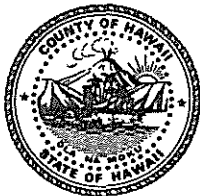


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

P 101 317 928

DEC 2 0 1999

Mr. Richard Gordon
P.O. Box 208
Marine, MN 55047

Dear Mr. Gordon:

Special Permit No. 851 Issued to Chalon International of Hawaii, Inc.

Initiator: Planning Director

Subject: Revocation of Special Permit No. 851

Tax Map Key: 5-6-3:22

The Planning Commission at its duly held public meeting of December 2, 1999, voted to revoke Special Permit No. 851 granted to Chalon International of Hawaii, Inc., which allowed for the establishment of a temporary real estate sales office within a model home. The property is located in the Maliu Ridge Subdivision Phase II, on the north side of Puu Mamo Drive approximately one mile west from its intersection with the Kohala Mountain Road, Kukuipahu, North Kohala, Hawaii.

The applicant had requested termination of Special Permit No. 851 as the use has long since terminated. Therefore, Special Permit No. 851 is hereby revoked.

Should you have questions regarding the above, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard S. Tanaka".

Leonard S. Tanaka, Chairman
Planning Commission

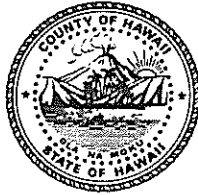
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cc: Department of Public Works
Department of Water Supply
Real Property Tax Division
Department of Health
West Hawaii Office
Land Use Commission
Mr. Michael Gomes

011435

DEC 2 0 1999

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

November 5, 1993

Mr. Michael Gomes
Mr. Takeshi Okumura
Chalon International of
Hawaii, Inc.
PO Box 249
Hawi, HI 96719

Dear Mr. Gomes & Mr. Okumura:

Special Permit Application (SPP 93-13)
Applicant: Chalon International of Hawaii, Inc.
Request: Temporary Real Estate Sales Office Within
A Model Home
Tax Map Key: 5-6-3:22

The Planning Commission, at its duly held public hearing on October 28, 1993, voted to approve the above-referenced application. Special Permit No. 851 is hereby issued to establish a temporary real estate sales office within a model home on 1.766 acres of land situated in the State Land Use Agricultural District. The project site is located in the Maliu Ridge, Phase II, Subdivision off Puu Mamo Drive approximately 1 mile from its intersection with the Kohala Mountain Road, Kukuipahu, North 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. Soils within the property are classified as "Important

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Mr. Michael Gomes
Mr. Takeshi Okumura
November 5, 1993
Page 2

Agricultural Land" according to the ALISH map system and "C" or "Fair" by the Land Study Bureau for agricultural productivity. In addition, the subject property has already been rezoned to A-1a, thus allowing residential-agricultural uses. The proposed real estate sales office use, in itself, would not adversely affect the agricultural potential of the project site or its surrounding area and will not remove valuable lands from agricultural use. Therefore, approval of this request would not be contrary to the intent and purpose of the State Land Use Law and Regulations.

The desired use shall not adversely affect surrounding properties. As previously stated, the proposed real estate sales office use will be temporary and occupy a model sales home. Therefore, on-site improvements necessary to accommodate the use will be comparable to a residence in the subdivision. As lots within the Maliau Ridge, Phase II 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 Maliau Ridge, Phase II, whichever occurs first. In addition, sales would be limited only to lots within the Subdivision. 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, while mitigating any potential adverse affect on surrounding properties and future residents. 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 unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wastewater disposal will be accommodated by individual wastewater treatment system (IWS) and shall comply with the requirements of the Department of Health. Other essential utilities and services are or will be made available. Access from the Kohala Mountain Road to the project site is by Puu Mamo Road which has a pavement width of 24 feet within a 60-foot right-of-way. It is not anticipated that the proposed use will have an adverse impact to traffic along these private roadways. Limiting the life of the permit to 5 years, would allow for additional review

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Mr. Takeshi Okumura
November 5, 1993
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of the Special Permit for any potential conflicts between the proposed use and residential uses, should the applicant wish to extend the life of the permit.

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 land on which the proposed use is located is suited for the uses permitted within the district. The A-1a zoning on the subject property allows for agricultural-residential activities. Although, the soil types and rating do not rank the lands for high agricultural productivity, such uses are permitted. Being temporary in nature, the sales office, upon completion of lot sales in the area, would be sold as a single family residence which would allow for agricultural uses on a small scale basis. In general, although the lands are suitable for permitted uses, the proposed use will not interfere with permitted uses nor diminish agricultural activities.

The proposed use will not substantially alter or change the essential character of the land and the present use. A model sales home will be used to house the sales office. Therefore, it would be no different than what would be allowed to be constructed on the surrounding properties, and not be visually different in character with its surrounding areas. Upon termination of the real estate sales office use, the model sales home would eventually be sold as a single family residence and be compatible with surrounding uses.

The request is not contrary to the General Plan and official Community Development Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) map designates the area for Intensive/Extensive Agriculture. The request would be consistent with the following goals and policies of the Land Use Element of the General Plan:

- * Designate and allocate lands in appropriate proportions and in keeping with the social, cultural, and physical environments of the County".

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November 5, 1993
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- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

In addition, the North Kohala Community Development Plan designates the area for Small Scale Agriculture (PUD). The subdivision, with its present zoning, would allow for agricultural uses on the subject lands. As the sales office is located on one lot and would be temporary in nature, it would not take lands away from its intended use.

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. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Final Plan Approval of the temporary real estate sales office shall be secured from the Planning Director. Plans shall identify existing and 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.
4. The real estate sales office shall be established (Certificate of Occupancy) within three (3) years from the effective date of this Special Permit.
5. Access to the project site from Puu Mamo Place shall meet with the approval of the Department of Public Works.
6. Wastewater generated by the real estate sales office shall be disposed of in a manner meeting with the approval of the Department of Health.
7. The real estate sales office use shall be terminated within five (5) years from the effective date of this permit or

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upon the sale of all lots within the Maliu Ridge, Phase II Subdivision, whichever occurs first. The applicant shall immediately notify the Planning Director in writing of the termination of the real estate sales office use.

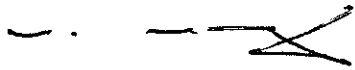
8. The real estate sales from the real estate sales office shall be limited to lands within the Maliu Ridge, Phase II Subdivision.
9. The applicant shall comply with applicable laws, rules and regulations of the affected agencies.
10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the sales office 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.
11. An extension of time for the performance of conditions within the permit, with the exception of Condition No. 7, 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.

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November 5, 1993
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Should you have any questions, please feel free to contact Rodney Nakano or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Wilton Wong, Vice Chairman
Planning Commission

DSA:jdk
LChalo01.PC

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