

CERTIFIED MAIL

February 29, 1988

Mr. Eugene Power
74-1482 Hao-Kuni Street
Kailua-Kona, HI 96740

Dear Mr. Power:

Special Permit Application (88-1)
TMK: 7-4-07:54

The Planning Commission at its duly held public hearing on February 23, 1988, voted to approve your application, Special Permit No. 656, to allow the construction of a guest quarters on 1 acre of land situated within the State Land Use Agricultural District at Honokohau 2nd, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed guest quarters will not be contrary to be 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 soils of this area have been rated low or poor for agricultural activities. The applicant, nevertheless, has been able to establish a citrus and banana orchard on the one acre site. To this end, three-fourths of the property has been assessed at an agricultural use value for tax purposes. The proposed cottage will not have a significant impact on the County's total taxing structure.

The subject property is within the 50-lot Paniolo Country Subdivision, which is recognized as being a large lot residential subdivision. Adjacent properties are either vacant

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and overgrown with vegetation or contain single-family dwellings. Since the proposed improvements are accessory to the main single-family dwelling and orchard, its approval would be compatible with the surrounding properties. Through conditions of this permit and in compliance with the Zoning Code, the proposed guest quarters shall not exceed 500 square feet in floor area and shall not be more than one story and 15 feet in height. It also will be situated to the rear of the property behind the main dwelling. Therefore, approval of this request will not have any adverse impact on the adjacent parcels or the community.

It is determined that approval of the request will not be inconsistent with the General Plan and the Kona Regional Plan which designates the area for more intensive residential uses.

The proposed use will not unreasonably burden public agencies to provide roads and other similar infrastructure or services. Access to the property from Palani Road is via the 50-foot wide Hao Kuni Street which has a 20-foot wide pavement. The applicant will utilize the existing water meter and utility lines to service the guest quarters. A new cesspool would be required by the State Department of Health. All other affected agencies raised no objections to the application. As such, no additional demands or expansion of services or facilities would be required.

Based on the foregoing findings, it is determined that the proposed guest quarters to the main dwelling is an unusual and reasonable use of land within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Plans for the guest quarters shall be submitted in conjunction with a building permit application within one year from the effective date of the Special Permit.
3. Construction of the guest quarters shall commence within one year from the date of issuance of the building permit and be completed within one year thereafter.
4. The guest quarters shall not exceed 500 square feet in floor area and shall not be more than one story and 15 feet in height. There shall be no kitchen facilities within the

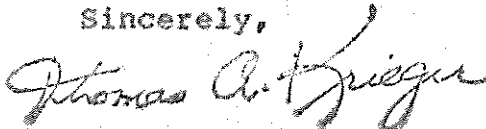
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guest house. Further, all other applicable requirements of Chapter 25 (Zoning Code), Hawaii County Code, relative to setbacks, etc. shall be complied with.

5. All other applicable rules, regulations, and requirements, including those of the Department of Health and Department of Water Supply, shall be complied with.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
7. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section