

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

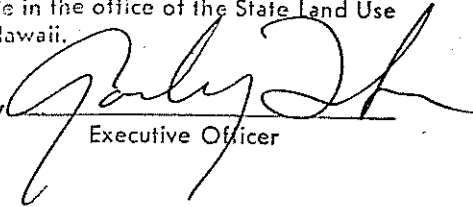
In the Matter of the Petition)
for Special Permit of Powers) SP78-295
Apiaries, Inc.) POWERS APIARIES, INC.
_____)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

5/30/78

Date

by



Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)
Petition for Special) SP78-295
Permit of Powers) POWERS APIARIES
Apiaries, Inc.)
_____)

The Land Use Commission of the State of Hawaii having duly considered the entire record in this matter, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Petition for Special Permit was filed by Powers Apiaries, Inc., to allow the operation of a honey storage and processing facility and queenery on approximately 5.6 acres of land situated within the State Land Use Agricultural District at Kahauloa Iki, South Kona, Hawaii, Tax Map Key 8-2-8: portions of parcels 22 and 55.
2. The subject property is located along the Napoopoo Road adjacent to the Kona Farmer's Coffee Mill.
3. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the area as Orchard. The property is presently zoned Unplanned (U).
4. The Land Study Bureau's Overall Master Productivity Soil Rating for Agricultural use is Class "E" or Very Poor for the subject property. The subject land is also classified as "Other Important Agricultural Land," under the classification system recently adopted by the State Board of Agriculture.

5. The uses of land surrounding the subject property include scattered single family dwellings, coffee farms, and other agricultural uses. Much of the surrounding land area is unused.

6. The subject property is situated within the Kealahou Bay Archaeological and Historic District which is on the Hawaii Register of Historic Places. An archaeological reconnaissance survey conducted on the property revealed the presence of irregular stone walls, three to four feet high lacking internal division walls. No other archaeological features were observed, and the survey indicated that no further study of the findings was warranted.

7. The Kahauloa flood channel crosses the southwestern corner of the subject property and a berm has been raised along the channel to protect nearby homes and the neighboring coffee mill.

8. The Petitioner anticipates that his proposed development can be the processing site for approximately 4,000 honey producing hives on the Island of Hawaii. The Petitioner also states that there is no known negative impact on surrounding vegetation due to the presence of bee hives. The hives should have a very beneficial impact on production due to increased pollenization. The Petitioner has stated that honey bee operations cannot be expanded any further without the proposed facilities and a separate processing, storage, and queenery operation cannot be maintained economically.

9. Since the subject property lies within the County of Hawaii's Special Management Area (SMA), the Petitioner requested and was granted an SMA Use Permit for the proposed facilities on November 16, 1977.

10. The State Department of Agriculture has stated that the growth potential of the bee industry should be encouraged because of the increasing demand for Hawaiian queen bees and because of the possibility of year-round production in Hawaii.

11. The Hawaii County Department of Public Works has stated that the proposed Coffee Mill Floodwater diversion may affect the subject parcel.

12. The Department of Water Supply has stated that "there is only a limited amount of water presently available until such time as the Kahalu'u Shaft Projects are completed."

13. The Hawaii Electric Light Company, Inc., the County Police Department, Department of Research and Development, and Department of Health had no objections to the proposed use.

CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an agricultural district may be permitted by special permit pursuant to HRS Chapter 205-6, and the State Land Use Commission District Regulation, Part V.

2. The approval of the subject request would be consistent with the State Land Use Law and Regulations. The intent of these statutory provisions is 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 Hawaii. The purpose of the subject request is to allow the establishment of facilities for the processing of honey. Also requested is the establishment of a queenery, which is for the breeding

of queen bees. Without the availability of processing and storage facilities, an essential link in the distribution of these products would be lacking. In addition, the breeding of queen bees is one aspect of bee-raising which is supportive of the overall activity. The proposed uses would thus be directly consistent with the purposes of the State Land Use Agricultural District. The proposed use would also support other agricultural activities because the growth of beekeeping would be beneficial to crops requiring pollenization.

Furthermore, the area under consideration has soils with low productivity ratings for conventional agriculture. The area, however, is optimal for the proposed use in terms of wind conditions. By establishing the use on the subject property, lands with higher productivity ratings can be reserved for agricultural activities requiring certain soil-related conditions.

