

CERTIFIED MAIL

July 25, 1989

Mr. Rikizo Hasegawa  
P.O. Box 957  
Honokaa, HI 96727

Dear Mr. Hasegawa:

## Special Permit Application (89-13)

TMK: 4-6-8:59

The Planning Commission at its duly held public hearing on July 18, 1989, voted to approve your application, Special Permit No. 709, to allow the manufacturing of baked goods, candies, and related products on 5.6 acres of land situated within the State Land Use Agricultural District at the south (mauka) side of the Hawaii Belt Road, approximately two miles west (Waimea side) of Honokaa, Ahualoa Homesteads, Hamakua, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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 of the State of Hawaii. The major portion of the subject property is currently in agricultural use as a macadamia nut orchard. No agricultural land will be taken out of production. The macadamia nuts from the orchard will be used in the manufacture of related products within an existing structure on the property.

The proposed use is expected to complement the agricultural activity and to encourage the continued agricultural use of the land.

JUL 25 1989

Mr. Rikizo Hasegawa  
July 25, 1989  
Page 2

The desired use will not adversely affect the surrounding properties. The applicant intends to manufacture baked goods, candies, and related products within an existing structure on the subject property. The nearest dwelling on adjacent property is approximately 250 feet away from the project site. The operation will employ 3 or 4 family members on a part-time basis. No retail sales will take place on the property. It is anticipated that the proposed use will result in no significant increase in noise, odors, visual impact, or traffic.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. All basic services are available to the property. Consulted agencies have no objection to the proposed use.

The use will not substantially alter or change the essential character of the land and the present use. The present use as a macadamia nut orchard with a single family dwelling will not change. The manufacturing operation will be conducted in a small auxiliary structure behind the house. No improvements will be required that will substantially alter the character of the land. Because of the small scale of the operation, no paving of driveway or parking areas will be required.

The request is not contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The proposed use conforms to the goal of the land use element of the General Plan "to protect and maintain agriculture lands on the island of Hawaii." The General Plan also recommends that it shall be the policy of the County "to achieve a broader diversification of local industries by providing opportunities for new industries and strengthening existing industries." The Northeast Hawaii Community Development Plan recommends "manufacturing and other operations which utilize local raw materials and waste products should be encouraged by the County."

Based on the above considerations, it is determined that the establishment of a facility for the manufacture of baked goods, candies, and related products is an unusual and reasonable use of land which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Mr. Rikizo Hasegawa  
July 25, 1989  
Page 3

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures associated with the proposed use.
3. Renovations and related improvements to the existing structure shall commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. No retail sales shall be conducted on the property, and there shall be no visible signs or display on the premises advertising the business.
5. The manufacturing operation shall be limited to the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, and shall be limited to four (4) employees.
6. Comply with all other applicable laws, rules, regulations, and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
7. An annual progress report shall be submitted to the Planning Director 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 and the Planning Director acknowledges that further reports are not required.
8. 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

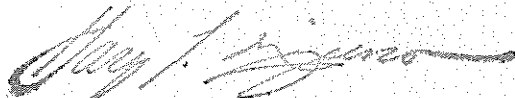
Mr. Rikizo Hasegawa  
July 25, 1989  
Page 4

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; 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.

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.

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

Sincerely,



Gary Mizuno  
Chairman, Planning Commission

xc: Ms. Jill Kouchi  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission

bcc: Plan Approval Section