

CERTIFIED MAIL

November 25, 1987

Mr. Sidney Fuke  
Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Dear Mr. Fuke:

Special Permit Application (87-11)  
Petitioner: Hawaii Akatsuka Farm, Inc.  
TMK: 1-1-20:165

The Planning Commission at its duly held public hearing on November 17, 1987, voted to approve the application, Special Permit No. 651, to allow the sale of visitor-related goods and hot and pre-made food products within an existing hot house at the Hawaii Akatsuka Farm at Fern Forest Vacation Estates Subdivision, 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 plants and flowers grown on the premise. Besides selling the agricultural products grown on the premise, the applicant also intends to sell certain goods which would be oriented for the convenience of its visitors. While these unrelated products and food items will

NOV 25 1987

Mr. Sidney Fuke  
Page 2  
November 25, 1987

also be sold, the primary intent would still be to promote the agricultural plants and flowers produced on the premise. It is felt that the requested use would still be an integral part of the applicant's agricultural endeavors. Further, the sale of the other unrelated 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.

It should be further noted that approval of the subject request will not have any adverse impact on the future agricultural potential of the subject property or the surrounding area. The applicant intends to convert a portion of the main hot house, which is already used for the sale of the agricultural products grown on the property, for the proposed use. The agricultural operation of the farm will not change as a result of this proposed use. Thus, from a policy analysis standpoint, it is determined that approval of the subject request would not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. As stated previously, the intent of this request is to accommodate the visitors who would normally be visiting the property. Therefore, unlike the introduction of a new use to the area, additional traffic is not expected to be generated by establishing the proposed use on the property. The nature and scale of the proposed use will still maintain the agricultural character of the area and the impacts resulting therefrom are anticipated to remain the same.

The proposed use will not unreasonably burden public agencies to provide roads, water and other similar infrastructure or services. The proposed use will not require any additional demands or expansion to those services and facilities already available to the subject property.

Based on the foregoing, in this particular case, it is determined that the request to allow the sale of visitor-related goods and hot and pre-made food products within an existing hot house is an unusual and reasonable use of the land within the State Land Use Agricultural District. As such, it is further determined that the approval of the request would still promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Mr. Sidney Fuke  
Page 3  
November 25, 1987

Approval of this request is subject to the following conditions:

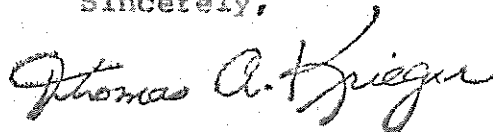
1. The applicant, successors or assigns, shall be responsible for complying with all conditions of approval.
2. Plans for the conversion of the main hot house to accommodate the proposed use shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of approval of the Special Permit.
3. The approved uses shall be established within one year from the date of receipt of Final Plan Approval.
4. Parking to accommodate the proposed use shall be provided in accordance with the requirements of Chapter 25 (Zoning Code), Hawaii County Code.
5. There shall be no signage on the premise advertising the approved uses.
6. A list of items (general categories) to be sold shall be submitted to the Planning Department prior to operation.
7. All other applicable laws, rules, regulations, and requirements shall be complied with.
8. An annual progress report shall be submitted prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied.
9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the 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;

Mr. Sidney Fuke  
Page 4  
November 25, 1987

c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the 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: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission

bcc: Plan Approval Section