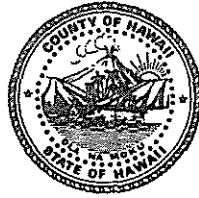


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
7099 3200 0000 4869 7541

FEB 23 2000

Mr. Gregory R. Mooers  
P.O. Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit Application (SPP 99-015)

Applicant: Nani Kona Coffee LLC

Request: Establishment of a Coffee Visitor Center and Related Improvements

Tax Map Key: 7-5-17:33

The Planning Commission at its duly held public hearing on February 4, 2000, voted to approve the above-referenced application. Special Permit No. 1047 is hereby issued to allow the establishment of a coffee visitor center containing a coffee house, historical farm museum, orientation rooms, and a public spa; a building containing a general store and a coffee roasting and processing mill; a parking lot, and related improvements on approximately 7.33 acres of land within the State Land Use Agricultural District. The property is located on the southeast corner of the Hawaii Belt Road and Hualalai Road intersection, Kahului 1<sup>st</sup>, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed coffee visitor center is an unusual and reasonable use of land situated within the State Land Use Agricultural District. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The subject property is 7.358 acres in size. The coffee visitor center will consist of two buildings containing a coffee house, historical farm museum, orientation rooms, a public spa, a general store and a coffee roasting and processing mill, as well as a parking lot and related improvements.

001919

FEB 23 2000

It should be noted that the coffee roasting and processing mill, orientation rooms, parking lot and related improvements would be permitted as accessory uses on the subject property under the State's current Agricultural classification. The coffee house, historical farm museum, public spa and general store, however, would be permitted only as provided for by an approved Special Permit. The applicant's representative has provided clarification that the coffee house will be used to prepare and serve guest meals and that the general store may sell items unrelated to the applicant's agricultural activities.

The buildings and outdoor seating areas at the coffee visitor center will cover approximately 21,720 square feet on the subject property. Nani Kona Coffee farms approximately 100 acres of coffee at other properties; it is the intent of the applicant to roast, process and sell this estate grown coffee at the coffee visitor center as well as selling green coffee to large coffee processors and retailers for gourmet blends and 100% Kona coffee. The coffee visitor center will educate visitors about the coffee industry in Kona and introduce them to the applicant's estate grown coffee roasted and processed on the premises. With the exception of the coffee roasting and processing mill and the orientation rooms, the visitor center is not a permitted use within the County's Agricultural Districts. However, the purpose of the visitor center is to present agricultural products to a consumer market in a rural and educational setting. The proposed use will not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use for some time.

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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed use will be located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH Map.

The subject property is situated within the County's Agricultural-5 acres (A-5a) zoned district. The proposed coffee visitor center, parking lot and related improvements would be situated on 7.358 acres of land which has been used extensively for pasturing of cattle in the past. The proposed 7.358 acres of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resource of the area, as no active agricultural lands will be taken out of production to provide the area necessary to establish the proposed use.

Therefore, based on the above circumstances, approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use for some time. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. The surrounding land uses include agricultural/pasture uses, residences and vacant lands. The Kona Hillcrest Subdivision is located across the Queen Kaahumanu Highway from the subject property, southwest of the intersection of Queen Kaahumanu Highway and Hualalai Road (makai). There are also residences on the north side of Hualalai Road and at the northeast corner of the Queen Kaahumanu Highway and Hualalai Road. The proposed use will alter some of the existing physical character of the subject property. However, the impact of the development will be minimized through the use of plantation architectural features such as lava rock facings, re-sawn plywood siding, split pitch hip roofs and earth tone colors for the buildings. Buildings will be setback a minimum of 180 feet from Queen Kaahumanu Highway and a minimum of 80 feet from Hualalai Road. The building setbacks from the east property boundary will be 80 feet while the building setback from the southern boundary will be approximately 120 feet. Substantial landscaping and water features will minimize the impact of the buildings as viewed from surrounding roads and properties. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this proposed use may have on the area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. There would be an increase in traffic from the proposed coffee visitor center that could adversely impact Hualalai Road and the intersection of Hualalai Road (mauka) and the Queen Kaahumanu Highway. In order to mitigate impacts to Hualalai Road, the Department of Public Works has indicated that a left-turn channelized lane may be required on Hualalai Road at the entrance to the proposed development. Furthermore, the Department of Public Works concurs with the recommendation of the applicant's Traffic Impact Analysis Report that the median at the intersection of Queen Kaahumanu Highway and Hualalai Road be restriped to provide a refuge area for vehicles turning left out of Hualalai Road heading south along Queen Kaahumanu Highway. Also, accesses to and from the subject property, including the provision of adequate sight distances, the installation of street lights, signs and markings, and any other required improvements shall meet with the approval of the Department of Public

