

Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

August 8, 1990

Mr. Paul Kiérkiewicz
Kierkiewicz Farm, Inc.
P. O. Box 1224
Hilo, HI 96721

Dear Mr. Kierkiewicz:

Special Permit Application
Tax Map Key: 2-6-13:27

The Planning Commission at its duly held public hearing on July 26, 1990, voted to approve your application, Special Permit No. 741, to allow the establishment of a facility for the consolidation and shipping of ginger and taro for independent farmers on 11.894 acres of land at Wainaku, South Hilo, 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 Chinese taro and ginger root on the subject property as well as on lease lands in Pepekeo and Wainaku. The proposed processing/warehouse facility will process only those products grown by the applicant. The applicant's proposal will be restricted to the consolidation and shipping of taro and ginger grown by independent farmers. No additional washing, drying, curing or packaging will be required aside from those products grown by the applicant. The Overall Master Productivity Rating systems classifies the soils as "C" or Fair. The construction of the proposed facility for the processing of agricultural products grown by the applicant is a permitted use within the

AUG 8 1990

Mr. Paul Kierkiewicz
August 8, 1990
Page 2

County-zoned Agricultural District. However, a Special Permit is required to allow the applicant to further utilize the facility for the consolidating and shipping of agricultural products not grown by the applicant. The proposed use will not require that additional land be taken out of potential agricultural use to accommodate the proposed consolidation and shipping of taro and ginger for independent farmers. The applicant intends to maintain the remainder of the subject property in Chinese taro and ginger cultivation. Therefore, the request to allow the consolidation and shipping of taro and ginger for independent farmers is not anticipated to affect the potential agricultural use of the property or neighboring properties.

The desired use will not adversely affect the surrounding properties. The nearest single family dwelling is located approximately 60 feet away from the site of the proposed processing/warehouse facility. To minimize negative impacts to neighboring properties, a condition of approval will limit the hours of consolidating and shipping to 7:00 a.m. to 4:00 p.m., Monday through Saturday.

The proposed use is not anticipated to unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police, and fire protection. As mentioned previously, the proposed use will be restricted to the consolidation and shipping of taro and ginger grown by independent farmers. No processing or packaging of these products will be required. The applicant anticipates about 6 delivery trips per day by individual farmers utilizing the facility. The consolidated products, which include those products grown by the applicant, will be transported to shipping facilities up to 3 times per week. The applicant will provide paved parking stalls and loading area as well as a 30-foot wide gravel driveway to accommodate traffic generated by the proposed facility. The applicant states that farm equipment presently makes about 5 trips per day to the project site from the existing facility located approximately 1,000 feet away. Once the proposed facility is complete, these trips are no longer necessary. Therefore, the proposed use is not anticipated to generate traffic much beyond that currently generated within the area by the existing facility. Further, since Chinese taro and ginger are seasonal items, the activity will vary in intensity throughout the year. Finally, the limited nature of the proposed use will not require any additional demands or

Mr. Paul Kierkiewicz
August 8, 1990
Page 3

expansion to those services and facilities already available to the property. All basic services are available to the property and consulted agencies had no objection to the proposed use.

The proposed use will not substantially alter or change the essential rural character of the land and the present use. As mentioned earlier, the applicant intends to conduct the proposed use within a warehouse facility that has been issued a building permit. Maintaining the remainder of the property in taro and ginger cultivation will complement the rural character of the parcel and the area. No other improvements shall be required by the applicant that will substantially alter the character of the land. Approval of this request contains conditions restricting the hours of operation, signage and gross floor area of the proposed warehouse facility.

The request is not contrary to the goals, standards and policies of the General Plan. Approval of this request supports a goal of the Economic Element of the General Plan which states that the County shall "Provide residents with opportunities to improve their quality of life." The General Plan also recommends that "The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment." A policy of the Agricultural Element further states, in part, that "The County shall assist in the development of basic resources such as ... distribution facilities for the agricultural industry." The proposed consolidation and shipping of taro and ginger for independent farmers would provide a competitive niche within a marketplace that is otherwise difficult for individual farmers. The proposed consolidating and shipping of ginger and taro complements the goals stated above by allowing independent farmers to consolidate their off-grade taro and ginger to be shipped to major solicitors for processing. Off-grade ginger is restricted from being sold on the fresh market. The applicant is presently the only consolidator of off-grade ginger on the island. The proposed use would provide an avenue for independent farmers to sell their off-grade ginger which would otherwise have to be discarded. The proposed use would similarly benefit farmers by consolidating off-grade Chinese taro which would be difficult to sell on the wholesale market. The applicant is a major consolidator for Granny Goose Foods, Inc., who utilizes the off-grade taro for chips. Further, the proposed use also conforms to a goal of the Land Use Element to

Mr. Paul Kierkiewicz
August 8, 1990
Page 4

"Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Based on the above considerations, it is determined that the consolidation and shipping of Chinese taro and ginger for independent farmers 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 for the entire proposed development 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, interior driveway circulation, parking stalls, and an unloading/loading area.
3. Construction of the processing/warehouse facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
4. The applicant will maintain all unpaved roads within his easement in an all-weather dust free condition.
5. The consolidation and shipping operation shall be limited to the hours of 7:00 a.m. to 4:00 p.m., Monday through Saturday.
6. Comply with applicable laws, rules, regulations, and requirements including those of the Department of Health.
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

Mr. Paul Kierkiewicz
August 8, 1990
Page 5

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 with 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 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,

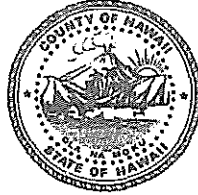


Fred Y. Fujimoto
Chairman, Planning Commission

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

Bcc: Plan Approval Section

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

November 15, 2006

Mr. Minh Voss
Crown Pacific International, LLC
355 Lāukaha Street
Hilo, HI 96720

Dear Mr. Voss:

Special Permit No. 741
TMK: 2-6-13:27

This is in response to your letter of November 8, 2006, inquiring as to whether the treatment and processing of papaya would be allowed under Special Permit No. 741.

Please be informed that when Special Permit No. 741 was granted, agricultural processing facilities were not a permitted use within the State Land Use Agricultural District. However, today, such uses, including the treatment and processing of papaya, are permitted uses with the State Land Use Agricultural District. A Special Permit is no longer required for such use. Therefore, in response to your question, the vapor/dry heat treatment and processing of papaya is permitted on the above-captioned property.

Since Special Permit No. 741 is no longer applicable to this property, we will revoke the permit.

Should you have any questions, please feel free to contact Norman Hayashi of this office at (808) 961-8288 x205.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

P:\wpwin60\pc\letters\2006\voss sp741 11-15-06

NOV 17 2006