

CERTIFIED MAIL

April 16, 1987

Mr. Eugene McCain  
Kapulena Orchards, Inc.  
Box 95  
Kamuela, HI 96743

Dear Mr. McCain:

Special Permit Application(87-2)  
Tax Map Key: 4-7-02:42

The Planning Commission at its duly held public hearing on April 14, 1987, voted to approve your application, Special Permit No. 644, to allow the establishment of a macadamia nut husking plant on 1.25 acres of land at Malanahae, Hamakua, Hawaii.

Approval of this request is based on the following:

The subject request is consistent with the objectives sought to be accomplished by the State Land Use Law and Regulations. 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 purpose of the application is to allow the installation and operation of a macadamia nut husking plant which would become an integral part of the Kapulena Orchards macadamia nut farm as well as to provide the processing opportunities for the smaller growers in the area. The establishment of the husking plant will be beneficial to the petitioner and surrounding macadamia nut farmers by cutting transportation costs and increasing marketability.

In light of these factors, it is determined that the proposed use will be a positive benefit and support to the agriculture activities for the Hamakua area. 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

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fact that the granting of this particular request would also complement the Economic Goal of the General Plan and the Northeast Hawaii Community Development Plan which states respectively that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The state and county should continue and expand their assistance in the further development of diversified agriculture in the Northeast Hawaii Planning Area."

Further, the proposal is directly related to an agricultural activity, namely, macadamia nut production. Within the State Land Use and County's Agricultural zoned district, the processing of agricultural products, such as macadamia nuts, is a permitted use provided that the products are grown on the subject property. Although all of the nuts to be husked are not grown on the subject property, the proposed husking plant site is contained within the Kapulena macadamia nut Orchards area and will also enable the petitioner to process the macadamia nuts from other small macadamia nut farmers in the area.

The surrounding areas are in active sugar cane or macadamia nut production. In addition, the proposed husking plant is contained within the existing macadamia nut orchard with Ironwood trees masses along the east and west boundaries of the subject property. These tree masses will also provide a buffer to mitigate any impacts from the proposed husking plant activities. Moreover, the Honokaia gulch also serves as a natural buffer to the properties to the east of the proposed husking plant site. Therefore, it is determined that the proposed husking plant activity will not adversely affect the surrounding properties nor to the overall agricultural activities in the area.

In light of the above stated reasons, it has been determined that the proposed use will be consistent with the guidelines for the granting of a Special Permit. A major policy of the State and County is the encouragement and support of agricultural activities throughout the State. The proposed uses are directly supportive of agricultural activities, namely, macadamia nut production. Therefore, it is concluded that the granting of this particular application would be beneficial to the people in the County and State of Hawaii relative to adopted agricultural policies.

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Based on the foregoing, it has been determined that the proposed macadamia nut husking plant is an unusual and reasonable use of land situated within the State Land Use 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:

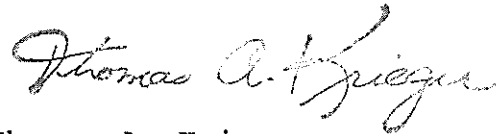
1. The petitioner, its successors, or assigns shall be responsible for complying with all conditions of approval.
2. Plans of the proposed facility, including a parking plan delineating a minimum of eight paved stalls, shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the Special Permit.
3. Construction of the proposed facility shall commence within one year from the date of receipt of final Plan Approval and be completed within two years thereafter.
4. The access road to the husking plant shall be improved in accordance with the requirements of the Department of Public Works.
5. The driveway connection to the Honokaa/Waipio Road shall meet with the approval of the State Department of Transportation, Highways Division.
6. A minimum 10,000-gallon capacity water tank shall be provided for fire fighting purposes.
7. Any alleged violations to the conditions or complaints as to the use of the property as a husking plant may cause the Planning Director to schedule a public hearing before the Planning Commission.
8. All applicable rules, regulations, and requirements, including those of the State Department of Health, shall be complied with.
9. The Planning Director may administratively grant a one year extension to the foregoing time conditions. Further, should the Director determine that any of the conditions

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have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the Special Permit.

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

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Mr. Harrell McCarthy  
Mr. Bart Jones  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section