



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

May 18, 1992

Mr. & Mrs. Wilfred Y. Yamasawa
P. O. Box 311
Holualoa, HI 96725

Dear Mr. & Mrs. Yamasawa:

Special Permit Application (SP 92-7)
Applicant: Mr. & Mrs. Wilfred Y. Yamasawa
Request: Construct Glass Blowing Studio
Tax Map Key: 7-6-04:44

The Planning Commission at its duly held public hearing on May 7, 1992, voted to approve your application, Special Permit No. 810, to allow the establishment of a glass blowing studio on approximately 2.75 acres of land situated within the State Land Use Agricultural District at Holualoa 1st and 2nd, 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are identified as Honuaulu Series by the Soil Conservation Service and is generally utilized for pasture or the cultivation of coffee. The soil is classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map. While a portion of the property will be taken out of potential agricultural use to accommodate the approximately 480-square foot studio, the limited nature of the proposed activity will have a negligible effect on the County's agricultural land

MAY 19 1992

Mr. & Mrs. Wilfred Y. Yamasawa
May 18, 1992
Page 2

inventory. The proposed use will be in conjunction with the cultivation of coffee and single family residential use, both permitted uses within the County and State Agricultural District. Therefore, it can be determined that the proposed use would not be contrary to the objectives of the State Land Use Law for the agricultural district.

The desired use will not adversely affect the surrounding properties. Surrounding uses include agricultural activities and single family residential uses. The proposed studio will be located a minimum of 70 feet from its property boundaries and buffered from adjacent properties by the existing coffee farm located on the property. The structural setback and coffee trees will provide an efficient buffer from any noise or visual impacts that may be generated by the proposed glass blowing activity. To ensure that such impacts are minimized and the agricultural/residential character of the area be maintained, it is recommended that conditions of approval be included which would restrict any retail sales from occurring on the property and the erection of any signs advertising such an activity. Restrictions are also recommended to limit the glass blowing activity to those who reside within the existing single family dwelling.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. According to the applicant, the proposed use is not dependent on the availability of water to the property. However, water will be provided by Kahua Ranch for the proposed restroom facilities within the studio. The private roadways which lead to the subject property have a pavement width of approximately 8 feet within a 12-foot right-of-way. This is adequate to accommodate the nominal increase in traffic, if any. Since retail sales and the use of the studio will be restricted through conditions of approval, infrastructural needs are not anticipated to increase.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district, however, the proposed use will not interfere with permitted uses.

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

Mr. & Mrs. Wilfred Y. Yamasawa
May 18, 1992
Page 3

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 use complements 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 glass blowing studio 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.
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 glass blowing studio shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The glass blowing activity shall be restricted to those person(s) living in the existing single family dwelling located on the subject property.
5. No retail sales shall be conducted on the property and there shall be no visible signs or displays on the premises advertising the glass blowing business.
6. 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

Mr. & Mrs. Wilfred Y. Yamasawa
May 18, 1992
Page 4

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.

7. Comply with all other laws, rules, regulations and requirements.
8. 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 with and the Planning Director acknowledges that further reports are not required.
9. 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.

Mr. & Mrs. Wilfred Y. Yamasawa
May 18, 1992
Page 5

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

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

7368d

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