

SPECIAL PERMIT	
Petition Received	<u>12/30/76</u>
Maps	_____
Action Span	_____
Action Date	_____
Recordation	<u>1 FEB 77</u>

SP76-255 - STANLEY SHIMIZU

(HAWAII)



COUNTY OF
HAWAII

LAND USE COMMISSION
STATE OF HAWAII
PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

AUG 21 7 33 AM '78

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUIA
Deputy Director

August 17, 1978

Ms. Charlotte Shimizu
P. O. Box 117
Honaunau, HI 96726

Dear Ms. Shimizu:

Special Permit 76-255
Time Extension Request
Tax Map Key 8-3-10:
portion of 37

Your application will be discussed on Thursday, August 31, 1978, by the Planning Commission. The meeting will be held in the Conference Room, First Hawaiian Bank, Kailua, North Kona, Hawaii, and is scheduled to begin at 9:00 a.m.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the agenda is enclosed for your information.

Sincerely,

Sidney M. Fuku
Planning Director

smn

Enclosure

cc: State Land Use Commission
Land Use Division, DPED

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

AUG 9 3 27 PM '78

August 7, 1978

Mr. Stanley S. Shimizu
Stan's Fishery
P. O. Box 117
Honaunau, Kona, HI 96726

Dear Mr. Shimizu:

Request for Extension of Time
Special Permit 76-255
TMK: 8-3-10:por. of 37

We have received your request for a time extension to a condition of approval of the subject Special Permit, regarding the commencement of construction of the proposed improvements. In order for us to evaluate your request, we need to know how long an extension is being requested.

Your request will be placed on the Planning Commission's agenda. We will notify you of the time and place when they are determined. If the Planning Commission finds that an extension is warranted, they will send a favorable recommendation to the State Land Use Commission which has the authority to approve or deny your request. If, on the other hand, the Planning Commission finds that there is not reasonable cause to grant your request, they may deny it. Such a denial would be appealable to the Third Circuit Court.

We would appreciate hearing from you at your earliest convenience regarding the length of the time extension being requested. We will not place your request on the Planning Commission agenda until we hear from you.

In the meantime, please contact Ilima Piianaia or Keith Kato of our department at 961-8288.

Sincerely,

Sidney Fuke

SIDNEY FUKU
Director

IP:ak
cc: State Land Use Commission

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

CERTIFIED MAIL

July 19, 1978

JUL 24 9 41 AM '78
LAND USE COMMISSION
STATE OF HAWAII

Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

Dear Mr. Shimizu:

Special Permit No. 76-255
Establishment of Freezer/Storage Plant and Office
TMK: 8-3-10:portion of 37

This is to acknowledge receipt of your plans of the Freezer/Storage Plant and Office submitted by John Parazette for Plan Approval.

In checking the Special Permit docket, we have found that the date imposed by the State Land Use Commission (SLUC) in which to commence construction has expired on January 20, 1978. One of the conditions of approval which the SLUC imposed was that "Construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter." The effective date of the Special Permit was on January 20, 1977.

In a recent letter from the Executive Officer of the SLUC, we were informed that that body will not approve requests for time extension which are filed after the stipulated commencement or expiration dates (see SLUC letter dated May 18, 1978). We have requested a meeting with the SLUC to discuss the subsequent procedural requirements for time extensions filed after the commencement or expiration date as a result of its present position. You will be informed of the outcome of that meeting.

In the meantime, we present you with the following alternatives relative to the Special Permit. The first alternative would be to file a formal time extension request with the County Planning Commission. Should the Planning Commission recommend approval of your request, it will then be forwarded to the SLUC

Permanent Record
SOUTH HONOLULU

Mr. Stanley Shimizu

-2-

July 19, 1978

for approval. Based on its May 18 letter, however, the SLUC would have to deny your request. Therefore, since the resultant action would be the denial of your time extension request by the SLUC, another alternative would be for you to submit a new Special Permit application, and at the same time, request that the original permit be nullified. Upon receipt of the new application, the Planning Commission will conduct a public hearing on this request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission will then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will be forwarded to the State Land Use Commission for final action.

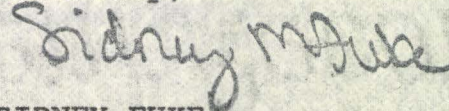
The Planning Commission may deny the request if it deems that the proposed use does not meet with the special permit guidelines. In such a circumstance, its decision will be considered final. However, in accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a Planning Commission denial may be appealed to the circuit court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Enclosed for your information are copies of the application form and Special Permit procedures.

We would appreciate hearing from you within fifteen days of receipt of this letter as to the route you intend to proceed with. If no word is received within that period, we will forward your Special Permit to Planning Commission for possible revocation by that body.

Should you have any questions, please feel free to contact us.

Sincerely,



SIDNEY FUKU
Director

NH:gs
Enclosures

cc: ✓ State Land Use Commission
Planning Commission
Corporation Counsel
John Parazette

January 25, 1977

MR. STANLEY SHIMIZU
P. O. Box 117
Honaunau, Hawaii 96726

Dear Mr. Shimizu:

The original of the attached letter is on file in the office of the Hawaii Planning Department, 25 Aupuni Street, Hilo, Hawaii.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encls.

January 25, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on January 20, 1977, the Land Use Commission voted to approve a Special Permit request by STANLEY SHIMIZU (SP76-255) to allow the establishment of a freezer/storage plant and office on approximately one acre of land situated within the State Land Use Agricultural District at South Kona, Hawaii, Tax Map Key 8-3-10: por. 37; subject to the conditions imposed by the Hawaii Planning Commission, and subject further to the condition that the petitioner comply with the Department of Health's Regulations governing noise control.

A copy of the staff memorandum is enclosed for your information.

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encl.

cc: Stanley Shimizu
Department of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control

True North
1" = 200'

PLAT 13

2ND

A : 5

21
Masakazu Uemura
& Wf. Betsy T.-T/E
0.485 Ac

MAMALAHOA HIGHWAY

Richard D. Kamai &
Elizabeth N.K. -T/E

Shirley Store, Inc.

To Kilauea

1
2
Rem. E 0.395 ac
Rem. B 0.100 ac
Tsuomiyu Kawamoto
& Wf. Alice T.-T/E
1.00 Ac.
62
Thomas R. Fujimori & Wf.
Masayo -T/E
4.55 acs.

Madashi Matsuda
& Wf. Takiko -T/E

440.2
Arthur L. Lincoln
3.773 ac.

Fred M.
Matsuda
& Wf.
Niwa
-T/E
0.837 Ac.
43

30

Richard D.
Kamai & Wf.
Elizabeth N.K.
-T/E

25
0.232 Ac.
(0.120 ac)

24
(0.246 ac)

Walter
E. Denis
1.269 Ac
(0.638 ac)

Emma A.
Borges
0.947 Ac

Hirosaki Kamigaki & Wf.
Katsumi C.-T/E

1.04 Ac
1.439 acs

26
0.812 ac

Katherine
Y. Shim
- 1/4 - et al

1.444 Acs.

51

2.975 Acs.

52

Isamu Uemura & Wf.
Natsuho S. -T/E

3.935 Ac

27

Joe H. Kamigaki
& Wf. K. -T/E

39
Anum Yim Kealamakia
2.451 acs.

George K. Moa
Jr. - Trust
Est. 1.0 ac.
34
37
2.0 Acs.

Weston L.
Perry-Fiske
0.808 Ac.
23

Chester J.
Wojahn & Wf.
Bessie O. -T/E

James F.
Matsuoka
& Wf.
Satsuko -T/E

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room - Hilo State Building
Hilo, Hawaii

January 20, 1977 - 10:00 a.m.

APPROVED
4/26/77

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Charles Duke
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

James Carras (afternoon session only)

COMMISSIONERS ABSENT: Stanley Sakahashi, Vice Chairman
Colette Machado

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Doris Cordova, Court Reporter

The meeting was called to order by the Chairman.

At the request of the Executive Officer, Commissioner Whitesell moved to add to the agenda 2 extension of time requests: one from Hawaii Land Corporation, SP73-157; and one from Mauna Ziona Church, SP75-230. It was seconded by Commissioner Duke and carried.

ACTION

SP76-254 - JOSEPH FILANCIA, JR.
APPLICATION FOR A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A
CHURCH AT PUKALANI, MAUI

Mr. Gordan Furutani, Executive Officer, summarized the staff report prepared for the subject request and described the property on the maps.

Commissioner Whitesell commented that the County of Maui should be requested to elaborate on questions which are raised at the County hearing such as the one concerning the disposal of the storm runoff posed by the Department of Transportation. She also commented on the restrictive nature of the term "use would be limited to church activities". Commissioner Duke agreed that

clarification was needed from all of the counties as to the precise meaning of the term "church activities".

Commissioner Duke moved to approve the Special Permit, subject to the 6 conditions imposed by the Maui Planning Commission which was seconded by Commissioner Miyasato and unanimously carried as follows:

Ayes: Commissioners Whitesell, Oura, Duke, Miyasato, Yanai, Chairman Tangen

✓ SP76-255 - STANLEY SHIMIZU
APPLICATION FOR A SPECIAL PERMIT TO ESTABLISH A FREEZER/STORAGE PLANT ON APPROXIMATELY 1 ACRE OF LAND SITUATED AT SOUTH KONA, HAWAII

Mr. Furutani identified the area under discussion on the maps and gave a resume of the staff report.

Much discussion evolved around the noise factor emanating from the freezer unit, especially during the quiet hours of the night. Chairman Tangen suggested that the Commission impose an additional condition that petitioner comply with the Department of Health's regulations governing noise control.

Commissioner Duke moved to approve the Special Permit, subject to the conditions imposed by the Hawaii Planning Commission and the additional condition that petitioner comply with the Department of Health's regulations governing noise control. The motion was seconded by Commissioner Oura and unanimously passed.

SP76-256 - INTERNATIONAL CHRISTIAN SCHOOLS, HAWAII
APPLICATION FOR A SPECIAL PERMIT TO ESTABLISH A PRIVATE SCHOOL AT NORTH KONA, HAWAII

Mr. Furutani reviewed the staff report and pointed to the area under discussion on the maps. In response to questions which were raised regarding the availability of water to the site, Mr. Fuke of the Hawaii Planning Department stated that the completion of the water shaft was anticipated to coincide with the opening of the school facility.

Upon motion by Commissioner Duke, seconded by Commissioner Whitesell, it was unanimously agreed to approve Special Permit SP76-256, subject to the conditions imposed by the Hawaii County Planning Commission.

HEARING - A76-419 - PARADISE HUI HANALIKE ASSOCIATION

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on December 10, 1976, and notices sent to all parties, a hearing was called by the Land Use

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP76-255 - STANLEY SHIMIZU DATE January 20, 1977
PLACE Conf. Room, Hilo State Bldg.
Hilo, Hawaii TIME 10:00 a.m.

	NAME	YES	NO	ABSTAIN	ABSENT
	MIYASATO, SHINSEI	X			
M	DUKE, CHARLES	X			
	MACHADO, COLETTE				X
	YANAI, EDWARD	X			
S	OURA, MITSUO	X			
	CARRAS, JAMES				X
	SAKAHASHI, STANLEY				X
	WHITESELL, CAROL	X			
	TANGEN, EDDIE	X			

Comments: I move that we approve SP76-255 - STANLEY SHIMIZU, subject to the conditions imposed by the Hawaii Planning Commission, and subject further to the condition that the petitioner comply with the Department of Health's Regulations governing noise control.

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission
FROM: Staff
SUBJECT: SP76-255 - Stanley Shimizu

January 20, 1977
10:00 a.m.

The petitioner, Stanley Shimizu, is requesting a Special Permit to allow the establishment of a freezer/storage plant and office on approximately one acre of land situated within the State Land Use Agricultural District at South Kona, Hawaii, TMK: 8-3-10: por. 37.

The subject property is located along the makai side of Mamalahoa Highway, approximately 1000 feet north of the intersection of Middle Government Main Road and Mamalahoa Highway.

The property in question is two acres in size. The petitioner intends to utilize a one acre portion of the property that fronts the highway for the proposed use. The remaining one acre is planned for residential use.

In support of his request, the applicant has presented the following:

1. "To store all frozen merchandise we receive from our mainland distributor for resale at Retail Fish Market and to be able to freeze all local products during flooded season of ahi and other seafoods."
2. "To store blocks of ice for the local fishermen and also sale to the public."
3. "Freezer/Public Storage Rental - We often receive requests for the use of our present reefer for storage of school and private business products and many times we cannot fulfill the requests because of limited reefer space."
4. "Our present Retail Fish Market space for preparing fish for mainland shipment to Pacific California Fish Company is limited; therefore, additional space is required."
5. "Storage space for cardboard boxes used in shipping ahi."

The area under consideration is designated for Medium Density Urban Development on the General Plan Land Use Pattern Allocation Guide Map. Under this classification, village and neighborhood commercial activities and residential uses are allowed. The County zoning of the area is Agricultural 1-acre.

The subject property is presently vacant of any structures and not used for any agricultural activity. The Land Study Bureau's overall master productivity rating for the soil is Class E or very poor. Slopes of the land ranges from 6 to 20 percent and the annual rainfall in the area is between 60 to 90 inches.

Surrounding land uses include a single family dwelling on the adjacent property to the north, Honaunau School which is located 900 feet to the north, Stan's Fishery Store situated approximately 300 feet south of the subject property, coffee fields, and scattered single family dwellings.

Pertinent Comments from governmental agencies:

1. DEPARTMENT OF WATER SUPPLY:

"We have no adverse comments or objections to the proposed special permit request at this time. However, the applicant or developers should be advised that water service may not be available until after the completion of our Kahaluu Shaft project, which is tentatively scheduled for completion in the latter part of 1977. This is due to the rapidly increasing consumption in Kona where the present source capacities are being reached."

