



## Planning Commission

Larry S. Tanimoto  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

### CERTIFIED MAIL

May 14, 1990

Mr. Ronald Sewell  
15-2714 N. Hee Street  
Pahoa, HI 96778

Dear Mr. Sewell:

Special Permit Application (89-26)  
TMK: 1-3-46:93

The Planning Commission at its duly held public hearing on May 3, 1990, voted to approve your application, Special Permit No. 733, to allow the establishment of a fresh frozen papaya and macadamia nut processing facility and related improvements on 3.124 acres of land situated within the State Land Use Agricultural District at the end of Hinalo Street in the Lanipuna Gardens Subdivision, Keahialaka, 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. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Although the subject area has a very poor (Class E) potential for productive agricultural uses and is unclassified by the ALISH Map system, a large portion of the property has been planted in macadamia nut orchard. The construction of a produce processing plant is a permitted use within the State Land Use and County Agricultural district provided the products are grown on the premises. The applicant intends to process macadamia nuts grown on the property and adjoining properties and papaya which is grown elsewhere. The macadamia nut processing capability will

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facilitate agricultural activity in the immediate vicinity. The processing plant is also expected to contribute to the agricultural development of the region by providing an outlet for papaya that is presently unmarketable for fresh fruit sale. The Department of Agriculture supports this proposal, which should contribute to the expansion of diversified agriculture on the island.

The desired use is not expected to adversely affect the surrounding properties. The subject property is presently surrounded by macadamia nut orchards and vacant land. Lanipuna Gardens, which contains 90 one-acre lots, is located over 350 feet to the west of the proposed processing facility. A 3-acre macadamia nut orchard stands between the subdivision and the proposed facility.

The applicant has proposed setbacks of less than 100 feet from the north and west boundaries because of the sloping topography of the property. It is recommended, however, that 100-foot setbacks be maintained from the south, west and east property lines in order to mitigate potential noise and visual impacts to surrounding properties as fully as possible given the type of machinery and scale and nature of the activity proposed. This 100-foot setback would be consistent with that imposed on another macadamia nut processing plant in Puna. It is also recommended that hours of operation be limited in order to minimize traffic and noise impacts. It should be noted that the applicant has revised this application to move the processing plant approximately 350 feet further away from the Lanipuna Gardens Subdivision in order to minimize disturbance to its residents.

The property has been graded; therefore, the project is expected to have no impact on archaeological resources. However, since it is believed that this area of Puna may contain historic sites, a condition of approval is recommended that would require investigation should any unidentified archaeological features be encountered during construction.

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 Department of Public Works states that Hinalo Street does not meet commercial standards and recommends that the street be

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extended to the east boundary of the subject property. Access to the project site passes across portions of parcels 92, 93, and 94. The Hinalo Street right-of-way ends at the boundary of these properties and access to the project site is along a 640+-foot long driveway. It is recommended that the driveway be paved in order to avoid deterioration of the common access by the increased traffic associated with the processing facility. However, it is determined that the proposed use does not warrant widening of Hinalo Street to commercial standards or the extension of Hinalo Street. Existing public services are adequate to support the proposed facility. All other consulted agencies had no objections to the request.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The decline of the sugar industry and the growth of the macadamia and papaya industry in the Puna district are recent agricultural trends. Papaya is a relatively delicate product with stringent processing and shipping requirements. Innovative and efficient use of papaya products is needed to strengthen and support the papaya industry.

The establishment of a processing plant for macadamia and papaya products is consistent with the General Plan LUPAG Map Orchard designation. The proposed processing facility conforms to the Goals of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." The proposal is also consistent with General Plan's Course of Action for Puna to "Assist in the further development of diversified agriculture in the district."

Based on the above considerations, it is determined that the establishment of a fresh frozen papaya and macadamia nut processing facility and related improvements 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.

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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, landscaping, paved driveway, and paved parking associated with the processing plant. Plans shall show minimum 100-foot setbacks from the west, south and east boundaries and an 80-foot setback for the north boundary. The landscaping, paved driveway, and paved parking shall be installed prior to issuance of the certificate of occupancy for any portion of the processing facility. Paved driveway and paved parking shall be an all-weather dust-free surface.
  3. Construction of the first phase of the processing plant and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
  4. Construction of the second phase of the processing plant shall commence within one year of completion of the first phase and be completed within two years thereafter.
  5. No retail sales of products processed by the facility shall take place on the subject property.
  6. Hours of operation shall be limited to 7 a.m. to 6 p.m., Monday through Friday.
  7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.
  8. 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.

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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 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 shall initiate procedures to revoke 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,

*Fred Y. Fujimoto*

Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
DLNR  
State Department of Health  
Joel E. Groth

Bcc: Plan Approval Section