

CERTIFIED MAIL

April 29, 1986

Mr. Robert Q. Davis  
75-824 Hiona Street  
Holualoa, HI 96725

Dear Mr. Davis:

Special Permit Application (86-6)  
TMK: 7-5-24:11

The Planning Commission at its duly held public hearing on April 23, 1986, voted to approve your application, Special Permit No. 615, to allow the construction of a guest house on 1 acre of land situated within the State Land Use Agricultural District at Keopu 3rd, North Kona, 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. While the area under consideration is classified as Agricultural by the State Land Use Commission, this district classification 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 property's dominant soil type is rated low for agricultural activities. Although it is possible that some agricultural activities may be conducted on the subject property, this section of the Keopu Heights Subdivision is recognized as being a large lot residential subdivision. Therefore, approval of this particular request will not have any adverse impact on the agricultural potential of the property or the surrounding lands. As such, from a policy analysis standpoint, it is determined that approval of the request will not be inconsistent with the General Plan. It also will not be contrary to the objectives of the State Land Use Law and

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Regulations given the low agricultural potential for the subject area, its basic land use characteristic of being residential in nature, and the above-cited criterion for determining the Agricultural District.

The proposed use will not adversely affect the surrounding properties and their improvements. The proposed guest house will be only 350 square feet in size and will be less than 15 feet in height. It also will be situated at the rear portion of the property and in back of the main dwelling which is currently under construction. The structure will hardly be visible from Hiona Street.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. Access to the property from Mamalahoa Highway is via the 60-foot wide Hiona Street which has a 24-foot wide pavement with 16-foot wide paved shoulders on both sides. While this subdivision has experienced flooding in the past, the approval of this particular request should not aggravate this problem. A 5/8-inch meter currently services the property. Since the guest house will be an accessory use to the main dwelling on the property, it will not require additional demands or expansion to those services and facilities already available to the property.

Based on the foregoing findings, it is determined that the proposed guest house to the main 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:

1. The applicant, successors or assigns shall be responsible for complying with all of the conditions of approval.
2. Construction of the guest house shall commence within one year from the effective date of the Special Permit and shall be complied within one year thereafter.
3. There shall be no kitchen facilities within the guest house. Further, all other applicable requirements of Chapter 25 (Zoning Code), Hawaii County Code, relative to size, height, setbacks, etc. shall be complied with.
4. All other applicable rules, regulations, and requirements shall be complied with.

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5. The Planning Director may grant administrative extension to the foregoing time condition. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall void this Special Permit.

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