2. FIRE DEPARTMENT:

"Fire protection provided by Captain Cook Fire Station located 4 miles distant. Fire hydrants are provided."

3. DEPARTMENT OF RESEARCH AND DEVELOPMENT:

"To our understanding there is a need for a facility of this nature in the Kona area due to the recent closing of the ice plant in Kailua."

4. STATE DEPARTMENT OF HEALTH:

"Fish storage and preparation plant to meet requirements of Public Health Regulation Chapter 1-A, Food Service and Food Establishment Sanitation Code. Recommend consultative review of plans with the Area Registered Sanitarian."

At the public hearing held by the Hawaii County Planning Commission on November 15, 1976, except for the applicant, two

persons testified against the Special Permit and one supported this request. Bernice and Arthur Lincoln, residents occupying the single family dwelling just north of the property in question, expressed concern over the probable increase in property taxes and noise from the refrigeration unit. John Basque spoke in favor of this request at the hearing stating that this proposal will help the fishermen by providing a local outlet for block ice and fish sales.

On December 16, 1976, the Planning Commission voted to recommend approval of this Special Permit to the Land Use Commission based on the following:

- "1. That the granting of the proposed use at its particular location would not be contrary to the General Plan Land Use Pattern Allocation Guide Map which designates the area for Medium Density Urban Development. Such a designation may allow commercial and related activities such as the proposed freezer/storage building.

Furthermore, the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is 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 Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Kona area and the island.

- "2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agricultural purposes. The proposed

use will undeniably alter the existing character of the area under consideration; however, the provision of the freezer/storage plant would be beneficial and well-suited to accommodate the present and future needs of the area, as well as of the County. Although an announcement was recently made through the news media that the former North Kona Ice and Cold Storage facility will be reopened shortly under new ownership, it is felt that there still would be a need for such a facility. The proposed plant will service not only the fishermen and residents of the Kona area, but also, fishermen from throughout the County. It is intended to overcome various problems confronting the fishermen, namely, loss through spoilage and the lack of a reliable market. Benefits will accrue to the fishermen in terms of proximity to fishing grounds and market for their fish. In light of such factors, it is determined that the establishment of the proposed use will be a positive benefit and support to the fishing industry. As such, the proposed freezer/storage plant will further the objectives of Land Use Law and Regulations by encouraging and strengthening the existing fishing industry. The granting of this particular request would also complement the Economic goals of the General Plan which state that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County shall encourage the expansion of the fishing industry, various forms of agriculture, and other ocean-based activities."

Furthermore, the proposed activity is presently being conducted, on a limited basis, within the petitioner's existing store which is situated only about 300 feet away from the area under consideration. The existing building and land area of the property on which it is presently situated on, however, is too small to accommodate the increase in demand. The present building which is partitioned off as a fish market and a general store is only about 2,600 square feet in size (fish market - 600 square feet; general store - 2,000 square feet). The existing property is also too small to accommodate any expansion as it is a triangular-shaped lot which is only 10,000+ square feet in size. In light of these circumstances, the petitioner has decided to construct the proposed building on the area under consideration.

- "3. That the proposed use will not adversely affect surrounding properties. The sixty (60) feet by fifty (50) feet freezer/storage building will be situated on a one (1) acre area. According to the site plan submitted along with the application, the building will be constructed fifty (50) feet from the front

property line and forty (40) feet from the side property lines. Although there is a single family dwelling on the adjacent property to the north of the proposed building, there will be a distance of over fifty (50) feet between both structures. Furthermore, according to the petitioner, the refrigeration unit which will be insulated to cut out sound, will be within the south side of the proposed building. As a result, there will be a distance of over 100 feet between the adjacent dwelling and the refrigeration unit area. There is also another dwelling on a property situated towards the south-west of the area under consideration. The proposed building, however, will be over 200 feet from the closest property line of that lot. The property adjacent and to the south of the area in question is in coffee production and is vacant of any structures.

- "4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. As such, the establishment of the proposed freezer/storage plant will not unreasonably burden public agencies to provide roads and other similar infrastructures."

Recommendation for approval of the Special Permit was subject to the following conditions:

- "1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
- "2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
- "3. That all other applicable rules and regulations, including the Plan Approval Process, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void."

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

January 7, 1977

Mr. Stanley S. Shimizu
P. O. Box 117
Honaunau, Hawaii 96726

Dear Mr. Shimizu:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

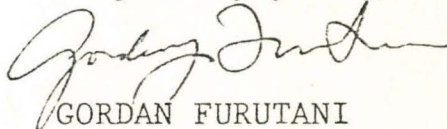
Please note that petition

SP76-255 Stanley Shimizu

will be heard at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

January 7, 1977

Mr. Raymond Suefuji
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

Enclosed is a Notice of Land Use Commission meeting and the Agenda for the Meeting.

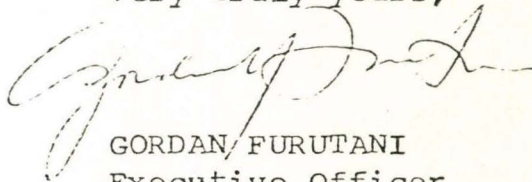
Please note that petition

✓ SP76-255 Stanley Shimizu
SP76-256 International Christian Schools, Hawaii

will be acted on at that time.

Should you have any questions on this matter, please contact this office.

Very truly yours,



GORDAN FURUTANI
Executive Officer

Enclosure - Agenda

STATE OF HAWAII
LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME, & PLACE

January 20, 1977 - 10:00 a.m.
Conference Room
Hilo State Building
75 Aupuni Street
Hilo, Hawaii

A G E N D A

I. HEARING

A76-419 Paradise Hui Hanalike Association

To reclassify approximately 56.82 acres from
Conservation District to the Agricultural
District at Keaau, Puna, Hawaii.

II. ACTION

1. AR&R76-6 Amendment to the State Land Use Commission
Rules of Practice and Procedure

2. SP76-254 Joseph Filancia, Jr.

Special Permit to construct and operate a church
at Pukalani, Maui.

3. SP76-255 Stanley Shimizu

Special Permit to establish a freezer/storage
plant on approximately 1 acre of land situated
at South Kona, Hawaii.

4. SP76-256 International Christian Schools, Hawaii

Special Permit for the establishment of a
private school on 1.4 acres of land situated
at North Kona, Hawaii.

III. MISCELLANEOUS

1. Adoption of Minutes

2. Meeting Schedule

* ACCOPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATION ON THE
ATTACHED MAILING LIST. 1/7/77



COUNTY OF
HAWAII

LAND USE COMMISSION
STATE OF HAWAII
DEC 30 10 08 AM '76
PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

December 17, 1976

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 S. King St., Suite 1795
Honolulu, HI 96813

SP76-255

Re: Special Permit Application
Applicant - Stanley Shimizu

In accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, we are transmitting the decision and findings of the County Planning Commission on the above application.

The special permit request was to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the makai side of Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Keel 2nd, South Kona, TMK: 8-3-10:portion of 37.

The Planning Commission at a duly advertised public hearing held on November 15, 1976 at the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on December 16, 1976, voted to recommend the approval of the special permit to the Land Use Commission as it was found:

1. That the granting of the proposed use at its particular location would not be contrary to the General Plan Land Use Pattern Allocation Guide Map which designates the area for Medium Density Urban Development. Such a designation may allow commercial and related activities such as the proposed freezer/storage building.

Furthermore, the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is 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 Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Kona area and the island.

2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agricultural purposes. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the freezer/storage plant would be beneficial and well-suited to accommodate the present and future needs of the area, as well as of the County. Although an announcement was recently made through the news media that the former North Kona Ice and Cold Storage facility will be reopened shortly under new ownership, it is felt that there still would be a need for such a facility. The proposed plant will service not only the fishermen and residents of the Kona area, but also, fishermen from throughout the County. It is intended to overcome various problems confronting the fishermen, namely, loss through spoilage and the lack of a reliable market. Benefits will accrue to the fishermen in terms of proximity to fishing grounds and market for their fish. In light of such factors, it is determined that the establishment of the proposed use will be a positive benefit and support to the fishing industry. As such, the proposed freezer/storage plant will further the objectives of Land Use Law and Regulations by encouraging and strengthening the existing fishing industry. The granting of this particular request would also complement the Economic goals of the General Plan which state that "The County of

Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County shall encourage the expansion of the fishing industry, various forms of agriculture, and other ocean-based activities."

Furthermore, the proposed activity is presently being conducted, on a limited basis, within the petitioner's existing store which is situated only about 300 feet away from the area under consideration. The existing building and land area of the property on which it is presently situated on, however, is too small to accommodate the increase in demand. The present building which is partitioned off as a fish market and a general store is only about 2,600 square feet in size (fish market - 600 square feet; general store - 2,000 square feet). The existing property is also too small to accommodate any expansion as it is a triangular-shaped lot which is only 10,000+ square feet in size. In light of these circumstances, the petitioner has decided to construct the proposed building on the area under consideration.

3. That the proposed use will not adversely affect surrounding properties. The sixty (60) feet by fifty (50) feet freezer/storage building will be situated on a one (1) acre area. According to the site plan submitted along with the application, the building will be constructed fifty (50) feet from the front property line and forty (40) feet from the side property lines. Although there is a single family dwelling on the adjacent property to the north of the proposed building, there will be a distance of over fifty (50) feet between both structures. Furthermore, according to the petitioner, the refrigeration unit which will be insulated to cut out sound, will be within the south side of the proposed building. As a result, there will be a distance of over 100 feet between the adjacent dwelling and the refrigeration unit area. There is also another dwelling on a property situated towards the southwest of the area under consideration. The proposed building, however, will be over 200 feet from the closest property line of that lot. The property adjacent and to the south of the area in question is in coffee production and is vacant of any structures.
4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. As such, the establishment of the proposed freezer/storage plant will not unreasonably burden public agencies to provide roads and other similar infrastructures.

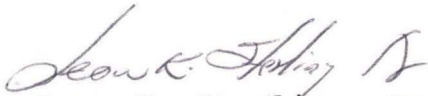
Mr. Gordan Furutani
Page 4
December 17, 1976

The favorable recommendation was also subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
3. That all other applicable rules and regulations, including the Plan Approval Process, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

Enclosed are copies of the Exhibits from the subject docket.



Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

Enclosures

cc Stanley Shimizu
Land Use Division, DPED

Dec 30 10 08 AM '76

LIST OF EXHIBITS - STANLEY SHIMIZU

- A. Application form
- A-1. Petitioner's letter (10/4/76)
- A-2. Petitioner's location map
- A-3. Petitioner's Elevation plan
- A-4. Petitioner's Plot plan
- A-5. Petitioner's farming plan
- A-6. Petitioner's roof plan
- B. Acknowledgment letter (10/19/76)
- C. Letter to agencies (10/18/76)
- D. Police (10/21/76)
- E. Dept. of Agriculture (10/21/76)
- F. Dept. of Public Works (10/25/76)
- G. Soil Conservation Service (10/26/76)
- H. Dept. of Water Supply (10/27/76)
- I. Fire (11/1/76)
- J. Research & Development (10/25/76)
- K. Memo to Research & Development (11/3/76)
- L. List of surrounding proposed owners
- M. Map for surrounding proposed owners
- N. Letter to proposed owners (11/1/76)
- O. Public hearing notice
- O-1. Public hearing notice in Hawaii Tribune-Herald
- P. Letter to petitioner (11/1/76)
- Q. Dept. of Health (11/4/76)
- R. Staff background
- S. Photo - (PLEASE RETURN)
- T. Location map-presentation - (PLEASE RETURN)
- U. Minutes (11/15/76)
- V. Public hearing transcript (11/15/76)
- W. Letter to applicant (11/16/76)
- X. Letter to applicant (12/3/76)
- Y. Staff recommendation
- Z. Voting sheet (12/16/76)
- AA. Minutes (12/16/76)
- BB. Letter to applicant (12/21/76)

DEC 30 10 08 AM '76

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: Stanley S. Shimizu

APPLICANT'S SIGNATURE: *Stanley S. Shimizu*

ADDRESS: P. O. Box 117

Honaunau, Hawaii 96726

TELEPHONE: 328-2112

TAX MAP KEY: 8-3-10:37 AREA: 2 acres

(Size of Parcel)

OWNER: Same

OWNER'S SIGNATURE: *Stanley S. Shimizu*

APPLICANT'S INTEREST, IF NOT OWNER: _____

REQUESTED USE: A 50' x 60' freezer/building plant

APPLICANT'S REASON(S) FOR REQUESTING SPECIAL PERMIT: (Please attach)

NOTE: The applicant must show that:

- (a) such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (b) the desired use shall not adversely affect surrounding properties;
- (c) such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (d) unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (e) the land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (f) the proposed use will not substantially alter or change the essential character of the land and the present use; and
- (g) the proposed use will make the highest and best use of the land involved for the public welfare.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (a) 16 copies of the completed application form with attachments.
- (b) 16 copies of a location map.
- (c) 16 copies of a site plan with existing and proposed uses.
- (d) any additional information.
- (e) \$100.00 processing fee.

For Official Use:

Date received _____
120th day _____
Public Hearing date _____
Action date _____
To Land Use Commission _____

EXHIBIT A

October 4, 1976

Planning Commission
Planning Department
County of Hawaii
Hilo, Hawaii

Gentlemen:

Attached is my application for special permit on my property located on Tax Map Key 8-3-10:37 - 2 acres Honaunau/Keel.

Listed below are my reasons for the application as I would like to divide the two acres as follows: One acre for commercial use and one acre for residential.