Works. The recommendations of the Department of Public Works have been incorporated into the conditions of approval. Furthermore, all requirements of the Department of Health, Department of Water Supply, Department of Public Works and Fire Department shall be complied with prior to establishment of the proposed use. Water, electrical and telephone services are all available to the subject property.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The rapid tourist growth experienced in West Hawaii has resulted in increased visitor demand for Kona coffee products as well as greater interest in the culture and history of the Kona coffee industry. To meet this demand, the applicant is seeking to establish a coffee visitor center selling estate grown Kona coffee roasted and processed on the premises. The proposed development will support the agricultural industry, in that the applicant is farming approximately 100 acres of coffee on other properties to meet the demand anticipated at the proposed development. Therefore, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on the subject property.

The land upon which the proposed use is sought is unsuitable for the uses permitted within the district. The soils within the project area are not suitable for many types of agricultural uses. The U.S. Soil Conservation Service Soil Survey classifies soils within the project site as Waiaha extremely stony silt loam, 6 to 12 percent slopes (WHC). This soil is low on the leeward side of Hualalai and Mauna Loa. In a representative profile the surface layer is very dark brown extremely stony silt loam about 4 inches thick. The subsoil is dark-brown very stony silt loam about 14 inches thick. The substratum is pahoehoe lava bedrock. The surface layer is slightly acid. The subsoil is neutral to mildly alkaline. In places, the surface layer is nonstony. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight. The Soil Conservation Service's Soil Capability Rating for these soils is Class VII or soils having very severe limitations that make them unsuited to cultivation and restrict their use largely to pasture, range woodland or wildlife. According to the Land Study Bureau's Detailed Land Classification System, soils within the subject property are classified as "E" or "Very Poor." Finally, the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map does not classify this land as having agricultural importance.

The nature of the request is to allow for the establishment of a coffee visitor center consisting of a coffee house, historical farm museum, orientation rooms, public spa, general store, a coffee roasting and processing mill, as well as a parking lot and related improvements. The only village commercial zoned properties are in Kailua and Kainaliu. The subject area is central to the North Kona area that it will serve. Other

undeveloped areas are still available for agricultural development and the removal of 7.338 acres of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii.

The proposed use will not substantially alter or change the essential character of the land and the present use. The proposed use will alter the existing physical character of the subject property. However, the impact of the development will be minimized through the use of plantation architectural features such as lava rock facings, re-sawn plywood siding, split pitch hip roofs and earth tone colors for the buildings. Buildings will be setback a minimum of 180 feet from Queen Kaahumanu Highway and a minimum of 80 feet from Hualalai Road. The building setbacks from the east property boundary will be 80 feet while the building setback from the southern boundary will be approximately 120 feet. Substantial landscaping buffers, rock walls and water features will minimize the impact of the buildings as viewed from surrounding roads and properties. As a condition of the Special Permit, all proposed structures, building setbacks, landscaping, and parking requirements shall be approved by the Planning Director in accordance with the Plan Approval process. This condition of approval will help ensure that structural, visual and public safety concerns will be mitigated to the best extent possible.

The request is not contrary to the General Plan and official Community Development Plan. The subject request is not contrary to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property for Urban Expansion uses. According to the General Plan, Urban Expansion Areas allow for a mix of high density, medium density, low density, industrial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. The proposed use is consistent with the following goals and policies of the General Plan.

Land Use Element

- Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

- The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- Agricultural land shall be used as one form of open space or as green belt.
- The compatibility of agricultural and non-agricultural uses should be carefully reviewed and where appropriate, buffers required.

