

CERTIFIED MAIL

June 26, 1985

Mr. Thomas Hing, Sr.
P. O. Box 193
Captain Cook, HI 96704

Dear Mr. Hing:

Special Permit Application (85-11)
TMK: 8-3-10:53

The Planning Commission at its duly held public hearing on June 19, 1985, voted to approve your application, Special Permit No. 592, to allow the establishment of a retail outlet for locally grown agricultural products on two acres of land situated within the State Land Use Agricultural District at Keel 2nd, South 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 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 retail sale of the products from the petitioner's hog farm operation which is situated on another property about one mile south of the subject property. Besides selling his agricultural products, the petitioner also intends to sell other agricultural products, such as beef and poultry products, vegetables and fruits, locally grown by other farmers in the area. The petitioner also intends to prepare some of the products for take out lunches. While these products are not grown or raised on the property, the primary intent of the retail sales outlet would be to promote locally grown agricultural products. Therefore, it is felt that the sale of these goods will be an asset for the promotion of some of Hawaii's products. Definite benefits will accrue to the petitioner as well as other farmers

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in the area in terms of greater exposure and expansion of the agricultural market. The sale of these products is 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 facility 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 County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

The proposed use will not unreasonably burden public agencies to provide utilities and services. All essential utilities and services, including water, is available to the property. With regard to access to the property, the petitioner will be required approval from the State Department of Transportation, Highways Division.

Unusual conditions, trends, and needs have arisen in relation to the subject request since the establishment of the district boundaries and regulations. In recent years, besides the petitioner, a number of individuals have engaged in farming activities either on a part-time or full time basis. With the emergence of these farming activities, the need for an alternative market as proposed is also warranted. The retail sales outlet for locally grown agricultural products will definitely assist the farmers in the area, especially those who may just be starting out or engaging in part-time backyard farming.

The petitioner intends to utilize the front portion of the 2-acre lot for the proposed use. Also on the property is a single family dwelling. While the petitioner indicated that he does not intend to utilize the remainder of the property for agricultural use, the option is still available to use the remaining area for certain agricultural activity on a limited scale. Therefore, while the property has not been classified prime agricultural land by the State Department of Agriculture and the Land Study Bureau, the potential to utilize the remainder of the property for agricultural use is still possible.

Based on the above consideration, it is determined that the request is an unusual and reasonable use of the property and that it

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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. Plans for the retail sales outlet, including parking, shall be submitted for plan approval review within one year from the effective date of the Special Permit.
3. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
4. Retail sales shall be restricted only to locally grown agricultural products. Further, a list of items (general categories) to be sold shall be provided to the Planning Department prior to operation.
5. Access to the property shall meet with the approval of the State Department of Transportation, Highways Division.
6. All other applicable rules, regulations and requirements, including those of the State Department of Health, shall be complied with.
7. 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.

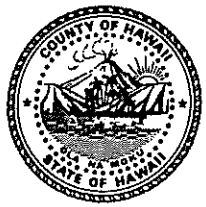
Sincerely,

Barbara Koi

Barbara Koi, Vice 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



Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 961

AUG 20 1997

Ms. Janice Kaaloa
P.O. Box 202
Honaunau, HI 96726

Dear Ms. Kaaloa:

Amendment to Special Permit No. 592 (SPP 592) (85-11)
Applicant: Janice Kaaloa
Request: Expansion of Existing Retail Outlet Facility for
Locally Grown Agricultural Products
Tax Map Key: 8-3-10:53

The Planning Commission at its duly held public hearing on August 7, 1997, voted to approve the above-referenced request. Special Permit No. 592 allowed the establishment of a retail outlet for locally grown agricultural products on 2 acres of land. The amendment is to allow the expansion of the existing retail outlet facility, Kaaloa's Super Js, with the addition of outdoor seating area and new storage area. The property is located along the makai (west) side of the South Kona Belt Road approximately 950 feet north of Honaunau School at Keei 2nd, South Kona, Hawaii.

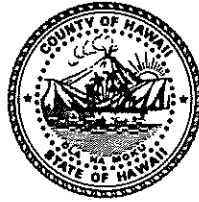
Approval of this request is based on the following:

Approval of this request would not be contrary to the General Plan or the Zoning Code. The amendment to Special Permit No. 592 would not be contrary to the original reasons for granting the Special Permit. The request is consistent with the Land Use Element of the General Plan which states to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The property was granted a Special Permit for retail use in 1985 and has been so used since that time. The existing facility will be expanded to include an outdoor seating area and storage area. This will be a positive benefit and expansion of existing uses. The minor expansion is 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. The subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the poor agricultural rating of the area and its present commercial use. The granting of this particular request would also complement the Economic goal of the General Plan

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AUG 20 1997

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL
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Ms. Janice Kaaloo
P.O. Box 202
Honaunau, HI 96726

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Applicant: Janice Kaaloo
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Approval of this request is based on the following:

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which states that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

The desired use will not adversely affect the surrounding properties. Since the granting of the Special Permit in 1985, which allowed the retail use, the surrounding area has not changed. Thus, granting of this proposed expansion is not expected to produce any new impacts. The nature of the proposed expansion will not significantly change what is already existing.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The amendment to Special Permit No. 592 is not expected to produce additional burden to existing facilities. The consulting agencies or surrounding property owners have not expressed any negative concerns regarding the proposal.

Based on the above findings, the request to expand the existing retail outlet to include outdoor seating and a new storage area is hereby approved.

Special Permit No. 592 is amended as follows: (Material to be deleted is bracketed and material to be added is underscored):

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.
2. [Plans for the retail sales outlet, including parking, shall be submitted for plan approval review within one year from the effective date of the Special Permit.] Construction of the improvements shall be completed within five (5) years from the effective date of the amended Special Permit. Prior to the start of construction, the applicant shall secure Final Plan Approval, in accordance with Chapter 25-2-70 (Zoning Code), from the Planning Director. Plans shall identify structures, parking area and parking stalls in accordance with Chapter 25 (Zoning Code).
3. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.]
- 3 [4]. Retail sales shall be restricted only to locally grown agricultural products. Further, a list of items (general categories) to be sold shall be provided to the Planning Department prior to operation.
- 4 [5]. Access to the property shall meet with the approval of the State Department of Transportation, Highways Division.
- 5 [6]. All other applicable rules, regulations, and requirements, including those of the State Department of Health, shall be complied with.
- 6 [7]. 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] may be void.

7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
- A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

LKaalo01.PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Kazu Hayashida/DOT-Highways, Honolulu

EFFECTIVE DATE: 'AUG 2 0 1997