1. To build a 50 x 60 freezer/building plant for the following reasons:
 - a. To store all frozen merchandise we receive from our mainland distributor for resale at Retail Fish Market and to be able to freeze all local products during flooded season of ahi and other seafoods.
 - b. To store blocks of ice for the local fishermen and also sale to the public.
 - c. Freezer/Public Storage Rental - We often receive requests for the use of our present reefer for storage of school and private business products and many times we cannot fulfill the requests because of limited reefer space.
 - d. Our present Retail Fish Market space for preparing fish for mainland shipment to Pacific California Fish Company is limited; therefore, additional space is required.
 - e. Storage space for cardboard boxes used in shipping ahi.

The above reasons for our requests will be beneficial to the public as well as our business.

EXHIBIT A-1

October 19, 1976

Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

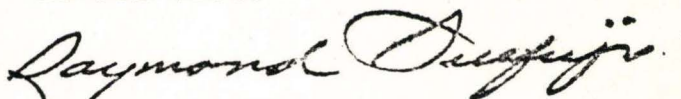
Re: Special Permit - Freezer/Building Plant
TMK: 8-3-10:Por. 37

This is to acknowledge receipt of the above-mentioned special permit application on October 13, 1976.

The County Planning Commission will conduct a public hearing on this request within a period of not less than thirty (30) nor more than one hundred twenty (120) days from the receipt of the application. The Planning Commission will then act on the application not earlier than fifteen (15) days after the public hearing but within a reasonable time thereafter. Should the Planning Commission recommend favorably on the request, it will be forwarded to the State Land Use Commission for final action.

The Planning Commission may deny the request if it deems that the proposed use does not meet with the special permit guidelines. In such a circumstance, its decision will be considered final. However, in accordance with the provisions of Chapter 205-6, Hawaii Revised Statutes, a Planning Commission denial may be appealed to the circuit court of the circuit in which the land is situated, in this case, the Third Circuit Court.

Notice of the time and place of the public hearing will be forwarded to you as soon as your application is placed on its agenda for Commission action. Should any questions arise in the meantime, please contact Norman Hayashi or Ilima Piianaia of this Department, at 961-8288.



RAYMOND SUEFUJI
Director

rfd

EXHIBIT B

OCT 18 1976

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Date: October 18, 1976
Fire, Soil Conserv., Dept. of Ag.,
Virginia-staff.

From: Planning Department

Subject: Special Permit Application
STANLEY SHIMIZU
TMK: 8-3-10:Portion 37

May we have your comments to the abovesaid special permit application of Stanley Shimizu within two (2) weeks from the above date. Thank you.



Raymond Suefuji
Director

lgv

enclosure

EXHIBIT C



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

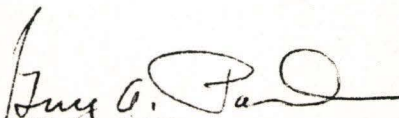
YOUR REFERENCE

CHIEF OF POLICE

October 21, 1976

TO : RAYMOND SUEFUJI, PLANNING DIRECTOR
FROM : GUY A. PAUL, CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION
STANLEY SHIMIZU
TMK: 8-3-10:Portion 37

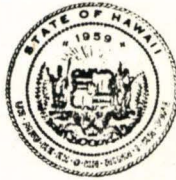
The special permit application submitted by Stanley Shimizu has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested change.


GUY A. PAUL
CHIEF OF POLICE

GI/RLP/k

EXHIBIT D

GEORGE R. ARIYOSHI
GOVERNOR



JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE

YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 SO. KING STREET
HONOLULU, HAWAII 96814

October 21, 1976

MEMORANDUM

To: Mr. Raymond Suefuji, Director
Hawaii County Planning Department

Subject: Special Permit Application
Stanley Shimizu
TMK: 8-3-10: Portion 37

The Department of Agriculture has no objections to
the subject application.

Thank you for the opportunity to comment.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT E

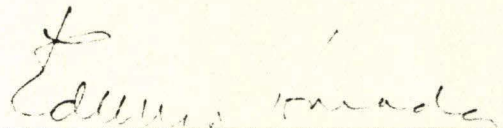
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

MEMORANDUM

Date October 25, 1976

TO: Planning Department
FROM: Chief Engineer
SUBJECT: Application for Variance
Applicant: Stanley Shimizu
Location: Honaunau, Hawaii
TMK: 8-3-10:por. of 37

We have reviewed the subject application and we have no comments to offer.



EDWARD HARADA, Chief Engineer

EXHIBIT F

Mm

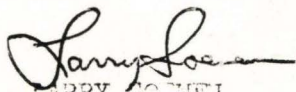
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBJECT: Special Permit Application TMK: S-3-10:37
STANLEY SHIMIZU

DATE: 26 Oct. 76

TO: Planning Department
County of Hawaii
Hilo, Hawaii 96720

The area concerned is not expected to be adversely affected by the proposed
freezer/building plant.



LARRY GOEMEN
Acting District Conservationist

dlp

EXHIBIT G





DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

25 AUPUNI STREET

October 27, 1976

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT APPLICATION
STANLEY SHIMIZU
TMK: 8-3-10:PORTION 37

We have no adverse comments or objections to the proposed special permit request at this time. However, the applicant or developers should be advised that water service may not be available until after the completion of our Kahaluu Shaft project, which is tentatively scheduled for completion in the latter part of 1977. This is due to the rapidly increasing consumption in Kona where the present source capacities are being reached.

E. W. Ito

Akira Fujimoto
Manager

QA

cc: Stanley Shimizu

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning Department

DATE: November 1, 1976

FROM: Fire

SUBJECT: Special Permit Application
Stanley Shimizu
TMK: 8-3-10:Portion 37

Fire protection provided by Captain Cook Fire Station located
4 miles distant. Fire hydrants are provided.

Teruhiro Kohno
Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT I



DEPARTMENT OF RESEARCH AND DEVELOPMENT

COUNTY OF HAWAII

HERBERT T. MATAYOSHI, Mayor

CLARENCE W. GARCIA, Director

October 25, 1976

MEMORANDUM

TO: Planning Department

FROM: Research & Development *Clarence W. Garcia*

RE: Special Permit Application - Stanley Shimizu
TMK: 8-3-10:Portion 37

Regarding the abovementioned special permit application we submit the following comments for your consideration:

- a. To our understanding there is a need for a facility of this nature in the Kona area due to the recent closing of the ice plant in Kailua.
- b. Are there any available sites for this particular use in the immediate vicinity?
- c. What are the uses of lands in immediate vicinity?
- d. Will this approval constitute a non-conforming use, and is this desirable in this particular area?

EXHIBIT *U*

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: Director, Department of Research
& Development

Date: November 3, 1976

From: Planning Director

Subject: Special Permit Application
Stanley Shimizu
TMK: 8-3-10:37(por.)

We have received your comments on the subject application per memorandum dated October 25, 1976. One of the comments posed a question as to whether approval of the request would create or constitute a nonconforming use and if this would be desirable in this particular area.

Under the State Land Use Law and Rules and Regulations, if a person desires to use land within an Agricultural or Rural District for other than those uses expressly permitted by the Law and the Rules and Regulations, application for a Special Permit may be made to the County Planning Commission. The proposed use must be determined to be "unusual and reasonable". To determine whether the proposed use is unusual and reasonable, the following guidelines have been established:

1. Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.
2. That the desired use would not adversely affect surrounding property.
3. Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
4. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
5. That the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Since the use proposed by Mr. Shimizu is not expressly permitted within the SLU Agricultural District, he is applying for a Special Permit. Should his request be approved, the use would be "Conforming" through the Special Permit provisions of the Land Use Law and Regulations. A nonconforming use is defined in the State Land Use Commission Regulations as "... the use of a building or structure, or of a parcel of land, lawfully existing at the time of adoption of the State Land Use District Regulations and Boundaries or subsequent amendments made thereto, that does not conform to the State Land Use District Regulations and Boundaries." (Emphasis added.)

EXHIBIT K

NOV -5 1976

Director, Department of Research & Development
Page 2
November 3, 1976

In requesting comments on Special Permit applications, we would appreciate any back-up information which you can provide which would be helpful in our review and analysis of Special Permit applications.

My staff is available to discuss the Special Permit process with your staff so that the review process can be mutually beneficial. We are enclosing copies of the SLUC Rules and Regulations and the citizens' guide to these for your information.

A handwritten signature in cursive script, reading "Raymond Suefuji".

Raymond Suefuji
Director

IP:sk

Enclosure

SPECIAL PERMIT
 STANLEY SHIMIZU
 FREEZING BUILDING
 8-3-10:37 (2.0 Acs)

8-3-10: 4 BIVEN, NED EST

90 HAWAII TRUST CO. LTD.
 P.O. Box 3170
 Honolulu, HI 96822

23 Perry Fiske, Weston L.

R.R. #1 Box 150 H
 Captain Cook HI 96704

34 Moe, George JR. ESTATE

40 Clark N Ford Executor
 1920 N. Cavalier Dr.
 Tempe AZ 85281

38. Lincoln, Arthur L.

P.O. Box 317
 Honolulu, HI 96726

43 Matsuda, Fred M / NIWA

P.O. Box 311
 Honolulu, HI

65 Wojahn, Chester J

P.O. Box 1086
 Kailua, Hawaii HI 96740

8-3-13: 10 MoKuahai, Charles SR. / Anne

P.O. Box 331
 Honolulu, Hawaii

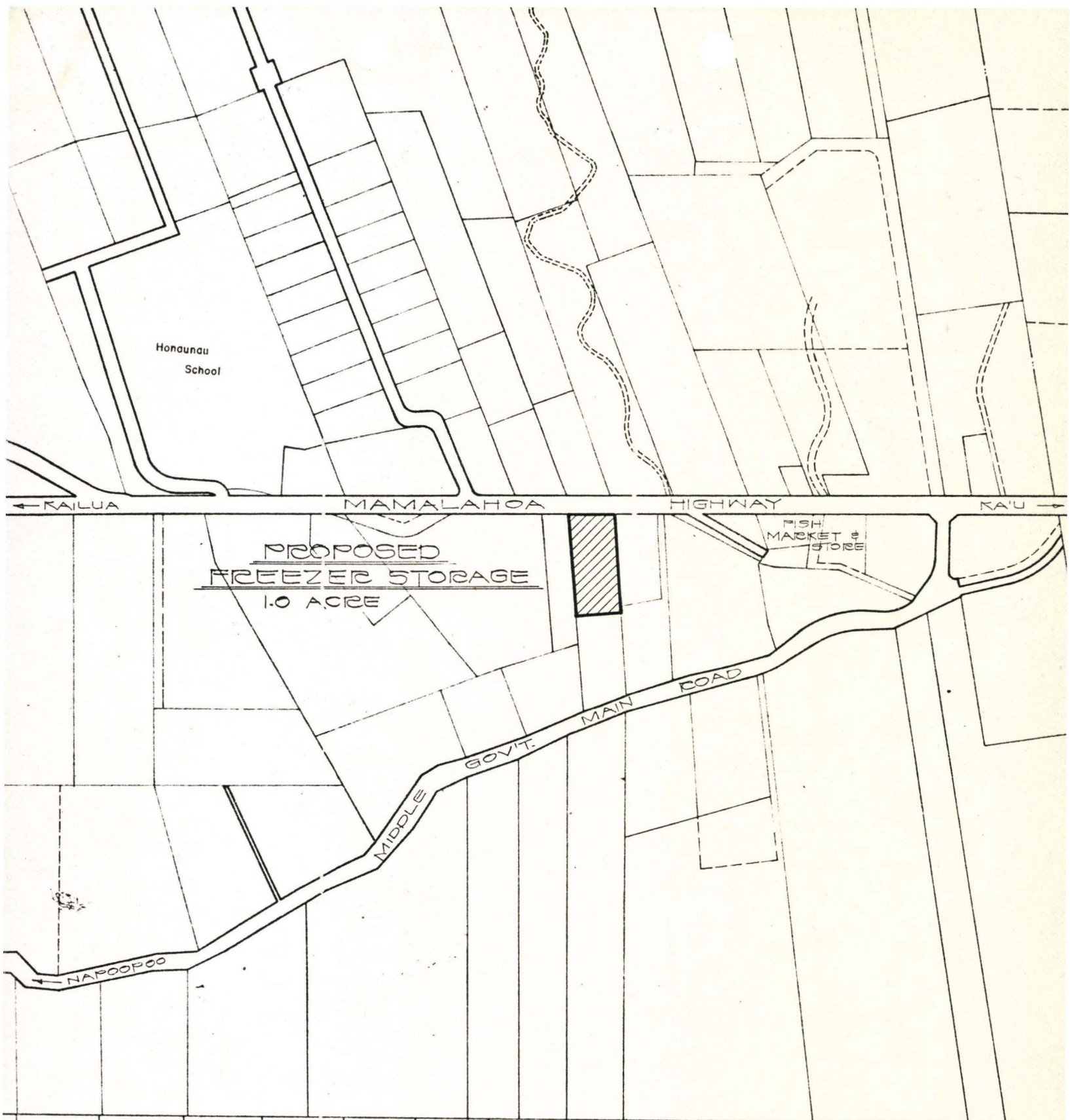
13 Sato, Richard T / Sato

P.O. Box 324
 Honolulu, HI 96726

14 Yamanka, Harry T / Jean

2116 Kilanea Ave.
 Hale, HI

EXHIBIT L



SPECIAL PERMIT REQUEST

CONSTRUCTION OF A FREEZER STORAGE BLD'G.