3. The proposed uses will further the State and the County's policies of encouraging and supporting agricultural activities, inasmuch as support facilities for a growing agricultural use will be provided. Approval of the subject request will also directly implement the Hawaii County General Plan. The General Plan Economic Element explicitly states that Hawaii County shall assist the expansion of the agricultural industry, especially diversified agriculture. The General Plan Economic Element also calls for the diversification of Hawaii County's economy. The establishment of the proposed facilities and its use as a growing diversified agricultural endeavor is in keeping with these General Plan policies.

4. Although there will be some alteration in the existing character of the land, such alteration will

not have substantially adverse effects on surrounding properties or the general character of the area. The proposed use will not entail the construction of large-scale facilities. A large portion of the subject property will remain open in character. In addition, the general area is either vacant or in agricultural use, with scattered single-family dwellings. The proposed use is not expected to generate excessive traffic, noise, or other effects of a noxious nature.

5. The proposed use will not unreasonably burden public agencies to provide additional services and facilities. All essential services and facilities are or can be made available to the subject site. Although a limited quantity of water is currently available for the Kona region, this will be eventually rectified with the completion of the Kahalu'u Shaft project.

6. The use described in the petition is an unusual and reasonable use pursuant to HRS Chapter 205-6 and State Land Use Commission District Regulation, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED:

That Special Permit Number 78-295, for the operation of a honey storage and processing facility on approximately 5.6 acres of land situated within the State Land Use Agricultural District at Kahauloa Iki, South Kona, Hawaii, Tax Map Key 8-2-8: portions of parcels 22 and 55, be approved subject to the following conditions:

1. That construction of the proposed structures shall commence within one (1) year of the effective date of approval of the Special Permit and shall be completed within two (2) years thereafter. The petitioner or its

authorized representative shall receive final plan approval prior to establishment of the proposed use.

2. That the conditions of approval of Special Management Area (SMA) Use Permit No. 44 shall be complied with.

3. That all other applicable rules and regulations, including the requirements of the Departments of Water Supply, Public Works and Health, shall be complied with.

4. That should any of the foregoing conditions not be met, the Special Permit may be deemed null and void.

DATED: Honolulu, Hawaii, May 25, 1978



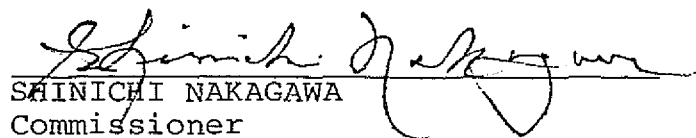
C. W. DUKE
Vice Chairman and Commissioner



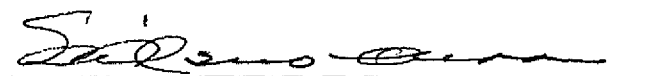
JAMES CARRAS
Commissioner



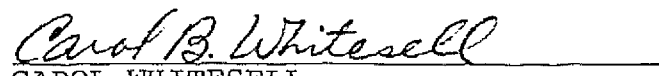
SHINSEI MIYASATO
Commissioner



SHINICHI NAKAGAWA
Commissioner



MITSUO OURA
Commissioner



CAROL WHITESELL
Commissioner

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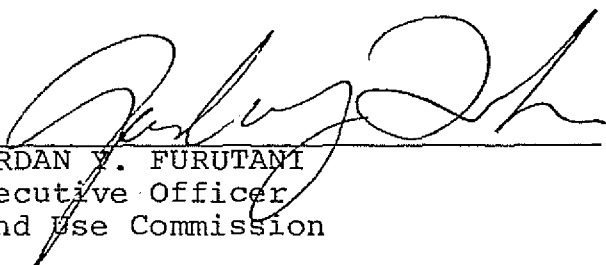
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the following
by certified mail:

SIDNEY FUKU, Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

DENNIS HASEROT
Powers Apiaries, Inc.
P. O. Box 1960
Kailua-Kona, Hawaii 96740

Dated: Honolulu, Hawaii, this 30th day of May, 1978.



GORDAN V. FURUTANI
Executive Officer
Land Use Commission