

March 30, 1979

Mr. R. T. Vorfeld, President
Puna Papaya
P. O. Box 210
Keaau, HI 96749

Dear Mr. Vorfeld:

Special Permit Application
Petitioner: Puna Sugar Co., Ltd., dba
Puna Papaya and W. H. Shipman, Ltd.
Tax Map Key 1-6-03:portion of 73

The Planning Commission at its regular meeting of March 29, 1979 considered your application for a special permit to allow the establishment of the existing papaya packing plant and a papaya puree processing plant addition and related improvements within the State Land Use Agricultural District at Kea'au, Puna, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That the petitioner, or his authorized representative, submit plans for the puree plant for plan approval and secure final plan approval within one (1) year from the effective date of the Special Permit.
2. That construction of the proposed puree plant commence within one (1) year from the date of final plan approval and be completed within two (2) years thereafter.
3. That as part of the plan approval submittal, the petitioner shall submit a metes and bounds description of the subject property which shall comprise approximately 1.29 acres in land area. Further, the subject property shall be staked in conformance with the metes and bounds description prior to occupancy of the puree plant.

MAR 30 1979

Mr. R. T. Vorfeld
March 30, 1979
Page 2

4. That the petitioner shall provide adequate parking on-site to meet the needs of the improvements, existing and proposed, on the subject property.
5. That the requirements of the State Department of Health, the Department of Water Supply and the Department of Public Works shall be complied with.
6. That all other applicable rules, regulations and requirements shall be complied with.

It should be noted that failure to comply with any of the delineated conditions of approval, particularly those related to time commencement and expiration, shall be reason for termination of the Special Permit, unless an extension is requested prior to the expiration date and approved.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

lgy
cc Mr. R. E. Devine
State Land Use Commission
Land Use Division, DPED

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

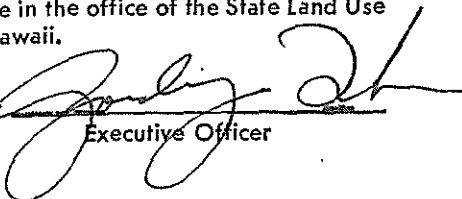
In the Matter of the)	SP79-338
Petition for Special Permit)	
of PUNA SUGAR CO., LTD.,)	PUNA SUGAR CO., LTD.,
DBA PUNA PAPAYA AND)	DBA PUNA PAPAYA AND
W. H. SHIPMAN, LTD.)	W. H. SHIPMAN, LTD.
)	
)	

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.

JUN 1 1979

Date

by



Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	SP79-338
Petition for Special Permit)	
of PUNA SUGAR CO., LTD.,)	FINDINGS OF FACT.
DBA PUNA PAPAYA AND)	CONCLUSIONS OF LAW AND
W. H. SHIPMAN, LTD.)	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 PUNA SUGAR CO., LTD., to allow the establishment of the existing papaya packing plant and a papaya puree processing plant addition and related improvements on approximately 1.3 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-03: portion of 73.
2. The subject property is located adjacent to the northwest (Hilo direction) side of the Keaau Sugar Mill complex.
3. The Petitioner proposes to establish the existing papaya packing plant use and the proposed papaya puree processing plant use through this Special Permit.
4. The existing packing plant is housed within a 20,000 square foot structure. The total plant facility encompasses an additional one (1) acre for storage and packing purposes.
5. The proposed puree processing plant would be housed within a 4,000 square foot steel frame butler building. This

plant would also include associated storage, packing and freezing operations. Both the packing plant and proposed processing plant would be situated within the subject 1.3 acre area.

6. There are approximately 140 persons presently employed at the packing plant. The Petitioner anticipates that the proposed puree processing plant would employ seven (7) additional workers.

7. The County of Hawaii's General Plan Land Use Pattern Allocation Guide Map designates the subject property as Orchards and Intensive Agriculture. Present County Zoning is Agricultural 20 acres (A-20a).