#### Economic Element

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- The County of Hawaii shall strive for diversity and stability in its economic system.
- 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.
- The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.
- The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the resident of the County.
- The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The Community Development Plan for the area of the proposed development is the Kona Regional Plan, which was adopted by the Planning Commission in April 1984. The Kona Regional Plan designates the area as Residential-4 units/acre (RES 4). In the Kona Regional Plan, the General Plan Land Use Goals and Policies as they relate to agriculture are reviewed in relation to the function and value of agricultural lands in Kona. In the Planning Considerations section under the Agricultural Land Use heading, the plan states the following: "The agricultural value of lands in Kona is

strongly influenced by the climate and the soil type. The evolution and present state of the Kona coffee belt indicates the location of much of the better lands. Other areas, however, may be potentially well-suited to agricultural activities as the crop type and production methods change. The present agricultural zoning is quite similar to the agricultural land use pattern recommended in the 1960 Plan for Kona and reflects one-to five-acre lot sizes within the coffee belt. It is recommended that this zoning pattern remain intact to perpetuate the existing agricultural investment and to allow for agricultural use opportunities within the better suited lands." The Kona Regional Plan defines the Kona coffee belt as that area along the old Mamalahoa Highway from the Palani Road junction south to Kealia. The Land Study Bureau's Detailed Land Classification System defines the coffee growing belt as the area located between 800 and 1,700 feet elevation where rainfall has increased to be between 50 and 70 inches, respectively. The subject property, located at an elevation ranging from 350 to 400 feet, is well below the Kona coffee belt, but is within the County's Agricultural (A-5a) District. Thus, the proposed use would not be in conflict with the Kona Regional Plan and would be permitted by the Zoning Code provided that a Special Permit is approved.

Based on the above considerations, the proposed coffee visitor center and related improvements 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate the revocation of the Special Permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawaii Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.
3. The applicant shall submit to the Department of Water Supply the anticipated maximum daily water usage as recommended by a registered engineer for that agency's review and approval. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of the Special Permit.

4. The coffee visitor center and all related improvements shall be established within five (5) years from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director. Plans shall identify existing structures, paved (asphaltic-concrete, concrete or chip-seal) parking areas and driveway and landscaping to mitigate any visual or noise impacts. The applicant, its successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the proposed use.
5. The hours of operation for the proposed use shall be limited from 6:00 a.m to 6:00 p.m. daily.
6. In conjunction with Plan Approval review, construction plans for all required improvements to the intersection of Queen Kaahumanu Highway and the mauka section of Hualalai Road shall be submitted and approved by the State Department of Transportation and/or the County Department of Public Works, whichever is applicable. The applicant shall install a left-turn refuge lane on Queen Kaahumanu Highway, unless prohibited by the State Department of Transportation. All required roadway improvements at the intersection shall be completed prior to the issuance of the certificate of occupancy for any building on the subject property.
7. Access to and from the subject property, including the provision of adequate sight distances, the installation of street lights, signs, and markings and any other required improvements to Hualalai Road, shall meet with the approval of the Department of Public Works. These improvements shall be completed prior to the issuance of the certificate of occupancy for any building on the subject property.
8. A left-turn channelized lane, if required, shall be provided on Hualalai Road at the entrance to the subject property meeting with the approval of the Department of Public Works. This improvement shall be completed prior to the issuance of the certificate of occupancy for any building on the subject property.
9. If any construction is proposed within Flood Zone AE, the applicant shall submit a drainage study in compliance with the Federal Emergency Management Agency (FEMA) and a Conditional Letter of Map Revision (CLOMR) shall be issued prior to construction with the approval of the Department of Public Works. Upon submittal of the drainage study, if improvements are required to



mitigate flooding, then all improvements shall be completed prior to the issuance of any building permits. Upon completion of construction a Letter of Map Revision (LOMR) shall be obtained. If all proposed construction is outside the Flood Zone AE areas, the applicant shall be required only to submit a drainage study to the Department of Public Works and to construct a drainage system meeting with the approval of the Department of Public Works.

10. A Solid Waste Management Plan for the proposed development within the subject property shall be prepared and submitted for approval to the Department of Public Works
11. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
12. The applicant, its successors or assigns shall comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Department of Water Supply, Fire Department and the Department of Public Works.
13. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide in writing, a final status report to the Planning Director.
14. An initial 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.

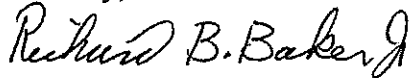
Mr. Gregory R. Mooers  
Page 10

- 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).

