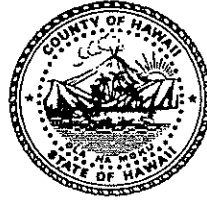


Harry Kim
Mayor

Geraldine M. Giffin
Chairperson



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL
7000 6000 0024 2904 9359

MAY 17 2002

Mr. Norair Amirhkanian
3801 West Fall Drive
Encino, CA 91436

Dear Mr. Amirhkanian:

Special Permit No. 622 Issued To James and Debra Talbott (86-12)
Subject: Revocation of Special Permit No. 622
Initiator: Planning Director
Tax Map Key: 1-6-3:85

The Planning Commission at its duly held public hearing on April 19, 2002, voted to revoke Special Permit No. 622, granted to James and Debra Talbott, per your request as the new landowner. The original permit allowed the establishment of an Inn and Restaurant on approximately 9.2 acres of land in the State Land Use Agricultural District. The property is located on the west side of Keaau-Pahoa Road across of the Keaau High School, Keaau, Puna, Hawai'i. Special Permit No. 622 is hereby revoked.

If you have any questions, please feel free to contact Eileen O'Hora-Weir or Susan Gagorik of our office at (808) 961-8288.

Sincerely,

Geraldine M. Giffin, Chairman
Planning Commission

xc: Ms. Gisella Coleman

018915

MAY 17 2002

CERTIFIED MAIL

July 30, 1986

Mr. & Mrs. James Talbott
SR 4044
Keaau, HI 96749

Dear Mr. & Mrs. Talbott:

Special Permit Application (86-12)
Tax Map Key: 1-6-03:85

The Planning Commission at its duly held public hearing on July 24, 1986, voted to approve your application, Special Permit No. 622, to allow the establishment of an Inn and Restaurant on 9.2 acres of land situated within the State Land Use Agricultural District at 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 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 U.S. Department of Agriculture, Soil Conservation Service Report identifies the soil in this area to be of the Olaa Silty clay loam (OaC) with 0 to 10 percent slopes; and the Land Study Bureau Overall Master Productivity rating for this area is D or Poor. The area is classified as "Prime" on the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) map. There has not been nor is there any major agricultural activities occurring on the subject property. The property is well landscaped with improvements consisting of the manager's residence, a second dwelling, a nursery building, a swimming pool and a stable building. Therefore, although the subject property is within the State Land Use Agricultural district, the function of the property has been for the use as a residence for the sugar plantation manager on the property, for the duration of the sugar company's presence. The Puna Sugar Company terminated its sugar business in Keaau in 1984. Since the proposed inn and restaurant would be confined within the existing manager's residence, it will not displace any existing

JUL 30 1986

Mr. & Mrs. James Talbott
July 30, 1986
Page 2

agricultural activity or diminish any agricultural potential in this 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.

The proposed use will not alter the essential character of the land. There will be no major exterior physical additions to the existing manager's residence as only interior renovations for the manager's residence and stable building are proposed. As such, the limited nature of the inn/restaurant, contained within the manager's residence, would not preclude the majority of the property from being used for agricultural purposes, if desirable. The petitioner will be maintaining the existing landscaping as well as enhancing the grounds with flower gardens. Additionally, the particular location of a historical building is important in relationship to the surroundings in which its historic nature is tied to. This factor is critically important, regardless of the land use zoning of a particular parcel. Based on these considerations, it is apparent that the requested use will not be materially detrimental to the underlying district designation, and that it is not such a large scale intrusion that would make it inappropriate for placement within the State Land Use Agricultural district.

The proposed use will not adversely affect the surrounding properties and their improvements. The surrounding properties are largely in sugar cane fields which are not being cultivated. The subject property is of sufficient size (9 acres) to accommodate all necessary structures and improvements as well as provide adequate buffers to surrounding properties. Additionally, due to the overall character of the area, the physical attributes of the subject property and the scale of the proposed facility, it is determined that the establishment of the proposed use can be made to be compatible with the area and would not be in conflict with the surrounding uses.

The proposed use will not unreasonably burden public agencies to provide roads and streets and other infrastructures and services. All essential services and utilities are available. The provision of adequate water for this facility and the compliance with the driveway requirements shall be required as a condition of approval.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Since the establishment of the district boundaries in the early 1960's, the population of the Puna district has grown and the Puna Sugar Company terminated its business operation in 1984. This has provided an opportunity for this location to be considered for alternative uses. The State Department of Agriculture and the

Mr. & Mrs. James Talbott
July 30, 1986
Page 3

State Department of Land and Natural Resources, Historic Sites Division have both endorsed the establishment of the inn/restaurant facility with certain conditions. Additionally, the County General Plan Historic Site element states the following goals, to "Protect and enhance the sites, buildings and objects of historical and cultural importance to Hawaii, and "Access to significant historic site, buildings and objects of public interest should be made available." Policies and standards in this element also encourage the restoration of significant sites, which are associated with a major group or organization in the history of the community, and associated with a past or continuing institution which has contributed substantially to the life of the community.

Since its inception, the Puna Sugar Company has had a significant economic impact as well as having made major social and cultural contributions in the Puna District by its presence. The architectural style of the existing manager's residence represents the era in which the sugar company flourished and was the sole employer in this area. The petitioner's plans for restoration and placement of this residence on the National Historic Register for public use and appreciation will be a beneficial addition to the County's inventory of historic buildings. The proposed inn/restaurant use is the petitioner's vehicle to implement the restoration program in order to retain the historic aspects of that era for the general public to experience. This is also of utmost importance in the implementation of the historic and cultural policies expressed in the County General Plan. As such, the proposed use in this particular location would not be contrary to the County General Plan.

Based on the foregoing, it has been determined that the proposed inn/restaurant is an unusual and reasonable use of land situated within the Agricultural district and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

Approval of this special permit request is subject to the following conditions:

1. The petitioner, successors or assigns shall be responsible for complying with all conditions of approval.
2. The plans for the proposed restoration of the manager's residence and stable building for the inn/restaurant use and related improvements, including a detailed parking and landscaping plan shall be submitted to the State Department of Land and Natural Resources, Historic Sites Division and to the Planning Department for Plan Approval within one year from the effective date of approval of the Special

*granted 1 year
extension to
7/24/88.*

Mr. & Mrs. James Talbott
July 30, 1986
Page 4

Permit. The plans shall show the provision of a parking area which would comply with the minimum parking requirements of the Zoning Code.

3. A written description of the restoration program and of the historical and cultural programs to be offered at this facility shall be submitted to the State Department of Land and Natural Resources, Historic Sites Division and the Planning Department as part of the Plan Approval submittal.
4. Construction of the proposed restoration for the inn/restaurant facility shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.
5. The proposed inn/restaurant facility shall be confined to the Manager's residence.
6. The provision of adequate water service shall meet with the Department of Water Supply and the State Department of Health requirements for inns and restaurants.
7. All proposed driveway connections shall meet with the State Department of Transportation, Highways Division requirements.
8. All other applicable County and State rules, regulations, and requirements shall be complied with.
9. The Planning Director may administratively grant extensions to the foregoing 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 Director shall initiate procedures to nullify the 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

bcc: Plan Approval Section