



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

January 23, 1991

Mr. Richard Worley
P. O. Box V
Kurtistown, HI 96760

Dear Mr. Worley:

Special Permit Application
Tax Map Key: 1-7-03:14

The Planning Commission at its duly held public hearing on January 10, 1991, voted to approve your application, Special Permit No. 764, to allow the establishment of an office and flower processing and packing area within a portion of a dwelling on 9.9 acres of land situated within the State Land Use Agricultural District at Olaa, 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 grows flowers on four different farm sites and wishes to process and pack the flowers at a central location on the subject property. The Hawaii County Zoning Code does not permit processing of agricultural products other than those grown on the premises in the Agricultural zoned district. The establishment of the proposed facility will increase the efficiency of the applicant's agricultural operations and encourage the use of lands now being cultivated at other locations. The remainder of the subject property is in pasture and flower cultivation. The office and processing uses will be conducted within a single-family dwelling. No agricultural lands will be taken out of cultivation. It is felt that the establishment of the processing facility and office will support agricultural activity on the property and the applicant's agricultural ventures elsewhere in the region.

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The desired use will not adversely affect the surrounding properties. Because of the size of the subject property and adjoining lots, neighboring properties will be adequately buffered from any potential impacts associated with the proposed use. Neighboring properties are over 5 acres in size. The nearest residence is on the adjoining 9-acre lot to the north. The office and processing use will not involve the use of unusual equipment or machinery. Since the applicant will only be processing his own agricultural products, the proposed use will not generate a significantly greater volume of traffic than now exists. Driveway and parking improvements should be consistent with existing access, as determined by the Planning Director through Final Plan Approval.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. As previously stated, the low intensity of use is such that it is determined that roadway improvements are not warranted along Huina Road or the Homestead Road. Sewage treatment is subject to the requirements of the Department of Health. Consulted agencies had no objections to the request.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As stated by the applicant, the ohana dwelling with office/processing area is to be constructed on a rock area unsuitable for farming. The proposed use will not displace cultivated lands.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Diversified agriculture has replaced sugar as the major agricultural activity in the Puna district. Small scale diversified agriculture calls for centralized processing rather than being conducted on the premises where the production takes place. The proposed use would address the needs generated by the type of diversified agriculture.

The request is consistent with the following goals, policies and courses of action of the General Plan:

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LAND USE

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

*Protect and encourage the intensive utilization of the County's important agricultural lands.

AGRICULTURE

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

PUNA COURSE OF ACTION

*Assist in the further development of diversified agriculture in the district.

Based on the above considerations, it is determined that the establishment of an office and flower processing and packing 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 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 and related improvements associated with the facility.
3. 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.

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4. Only those crops grown by the applicant shall be processed on the subject property and within the processing facility.
5. Comply with all other applicable laws, rules, regulations, and requirements.
6. 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 with and the Planning Director acknowledges that further reports are not required.
7. 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.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Mike Luce, Chairman Pro Tem
Planning Commission

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