KEEI END, SOUTH KONA, HAWAII

TAX MAP KEY : 8-3-10:37

APPLICANT : STANLEY SHIMIZU

EXHIBIT

OCT. 29, 1976



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

RAYMOND H. SUEFUJI
Director

November 1, 1976

Dear Property Owner: (TMK:

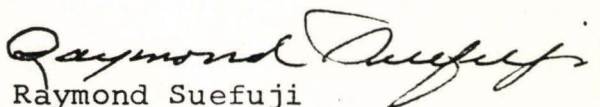
Re: Special Permit Application
Keel 2nd, South Kona, Hawaii
Tax Map Key 8-3-10:37 (por.)

You are hereby notified that a request for a special permit to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District has been submitted by the petitioner, Stanley Shimizu.

The property in question is located along the makai side of Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Keel 2nd, South Kona, Hawaii.

A public hearing on the subject among others will be held beginning at 7:00 p.m. on Monday, November 15, 1976 at the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, Hawaii.

You are invited to comment on the application at the hearing or submit written comments prior to the hearing.


Raymond Suefuji
Director

lat

Enclosure

EXHIBIT D

PUBLIC HEARINGS
PLANNING COMMISSION
COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Kealakehe Elementary School Cafetorium, Kealakehe,
North Kona, Hawaii

DATE: Monday, November 15, 1976

TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: ELBRIDGE DURANT

LOCATION: Approximately 2,300 feet mauka of the Hawaii Belt Highway, adjacent and to the north of the Kaloko Mauka Subdivision, Kohanaiki Homesteads, North Kona.

TMK: 7-3-06:1

PURPOSE: Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 16.5 acres of land from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district.

EXHIBIT ○

2. PETITIONER: ALLELUIA KALAIWAA
- LOCATION: Along the mauka side of the old Mamalahoa Highway, slightly over one (1) mile south of the Palani Road - Mamalahoa Highway intersection, Kealakehe Homesteads, North Kona.
- TMK: 7-4-03:3
- PURPOSE: Variance request to allow the creation of a lot which is less than the minimum building site area requirement. More specifically, the request is to allow the creation of an 18.5-acre lot, of which a 14.5-acre area is situated within the Agricultural 20-acre (A-20a) zoned district. The minimum building site area requirement for this zoned district is twenty (20) acres. The remaining four (4) acres of this lot are situated within the Agricultural 1-acre (A-1a) zoned district.
3. PETITIONER: INTERNATIONAL CHRISTIAN SCHOOLS, HAWAII
- LOCATION: Site of the former Honokohau School along the mauka side of the old Mamalahoa Highway, approximately 3,500 feet southeast of the Palani Road - Mamalahoa Highway intersection, Papaakoko, North Kona.
- TMK: 7-4-06:1
- PURPOSE: Special Permit request to allow the establishment of a private school on 1.4 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: STANLEY SHIMIZU

LOCATION: Along the makai side of Mamalahoa Highway,
approximately 300 feet north of Stan's
Fishery Store, Keeli 2nd, South Kona.

TMK: 8-3-10:portion of 37

PURPOSE: Special Permit request to allow the establish-
ment of a freezer/storage plant on approximately
one (1) acre of land situated within the State
Land Use Agricultural District.

Maps showing the general locations and boundaries of the
area under consideration and/or plans of the proposed development
are on file in the office of the Planning Department in the County
Building at 25 Aupuni Street, Hilo, Hawaii, and are open to
inspection during office hours. All comments should be filed with
the Planning Commission before that date, or in person at the
public hearing.

PLANNING COMMISSION
LEON K. STERLING, JR., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(Hawaii Tribune-Herald: November 5 & November 12, 1976)

PUBLIC HEARINGS

PLANNING COMMISSION COUNTY OF HAWAII

NOTICE IS HEREBY GIVEN of public hearings to be held by the Planning Commission of the County of Hawaii in accordance with the provisions of Section 5-4.3 of the Charter of the County of Hawaii.

PLACE: Kealahou Elementary School Cafetorium, Kealahou, North Kona, Hawaii

DATE: Monday, November 15, 1976
TIME: 7:00 p.m.

The purpose of the public hearings is to afford all interested persons a reasonable opportunity to be heard on the following requests:

1. PETITIONER: ELBRIDGE DURANT

LOCATION: Approximately 2,300 feet mauka of the Hawaii Belt Highway, adjacent and to the north of the Kaloko Mauka Subdivision, Kohalaiki Homesteads, North Kona.

TMK: 7-3-06:1

PURPOSE: Change of zone request in accordance with Chapter 8 (Zoning Code), Article 1, Section 6, Hawaii County Code, as amended, for 16.5 acres of land from an Agricultural 20-acre (A-20a) to an Agricultural 5-acre (A-5a) zoned district.

2. PETITIONER: ALLELUIA KALAIWA

LOCATION: Along the mauka side of the old Mamalahou Highway, slightly over one (1) mile south of the Palani Road—Mamalahou Highway intersection, Kealahou Homesteads, North Kona.

TMK: 7-4-03:3

PURPOSE: Variance request to allow the creation of a lot which is less than the minimum building site area requirement. More specifically, the request is to allow the creation of an 18.5-acre lot, of which a 14.5-acre area is situated within the Agricultural 20-acre (A-20a) zoned district. The minimum building site area requirement for this zoned district is twenty (20) acres. The remaining four (4) acres of this lot are situated within the Agricultural 1-acre (A-1a) zoned district.

3. PETITIONER: INTERNATIONAL CHRISTIAN SCHOOLS, HAWAII

LOCATION: Site of the former Hanakohau School along the mauka side of the old Mamalahou Highway, approximately 3,500 feet southeast of the Palani Road—Mamalahou Highway intersection, Paopao, North Kona.

TMK: 7-4-06:1

PURPOSE: Special Permit request to allow the establishment of a private school on 1.4 acres of land situated within the State Land Use Agricultural District.

4. PETITIONER: STANLEY SHIMIZU

LOCATION: Along the makai side of Mamalahou Highway, approximately 300 feet north of Stan's Fishery Store, Kealahou, South Kona.

TMK: 8-3-10: portion of 37

PURPOSE: Special Permit request to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District.

Maps showing the general locations and boundaries of the area under consideration and/or plans of the proposed development are on file in the office of the Planning Department in the County Building, at 25 Aupuni Street, Hilo, Hawaii, and are open to inspection during office hours. All comments should be filed with the Planning Commission before that date, or in person at the public hearing.

PLANNING COMMISSION:
LEON K. STERLING, JR., Chairman
By RAYMOND H. SUEFUJI
Planning Director

(146—Hawaii Tribune-Herald; November 5, November 12, 1976)

EXHIBIT 0-1

November 1, 1976

Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

Re: Notice of a Public Hearing
Special Permit Application
tax Map Key: 8-3-10:portion of 37

This is to inform you that your request has been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Monday, November 15, 1976 at the Kealakehe Elementary School Cafetorium, Kealakehe, North Kona, Hawaii.

The presence of a representative will be appreciated in order that all questions relative to the request may be clarified.

A copy of the hearing notice is enclosed for your information.



Raymond Suefuji
Director

LAT:kth

Enclosure

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT P

NOV 3 1976

MEMORANDUM:

PLANNING DEPARTMENT - County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Soil Conserv., Dept. of Ag., Virginia-staff Date: October 18, 1976

From: Planning Department

Subject: Special Permit Application
STANLEY SHIMIZU
TMK: 8-3-10:Portion 37

May we have your comments to the abovesaid special permit application of Stanley Shimizu within two (2) weeks from the above date. Thank you.



Raymond Suefuji
Director

lgv

enclosure

Department of Health
Hilo, Hawaii

November 4, 1976

Fish storage and preparation plant to meet requirements of Public Health Regulation Chapter 1-A, Food Service and Food Establishment Sanitation Code. Recommend consultative review of plans with the Area Registered Sanitarian.



Harold Matsuura
Chief Sanitarian, Hawaii

EXHIBIT Q

SPECIAL PERMIT: STANLEY SHIMIZU

The petitioner, Stanley Shimizu, is requesting a Special Permit to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the makai side of Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Keel 2nd, South Kona (TMK: 8-3-10:portion of 37).

The property in question is two (2) acres in size. The petitioner, however, intends to utilize a one-acre portion along the highway for the proposed use. The remaining one-acre area on the makai side will be used for residential purposes.

The petitioner plans to construct a 3,000 square foot building which would be used for storage purposes. The building will also include a 180 square foot office area.

The petitioner has presented the following as reasons for the request:

- "1. To store all frozen merchandise we receive from our mainland distributor for resale at Retail Fish Market and to be able to freeze all local products during flooded season of ahi and other seafoods.
- "2. To store blocks of ice for the local fishermen and also sale to the public.
- "3. Freezer/Public Storage Rental - We often receive requests for the use of our present reefer for storage of school and private business products and many times we cannot fulfill the requests because of limited reefer space.

EXHIBIT R

"4. Our present Retail Fish Market space for preparing fish for mainland shipment to Pacific California Fish Company is limited; therefore, additional space is required.

"5. Storage space for cardboard boxes used in shipping ahi.

"The above reasons for our requests will be beneficial to the public as well as our business."

The General Plan Land Use Pattern Allocation Guide Map designates the area for Medium Density Urban Development. Such a designation may allow village and neighborhood commercial and residential^{uses} and related functions. The County's zoning designation is Agricultural 1-acre (A-1a).

According to the U.S. Department of Agriculture Soil Conservation Service's Soil Survey Report issued in December of 1973, the land is of the Kona soil series which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The surface layer is about 5 inches thick and is underlain by pahoehoe lava bedrock. Permeability is rapid in the soil, and water moves rapidly through the cracks of the lava. Runoff is medium, and the erosion hazard is slight. The land slopes between 6 to 20 percent, and the annual rainfall is between 60 to 90 inches.

The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

The subject property is presently vacant of any structures and is also not used for any agricultural activity. There is a single family^{dwelling} on the adjacent property to the north. The adjacent property to the south, however, is vacant of any structures^{and is presently in coffee}. Other land uses in the area include single family dwellings, coffee, and other vacant

lands. The Honaunau School is located to the north of the subject area and mauka of the highway, approximately 900 feet away. The existing Stan's Fishery Store, which is located approximately 300 feet south of the property in question, is also situated within the State Land Use Agricultural District. This store, however, is considered to be a nonconforming use as it was established prior to the enactment of the State Land Use Law and the adoption of the County Zoning Code. The triangular-shaped lot on which the store is situated on is only 0.2 acre or 10,105 square feet in size.

Access to the proposed use will be from Mamalahoa Highway which has a 60-foot right-of-way with an 18-foot pavement.

In regards to the water situation, the Department of Water Supply had the following comments to offer:

"We have no adverse comments or objections to the proposed Special Permit request at this time. However, the applicant or developers should be advised that water service may not be available until after the completion of our Kahaluu Shaft project, which is tentatively scheduled for completion in the latter part of 1977. This is due to the rapidly increasing consumption in Kona where the present source capacity are being reached."

The Fire Department informs that fire hydrants are provided in the area. The Captain Cook Fire Station is located approximately four (4) miles from the property.

The Department of Research and Development commented that "there is a need for a facility of this nature in the Kona area due to the recent closing of the ice plant in Kailua."

The State Department of Health stated that the fish storage and preparation plant shall meet the requirements of Public Health Regulation Chapter 1-A, Food Service and Food Establishment Sanitation Code.

All other cooperating agencies had no comments on or objections on the subject request.



VIEW OF PROPERTY ~ MAALAHOA HWY. IS NOT CURVED

STANLEY SHIMIZU
SPECIAL PERMIT ~ FREEZER/STORAGE PLANT

LAND USE COMMISSION
STATE OF HAWAII
DEC 30 10 08 AM '76

EXHIBIT S

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
November 15, 1976

The Planning Commission met in regular session at 3:04 p.m. at the Kealakehe School Cafetorium, Kealakehe, North Kona, with Chairman Sterling presiding.

PRESENT:	Leon K. Sterling, Jr.	ABSENT:	William F. Mielcke
	Scott Asai		Akira Fujimoto, Ex-officio Member
	Lorraine Jitchaku		
	Arthur W. Martin		
	Haruo Murakami		
	Charles H. Sakamoto, Jr.		

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford Lun, Corporation Counsel
Robert Yanabu, representing Ex-officio Member Edward Harada

and about 9 people in attendance at 3:00 p.m. and about 41 people at 7:00 p.m.

LAND USE COMMISSION
SPECIAL PERMIT
STANLEY SHIMIZU
KEEI, NORTH KONA

A duly advertised public hearing was held for a Special Permit request to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property

involved is located along the makai side of Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Kees 2nd, South Kona, TMK: 8-3-10: portion of 37.

Staff presented background information.

Applicant Stanley Shimizu pointed out that with the construction industry on the downgrade, many of the people are turning to fishing industry. He is therefore trying to accommodate the fishermen in Kona as well as at South Point and Hilo districts to ship the catch to the Mainland. He felt that with the construction of this plant, he can double the sale of tuna to the Mainland. He mentioned that presently he has five employees and eventually will double that number.

There were two people speaking against the proposal because of possible noise control problem and one speaking for the request.

Mr. Sakamoto moved to close the public hearing; seconded by Mrs. Jitchaku; carried.

No action was taken in accordance with the SLUC's regulations since decisions on such petitions cannot be made earlier than 15 days after the close of the public hearing.

MEETING SCHEDULE

Staff announced that the next meeting will be held in Hilo on December 9 and the subsequent

meeting in Kona on December 22.

APPOINTMENT OF NOMINATING COMMITTEE

Chairman announced that he had appointed Commissioners Murakami and Sakamoto to serve on the Nominating Committee to come up with their recommendations for Commission Chairman and Vice Chairman next year.

ADJOURNMENT

Meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

Leon K. Sterling, Jr.
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
November 15, 1976

A regularly advertised public hearing, on the application of Stanley Shimizu, was called to order at 9:21 p.m. at the Kealakehe School Cafetorium, Kealakehe, North Kona, by Chairman Sterling.

