



Planning Commission

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

LORRAINE R. INOUYE
Mayor

CERTIFIED MAIL

March 5, 1991

Mr. Malanai Arcuri
P. O. Box 1599
Pahoa, HI 96778

Dear Mr. Arcuri:

Special Permit Application
Tax Map Key: 1-8-7:Portion of 79

The Planning Commission at its duly held public hearing on February 21, 1991, voted to approve your application, Special Permit No. 769, to allow the construction of a jewelry and woodworking workshop on 2 acres of land within the State Land Use Agricultural District. The affected area is located at the southwest corner of the Komo Street-Hui Street intersection within the Olaa Reservation Lots, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this request will not be contrary to the 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The proposed project site is situated within the County's Agricultural-5 acre (A-5a) zoned district and State Land Use Agricultural District. The land is identified by the Soil Conservation Service as Ohia Series and is generally utilized for the cultivation of sugarcane. Areas having this soil type are also maintained in pasture and woodland, with small areas used for truck crops and orchards. The soil is classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and is classified as "Other Important Agricultural Lands" by the Department of Agriculture's ALISH Map. While a portion of the project site will be taken out of

MAR 5 1991

Mr. Malanai Arcuri
March 5, 1991
Page 2

potential agricultural use to accommodate a 350+ foot addition (jewelry workshop), the limited nature of the proposed jewelry and woodworking workshop will have a negligible effect on the County's agricultural land inventory. The proposed uses will be in conjunction with the existing agricultural use and proposed single family residential use on the subject property. Therefore, it can be determined that the proposed uses would not be detrimental to the agricultural resources of the county or state.

The desired uses will not adversely affect the surrounding properties. Surrounding properties are in residential and/or agricultural uses. The nearest dwelling is located in excess of 600 feet away from the proposed facility. The workshop is located a minimum of 175 feet from any property line. Most of the subject property surrounding the proposed project site remains in forest which effectively mitigates any adverse visual or noise impacts to surrounding properties. All jewelry and woodcraft manufacturing activities will be conducted within the proposed facility. The operation will be limited to one person living in the proposed single family dwelling. It will be made a condition of approval that the applicant secure a building permit for the construction of the proposed single family dwelling and complete its construction in a timely manner. No retail sales will take place on the property nor will any signs be erected to advertise the proposed activities. Therefore, the granting of the proposed uses will not result in a significant increase in noise, odors, visual impact, or traffic. Further, it can be determined that the proposed uses are not anticipated to adversely affect surrounding properties or the agricultural character of the area.

The proposed uses are not anticipated to unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. The approval recommendation is based on a condition that limits the activity to the applicant. The applicant has also stated that his personal vehicle will be used in transporting the manufactured products and supplies. Therefore, 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. All basic services are available to the property and consulted agencies have no objection to the proposed use.

Mr. Malanai Arcuri
March 5, 1991
Page 3

The request is not contrary to the goals, standards and policies of the General Plan. Approval of this request supports a goal of the Economic Element of the General Plan which states that the County shall "Provide residents with opportunities to improve their quality of life." The General Plan also recommends that "The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment." The proposed uses complement the goals stated above while also conforming to a goal of the Land Use Element to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Based on the above considerations, it is determined that the establishment of a jewelry and woodworking workshop 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 successor, or assign 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.
3. Construction of the jewelry/woodworking workshop, single family dwelling and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The jewelry and woodworking activity shall be limited to 1,150 square feet of gross floor area.
5. The jewelry and woodworking activity shall be restricted to one person living in the proposed single family dwelling.

Mr. Malanai Arcuri

March 5, 1991

Page 4

6. No retail sales shall be conducted on the property and there shall be no visible signs or displays on the premises advertising the business.
7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease, and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
8. Comply with applicable laws, rules, regulations, and requirements, including those of the Department of Health.
9. 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.
10. 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.

Mr. Malanai Arcuri
March 5, 1991
Page 5

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: Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DLNR