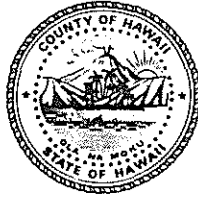


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

August 5, 1993

Mr. Mark S. Richards, President  
Maryl Development, Inc.  
PO Box 1928  
Kailua-Kona, HI 96745

Dear Mr. Richards:

Special Permit Application (SPP 93-5)  
Applicant: Maryl Development, Inc.  
Request: Temporary On-site Real Estate Sales Office  
Tax Map Key: 6-6-1:74, Lot 26

The Planning Commission at its duly held public hearing on July 29, 1993, voted to approve the above-referenced application. Special Permit No. 846 is hereby issued to establish a temporary on-site real estate sales office on 1.6674 acres of land (portion of 56.665 acres of Sandalwood Planned Unit Development) situated in the State Land Use Agricultural District. The project site is located in the Sandalwood, off the Kamuela-Mahukona Road between its intersection with Lindsey Road and Kawaihae Roads, Lalamilo, South Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules 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 districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use.

The land on which the proposed use is located is suited for agricultural uses. Soils within the property are classified as

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Mr. Mark S. Richards, President  
August 5, 1993  
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"Other Important Agricultural Land" according to the ALISH map system and "C" or "Fair" by the Land Study Bureau for agricultural productivity. While soils within the project site are fairly suitable for agricultural uses, the proposed real estate sales office is temporary in nature and will utilize lands designated for utility and access purposes. The proposed real estate sales office use, in itself, would not adversely affect the agricultural potential of the project site or its surrounding area. Therefore, approval of this request would not be contrary to the intent and purpose of the State Land Use Law.

The request is not contrary to the General Plan. The proposed use would also compliment the following goal of the Land Use Element of the General Plan to "Designate and allocate industrial areas in appropriate proportions and in keeping with the social, cultural, and physical environments of the County".

The proposed use will not have any significant adverse effects on the surrounding properties. As previously stated, the proposed real estate sales office use will be temporary and occupy a trailer. Therefore, on-site improvements necessary to accommodate the use will be minimal. As lots within the Sandalwood at Waimea subdivision are purchased and eventually improved as homesites, the real estate office use may prove incompatible with future residential uses of surrounding areas. Therefore, it is recommended that the life of this permit, should it be approved, be limited to five (5) years from the effective date of this permit or the sale of all lots within the Sandalwood at Waimea subdivision. Sales would be limited to Sandalwood at Waimea lots only with resale of these lots to be prohibited. These restrictions would allow the applicant to achieve the intended purpose of the proposed use, which is to provide the necessary on-site services for potential purchasers of property within the Sandalwood at Waimea subdivision, while mitigating any potential adverse affect on surrounding properties. To further insure that potential adverse noise and dust impact to surrounding properties are mitigated, it is recommended that on-site parking be paved and landscaping be provided. Given the temporary nature of the proposed use, paving could include chip-seal, in addition to asphaltic-concrete or concrete.

The proposed use will not substantially alter or change the essential character of the land and the present use. The temporary nature of the proposed use will preclude any adverse impact to the character of the project site or its surrounding areas. As stated by the applicant, improvements to the project

Mr. Mark S. Richards, President  
August 5, 1993  
Page 3

site will be removed upon termination of the real estate sales office use.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wastewater disposal will be accommodated within individual wastewater treatment system (IWS). The Department of Health will enforce wastewater disposal regulations. The applicant's original proposal of holding tanks to accommodate wastewater was found unacceptable by the Department of Health, who recommended that an IWS be utilized. County water is available to the subject property. Other essential utilities and services are or will be made available. Access from the Waimea-Kawaihae Road to the project site will be provided by private roadways having pavement widths of 20 feet within 50- and 80-foot rights-of-way. It is not anticipated that the proposed use will have an adverse impact to traffic along these private roadways or its intersection with the Waimea-Kawaihae Road. There will be a period of time between the sale of lots within the subdivision and the construction of homes on these lots. Many years may pass before full build-out of the subdivision occurs. With a life of only 5 years, this Special Permit will expire before full build-out is anticipated, thereby minimizing potential conflicts between traffic associated with the proposed use and residential uses.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Land developers and potential purchasers of homesites have recognized the need to maintain real estate sales offices on-site within a larger residential development. These on-site offices facilitate the display of these lands to the benefit of both parties involved.

