

AMENDMENT TO SP-77-276/NULLIFICATION OF SMA USE PERMIT NO. 38 - KONA FARMERS COOPERATIVE

Kona Farmers Cooperative has submitted requests to nullify Special Management Area (SMA) Use Permit No. 38 and to delete Condition Nos. 2, 3 and 5 of Special Permit No. 77-276. The property involved is the site of Kona Farmers Cooperative existing complex located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46.

SMA Use Permit No. 38 granted by the Planning Commission on August 25, 1977, allowed the petitioner to construct a new coffee storage building and related improvements. The petitioner stated that they will not construct the new coffee storage building due to economic considerations, as such, is requesting the nullification of the SMA Use Permit.

Special Permit No. 77-276 was granted to the petitioner by the State Land Use Commission in October 25, 1977, to legitimize the non-conforming coffee processing plant on its 4.4 acres of land situated within the State Land Use Agricultural District. The Planning Commission recommended the approval of this Special Permit request. This application was processed simultaneously with the previously mentioned SMA Use Permit. As such, the following conditions, among others, relative to the construction of the new coffee storage building were imposed as part of the Special Permit approval:

Condition No. 2: That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.

Condition No. 3: That through the Special Permit procedures, certain County Zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building setback at a minimum of 15 feet from the front property line.

Condition No. 5: That construction of the new coffee storage building commence within one (1) year from the effective date of approval of the Special Permit.

Since the petitioner does not intend to construct the new coffee storage building, they are requesting that the above-mentioned conditions be deleted.

It should be pointed out that although the Special Permit covers an area less than 15 acres (4.4 acres), since Condition No. 5 originated with the State Land Use Commission, should the request be favorably considered by the Planning Commission, it would have to be forwarded to the LUC for its ratification and final approval.

In regards to the request to nullify SMA Use Permit No. 38, staff has no objections.

Since the petitioner does not intend to construct the new coffee storage building, and since Condition Nos. 3 and 5 of SP 77-276 relate to the construction of that building, we also have no objections. We therefore recommend the approval for the deletion of Condition Nos. 3 and 5.

As far as Condition No. 2 is concerned, since the property is situated within the SMA, we feel that this condition should be retained. Since the Special Permit established the entire 4.4-acre property under the Special Permit, any future improvements must comply with existing regulations. As such, should the petitioner intend to construct any other improvements in the future, the requirements of the SMA Rules and Regulations must be complied with. We therefore feel that Condition No. 2 is still appropriate.

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date April 10, 1980

Petitioner KONA FARMERS COOPERATIVE - Nullify SMA Use Permit No. 38
~~and to delete condition nos. 2, 3 & 5 of Special Permit No. 77-276~~

Preliminary hearing Public hearing Request Action

ACTION: Approve
 Deny
 Defer
 Continue
 Schedule for public hearing

Other: _____
 Approved 7-0

Commissioners	Aye	No	Excused	Abstain	Absent
IMADA, CLYDE	✓				
KAGAWA, ROY <i>S</i>	/				
NAKANO, BERT	/				
ORITA, FRED <i>M</i>	/				
SAKAMOTO, CHARLES	/				
WHITMARSH, TINA					✓
FRIAS, GLENN	/				
PONTE, GEORGE					✓
PARIS, WILLIAM J, JR. (CHRM.)	/				

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
KONA FARMERS COOPERATIVE)
for)
CONSTRUCTION OF A NEW)
COFFEE STORAGE BUILDING)
in)
Kahauloa,)
South Kona, Hawaii)
_____)

SMA Use Permit
No. 38

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on August 25, 1977, considered the application of KONA FARMERS COOPERATIVE for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of a new coffee storage building and related improvements at the existing coffee processing plant in Kahauloa, South Kona, Hawaii, Tax Map Key 8-2-08:46.

The Commission has found:

That the proposed action will not have any significant adverse effect on the environment or ecology of the area nor will it significantly affect the Special Management Area (SMA). The proposed building will replace an existing dilapidated structure presently situated at the same location. Therefore, the actual reconstruction of the coffee storage building will not involve any substantial alteration to existing landforms or vegetation. In addition, the approval of the subject request will not curtail the range of beneficial uses of the environment nor will it foreclose management options. The subject area has been committed for a coffee and macadamia nut processing plant many years ago. As stated earlier, the purpose of the subject request is merely to reconstruct a new coffee storage building to replace an existing one which is dilapidated. As such, the project does not foreclose management options, but instead, enhances the use to which the area has long been committed.

Further, the granting of this particular request will not affect any valuable natural resources. The subject area has already been graded and is improved. There are no known rare and endangered plant or animal species which would be affected by this proposed improvement.

Based on the above, it is determined that the proposed project is in keeping with the purpose of the Environmental Shoreline Protection Act and Rule 9 of the Planning Commission.

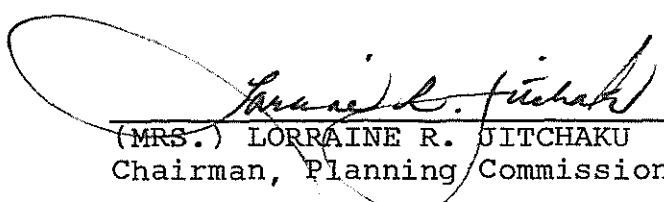
Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a new coffee storage building and related improvements at the existing coffee processing plant in Kahauloa, South Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That construction of the coffee storage building commence within one (1) year from the effective date of approval of the Special Management Area Use Permit and be completed within two (2) years thereafter.
2. That in the event that unanticipated site or remains are encountered during the course of grading and/or construction the State Historic Preservation Officer shall be notified since the land is situated within the Kealahou Archaeological and Historical District.
3. That the rules, regulations, and requirements of the State Department of Health shall be complied with.
4. That the proposed building shall be setback at least fifteen (15) feet from the front property line.
5. That the driveway to and parking area for the proposed building be paved with all-weather, dust-free surface. The width of the pavement and the number of parking stalls shall be determined at the time of Plan Approval.
6. That all other applicable rules and regulations, including the Plan Approval process shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be August 25, 1977.

Dated at Hilo, Hawaii, this 3rd day of October, 1977.


(MRS.) LORRAINE R. JITCHAKU
Chairman, Planning Commission

