

County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 30, 2008

Joseph and Deepa Alban
79-7346 Mamalahoa Highway
Kealahou, HI 96750

Dear Mr. and Mrs. Alban:

Special Permit Application (SPP 08-000051)

Applicant: Joseph and Deepa Alban

Request: Establish Educational Agricultural Tours, Accessory Retail Gift
Shop/Café Within Portion of Existing Coffee Processing Facility

Tax Map Key: 7-9-7:por. 72

The Planning Commission at its duly held public hearing on June 20, 2008, voted to approve the above-referenced application to allow the establishment of educational agricultural tours and an accessory retail gift shop/café within a portion of an existing coffee processing facility on two acres of a 10-acre parcel of land situated within the State Land Use Agricultural District. The project site is located between the 113 and 114-mile markers makai of the Mamalahoa Highway, and west of the Kona Lanikila Church, Kainaliu, North Kona, Hawaii.

Approval of this request is based on the following:

The applicants propose to establish educational agricultural tours and an accessory retail gift shop/café within a portion of an existing coffee processing facility. In 2002, the applicant (Joseph Alban) registered a new coffee growing apparatus and technique using a trellis method to increase sun exposure to the coffee crop, resulting in an enhanced per-acre coffee bean production. This patented method allows for the coffee beans to develop certain sugars that are absent in conventionally grown coffees and coffee cherries are harvested only after the coffee cherries have ripened and optimum sugar content has been established. In addition to the patented trellis method of coffee cherry production, the applicant utilizes a cultivation process that requires its scientific team to monitor coffee cherry pH levels, sugar concentration and titrateable acid to determine the proper balance of acid and dissolved sugar prior to the hand-picking of coffee cherries at its optimum maturity.

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The applicants propose to conduct and operate educational agricultural tours that will allow visitors and visiting farmers to experience the project's unique educational, cultural and lifestyle experiences of a direct working coffee estate farm emphasizing coffee history and culture, cultivation, processing, roasting, packaging, and coffee tasting. The proposed use will enhance farm income and create sustainability of the farm operations. The tours will be conducted by the applicant(s) with assistance from employees of the facility.

Two separate parking areas will be provided; a 24-stall asphalt paved parking area located east (mauka) of the facility and a graveled parking area to accommodate up to 36 vehicles located north of the facility. A paved vehicle turnaround adjacent to the facility allows for entry to the parking areas and exit to the private roadway system to Mamalahoa Highway. There will be two part-time employees at the facility. The applicants expect approximately 300 individuals a day, including tourists, farmers, and residents. The educational agricultural tours are proposed to be conducted Monday to Friday, including major holidays, from 7:00 a.m. to 6:00 p.m. and Saturdays and Sundays from 9:00 a.m. to 5:00 p.m. The accessory gift shop/café will operate daily, including major holidays, from 7:00 a.m. to 8:00 p.m. The Planning Director recommends that the hours of operation for the agricultural tours and the accessory retail gift shop and café be limited to 7:00 a.m. to 7:00 p.m. daily.

The existing 30' by 40' storage area within the facility will be converted to a retail gift shop/café to showcase Kona Joe Kona coffee products, coffee related and logo promotional products, Hawaiian themed gifts, jewelry and print art crafted by local artisans (including the applicant), and coffee samplings and tasting in the café. According to the applicants, the vast majority of the proposed uses would be accessory and incidental to the principal agricultural use and would not interfere with the surrounding farm operations.

The existing use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. In recognizing that lands within the 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.

Soils on the property are classified as "B" or "Good" for agricultural productivity by the Land Study Bureau, unclassified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map and identified as HUD, or Honuaulu very stony silty clay loam by the USDA Soil and Conservation Services Soil Survey Report. HUD soils are primarily used for pasture and coffee cultivation. Parcel 72 and the adjoining ten-acre Parcel 8 comprise the Kona Joe Trellised Coffee Farm. The combined total area of approximately 18 acres is planted in mature coffee trees and is in active orchard cultivation and production, with the remaining approximately two acres utilized for the coffee processing and distribution facilities, farm dwelling, and accessory uses. As only a two-acre portion of the ten-acre parcel will be used for the project, the use will not displace any agricultural activity nor diminish the agricultural potential of the area. Instead, the project will enhance the existing uses on the property. Thus, this request is not contrary to the objectives of the State Land Use Law for the Agricultural District.

