

CERTIFIED MAIL

May 14, 1986

Mr. Melvin McFillen, President
Discovery Harbour Community Association
P. O. Box 651
Naalehu, HI 96772

Dear Mr. McFillen:

Special Permit Application (86-5)
TMK: 9-4-19:124

The Planning Commission at its duly held public hearing on May 8, 1986, voted to approve your application, Special Permit No. 617, to allow the establishment of a community center complex which includes a building for a meeting hall and a building to house a fire truck on a 1.58-acre lot situated within the State Land Use Agricultural District at Waioma, 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 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 agriculture by the State Land Use Commission. The original application for the original Mark Twain Estates (DISCOVERY HARBOUR) subdivision was made on January 12, 1960 and preliminary approval was granted on January 25, 1962. This preliminary subdivision approval was granted prior to the adoption of the present Zoning and Subdivision codes. At the time of the development of this subdivision, Interim Zoning Ordinance No. 183 and Subdivision No. 24 were in effect, which permitted the smaller residential lot sizes. Also the County approved an Improvement District for this development to assist in the construction of the infrastructural improvements. When the present A-1a zoning was adopted for this area in 1967, the subdivision gained a non-conforming status in terms of the lot sizes. The subject property is part of Unit One of the Discovery Harbour Subdivision which received final subdivision approval on May 5, 1972. The Discovery Harbour Subdivision consists of

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approximately 826 lots with an average lot size of 13,000 to 14,000 square feet. There is also an 18 hole golf course included in this development. Although the subject property is within the State Land Use Agricultural district, the subdivision is basically a residential area. The proposed Community Center and Fire Truck House and related improvements shall be situated on an area originally designated for parking by the Discovery Harbor Subdivision master plan. Since the proposed improvements will be confined to this area, it will not displace any existing agricultural activity or diminish any agricultural potential in the area. As such, it is determined that approval of the request would not be contrary to the objectives of the State Land Use Law and Regulations.

It should be further noted that approval of the request will not have any adverse impact on the future agricultural potential of the property or the surrounding area. As such, from a policy analysis standpoint, it is determined that approval of the request would not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. The proposed Fire Truck House will be situated approximately 140 feet from the nearest residential lot to the north. The proposed improvements have been centrally sited on the subject property. The Fire Truck House will be 24 feet by 40 feet (960 s.f.) in size, the restroom building will be 10 feet by 14 feet (140 s.f.) in size, and the Meeting Hall will be 24 feet by 40 feet (960 s.f.) in size. A lanai is also intended to be constructed between the meeting hall and the fire truck house. The nearest single family dwelling is located approximately 250 feet west from the proposed fire truck house. The areas to the west, south and east are part of the Discovery Harbour Subdivision and to the north are the residential lots. Therefore, the size, scale and siting of the proposed improvements will not create any negative physical or visual impact on the surrounding properties. Furthermore, the proposed improvements are intended to provide the necessary fire and community services for the residents of this subdivision.

The proposed use will not unreasonably burden public agencies to provide road, 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 property.

Although the land upon which the proposed uses are sought is suited for the land uses permitted within this agricultural district, the subject area was originally designated for a

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parking area for the golf course. It should also be noted that fact that the subdivision is a residential subdivision despite its agricultural designation. As such there will be no major displacement or loss of any active or potential agricultural lands, nor will it preclude any agricultural activity from occurring on the property.


Based on the foregoing, it is determined that the subject request is an unusual and reasonable use which is not contrary to 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 improvements, including a detailed landscaping plan and parking area shall be submitted to the Planning Department for "Plan Approval" within one year from the effective date of approval of the Special Permit.
3. The construction of the proposed improvements shall commence within one year from the effective date of receipt of final Plan Approval and be completed within three years thereafter.
4. All other applicable rules, regulations, and requirements shall be complied with.
5. The Planning Director may administratively grant extensions to the foregoing time condition(s). Further, should the Director determine that any of the 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
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section