

SPECIAL PERMIT

Petition Received 9/13/77

Maps 10/20/77 Bmy

Action Span 9/13/77 - 10/20/77

Action Date _____

Recordation 11/1/77 Bmy

Attached exhibits were submitted with
4/24/80 letter to Gordan from William
Paris, Jr.

LIST OF EXHIBITS: NULLIFY SMA USE PERMIT NO. 38 AND TO DELETE
CONDITION NOS. 2, 3 & 5 OF SPECIAL PERMIT NO. 77-276 (LUC 371)

- A. Letter to petitioner from department, 2/20/80
- B. Letter to department from petitioner, 2/28/80
- C. Letter to petitioner from department, 3/7/80
- D. Letter to petitioner from department, 3/28/80
- D-1. Public Hearing Notice
- E. Staff background and recommendation report
- F. Voting Sheet
- G. Minutes, 4/10/80
- H. Transcript, 4/10/80

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
April 10, 1980

A regularly advertised public hearing on the requests by Kona Farmers Cooperative was called to order at 11:00 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT:	William J. Paris, Jr.	ABSENT &	George Ponte
	Glenn Frias	EXCUSED:	Tina Whitmarsh
	Clyde Imada		
	Roy Kagawa		Ex-officio Member
	Bert Nakano		Edward Harada
	Fred Orita		Ex-officio Member
	Charles H. Sakamoto		H. William Sewake
			Deputy Corporation
			Ben Tsukazaki
	Norman Hayashi, Planner		
	Brian Nishimura, Planner		

and approximately 10 people in attendance

CHAIRMAN: We'd like to begin now with the public hearings scheduled for 11:00 a.m. The first item is a public hearing on the requests by Kona Farmers Cooperative to nullify Special Management Area (SMA) Use Permit No. 38 and to delete condition nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing non-conforming coffee processing plant within the State Land Use Agricultural District. The property involved is located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46. Staff?

HAYASHI: (Presented recommendation to nullify SMA Use Permit No. 38 and to retain condition no. 2 and delete condition nos. 3 and 5 of Special Permit No. 77-276, on file.)

CHAIRMAN: Norman, we don't have a map of this particular area, do we? I'm just interested in the SMA line, whereabouts in that particular area? I don't have my General Plan book with me today.

HAYASHI: From my recollection, I think the SMA line extends slightly beyond the coffee mill property.

CHAIRMAN: Was that because of the Kealahou Bay archaeological and historical district? Are you using the boundary of that?

HAYASHI: That is correct, yes.

CHAIRMAN: But that was just removed from the register recently by the Board of Land and Natural Resources. I'm just wondering if we're going to readjust our line in the future.

EXHIBIT H

HAYASHI: Well, that matter would have to be taken up at a separate time since it would also require Commission's action.

CHAIRMAN: Okay, thank you. You've heard the Farmers Cooperative's requests, and Norman has indicated that the Department would like to retain condition number two. Have you any discussion or any questions you'd like to ask of the staff?

KAGAWA: Mr. Chairman?

CHAIRMAN: Commissioner Kagawa.

KAGAWA: Norman, this condition number two, in the event they would like to construct any other improvements in the future, would they have to come back to this Commission?

HAYASHI: For an SMA, that is correct, yes; but not under the Special Permit. The Special Permit covers the entire property. So, if, in the future, they wanted to construct say, again, another coffee storage facility, then they would not have to go through the Special Permit process; but, they would have to obtain a Special Management Area Use Permit from the Planning Commission.

KAGAWA: And at that time condition number two can be imposed, no?

HAYASHI: Well, technically, even if we didn't impose that condition, they still would have to come in for an SMA. But just to keep the record straight, we felt that it should be kept in there.

CHAIRMAN: Okay, any other questions, Commissioners, before we call the applicant forward? If not, is the applicant or his representative present? Will you raise your right hand please. Do you swear to tell the truth in the testimony you're about to give on this application now before the Hawaii County Planning Commission?

CITRON: I do.

CHAIRMAN: Will you state your name into the microphone for the record please.

CITRON: My name is Jeff Citron, and I'm the acting general manager of the Kona Farmers Cooperative.

CHAIRMAN: Jeff Citron?

CITRON: Yes.

CHAIRMAN: Thank you. Do you have anything that you would like to add or any questions you may have of the staff? You've heard their report and recommendation to maintain condition number two?

CITRON: I'm fairly new in my position and I'm not completely brought up-to-date on this and our attorney isn't here at this time; but my major concern is if we do make improvements

to the plan, like additional buildings or anything like that, then we have to come before the Board again as far as, if he can explain what SMA means?

HAYASHI: Okay, the SMA is the Special Management Area established by this Planning Commission; and for any future improvements, you would have to, yes, you would have to come before this Planning Commission for approval. However, the, actually, one is an SMA Use Permit, the other is a Special Permit. The Special Permit is also granted by the Planning Commission.

And in this particular case, under the old procedure, the Land Use Commission ratified the original Special Permit. But what this Special Permit does is establish the entire property as a coffee processing facility; so, in that case, you don't have to come in for a Special Permit application. But as far as any improvements, future improvements, you would have to come before the Planning Commission for an SMA Use Permit.

CITRON: Well, is that on existing buildings themselves or new buildings?

HAYASHI: No, any new buildings.

CHAIRMAN: Does that answer your question and are you agreeable to same?

CITRON: Yes, I am.

CHAIRMAN: Okay, Commissioners. If not, thank you very much. In other words, Norman, what you are recommending today, our action on condition number five, we'd have to send a favorable recommendation to the Land Use Commission?

HAYASHI: Yes, that is correct. In fact, we'll just send conditions three and five to the Land Use Commission for their ratification.

CHAIRMAN: Commissioners, you've heard staff's recommendation. They recommend that we retain condition number two and that we approve of the deletion, I mean, send a favorable recommendation to the State Land Use Commission for the deletion of conditions three and five. What is your pleasure?

ORITA: I so move, Mr. Chairman. You want me to state the motion?

CHAIRMAN: Yes.

ORITA: Mr. Chairman --.

CHAIRMAN: Oh, and we'd be nullifying SMA Use Permit No. 38?

HAYASHI: Yes. I think that would be the first thing to do.

CHAIRMAN: First action then will be to nullify SMA, oh, excuse me. Is there anybody here from the public that would

like to give testimony on this matter now before us? If not, a motion in order would be to close the public hearing.

IMADA: So move, Mr. Chairman.

ORITA: Second the motion.

CHAIRMAN: Moved by Commissioner Imada, seconded by Commissioner Orita. All those in favor signify by saying aye?

COMMISSIONERS: Aye.

CHAIRMAN: Oppose, same sign? Public hearing is closed.

On SMA Use Permit No. 38, it was moved by Commissioner Orita and seconded by Commissioner Imada that it be nullified. A roll call vote was taken and motion carried with seven ayes.

On Special Permit No. 77-276, it was moved by Commissioner Orita and seconded by Commissioner Imada to send a favorable recommendation to the State Land Use Commission to delete condition nos. 3 and 5. A roll call vote was taken and motion carried with seven ayes.

Also on Special Permit No. 77-276, it was moved by Commissioner Imada and seconded by Commissioner Frias to retain condition no. 2. A roll call vote was taken and motion carried with seven ayes.

The public hearing adjourned at 11:15 a.m.

Respectfully submitted,

Sharon M. Nomura
Secretary

Irma Sumera
Secretary Pro Tem

A T T E S T:


William J. Paris, Jr.
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
April 10, 1980

The Planning Commission met in regular session at 10:10 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT: William J. Paris, Jr.	ABSENT & George Ponte
Glenn Frias	EXCUSED: Tina Whitmarsh
Clyde Imada	
Roy Kagawa	Ex-officio Member
Bert Nakano	Edward Harada
Fred Orita	Ex-officio Member
Charles H. Sakamoto	H. William Sewake
	Deputy Corporation
	Ben Tsukazaki
Sidney M. Fuke, Director	
(Left at 10:50 a.m. and	
returned at 11:43 a.m.)	
Norman Hayashi, Planner	
Brian Nishimura, Planner	

and approximately 21 people at 10:10 a.m. and 10 people at 11:00 a.m. were in attendance

MINUTES: It was moved by Commissioner Sakamoto and seconded by Commissioner Orita that the minutes of March 27, 1980, be approved as circulated, with the correction on page 15, line 6, to read 1978 instead of 1979. Motion was carried.

All those testifying were duly sworn in.

PDP	Action on the application of Hasegawa
<u>HASEGAWA KOMUTEN</u>	Komuten (USA), Inc. for a Planned Develop-
<u>(USA), INC.</u>	ment Permit (PDP) to allow the development
<u>PUAPUAA,</u>	of an 87-unit condominium project. The
NORTH KONA	area involved is located along the makai
	side of Alii Drive, adjacent and to the
	north or Kailua side of the Kona Riviera Villa, Puapuaa, North
	Kona, TMK: 7-5-20:16 and 59.

As the background report and recommendation were presented at the Commission's March 13th meeting, it was moved by Commissioner Imada and seconded by Commissioner Sakamoto that the Commission waive the reading of the background report and recommendation. Motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Imada that the application be approved for the reasons and with the conditions as recommended by the staff. A roll call vote was taken and motion carried with five ayes (Commissioners Frias, Imada, Kagawa, Nakano and Sakamoto) and two noes (Commissioner Orita and Chairman Paris).

EXHIBIT G

SMA USE PERMIT
NO. 38 AND SPECIAL
PERMIT NO. 77-276
KONA FARMERS
COOPERATIVE
KAHAULOA,
SOUTH KONA

Public hearing on the requests by Kona Farmers Cooperative to nullify Special Management Area (SMA) Use Permit No. 38 and to delete condition nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing nonconforming coffee processing plant within the State Land Use Agricultural District. The property involved is located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46.

Staff presented recommendation to nullify SMA Use Permit No. 38 and retain condition no. 2 and delete condition nos. 3 and 5 of Special Permit No. 77-276, on file.

After the staff's explanation that in order to construct any other improvements in the future an SMA Use Permit would be required and not a Special Permit, which already covers the entire property as a coffee processing facility, the petitioner's representative, Jeff Citron, stated they were agreeable with the staff's recommendation.

There was no one testifying on the application.

It was moved by Commissioner Imada and seconded by Commissioner Orita that the public hearing be closed. Motion was carried.

On SMA Use Permit No. 38, it was moved by Commissioner Orita and seconded by Commissioner Imada that it be nullified. A roll call vote was taken and motion carried with seven ayes.

On Special Permit No. 77-276, it was moved by Commissioner Orita and seconded by Commissioner Imada to send a favorable recommendation to the State Land Use Commission to delete condition numbers 3 and 5. A roll call vote was taken and motion carried with seven ayes.

Also on Special Permit No. 77-276, it was moved by Commissioner Imada and seconded by Commissioner Frias to retain condition number two. A roll call vote was taken and motion carried with seven ayes.

SPECIAL PERMIT
KONA BAPTIST
CHURCH
KEAUHOU 1ST,
NORTH KONA

Public hearing on the application of Kona Baptist Church for a Special Permit to allow the construction of a church educational building on 2.4 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the existing Kona Baptist Church at the corner of the Kuakini Highway-Puuloa Subdivision Road, Keauhou 1st, North Kona, TMK: 7-8-07:60.

Staff presented background, comments from the State Department of Transportation and Department of Water Supply, and recommendation for approval with conditions, as amended, on file.

For the Commission's information, staff pointed out that the building will be used for Sunday school classes and also as a day care center for which its use has already been approved;

Date April 10, 1980

 Preliminary hearing Public hearing Request Action

Other: _____

[Handwritten signature]

Commissioners	Aye	No	Excused	Abstain	Absent
IMADA, CLYDE S	✓				
KAGAWA, ROY S	✓				
NAKANO, BERT	✓				
ORITA, FRED HA M	✓				
SAKAMOTO, CHARLES	✓				
WHITMARSH, TINA					✓
FRIAS, GLENN	✓				
PONTE, GEORGE					✓
PARIS, WILLIAM J. JR. (CHRM.)	✓				

EXPERIMENT F

AMENDMENT TO SP-77-276/NULLIFICATION OF SMA USE PERMIT NO. 38 - KONA FARMERS COOPERATIVE

Kona Farmers Cooperative has submitted requests to nullify Special Management Area (SMA) Use Permit No. 38 and to delete Condition Nos. 2, 3 and 5 of Special Permit No. 77-276. The property involved is the site of Kona Farmers Cooperative existing complex located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46.

SMA Use Permit No. 38 granted by the Planning Commission on August 25, 1977, allowed the petitioner to construct a new coffee storage building and related improvements. The petitioner stated that they will not construct the new coffee storage building due to economic considerations, as such, is requesting the nullification of the SMA Use Permit.

Special Permit No. 77-276 was granted to the petitioner by the State Land Use Commission On October 25, 1977, to legitimize the non-conforming coffee processing plant on its 4.4 acres of land situated within the State Land Use Agricultural District. The Planning Commission recommended the approval of this Special Permit request. This application was processed simultaneously with the previously mentioned SMA Use Permit. As such, the following conditions, among others, relative to the construction of the new coffee storage building were imposed as part of the Special Permit approval:

Condition No. 2: That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.

EXHIBIT E

Condition No. 3: That through the Special Permit procedures, certain County Zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building setback at a minimum of 15 feet from the front property line.

Condition No. 5: That construction of the new coffee storage building commence within one (1) year from the effective date of approval of the Special Permit.

Since the petitioner does not intend to construct the new coffee storage building, they are requesting that the above-mentioned conditions be deleted.

It should be pointed out that although the Special Permit covers an area less than 15 acres (4.4 acres), since Condition No. 5 originated with the State Land Use Commission, should the request be favorably considered by the Planning Commission, it would have to be forwarded to the LUC for its ratification and final approval.

In regards to the request to nullify SMA Use Permit No. 38, staff has no objections.

Since the petitioner does not intend to construct the new coffee storage building, and since Condition Nos. 3 and 5 of SP 77-276 relate to the construction of that building, we also have no objections. We therefore recommend the approval for the deletion of Condition Nos. 3 and 5.

As far as Condition No. 2 is concerned, since the property is situated within the SMA, we feel that this condition should be retained. Since the Special Permit established the entire 4.4-acre property under the Special Permit, any future improvements must comply with existing regulations. As such, should the petitioner intend to construct any other improvements in the future, the requirements of the SMA Rules and Regulations must be complied with. We therefore feel that Condition No. 2 is still appropriate.

March 28, 1980

Mr. Sotero Bailado
Kona Farmers Cooperative
P. O. Box 303
Capt, Cook, HI 96704

Dear Mr. Bailado:

Notice of a Public Hearing
Requests to Nullify SMA Use Permit No. 38
and Delete Condition Nos. 2, 3 and 5 of SP No. 77-276 ✓
Tax Map Key 8-2-08:46

This is to inform you that your requests have been scheduled for a public hearing. Said hearing among others will be held beginning at 11:00 a.m. on Thursday, April 10, 1980, in the First Hawaiian Bank Meeting Room, Kailua, 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.

Sincerely,


Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission

EXHIBIT D

MAR 28 1980

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: First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii

DATE: Thursday, April 10, 1980

TIME: 11:00 a.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: KONA FARMERS COOPERATIVE
LOCATION: Site of existing Kona Farmers Cooperative complex along the north side of Napoopoo Road, Kahauloa, South Kona.
TMK: 8-2-08:46
PURPOSE:
 - a) Nullify Special Management Area (SMA) Use Permit No. 38 which allowed the construction of a new coffee storage building and related improvements.
 - b) Deletion of Condition Nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing non-conforming coffee processing plant within the State Land Use Agricultural District.

EXHIBIT D-1

2. PETITIONER: KONA BAPTIST CHURCH
LOCATION: Site of the existing Kona Baptist Church
at the corner of the Kuakini Highway-Puuloa
Subdivision Road, Keauhou 1st, North Kona.
TMK: 7-8-07:60
PURPOSE: Special Permit to allow the construction of
a church educational building on 2.4 acres
of land situated within the State Land
Use Agricultural District.
3. AMENDMENT TO NORTH KONA AND KAILUA-HONALO URBAN ZONE MAPS
Amendment initiated by the Planning Director to delineate
the proposed Alii Drive Realignment on the North Kona,
and the Kailua-Honalo Urban Zone Maps. The proposed
alignment will begin at the vicinity of the Kuakini
Highway-Walua Road intersection and extend to the south
towards the existing Alii Highway at Keauhou.

