

CERTIFIED MAIL

February 6, 1985

Mr. Robert Eblacus  
Mauna Loa Macadamia Nut Corp.  
S.R. Box 3  
Hilo, HI 96720

Dear Mr. Eblacus:

Special Permit Application (84-26)  
TMK: 1-6-01:Portion of 26

The Planning Commission at its duly held public hearing on January 31, 1985, voted to approve your application, Special Permit No. 84-26, to allow the sale of unrelated agricultural, commercial and food items within the Visitor Center building situated on approximately 5,000 square feet of land within the State Land Use Agricultural District at Keaau, Puna, 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 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 in Hawaii. In the case of the Agricultural District, the intent is to preserve lands of high agricultural potential for agricultural use. The purpose of this particular request is to allow the sale of certain products other than macadamia nuts processed on the premise. The petitioner recently completed the renovation of its visitor center building. Besides selling processed macadamia nut products and exhibiting educational displays, the petitioner also intends to sell other agricultural products, and commercial and food items at the center. While these unrelated products will also be sold, the primary intent would still be to promote the macadamia nut products produced on the premise. It is felt that the entire visitor center complex will be an integral part of the petitioner's agricultural endeavors for its macadamia nut operation. The center and the goods to be sold will be an asset for the promotion and sale of

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some of Hawaii's products. Definite benefits will accrue to the petitioner as well as other macadamia nut operations in terms of greater exposure and expansion of the market. The sale of the other unrelated products in not such a large scale intrusion that would make it inappropriate for placement and operation within the State Land Use Agricultural District through the Special Permit process.

In light of these factors, it is determined that the proposed use will be a positive benefit and support to agriculture for the Island of Hawaii. The proposed facilities will indeed further the objectives of the Land Use Law and Regulations by encouraging and strengthening existing and future agricultural activities in the area. It is also a fact that the granting of this particular request would also complement the Economic goal of the General Plan which states that the "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

The proposed uses will also not affect the surrounding properties and land uses. The petitioner owns the surrounding lands which are presently used for macadamia nut production. Therefore, it is determined that the proposed activities will not have an adverse impact on surrounding properties nor to the overall agricultural activities in the area.

The approval of this request will not unreasonably burden public agencies to provide utilities and services. Access to the property is available via a paved private road under the control of the petitioner. The property is also served with a private water system. All other essential utilities and services are available to the property.

Unusual conditions, trends, and 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 macadamia nut and other diversified agricultural industries have grown tremendously. As a result, the need for the sale of supporting products such as proposed, may be essential in serving individuals who utilize the visitor center complex.

Although the property is within the State Land Use Agricultural District, the area involved in this request is only 5,000 square feet. Besides the existence of visitor center and office building, the remainder of the property have been paved for parking purposes. Therefore, the granting of the proposed

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uses on this particular area will not be taking away from any usable agricultural lands. This is substantiated by the Land Study Bureau which designates the area for urban uses.

Based on the above consideration, it is determined that the request conforms to the General Plan; is an unusual and reasonable use of the property; and that it would promote the effectiveness and objectives of the State Land Use Law and Regulations.

Approval of this Special Permit request is subject to the following conditions:

1. The petitioner, successors, or its assigns, shall comply with all of the stated conditions of approval.
2. A list of items (general categories) to be sold shall be provided to the Planning Department prior to operation.
3. All other applicable rules, regulations, and requirements, including those of the State Department of Health shall be complied with.
4. Should the Planning Director determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

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

Sincerely,

*Donald Thompson*

Donald Thompson  
Chairman, Planning Commission

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

bcc: Plan Approval Section