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.

Should you have any questions, please contact Pam Harlow of the Planning Department West Hawaii Office at 327-3510 or Alice Kawaha of the Planning Department Hilo Office at 961-8288.

Sincerely,

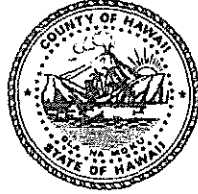


Richard B. Baker, Jr., Chairman  
Planning Commission

Lnanikona01PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office State Land Use Commission  
Department of Land & Natural Resources  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Mr. Daniel B. Bolton

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

January 12, 2007

Mr. Daniel B. Bolton  
Kona Coffee & Tea Company  
P.O. Box 898  
Kailua-Kona, HI 96745

Dear Mr. Bolton:

Special Permit No. 1047  
Applicant: Nani Kona Coffee LLC  
Request: Establishment of a Coffee Visitor Center and Related Improvements  
Subject: Administrative Time Extension To Comply With Condition No. 4  
Tax Map Key: 7-5-17:33

This is in response to your letters dated September 25, 2006, January 2, 2007 & January 11, 2007 requesting a time extension to comply with Condition No. 4 of the above listed special permit. According to your letter, delays caused by unforeseen circumstances has prevented the coffee visitor center and related improvements to be established by the required deadline.

On September 21, 2004, a similar request was made by the applicant to allow a two-year time extension until February 4, 2007 to comply with Condition No. 4, in which time the applicant anticipated establishing the project. Based on unforeseen circumstances and delays, the applicant is requesting an administrative time extension for the remaining 3-year period allowed by Condition No. 14, which states that the time extension granted shall be for a period not to exceed the period originally granted for performance.

Based on Condition No. 14, which allows for an administrative time extension if the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, we are granting your request for the remaining administrative time extension from February 4, 2007 to **February 4, 2010** to comply with Condition No. 4.

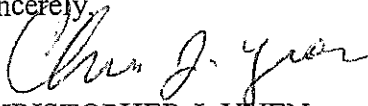
Please be informed, however, should you need an additional extension of time to comply with Condition No.4, your request and reasons, along with 20 copies of that request shall be forwarded to the Planning Commission with a \$100 filing fee. A public hearing will be held by the Planning Commission.



Mr. Daniel B. Bolton  
Kona Coffee & Tea Company  
Page 2  
January 12, 2007

If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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cc w/copy of letters: Planning Commission  
Planning Department-Kona

2007 JAN 4 PM 2 23

PLANNING DEPARTMENT  
COUNTY OF HAWAII

*Daniel B. Bolton*  
*P. O. Box 898*  
*Kailua-Kona, Hawaii 96740*  
*(808) 896-8000*

January 2, 2007

Mr. Christopher Yuen  
Planning Director  
County of Hawaii, Planning Department  
101 Pauahi Street, Suite 3  
Hilo, HI 96720

Dear Mr. Yuen:

Subject: Special Permit No. 1047  
TMK 3-7-5-17:33

On September 25, 2006, we applied for additional time (condition 4 of the above referenced special permit) in order to complete all the items necessary for opening our new facility. The request was fairly simple, and your staff requested additional information that we are now providing. The time difference since the original request in September until now is because I was hoping to be able to include our plan approval from your office, which was submitted on October 18 of 2006. Subsequently, we were informed the plans were lost per our conversation with Bennett Marks of the Kona office. We were asked to resubmit, which we have fulfill the request. This is only one of the many things that are taking additional time. The following list of items is also underway and I would ask upon you review, we'll be granted the additional time required to complete our project.

In addition, Greg Moore, president of Mooers Enterprises, applied for the first extension only requested for a two years period and we should've asked for the full allowable amount of time per the Use Permit. Therefore, would you please grant us the additional time which condition 14- D allows, realizing truly how far along we have come.

1. Architect's letter dated December 12, 2006 to Planning Department, Architect's report to the owner and letter dated December 20, 2006 from the Planning Department referencing plan approval. (Complete set of drawings have been submitted to Kona office for new plan approval)
2. Previous extension request dated September 25, 2006.
3. Cover page of flood study dated September 2005.
4. Traffic impact analysis report, dated August 8, 2005.