The proposed use will not have an adverse effect on archaeological resources within the area. The Department of Land and Natural Resources (DLNR) has accepted the applicant's Final Archaeological Inventory Survey report and has approved construction of Sandalwood at Waimea-Increment I, within which the project site is located. The DLNR has also approved the applicant's Final Archaeological Inventory Survey report in satisfaction of Condition No. 5 of Special Permit No. 756.

Mr. Mark S. Richards, President  
August 5, 1993  
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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. Final Plan Approval of the temporary real estate sales office shall be secured from the Planning Director. Plans shall identify proposed structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and/or driveway associated with the proposed use. Appropriate landscaping shall be provided for the purpose of mitigating any noise and visual impacts which may be generated by the proposed office facility.
3. The real estate sales office shall be established (Certificate of Occupancy) within two (2) years from the effective date of this Special Permit.
4. Access to the project site from Ko Uka Place shall meet with the approval of the Department of Public Works.
5. Wastewater generated by the real estate sales office shall be disposed of in a manner meeting with the approval of the Department of Health.
6. The real estate sales office use shall be terminated within five (5) years from the effective date of this permit or upon the sale of all lots within the Sandalwood at Waimea subdivision, whichever occurs first. Paved parking area associated with the real estate sales office shall be removed upon termination of use. The applicant shall immediately notify the Planning Director in writing of the termination of the real estate sales office use.
7. The real estate sales from the real estate sales office shall be limited to lands within the 44-lot Sandalwood at Waimea subdivision. Resale of lots within the Sandalwood at Waimea subdivision will not be permitted.
8. The applicant shall comply with applicable laws, rules and regulations of the affected agencies.
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 clinic and to what extent the conditions of approval are being complied with. This

Mr. Mark S. Richards, President  
August 5, 1993  
Page 5

condition shall remain in effect until all of the conditions off approval have been complied with 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 this 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.

Should you have any questions, please feel free to contact Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,

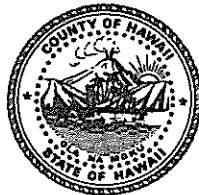


for Donald L. Manalili, Chairman  
Planning Commission

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xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Department of Health  
Plan Approval Section

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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CERTIFIED MAIL  
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MAY 22 2000

Mr. Ken Melrose  
Maryl Development, Inc.  
P.O. Box 1928  
Kailua-Kona, HI 96745

Dear Mr. Melrose:

Special Permit No. 846 Issued to Maryl Development, Inc.  
Initiator: Planning Director  
Subject: Revocation of Special Permit No. 846  
Tax Map Key: 6-6-10:26 (formerly 6-6-01:74)

The Planning Commission at its duly held public hearing on May 5, 2000, voted to revoke Special Permit No. 846, issued to Maryl Development, Inc., which allowed for the establishment of a temporary on-site real estate sales office. The property is located in the Sandalwood Subdivision on the south side of the Kō Uka Street-Kō Uka Place intersection, Lalamilo, South Kohala, Hawaii.

Special Permit No. 846 has expired. The applicant has submitted a new Special Permit Application for the establishment of a temporary on-site real estate sales office to sell the remaining lots in the Sandalwood Subdivision. Therefore, Special Permit No. 846 is hereby revoked.

Should you have questions regarding the above, please contact Eleanor Mirikitani of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

Handwritten signature of Richard B. Baker, Jr.

Richard B. Baker, Jr., Chairman  
Planning Commission

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cc: West Hawaii Office

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