PRESENT: Leon K. Sterling, Jr. ABSENT: William F. Mielcke
Scott Asai Akira Fujimoto, Ex-officio Member
Lorraine Jitchaku
Arthur W. Martin
Haruo Murakami
Charles H. Sakamoto, Jr.

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner

Clifford Lum, Corporation Counsel
Robert Yanabu, representing Ex-officio Member Edward Harada

and about 13 people in attendance

CHAIRMAN: Public hearing on the application of Stanley Shimizu for a Special Permit to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the makai side of Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Keel 2nd, South Kona, TMK: 8-3-10:portion of 37.

Ms. Piianaia will be making the report.

PIIANAIA: (Staff presented background information on file.) This is a special permit. You cannot take action for 15 days after the public hearing.

HAYASHI: Excuse me, Mr. Chairman. I would like to make one correction to Exhibit T. It shows the entire area of two acres being hatched out. However, it should reflect only the top one-acre portion rather than the entire two acres.

CHAIRMAN: Thank you, Mr. Hayashi. Commissioner Martin.

MARTIN: Did I interpret this right that the owner retail fish market? If so, where is it?

CHAIRMAN: South of it.

MARTIN: So, it's just little bit south.

CHAIRMAN: Right. Any other question to staff report? This is a public hearing and everyone will be given an opportunity to speak, either for or against the

EXHIBIT



petition now before the Commission, however, we will give the applicant or representative of the applicant first opportunity to speak.

Will you be sworn in please. Do you swear to tell the truth and nothing but the truth in this matter now before the Planning Commission, so help you God.

TESTIFIER: I do.

CHAIRMAN: Do you want to state your name please.

STANLEY SHIMIZU: My name is Stanley Shimizu and I am the developer of this freezer plant.

CHAIRMAN: Mr. Shimizu, have you any questions regarding the staff report that they just read off.

SHIMIZU: No, no question.

CHAIRMAN: You have anything that you would like to add?

SHIMIZU: Yes, I would like to stress that with the huge increase in the fishermen and with the construction industry on the downgrade, I believe that many people are turning to fishermen and that's the reason why I intend to built this plant to take care of all the fish that are caught here in Kona as well as South Point and the Hilo district to be able to ship to the Mainland. And it's been a long while, from 1970 that the tuna industry was on the downgrade. But, I went to the Mainland and then I tried to sell the Hawaiian tuna and it was a difficult task for about a year. But, I have overcome these problems and I think right now, we could handle as much tuna as the fishermen will be able to catch. And so with this plant, I think I could double the sale of tuna to the Mainland market, not only to Los Angeles, but to other part of the State. Thank you.

CHAIRMAN: Mr. Shimizu, where is the closest....I know you're the major ice producer now with the shutting down of the Kailua ice plant. Where is the closest ice plant?

SHIMIZU: Well, there's an ice plant down in Kailua that opened recently by the Volcano Isle. But, that ice is not a blocked ice. It's similar to flaked ice and I believe the fishermen would appreciate using blocked ice rather than flaked ice to preserve the fish.

JITCHAKU: Mr. Chairman.

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: I have a question for Mr. Shimizu. Mr. Shimizu, are there any other storage plants in North Kona?

SHIMIZU: At present, there's none with the closing of this North Kona Ice and Cold Storage.

JITCHAKU: Okay, what was the reason for that?

SHIMIZU: I think the developer didn't study close enough on the building. I think the main reason is they were paying too much electricity bill. The construction of the building is so high and it's wide. To chill that whole area,

it cost too much money and the people that didn't know anything about the fishing game.

JITCHAKU: So, there is a need for such an establishment, then.

SHIMIZU: Yes, there is a greater need.

JITCHAKU: Thank you.

CHAIRMAN: Commissioner Asai.

ASAI: Mr. Shimizu, right now, you're using your store....behind your store for reefer and freezing capacity?

SHIMIZU: That's right and the reefer is....I put in a brand new reefer but still then with the increase of the fishermen, I cannot be able to storage all the fish. So, two, three days ago, I bought a big freezer van from the Mainland. And for the time being until this building comes up, I'll be able to store some....more, extra fish.

ASAI: So, with this new proposed reefer/freezing plant, you can handle all of Kona fishing, say?

SHIMIZU: That's right. I could handle all of Kona fish as well as the South Point fish and the Hilo fish. As you know, the fishermen in Hilo are really happy and I have been moving their fishes practically everyday; but due to the Continental strike right now, I'm getting....having a bad time because I couldn't ship through United.

MURAKAMI: Mr. Chairman.

CHAIRMAN: Mr. Murakami.

MURAKAMI: Mr. Shimizu, right now, how much employment you have? People working for you.

SHIMIZU: Oh, I have about five. And with this plant, I would try to increase another five or six more people.

MURAKAMI: I see, thank you.

CHAIRMAN: Any other question? Mr. Shimizu, what you're trying to tell us before is because you have found these markets in California and other places, this is why you're getting the fish and being able to sell it directly, right away. You have the markets. Isn't that the main reason for your building up like this?

SHIMIZU: That's right. And if it wasn't for the Mainland shipment, I don't think these fishermen would be able to go out and catch all the fish because of the low price that they would get. Because of this Mainland shipment, I think every fishermen should be thankful.

CHAIRMAN: Now, just to clarify one point that Commissioner Jitchaku brought up. Many of the fishermen, individual fisherman, have their own private little reefers which they keep for themselves. But, from a commercial standpoint, you're the only one now furnishing, buying all the fish, you keep it, you send it to the Mainland, right?

SHIMIZU: That's right.

CHAIRMAN: Are there any other questions of the applicant?

HAYASHI: Mr. Chairman, I have one question.

CHAIRMAN: Mr. Hayashi.

HAYASHI: Mr. Shimizu, I don't know whether you've mentioned it or not but do you intend to subdivide that property into two lots or just leave it as is and just utilize a portion for the freezer plant?

SHIMIZU: Yes, just the one-acre portion. Maybe, later on I'll try to build a home down on the other one acre.

HAYASHI: But, as it is right now, you don't intend to subdivide the property right now?

SHIMIZU: No, no subdivide.

HAYASHI: Okay, thank you.

CHAIRMAN: Any other questions of the applicant? If not, thank you very much.

SHIMIZU: Thank you, Leon.

CHAIRMAN: Thank you, Mr. Shimizu.

Do you swear to tell the truth and nothing but the truth in this matter now before the Commission, so help you God.

TESTIFIER: I do. There are few things.....

CHAIRMAN: You are Mrs. Arthur Lincoln?

BERNICE LINCOLN: I am Bernice Lincoln.

CHAIRMAN: Bernice Lincoln and your resident is right next to that proposed....

B. LINCOLN: Right next to this property that's.... Well, there are a few things I'd like to know first. Where the zoning area would be changed if he is allowed to put his business there and then will the property tax to each property owner there will be hiked up or/and will it open a way for other businesses to be brought up and sprung up in that area?

CHAIRMAN: Mr. Hayashi, what they point out to you in the question, the taxes out of necessity be hiked up in the area because of this zoning.

HAYASHI: In answer to that question, Mr. Chairman, I believe not. And in answer to your second question, this is a special permit to utilize only this particular portion of land for commercial purposes and this doesn't mean that all of the area, the surrounding areas, would be used for commercial purposes also.

CHAIRMAN: Because it does not (inaudible) Mrs. Lincoln. It does not change the use. You're still using your closest property as a home - residential.

LINCOLN: And then, it doesn't open the way for other businesses to be opened in that area by any one neighbor that we have there?

CHAIRMAN: Let me say this, Mrs. Lincoln. The Shimizu family have come in with an application outlining a very special condition. We can't stop anyone else from coming before the Commission; but however because of this special condition and are located in an area, this is close to the present retail establishment, then the Commission would say, because of these conditions would look favorably upon this if anyhow everybody want. But if somebody else came, an outsider; then, it will be really different because the reasons would be different. Shimizu's established in this area because there's a fishermen....fishermen all come there....they used to come in like this.

B. LINCOLN: We feel that if he does have his business; but there it's gonna create a lot of noise for us. Perhaps, my husband thinks fishes will be flopping in his bedroom. So, but it's the noise that's going to be created when they have their business brought there. And we have another property owner between the one....between his property and this store that they have now, and then we're on this other side.

JITCHAKU: Mr. Chairman.

CHAIRMAN: Commissioner Jitchaku.

JITCHAKU: Mrs. Lincoln, can you point out on the map about where the location of your home is?

CHAIRMAN: It is right mauka.

B. LINCOLN: Right next door on the north.

JITCHAKU: Okay, Norman, there was a picture circulated. There was one dwelling near the property. Is that her home?

HAYASHI: That is her home.

JITCHAKU: Thank you.

MARTIN: Mr. Chairman.

CHAIRMAN: Commissioner Martin.

MARTIN: I wonder if it would be wise to point out that this does not change the zoning. The zoning will remain the same. This is just a special permit to do something which is not allowed in the zoning.

B. LINCOLN: Thank you. That's about all I have to say.

CHAIRMAN: Thank you very much.

HAYASHI: Mr. Chairman, Mr. Lincoln has pointed out his property to be the adjacent property toward the north.

CHAIRMAN: Do you swear to tell the truth and nothing but the truth in this matter now before the Commission, so help you God.

TESTIFIER: I do, thank you.

CHAIRMAN: You are Arthur Lincoln?

ARTHUR LINCOLN: Yes.

CHAIRMAN: And you own the adjoining property?

A. LINCOLN: Yes.

CHAIRMAN: Now, you want to read?

A. LINCOLN: That's right. My main objection is my house is right close to the edge by 8 feet from Shimizu's lot. Then, if this big storage plant be buzzing day and night - work hard everyday. (Inaudible)....not around but little bit somehow that's going be between, see. The steady noise of the humming of the thing and what more that I get (inaudible) from Mr. Sato here. Then, for them to sign paper. I didn't mind, he didn't say why, see. Come to find out, next few months my tax for the place went up just because of that. So, this thing might happen again.

CHAIRMAN: But, I think as Mr. Hayashi has said and as Commissioner Martin brought up, it couldn't change the zoning right here. That this is a special request just for this one particular area. This is special permit.

A. LINCOLN: But, this Sato out there, even though I didn't know he is going to have a rent building, see; so, I just signed it and after a while when I had my tax bill higher. And with the noise and it goes in my bedroom. It is right there. There's three bedrooms right there. I'll end up even with the sound and the smell from the fish business. It would affect us, see. Then, they going slap tax again when the same like they did on the same what I had before. Next lot right next to the....this business place, I gotta sign up or something, see, to agree. No, I get soaked one time already. But, (inaudible)....I don't want on account this business and you next lot to that. They going raise the taxes, see.

CHAIRMAN: Mr. Lincoln, I really don't think you have to on account of (inaudible).... Staff will look into this and so will we to make certain you folks are not hurt this way on the tax. That's your number one concern. It's the tax on your lot.

A. LINCOLN: Yes. Of course, if they have a good freezer, not bad, but you could not have that humming sound day and night right close to my bedrooms here. I have a line of three bedrooms right on that side. And he might have his thing right at that end of the wall way behind there. How far the distance between and that sound will be day and night and the humming of the freezer. So, that's my main objection. Mainly, they go slap, raise my tax on this thing like they did before.

CHAIRMAN: Okay, Lei, could you pass it (map) around to the Commissioners. Thank you Mr. Lincoln. We will give it back to you.

MARTIN: Mr. Chairman.

CHAIRMAN: Commissioner Martin.

MARTIN: How in the plans which Mr. Shimizu has - how close to that property line next to Mr. Lincoln's do they plan to build their building?

HAYASHI: Commissioner Martin, according to the plans submitted, it would be 40 feet from the property line.

MARTIN: And Mr. Lincoln's one is about 10 feet the other side of the property line, the house?

A. LINCOLN: Yeh.

MARTIN: So, be about 50 feet.

MURAKAMI: The boundary is probably right here then.

A. LINCOLN: Yeh.

MARTIN: Around 50 feet apart - two buildings....

A. LINCOLN: We might have the humming day and night and we have our bedrooms right on that end, too.

CHAIRMAN: I'm sorry, Mr. Director.

PLANNING DIRECTOR: I have a question. Mr. Lincoln.

A. LINCOLN: Yeh.

PLANNING DIRECTOR: Compared to the last tax period, was there a reduction in your tax - this new tax period or has the amount increased?

A. LINCOLN: As before?

PLANNING DIRECTOR: Yes.

A. LINCOLN: It goes up and down. Sometimes it goes way up and goes down. It goes up and down.

PLANNING DIRECTOR: Your tax?

A. LINCOLN: Yeh. Well, that is my business but....

PLANNING DIRECTOR: How large is your lot? Three-fourth acre?

A. LINCOLN: Yeh, just about three quarter on these two pieces. It shows right here.

PLANNING DIRECTOR: And, are you farming that land?

A. LINCOLN: Oh, growing wild already.

PLANNING DIRECTOR: That's one of the reasons, too, you know. It's the present use of your land. If you have abandoned the agricultural use and you have three-quarter acre, then the Tax Office is assessing that at a much higher rate because of your present use. Now, if you were using it for agricultural purposes, there is a dedication clause; or there's a law that allows you to dedicate the land for agricultural use which would freeze the acceleration of your value. I think, that is one course that you can pursue. The other is that if that facility is allowed to develop and if your lot at the present time is vacant, I don't think this Commission can assure you that your tax would not rise even though it's a special permit.

