

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the
Petition for Special Permit
of

CHARLES T. ONAKA

) SP78-313

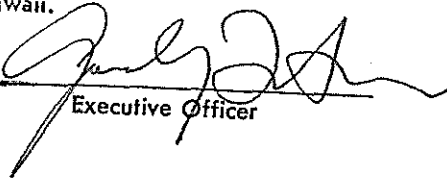
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND
) DECISION AND ORDER

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.

NOV 21 1978

Date

by


Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DECISION AND ORDER

The Land Use Commission of the State of Hawaii,
having duly considered the entire record in the above-entitled
matter, makes the following Findings of Fact and Conclusions
of Law:

FINDINGS OF FACT

1. The Petition for Special Permit was filed by Charles T. Onaka to allow the establishment of a smoked beef business on approximately .76 acre of land situated within the State Land Use Agricultural District at Honaunau Mauka, South Kona, Hawaii, Tax Map Key 8-4-05: 61.
2. The subject property is situated along the mauka side of the Mamalahoa Highway, approximately one (1) mile south of the Honaunau Post Office.
3. The proposed facility is to include a 14-foot by 10-foot meat cutting room and a 4-foot by 4-foot smoke room. The Petitioner has indicated that no slaughtering of animals will be done on the premises.

4. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject area as "Orchard". The property is presently zoned Agricultural-5 acres (A-5a).

5. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or "Very Poor" for the subject site. The property is not designated as "Agricultural Lands of Importance" by the State Department of Agriculture.

6. The land surrounding the subject site are used for residential, coffee growing and other agricultural purposes.

7. The Petitioner has stated that the smoked beef business is ideally suited to the area and will not burden public agencies to provide services or facilities.

8. The State Department of Health, Department of Transportation, Department of Agriculture, County of Hawaii Department of Water Supply and County of Hawaii Fire Department had no objections to the proposed use.

9. The Hawaii County Planning Commission held a public hearing for the Special Permit application on July 13, 1978.

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 § 205-6 and the State Land Use Commission District Regulations, Part V.

2. The approval of the subject request would be consistent with the State 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 health and welfare of the public. The purpose of this request is to allow the establishment of a smoked meat business on the subject area, providing a reliable outlet for the Petitioner's ranching operation. In addition, the approval of this request will result in the increased production of a desired agricultural product, as well as a new source of income for this portion of Kona. The proposed use would therefore encourage and assist the cattle industry, albeit on a small scale. Consequently, granting the request to allow the smoked meat business would further the objectives of the State Land Use Law and Regulations by encouraging and strengthening the existing and future agricultural activities in the area.

3. The proposed use will not adversely affect the surrounding areas. These areas can be characterized as being primarily agricultural in nature. This portion of Kona is one of the main coffee growing areas as well as supporting other diversified agricultural crop and small ranching operations. The granting of this request will not alter the essential character of this area, but will allow the establishment of a use, namely the smoked meat operation, which is related to the agricultural industry.

According to the State Land Use Law and Regulations as well as the County's Agricultural zoned district regulations, the processing of agricultural products, including smoked meat, is permitted within these Agricultural designated areas provided that the products are raised or grown on the subject area. Therefore, because of the nature of the proposed use and its relation to the agricultural industry, it is concluded that the granting of this request and the subsequent establishment of the smoked meat operation on the subject property will not be out of character with the surrounding land uses and consequently, will not have any substantial adverse effect on these areas.

4. The approval of this request will not unreasonably burden public agencies to provide roads and street, water and other improvements. All necessary utilities and infrastructures are already available to the subject area.

5. The use described in the Petition is an "unusual and reasonable" use pursuant to HRS § 205-6 and State Land Use Commission District Regulations, Part V.

DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit No. 78-313, for the establishment of a smoked beef business on approximately .76 acre of land situated within the State Land Use Agricultural District at Honaunau Mauka, South Kona, Hawaii, Tax Map Key 8-4-05: 61, be approved subject to the following conditions:

1. That the Petitioner or his authorized representative shall submit plans for plan approval within one (1) year of the effective date of the Special Permit.

2. That construction of the proposed facility shall commence within one (1) year from the date of receipt of final plan approval and be completed within one (1) year thereafter.

3. That the rules, regulations and requirements of the State Department of Health and the State Department of Agriculture be complied with.

4. That the driveway access off the Mamalahoa Highway to the proposed facility shall comply with the requirements of the State Department of Transportation, Land Transportation Facilities Division. Furthermore, the driveway shall be paved with an all-weather, dust-free surface.

5. That all other applicable rules, regulations and requirements be complied with.

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

DATED: Honolulu, Hawaii, November 9, 1978.

LAND USE COMMISSION

By C. W. Duke
C. W. DUKE
Chairman and Commissioner

By Shinichi Nakagawa
SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By James R. Carras
JAMES CARRAS
Commissioner

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MITSUO OURA
Commissioner

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CAROL WHITESELL
Commissioner

By Edward Yanai
EDWARD YANAI
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:

Sidney Fuke, Planning Director
Hawaii Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Charles T. Onaka
P. O. Box 208
Honaunau, Kona, Hawaii 96726

Dated: Honolulu, Hawaii, this 21st day of November, 1978.


GORDAN Y. FURUTANI
Executive Officer
Land Use Commission