petitioner shall obtain a home occupation agreement.

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- d. The plans for the proposed use shall be submitted for Plan Approval within one year from the effective date of approval of the Special Permit.
- e. The proposed use shall be in operation within one year from the date of receipt of final plan approval.
- f. There shall be no visible signage or display on the premises advertising the commercial kitchen business.
- g. Special permit shall terminate upon either the termination of the commercial kitchen activity or upon the sale of the property by the petitioner, whichever occurs first.
- h. All other applicable rules, regulations, and requirements, including those of the State Department of Health and the Fire Department shall be complied with.
- i. Should the Planning Department 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*

Barbara A. Koi  
Chairman Pro Tem, Planning Commission

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

bcc: Plan Approval Section