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GOVERNOR



GEORGE S. MORIGUCHI
EXECUTIVE OFFICER

STATE OF HAWAII
LAND USE COMMISSION
426 QUEEN STREET
HONOLULU, HAWAII 96813

September 2, 1965

RECEIVED
COUNTY PLANNING COMMISSION

Date: SEP 7 1965

File No.: # 64 - LUC
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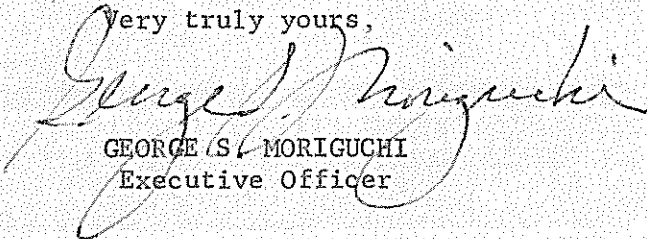
Attention: Mr. Raymond Suefuji, Director

Gentlemen:

At its meeting on August 20, 1965, the Land Use Commission voted to approve the grant of a special permit to Kohala Kim Chee, Inc. to allow a 5' x 18' addition to the existing building on a parcel of land containing approximately 6.447 acres, being a portion of L.C. Aw. 10863, Kokoiki Homesteads, North Kohala, Hawaii, and covered by TMK 5-5-04-42.

Enclosed for your information is the staff report.

Very truly yours,


GEORGE S. MORIGUCHI
Executive Officer

Encl. - 1
cc: Chairman Thompson
Kohala Kim Chee, Inc.
Department of Taxation

STATE OF HAWAII
LAND USE COMMISSION

Hale Halawai Cultural Center
Kailua, Kona, Hawaii

3:00 P.M.
August 20, 1965

STAFF REPORT

Hawaii SP65-15 - FAH SIN AND HANNAH LIU District Classification: AGRICULTURAL
Kohala Kim Chee, Inc.

Background

The record of the special permit application by Fah Sin and Hannah Liu was received on July 7, 1965. It contains the Hawaii Planning Commission's recommendation that a special permit be granted the applicants to enable them to add five feet to their small kim chee cannery.

The cannery is a small family operation employing about six persons and located in a tile building between the Liu's home and their garage. These structures are located on the mauka portion of a 6.447 acre parcel identifiable by Third Division TMK 5-5-04: 42. The parcel is in Kokoiki located a little over a mile above the Mahukona road west of the Hawi Urban District.

The kim chee is prepared and canned by hand. The cabbage and pepper are hauled in from farms in Kamuela. The jars, caps, labels and pickling ingredients are flown into Kamuela and trucked to Hawi. The finished products are carried back to Kamuela to be flown to Honolulu. The kim chee operation has been continuous for nearly 16 years.

County water is available to Kokoiki from a 3 inch line leading from Kaauhuhu reservoir which is fed by Lindsay tunnel. About \$60,000 worth of improvements was made in 1962 to serve between two and three dozen families living in the Kokoiki area and about three dozen families scattered through the Kaauhuhu area.

The nearest school is over two miles away toward Kapaau. The nearest hospital is about four miles away in Kapaau. There is a fire station in North Kohala and a six-man police substation as well.

Between Hawi, the nearest Urban District, and the Liu property there is a mile long stretch of sugarcane both mauka and makai of the highway. The only notable exception to cane is the Camp 17 area located midway. The cane fields end roughly in a line between the Loran Station and the Liu property and east of the Puuepa-Kokoiki homesteads. The homestead area lies mauka and west of the Liu property. Southwest of the homestead area is the Kohala section of the Parker Ranch.

Soils in the area are primarily Kohala silty clay with slopes ranging from three to fifteen percent. These soils are suitable for machine cultivation and are not particularly noted for erosion problems. Cane and forage crops can be grown as well as truck crops. Macadamia nuts and other plantings sensitive to manganese toxicity may not thrive well.

The long term average of rainfall in the area is perhaps forty inches a year. Rainfall is higher east of Hawi. West of Hawi, particularly at lower elevations, irrigation systems may become necessary. West of the Liu property irrigation becomes increasingly necessary.

Analysis

The record transmitted by the Hawaii Planning Commission indicates that approval is recommended on the basis that expansion of the existing use:

- 1) Is not contrary to the objectives of the Land Use Law and the land use regulations,
- 2) Would not adversely affect surrounding property,

- 3) Would not unreasonably burden the public with requirements for public facilities and services, and
- 4) Is justifiable because unusual conditions, trends and needs have arisen since the district boundaries were established.