Maps showing the general locations and boundaries of the areas
under consideration and/or plans of the proposed developments 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 Commis-
sion before that date, or in person at the public hearing.

PLANNING COMMISSION,
WILLIAM J. PARIS, JR., Chairman
By SIDNEY M. FUKU
Planning Director

(Hawaii Tribune-Herald: March 31, and April 8, 1980)

March 7, 1980

Mr. Sotero Bailado
Kona Farmers Cooperative
P. O. Box 303
Captain Cook, Hawaii 96704

Dear Mr. Bailado:

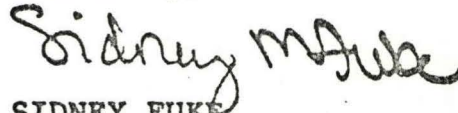
Amendment to SP77-276/
Nullification of SMA Use Permit No. 38
TMK: 8-2-8:46

This is to acknowledge receipt of your requests to amend Conditions 2, 3 and 5 of Special Permit No. 77-276 and to nullify Special Management Area (SMA) Use Permit No. 38.

Your requests will be forwarded to the Planning Commission for its appropriate action. As soon as the meeting date and place are determined, you will be so informed.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Brian Nishimura of this office at 961-8288.

Sincerely,



SIDNEY FUKU
Director

NH:ak

cc State Land Use Commission

EXHIBIT C

MAR 10 1980



KONA FARMERS COOPERATIVE

Processors of World Famous Kona Coffee & Macadamia Nuts

P.O. Box 309 • Capt. Cook, Hawaii 96704 • Tel. (808) 328-2411

February 28, 1980

Mr. Sidney Fuke, Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

SMA Use Permit No. 38 and Special Permit 77-276 (LUC No. 371)

Receipt of your Certified Mail relating to the above is acknowledged. Due to economic considerations, the request submitted by us, and granted in SMA Use Permit (August 25, 1977) will not be pursued. We request, therefore, that this permit be nullified.

We would also like to request that the Planning Commission, through your office, be notified and grant us permission to delete Conditions No. 2, 3, and 5, of Special Permit No. 77-276 (October 25, 1977).

Enclosed is our filing fee (\$100.00) to insure the retention of the remaining provisions of Special Permit No. 77-276.

Your attention and the timely advise of your staff on this matter is, very much appreciated.

Sincerely,

Sotero Bailado
General Manager

Enclosure

*Receipt \$525.8 \$100 filing fee
3/12/80 Kona Farmers Cooperative*

EXHIBIT B

COPY

PLANNING DEPARTMENT
25 AUPUNI STREET

COUNTY OF HAWAII
HILO, HAWAII 96720

CERTIFIED MAIL

February 20, 1980

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, Hawaii 96704

Gentlemen:

SMA Use Permit No. 38 and
Special Permit 77-276 (LUC. No. 371)
TRK: 8-2-08:46

Upon review of our files, we found that the construction of the new coffee storage building had not commenced within one (1) year of the effective dates of SMA Use Permit No. 38 (August 25, 1977) and Special Permit No. 77-276 (October 25, 1977).

In a conversation with Mr. Sotero Bailado, we were informed that the Cooperative no longer has any intention to construct the proposed coffee storage building now or in the near future because of cost.

Therefore, this letter is to confirm said conversation and to notify you of the following:

- 1) We will be requesting that the Planning Commission nullify SMA Use Permit No. 38.
- 2) You are required to request from the Planning Commission the deletion of Conditions No. 2, 3, and 5, of Special Permit No. 77-276. A filing fee of \$100.00 is required. This request must be received within thirty (30) calendar days upon receipt of this letter or we will have no alternative but to deem the entire Special Permit No. 77-276 null and void for failure to comply with the above-mentioned conditions.
- 3) We will also refer a portion of your request relating to the deletion of Condition No. 5 of Special Permit No. 77-276 to the State Land Use Commission, because it was that Commission, and not the County Planning Commission's condition.

EXHIBIT A

Kona Farmers Cooperative

Page 2

February 20, 1980

Should you have any questions on these matters, please feel free to contact Norman Hayashi or Francis Saiki of this office at 961-8288.

Sincerely,



SIDNEY FUKU
Director

FS:lkt

cc Planning Commission

State Land Use Commission

✓bcc Norman

April 28, 1980

Mr. Sidney Fuke, Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: SP77-276 - Kona Farmers Cooperative
(Deletion of Conditions)

This is to advise you that action by the Land Use Commission is not required to delete the original conditions of the subject Special Permit. Pursuant to Act 221, SLH, 1979, Land Use Commission approval is not required to amend existing Special Permits where the land area involved is less than 15 acres in size. The action of the Hawaii Planning Commission may therefore be considered final regarding this matter.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
cc: William J. Paris, Jr.
Hawaii Planning Commission



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

April 24, 1980

Mr. Gordan Furutani
Executive Officer
Land Use Commission
190 South King Street
Suite 1795
Honolulu, Hawaii 96813

APR 27 11 59 AM '80
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Furutani:

Nullify SMA Use Permit No. 38 and Delete Condition
Nos. 2, 3 and 5 of Special Permit No. 77-276 (LUC 371)
Tax Map Key 8-2-08:46

The Planning Commission at its duly held public hearing on April 10, 1980, considered the above requests to nullify Special Management Area (SMA) Use Permit No. 38 and to delete condition nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing non-conforming coffee processing plant within the State Land Use Agricultural District at Kahauloa, South Kona, Hawaii.

The Commission voted to approve the above request to nullify SMA Use Permit No. 38 since Kona Farmers Cooperative no longer has plans to construct the new coffee storage building due to economic considerations.

In regards to the request to delete Condition Nos. 3 and 5, since the petitioner does not intend to construct the new coffee storage building, and since Condition Nos. 3 and 5 of SP 77-276 relate to the construction of that building, the Planning Commission also has no objections. We therefore are recommending to the Land Use Commission the approval for the deletion of Condition Nos. 3 and 5.

Mr. Gordan Furutani
Land Use Commission
Page 2

As far as Condition No. 2 is concerned, since the property is situated within the SMA, we feel that this condition should be retained. Since the Special Permit established the entire 4.4-acre property under the Special Permit, any future improvements must comply with existing regulations. As such, should the petitioner intend to construct any other improvements in the future, the requirements of the SMA Rules and Regulations must be complied with. We therefore feel that Condition No. 2 is still appropriate.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,


William J. Paris, Jr.
Chairman, Planning Commission

NH/lgv

cc: Mr. Jeff Citron
Building Division, Public Works
Kona Services Office

COPY

PLANNING DEPARTMENT

25 AUPUNI STREET

COUNTY OF HAWAII

HILO, HAWAII 96720

March 28, 1980

Mr. Sotero Bailado
Kona Farmers Cooperative
P. O. Box 303
Capt, Cook, HI 96704

Dear Mr. Bailado:

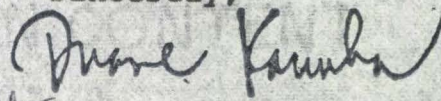
Notice of a Public Hearing
Requests to Nullify SMA Use Permit No. 38
and Delete Condition Nos. 2, 3 and 5 of SP No. 77-276
Tax Map Key 8-2-08:46

This is to inform you that your requests have been scheduled for a public hearing. Said hearing among others will be held beginning at 11:00 a.m. on Thursday, April 10, 1980, in the First Hawaiian Bank Meeting Room, Kailua, 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.

Sincerely,


for Sidney M. Fuke
Director

smn

Enclosure

cc: State Land Use Commission

LAND USE COMMISSION
STATE OF HAWAII
MAR 31 7 26 AM '80

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: First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii

DATE: Thursday, April 10, 1980

TIME: 11:00 a.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: KONA FARMERS COOPERATIVE
LOCATION: Site of existing Kona Farmers Cooperative complex along the north side of Napoopoo Road, Kahauloa, South Kona.
TMK: 8-2-08:46
PURPOSE: a) Nullify Special Management Area (SMA) Use Permit No. 38 which allowed the construction of a new coffee storage building and related improvements.
b) Deletion of Condition Nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing non-conforming coffee processing plant within the State Land Use Agricultural District.

2. PETITIONER: KONA BAPTIST CHURCH
- LOCATION: Site of the existing Kona Baptist Church at the corner of the Kuakini Highway-Puuloa Subdivision Road, Keauhou 1st, North Kona.
- TMK: 7-8-07:60
- PURPOSE: Special Permit to allow the construction of a church educational building on 2.4 acres of land situated within the State Land Use Agricultural District.
3. AMENDMENT TO NORTH KONA AND KAILUA-HONALO URBAN ZONE MAPS
- Amendment initiated by the Planning Director to delineate the proposed Alii Drive Realignment on the North Kona and the Kailua-Honalo Urban Zone Maps. The proposed alignment will begin at the vicinity of the Kuakini Highway-Walua Road intersection and extend to the south towards the existing Alii Highway at Keauhou.

Maps showing the general locations and boundaries of the areas under consideration and/or plans of the proposed developments 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,
WILLIAM J. PARIS, JR., Chairman
By SIDNEY M. FUKE
Planning Director

(Hawaii Tribune-Herald: March 31, and April 8, 1980)

PLANNING COMMISSION

Meeting of April 10, 1980

First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii
ADDENDUM (Made on March 27, 1980)

UNFINISHED BUSINESS - 10:00 a.m.

5. Proposed amendments to the Zoning and Subdivision Control Codes initiated by the Planning Director pursuant to the recent changes to the County Charter relating to variance and change of zone procedures and related matters.
6. Action on proposed conditions on the petition for appeal filed by Dr. Joseph Scazzola on the Planning Director's denial action on a change of zone application for 46,770 square feet of land from a Single Family Residential - 7,500 square foot (RS-7.5) to a Neighborhood Commercial - 10,000 square foot (CN-10) zoned district. The property involved is located along the south or Puna side of Waianuenue Avenue, approximately 300 feet mauka of the Waianuenue Avenue-Komohana Street intersection, Piipihonua House Lots Subdivision, Piipihonua, South Hilo, TMK: 2-3-24:11.

PLANNING COMMISSION

Planning Department
County of Hawaii

Agenda for the Meeting on Thursday, April 10, 1980
First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii - 10:00 a.m.

REPORTS

MINUTES

UNFINISHED BUSINESS - 10:00 a.m.

1. Action on the application of Hasegawa Komuten (USA), Inc. for a Planned Development Permit (PDP) to allow the development of an 87-unit condominium project. The area involved is located along the makai side of Alii Drive, adjacent and to the north or Kailua side of the Kona Riviera Villa, Puapuaa, North Kona, TMK: 7-5-20:16 and 59.
2. Action on the application of Holua Associates for a Planned Development Permit (PDP) to allow the development of a 406-unit condominium project. The property involved is along the south side of Kaleopapa Street (Road leading to Kona Surf Hotel) and includes the existing Holua Tennis Stadium which is bordered by the golf course, Keauhou, North Kona, TMK: 7-8-10:34 (Portion) and 58.
3. Action on the application of Don Harland for a Planned Development Permit (PDP) to allow the construction of a 22-unit condominium project. The property involved is located along the makai side of Alahou Street, approximately 280 feet south of the Alahou Street-Kalani Street intersection within the Lono-Kona Subdivision, Honuaula, North Kona, TMK: 7-5-22:65, 66 and 67.
4. Action on the application of Kona Development Associate for a Planned Development Permit (PDP) to allow the construction of a 75-unit condominium project. The property involved is located at the southern end of Lamaokaola Street, adjacent to the Lono Kona Subdivision, Hienaloli, North Kona, TMK: 7-5-04:Portion of 2.

PUBLIC HEARINGS - 11:00 a.m.

1. Public hearing on the requests by Kona Farmers Cooperative to nullify Special Management Area (SMA) Use Permit No. 38 and to delete condition nos. 2, 3 and 5 of Special Permit No. 77-276 which allowed the establishment of the existing non-conforming coffee processing plant within the State Land Use Agricultural District. The property involved is located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46.

2. Public hearing on the application of Kona Baptist Church for a Special Permit to allow the construction of a church educational building on 2.4 acres of land situated within the State Land Use Agricultural District. The property involved is the site of the existing Kona Baptist Church at the corner of the Kuakini Highway-Puuloa Subdivision Road, Keauhou 1st, North Kona, TMK: 7-8-07:60.
3. Public hearing on the amendment initiated by the Planning Director to delineate the proposed Alii Drive Realignment on the North Kona Zone Map and the Kailua-Honalo Urban Zone Map. The proposed alignment will begin at the vicinity of the Kuakini Highway-Walua Road intersection and extend to the south towards the existing Alii Highway at Keauhou.

ANNOUNCEMENTS

ADJOURNMENT

MAY 1 11 52 PM '80

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
April 10, 1980

The Planning Commission met in regular session at 10:10 a.m. in the First Hawaiian Bank Meeting Room, Kailua, North Kona, Hawaii, with Chairman William J. Paris, Jr. presiding.

PRESENT:	William J. Paris, Jr.	ABSENT &	George Ponte
	Glenn Frias	EXCUSED:	Tina Whitmarsh
	Clyde Imada		
	Roy Kagawa		Ex-officio Member
	Bert Nakano		Edward Harada
	Fred Orita		Ex-officio Member
	Charles H. Sakamoto		H. William Sewake
			Deputy Corporation
			Ben Tsukazaki
	Sidney M. Fuke, Director		
	(Left at 10:50 a.m. and		
	returned at 11:43 a.m.)		
	Norman Hayashi, Planner		
	Brian Nishimura, Planner		

and approximately 21 people at 10:10 a.m. and 10 people at 11:00 a.m. were in attendance

MINUTES: It was moved by Commissioner Sakamoto and seconded by Commissioner Orita that the minutes of March 27, 1980, be approved as circulated, with the correction on page 15, line 6, to read 1978 instead of 1979. Motion was carried.

All those testifying were duly sworn in.

PDP	Action on the application of Hasegawa
<u>HASEGAWA KOMUTEN</u>	Komuten (USA), Inc. for a Planned Develop-
<u>(USA), INC.</u>	ment Permit (PDP) to allow the development
<u>PUAPUAA,</u>	of an 87-unit condominium project. The
NORTH KONA	area involved is located along the makai
	side of Alii Drive, adjacent and to the
	north or Kailua side of the Kona Riviera Villa, Puapuaa, North
	Kona, TMK: 7-5-20:16 and 59.

As the background report and recommendation were presented at the Commission's March 13th meeting, it was moved by Commissioner Imada and seconded by Commissioner Sakamoto that the Commission waive the reading of the background report and recommendation. Motion was carried.

It was moved by Commissioner Sakamoto and seconded by Commissioner Imada that the application be approved for the reasons and with the conditions as recommended by the staff. A roll call vote was taken and motion carried with five ayes (Commissioners Frias, Imada, Kagawa, Nakano and Sakamoto) and two noes (Commissioner Orita and Chairman Paris).

AMENDMENT TO SP-77-276/NULLIFICATION OF SMA USE PERMIT NO. 38 - KONA FARMERS COOPERATIVE

Kona Farmers Cooperative has submitted requests to nullify Special Management Area (SMA) Use Permit No. 38 and to delete Condition Nos. 2, 3 and 5 of Special Permit No. 77-276. The property involved is the site of Kona Farmers Cooperative existing complex located along the north side of Napoopoo Road, Kahauloa, South Kona, TMK: 8-2-08:46.

SMA Use Permit No. 38 granted by the Planning Commission on August 25, 1977, allowed the petitioner to construct a new coffee storage building and related improvements. The petitioner stated that they will not construct the new coffee storage building due to economic considerations, as such, is requesting the nullification of the SMA Use Permit.

Special Permit No. 77-276 was granted to the petitioner by the State Land Use Commission in October 25, 1977, to legitimize the non-conforming coffee processing plant on its 4.4 acres of land situated within the State Land Use Agricultural District. The Planning Commission recommended the approval of this Special Permit request. This application was processed simultaneously with the previously mentioned SMA Use Permit. As such, the following conditions, among others, relative to the construction of the new coffee storage building were imposed as part of the Special Permit approval:

Condition No. 2: That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.

Condition No. 3: That through the Special Permit procedures, certain County Zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building setback at a minimum of 15 feet from the front property line.

Condition No. 5: That construction of the new coffee storage building commence within one (1) year from the effective date of approval of the Special Permit.

Since the petitioner does not intend to construct the new coffee storage building, they are requesting that the above-mentioned conditions be deleted.

It should be pointed out that although the Special Permit covers an area less than 15 acres (4.4 acres), since Condition No. 5 originated with the State Land Use Commission, should the request be favorably considered by the Planning Commission, it would have to be forwarded to the LUC for its ratification and final approval.

In regards to the request to nullify SMA Use Permit No. 38, staff has no objections.

Since the petitioner does not intend to construct the new coffee storage building, and since Condition Nos. 3 and 5 of SP 77-276 relate to the construction of that building, we also have no objections. We therefore recommend the approval for the deletion of Condition Nos. 3 and 5.

As far as Condition No. 2 is concerned, since the property is situated within the SMA, we feel that this condition should be retained. Since the Special Permit established the entire 4.4-acre property under the Special Permit, any future improvements must comply with existing regulations. As such, should the petitioner intend to construct any other improvements in the future, the requirements of the SMA Rules and Regulations must be complied with. We therefore feel that Condition No. 2 is still appropriate.

COPY

PLANNING DEPARTMENT

COUNTY OF HAWAII

25 AUPUNI STREET

HILO, HAWAII 96720

LAND USE COMMISSION
STATE OF HAWAII

MAR 11 11 09 AM '80

March 7, 1980

Mr. Sotero Bailado
Kona Farmers Cooperative
P. O. Box 303
Captain Cook, Hawaii 96704

Dear Mr. Bailado:

Amendment to SP77-276/
Nullification of SMA Use Permit No. 38
TMK: 8-2-8:46

This is to acknowledge receipt of your requests to amend Conditions 2, 3 and 5 of Special Permit No. 77-276 and to nullify Special Management Area (SMA) Use Permit No. 38.

Your requests will be forwarded to the Planning Commission for its appropriate action. As soon as the meeting date and place are determined, you will be so informed.

Should you have any questions in the meantime, please feel free to contact Norman Hayashi or Brian Nishimura of this office at 961-8288.

Sincerely,

Sidney Fuke

SIDNEY FUKU
Director

NH:ak

cc State Land Use Commission

COPY

PLANNING DEPARTMENT

COUNTY OF HAWAII

25 AUPUNI STREET

HILO, HAWAII 96720

CERTIFIED MAIL

LAND USE COMMISSION
STATE OF HAWAII
FEB 22 1 46 PM '80
February 20, 1980

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, Hawaii 96704

Gentlemen:

SMA Use Permit No. 38 and
Special Permit 77-276 (LUC. No. 371)
TMK: 8-2-08:46

Upon review of our files, we found that the construction of the new coffee storage building had not commenced within one (1) year of the effective dates of SMA Use Permit No. 38 (August 25, 1977) and Special Permit No. 77-276 (October 25, 1977).

In a conversation with Mr. Sotero Bailado, we were informed that the Cooperative no longer has any intention to construct the proposed coffee storage building now or in the near future because of cost.

Therefore, this letter is to confirm said conversation and to notify you of the following:

- 1) We will be requesting that the Planning Commission nullify SMA Use Permit No. 38.
- 2) You are required to request from the Planning Commission the deletion of Conditions No. 2, 3, and 5, of Special Permit No. 77-276. A filing fee of \$100.00 is required. This request must be received within thirty (30) calendar days upon receipt of this letter or we will have no alternative but to deem the entire Special Permit No. 77-276 null and void for failure to comply with the above-mentioned conditions.
- 3) We will also refer a portion of your request relating to the deletion of Condition No. 5 of Special Permit No. 77-276 to the State Land Use Commission, because it was that Commission, and not the County Planning Commission's condition.

Kona Farmers Cooperative

Page 2

February 20, 1980

Should you have any questions on these matters, please feel free to contact Norman Hayashi or Francis Saiki of this office at 961-8288.

Sincerely,

Sidney M. Fuke

SIDNEY FUKU
Director

FS:lkt

cc Planning Commission

✓ State Land Use Commission

October 28, 1977

Mr. Sotero Bailado, Manager
Kona Farmers Cooperative
P. O. Box 308
Captain Cook, Kona, Hawaii 96704

Dear Mr. Bailado:

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:jy
Encls.

October 28, 1977

HAWAII PLANNING COMMISSION
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney Fuke, Planning Director

Gentlemen:

At its meeting on October 25, 1977, the Land Use Commission voted to approve a Special Permit request by Kona Farmers Cooperative, Hawaii (SP77-276) to allow the establishment of its existing coffee processing plant on approximately 4.4 acres of land situated within the State Land Use Agricultural District at Kahauloa, South Kona, Hawaii, Tax Map Key 8-2-8: 46.

Approval of this Special Permit is subject to the conditions imposed by the Hawaii County Planning Commission; and subject further to the following additional conditions:

5. That construction of the new coffee storage building commence within one year from the effective date of approval of the Special Permit.
6. That petitioner be permitted to replace, repair, and/or modernize the existing buildings and, within reason, physically expand the coffee processing facility to a size not to exceed twice the existing operation without obtaining a Special Permit.

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

Sincerely,

GORDAN Y. FURUTANI
Executive Officer

GYF:jy
Encl.

cc: Kona Farmers Cooperative
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
Division of Land Management, DLNR

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B & C)
New State Building
Honolulu, Hawaii

Approved
2/14/78

October 25, 1977 - 9:00 a.m.

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman
Charles Duke, Vice Chairman
James Carras
Colette Machado
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

ACTION

A74-421 - WEST BEACH DEVELOPMENT CORPORATION

Motion for Reconsideration and for Hearing by the Ewa Beach Aliis Athletic Club

Miss Karen Radius, representing the Ewa Beach Aliis Athletic Club, submitted that the motion for reconsideration and hearing had been filed in view of the newly discovered evidence regarding the water situation. It was her feeling that, based on this additional information, the Commission would be better equipped to make a "fully-informed" decision. She requested that a full hearing be held, at which time the Board of Water Supply could be subpoenaed. Miss Radius cited the pertinent sections of the Commission's Rules dealing with authority to waive its rules for "good cause shown" and requested that Rule 4-5 be waived and a new hearing set up to consider the important water question.

Mr. Harry Kim, representing the West Beach Development Corporation, called the Commission's attention to the fact that there was an appeal before the Circuit Court which had been

✓ SP77-276 - KONA FARMERS COOPERATIVE

Special Permit Application to allow the establishment of a coffee processing plant at Kahauloa, South Kona, Hawaii

Commissioner Oura asked to be excused from the deliberation on this request due to a conflict of interest.

Mr. Daniel Yasui, staff planner, presented the County's recommendations and conditions and located the subject parcel on the maps.

In response to a request for clarification from the Executive Officer, Mr. Norman Hayashi of the Hawaii Planning Department verified that the County was recommending approval of the Special Permit based only on the use of the property without any indication of future expansion. Mr. Hayashi pointed out that under Chapter 205, the establishment of a Special Permit is for the use of a particular property without reference to specific improvements.

It was Mr. Furutani's concern that without some indication of the scale of a use, such as the number of people who will be using the facility, it would be very difficult to determine the impact of that use on the surrounding properties, as required in the tests to be applied, as well as the requirements for determining the burden on the public facilities and services. However, the indication of the physical facility proposed on the property could become a strong measure of the scale of the use. Mr. Furutani expressed his concern about the precedent that would be set ^{only} by the Commission in approving a Special Permit based ^{only} the use without specific information relative to the intensity of the use. Mr. Kawada agreed that the Commission should avoid granting a wholesale type of permit without addressing the scale of the use.

Commissioner Carras felt that undue concern was being expressed about setting a precedent. He stated each case should be determined on its own merits.

In response to Commissioner Whitesell's question, Mr. Hayashi replied that there were means of controlling the intensity of a use on a property at the county level at the time of reviewing the building permit application in terms of assessing the availability of water, the adequacy of the sewage outfall requirement by the Department of Health, etc.

Mr. Furutani wondered whether approval of a Special Permit automatically allows the applicant to expand or intensify the use in that particular area, and would that expansion be within the jurisdiction of the county? He felt that this was the crux of the issue.

Mr. Kawada advised that in approving a Special Permit, at least some controlling conditions or indication of the intensification of the scale of the contemplated use of that property

should be established. It was also suggested that in order to avoid piece-meal type of consideration for every improvement or expansion on the subject property, the Commission could approve the Special Permit with a proviso that future expansion, if needed, must have some tentative approval at least by the county and the county, at that point, could decide whether another Special Permit was necessary for the expansion.

Mr. Hayashi reiterated that the scale of the operation on the property could be controlled at the county level at the time of issuance of building permits, special management permits, etc.

The Executive Officer pointed out the inappropriate nature of some of the requests that come under the Special Permit procedure, e.g. addition of bathrooms to an existing structure, etc.

From Mr. Kawada's assessment of the foregoing discussion, he concluded that the replacement or repair of an existing facility permitted under a Special Permit would not require another Special Permit. However, it was not clear whether an expansion of an existing facility would fall under the same category.

Vice Chairman Duke recommended that the petitioner be allowed to repair, replace his facilities without the necessity of appearing before the Land Use Commission, so long as he was not changing the nature of his operation. He therefore moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission, which was seconded by Commissioner Carras.

Vice Chairman Duke reworded his motion as follows: "That the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission and subject further to the following additional conditions:

- "5. That construction of the new coffee storage building commence within one year from the effective date of approval of the Special Permit.
- "6. That petitioner be permitted to replace, repair, or modernize the existing buildings and, within reason, to expand without coming before the Land Use Commission if the expansion does not exceed twice the size of the existing operation."

The Commissioners were polled as follows:

Ayes: Commissioners Nakagawa, Miyasato, Carras, Whitesell, Machado, Duke, Chairman Sakahashi

The meeting was in recess from 11:45 a.m. until 1:15 p.m.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP77-276 - KONA FARMERS COOPERA- DATE October 25, 1977
TIVE
PLACE Conf. Rm. 322 - New State Bldg. TIME 9:00 a.m.
Honolulu, Hawaii

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

Comments: I move that we approve this Special Permit, subject to the conditions imposed by the Hawaii County Planning Commission; and subject further to the following additional conditions:

5. That construction of the new coffee storage building commence within one year from the effective date of approval of the Special Permit.

6. That petitioner be permitted to replace, repair, or modernize the existing buildings and, within reason, to expand without coming before the Land Use Commission if the expansion does not exceed twice the size of the existing operation.

MEMORANDUM

SUBJECT: SP77-276 - Kona Farmers Cooperative

In support of the request, the petitioner has in part stated the following:

- "1. The present factory is an existing facility which has been in existence for many years. However, under present 'Land Use Regulations', the presence of the factory in an agricultural district constitutes a non-conforming use. Accordingly, this Special Permit is now being filed to have this status changed from non-conforming to a conforming use.
- "2. Because the factory already exists, conversion to a conforming use will not unreasonably burden public agencies: there is no requirement for new roads; there is no increase in sewer discharges; water requirements generally remain the same; drainage patterns are not altered; there is no requirement for school improvements; and there is no increase in police and fire protection.
- "3. Had the processed coffee been cultivated on the same premises, establishment of the factory would have been a permitted use.
- "4. The factory offers the farmers an economical, efficient, and centralized location for processing their harvested crops. In this manner, the continued operation of the factory would leave more land open to agriculture in county-zoned agricultural lands, and state land use agricultural districts.
- "5. The Coffee Storage Building is old and needs to be replaced. The replacement structure will have to be built on the same site as the existing. However, the existing building does not satisfy present setback requirements; therefore construction of a replacement building will require a variance.
- "6. As additional information, the macadamia nut processing facilities on this site have been constructed under a Special Permit which was filed earlier, under a separate application."

The General Plan Land Use Pattern Allocation Guide Map designates the subject area as Orchard. The County's zoning designation is (U) Unplanned.

Surrounding land uses include scattered single family dwellings, coffee farms, and other agricultural uses. The proposed Hawaiian Host, Inc., macadamia nut processing plant which had recently been granted a Land Use Commission Special Permit (SP77-269 Inter-Island Engineering, Inc.), will be situated about 400 yards mauka of the subject property along the Napoopoo Road.

The Land Study Bureau's overall master productivity soil rating for agricultural use is Class "E" or Very Poor for the property under consideration.

The Napoopoo Road which fronts the property has a pavement width of 20 feet. All essential utilities including a 6-inch water line are available to the area.

Pertinent comments from governmental agencies:

1. State Department of Health

The State Department of Health made the following comment in reference to the subject request:

"The requirements of Public Health Regulations, Chapter 1-A, Food and Food Service Establishment Sanitation Code are applicable to the coffee processing plant."

2. Department of Water Supply

The Department of Water Supply had no objections to the subject request, it did note, however, that there is a 6-inch waterline along the Napoopoo Road.

3. State Department of Land and Natural Resources, Historic Preservation Office

Since the property under consideration is situated within the Kealahou Bay Archaeological and Historical District, all proposed improvements must be reviewed by this office. The following are the comments of that office:

"The proposed undertaking will have no effect upon any known historic or archaeological site on or likely to be eligible for inclusion on the Hawaii Register and/or National Register of Historic Places. This office has no reservations for the project to proceed. In the event that any unanticipated sites or remains are encountered, please inform the applicant to contact this office immediately."

All other cooperating agencies, including the Department of Public Works, U. S. Soil Conservation Service, Fire Department, Hawaii Electric Light Company, Inc., Police Department, and State Department of Agriculture had no comments on or objections to the subject request.

At the public hearing held by the Hawaii County Planning Commission on July 28, 1977, three representatives of the petitioner testified in support of the request. No other persons testified with regard to subject permit request. For the Commission's information, the hearing transcript of the July 28, 1977, meeting has been attached (County Exhibit Q).

On August 25, 1977, the Planning Commission voted to recommend approval of the Special Permit to the Land Use Commission based upon the following findings:

- "1. That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of health and welfare of the people.

The basic purpose of the subject request is to legitimize the existing nonconforming use. The present coffee processing operation at the area under consideration has been in existence prior to the adoption of the State Land Use Law and Regulations. However, in order for improvement or expansion to be made to the existing processing plant, a Special Permit must be secured. Since some of the existing structures are quite old, rather than obtaining a Special Permit each time improvements are contemplated, it was suggested by the County of Hawaii Planning Department to establish the entire area under one (1) Special Permit. In doing so, improvements to the plant can be made without applying for a Special Permit for each and every improvement. By granting a Special Permit, we are basically establishing the use on a particular property rather than the individual improvements or structure to go on the property. This coffee processing plant is presently servicing some of the coffee farmers in the Kona area. The processing operation has proved to be a positive benefit and support to agriculture for the Kona area. With the establishment of this facility, definite benefits have accrued to the farmers in terms of proximity to production areas, cost of production, and an alternative market. The processing facility has indeed furthered the objectives of the Land Use Law and Regulations by encouraging and strengthening existing and future agricultural activities in the area. Further, the granting of this particular request would also compliment the Economic goal of the County of Hawaii General Plan which states that 'The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.'

- "2. That the proposed use will not adversely affect the surrounding properties and land uses. The surrounding properties are either vacant or in some form of agricultural use. Although there are some single family dwellings in the immediate vicinity, no objections have been raised by the residents on the present use. In addition, the State Land Use Commission recently allowed a macadamia nut husking plant to be established in close proximity to the subject

area. It is therefore determined that the proposed use at its particular location will complement the surrounding land uses; thus, would not have an adverse impact on the overall agricultural activity for the area.

Further, since the use is one that has already been established on the subject property, it is determined that the granting of this particular request will not substantially alter or change the essential character of the land.

- "3. The proposed use is directly related to agricultural activity. Within the State Land Use Agricultural District and the County's Agricultural zoned district, processing of agricultural products is a permitted use provided that the products are grown on the premise. If the coffee to be processed were solely grown on the subject property, then a Special Permit would not have been required. In this particular case, however, a Special Permit is necessitated since the products will be obtained from other properties in the area.
- "4. That all essential utilities and facilities are available to the area for the requested use. As such, the granting of this request for the purpose of establishing a coffee processing plant at this particular location will not unreasonably burden public agencies to provide additional infrastructures.

"In light of the above stated reasons, the Planning Commission felt that the proposed use will be consistent with the guidelines for granting a Special Permit. A major policy of the State and County is the encouragement and support of agricultural activities throughout the State. The proposed use is directly supportive of farming activities. It is therefore concluded that the granting of this particular request would be beneficial to the people in the State of Hawaii relative to adopted agricultural policies."

The favorable recommendation was subject to the following conditions:

- "1. That prior to construction of any facilities on the subject property, the petitioner or its authorized representative shall submit such plans to the County Planning Department for review and approval.
- "2. That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.
- "3. That through the Special Permit procedures, certain County Zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee

storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building is setback at a minimum of 15 feet from the front property line.

- "4. That in the event that unanticipated sites or remains are encountered during the course of grading and/or construction the State Historic Preservation Officer shall be notified since the land is situated within the Kealahou Archaeological and Historical District."

It was further stated by the Planning Commission that: "Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void."

In accordance with Section 9-3, Subsection (2) of the Land Use Commission's Rules and Regulations which in part states that: "The County Planning Commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, which time limit, among other conditions shall be a condition of the Special Use Permit", staff recommends that if the Commission is to approve the subject request, an additional condition be imposed as follows:

"That construction of the new coffee storage building commence within one year from the effective date of approval of the Special Permit."

Land Use Commission Staff Comments:

Staff notes that this Special Permit request contain some concerns that may require legal advice.

Initially, staff is unclear as to the intent of this Special Permit. The County states that the Special Permit is to allow the establishment of an existing coffee processing plant. However, under the non-conforming use section of the Land Use Law (Chapter 205-8, HRS), the subject coffee processing plant is allowed. After a discussion with a Hawaii County Planning Department staff member, it is our understanding that the applicant had initially sought to obtain a Special Permit to replace the old coffee storage facility with a new storage facility. Through the ensuing review and evaluation of the applicant's request, the County Planning staff found that much of the existing coffee processing facilities are old and in need of future improvements. Although at this time the applicant was only seeking the construction of a new storage facility to replace the old one, the County Planning Department recommended that the entire area be included under the Special Permit, thereby, eliminating the need for obtaining a Special Permit every time a new improvement or addition is required. More specific information regarding this matter is contained in a portion of finding No. 1 from a letter of September 12, 1977 from Mrs. Jitchaku, Planning Commission Chairman, which states:

"Since some of the existing structures are quite old, rather than obtaining a Special Permit each time improvements are contemplated, it was suggested by the County of Hawaii Planning Department to establish the entire area under one (1) Special Permit. In doing so, improvements to the plant can be made without applying for a Special Permit for each and every improvement. By granting a Special Permit, we are basically establishing the use on a particular property rather than the individual improvements on structures to go on the property."

In issuing Special Permits, the Land Use Commission has followed a policy of specifying the particular use and physical improvements for which each permit is granted. In this instance, a Special Permit is being requested wherein all the particular physical improvements are not specified, except for the coffee storage facility. While staff does not oppose the intent of the Hawaii County Planning Department to consolidate anticipated improvements under one Special Permit, it feels tests (2) and (3) described in Section 5-2 Tests to be Applied are difficult to evaluate without being provided a sense of scale to any proposed use and that the identification of the physical improvements, while not the only means of identifying scale, is a commonly used and effective measure or indication of scale.

Based on this background, staff is requesting legal advice on the following questions:

1. Does establishing or placing the entire parcel under this Special Permit, without an identification or description of future physical plant expansion allow improvements to be made on this parcel without applying for another Special Permit so long as the improvements are related to the Special Use granted?
2. If the response to the above is negative, does this mean that final approval of this Special Permit will only allow the construction of the coffee storage facility and nothing else?
3. Would the handling of the County's desire to eliminate the need for obtaining Special Permits for any future improvements more properly be done through the imposition of a condition?

KEALAKEKUA

BAY

Napoopoo

Kapahukapu
Manini Beach

NAPOOPOO PARK

Kepuhi

Kahaulea

Keaweiki

Well

Kaopapa

VABM

Keei Beach

Keei

Palemano Pt

VABM

Limukoko Pt

Water

Maluhia
Camp

Mokuakae

Uluhehe

Cemetery

Church
Steeple

Keei North Base

VABM

PUHONUA
ROAD
CITY OF KONA

68

PROPOSED PROCESSING
PLANT SITE

Coffee
Mill

Napoopoo
School

BM 594

SPECIAL PERMIT AND
SPECIAL MANAGEMENT
AREA USE PERMIT

ESTABLISHMENT OF A COFFEE
PROCESSING PLANT

KAHAULOA END, SOUTH KONA, HAWAII

TAX MAP KEY: 8-2-08-46

APPLICANT: KONA FARMERS COOPERATIVE

JUNE 23, 1977

TRUE NORTH
SCALE: 1" = 1/4 MILE

ILIL KAL
KALAMAKOWAL
KAL KAL

EXHIBIT M-2

U

K E E I

500

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 28, 1977

A regularly advertised public hearing, on the application of the Kona Farmers Cooperative, was called to order at 7:15 p.m., in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona, by Chairman Jitchaku.

PRESENT: Lorraine Jitchaku
Scott Asai
Charles H. Sakamoto
Haruo Murakami
William F. Mielcke
Shigeru Fujimoto
Arthur W. Martin

ABSENT: J. Walsh Hanley
William J. Paris, Jr.

Sidney M. Fuke, Planning Director
Virginia Goldstein, Planner
Gerald Hay, Planner

Earl Nakasato, Deputy Corporation Counsel
David Murakami, representing Ex-officio Member, Edward Harada
Quirino Antonio, " " " Akira Fujimoto
Craig Shimabukuro, Department of Water Supply

and about 15 people in attendance.

CHAIRMAN: We will go on with the second public hearing of the evening. Public hearing on the application of the Kona Farmers Cooperative for the following requests within the present site of the Cooperative's coffee processing plant, Kahauloa, South Kona, TMK: 8-2-08:46: (a) Special Management Area (SMA) Use Permit request to allow the construction of a new coffee storage building. (b) Special Permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use. Staff.

GOLDSTEIN: Presented background information on file.

CHAIRMAN: Thank you, Virginia. Are there any questions of the staff's report? We have two areas to consider, one is the SMA Permit and the other is the Special Permit to allow the existing coffee plant to become a conforming use. If there is no questions of the staff's report, at this time the Chair would like to call the applicant or representative of the applicant. Forward please. State your name into the microphone.

BAILADO: Madam Chairman, my name is Sotero Bailado, I am the manager of the Kona Farmers Cooperative. (Sworn in)

CHAIRMAN: You have heard the staff's report in regards to the two permits. Are there anything else that should be added or any corrections that should be made or if you have further information for the Commissioners.

EXHIBIT G

BAILADO: No, all I like to reiterate is that this facility is presently in existence and what my Cooperative wants to do really is to bring it up to better standard. My people believe in the coffee industry and it behooves us to improve our facilities.

CHAIRMAN: Thank you. Commissioners, do you have any questions that you would like to ask Mr. Bailado?

MARTIN: Do I understand it right that the processing storage building be located where there is an existing building right now?

BAILADO: Yes sir.

MARTIN: I noticed that the proposed building is 14 feet from the boundary, how close is the present building?

BAILADO: I am going to ask our engineer here.

CHAIRMAN: Why don't you come up forward; there may be more questions so the two of you--

BAILADO: I have all my bodyguards here just in case I need help.

CHAIRMAN: State your name please. (Sworn in)

YOKOTA: My name is Melvin Yokota. I am an engineer with W. Hirai and Associates.

MARTIN: Melvin, I'm not asking this of you as a school teacher. That Melvin is a student, does that put me in conflict of interest?

CHAIRMAN: No conflict at all.

MARTIN: Is this building closer or the same or farther away from the boundary than the existing building?

YOKOTA: I don't have the exact dimensions that we took on the old building with me but I believe it is somewhere between 11 and 14 feet.

MARTIN: So, probably the new building is farther away from the boundary than the old building.

YOKOTA: It will be either the same or slightly further in.

MARTIN: So this would be an improvement.

YOKOTA: Yes.

MARTIN: Will this building, the proposed building, be used for the same thing as the old building is now being used?

YOKOTA: Yes.

CHAIRMAN: Staff, I would like to direct this question to you. According to the staff's report, it does mention that the new building will be set back only 15 feet and the map there shows 14.

GOLDSTEIN: Plus or minus, roughly.

CHAIRMAN: Any other questions of Mel or Mr. Bailado?

ASAI: Madam Chairman, may be Mr. Sotero can answer my question. I see in the staff's report that your new building will have a raised concrete floor to protect the coffee. Right now, the old building, is it above ground level?

BAILADO: Right now, sir, the floor is of T&G material, wooden material, but through the years, after rain and flooding, inundation, it is just about level with the ground.

CHAIRMAN: Any other questions; nothing further to add, Mel? May be you have something new that probably this staff had missed.

YOKOTA: I don't think so.

CHAIRMAN: Thank you, we may be calling you later if we have any more questions. Thank you, Sotero. Is there anyone else here; this is a public hearing; who wishes to testify.

MOTOKI: My name is Tojiro Motoki. I am on the Board of Directors of Kona Farmers Cooperative. (Sworn in)

I noticed in your staff's report that they do say that we'll be replacing an already existing building but it does not indicate the real necessity for the replacement of this building. This building, as you staff's report mentions, is a very, very ancient structure, probably 60-70 years old. If you were to drive down the Napoopoo roadway and pass that building, you would notice that the sides of the building are propped up with 2 x 4 pieces of lumber. It is that old.

Now, the further reason for raising the level of the floor one foot was that about two or three years ago there was a flooding situation there and the water did come into that existing building and as Mr. Bailado mentioned, the water level did rise above the level of the floor and all of the coffee, the first layer of coffee sacks, all got wet. The coffee had already been dried and processed and was stored in there and awaiting shipment. When that thing became wet, it necessitated removing all of that, getting the bottom layer of coffee sacks, redrying it and doing it in a hurry before that thing would deteriorate and cost the Superior Coffee Company, but fortunately for us that time the coffee had already been sold to Superior; it was their property and so they really had to hustle getting that coffee removed and redried and one of the reasons why we feel that is is necessary to rebuild and raise the level of the floor is to avoid any such future happenings. Next time, unfortunately, we may still be the owners of that coffee. Eventually that building has to come down, it is so termite eaten that in my opinion it constitutes a hazard.

CHAIRMAN: You did mention that the building is about 60 years old. We are happy that the business is still in existence. Are there any questions of Mr. Motoki? We thank you for your information. Is there anyone else who wishes to testify on the application? If not, Virginia, can you give us a recommendation?

GOLDSTEIN: We won't be giving you the recommendations for the SMA until you are ready to consider the Special Permit.

CHAIRMAN: So we will consolidate at the next meeting?

GOLDSTEIN: Yes.

MIELCKE: If there is no further public testimony--

MARTIN: I think this is a question that probably should be addressed to Mr. Yokota. I wanted to know what will be the height of the proposed building, how it compares with the height of the present building?

YOKOTA: I think the overall height of the building will be the same, the existing building has a steeper roof but since that will be changing to a steel building, it will be flatter so they will have a higher eave height.

MARTIN: So, even though the floor is raised a little, the bit height will still be the same because the roof will be flat.

YOKOTA: I believe so.

CHAIRMAN: Any other questions? If not, the Chair would like to entertain a motion. We will be taking action on both permits at the next hearing. Do you want to continue the hearing or close the public hearing at this time; what is your pleasure?

MIELCKE: If there is no further public testimony to come before the Commission, I would like to move that we close the public hearing on the application of Kona Farmers Cooperative's items A and B on the SMA and Special Permit.

SAKAMOTO: I second the motion.

CHAIRMAN: It has been moved by Commissioner Mielcke and seconded by Commissioner Sakamoto that the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Both permits will be taken up at our next Kona meeting.

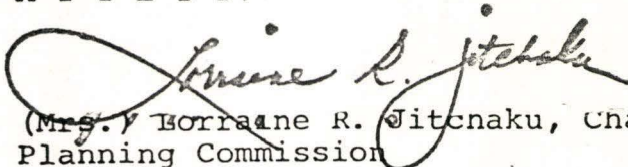
Public hearing adjourned at 7:39 p.m.

Respectfully submitted,

Mieko M. Kawasaki

Mieko M. Kawasaki, Secretary Pro tem

A T T E S T:


(Mrs.) Louise R. Jitchaku, Chairman
Planning Commission

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

October 7, 1977

Mr. Sidney Fuke
Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Fuke:

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

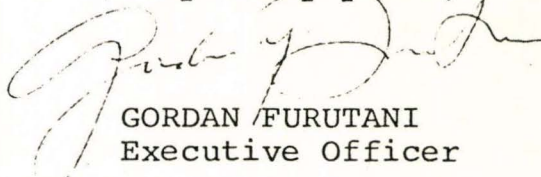
Please note that petition

SP77-276 - KONA FARMERS COOPERATIVE

- 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
Suite 1795
Pacific Trade Center
190 S. King Street
Honolulu, Hawaii 96813

October 7, 1977

Mr. Sotero Bailado, Manager
Kona Farmers Cooperative
P. O. Box 308
Captain Cook, Kona, Hawaii 96704

Dear Mr. Bailado:

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

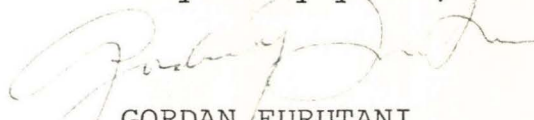
Please note that petition

SP77-276 - KONA FARMERS COOPERATIVE

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

October 25, 1977 - 9:00 a.m.
Conference Room 322 (B & C)
New State Building
1151 Punchbowl Street
Honolulu, Hawaii

A G E N D A

I. ACTION

1. A76-421 - West Beach Development Corporation

Motion for Reconsideration and for Hearing by the
Ewa Beach Aliis Athletic Club.

✓ 2. SP77-276 - Kona Farmers Cooperative

To allow the establishment of a coffee processing plant
on approximately 4.4 acres of land situated within the
State Land Use Agricultural District at Kahauloa, South
Kona, Hawaii, Tax Map Key 8-2-8: 46.

3. A76-424 - Foster Petroleum Corporation

To reclassify approximately 7 acres of land presently
in the Agricultural District into the Urban District at
Maili, Lualualei, Waianae, Oahu, for residential purposes.

II. MISCELLANEOUS

1. Adoption of Minutes JUN 28 1977

2. Meeting Schedule

10/11/77 - A COPY OF THIS AGENDA WAS MAILED TO ALL PERSONS AND ORGANIZATIONS
ON THE ATTACHED MAILING LISTS:

1. ALL ISLANDS 2. OAHU 3. HAWAII



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

SP77-276

September 12, 1977

SEP 13 10 17 AM '77
LAND USE COMMISSION
STATE OF HAWAII

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

Dear Mr. Furutani:

Special Permit Application
Applicant: Kona Farmers Cooperative

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 the existing coffee processing plant within the State Land Use Agricultural District at Kahauloa, South Kona, Hawaii, Tax Map Key 8-2-8:46.

The Planning Commission at a duly advertised public hearing on July 28, 1977 in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, discussed the subject request. The Commission on August 25, 1977, voted to recommend the approval of the special permit to the Land Use Commission based on the following findings:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of health and welfare of the people.

September 12, 1977

The basic purpose of the subject request is to legitimize the existing nonconforming use. The present coffee processing operation at the area under consideration has been in existence prior to the adoption of the State Land Use Law and Regulations. However, in order for improvement or expansion to be made to the existing processing plant, a Special Permit must be secured. Since some of the existing structures are quite old, rather than obtaining a Special Permit each time improvements are contemplated, it was suggested by the County of Hawaii Planning Department to establish the entire area under one (1) Special Permit. In doing so, improvements to the plant can be made without applying for a Special Permit for each and every improvement. By granting a Special Permit, we are basically establishing the use on a particular property rather than the individual improvements or structure to go on the property. This coffee processing plant is presently servicing some of the coffee farmers in the Kona area. The processing operation has proved to be a positive benefit and support to agriculture for the Kona area. With the establishment of this facility, definite benefits have accrued to the farmers in terms of proximity to production areas, cost of production, and an alternative market. The processing facility has indeed further the objectives of the Land Use Law and Regulations by encouraging and strengthening existing and future agricultural activities in the area. Further, the granting of this particular request would also compliment the Economic goal of the County of Hawaii General Plan which states that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

2. That the proposed use will not adversely affect the surrounding properties and land uses. The surrounding properties are either vacant or in some form of agricultural use. Although there are some single family dwellings in the immediate vicinity, no objections have been raised by the residents on the present use. In addition, the State Land Use Commission recently allowed a macadamia nut husking plant to be established in close proximity to the subject area. It is therefore determined that the proposed use at its particular location will complement the surrounding land uses; thus, would not have an adverse impact on the overall agricultural activity for the area.

Further, since the use is one that has already been established on the subject property, it is determined

September 12, 1977

that the granting of this particular request will not substantially alter or change the essential character of the land.

3. The proposed use is directly related to agricultural activity. Within the State Land Use Agricultural District and the County's Agricultural zoned district, processing of agricultural products is a permitted use provided that the products are grown on the premise. If the coffee to be processed were solely grown on the subject property, then a Special Permit would not have been required. In this particular case, however, a Special Permit is necessitated since the products will be obtained from other properties in the area.
4. That all essential utilities and facilities are available to the area for the requested use. As such, the granting of this request for the purpose of establishing a coffee processing plant at this particular location will not unreasonably burden public agencies to provide additional infrastructures.

In light of the above stated reasons, the Planning Commission felt that the proposed use will be consistent with the guidelines for granting a Special Permit. A major policy of the State and County is the encouragement and support of agricultural activities throughout the State. The proposed use is directly supportive of farming activities. It is therefore concluded that the granting of this particular request would be beneficial to the people in the State of Hawaii relative to adopted agricultural policies.

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

1. That prior to construction of any facilities on the subject property, the petitioner or its authorized representative shall submit such plans to the County Planning Department for review and approval.
2. That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.
3. That through the Special Permit procedures, certain County Zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building is setback at a minimum of 15 feet from the front property line.

Mr. Gordan Furutani
Page 4

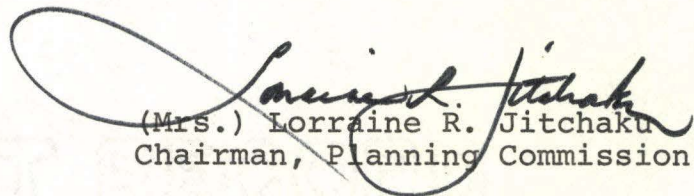
September 12, 1977

4. That in the event that unanticipated sites or remains are encountered during the course of grading and/or construction the State Historic Preservation Officer shall be notified since the land is situated within the Kealakekua Archaeological and Historical District.

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

Enclosed are copies of the Exhibits from the subject docket.

Sincerely,



(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

NH:lgv

cc Kona Farmers Cooperative
Mr. Ted Matsuo
Land Use Division, DPED

LIST OF EXHIBITS - KONA FARMERS COOPERATIVE

LAND USE COMMISSION
STATE OF HAWAII
SEP 13 10 17 AM '77

- A. Petitioner's transmittal memorandum (6/9/77)
- A-1. Application form
- A-2. Petitioner's fact sheet
- B. Departmental acknowledgement letter (6/13/77)
- C. Memo to agencies (6/13/77)
- D. -----
- E. DPW (6/15/77)
- F. SCS (6/17/77)
- G. Fire (6/17/77)
- H. DOH (6/21/77)
- I. HELCO (6/22/77)
- J. Police (6/22/77)
- K. DWS (6/23/77)
- L. DOA (6/23/77)
- M. Letter to adjacent property owners
- M-1. List of " " "
- M-2. Map for " " "
- N. Public Hearing notice
- O. Letter to petitioner (6/28/77)
- P. Minutes (7/28/77)
- Q. Public hearing transcript (7/28/77)
- R. L Letter to petitioner (8/3/77)
- S. Letter to petitioner (8/11/77)
- T. Location Map
- U. Site map

V. Staff background
W. Staff recommendation
X. Voting sheet (approved)
X-1. " "
X-2. " "
X-3. " "
X-4. " "
Y. Minutes (8/25/77)
Z. Letter to petitioner (8/30/77)

TRANSMITTAL MEMORANDUM

A. HIRAI & ASSOCIATES, INC.

P. O. Box 485 Hilo, Hawaii 96720

Phone: 935-1102

Letter No. 6494

To Planning Department

Date 6/9/77

Address Attn: Norman Hayashi

Job No. 538 Order No. _____

25 Aupuni Street

City Hilo, Hawaii 96720

Job Kona Farmers Cooperative
Husking & Coffee Warehouse Process Bldgs.

We are forwarding the following: ☒ Attached ☐ Under Separate Cover

☐ PRINTS

☐ TRANSPARENCIES

☐ REPORTS

☐ SPECIFICATIONS

☐ REQUEST FOR PRICING

☐ BID EVALUATIONS

☐ SHOP DRAWINGS

☐ LETTERS

☐ _____

☐ TRACINGS

☒ DOCUMENTS

☐ _____

DRAWING NO.	SHT. NO.	REV. NO.	COPIES	TITLE OR DESCRIPTION
			1 set	SP for Kona Farmers Cooperative

COMMENTS:

☐ Please return.....copies marked with your approval and/or comments.

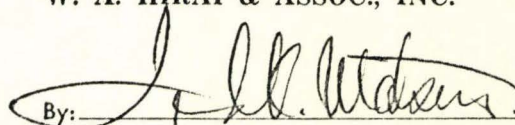
☐ For your information and files

☒ Other remarks:

Please review and call me if you want any changes.

CC: _____

W. A. HIRAI & ASSOC., INC.

By: 

Ted K. Matsuo

EXHIBIT A

APPLICATION FOR SPECIAL PERMIT

COUNTY OF HAWAII

PLANNING DEPARTMENT - PLANNING COMMISSION

APPLICANT: KONA FARMERS COOPERATIVE

APPLICANT'S SIGNATURE: *Jotero Bailado, MGR*

ADDRESS: P. O. Box 308, Captain Cook, Hawaii 96704

TELEPHONE: 328-2411

TAX MAP KEY: 8-2-08:46 AREA: 4.45 Acres
(Size of Parcel)

OWNER: Kona Farmers Cooperative

OWNER'S SIGNATURE: *Jotero Bailado, MGR*

APPLICANT'S INTEREST, IF NOT OWNER: _____

REQUESTED USE: To establish a coffee processing
factory in an agricultural state land use district.

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 _____

FACT SHEET

1. The present factory is an existing facility which has been in existence for many years. However, under present "Land Use Regulations," the presence of the factory in an agricultural district constitutes a non-conforming use. Accordingly, this SP is now being filed to have this status changed from non-conforming to a conforming use.
2. Because the factory already exists, conversion to a conforming use will not unreasonably burden public agencies: there is no requirement for new roads; there is no increase in sewer discharges; water requirements generally remain the same; drainage patterns are not altered; there is no requirement for school improvements; and there is no increase in police and fire protection.
3. Had the processed coffee been cultivated on the same premises, establishment of the factory would have been a permitted use.
4. The factory offers the farmers an economical, efficient, and centralized location for processing their harvested crops. In this manner, the continued operation of the factory would leave more land open to agriculture in county-zoned agricultural lands, and state land use agricultural districts.
5. The Coffee Storage Building is old and needs to be replaced. The replacement structure will have to be built on the same site as the existing. However, the existing building does not satisfy present setback requirements; therefore construction of a replacement building will require a variance.
6. As additional information, the macadamia nut processing facilities on this site have been constructed under a SP which was filed earlier, under a separate application.

June 13, 1977

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, HI 96704

Gentlemen:

Application for a Special Permit
Establishment of Coffee Processing Plant
TMK: 8-2-08:46

This is to acknowledge receipt of the abovementioned special permit application on June 9, 1977.

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 the agenda for Commission action. Should any questions arise in the meantime, please contact Norman Hayashi of this Department, at 961-8288.

Sincerely,

Sidney Fukui

SIDNEY FUKUI
Director

rfd

JUN 14 1977

EXHIBIT B

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Fire, Kona Soil Conserv., Agriculture, HELCo, & DLNR Historic Preserv. Ofcr. Date: June 13, 1977

From: Director

Subject: Special Permit Application
for Coffee Processing Plant
Kona Farmers Cooperative
TMK: 8-2-08:46

Attached application is forwarded for your review and comments. You will please note that this is the same firm that applied earlier this month for a Special Management Area Use Permit (see our memo of June 8, 1977).

Your written comments within two weeks would be appreciated very much so that we may process this application within the legal time requirement. Thank you.

rfd
Enclosures

EXHIBIT C

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Date June 16, 1977

MEMORANDUM

TO: Planning Department

FROM: Chief Engineer

SUBJECT: Application for Special Permit
Applicant: Kona Farmers Cooperative
Location: South Kona, HI
TMK: 8-2-08:46

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

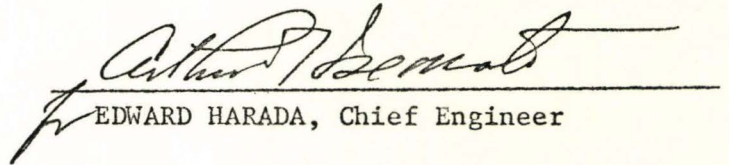

EDWARD HARADA, Chief Engineer

EXHIBIT E

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

June 17, 1977

Sidney M. Fuke
Planning Department
County of Hawaii
Hilo, Hawaii 96720

Dear Mr. Fuke,

Subject: Special Permit Application
for Coffee Processing Plant
Kona Farmers Cooperative
TMK: 8-2-08: 46

We have reviewed the above mentioned application for a
special permit and have no comments to offer at this time.

Thank you for the opportunity to review this document.

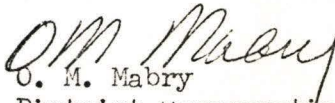

O. M. Mabry
District Conservationist

EXHIBIT F

HAWAII COUNTY FIRE DEPARTMENT

TO: Planning

DATE: June 17, 1977

FROM: Fire

SUBJECT: Special Permit Application for
Coffee Processing Plant Kona
Farmers Cooperative
TMK: 8-2-08:46

Ditto, Kona Farmers Cooperative SMA Use Permit-Coffee Storage
Building Date: June 17, 1977.

Fire Inspector

HFD-30
11/29/74 - 1M

EXHIBIT G

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: DPW, DWS, Highways, Health, R&D, Police, Date: June 13, 1977
Fire, Kona Soil Conserv., Agriculture,
HELCo, & DLNR Historic Preserv. Ofcr.

From: Director *Spel Huke*

Subject: Special Permit Application
for Coffee Processing Plant
Kona Farmers Cooperative
TMK: 8-2-08:46

Attached application is forwarded for your review and comments. You will please note that this is the same firm that applied earlier this month for a Special Management Area Use Permit (see our memo of June 8, 1977).

Your written comments within two weeks would be appreciated very much so that we may process this application within the legal time requirement. Thank you.

rfd
Enclosures

June 21, 1977
Department of Health, Hilo

The requirements of Public Health Regulations, Chapter 1-A, Food and Food Service Establishment Sanitation Code are applicable to the coffee processing plant.

Harold
HAROLD MATSUURA
Chief Sanitarian, Hawaii

EXHIBIT H

HAWAII ELECTRIC LIGHT COMPANY, INC.
P. O. BOX 1027 HILO, HAWAII-96720



June 22, 1977

County of Hawaii
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Sidney M. Fuke
Director

Gentlemen:

SUBJECT: Special Permit Application
for Coffee Processing Plant
Kona Farmers Cooperative
TMK: 8-2-08:46

We have no comments to the above application as per
your memorandum of June 13, 1977.

Very truly yours,

Niwao (cmh)

Jitsuo Niwao, Manager
Engineering Department

JN: cmh

EXHIBIT I



POLICE DEPARTMENT

COUNTY OF HAWAII
349 KAPIOLANI STREET
HILO, HAWAII 96720



OUR REFERENCE

GUY A. PAUL

YOUR REFERENCE

CHIEF OF POLICE

June 22, 1977

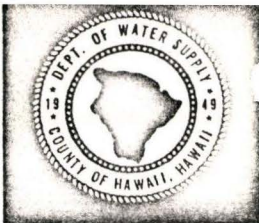
TO : SIDNEY FUKU, PLANNING DIRECTOR
FROM : MARTIN K. L. KAAUA, ACTING CHIEF OF POLICE
SUBJECT: SPECIAL PERMIT APPLICATION FOR COFFEE PROCESSING PLANT
KONA FARMERS COOPERATIVE
TMK: 8-2-08:46

The special permit application submitted by the Kona Farmers Cooperative has been reviewed and from the police standpoint, we can foresee no adverse effects from the requested land use.

MARTIN K. L. KAAUA
ACTING CHIEF OF POLICE

RG/RLP/k

EXHIBIT J



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

P. O. BOX 1820

HILO, HAWAII 96720

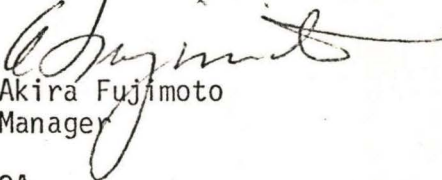
25 AUPUNI STREET

June 23, 1977

TO: Planning Department
FROM: Department of Water Supply
SUBJECT: SPECIAL PERMIT APPLICATION
SMA USE PERMIT
COFFEE PROCESSING PLANT
KONA FARMERS COOPERATIVE
SOUTH KONA, HAWAII
TMK: 8-2-08:48

Inasmuch as these applications are for the construction of replacement facilities and that the applicant has indicated that there will be no increase in water usage requirements, we have no objections to offer.

For your information, there is a 6-inch waterline along the portion of the Napoopoo Government Road fronting the subject parcel.


Akira Fujimoto
Manager
QA

... Water brings progress...

EXHIBIT K

GEORGE R. ARIYOSHI
GOVERNOR



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

JOHN FARIAS, JR.
CHAIRMAN, BOARD OF AGRICULTURE
YUKIO KITAGAWA
DEPUTY TO THE CHAIRMAN

BOARD MEMBERS:

IRWIN M. HIGASHI
MEMBER - AT - LARGE

ERNEST F. MORGADO
MEMBER - AT - LARGE

KALFRED K. YEE
MEMBER - AT - LARGE

SHIZUTO KADOTA
HAWAII MEMBER

STEPHEN Q. L. AU
KAUAI MEMBER

FRED M. OGASAWARA
MAUI MEMBER

June 23, 1977

MEMORANDUM

To: Mr. Sidney M. Fuke, Director
Hawaii County Planning Department

Subject: Special Permit Application for
Coffee Processing Plant
Kona Farmers Cooperative
TMK: 8-2-08:46

The Department of Agriculture has reviewed the subject
application and recommends its approval.

Thank you for the opportunity to comment.

A handwritten signature in dark ink, reading "John Farias, Jr.", is written over a horizontal line.

JOHN FARIAS, JR.
Chairman, Board of Agriculture

EXHIBIT L



COUNTY OF
HAWAII

PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

HERBERT T. MATAYOSHI
Mayor

SIDNEY M. FUKU
Director

DUANE KANUHA
Deputy Director

June 27, 1977

Dear Property Owner: (TMK:

SMA Use Permit Application
and Special Permit Application
Kahauloa, South Kona, Hawaii
TMK: 8-2-08:46

You are hereby notified that a request for a Special Management Area (SMA) Use Permit and Special Permit have been applied for by the petitioner, Kona Farmers Cooperative. The property involved is at the site of the present Kona Farmers Cooperative coffee and macadamia nut processing plant, Kahauloa, South Kona, Hawaii.

The SMA Use Permit request is to allow the construction of a new coffee storage building and the Special Permit request is to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use.

A public hearing on the subject among others will begin at 7:00 p.m. on Thursday, July 28, 1977 at Kealakehe 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 date.

Sincerely,

Sidney Fuku
Director

lgv

Enclosure

EXHIBIT M

mailed out
6/28/77

SPECIAL PERMIT & SMD
KONA FARMERS COOPERATIVE
ESTABLISHMENT OF A COFFEE PROCESSING PLANT
8-208:46 (4.45 Acs).

8-2-8:4 Captain Cook Invest CO. Inc.
 Captain Cook Inv. CO. Inc.
 P.O. Box 147
 Captain Cook HI 96740
 5 Dillingham Investment Corp
 P.O. Box 147
 Captain Cook HI 96740
 22 Dillingham Investment Corp
 P.O. Box 147
 Captain Cook HI 96740
 8-3-04: Bishop B. D. TR ESTATE
~~8-3-~~ 3 TRS. B. D. Bishop Estate
 P.O. Box 3466
 Hon. HI 96801
 7 same as 8-3-04:3

KEALAKEKUA

BAY

TRUE NORTH
SCALE: 1"=1000'

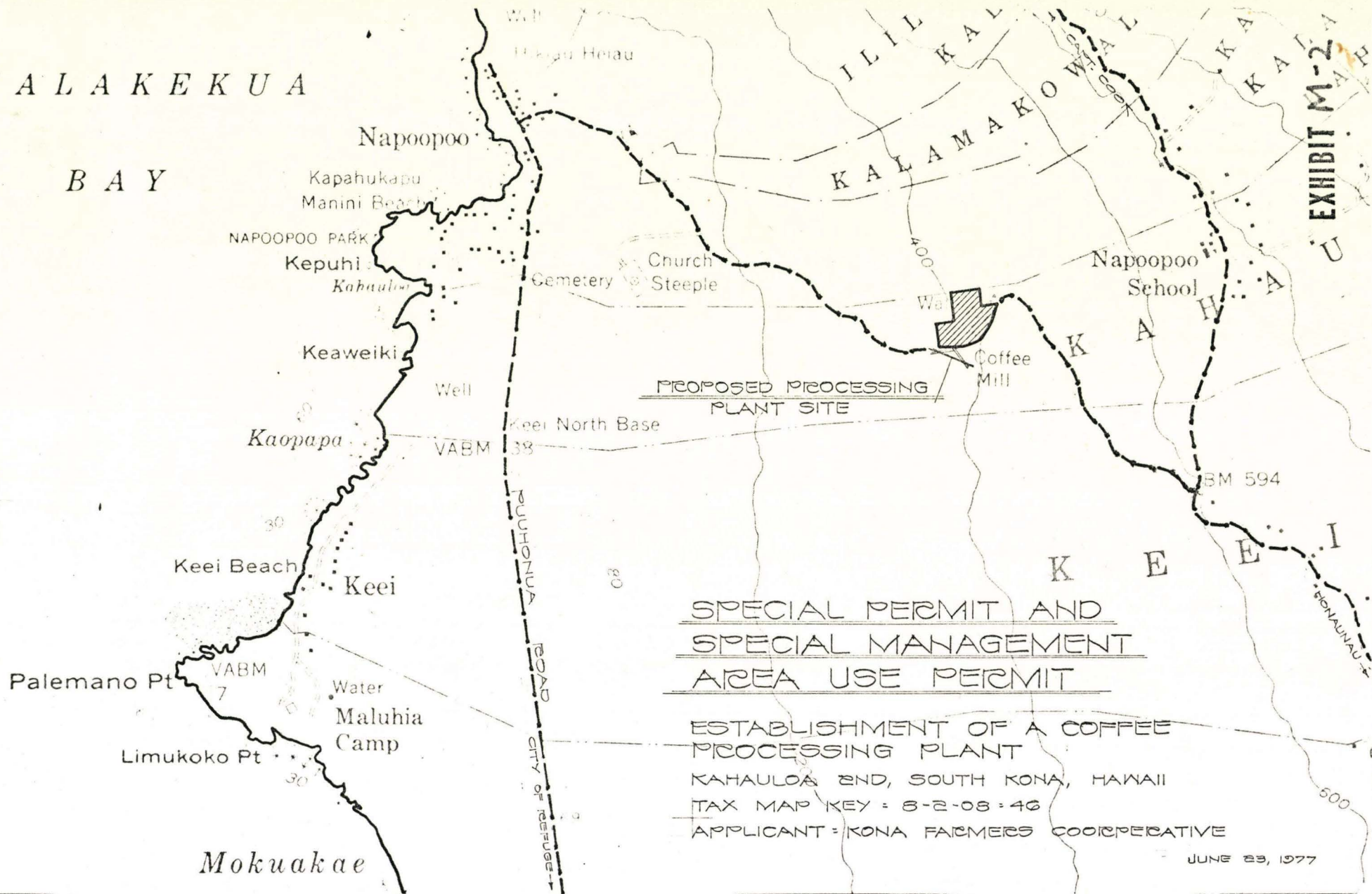


EXHIBIT M-2

JUNE 23, 1977

PUBLIC HEARING

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 School Cafetorium, Kealahou, North Kona, Hawaii

DATE: Thursday, July 28, 1977

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: KONA FARMERS COOPERATIVE

LOCATION: Site of the present Kona Farmers Cooperative coffee and macadamia nut processing plant, Kahauloa, South Kona.

TMK: 8-2-08:46

PURPOSE: a) Special Management Area (SMA) Use Permit request to allow the construction of a new coffee storage building.

b) Special Permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use.

2. PETITIONER: STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,
HARBORS DIVISION

LOCATION: Site of the present Honokohau Boat Harbor,
Kealahou, North Kona.

TMK: 7-4-08:Portion of 3

PURPOSE: Special Management Area (SMA) Use Permit to
allow the further development of the Honokohau
Boat Harbor. The project will consist of excavation
to expand the harbor water area; construction of
two double-lane launching ramps, three loading
docks, temporary moorings, and ten washdown areas;
clearing and grubbing for car/trailer parking and
boat repair yard; grading for access road; instal-
lation of waterline, floodlighting, and sewer
cavitette; landscaping; and other related improve-
ments..

Maps showing the general locations and boundaries of the areas
under consideration and/or plans of the proposed developments 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 Commis-
sion before that date, or in persons at the public hearing.

PLANNING COMMISSION
(MRS.) LORRAINE R. JITCHAKU, Chairman
By SIDNEY FUKU
Planning Director

(Hawaii Tribune-Herald: July 8 and 26, 1977)
(Honolulu Advertiser: July 8, 1977)

June 28, 1977

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, HI 96704

Dear Gentlemen:

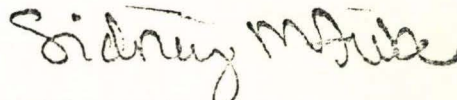
Notice of a Public Hearing
SMA Use Permit Application
Special Permit Application
Tax Map Key 8-2-08:46

This is to inform you that your requests have been scheduled for a public hearing. Said hearing among others will be held beginning at 7:00 p.m. on Thursday, July 28, 1977 at Kealahou School Cafetorium, Kealahou, 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.

Sincerely,



Sidney Fuke
Director

lgv

Enclosure

cc Mr. Ted Matsuo
State Land Use Commission
Land Use Division, DPED

EXHIBIT O

JUN 28 1977

Luc
EXHIBIT P

PLANNING COMMISSION

Planning Department
County of Hawaii

July 28, 1977

The Planning Commission met in regular sessions at 3:30 p.m., in the Kealakehe School Cafetorium, Kealakehe, North Kona, Hawaii, with Chairman Lorraine Jitchaku presiding:

PRESENT: Lorraine Jitchaku
Scott H. Asai
Shigeru Fujimoto
Arthur W. Martin
William F. Mielcke
Haruo Murakami
Charles H. Sakamoto

ABSENT: J. Walsh Hanley
William J. Paris, Jr.

Sidney M. Fuke, Planning Director
Virginia Goldstein, Planner
Gerald Hay, Planner

Earl Nakasato, Deputy Corporation Counsel
David Murakami, representing Exofficio Member, Edward Harada
Quirino Antonio " " " Akira Fujimoto
Craig Shimabukuro, Department of Water Supply

and approximately 7 people in attendance at 3:30 p.m.; about 15 people at 7:00 p.m. and ended with about 18 people.

The public hearing will be continued in Hilo to give the public in that area an opportunity to testify on the proposed bill.

SMA USE PERMIT
SPECIAL PERMIT
KONA FARMERS COOPERATIVE
KAHAULOA, SOUTH KONA

A duly advertised public hearing was held for the following requests within the present site of the Cooperative's coffee processing plant, Kahauloa, South Kona, TMK: 8-2-08:46:

- a. Special Management Area (SMA) Use Permit request to allow the construction of a new coffee storage building.
- b. Special permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use.

Staff presented background information on file.

All public testimonies were in favor of both requests as the old building is 60-70 years old; the floor is of T&G and the coffee gets wet when it rains and floods, and could be very costly to the farmers.

The petitioner stated that there will be very little change in the location nor the roof height of the new building as compared to the old.

It was moved by Mr. Mielcke and seconded by Mr. Sakamoto that the public hearing be closed. No action was taken; it will be taken at the next Kona meeting.

SMA USE PERMIT
STATE DEPT. OF TRANSPORTATION
HARBORS DIVISION
KEALAKEHE, NORTH KONA

A duly advertised public hearing was held for a Special Management Area (SMA) Use Permit to allow the further development of the Honokohau Boat Harbor. The project will consist of excavation to

expand the harbor water area; construction of two double-lane launching ramps, three loading docks, temporary moorings, and ten washdown areas; clearing and grubbing for car/trailer parking and boat repair yard; grading for access road; installation of waterline, floodlighting, and sewer cavitette; landscaping; and other related improvements. The property involved is the site of the present Honokohau Boat Harbor, Kealakehe, North Kona, TMK: 7-4-08:Portion of 3.

Mr. Murakami refrained from participating in the discussion because of his employment with Department of Transportation, Highways Division. Staff presented background information and recommendation on file. On the question of the effect of the moratorium in the area, it was stated that the Department of Interior's approval must be granted before any other approvals can be given.

Mr. Nahm, the engineer on this project, explained in detail the procedure that is required in order to get the approvals from the various governmental agencies involved, such as the Corps of Engineers cannot issue a permit for excavation and dredging until the Department of Interior clears it and the Department of Interior cannot issue the permit until they get clearance from the Congressional Committee.

Mr. Nahm's request for a change in Condition 2 to state that the effective date of the starting deadline should be "upon the issuance of the Corps of Engineers permit" was approved by the Commission.

PLANNING COMMISSION

Planning Department
County of Hawaii

HEARING TRANSCRIPT
July 28, 1977

A regularly advertised public hearing, on the application of the Kona Farmers Cooperative, was called to order at 7:15 p.m., in the Cafetorium of the Kealakehe Elementary School, Kealakehe, North Kona, by Chairman Jitchaku.

PRESENT: Lorraine Jitchaku
Scott Asai
Charles H. Sakamoto
Haruo Murakami
William F. Mielcke
Shigeru Fujimoto
Arthur W. Martin

ABSENT: J. Walsh Hanley
William J. Paris, Jr.

Sidney M. Fuke, Planning Director
Virginia Goldstein, Planner
Gerald Hay, Planner

Earl Nakasato, Deputy Corporation Counsel
David Murakami, representing Ex-officio Member, Edward Harada
Quirino Antonio, " " " Akira Fujimoto
Craig Shimabukuro, Department of Water Supply

and about 15 people in attendance.

CHAIRMAN: We will go on with the second public hearing of the evening. Public hearing on the application of the Kona Farmers Cooperative for the following requests within the present site of the Cooperative's coffee processing plant, Kahauloa, South Kona, TMK: 8-2-08:46: (a) Special Management Area (SMA) Use Permit request to allow the construction of a new coffee storage building. (b) Special Permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use. Staff.

GOLDSTEIN: Presented background information on file.

CHAIRMAN: Thank you, Virginia. Are there any questions of the staff's report? We have two areas to consider, one is the SMA Permit and the other is the Special Permit to allow the existing coffee plant to become a conforming use. If there is no questions of the staff's report, at this time the Chair would like to call the applicant or representative of the applicant. Forward please. State your name into the microphone.

BAILADO: Madam Chairman, my name is Sotero Bailado, I am the manager of the Kona Farmers Cooperative. (Sworn in)

CHAIRMAN: You have heard the staff's report in regards to the two permits. Are there anything else that should be added or any corrections that should be made or if you have further information for the Commissioners.

EXHIBIT Q

BAILADO: No, all I like to reiterate is that this facility is presently in existence and what my Cooperative wants to do really is to bring it up to better standard. My people believe in the coffee industry and it behooves us to improve our facilities.

CHAIRMAN: Thank you. Commissioners, do you have any questions that you would like to ask Mr. Bailado?

MARTIN: Do I understand it right that the processing storage building be located where there is an existing building right now?

BAILADO: Yes sir.

MARTIN: I noticed that the proposed building is 14 feet from the boundary, how close is the present building?

BAILADO: I am going to ask our engineer here.

CHAIRMAN: Why don't you come up forward; there may be more questions so the two of you--

BAILADO: I have all my bodyguards here just in case I need help.

CHAIRMAN: State your name please. (Sworn in)

YOKOTA: My name is Melvin Yokota. I am an engineer with W. Hirai and Associates.

MARTIN: Melvin, I'm not asking this of you as a school teacher. That Melvin is a student, does that put me in conflict of interest?

CHAIRMAN: No conflict at all.

MARTIN: Is this building closer or the same or farther away from the boundary than the existing building?

YOKOTA: I don't have the exact dimensions that we took on the old building with me but I believe it is somewhere between 11 and 14 feet.

MARTIN: So, probably the new building is farther away from the boundary than the old building.

YOKOTA: It will be either the same or slightly further in.

MARTIN: So this would be an improvement.

YOKOTA: Yes.

MARTIN: Will this building, the proposed building, be used for the same thing as the old building is now being used?

YOKOTA: Yes.

CHAIRMAN: Staff, I would like to direct this question to you. According to the staff's report, it does mention that the new building will be set back only 15 feet and the map there shows 14.

GOLDSTEIN: Plus or minus, roughly.

CHAIRMAN: Any other questions of Mel or Mr. Bailado?

ASAI: Madam Chairman, may be Mr. Sotero can answer my question. I see in the staff's report that your new building will have a raised concrete floor to protect the coffee. Right now, the old building, is it above ground level?

BAILADO: Right now, sir, the floor is of T&G material, wooden material, but through the years, after rain and flooding, inundation, it is just about level with the ground.

CHAIRMAN: Any other questions; nothing further to add, Mel? May be you have something new that probably this staff had missed.

YOKOTA: I don't think so.

CHAIRMAN: Thank you, we may be calling you later if we have any more questions. Thank you, Sotero. Is there anyone else here; this is a public hearing; who wishes to testify.

MOTOKI: My name is Tojiro Motoki. I am on the Board of Directors of Kona Farmers Cooperative. (Sworn in)

I noticed in your staff's report that they do say that we'll be replacing an already existing building but it does not indicate the real necessity for the replacement of this building. This building, as you staff's report mentions, is a very, very ancient structure, probably 60-70 years old. If you were to drive down the Napoopoo roadway and pass that building, you would notice that the sides of the building are propped up with 2 x 4 pieces of lumber. It is that old.

Now, the further reason for raising the level of the floor one foot was that about two or three years ago there was a flooding situation there and the water did come into that existing building and as Mr. Bailado mentioned, the water level did rise above the level of the floor and all of the coffee, the first layer of coffee sacks, all got wet. The coffee had already been dried and processed and was stored in there and awaiting shipment. When that thing became wet, it necessitated removing all of that, getting the bottom layer of coffee sacks, redrying it and doing it in a hurry before that thing would deteriorate and cost the Superior Coffee Company, but fortunately for us that time the coffee had already been sold to Superior; it was their property and so they really had to hustle getting that coffee removed and redried and one of the reasons why we feel that is is necessary to rebuild and raise the level of the floor is to avoid any such future happenings. Next time, unfortunately, we may still be the owners of that coffee. Eventually that building has to come down, it is so termite eaten that in my opinion it constitutes a hazard.

CHAIRMAN: You did mention that the building is about 60 years old. We are happy that the business is still in existence. Are there any questions of Mr. Motoki? We thank you for your information. Is there anyone else who wishes to testify on the application? If not, Virginia, can you give us a recommendation?

GOLDSTEIN: We won't be giving you the recommendations for the SMA until you are ready to consider the Special Permit.

CHAIRMAN: So we will consolidate at the next meeting?

GOLDSTEIN: Yes.

MIELCKE: If there is no further public testimony--

MARTIN: I think this is a question that probably should be addressed to Mr. Yokota. I wanted to know what will be the height of the proposed building, how it compares with the height of the present building?

YOKOTA: I think the overall height of the building will be the same, the existing building has a steeper roof but since that will be changing to a steel building, it will be flatter so they will have a higher eave height.

MARTIN: So, even though the floor is raised a little, the bit height will still be the same because the roof will be flat.

YOKOTA: I believe so.

CHAIRMAN: Any other questions? If not, the Chair would like to entertain a motion. We will be taking action on both permits at the next hearing. Do you want to continue the hearing or close the public hearing at this time; what is your pleasure?

MIELCKE: If there is no further public testimony to come before the Commission, I would like to move that we close the public hearing on the application of Kona Farmers Cooperative's items A and B on the SMA and Special Permit.

SAKAMOTO: I second the motion.

CHAIRMAN: It has been moved by Commissioner Mielcke and seconded by Commissioner Sakamoto that the public hearing be closed. All those in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN: Opposed? Both permits will be taken up at our next Kona meeting.

Public hearing adjourned at 7:39 p.m.

Respectfully submitted,

Mieko M. Kawasaki

Mieko M. Kawasaki, Secretary Pro tem

A T T E S T:

Lorraine R. Jitchaku

(Mrs.) Lorraine R. Jitchaku, Chairman
Planning Commission

August 3, 1977

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, HI 96704

Dear Sirs:

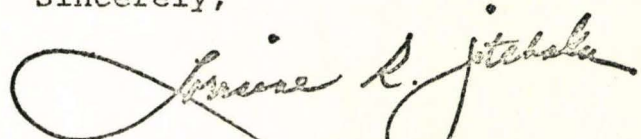
Special Permit Application
SMA Use Permit Application
Tax Map Key 8-2-8:46

The Planning Commission at its meeting of July 28, 1977, held a duly advertised public hearing on your application for the following requests: a) Special Management Area (SMA) Use Permit request to allow the construction of a new coffee storage building; and b) Special Permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a nonconforming use at Kahauloa, South Kona, Hawaii.

In accordance with the provisions of Section 205-6, Hawaii Revised Statutes, the Commission shall act on the special permit not earlier than fifteen (15) days after the said public hearing. Therefore, the SMA Use Permit action will also be taken at that time.

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

Sincerely,



(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

NH:lgv

cc Mr. Ted Matsuo
State Land Use Commission
Land Use Division, DPED

EXHIBIT R

AUG 3 - 1977

August 11, 1977

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, HI 96704

Dear Sirs:

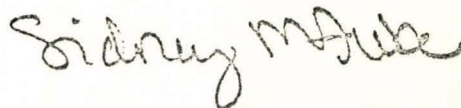
Special Permit Application
SMA Use Permit Application
Tax Map Key 8-2-8:46

Your applications will again be discussed on August 25, 1977 by the Planning Commission. The meeting will be held at Kealahou School Cafetorium, Kealahou, North Kona, Hawaii and is scheduled to begin at 3:30 p.m..

You will be notified of the Commission's decision.

A copy of the agenda is enclosed for your information.

Sincerely,



Sidney Fuke
Director

lgv
Enclosure

cc Mr. Ted Matsuo
State Land Use Commission
Land Use Division, DPED

EXHIBIT S

AUG 12 1977

SPECIAL PERMIT/SMA USE PERMIT: KONA FARMERS COOPERATIVE

The Kona Farmers Cooperative is requesting a Special Permit to allow the establishment of the existing coffee processing plant on 4.4 acres of land situated within the State Land Use Agricultural District. The present facility exists as a non-conforming use. Also requested is a Special Management Area (SMA) Use Permit to allow the construction of a new coffee storage building. The property involved is located along the north side of Napo'opo'o Road at the present site of the Cooperative's coffee processing plant, Kahauloa, South Kona (TMK: 8-2-08:46).

For the Commissioners' information, a separate Special Permit was granted in November of 1968, for the establishment of the macadamia nut processing facility at the subject site.

In support of the Special Permit request, the petitioner has stated the following:

(READ APPLICANT'S REASONS)

As stated by the petitioner, the proposed building will not meet the minimum front yard setback of thirty (30) feet as stipulated within the Agricultural zoned district. Like the existing building, the new building will be setback only fifteen (15) feet from the property line. Through the Special Permit procedure, ^{requested} a variance from the setback requirement may be granted.

In regards to the SMA Use Permit request, the petitioner intends to demolish an existing storage building and replace it with a 4,500 square feet (60' x 75') steel building. The

EXHIBIT

approximate construction cost of the new building is \$61,000.

The existing building to be removed is 3,420 square feet in size.

In the petitioner's Environmental Assessment for this project, the following was stated:

"The Co-op is presently pursuing a program for upgrading the existing facilities by constructing new buildings to replace the older structures.

"The existing storage building is outdated and needs to be removed; it will be replaced with a new steel building. The proposed construction also includes a new electrical system, and raised concrete floor (which protects the coffee beans from damage due to flooding in the area).

"Site preparation will be limited to minor local grading for the building, and will therefore not alter any drainage patterns in the area. The coffee storage building will be a prefabricated steel structure, with metal siding. The building will blend in with the existing structures, and is not expected to alter the visual appearance significantly; if anything, the appearance should improve because of the newness of the building. There is no sewage discharged from within either building and the environment will therefore not be altered in this respect."

For the Commissioners' added information, a SMA Minor Permit was issued for the construction of a new macadamia nut husking building.

✓ The General Plan Land Use Pattern Allocation Guide Map designates the area as Orchard. This designation applies to those agricultural lands which though rocky in character and content can support productive macadamia nuts, papaya, citrus and other similar agricultural products. The County's zoning designation for this property is Unplanned (U).

✓ The subject property is also situated within the Kealahou Bay Archaeological and Historical District; therefore, all proposed improvements must be reviewed by the State Historic Preservation Officer prior to construction. The request was sent to the HPO and the following are her comments:

"The proposed undertaking will have no effect upon any known historic or archaeological site on or likely to be eligible for inclusion on the Hawaii Register and/or National Register of Historic Places. This office has no reservations for the project to be proceed. In the event that any unanticipated sites or remains are encountered, please inform the applicant to contact this office immediately."

✓ According to the USDA Soil Conservation Service Soil Survey Report (Dec. 1973), the land is of the Waiaha series which consists of shallow, well-drained silt loams that formed in volcanic ash. Permeability is rapid, runoff is slow, and the erosion hazard is slight. The land has been improved; thus, is relatively level.

✓ The Land Study Bureau's overall master productivity rating for agricultural use is Class E or Very Poor.

✓ Surrounding land uses include scattered single family dwellings, coffee farms, and other agricultural uses. The proposed macadamia nut processing plant by Hawaiian Host, Inc. will be located approximately 1,200 feet mauka of the area under consideration.

The 50-foot wide Napo'opo'o Road which fronts the subject property has a pavement width of twenty (20) feet. All essential utilities including a 6-inch water line, are available to the area.

✓ Upon review of the request, the Department of Water Supply stated that "Inasmuch as these applications are for the construction of replacement facilities and that the applicant has indicated that there will be no increase in water usage requirements, we have no objections to offer."

✓ The Department of Health informs that "The requirements of Public Health Regulations, Chapter 1-A, Food and Food Service Establishment Sanitation Code are applicable to the coffee processing plant."

✓ The Department of Agricultural recommended approval of the requests.

✓ All other cooperating agencies had no comments on or objections to the subject requests.

RECOMMENDATION: KONA FARMERS COOPERATIVE

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

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of health and welfare of the people.

The basic purpose of the subject request is to legitimize the existing non-conforming use. The present coffee processing operation at the area under consideration has been in existence prior to the adoption of the State Land Use Law and Regulations. However, in order for improvement or expansion to be made to the existing processing plant, a Special Permit must be secured. Since some of the existing structures are quite old, rather than obtaining a Special Permit each time improvements are contemplated, it was suggested by the County of Hawaii Planning Department to establish the entire area under one (1) Special Permit. In doing so, improvements to the plant can be made without applying for a Special Permit for each and every improvement. By granting a Special Permit, we are basically establishing the use on a particular property rather than the individual improvements or structures to go on the property.

EXHIBIT

W

This coffee processing plant is presently servicing some of the coffee farmers in the Kona area. The processing operation has proven to be a positive benefit and support to agriculture for the Kona area. With the establishment of this facility, definite benefits have accrued to the farmers in terms of proximity to production areas, cost of production, and an alternative market. The processing facility has indeed further the objectives of the Land Use Law and Regulations by encouraging and strengthening existing and future agricultural activities in the area. Further, the granting of this particular request would also compliment the Economic goal of the County of Hawaii General Plan which states that "The County of Hawaii shall strive for diversification of its economy by strenthening existing industries and attracting new endeavors."

2. That the proposed use will not adversely affect the surrounding properties and land uses. The surrounding properties are either vacant or in some form of agricultural use. Although there are some single family dwellings in the immediate vicinity, no objections have been raised by the residents on the present use. In addition, the State Land Use Commission recently allowed a macadamia nut husking plant to be established in close proximity to the subject area. It is therefore determined that the proposed use at its particular location will complement the surrounding land uses; thus, would not have an adverse impact on the overall agricultural activity for the area.

Further, since the use is one that has already been established on the subject property, it is determined that the granting of this particular request will not substantially alter or change the essential character of the land.

3. The proposed use is directly related to agricultural activity. Within the State Land Use Agricultural District and the County's Agricultural zoned district, processing of agricultural products is a permitted use provided that the products are grown on the premise. If the coffee to be processed were solely grown on the subject property, then a Special Permit would not have been required. In this particular case, however, a Special Permit is necessitated since the products will be obtained from other properties in the area.
4. That all essential utilities and facilities are available to the area for the requested use. As such, the granting of this request for the purpose of establishing a coffee processing plant at this particular location will not unreasonably burden public agencies to provide additional infrastructures.

In light of the above stated reasons, staff feels that the proposed use will be consistent with the guidelines for granting a Special Permit. A major policy of the State and County is the encouragement and support of agricultural activities throughout the State. The proposed use is directly supportive of farming activities. It is therefore concluded that the granting of this

particular request would be beneficial to the people in the State of Hawaii relative to adopted agricultural policies.

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

1. That prior to construction of any facilities on the subject property, the petitioner or its authorized representative shall submit such plans to the County Planning Department for review and approval.
2. That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.
3. That through the Special Permit procedures, certain County zoning requirements may be waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This ^{setback} variance is hereby granted provided that the building is setback at a minimum of 15 feet from the front property line.
4. That since the subject property is situated within the Kealahou Archaeological and Historical District, prior to construction of any structure, approval must first be obtained from the State Historic Preservation Officer.

1/27
Change
to use
Special
Permit condition

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

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date August 25, 1977

Petitioner KONA FARMERS COOPERATIVE - Special Permit

 Preliminary hearing Public hearing Request

ACTION: ✓ Approve

 Deny

 Defer

 Continue

 Schedule for public hearing

Other: as outline by staff

approved

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.			✓	
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh			✓	
MARTIN, Arthur W.	✓			
MIELCKE, William F.	✓			
MURAKAMI, Haruo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.			✓	

EXHIBIT X

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date August 25 1977

Petitioner-KONA FARMERS COOPERATIVE - Special Permit

 Preliminary hearing Public hearing Request

ACTION: Approve

 Deny

 Defer

 Continue

 Schedule for public hearing

Other: defer

deferred

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.			/	
FUJIMOTO, Shigeru			/	
HANLEY, J. Walsh			/	
MARTIN, Arthur W.		✓		
MIELCKE, William F.		✓		
MURAKAMI, Haruo	✗	✓		
PARIS, William Jr.		✓		
SAKAMOTO, Charles		✓		
JITCHAKU, Lorraine R.			✓	

EXHIBIT V-1

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date August 25, 1977

Petitioner KONA FARMERS COOPERATIVE - Special Permit

 Preliminary hearing Public hearing Request

ACTION: Approve

 Deny

 Defer

 Continue

 Schedule for public hearing

Other:

No consideration

approved

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.			/	
FUJIMOTO, Shigeru			/	
HANLEY, J. Walsh			/	
MARTIN, Arthur W.	✓			
MIELCKE, William F.	✓			
MURAKAMI, Haruo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.			/	

EXHIBIT X-2

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date August 25 1977

Petitioner Kona Farmers Cooperative
Special Permit

 Preliminary hearing Public hearing Request

ACTION: Approve

 Deny

☒ Defer

 Continue

 Schedule for public hearing

for meeting

Other: approval

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.			✓	
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh			✓	
MARTIN, Arthur W.		✓		
MIELCKE, William F.	✓			
MURAKAMI, Haruo <i>Sec.</i>	✓			
PARIS, William Jr. <i>WOL</i>	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.			✓	

EXHIBIT X-3

RECORD OF VOTING
PLANNING COMMISSION
County of Hawaii

Date August 25 1977

Petitioner KONA FARMERS COOPERATIVE - Special Permit

 Preliminary hearing Public hearing Request

ACTION: ✓ Approve

 Deny

 Defer

 Continue

 Schedule for public hearing

Other: Print - Adair Condition

Action Meeting

Commissioners	Aye	No	Absent	Abstain
ASAI, Scott H.			✓	
FUJIMOTO, Shigeru			✓	
HANLEY, J. Walsh <i>deferred</i>			✓	
MARTIN, Arthur W.		✓		
MIELCKE, William F.	✓			
MURAKAMI, Haruo	✓			
PARIS, William Jr.	✓			
SAKAMOTO, Charles	✓			
JITCHAKU, Lorraine R.			✓	

EXHIBIT X-4

Luc

PLANNING COMMISSION

Planning Department
County of Hawaii

MINUTES
August 25, 1977

EXHIBIT

Y

The Planning Commission met in regular sessions at 2:00 p.m. in the Waimea School Cafetorium, Waimea, South Kohala, and at 3:30 p.m. at the Kealakehe School Cafetorium, Kealakehe, N. Kona with Vice Chairman William F. Mielcke presiding.

PRESENT: William F. Mielcke
Arthur W. Martin
Haruo Murakami
William J. Paris, Jr.
Charles H. Sakamoto, Jr.

ABSENT: Scott Asai
Shigeru Fujimoto
J. Walsh Hanley
Lorraine Jitchaku
Akira Fujimoto, Ex-officio
Member

Sidney M. Fuke, Planning Director
Duane Kanuha, Deputy Director (From 3:30 p.m.)
Norman Hayashi, Planner (From 3:30 p.m.)
Virginia Goldstein, Planner
Keith Kato, Planner

David Murakami, representing Ex-officio Member, Edward Harada
Lionel Meyers, Deputy Corporation Counsel

and about three people at 2:00 p.m., about 12 people at 3:30 p.m. and about 8 people at 7:00 p.m.

The applicant stated that this area will be used by Parker Ranch employees and their families only; not the public.

When asked if the water was drinkable, applicant stated that they will tap on to Boise Cascade's line which now services the restroom facilities for Boise and Anaeho'omalu and is considered to be drinkable.

Applicant stated that the parking will be between the existing gravel road and the proposed pavilion and will be widened by 25-30 feet.

Mr. Richard Smart told the Commissioners that they have water rights from Boise, part of the deal made some years ago.

It was moved by Commissioner Paris and seconded by Commissioner Murakami that the SMA Use Permit be granted with the conditions outlined by the staff; motion carried.

RECESS

The meeting recessed at 2:25 p.m., until the next scheduled meeting at 3:30 p.m.

RECONVENED

Meeting was reconvened at 3:30 p.m.

SMA USE PERMIT
SPECIAL PERMIT
✓ KONA FARMERS COOPERATIVE
KAHAULOA, SOUTH KONA

Application for the following requests within the present site of the Cooperative's coffee processing plant at Kahauloa, South Kona, Hawaii, TMK: 8-2-08:46:

- (a) SMA Use Permit request to allow the construction of a new coffee storage building.
- (b) Special Permit request to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District. The present facility exists as a non-conforming use.

Staff presented recommendations on both requests, on file.

Staff stated that conditions under Item 2 of the SMA Use Permit and Item 4 of the Special Permit should read as follows: "That in the event that anticipated sites or remains are encountered in the course of grading and/or construction, the State Historic Preservation Officer shall be notified since..."

Director stated that this change was made after reviewing the files and noting that the Historic Preservation Officer had responded to the application and rather than have the applicant be subjected again to another review, they thought it would be better to impose this particular condition.

✓ Special Permit:

Commissioner Paris requested that they impose a condition of painting the building with colors that will blend with the surrounding topography as this building will be located on the approach road to the historical areas that are visited by thousands of people.

Tajirot Motoki, treasurer of the Cooperative, requested clarification on the parking stalls and paving of the area with dust-proof material. Staff replied that the parking requirements in the Zoning Ordinance require that all new structures have their parking areas paved. Staff also stated that the parking stalls should be on the subject site. Represented stated that the employees now park in the back of the existing open space and after conferring with the Manager of Kona Farmers Cooperative, Sotero Bailado, stated that this paving will not impose unnecessary or undue financial burden.

On the condition imposed by Commissioner Paris, applicant replied that painting is in the plan so there will be no problem.

Commissioner Martin asked if there are any regulations in the County or State regarding painting. Director replied that there are no special rules on painting but it is within the jurisdiction of the Commission to impose such a condition.

This was an action meeting; the public hearing was closed on July 28. It was moved by Comm. Paris and seconded by Comm. Murakami that the Commission send a favorable recommendation to the State Land Use Commission on the Special Permit with the conditions outlined by the staff and with the addition of the painting condition.

The motion did not carry with four ayes and one no by Commissioner Martin, who felt that the painting condition was not necessary as the applicant has stated that they will abide.

A motion was made by Commissioner Paris and seconded by Commissioner Murakami to defer the Special Permit application until more members were present to vote on it.

