

CERTIFIED MAIL

March 7, 1985

Mr. Edwin Akana
P. O. Box 103
Kailua-Kona, HI 96745

Dear Mr. Akana:

Special Permit Application (84-27)
TMK: 7-3-07:43

The Planning Commission at its duly held public hearing on February 28, 1985, voted to approve your application, Special Permit No. 84-27, to allow the establishment of a water purification and bottling plant on a 6.286-acre parcel situated within the State Land Use Agricultural District at Ooma 1st, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not well suited for agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject property's dominant soil type is Punaluu extremely rocky peat with 6 to 20 percent slopes. This soil has a capability subclass rating of VIIs which indicates soils having very severe limitations mainly due to shallow, droughty or stony conditions which make them unsuited to cultivation and that restrict their use largely to pasture or range woodland or wildlife. The Land Study Bureau's rating of these lands for overall agricultural productivity is Class "C" or "fair." Furthermore, the subject area has not been included in the Department of Agriculture's classification of "Agricultural Lands of Importance to the State of Hawaii." Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of the

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subject request would not be contrary to the objectives of the State Land Use Law and Regulations given the agricultural potential of the subject property and the above-cited criterion for determining the Agricultural District.

Although the proposed use will somewhat alter the essential character of the land, it is determined that the proposed project will be of such a small magnitude that change, if any, would be minimal. As such, the limited nature of the proposed development would not preclude the vast majority of the subject property from being used for agricultural purposes. It is apparent that the requested use will 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 Agricultural 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.

The proposed use will not adversely affect the surrounding properties and their improvements. The surrounding properties are utilized for grazing and residential purposes. This area can be classified as rural-residential in character. Due to the overall character of the area, the physical attributes of the subject property and the scale of the proposed facility, it is determined that the establishment of the proposed use can be made to be compatible with the area and would not be in conflict with the surrounding uses.

The proposed use will not unreasonably burden public agencies to provide roads and streets and other infrastructures and services. All essential services and facilities are or will be made available to the subject property. Concerns regarding the volume of water that may be utilized can be handled through conditions of approval.

Based on the foregoing, it has been determined that the proposed water purification and bottling plant is an unusual and reasonable use of land situated within the Agricultural district and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended.

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

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.

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- b. Plans for plan approval shall be submitted within one year from the effective date of the Special Permit.
- c. 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.
- d. Hours of operation shall be limited to 8:00 a.m. to 4:30 p.m., Monday through Friday.
- e. The existing access off the Hawaii Belt Road shall be improved to meet the minimum requirements of the State Department of Transportation.
- f. Water usage shall comply with the prevailing policies and Rules and Regulations of the Department of Water Supply.
- g. All other applicable rules, regulations, and requirements including those of the State Department of Health pertaining to the bottling of water and sewage disposal shall be complied with.
- h. 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 considered void.

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

Sincerely,



Donald Thompson
Chairman, Planning Commission

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

bcc: Plan Approval Section