



Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

July 16, 1990

Mr. Henry Cho, Sr.
P. O. Box 314
Honaunau, HI 96726

Dear Mr. Cho:

Special Permit Application (90-14)
Tax Map Key: 8-4-14:2

The Planning Commission at its duly held public hearing on July 6, 1990, voted to approve your application, Special Permit No. 738, to allow the establishment of a coffee pulping and hulling plant on 11.8 acres of land at Keokea, 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 (HRS), 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 "C" and "D" (fair or 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). Nine acres of the property have been planted in macadamia nut trees and will be filled in with coffee trees. The portion of the property for which the facility is proposed is now vacant. No land will be taken out of agricultural use. The purpose of this request is to allow for a processing facility to support agricultural activity on the subject property as well as other coffee growers in South Kona. Such support facilities will help coffee producers to keep agricultural lands in use and encourage further development

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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 will be 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. Consulted agencies had no objection to the request.

The desired use will not adversely affect the surrounding properties. The proposed facility will be located over 100 feet from any neighboring properties. Surrounding large-scale agricultural activities should not be affected by the coffee milling use. Potential impact of noise and dust to neighboring residences may be mitigated by the existing orchard and supplemented by landscaped borders, as determined by Plan Approval. The applicant proposes to install dust attenuation equipment to reduce fugitive dust which affects air quality. Mitigation plans approved by the Department of Health will be implemented as a condition of this permit to deal with potential negative impacts of odor and flies.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water can be made available to the property. The Mamalahoa Highway at this section of the road should be adequate to accommodate the anticipated slight increase in traffic. Further, access to the highway will be constructed to the standards of the Department of Transportation.

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

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to contribute to the continued growth of coffee production in the region.

The proposed use will not substantially alter or change the essential character of the land and the present use. 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. 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 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 Chapter 205, Hawaii Revised Statutes, as amended.

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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 driveway and parking area associated with the processing facility.
3. Construction (building permit) 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. Access to the property shall meet with the approval of the Department of Transportation-Highways Division.
5. Plans for the storage and disposal of liquid and solid organic waste products from the pulping and milling operations shall be submitted to the Department of Health for review and approval prior to issuance of Final Plan Approval.
6. Hours of operation shall be limited to 8:00 a.m. to 7:00 p.m., Monday through Saturday.
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,

Mike Luce

for Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Richard Ishida
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
State Department of Transportation, Highways Division
State Department of Health

bcc: Plan Approval Section