

CERTIFIED MAIL

August 2, 1983

Ms. S. St. Martin
Assistant Manager
United Coffee Corporation
P. O. Box 982
Capt. Cook, HI 96704

Dear Ms. Martin:

Special Permit Application (83-8)
TMK: 7-8-15:5

The Planning Commission at its duly held public hearing on July 27, 1983, voted to approve your application, Special Permit No. 532, to allow the establishment of a coffee processing plant at Keauhou 1st, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by 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 for those uses to which they are best suited in the interest of the public health and welfare of the people in Hawaii. In the case of the Rural District, the intent is to preserve lands of small farm and low density potential for limited agricultural use. The purpose of the subject request is to allow a processing facility for the coffee industry in Kona. The establishment of another processing facility and the maintenance of an alternative viable outlet for coffee production will directly benefit coffee growers in the area and the industry as a whole. Such strengthening will provide greater incentives for coffee production helping to keep good agricultural lands in agricultural use and thereby foster its preservation.

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On the Island of Hawaii the objectives of the State Land Use are translated into the goals, policies, and standards contained within the General Plan. Approval of the subject request would complement the General Plan orchard designation of the property in the same way that it complements the State Land Use Rural district.

Approval of the subject request would also complement the General Plan Economic goals which states, "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

Further, the proposal is directly related to an agricultural activity, namely, coffee production. Within the State Land Use "Rural" and County Residential-Agriculture zoned districts, processing of agricultural products is a permitted use provided that the products are grown on the premises. In this particular case, however, a Special Permit is necessitated since the products will be from other properties in the area. In spite of the fact that all of the projected production will come from off-site farms, the use of the Special Permit procedure is appropriate in view of the direct relationship between the requested use and the uses permitted within the Rural and Agricultural districts. It is apparent that the requested use will complement and not be detrimental to the underlying district designation, and that it is not such a large scale intrusion that would make it inappropriate for placement within the State Land Use Rural district.

Based on the above consideration, it is concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

The approval of the subject request is not expected to adversely affect surrounding properties. The proposed coffee processing facility will be located adjacent to the existing coffee mill. The proposed location of the pulping shed would be 25 feet from the north property line and the concrete drying shed will be 15 feet from the south property line. The Zoning Code requires that all processing facilities be located a minimum of 75 feet from any street fronting the property. The distance to the nearest off-site dwelling from the pulping shed location is approximately 150 feet to the north, while the property immediately makai and to the south of the subject property are vacant and overgrown with vegetation. The petitioner also intends to provide for structural and landscape

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buffers for any potential impacts of noise, dust or odor. These concerns can be addressed through conditions of approval and the "Plan Approval" process established in the Zoning Code. Under these circumstances it is felt that the operation of the coffee facility should not have adverse effects to surrounding land uses. The impacts resulting therefrom are not anticipated to be adversely affecting the surrounding lands or properties nor significantly affect the character of the area. Further the proposed uses will not substantially change the character of the land and its present use. While there is some question as to the existing mill's continued use, the fact still remains that the structures exist and their use for some form of coffee processing has been ongoing from time to time. The proposed uses will amount for an expansion of the existing uses and structures of that area and will not substantially amount to an introduction of an absolutely new use. As such, while the proposed uses will amount to some change to the character and use of the land, we have found that change will not be substantial, and any change will be mitigated through appropriate conditions. A recommended condition of approval is a restriction on the hours of operation. In anticipation of possible noise, dust, smell or other forms of adverse physical impacts, another condition stipulates an assessment and corrective measures be initiated by the Planning Commission, and termination of the Special Permit should the corrective action not be satisfactorily completed. Collectively, together with the State Department of Health requirements, these are circumstances which should reduce any possible negative impacts to surrounding properties due to noise, odors and dust.

While the proposed use will be generating additional traffic along the private roadway serving the subject property, it is not expected that the load will be substantial. The peak coffee season covers approximately five months. The Old Mamalahoa Highway has a right-of-way of 50 feet with approximately 16 feet of pavement which should be able to handle this low level of traffic. However, to mitigate possible traffic impacts from the establishment of a coffee processing facility, a recommended condition of approval is that the processing facility be limited to the proposed structures shown on the plans submitted. In this way the potential impacts will remain at an acceptable scale.

The approval of the subject request should not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The subject property is in close proximity to urbanized areas which have long had these essential services. The subject property is

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located approximately 1/2 mile from the Keauhou Junction at Kuakini Highway. Additional service to the subject property in view of the scale of the project should not create unreasonable burdens. Water service is available as is fire and police protection.

Unusual conditions, trends, needs have arisen in relation to the subject request since the establishment of the district boundaries and regulations. Since the enactment of the State Land Use Law in 1961, the coffee industry in Kona has been in a general decline. This is reflected in the State Department of Agriculture's statistics showing a decline from 3.04 million pounds of parchment in 1973 to 1.45 million pounds in 1980. These trends, however, appear to be reversing as the 1981 production in the Kona Coffee industry total 2.24 million pounds of parchment. Along with the increasing production has been the introduction of additional outlets for the coffee farmers, providing them with new marketing options. These options appear to have spurred renewed interest among the coffee growers.

The land upon which the use is proposed is not totally suitable for agricultural activities. The existing structural development, and the limited size of the property because of these improvements reduces any suitability for agricultural uses. Therefore, the establishment of the proposed use would do more for the benefit of the coffee industry than would be possible through coffee cultivation exclusively. As stated earlier, the activity is directly related to and should benefit the coffee industry in Kona. By providing an additional processing facility, future growth opportunities and incentives will exist to maintain the present status of the industry and to expand where possible. Such an outlook is in sharp contrast to that of a few years ago. While the potential for on-site cultivation may be reduced to a limited extent, the off-site agricultural possibilities will increase and in an overall sense should become a net benefit. Thus, the approval of the subject request should benefit the uses intended to be established by the Rural District classification and be consistent with the overall purpose of the Land Use Law and Regulations.

Based on the foregoing, we have further determined that the proposed coffee mill use is an unusual and reasonable use of the land within the State Land Use Rural District and that the approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

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Approval of this special permit request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval.
2. Plans for the entire complex including a detailed landscaping plan shall be submitted and approved through the Plan Approval process within one year from the effective date of the Special Permit. The detailed landscaping plan shall indicate the methods of landscaping as well as structural methods of buffering to be developed.
3. Construction of the proposed facility shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. The processing facility shall be limited to the structures as shown on the site plan submitted in conjunction with the Special Permit application. The maximum of 250 coffee bags per day is not to be exceeded in the proposed operation. Additionally, all pulped material will be hauled away on a daily basis from the subject property.
5. All State and County standards and appropriate safety measures be exercised by the petitioner to assure optimum vehicular traffic safeguards during the periods of operation, especially during the periods where ingress and egress of trucks for the removal of the pulp are taking place.
6. Precautions shall be taken to avert any inconvenience such as traffic, noise, dust or smell problems to surrounding properties with appropriate landscape or structural buffers. Any complaints with regard to these issues shall be investigated by the Planning Department and reported in written form to the County Planning Commission for their review and action. If it is found that the resultant effects are found to be valid, the Planning Commission shall require the petitioner to take corrective measures, which are deemed appropriate and satisfactory to the County Planning Commission. If the corrective measures are not satisfactorily completed, then the Planning Commission shall have the authority to terminate the Special Permit application.
7. The operation of the coffee processing plant shall be limited to 7:30 a.m. to 5:00 p.m., Monday through Sunday.

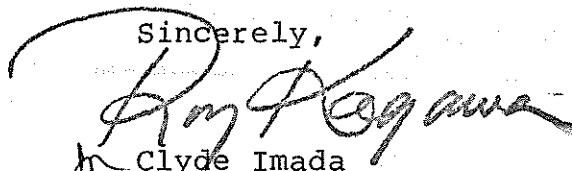
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8. The requirements of the State Department of Health shall be complied with.
9. The requirements of the Department of Public Works and the Department of Water Supply shall also be complied with.
10. All other applicable rules, regulations, and requirements shall be complied with.

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

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Clyde Imada
Chairman, Planning Commission

cc: Hiroshi Kasamoto
Rene N. Jennett
Public Works, Building
Department of Water Supply
County Kona Office

bcc: Plan Approval Section