



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto
Mayor

CERTIFIED MAIL

August 29, 1990

Philip Leas, Esq.
P.O. Box 939
Honolulu, HI 96808

Dear Mr. Leas:

Special Permit Application
Puu Lani Ranch Corporation
TMK: 7-1-6:19

The Planning Commission at its duly held public hearing on August 15, 1990, voted to approve the above application, Special Permit No. 745, to allow construction of a structure to be used for social gatherings on 5.926 acres of land situated within the State Land Use Agricultural District within the Puu Lani Ranch Subdivision, adjacent and to the north of the Road "C"-Road "D" intersection, Puuanahulu Homesteads, North Kona, 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. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The agricultural district may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The purpose of the request is to allow social gathering use within a structure which is also accessory to an equestrian center. The

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land for which the project is proposed is classified as "E" or Very Poor for agricultural productivity by the Land Study Bureau and "Existing Urban Development" by the ALISH Map. The equestrian center use is permitted in the State and County Agricultural districts. The proposed use would not displace agricultural activity or diminish the agricultural potential of the area. It is determined that the proposed use would be compatible with the agricultural district and approval of the request would not be contrary to the objectives of the State Land Use Law.

The desired use will not adversely affect the surrounding properties. Surrounding uses are scattered residential and agricultural. The use will be conducted within the equestrian center structure. It is anticipated that impacts will not be greater than that associated with the equestrian center use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water is being provided by a private water supplier. Installation of a fire hydrant will be required as a condition of approval, as recommended by the Fire Department. All essential services are available to the property. The nature of the proposed use will not require expansion of those services. Consulted agencies had no objection to the proposal.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The establishment of a relatively remote agricultural subdivision unrelated to an established community core has created a need for a gathering place to provide for some of the social requirements of the community.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The meeting hall will be established within an equestrian center and will not displace permitted uses on the property.

The use will not substantially alter or change the essential character of the land and the present use. As previously mentioned, the proposed use will be established within the equestrian center facility and, thus, will not change the character of the permitted use.

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The request is not contrary to the General Plan. The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The proposed use is consistent with the policy that, "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

Based on the above considerations, it is determined that a structure for social gatherings 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 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.
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 all structures, landscaping, and paved parking stalls associated with the meeting hall. All structures shall conform to setback requirements of Chapter 25 (Zoning Code). Parking shall comply with the requirements of the Zoning Code. No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
3. Construction of the structure and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. A fire hydrant shall be installed in accordance with Department of Water Supply standards.
5. Comply with all other laws, rules, regulations, and requirements of State and County agencies.

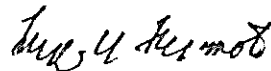
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6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of 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 shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: F. Newell Bohnett, President
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
DLNR

Bcc: Plan Approval Section