



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

May 23, 1991

Sin Mook Kang
SR #6
Mt. View, HI 96771

Dear Mr. Kang:

Special Permit Application
Applicant: Sin Mook Kang
Request: Farm Facility for Processing Ginger
Tax Map Key: 1-7-13:Portion of 6

The Planning Commission at its duly held public hearing on May 16, 1991, voted to approve your application, Special Permit No. 776, to allow the establishment of a farm facility for processing ginger grown off-site and for accommodating farm workers, who will be working in off-site ginger fields, on 3.67+ acres of land situated within the State Land Use Agricultural District. The project site is located on the east (Keaau direction) side of the Kukui Camp Road, approximately 1550 feet north of the Volcano Road-Kukui Camp Road intersection, Olaa Reservation Lots, 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 currently grows ginger on lease lands located in Kurtistown and Papaikou. An investment in a permanent processing facility, given the temporary nature of lease land, would be impractical and not financially feasible. The establishment of a ginger processing facility on the subject property will increase the agricultural efficiency of the applicant's agricultural operations and encourage the full agricultural use of the lands now under lease. The provision of farm worker accommodations will extend

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the effectiveness of the applicant's operations by further centralizing all activities in one location. The Overall Master Productivity Rating system classifies the soils within the project site as "D" or Poor. The ALISH map classifies these soils as "Other Important Agricultural Lands". The applicant does intend to use the remainder of the property (47+ acres) for the cultivation of guava and other farm products. Therefore, it is felt that to establish a farm facility for the processing of ginger grown off-site and for farm worker accommodations is not such a large scale intrusion that would make it inappropriate for placement within the Agricultural district. 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.

The desired use will not adversely affect surrounding properties. The proposed facility is located a minimum of 200 feet from its property boundaries. The nearest residential subdivision is located in excess of 1000 feet from the project site. The distance of the proposed facility from its property boundaries and neighboring residential subdivisions would minimize any noise impacts to surrounding properties. To further mitigate impacts to neighboring properties, conditions of approval will limit the hours of ginger processing from 7:00 a.m. to 7:00 p.m., Monday through Saturday with a limitation on the number of farm workers residing in the farm facility to four (4) employees. Furthermore, processing of ginger at the proposed facility will be limited to those products grown by the applicant.

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. Access to the subject property from the Mamalahoa Highway is via a substandard, gravel roadway. This roadway was formerly utilized as a cane haul road by the sugar companies. Traffic along this road is localized to three single family residential dwellings near the highway entrance with the remaining properties along this road in limited agricultural use or in fallow. As previously mentioned, the proposed facility will be limited to products grown by the applicant, the number of farm workers to be accommodated, and its overall size. Taking into consideration the roadway condition, its prior use for the transport of sugar cane, and the limitations of the facility as recommended, it is felt that the existing road is adequate to

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meet the volume and type of traffic anticipated to be generated by the proposed facility. It should be noted that if the applicant wishes to expand the number of employees who reside in the facility, the size of the facility, or the scope of the processing operations, an amendment to the conditions of this permit would be made, at which time any concerns regarding additional traffic generated along this road may be re-evaluated.

As cited earlier, the proposed use will be restricted to the processing of ginger grown by the applicant. Furthermore, since ginger is a seasonal item, the activity will vary in intensity throughout the year. In addressing the concerns and requirements of the Fire Department, the applicant has agreed to provide a 15,000 gallon water tank for fire-fighting purposes and a minimum 20-foot wide gravel driveway with a 45-foot radius turnaround to accommodate access by Fire Department vehicles. The applicant will supplement the maximum 600 gallons of water per day permitted by the Department of Water Supply by providing on-site water catchment systems. To address drainage concerns expressed by the Puna Soil and Water Conservation District and the Police Department, the applicant has agreed to provide a drywell to accommodate on-site runoff from the proposed activity. All other basic services are available to the subject property. Therefore, the proposed use is not anticipated to unreasonably burden other public agencies serving this region.

The proposed use will not substantially alter or change the essential agricultural character of the land and the present use. The applicant intends to utilize the remainder of the subject property for the cultivation of guava and other farm products, which will complement the agricultural character of the subject property and the surrounding area. No other improvements will be required by the applicant that will substantially alter the character of the land. Approval of this request is subject to conditions restricting the products to be processed, hours of operation, and gross floor area of the proposed facility.

The request is not contrary to the goals, standards and policies of the General Plan or the County Zoning Code. The construction of the proposed facility for the processing of agricultural products grown on the premises is a permitted use within the State Land Use Agricultural and County-zoned Agricultural districts. Also permitted within these districts are dormitories and additional single family dwellings for

persons employed on the premises where such agricultural activity is being conducted. However, since the facility will be processing ginger grown on other parcels, a Special Permit is required for both proposed uses. 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 ... for the agricultural industry." The proposed use complements the goals stated above by encouraging the production of agricultural products on those lands most suitable for such an activity. Finally, the proposed use also conforms to a goal of the Land Use Element to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County."

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Small scale diversified agriculture calls for centralized processing which may not be able to be accommodated on the producing property. The applicant maintains two separate ginger fields within the South Hilo district. It would be impractical and unfeasible to establish a processing facility and farm worker dormitories/housing at each location on which the agricultural products are being grown. The labor shortage currently being experienced within the agriculture industry has necessitated hiring farm workers from outside the local workforce. By providing living accommodations for these immigrant workers, the applicant is filling a basic need which encourages such type of operations and the agricultural industry as a whole.

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 farm facility for the processing ginger grown off-site and farm worker accommodations shall be submitted to 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, interior driveway circulation, fire protection measures and parking stalls and unloading/loading area(s) associated with the proposed facility.

3. Construction of the farm 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 proposed farm facility shall be limited to 5,000 square feet of gross floor area.
5. The ginger processing operation shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.
6. Processing of ginger at the facility shall be limited to those products grown by the applicant.
7. No more than four (4) employees shall reside within the farm facility.
8. The applicant shall provide fire protection measures meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.
9. Comply with applicable laws, rules, regulations, and requirements including those of the Departments of Transportation, Health and Public Works.
10. 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.

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11. 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

Mike Luce, Chairman Pro Tem
Planning Commission

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jdk

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

~~Ecc:~~ Plan Approval Section