A. LINCOLN: It goes up and down. I don't know why. This sometimes for nothing.

PLANNING DIRECTOR: But, I think, I want you to know that. The other question, I think, the staff looking at the plans on the wall, Norman, you have not shown or the applicant has not shown on which side of the structure the refrigeration

unit is going to be located. Is it on south side or the north side? Where is it going to be?

HAYASHI: Mr. Director, according to the proposal they have submitted, it is not indicated as to where the freezer area would be situated. But, I believe, this is the configuration of the building where the office will be situated on the front portion at this particular corner.

PLANNING DIRECTOR: Yes, but it doesn't show which side of that structure. I would take it that the lower side is going to be the refrigeration unit because the mauka is labeled as storage. But, on which side of that, you know, block is going to house the refrigeration unit?

HAYASHI: Mr. Director, I'd like to have the applicant answer that question.

PLANNING DIRECTOR: Because, you know, that refrigeration unit is the concern of Mr. Lincoln when he is talking about noise. Now, you can be 40 feet away from the left side and 10 feet, that's 50 feet; but if there is a 60 foot length and it's going to be on this side, to the right side, it's going to be 110 feet. There, then, it's on the right side.

HAYASHI: Mrs. Shimizu.

MRS. SHIMIZU: Our freezer will be on the Ka'u side of the building and I wanna assure Mr. Lincoln we are planning to.

CHAIRMAN: Will you introduce yourself, please. I'm sorry, so that the.....

CHARLOTTE SHIMIZU: I am Charlotte Shimizu. Regarding the noise, Mr. Lincoln, I wanna assure you, we are going to insulate all the condensers and compressors within the building so there will be no noise outside.

A. LINCOLN: One main thing that concern me that going to....might slap us taxes. I don't know why the second time going to get caught (inaudible).

C. SHIMIZU: I don't believe that's going to higher your tax up at all.

CHAIRMAN: But, I think, Arthur, we will look into that to make sure. Lei, you want to give this back to him please.

PLANNING DIRECTOR: In looking at their elevation, if the Lincoln's home is on this side and the refrigeration unit is going to go on this side, so, you have the entire length of the building plus the setback, plus the setback of the Lincoln's home from the property line. So, you have 60 feet, 40, okay....

CHAIRMAN: Lincoln's is over on that side?

PLANNING DIRECTOR: On this side. So, from the refrigeration unit on this side, there's gonna be a hundred and ten feet.

CHAIRMAN: You follow, Arthur. It's on the opposite side. The refrigeration unit is on the opposite side of your folks' house - the whole length of the building, the refrigeration unit, where the motors are.

A. LINCOLN: Well, I suppose that will be (inaudible).... Only thing, I don't want my taxes....

CHAIRMAN: We will look into that Mr. Lincoln.

A. LINCOLN: Thank you very much.

PLANNING DIRECTOR: Without insulation, the 110 foot barrier or a refrigeration unit is no distance at all, you can here.

CHAIRMAN: Thank you very much. Is there anyone else here who would like to speak on this matter now before the Commission?

Do you swear to tell the truth, nothing but the truth in this matter now before the Hawaii County Planning Commission, so help you God.

JOHN BASQUE: I do. My name is John Basque. I'm from Kealahou. I'm just speaking in behalf of the fishermen that frequents Shimizu's Fishery down at Honaunau. Before Mr. Shimizu and his wife obtained this Mainland markets, the fishermen in Kona area, mauka and makai they call it; they did a lot of fishing, price were rock bottom. So, they didn't get much for their fish, much for their ahi, much for their a'u or marlin as they call it or any of their small fish - opelu, bait. And both of them spent a lot of time, lot of money, lot of money involved to get this market in the Mainland, Los Angeles, some in Honolulu; and they brought this fishing business up to a maximum now we are. Facilities of this kind is needed here in Kona - to store their fish, to have them prepare for shipment; and they come to a lot of expense to take 'em to Hilo; going to Hilo daily to deliver fish, pick up ice, support the fishery with ice, support the fishermen with bait, take care the fishermen, supplies and stuff. It's become a burden, very expensive, driving back and forth. With this new facilities, which you have freezer, storage space, and chill box space, they can store the fish longer, supply more ice, which the fishermen can take care of their fish better. They doesn't spoil or burn as we call 'em. And they have a better facility and more ice and stuff like that. Now, in Kona, there's no other facility that can do this. We had one in Kailua, which I believe wasn't run properly; they went bankrupt. They went out of business. There's no other way the fishermen can turn now. The Kailua facility is still operating without freezer or much space for storing and they buy limited fish. I think this project like this, venture as taken over by this couple, is very important to the economy of Kona since, as it was mentioned that construction is in a flop, lot of people going into fishing - full time and/or part time. So, I recommend that this application of special permit be given special consideration. It will help lot of people. Not only the owners to make a profit or a comfortable living, but a lot of other people; plenty people in Kona.

CHAIRMAN: Is there any question of Mr. Basque?

BASQUE: Any questions, then, I'd be glad to answer.

CHAIRMAN: Mr. Basque, by increasing the freezer capacity, this will permit the Shimizus' to store the fish a little longer, won't it?

BASQUE: That's correct.

CHAIRMAN: Previously, when a fisherman caught a lot of fish and the market to flood; had to sell it; took quite a licking, didn't it?

BASQUE: They took quite a licking and they also couldn't sell it. They just dump it; dump it for nothing.

CHAIRMAN: The increasing of this facility would allow this, so your fishermen would actually benefit by getting a better price for his fish.

BASQUE: That is correct. That will be value of price comprises all aces, we call it.

CHAIRMAN: May I ask you this. Before Shimizu started his ice, were it not necessary for the Milolii fishermen to go to Hilo, pick up ice, come back and then load up with fish and then go back to Hilo?

BASQUE: That is correct. The one that could afford it, the one that could buy vehicle or trucks, as we say, could go to Hilo, purchase his own ice, come back, fish, take it all the way back to Hilo at their own expense. At that time of fish, the fishes so low in price at the Hilo auction and stuff like that; the trip to Hilo and back and plus buying the ice amounts to nothing. Well, all I do is just go down to Honaunau Stan's Fishery and I think being.... hanging around there quite often that he has everything that they need.

CHAIRMAN: And I know that this facility serves out to Milolii, Hookena, Keel, Honaunau.

BASQUE: That facility serves the entire district of Kona plus South Point; and I think, so, other districts would be coming in with fish, too. Because, you can't get them in at that price. And Mr. Shimizu had gone all out of his way, his own expense, go all the way up there, trips after trip securing all his markets and equipment. I think so, he should have a fair consideration of his request. That's all I have to say. Thank you.

CHAIRMAN: Any questions to Mr. Basque? Thank you very much. Is there anyone else who would like to speak regarding this petition before us? I just asked Mr. Sakamoto, who is the Ka'u representative on the Planning Commission if there is a freezer plant at Ka'u and he informed us no. So, this reinforces the statement made by Mr. Basque that even the South Point fishermen would have to come. This is the closest freezer facility. Commissioner Martin.

MARTIN: Mr. Chairman, just a suggestion. Thinking in terms of the neighbors, that I'm not sure if the building might be able to be moved a little bit to the Ka'u side. I'm not sure how much room have to be from the property line. Another suggestion, thinking in terms of some way if the noise of the machinery might be too loud, planting some trees or something between the structure and the property line might help to cut down. So, it is just suggestions that maybe they might think of and I'm glad to see that Shimizus have thought somewhat of their neighbors in trying to put the machinery on the opposite side of the building.

PLANNING DIRECTOR: Mr. Chairman.

CHAIRMAN: Mr. Director.

PLANNING DIRECTOR: I think the Commissioners should stick to questioning. I think the Commissioners should pose questions.

CHAIRMAN: Thank you. Is there anyone else here wishing to speak on this matter for or against this petition? If not, any further discussion, the Chairman entertains a motion to close the public hearing.

SAKAMOTO: Mr. Chairman, I so move.

JITCHAKU: Second the motion.

CHAIRMAN: Moved by Commissioner Sakamoto; seconded by Commissioner Jitchaku that we close the public hearing. Any discussions on the motion?

MURAKAMI: Question.

CHAIRMAN: All those in favor of the motion to close the public hearing, indicate by saying aye.

COMMISSIONERS: Aye.

CHAIRMAN: All those opposed? The motion is carried.

Public hearing was adjourned at 10:01 p.m.

Respectfully submitted,

Lei A. Tsuji

Lei A. Tsuji, Secretary

A T T E S T :

Leon K. Sterling, Jr.
Chairman, Planning Commission

November 16, 1976

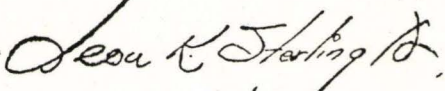
Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

Re: Special Permit Application
Tax Map Key: 8-3-10:portion of 37

The Planning Commission at its meeting of Monday, November 15, 1976, held a duly advertised public hearing on your application for a special permit to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District at Koei 2nd, South Kona, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on such petition not earlier than fifteen (15) days after the said public hearing.

We shall notify you when the Commission is ready to take action on your request.



Leon K. Sterling, Jr.
Chairman, Planning Commission

LAT:kth

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT W

NOV 16 1976

December 3, 1976

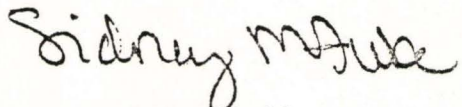
Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

Re: Special Permit Application
Tax Map Key 8-3-10:portion of 37

This is to inform you that your application will be considered on Thursday, December 16, 1976 by the Planning Commission. The meeting will be held in the Councilroom, County Building, South Hilo, Hawaii, and is scheduled to begin at 1:00 p.m.

We shall notify you of the Commission's action.

A copy of the agenda is enclosed for your information.



Raymond Suefuji
Director

lat

Enclosure

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT X

DEC 3 1976

RECOMMENDATION: STANLEY SHIMIZU

Upon careful review of the request against the guidelines for considering a Special Permit, staff is recommending that it be given consideration based on the following findings:

1. That the granting of the proposed use at its particular location would not be contrary to the General Plan Land Use Pattern Allocation Guide Map which designates the area for Medium Density Urban Development. Such a designation may allow commercial and related activities such as the proposed freezer/storage building.

Furthermore, the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is 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 Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reasons of topography, soils and other related characteristics may be included in the Agricultural District. According to the Land Study Bureau, the overall master productivity rating of the land for agricultural uses is Class E or Very Poor. Although certain agricultural activities may be conducted within the subject area, it is determined that the

requested use for the area under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the Agricultural District as well as the area's capability classification for agricultural productivity. Furthermore, the granting of the proposed use at its particular location will not have an adverse impact on the overall agricultural activity of the Kona area and the island.

2. That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change will make the highest and best use of the land involved for the welfare of the general public. At the present time, this particular portion of the property is vacant and not used for agricultural purposes. The proposed use will undeniably alter the existing character of the area under consideration; however, the provision of the freezer/storage plant would be beneficial and well-suited to accommodate the present and future needs of the area, as well as of the County

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The proposed plant will service not only the fishermen and residents of the Kona area, but also, fishermen from throughout the County. It is intended to overcome various problems confronting the fishermen, namely, loss through spoilage and the lack of a reliable market. Benefits

will accrue to the fishermen in terms of proximity to fishing grounds and market for their fish. In light of such factors, it is determined that the establishment of the proposed use will be a positive benefit and support to the fishing industry. As such, the proposed freezer/storage plant will further the objectives of Land Use Law and Regulations by encouraging and strengthening the existing fishing industry. The granting of this particular request would also complement the Economic goals of the General Plan which state that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors," and that "The County shall encourage the expansion of the fishing industry, various forms of agriculture, and other ocean-based activities."

Furthermore, the proposed activity is presently being conducted, on a limited basis, within the petitioner's existing store which is situated only about 300 feet away from the area under consideration. The existing building and land area of the property on which it is presently situated on, however, is too small to accommodate the increase in demand. The present building which is partitioned off as a fish market and a general store is only about 2,600 square feet in size (fish market - 600 square feet; general store - 2,000 square feet). The existing property is also too small to accommodate any expansion as it is a triangular-shaped lot which is only 10,000+ square feet in size. In light of these circumstances, the

petitioner has decided to construct the proposed building on the area under consideration.

3. That the proposed use will not adversely affect surrounding properties. The sixty (60) feet by fifty (50) feet freezer/storage building will be situated on a one (1) acre area. According to the site plan submitted along with the application, the building will be constructed fifty (50) feet from the front property line and forty (40) feet from the side property lines. Although there is a single family dwelling on the adjacent property to the north of the proposed building, there will be a distance of over fifty (50) feet between both structures. Furthermore, according to the petitioner, the refrigeration unit which will be insulated to cut out sound, will be within the south side of the proposed building. As a result, there will be a distance of over 100 feet between the adjacent dwelling and the refrigeration unit area. There is also another dwelling on a property situated towards the southwest of the area under consideration. The proposed building, however, will be over 200 feet from the closest property line of that lot. The property adjacent and to the south of the area in question is in coffee production and is vacant of any structures.
4. That all essential utilities and facilities are or will be made available for the development of the area for the proposed use. As such, the establishment of the proposed freezer/storage plant will not unreasonably burden public agencies to provide roads and other similar infrastructures.

It is further recommended that the request be given favorable consideration subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
3. That all other applicable rules and regulations, including the Plan Approval Process, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

106.0.5.

PLANNING COMMISSION
County of Hawaii

RECORD OF VOTING

For the Meeting of 12-16, 1976

Applicant: STANLEY SHIMIZU

Action: approval, denied, deferred or other (circle)

Members	Ayes	Noes	Excused (Absent)	Abstained from Voting
ASAI, Scott H.	✓			
JITCHAKU, Lorraine	✓			
MARTIN, Arthur W.	✓			
MIELCKE, William F.	✓			
MURAKAMI, Haruo	✓			
SAKAMOTO, Charles	✓			
STERLING, Leon K., Jr.	✓			

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
December 16, 1976

The Planning Commission met in regular session at 1:07 p.m. in the Councilroom, County Building, with Chairman Sterling presiding.