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5. Civil drawings of traffic signal installation at Hualalai and Queen Kaahumanu Highway intersection.
6. Disability and communication access board comments.
7. Department of Transportation review comments dated December 18, 2006
8. Historical preservation approval letters for grading permits, dated May 22 2006 and July 13, 2006.
9. Notice to Department of Public Works start of grading, under permit number 91612, dated October 10, 2006.
10. October 31, 2005 plan approval before revisions also letter from solid waste plan dated 29th of August.
11. Final subdivision approval letter dated August 24, 2006 creating a 12-acre lot.
12. Copy of the grading plans showing drainage control on channel design, reflecting a 20 foot deep, 40 foot wide channel. Second, latest version, 100 hundred and 20 feet wide, 7 feet deep with two to one slopes, which will be fully landscaped now.
13. Status report, dated 10- 9-06 outlining ongoing activities
14. Cover sheet of approved structural drawings for steel engineering.
15. Shop drawings for elevator and escalators dated 10-19-06.
16. Cover letter of items for construction loan.

As you can see, this is many of the ongoing activities taking place. I'm also including a cost report of money spent thus far, and pictures of the site. Please review the landscape drawings in *plan approval*. They are truly phenomenal, I believe you will be very please with the final look we are trying to accomplish. Thank you again for your cooperation.

Sincerely,



Dan Bolton

961-8742

*Daniel B. Bolton*  
*P. O. Box 898*  
*Kailua-Kona, Hawaii 96740*  
*(808) 896-8000*

2007 JAN 12 AM 3 01  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

January 11, 2007

Mr. Christopher Yuen  
Planning Director  
County of Hawaii, Planning Department  
101 Pauahi Street, Suite 3  
Hilo, HI 96720

Dear Mr. Yuen:

Subject: Special Permit No. 1047  
TMK 3-7-5-17:33

On September 25, 2006, we applied for additional time (condition 4 of the above referenced special permit) in order to complete all the items necessary for the opening our new facility. The request was fairly simple, and your staff requested additional information that we are now providing. The time difference since the original request in September until now is because I was hoping to be able to include our plan approval from your office, which was submitted on October 18 of 2006. Subsequently, we were informed the plans were lost per our conversation with Bennett Marks of the Kona office. We were asked to resubmit, which we have fulfill the request. This is only one of the many things that are taking additional time.

Based on the following circumstances as referenced in condition 14 in the Special Use Permit, we are requesting an extension of addition time:

- A. Non-performance beyond the control of the applicant. The signalized intersection at Queen Ka'ahumanu Highway and Hualalai Road has been a huge hurdle in our process. As I indicate below, the report has been submitted to Department of Transportation which then took over one year to receive the approval process to install the signalized intersection. The most recent redline set is inclusive of all minor changes required in order to allow us to proceed with the installation. As of today, we still do not have the final approved construction drawings. The other hurdle involves the findings of boundaries within the FEMA flood zone through the flood study and modeling process in order to channelize drainage patterns. The flood study was done concurrently with the adjacent properties to mitigate any concerns. Again, the date of this submittal and response time is well in excess of

- two years. The findings after modeling the flood pattern and allowed us to complete the most desirable design. It is a fully landscaped channel that is not only functional but also aesthetically pleasing.
- B. Granting an extension would not be contrary to the General Plan or Zoning Code. There are no dramatic changes and should not have major impacts.
  - C. Granting time extension would not be contrary to the original reasons for granting of the permit. This facility will provide a tremendous boost for the Kona Coffee community, it is ashamed to continue letting the roasters and blenders controlled the image of "Kona Coffee". It is imperative that we protect the integrity of the 100% Kona Coffee through educational process and allow the interaction of visitors and community at large as we have proposed.
  - D. Greg Moore, president of Mooers Enterprises, applied for the first extension only requested for a two years period and we should've asked for the full allowable amount of time per the Use Permit. Therefore, please grant us the additional time realizing truly how far along we have come.

The following list of items is also underway and I would ask upon you review, we'll be granted the additional time required to complete our project.

1. Architect's letter dated December 12, 2006 to Planning Department, Architect's report to the owner and letter dated December 20, 2006 from the Planning Department referencing plan approval. (Complete set of drawings have been submitted to Kona office for new plan approval)
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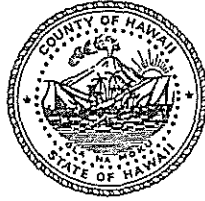
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Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Bolton', written in a cursive style.

