

CERTIFIED MAIL

September 5, 1989

Mr. Young Gu Choi
P.O. Box 1094
Keaau, HI 96749

Dear Mr. Choi:

Special Permit Application (89-17)
TMK: 1-7-27:141

The Planning Commission at its duly held public hearing on August 28, 1989, voted to approve your application, Special Permit No. 710, to allow the establishment of a ginger root processing, packing, and storage facility on one acre of land situated within the State Land Use Agricultural District approximately one-half mile east of the Volcano Highway within the Keaau Agricultural Lots, Keaau, Puna, 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 applicant currently grows ginger on lease land. An investment in a permanent processing facility, given the temporary nature of lease land, would be impractical and not financially feasible. The establishment of a ginger processing plant on the subject property will encourage the full agricultural use of lands now under lease which are more suitable for the cultivation of ginger. The applicant does intend to use the remainder of the property for greenhouses for the cultivation of cucumbers and tomatoes. The Land Study Bureau's Overall Master Productivity Rating system classifies

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the soil as Fair, and it is unclassified on the ALISH map. A report on crop production potential for the area by Dr. Y. N. Tamimi stated that the soil is not conducive to the production of ginger. The Department of Agriculture is in support of this application which would contribute to the expansion of diversified agricultural production on the island of Hawaii. It is felt that the use of a portion of this 1-acre lot will not significantly affect the agricultural resources of the area.

The desired use will not adversely affect the surrounding 1-acre properties. Neighboring dwellings are situated at least 60 feet away from the proposed warehouse site. Increased setbacks of 30 feet from each side and 100 feet from front and rear property lines are being recommended in order to maintain sufficient distance from surrounding uses to minimize impacts of light and noise. The imposition of side setbacks greater than 30 feet, although possible to accommodate on the property, would centralize the structure and appurtenant use but effectively decrease a feasible unit of land area that could be available for agricultural activity. To further minimize negative impacts to neighboring residents, hours of operation should be limited to 7:00 a.m. to 8:00 p.m. Conditions of approval of this permit should include a requirement for landscaping buffers to mitigate potential visual and dust impacts. The applicant has stated that only his crops will be processed on the subject property; therefore, the slight increase in traffic is not anticipated to negatively impact surrounding properties. No additional paving will be required.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. As previously mentioned, traffic is not expected to significantly increase as a result of the proposed use. Water is available from an 8-inch waterline along Pa'ahana Street provided a water commitment is secured from the Department of Water Supply. Sewage will be dealt with pursuant to requirements of Department of Health Administrative Rules, Title 11, Chapter 62, Wastewater. No additional burden will be placed on other existing services.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The closing of the Puna Sugar Plantation has resulted in a change in the agricultural patterns of the region. The Keaau Agricultural

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Lots were created in order to provide agricultural opportunities for former sugar plantation employees. Small scale diversified agriculture calls for centralized processing which may not be able to be accommodated on the producing property. In this case, the use of lease land makes it unfeasible to maintain a processing and packing facility on the land on which the agricultural products are grown.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Processing, packing, and storage of products produced on the premises is permitted within the Agricultural district. However, as reported by Dr. Tamimi in his crop potential report, the cultivation of ginger is not recommended for the subject property.

The request is not contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The General Plan's goal for agricultural lands is to protect and maintain agriculture lands on the island of Hawaii. The establishment of the proposed use furthers the General Plan goal of protecting and maintaining agriculture lands on the island of Hawaii. It also furthers the policy for economic development to assist the expansion of diversified agriculture.

Based on the above considerations, it is determined that the establishment of a ginger root processing, packing, and storage facility 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.

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.

The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety days from date of approval of this permit.

3. 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 and related improvements associated with the facility. Plans shall include a landscaping buffer along the east and west property lines adjacent to the warehouse. Setbacks of 30 feet from side property lines and 100 feet from the front and rear property lines shall be observed.
4. Construction of the facility shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
5. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday.
6. The ginger processing, packing, and storage facility shall be restricted to crops grown by the applicant and his immediate family.
7. Wastewater treatment shall meet with the requirements of the Department of Health.
8. Comply with all other applicable laws, rules, regulations, and requirements of the Department of Public Works and other relevant State and County agencies.
9. 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.
10. 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

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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: Mr. Rex Dalere
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission

bcc: Plan Approval Section