PRESENT: Leon K. Sterling, Jr. ABSENT: Akira Fujimoto, Ex-officio Member
Scott Asai
Lorraine Jitchaku
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto, Jr.

Raymond H. Suefuji, Planning Director
Norman K. Hayashi, Planner
Ilima A. Piianaia, Planner
Virginia K. Goldstein, Planner

Clifford Lum, Corporation Counsel
David Murakami, representing Ex-officio Member Edward Harada

and about 40 people in attendance at 1:00 p.m., about 4 people
at 4:00 p.m. and about 25 people at 7:00 p.m.

EXHIBIT AA

LAND USE COMMISSION
SPECIAL PERMIT
✓ STANLEY SHIMIZU
KEEI, SOUTH KONA

Special Permit request to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District. The property involved is located along the makai side of

Mamalahoa Highway, approximately 300 feet north of Stan's Fishery Store, Keesi 2nd, South Kona, TMK: 8-3-10:portion of 37.

Staff reported that since the close of public hearing, the Planning Department received a letter dated December 2, 1976 from Wesley Chang, attorney for Gamlon Corporation. The attorney requested that the Commission reopen the public hearing in order that he may present testimony relative to this petition. Staff explained that unless the Commission decides to reopen the hearing, the letter from Mr. Chang explaining his reason cannot be filed with the Planning Commission.

Corporation Counsel clarified that there should be no further information introduced once the public hearing is closed unless there is a motion to reconsider and reopen the public hearing. When a decision is made to reopen, the Commissioners would have to consider all evidence and readvertise to hold the public hearing over again.

A commissioner commented that the petitioner had spent considerable amount of money on this project and that he should not be mandated to close down his operation. He further stated that the Commission should not be used to establish any kind of monopoly on other commercial operations.

Question was asked on what basis the Commissioners are to reopen without the information. It was felt that without the information, there is no reason to reopen the hearing.

RECESSED & RECONVENED

Chairman declared a recess at 1:30 p.m. for further consultation with the Corporation Counsel on the matter and reconvened at 1:40 p.m.

STANLEY SHIMIZU
(CONTINUED)

Corporation Counsel explained that the Planning Commission's role on this request is advisory to the Land Use Commission. In the event that

Mr. Chang wished to pursue on this matter, he can intervene and be admitted as a party to the Land Use Commission's hearing, therefore, it was not necessary to reopen.

Staff recommended favorable consideration to the request based on the findings and with conditions, on file.

Mr. Mielcke moved to send a favorable recommendation to SLUC for the reasons and with the conditions as outlined by the staff; seconded by Mrs. Jitchaku; carried unanimously.

LAND USE COMMISSION
SPECIAL PERMIT
CHIAKI MATSUO
PONAHAWAI, SOUTH HILO

Special Permit request to allow the establishment of a temporary quarrying operation which would include a portable crusher and stockpiling on a 32+-acre area situated within the State Land Use Agricultural District. The area

involved is situated mauka of the Komohana Street-Ponahawai Street intersection, Ponahawai, South Hilo, TMK: 2-3-37:portion of 3 and 2-3-38:portion of 3.

December 21, 1976

Mr. Stanley Shimizu
P. O. Box 117
Honaunau, HI 96726

Re: Special Permit Application
Tax Map Key 8-3-10:portion of 37

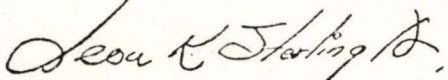
The Planning Commission at its regular meeting of December 16, 1976 considered your application for a special permit to allow the establishment of a freezer/storage plant on approximately one (1) acre of land situated within the State Land Use Agricultural District at Keel 2nd, South Kona, Hawaii.

The Commission voted to forward a favorable recommendation to the Land Use Commission subject to the following conditions:

1. That construction of the proposed facility shall commence within one (1) year from the effective date of approval of the Special Permit and be completed within two (2) years thereafter.
2. That a landscaping buffer which meets with the approval of the Planning Director shall be provided along the side property lines.
3. That all other applicable rules and regulations, including the plan approval process, shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void.

In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.



Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

cc State Land Use Commission
Land Use Division, DPED

EXHIBIT BB

DEC 23 1976

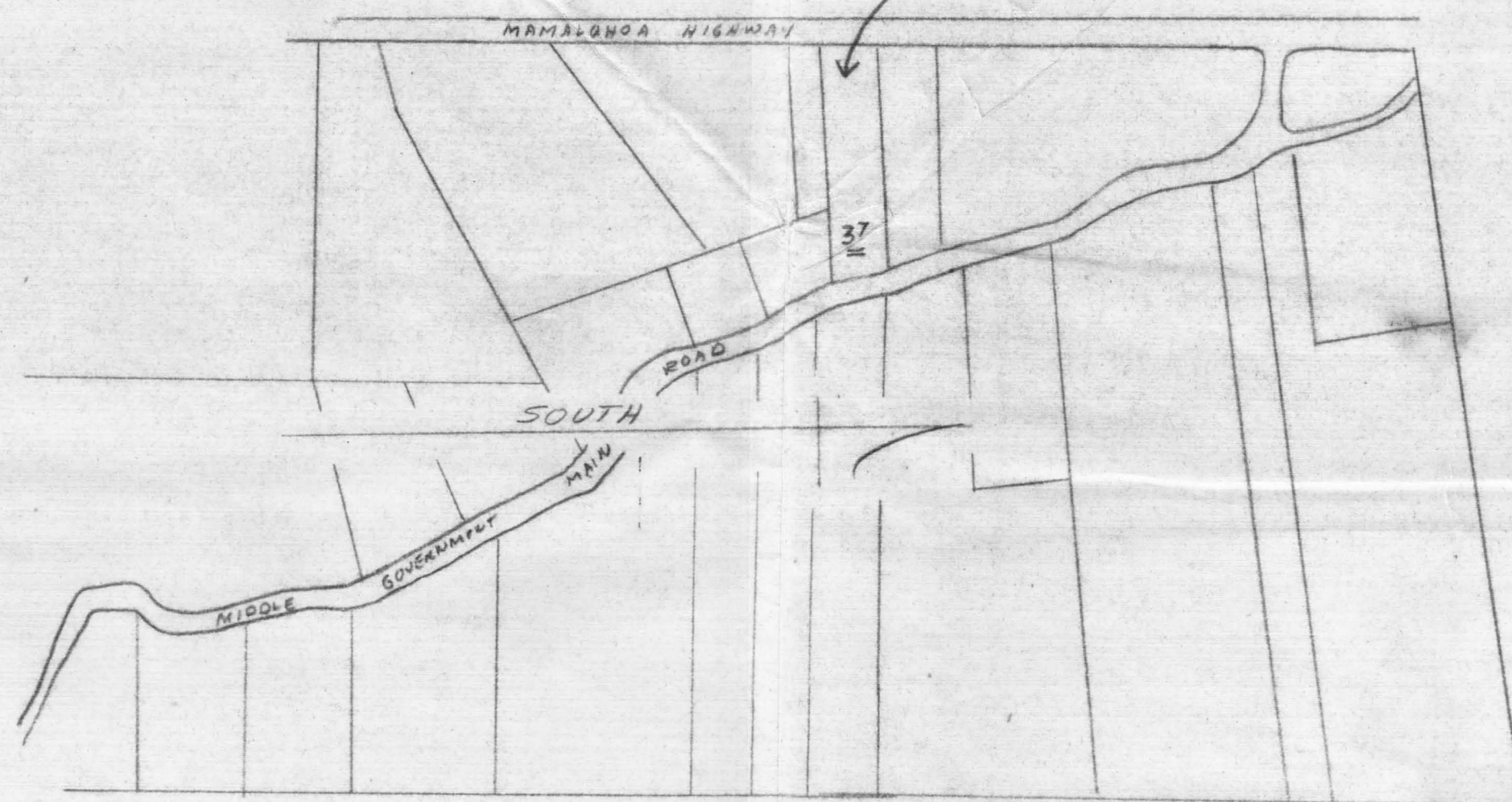
MAMALAHOA HIGHWAY

T.M.K. 8-3-10:37

140.5

620

2.0 ACRES



MIDDLE GOVERNMENT MAIN ROAD

**WESTERN
BUILDING
COMPONENTS**



PROPERTY DESCRIPTION

SCALE: 1"=5'

APPROVED BY:

DRAWN BY: J.E.

DATE: 9-23-76

REVISED

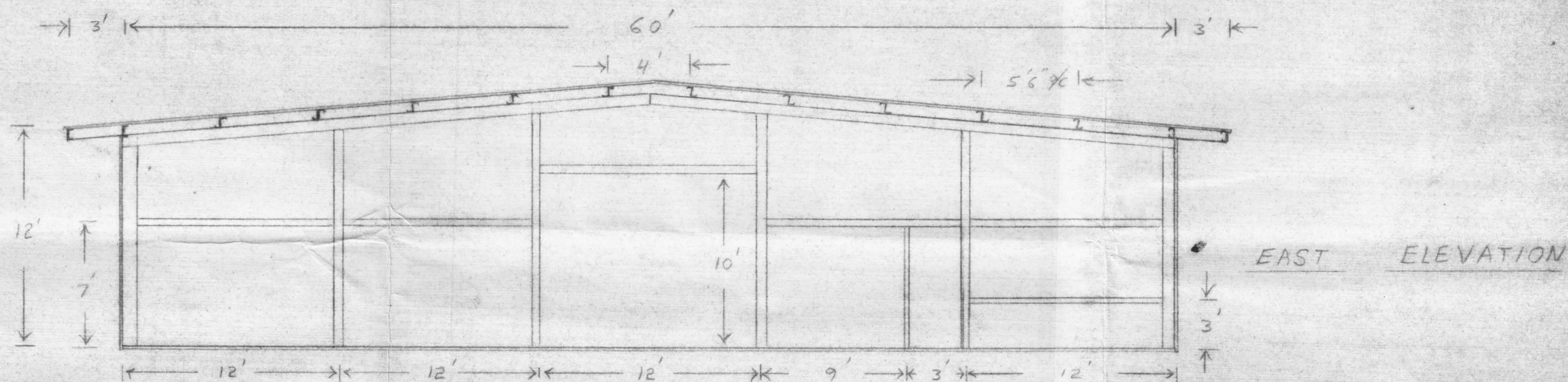
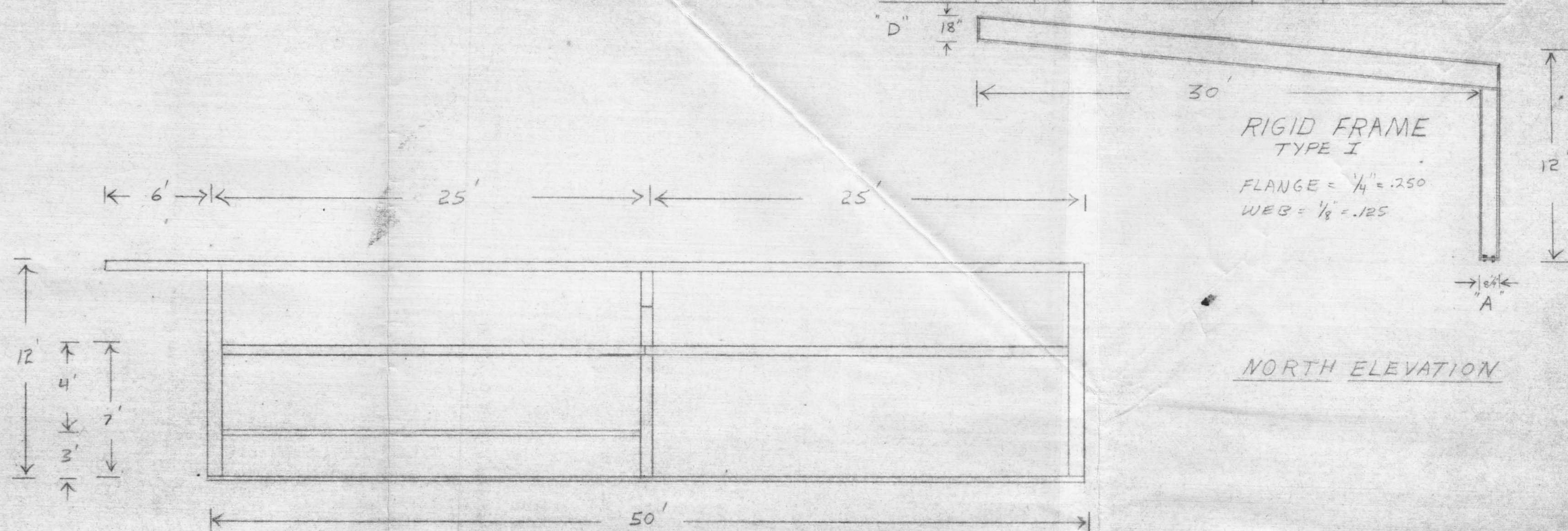
STANLEY S. SHIMIZU