Dan Bolton

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

September 21, 2004

Gregory R. Mooers, President  
Mooers Enterprises  
PO Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Special Permit No. 1047  
Applicant: Nani Kona Coffee LLC  
Request: Establishment of a Coffee Visitor Center  
Tax Map Key: 7-5-17: 33

This is in response to your letter dated September 14, 2004 requesting a time extension to comply with Condition 4 of the above listed special permit. According to your letter, the applicant has worked continuously on the project, yet has not been able to construct the improvements to comply with Condition 4. Based on Condition 14, which allows an administrative time extension if the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, we are granting your request for a time extension until **February 4, 2007** to comply with Condition 4.

Please be informed, however, should you need an additional extension of time to comply with Condition 4, your request and reasons, along with 20 copies of that request shall be forwarded to the Planning Commission with a \$100 filing fee. A public hearing will be held by the Planning Commission.

If you have any questions, please feel free to contact Jeff Darrow at 961-8288.

Sincerely,

CHRISTOPHER J. YUEN

Planning Director

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cc w/copy of letter: Planning Commission  
Planning Department-Kona

Hawai'i County is an Equal Opportunity Provider and Employer

SEP 23 2004  
11059253



MOOERS ENTERPRISES, LLC  
P.O. Box 1101  
KAMUELA, HAWAII 96743

2004 SEP 15 PM 12 29

September 14, 2004

PLANNING DEPARTMENT  
COUNTY OF HAWAII

Mr. Chris Yuen, Director  
Planning Department  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

**Re: Time Extension Request**  
**Special Permit No. 1047**  
**Applicant: Nani Kona Coffee LLC**  
**Request: Establishment of a Coffee Visitor Center**  
**Tax Map Key: (3) 7-5-17:33**


Dear Mr. Yuen:

The subject permit was approved on February 4, 2000. Condition 4 required that all improvements shall be established within five (5) years from the effective date of this permit. Condition 14 allowed for a time extension. The purpose of this letter is to request a time extension for the compliance with condition 4.

The applicant has worked continuously on this project since 2000, but has not as yet been able to construct the improvements. It will not be possible for the applicant to complete the project prior to the permit mandated time of February 4, 2005. I am enclosing a timeline of the efforts made by the applicant to date. We are requesting a two-year extension until February 4, 2007 to allow the completion of this project.

Should you or your staff have any questions regarding this request, please contact me directly.

Sincerely,

  
Gregory R. Mooers  
President

GRM:jy

Copy: Nani Kona Coffee LC

059253

PHONE: (808) 885-6839  
FAX: (808) 885-1574  
EMAIL: GMOOERS@HAWAII.RR.COM

## Coffee Center - 12 Acres

### Chronological Order of Historical Events

	<i>Date</i>	<i>From</i>	<i>To</i>	<i>Action</i>
1	06/12/97	PubWorks	Gomes	Grading Permit # 4481
2	07/29/97			Close of Escrow & Title Insurance Policy Final Settlement 12/19/97
3	08/12/97	PubWorks	Gomes	Grading Permit # 4513
4	10/06/97	RonNeely		Drainage Engineering
5	10/14/97	WesThom	Planning	Proposed Subdivision of 2 Lots
6	11/05/97	Water	Planning	Subd Water Availability & Request for Deposit
7	11/26/97	Planning	WesThom	Deferring action until all officers comment.
8	12/10/97	RPropTaxes	Gomes	Agricultural Dedication stopped 1998-99 year.
9	04/28/98	MaliaOhana	Water	Payment of Water Deposit
10	05/05/98	Water	MaliaOhana	Receipt of Water Deposit with Conditions
11	05/07/98	Planning	WesThom	Tentative Approval Subd of 2 Lots (SU 97-126)
12	05/18/98	Water	MaliaOhana	Amended Invoice w/ Facilities Charges added
13	06/08/98	Water	Fleming	Returning plans after plancheck
14	07/07/98	Water	Bolton	Rec'd Payment of Water in full
15	08/28/98	Water	Fleming	Water Plans approved
16	09/23/98	PubWorks	MaliaOhana	Grading Permit # 4730
17	09/25/98	WesThom		Date of Final Map
18	10/08/98	PubWorks	MaliaOhana	Permit to Connect Water Lateral
19	10/12/98	Planning	WesThom	Rec'd Final Plat Map SUB 97-126
20	11/16/98	PubWorks	WaterRes.	Final Acceptance of Water System
21	12/11/98	Planning	WesThom	Final Subdivision Approval No. 7061
22	02/03/99	Herbert	DeptHealth	Submission of Cesspool Design
23	02/18/99	Planning		Investigation Report of Baseyarding