These findings are supported by arguments advanced at the County hearing that the canning operation is compatible with agricultural uses and would be considered accessory if the canning ingredients were raised on the property. The record also suggests that the absence of a principal use redefines the canning operation as a light industrial use. The record points out that a five foot expansion of the canning plant is a modest change but one which must be handled through special permit procedures because of a question as to whether the use is permissible in an Agricultural District.

Your staff concurs that a canning operation may be an accessory use if there is a connection to a parent use. It concurs that accessory uses are permissible where such uses are an integral part of some agricultural use. The concession in the interest of integration, however, is no more than recognition of locational interdependence between an accessory use and the parent use. Efficiency and compatibility are implicit in this interdependence. It should be understood, however, that when the accessory use becomes divorced from the parent use, locational interdependence, efficiency and compatibility cease. It is clear that a kim chee cannery is not a use related to agricultural uses such as grazing and cane growing. A reading of the land use regulations makes clear that a kim chee cannery is "not expressly permitted" in an Agricultural District and is therefore "prohibited."

The regulations do provide, however, that the Commission may permit certain

"unusual and reasonable uses within Agricultural --- Districts other than those for which the District is classified." Guidelines have been established to test whether a use is "unusual and reasonable;" these are now discussed.

- a) "Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations."

Neither the Land Use Law nor the regulations subscribe to indiscriminate scattering of commercial and industrial uses. They are geared instead to the concentration of urban uses and to the preservation of agricultural lands.

- b) "That the desired use would not adversely affect surrounding property."

The existing use and a small expansion of that use would be but a little more incompatible with surrounding uses than it already is. It should be remembered that the existing use is not accessory to agricultural uses surrounding it and given a wider spectrum of uses permissible in an Agricultural District, the existing use may become seriously incompatible.

The existing use is a commercial and industrial one with markets extending far beyond the ordinary scope of a home or farm home industry. The non-farm income derived from this operation is out of proportion to most lucrative agricultural pursuits of comparable size. It can be expected that these values will be imputed to land and will be imputed to surrounding land unless treated as a special case. To the extent that it is a special case it is not comparable to surrounding property.

- c) "Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection."

The existing use and the proposed expansion suggest no immediate requirement for additional public services or facilities. Industrial uses ordinarily require many services and facilities that can best be provided were facilities and services shared. There are, however, in the Kohala area, virtually no other industrial uses except sugar mills and truck and equipment yards.

- d) "Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established."

The boundaries and regulations were established in 1964. The most significant changes in Kohala such as the Kokoiki waterline, the discontinuation of regular service to Upolu Airport, the relocation of plantation housing, the highway improvements to Pololu

Valley were essentially completed or well under way between 1962 and 1964. The highway between Mahukona and Kawaihae has not yet been completed and the effect of this change is chiefly speculative for the moment.

There is a continuing and growing demand for kim chee produced by the Liu's but this is nothing unusual nor does it appear to have any bearing on whether the existing use or its location is unusual.

- e) "That the land upon which the proposed use is sought is unsuited for the uses permitted within the District."

The Liu property is no less suitable for grazing, cane or any other agricultural use than the surrounding property except that there is greater profit to be had on such a small parcel by canning kim chee. It would seem instead that the location of the cannery was misplaced and that it would be more advantageous to have the cannery located in Kamuela. The Liu's personal preference and the place of residence of those who work in his cannery may be the only governing factors on the cannery's present location.

- f) "That the proposed use will not substantially alter or change the essential character of the land and the present use."

The proposal at hand is so at odds with the customary application for a special permit that this particular guideline has little bearing. The proposed use is an expansion of the existing use and does not substantially differ from the present use.

Considered as a whole, the existing use and its expansion constitute an exception to surrounding uses. The operation is kept small and is unobtrusively linked to the Liu's home. The premises are well masked by landscaping along the road and there appears to be ample buffer areas.

- g) "That the proposed use will make the highest and best use of the land involved for the public welfare."

The Hamakua-Kohala Plan prepared for the County of Hawaii recommends no use for the area under examination. The present land use district classification of the area is Agricultural. For all other properties surrounding the Liu property the Agricultural classification fits and is appropriate. Your staff can find no outstanding physical characteristic which makes the Liu property an unusual spot.

Recommendation

Denial of the application for special permit is recommended. Your staff finds that while the use under consideration is by and large reasonable, it is not unusual.