T.M.K. 8-3-10:37

DRAWING NUMBER
2-H-04

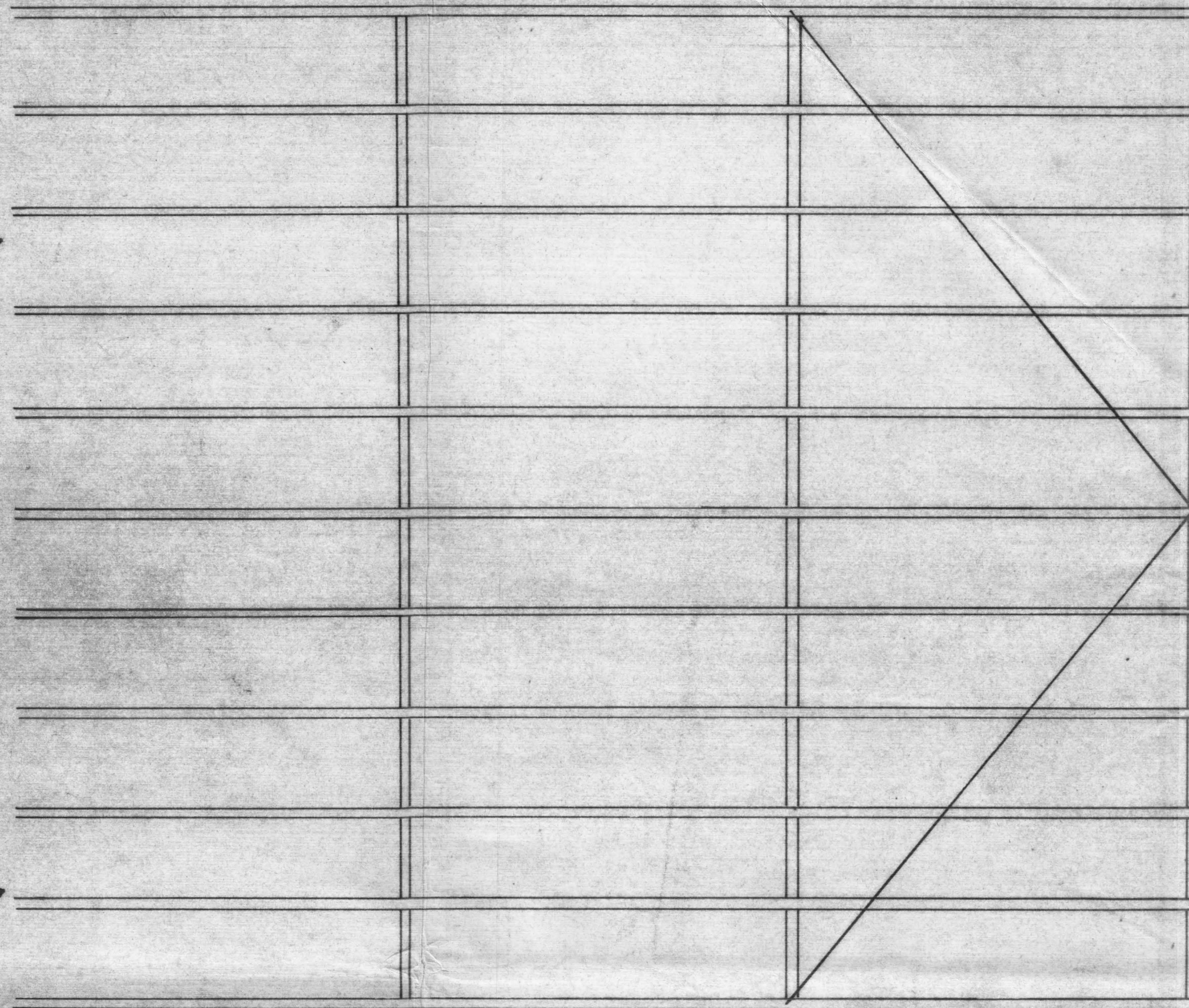
EXHIBIT A-2

WIDTH	HT.	PITCH	LOAD PER LIN. FT. FRAME SUPPORT	WEIGHT	DESCRIPTION	P.C.S.
60	12	1:12	300	1490	RF06300121	2.



STANS FISHERY		
SCALE: 1" = 5'	APPROVED BY:	DRAWN BY: <i>W.E.</i>
DATE:		REVISED:
60 X 50 STORAGE		
FRAMING PLAN		DRAWING NUMBER: 2-H-02

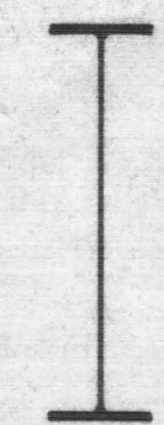
EXHIBIT A-5



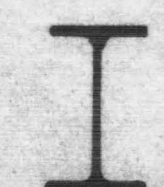
20' ±

50'

5' ±



BEAM



POST



8" x 16 ga.
ZEE

CALCULATIONS ON BEAM SIZE
DONE 11-5-73 BY J.B. HOLMQUIST.

LOAD	SECTION MODULUS	SPAN	BEAM	WEIGHT
13,200 #	13.2	20'	STANDARD 10" x 4 3/4"	PER LIN. FT. 16.3
19,800 #	29.6	30'	15" x 5 1/2"	26
26,400 #	52.8	40'	20" x 6 1/2"	39
33,000 #	83.3	50'	24" x 7"	46

ROOF SYSTEM

SCALE: 1" = 5'	APPROVED BY:	DRAWN BY: J.E.
DATE: 10/27/73		REVISED:
20' BAYS, 5' PURLINS		
30* MIN. LOAD		DRAWING NUMBER E-01-R



BEAMS



CHANNELS



STRUT



ZEE



CEE



ANGLE



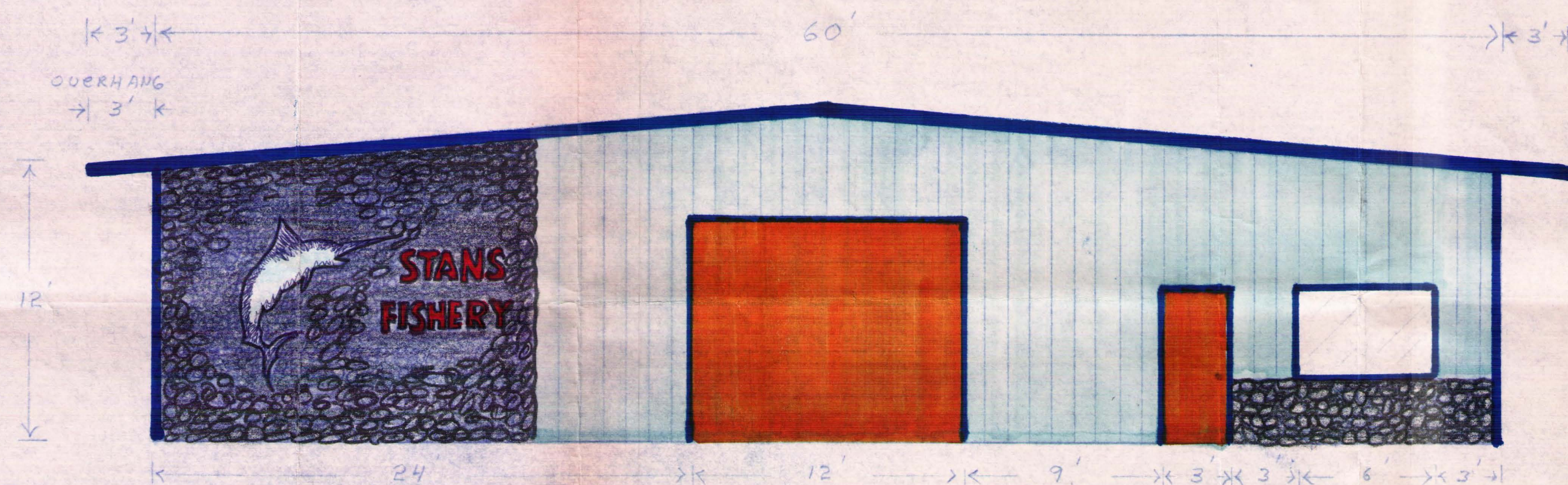
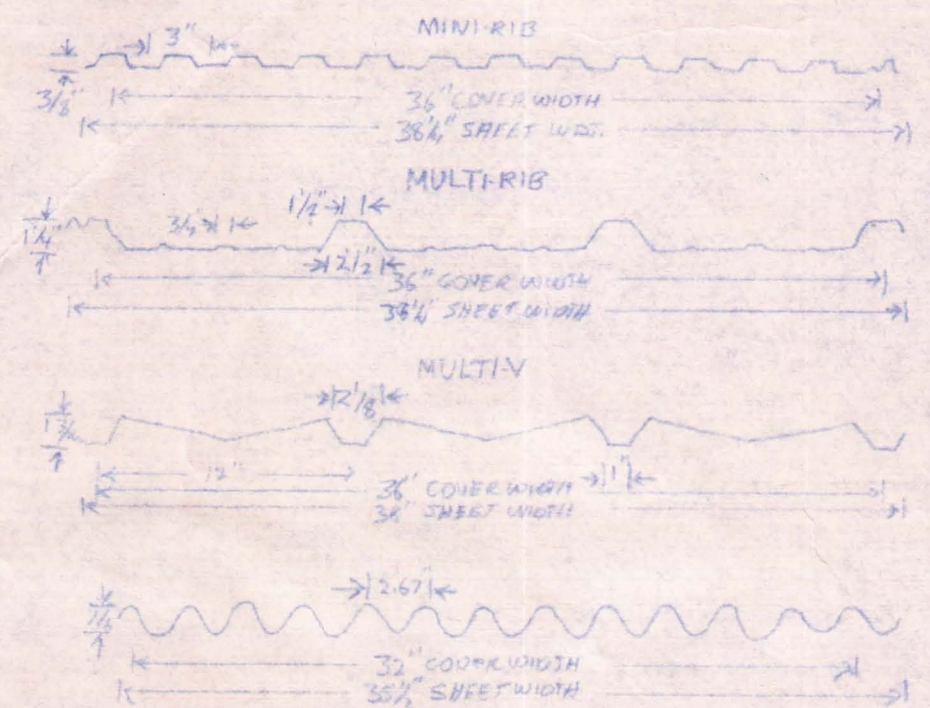
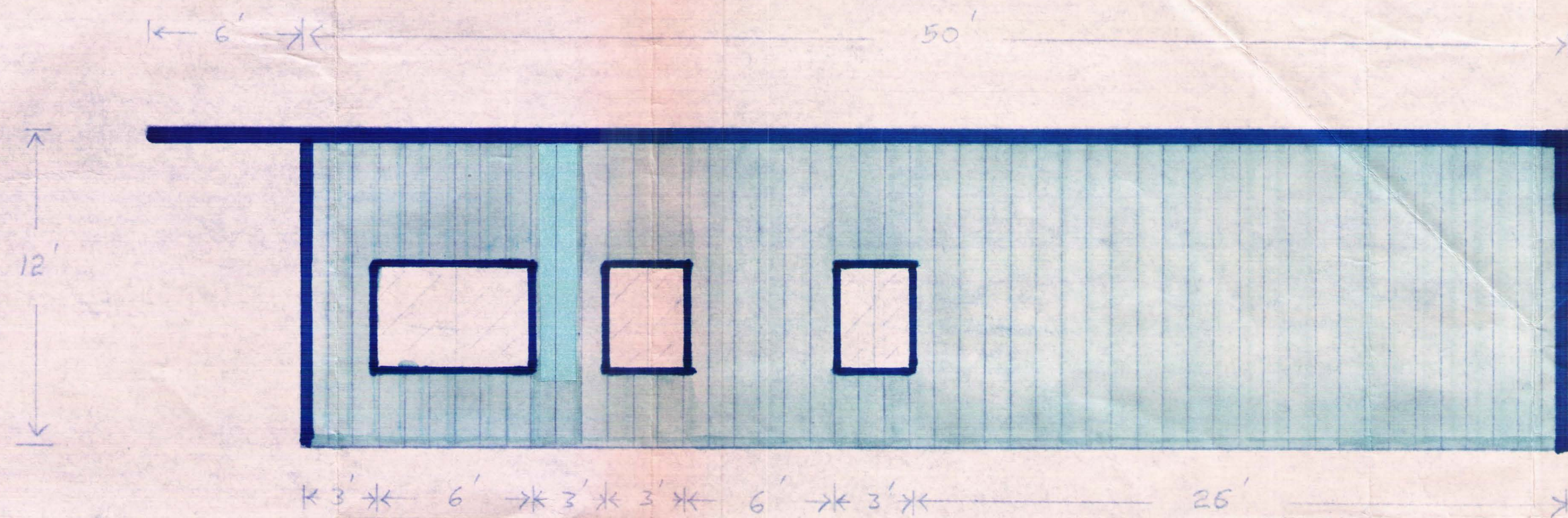
TELESCOPING CEE

PURLINS



WESTERN BUILDING COMPONENTS

EXHIBIT A-6

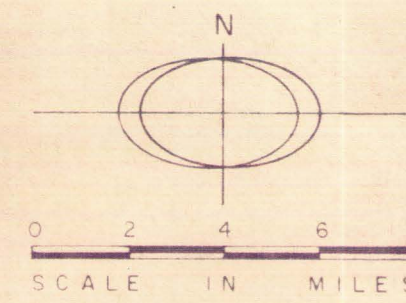


WESTERN
BUILDING
COMPONENTS

EXHIBIT A-3

STANS FISHERY		
SCALE: 1"=5'	APPROVED BY:	DRAWN BY: <i>JE</i>
DATE: 7-1-76		REVISED
60 X 50 STORAGE		
EXTERIOR ELE.		DRAWING NUMBER 2-H-01

Hawaii



HONOKAA

KAWAIIHAE

HILO

KAILUA

KAU

SOUTH POINT

SP76-255 STANLEY SHIMIZU

Upolu Pt.

Mahukona

Waipio Bay

Kowaihae Bay

Kiholo Bay

Kailua

Kealahou Bay

Honouliuli Bay

Papa Bay

Punaluu

Honuaapa

Ka Lae Pt.

Laupahoehoe

Hakalau

HILO

Keaau

Opihikao

Kalapana