

# Planning Commission

LARRY S. TANIMOTO  
~~xBernard K. Akana~~  
 Mayor

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

CERTIFIED MAIL

April 25, 1990

Mr. Sidney Fuke  
 100 Pauahi Street, Suite 212  
 Hilo, HI 96720

Dear Mr. Fuke:

Special Permit Application(90-6)  
 Bay View Farms  
TMK: 8-3-08:65

The Planning Commission at its duly held public hearing on April 11, 1990, voted to approve the above application, Special Permit No. 735, to allow the establishment of a coffee processing facility on 7 acres of land situated within the State Land Use Agricultural District along the makai (west) side of the Lower Government Main Road (Painted Church Road), approximately 0.8 mile north of the Painted Church Road-City of Refuge (Keala-O-Keawe) Road intersection, Kei 2nd, South Kona, 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 land on which the development is proposed is classified as "E" or Very Poor by the Land Study Bureau for agricultural productivity and "Other Important" by the ALISH map (land other than Prime or Unique agricultural land that is also of statewide or local importance for agricultural use). A storage shed and coffee drying decks have already been constructed on the property and are now being used for coffee processing; therefore, no land will be taken out

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of agricultural use. The remainder of the property is planted in coffee trees. The purpose of this request is to allow for a processing facility to support coffee growers in South Kona. Such support facilities will help coffee producers to keep agricultural lands in use and encourage further development of agricultural resources. Thus, the proposed use would promote the objectives of the State Land Use Law by helping to preserve, protect, and encourage the development of agricultural lands.

Processing of agricultural products produced on the premises is a permitted use within the State Land Use Agricultural District and the County Agricultural zoned districts. Although coffee is being produced on the premises, the applicant proposes to also process coffee grown off-site; therefore, a special permit is required. The requested use will complement the underlying district designation and is not such a large scale intrusion that would make it inappropriate for placement within the Agricultural district.

The desired use will not adversely affect the surrounding properties. The applicant has been processing coffee on the property for approximately two years with no complaints from surrounding property owners. The applicant has submitted a petition from surrounding property owners stating that the existing use has not constituted a nuisance to the area. The nature of a coffee processing facility is such that some noise, dust, and odor is produced. This facility has been constructed approximately 55 feet from the nearest property line. The Zoning Code requires a setback of 100 feet from all property lines for processing of products produced on the premises. Since the subject property is only 200 feet wide, it would be impossible for the applicant to meet a 100 foot setback. Therefore, landscaping buffers and limited hours of use are recommended as conditions of approval to mitigate noise and dust impacts. Furthermore, the existing structures must be brought into conformity with all requirements of the Building Code.

The Department of Health states that the present methods of handling waste products from coffee processing appears to be causing no public health nuisance, although mill wastewater should be treated prior to disposal. The Kona Soil and Water Conservation District has also expressed concern about proper treatment of wastewater. It is recommended as a condition of approval that a wastewater treatment plan be submitted to the Department of Health for approval prior to issuance of Final Plan Approval.

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While the proposed use will generate additional traffic along the Lower Government Road, it is not expected that the load will be substantial. The coffee season covers approximately 5 months. The applicant states that during peak coffee season, the traffic volume for the facility is approximately 10 to 12 vehicles per day. Although the road is narrow, this level of traffic is not expected to negatively impact roadway users. To mitigate potential future traffic impacts, it is recommended that the facility be limited to the structures shown on site plans submitted with this application. In this way traffic impacts can be limited to an acceptable scale.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water is available to the property. Consulted agencies had no objection to the request. Although the proposed use will increase the use of the roadway, the volume of traffic is not expected to significantly deteriorate the roadway service.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The coffee industry in the South Kona District has been revitalized and there is new emphasis in the growing and processing of coffee. Along with the increasing production has been the introduction of additional outlets for the coffee farmers, providing them with new marketing options. These options appear to have spurred renewed interest among coffee growers.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The structures to be used for processing have already been erected on the land and coffee processing has been conducted for the last two years. While the potential for on-site cultivation has been slightly reduced by construction of the structures, off-site agricultural activities will be encouraged and agricultural production in the area may tend to increase.

The use of the land will remain primarily agricultural. The processing of coffee produced on other properties is not expected to significantly alter the agricultural character of the land.

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The request is not contrary to the General Plan. The proposed use would complement the LUPAG map Orchard designation. The proposed use is consistent with the following General Plan goals, policies, and standards:

Economic:

- \* The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

Agricultural:

- \* The County shall ensure that development of important agricultural land shall be primarily for commercial agricultural use purposes.

Industrial:

- \* 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.
- \* Industrial activities may be located close to raw materials or key resources.

South Kona:

- \* The County shall protect important agricultural lands within the Kona Coffee Belt.

Based on the above considerations, it is determined that a coffee processing 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.

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, and paved parking area associated with the processing facility. Plans shall show a landscaping buffer along the north and south boundaries of the subject property adjacent to the processing facility. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
3. Renovations to existing structures (building permit) and construction of related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed (certificate of occupancy) within two years thereafter.
4. The processing facility shall be limited to the structures shown on the site plan submitted with the application for special permit.
5. The hours of operation shall be limited to 8 a.m. to 5:30 p.m., Monday through Saturday.
6. A wastewater treatment plan shall be submitted to the Department of Health for review and approval prior to issuance of Final Plan Approval.
7. Comply with all other laws, rules, regulations, and requirements of State and County agencies.
8. 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.

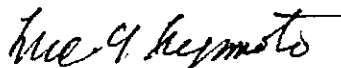
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9. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond 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; 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  
Chairman, Planning Commission

xc: Mr. Andrew Roy/Bay View Farms  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission