

CERTIFIED MAIL

September 4, 1986

Mr. & Mrs. David Halstead  
P. O. Box 6409  
Capt. Cook, HI 96704

Dear Mr. & Mrs. Halstead:

Special Permit Application (26-15)  
Tax Map Key: 9-2-03:16

The Planning Commission at its duly held public hearing on August 28, 1986, voted to approve your application, Special Permit No. 624, to allow the establishment of a gourmet food and gift mail order business within an existing single family dwelling situated on 43,580 square feet of land within the State Land Use Agricultural District at Hawaiian Ocean View Estates Subdivision, Kahuku, 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 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 a'a lava. This soil type is rated low for agricultural activities. Although it is possible that some agricultural activities may be conducted on the 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. Additionally, the nature and scale of the proposed operation 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. It should be noted that as a condition of approval, no outside employees will be permitted. The use will be restricted to only family members and individuals residing in the dwelling on the property.

The proposed use will not unreasonably burden public agencies to provide roads and other infrastructure or services. Further, the limited nature of the proposed uses will not require any additional demands or expansions to the services and facilities already available to the property.

Based on the foregoing findings, it is determined that establishment of the proposed gourmet food and gift mail order business within the 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:

1. The petitioners shall be responsible for complying with all of the stated conditions of approval.
2. The proposed use shall be restricted to family members and individuals residing in the single family dwelling on the property.
3. 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, as amended.
4. 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.
5. The proposed use shall be in operation within one year from the date of receipt of Final Plan Approval.
6. There shall be no visible signage or display on the premises advertising the proposed use.

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7. The hours of operation shall be limited to 9:00 a.m. to 4:00 p.m., Monday through Friday.
8. All other applicable rules, regulations and requirements, including those of the State Department of Health, shall be complied with.
9. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with, 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,



Arthur W. Martin  
Chairman Pro Tem, 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