8. The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "C" or "Fair" for the soils of the subject property.

9. Surrounding land uses include sugar cane to the west and south, and pasture to the north. The Keaau Sugar Mill is located approximately 800 feet east of the subject area, while a slaughterhouse is located approximately 800 feet to the west. The nearest single family dwelling is situated in the Keaau Loop Subdivision, approximately 1,600 feet away.

10. Water and electrical power are currently available at the packing plant. These utilities will be made available to the puree processing plant from the Keaau Mill.

11. The subject site fronts along two (2) roadways. Access to the Volcano Highway is via Shipman Road, which has a 20 foot wide gravel surface. A private roadway also abuts the northeastern portion of this subject site.

12. The petitioner has in part stated that the proposed use will not adversely affect surrounding properties nor unreasonably burden public agencies to provide services and facilities.

13. The County Fire Department has recommended the installation of a 6-inch waterline from the Keaau Sugar Mill.

14. The State Department of Health has cited applicable health regulations to which the Petitioner must comply.

15. Other governmental agencies cooperating in the review of the subject request, including the Department of Water Supply, U.S.D.A. Soil Conservation Service, Department of Public Works, Hawaii Electric Light Co., Ltd., Department of Agriculture, and Police Department had no objections to the Special Permit request.

16. The Hawaii County Planning Department has recommended approval of the application for Special Permit.

17. The Hawaii County Planning Commission conducted a public hearing on the application for Special Permit on March 8, 1979. A representative of the Petitioner was the only person to testify concerning the request.

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 State Land Use Commission District Regulation, Part V.

2. The approval of the subject request will be consistent with the Land Use Law and Regulations. The intent of these statutory provisions is to preserve, protect and encourage the development of lands in the State of Hawaii for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In

the case of the Agricultural District, the intent is to preserve lands of high agricultural potential for agricultural purposes. The purpose of the subject request is to confirm the existing papaya packing plant and to establish a papaya puree operation on the subject property. The plants will be an integral part of the Puna Papaya agricultural endeavors by providing packing and processing operations for their papaya orchards. The establishment of the puree operation next to the existing packing plant will minimize transportation and handling costs in the overall operation while providing an outlet for the papayas which are below grade standards. In light of such factors, it is determined that the packing and processing plants will further the objectives of the Land Use Law and Regulations by providing essential support facilities for papaya growing activities in the region.

3. The requested use will not unreasonably burden public agencies to provide facilities and services. The subject property is served by existing private roads under the control of the petitioner. Water will be supplied to the proposed puree processing plant from Keaau Sugar Mill source which is operated by Puna Sugar Company. Electricity is also available from the Keaau Sugar Mill. The extension of utilities to serve the subject property will be the responsibility of the petitioners. Further, the existing supportive services will not be unreasonably burdened by the requested use as they already served the existing packing plant. By centralizing the packing and puree processing activities, these services will not need to be extended over a wider geographic area.

4. The proposed use will not adversely affect surrounding properties. The subject property is surrounded by open type

uses, namely sugar cane and pasture lands. In relatively close proximity, there are the already established Keaau Sugar Mill and slaughterhouse, while the closest residential unit is approximately 1,600 feet away. Due to the general openness of the area, the requested use will be adequately buffered from residential areas. Further, due to the industrial nature of the surrounding non-residential uses, it is not anticipated that the requested use will adversely affect them. The nearest public thoroughfare is the Volcano Highway which passes by the Keaau Loop subdivision. Due to the subject property's distance from the highway and the backdrop provided by the existing papaya plant structure, it is anticipated that little or no adverse visual impact to surrounding areas and views will occur.

5. 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 79-338 for the establishment of the existing papaya packing plant and a papaya puree processing plant addition and related improvements on approximately 1.3 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii, Tax Map Key 1-6-03: portion of 73, be approved subject to the following conditions:

1. That the petitioner, or his authorized representative, submit plans for the puree plant for plan approval and secure final plan approval within one (1) year from the effective date of the Special Permit.

2. That construction of the proposed puree plant commence within one (1) year from the date of final plan approval and be completed within two (2) years thereafter.