<i>Date</i>	<i>From</i>	<i>To</i>	<i>Action</i>	
24	03/26/99	DeptHealth	Bolton	Application of Green Waste Permit
25	04/29/99	Bolton	Dept Health	Receipt of Greenwaste Permit
26	04/29/99	Bolton	Dept Health	Payment of Greenwaste Permit
27	05/06/99	MaliaOhana	Planning	Application for Appeal of Order
28	05/14/99	MaliaOhana	Planning	Addendum for Appeal
29	05/19/99	Planning	MaliaOhana	Acknowledgement of Receipt of Appeal
30	06/17/99	Bolton	DeptHealth	Green Waste Permit Application Complete
31	08/09/99	DeptHealth	Bolton	Green Waste Permit No. CO-0019-99 issued
32	09/30/99	MaliaOhana	Planning	Found Solution: Withdraw Appeal
33	10/14/99	Planning	Bolton	Acknowledgement of Withdrawal of Appeal
34	02/04/00	Planning		Approved Special Permit App (SPP 99-015)
35	02/23/00	Planning	GRM	Granted Special Permit No. 1047
36	08/11/00	RGN Designs	Dan Bolton	FEMA Draft LOMR Signature Page
37	10/18/00	RGN Designs	Dan Bolton	Findings for Flood Study
38	10/24/00	Bolton, Inc.	Planning Dept.	Copies of permits
39	10/25/00	RonNeely		FEMA LOMAR application revised
40	11/01/00	Malia Ohana Prtnrs	Public Works	Stockpiling Permit application
41	11/14/00	Pub Works	Malia Ohana Prtnrs	Building Permit # 006511
42	01/05/01	Malia Ohana Prtnrs	Wastewater Branch	Correction of TMK number
43	01/11/01	Dprmt of Health	Malia Ohana Prtnrs	Regarding signing Building Permit
44	01/23/01	Herbert		Cess Pool Design
45	01/26/01	Dprmt of Health	Stephen J. Herbert	Returned Design
46	02/02/01	RGN Deisigns	Dan Bolton	FEMA- LOMR Application update
47	02/06/01	Steven J. Herbert	Wastewater Branch	Submission of Wastewater Design with copy of Design
48	02/13/01	DeptHealth	MaliaOhana	Approval of Cess Pool Design
49	02/22/01	RonNeely	PubWorks	FEMA LOMAR Application

	<i>Date</i>	<i>From</i>	<i>To</i>	<i>Action</i>
50	03/02/01	Steven J. Herbert	Bolton, Inc.	Cesspool Design Approval by State Department of Health
51	01/09/02	Steel Erectors	Bolton	Proposal to construct new building
52	05/27/03	CMF	Dan Bolton	Flood Study Proposal
53	06/09/03			Signing of Flood Study Proposal
54	08/25/03	CMF	Dan Bolton	Completion of site survey for FEMA regarding flood study
55	11/11/03			50% survey work by Erik for Geoff.
56	03/01/04	(Log note)		Revised Business Plan as TKCTC
57	03/15/04	TKCTC	Dan Oshima	Submitted Bus.Plan for Loan
58	06/01/04	Bolton, Inc.		Grubbed edges of property with a bulldozer
59	06/13/04	Freight Forwarder		Delivered steel building for wet mill to site
60	06/14/04	Bolton, Inc.		Removed debris in prep for wet mill
61	06/18/04	Freight Forwarder		Delivered coffee wet mill to site
62	06/20/04	Bolton, Inc.		Graded foundation pad for mill building
63	06/21/04	In-House		Submitted renewal for Green Waste Permit
64	08/10/04	Klassen	Bolton	Updated Coffee Warehouse Building Permit
65	08/17/04	In-House		Interviewed new waste water engineers
66	08/31/04	Bolton, Inc.		Forming of mill building for framing