

October 21, 1975

Mr. Ah Sung Leong
Acting Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804

Re: Special Permit Application
Nobue Okada

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the findings and decision of the County Planning Commission on the subject application.

The special permit request was to allow the establishment of a vegetable processing plant on a 24.971-acre parcel situated within the State Land Use Agricultural District. The property is located approximately 1.1 miles west of Mamalahoa Highway and the Parker Ranch Race Track, Lalamilo Farm Lots, Lalamilo, South Kohala (TMK: 6-6-05:13).

The Planning Commission at a duly advertised public hearing held on September 25, 1975 at the Sergeant Yano Memorial Hall in Captain Cook, South Kona, Hawaii, discussed the subject request. The Commission on October 16, 1975 voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The 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 general health and welfare of the people of the State of Hawaii. The subject property is classified agricultural by the State Land Use Commission. The Lalamilo Farm Lots area, in which the proposed use is to be located, is recognized as one of the most productive truck farming regions on the Island. It is also an established agricultural area throughout the State.

The purpose of the subject request is to allow the establishment of a vegetable processing plant. The plant will service farmers in the Waimea area. It is intended to overcome various problems confronting the farmers in the area, namely,

EXHIBIT KK OCT 21 1975

loss through spoilage due to handling and shipping and the lack of a reliable market for off-grade as well as Grade A produce. Benefits will accrue to the farmers in terms of proximity to production areas, cost of production, and an alternative market. In light of such factors, it is determined that the proposed use will be a positive benefit and support to agriculture in the region. As such, the proposed processing plant will further the objectives of the Land Use Law and Regulations by encouraging and strengthening existing agricultural activities in the region.

2. That the proposed use shall not adversely affect surrounding properties. The area surrounding the subject property is characterized by truck farms, scattered single-family dwellings, and pasture lands. In addition, there is a vacuum-cooling plant located in the general area. The Lalamilo Farm Lots were created by the State for agricultural purposes. Other uses are allowed only with prior written consent from the Board of Land and Natural Resources. Such approval has been granted by the Board. Given the intent of the State in creating the Lalamilo Farm Lots, the use of surrounding properties and the purpose of the requested use, it is determined that the establishment of a vegetable processing plant on the subject property will not adversely affect surrounding properties.
3. That the proposed use will not substantially alter or change the essential character of the land and its present use. The proposed vegetable processing plant will be located in an existing 3,600-square foot steel butler building. The existing building occupies only a small portion of the 24.971-acre parcel. The remainder of the subject property is used for various truck crops. The use of the existing building for a vegetable processing plant will not affect agricultural activities on the remainder of the subject property. It is therefore determined that the proposed use will not change the essential character of the land nor its present use.
4. That the proposed use will not unreasonably burden public agencies to provide facilities and services. The subject property is currently provided with all essential utilities and public services and facilities. Water can be provided for the proposed use without detrimental effects on existing services. The Department of Water Supply has also worked out an alternative with the applicant which will alleviate any interruptions to existing water service.

Further, the proposed use will be utilizing an existing building, which will be improved for processing vegetables, and will not require a significant increase in public services and facilities than is now available.

Mr. Ah Sung Leong
Page 2
October 21, 1975

5. That the proposed use will make the highest and best use of the land involved for the public welfare. A major policy of the State and County is the encouragement and support of agricultural activities throughout the State. The proposed use is directly supportive of farming activities. Its establishment is intended to alleviate existing problems confronting truck farmers. As such it will assist government support and encouragement of agricultural activities in the State and County. It is therefore determined that the proposed use will promote the highest and best use of the subject property for the welfare and interest of the people of the State of Hawaii relative to adopted agricultural objectives.

The favorable recommendation was also subject to the following conditions:

1. That operation of the proposed vegetable processing plant commence within one (1) year from the official date of approval of the Special Permit.
2. That the contract for operating the vegetable processing plant between the applicant, Nobue Okada, and the Honolulu Poi Company be submitted to the Planning Department and to the State Land Use Commission. Should the contract be terminated, the Special Permit shall be deemed null and void.
3. That all other applicable rules and regulations, including the Plan Approval process be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.


Arthur W. Martin, Chairman
Planning Commission

NH:rfd
Enclosures

cc: Mr. Stephen Yamashiro
Mr. Nobue Okada
Mr. Ernest Tottori
DLNR

SANDRA PECHTER SONG

ATTORNEY AT LAW

101 Aupuni Street, Suite 124
Hilo, Hawaii 96720
Telephone: (808) 933-9212
Fax: (808) 935-3945

2005 DEC 29 PM 1 04
LALAMILLO COUNTY HAWAII

December 27, 2005

Mr. Christopher J. Yuen
Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Re: Special Permit No. 331
Lot 22-B-1, Lalamilo Farm Lots
Lalamilo, Waimea South Kohala, Hawaii, TMK: (3) 6-6-005-013

Dear Mr. Yuen:

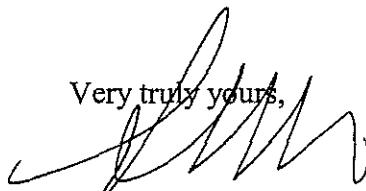
This is in response to your letter dated December 15, 2005 regarding Special Permit No. 331 issued on December 5, 1976 to allow a vegetable processing plant on the above-referenced property.

As you indicated in your letter, a processing plant is now a permitted use within the State Land Use Agricultural District. In addition, my clients, Dr. and Mrs. William C. Bergin have no plans for operating a vegetable processing plant on the property. Accordingly, my clients are requesting that Special Permit No. 331 be revoked.

If you need any additional information to process this request, please contact me.

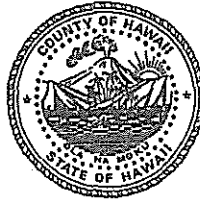
Thank you.

Very truly yours,



Sandra P. Song

cc: ✓ Mr. Jeff Darrow
Dr. & Mrs. William Bergin



Harry Kim
Mayor

Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

January 9, 2006

Sandra Pechter Song, Esq.
101 Aupuni Street, Suite 124
Hilo, HI 96720

Dear Mrs. Song:

Special Permit No. 331
Applicant: Nobue Okada
Request: Establishment of a Vegetable Processing Plant
Subject: Revocation of Permit
Tax Map Key: 6-6-5:13

This is to acknowledge receipt of your letter dated December 27, 2005 authorizing the Planning Department to revoke the above referenced special permit application. Per your request, we are hereby revoking the above listed special permit.

If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

JWD:smn

P:\WPWIN60\JEFF\Letters\PC\LSong-SP331-Revocation.doc

cc w/copy of letter: Planning Commission
Land Use Commission
Kona Planning Department
Ivan Torigoe, Deputy Corporation Council
Planning Division

SPP 75-000013