3. That as part of the plan approval submittal, the petitioner shall submit a metes and bounds description of the subject property which shall comprise approximately 1.29 acres of land area. Further, the subject property shall be staked in conformance with the metes and bounds description prior to occupancy of the puree plant.

4. That the petitioner shall provide adequate parking on-site to meet the needs of the improvements, existing and proposed, on the subject property.

5. That the requirements of the State Department of Health, the Department of Water Supply and the Department of Public Works shall be complied with.

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

7. Failure to comply with any of the delineated conditions of approval, particularly those related to time commencement and expiration, shall be reason for termination of the Special Permit, unless an extension is requested prior to the expiration date and approved.

DATED: Honolulu, Hawaii, May 30, 1979.

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 R. CARRAS
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By Mitsuo Oura
MITSUO OURA
Commissioner

By George R. Pascua
GEORGE R. PASCUA
Commissioner

By Carol B. Whitesell
CAROL B. WHITESELL
Commissioner

By Edward Yanai
EDWARD YANAI
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)	SP79-338
for Special Permit of)	
)	PUNA SUGAR CO., LTD.,
PUNA SUGAR CO., LTD.)	DBA PUNA PAPAYA AND
DBA PUNA PAPAYA AND)	W. H. SHIPMAN, LTD.
W. H. SHIPMAN, LTD.)	
)	
)	
)	

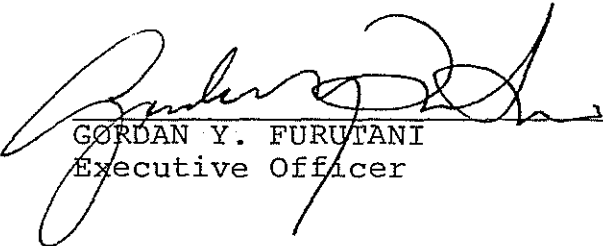
CERTIFICATE OF SERVICE

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
25 Aupuni Street
Hilo, Hawaii 96720

R. T. VORFELD, President and Manager
Puna Papaya
P. O. Box 210
Keaau, Hawaii 96749

DATED: Honolulu, Hawaii, this 1st day of June, 1979.


GORDAN Y. FURUTANI
Executive Officer

CERTIFIED MAIL

February 20, 1986

Mr. Sidney Fuke
Planning Consultant
100 Pauahi St., Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Change of Zone Application
Amendment to Special Permit No. 418
AMFAC Agribusiness dba AMFAC Tropical Products
Tax Map Key 1-6-03:portions of 5 and 73

The Planning Commission at its duly held public hearing on February 13, 1986 voted to recommend approval to the County Council on the Change of Zone application. The Planning Commission also voted to approve the request to amend Special Permit No. 418 to allow the expansion of an existing papaya packing and puree processing facility on approximately 7 acres of land situated within the State Land Use Agricultural District at Keaau, Puna, Hawaii.

The approval recommendation for change of zone application is subject to the following conditions:

- A. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Subdivision plans shall be submitted within one year from the effective date of approval of the change of zone.
- C. All other applicable rules, regulations and requirements shall be complied with.

The Planning Director may administratively grant extensions to the foregoing time condition. Further, should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the property to its original or more appropriate designation.

Mr. Sidney Fuke
February 20, 1986
Page 2

The amendment to Special Permit No. 418 was approved subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval within one year from the effective date of approval of the Change of Zone.
3. Construction of the proposed improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. All other applicable rules, regulations and requirements, including those of the State Department of Health, shall be complied with.
5. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void.

A requirement, as part of our recommendation to the County Council, is the inclusion of a legal description of the subject area in map and written form by notes and bounds. Please submit such a description to us as soon as possible so that the application can be forwarded to the Council with a minimum of delay.

Should you have any questions regarding the above, please feel free to contact the Planning Department at 961-8288.

Sincerely,

Barbara A. Koi
Chairperson, Planning Commission

cc: Jeffrey Melrose
State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section