The request is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The project site does not abut the shoreline and will not be impacted by coastal hazard and beach erosion. No professional flora and faunal surveys were conducted of the site, since the property is currently improved. It is not anticipated that endangered or threatened candidate species of flora or fauna are located in the immediate project area. The project site has not been identified as a significant botanical or biological habitat. The property has been extensively improved with mature coffee trees, koa, monkey pod trees, tropical fruit trees, flowering plants and a vegetable and herb garden. According to the applicants, there is no evidence of traditional and customary Native Hawaiian rights currently being practiced on the site.

The parcel is not listed on the Hawaii Register or the National Register of Historic Places. By letter dated March 18, 2008, the DLNR Historic Preservation Division has stated that no historic properties will be affected by this project because intensive cultivation and previous grubbing/grading has altered the land. It is not anticipated that the proposed request will have an adverse impact on cultural or historical resources in the area.

The desired use will not adversely affect surrounding properties. Surrounding properties are zoned A-5a and A-1a. The uses of the surrounding areas are consistent with other privately owned farm dwellings, working farms and other agricultural pursuits. Due to the complementary nature of the proposed use to the existing use, it is not anticipated that the project will adversely impact surrounding properties. As a condition of approval, the applicants will be required to provide landscaping to mitigate any potential adverse noise or visual impacts to surrounding areas.

The establishment of educational agricultural tours and an accessory retail gift shop/cafe within a portion of an existing coffee processing facility will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the site is from Mamalahoa Highway and Lehuula Street. The intersection of the highway and Lehuula Street is of a "T" configuration without channelized improvements. Access to the project is via an approximately 400-foot long 40-foot roadway easement owned by the Kona Lanakila Church. According to the Department of Water Supply, County water is available from an existing 8-inch waterline within Mamalahoa Highway.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The project site and surrounding areas are designated for agricultural uses by both State and County land use laws. However, through the issuance of a Special Permit, various "non-agricultural" services and uses may and have been established. The establishment of educational agricultural tours and an accessory retail gift/shop/café within an existing coffee processing facility would allow the applicant to market and promote coffee grown on the site, and allow visitors and farmers to experience the culture and lifestyle of a working coffee estate farm, including coffee history, cultivation, processing, and coffee tasting. By converting the 1,200-square foot area within the facility to a retail gift shop/café, the applicants will be able to showcase their coffee products, coffee related logo products, Hawaiian themed gifts, and artwork.

The request will conform to, among others, the Land Use and Economic elements of the General Plan and is not contrary to the goals, policies and standards of the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property is designated Important Agricultural Lands. The Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on the above, the approval of the request to establish educational agricultural tours and an accessory retail gift shop/cafe within a portion of an existing coffee processing facility would support 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(s), its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

2. The applicant shall limit water consumption to levels allowed by the Department of Water Supply.
3. Conversion of the existing 1,200-square foot storage area within the facility to a retail gift shop/cafe shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).
4. The applicant shall submit metes and bounds of the approximate two-acre project site, by a registered surveyor, prior to the receipt of Final Plan Approval. The proposed activities shall be limited to this permitted area.
5. The hours of operation for the agricultural tours and accessory retail gift shop/café shall be limited to 7:00 a.m. to 7:00 p.m. daily.
6. Access to Mamalahoa Highway, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works. The applicant(s) shall provide all improvements and comply with requirements of the Department of Public Works for access to the project site.
7. All driveway connections shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
8. All exterior signs shall conform to Section 3-12 of the Sign Code, Chapter 3 of the Hawaii County Code, relating to signs in the Agricultural district.
9. All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
10. The method of sewage disposal shall meet the standards and requirements of the State Department of Health.
11. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Environmental Management, prior to the issuance of a Certificate of Occupancy.

12. 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 - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from DLNR-HPD when it finds that sufficient mitigative measures have been taken.
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. The applicant(s) shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
15. An initial extension of time for the performance of conditions may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, 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.
 - 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).

Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

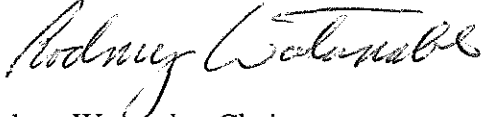
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Joseph and Deepa Alban

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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Rodney Watanabe, Chairman
Planning Commission

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cc: Steven S. C. Lim, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
State Land Use Commission
Department of Land & Natural Resources-HPD
DOT-Highways, Honolulu