



COUNTY OF  
HAWAII

# PLANNING COMMISSION

25 AUPUNI STREET • HILO, HAWAII 96720

# 694

CERTIFIED MAIL

April 4, 1989

Mr. Ted Kroeger  
Waikii Realty, Inc.  
P.O. Box 357  
Kamuela, HI 96743

Dear Mr. Kroeger:

Special Permit Application (89.2)  
Tax Map Key: 6-7-01:Portion of 21

The Planning Commission at its duly held public hearing on March 28, 1989, voted to approve your application, Special Permit No. 694, to allow the establishment of a temporary site office for subdivision sales within an existing building on two acres of land situated within the State Land Use Agricultural District at Waikii, South Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 of the State of Hawaii. Although the subject property is within the State Land Use Agricultural district, the proposed temporary site office will be conducted within an existing structure which also serves as ranch manager's office for the agricultural activities at the development. Thus, it will not displace any existing agricultural activity or diminish agricultural potential in the area. The ALISH Map designation of existing Urban Uses on the property supports this determination. Conditions of rezoning assure that agricultural activity will be maintained on the adjoining property.

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The desired use will not adversely affect the surrounding properties. As stated previously, the proposed use will be conducted within an existing ranch structure. Therefore, the real estate office will not create any negative physical or visual impact on the surrounding properties. Furthermore, the proposed real estate office is intended to provide necessary on-site services for potential purchasers in this agricultural subdivision.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. 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. Furthermore, because of the limited duration of the expected use and in order to maintain the ranch character of the site office, no paved parking shall be required.

The land upon which the proposed use is sought is suited for the uses permitted within the district. The structure is located within a complex containing the ranch office and auxiliary structures which serve the agricultural activities of the development. 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.

The use will not substantially alter or change the essential character of the land and the present use. The proposed real estate office is to be housed in an original ranch building which has been reconstructed for the proposed use.

Based on the above considerations, it is determined that the establishment of a temporary real estate site office is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

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2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, existing landscaping and grassed parking area associated with the real estate office.
3. The temporary real estate office shall be established within one year from the date of receipt of final Plan Approval.
4. Real estate sales shall be restricted only to lands within the Waiki'i Ranch subdivision. Annual sales reports indicating the Tax Map Key of each property sold shall be submitted to the Planning Department. Each annual report shall be submitted by the anniversary date of this permit of each year. The temporary real estate site office shall be terminated after the sales of all the lots in the subdivision or two (2) years following Final Plan Approval, whichever is earlier.
5. Hours of operation shall be 8:00 a.m. to 5:00 p.m. seven (7) days a week.
6. The office shall be staffed by no more than five (5) workers, including the ranch manager.
7. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
8. 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)

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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,



Gary Mizuno  
Chairman, Planning Commission

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