Motion carried with a majority vote.

It was then moved by Commissioner Murakami and seconded by Commissioner Paris to reconsider the motion to defer; motion carried.

It was moved by Commissioner Martin and seconded by Commissioner Paris to reconsider the first motion; motion carried.

It was moved by Commissioner Paris to withdraw his condition on painting with reluctance and to send a favorable recommendation to the State Land Use Commission with the conditions as outlined by the staff. Motion was seconded by Commissioner Murakami and carried.

SMA Use Permit:

On the matter of the SMA Use Permit, it was moved by Commissioner Murakami and seconded by Commissioner Paris that it be approved with the conditions outlined by the staff; motion carried.

VARIANCE
ELBRIDGE DURANT
KOHANAIIKI, NORTH KONA

(20) feet respectively. The property involved is located approximately 2,300 feet mauka of the Hawaii Belt Highway, adjacent and to the north of the Kaloko Mauka Subdivision, Kohanaiki Homesteads, Kohanaiki, North Kona, TMK: 7-3-06:1.

Request to allow the creation of a proposed subdivision with a 30-foot right-of-way and 14-foot pavement in lieu of the minimum requirements of fifty (50) feet and twenty

Staff presented background information on file.

August 30, 1977

Kona Farmers Cooperative
P. O. Box 308
Captain Cook, HI 96704

Dear Gentlemen:

Special Permit Application
Tax Map Key 8-2-8:46

The Planning Commission at its regular meeting of August 25, 1977 considered your application for a special permit to allow the establishment of the existing coffee processing plant within the State Land Use Agricultural District at Kahauloa, South Kona, Hawaii.

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

1. That prior to construction of any facilities on the subject property, the petitioner or its authorized representative shall submit such plans to the County Planning Department for review and approval.
2. That all existing requirements, such as the Special Management Area Use Permit, shall be complied with.
3. That through the Special Permit procedures, certain County zoning requirements maybe waived. In this case, the petitioner intends to construct a new coffee storage building with a fifteen (15) foot front yard setback in lieu of the required thirty (30) feet. This setback variance is hereby granted provided that the building is setback at a minimum of 15 feet from the front property line.

EXHIBIT Z

SEP 2 1977

August 30, 1977

4. That in the event that unanticipated sites or remains are encountered during the course of grading and/or construction the State Historic Preservation Officer shall be notified since the land is situated within the Kealahou Archaeological and Historical District.

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Lorraine R. Hitchaku". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

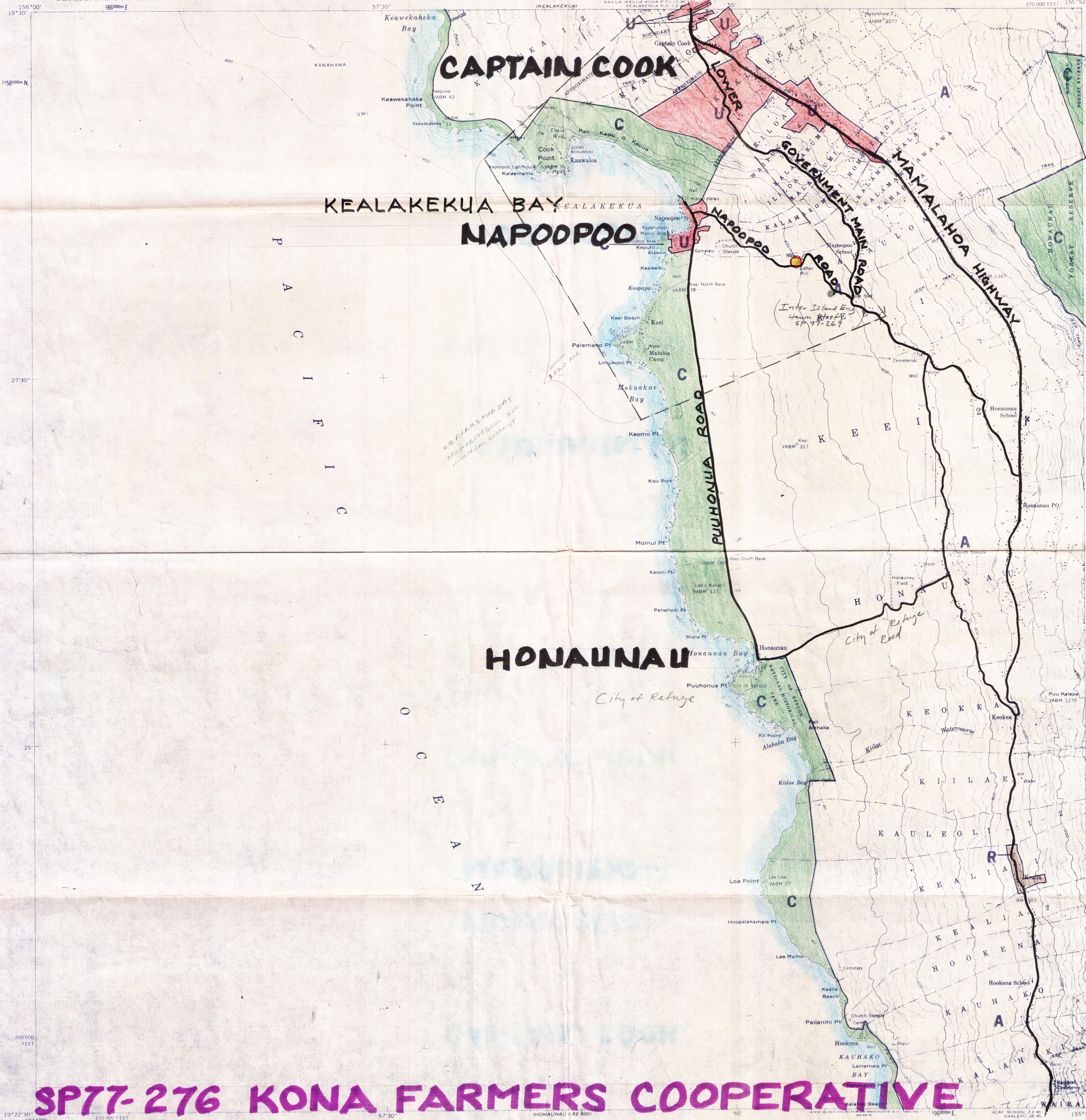
(Mrs.) Lorraine R. Hitchaku
Chairman, Planning Commission

NH:lgv

cc Mr. Ted Matsuo
State Land Use Commission
Land Use Division, DPED

LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII LAND USE COMMISSION DEPT. OF PLANNING & ECONOMIC DEVELOPMENT EFFECTIVE DATE: DEC 20 1974	DISTRICTS U = URBAN R = RURAL A = AGRICULTURAL C = CONSERVATION
H-9		

HONAUNAU QUADRANGLE
HAWAII-HAWAII CO.
ISLAND OF HAWAII-SOUTH KONA DISTRICT
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 HONAUNAU 15 QUADRANGLE



SP77-276 KONA FARMERS COOPERATIVE

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954 Field check 1959
Hydrography compiled from USC&GS charts 4140 (1950)
and 4123 (1951)
Polycyclic projection Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
1000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue

TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN
DECLINATION, 1957

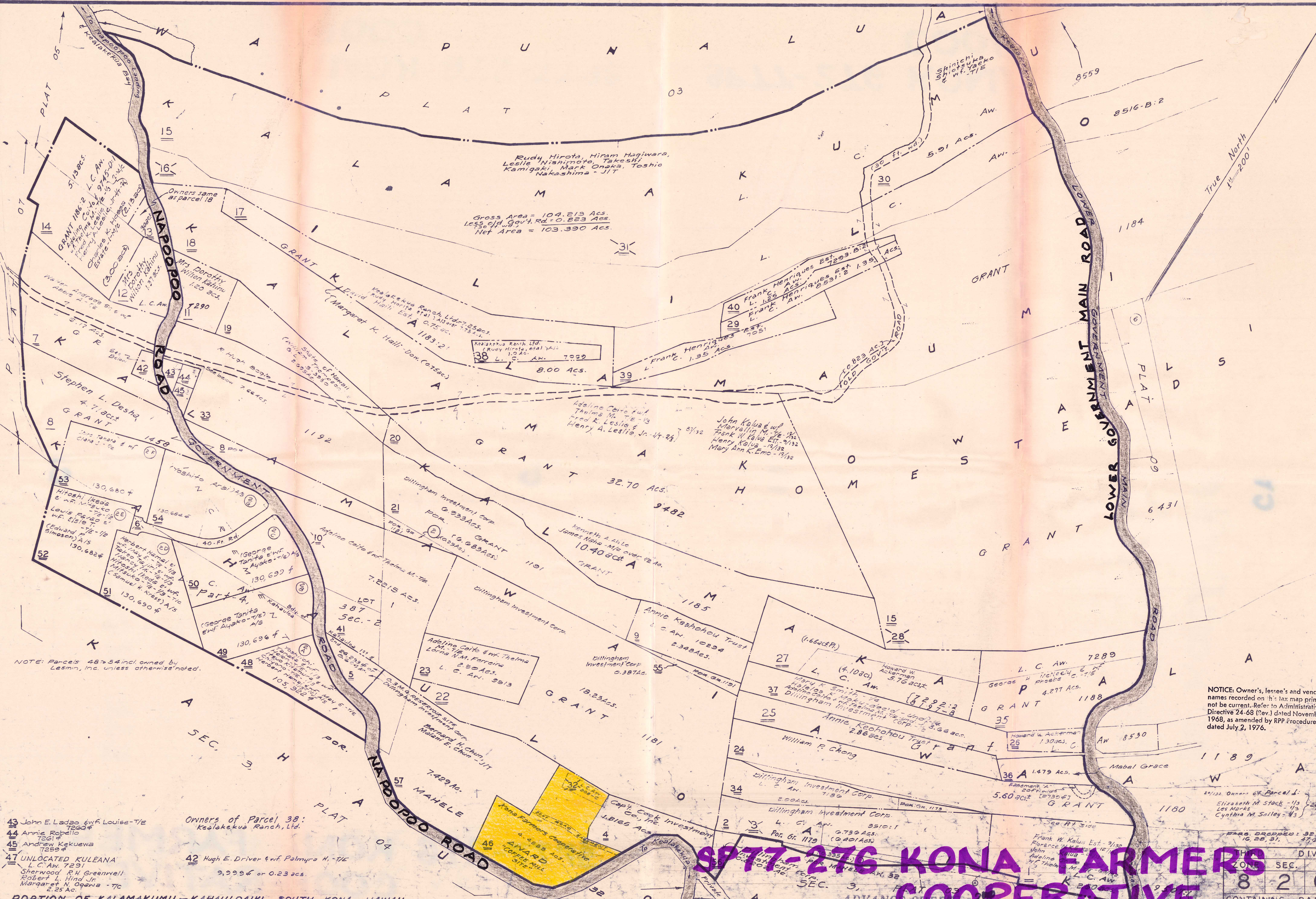
SCALE 1:24,000
1000 2000 3000 4000 5000 6000 7000 FEET
1 KILOMETER
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET-DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

HAWAIIAN ISLANDS
QUADRANGLE LOCATION

ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt ———
State Route —○—

H-9

HONAUNAU, HAWAII
NW/4 HONAUNAU 15 QUADRANGLE
N1922.5-W15552.5/7.5



NOTE: Parcels 48-54 incl owned by Lesmin, Inc. unless otherwise noted.

NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by RPP Procedure 4-76, dated July 2, 1976.

- 43 John E. Ladao & W. Louise-T/E 7800#
- 44 Annie Robello 7261#
- 45 Andrew Kekuewa 7259#
- 47 UNLOCATED KULEANA L.C. AW. 7291
- Sherwood R.H. Greenwell
- Robert L. Wind Jr.
- Margaret N. Ogawa - T/C 2.25 Ac.

Owners of Parcel 38:
Kealekua Ranch, Ltd.

42 Hugh E. Driver & W. Palmyra H. - T/E 9,999# or 0.23 acs.

PORTION OF KALAMAKUMU - KAHAULOAIKI, SOUTH KONA, HAWAII.

SP77-276 KONA FARMERS COOPERATIVE

DIVISION		
8	2	08
CONTAINING PARCELS		
SCALE: 1 in. = 200 ft.		

To Captain Cook

TRUE NORTH
Scale: 1" = 20'

14'±

NAPOOPOO

ROAD

OFFICES & COFFEE
ROASTING PLANT

MACADAMIA
PROCESSING PLANT

PROPOSED HUSKING BLDG.

HUSKING BLDG.

NUT BIN

MACADAMIA PROCESSING PLANT

MACADAMIA
NUT DRYING
BLDG.

BOILER

ROTARY DRYING BLDG.

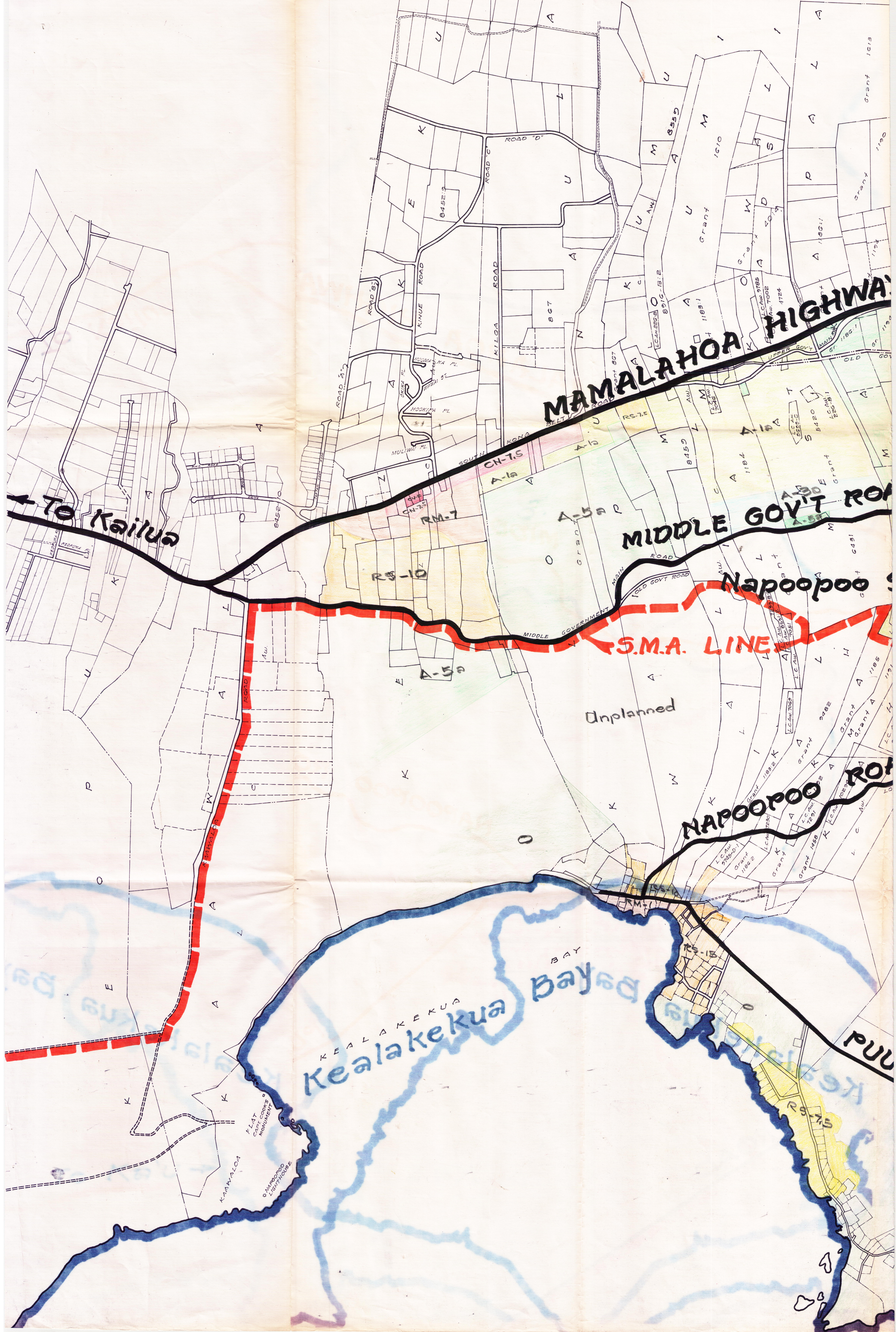
COFFEE PULPING/
WASHING PLANT

DRYER
BLDG.

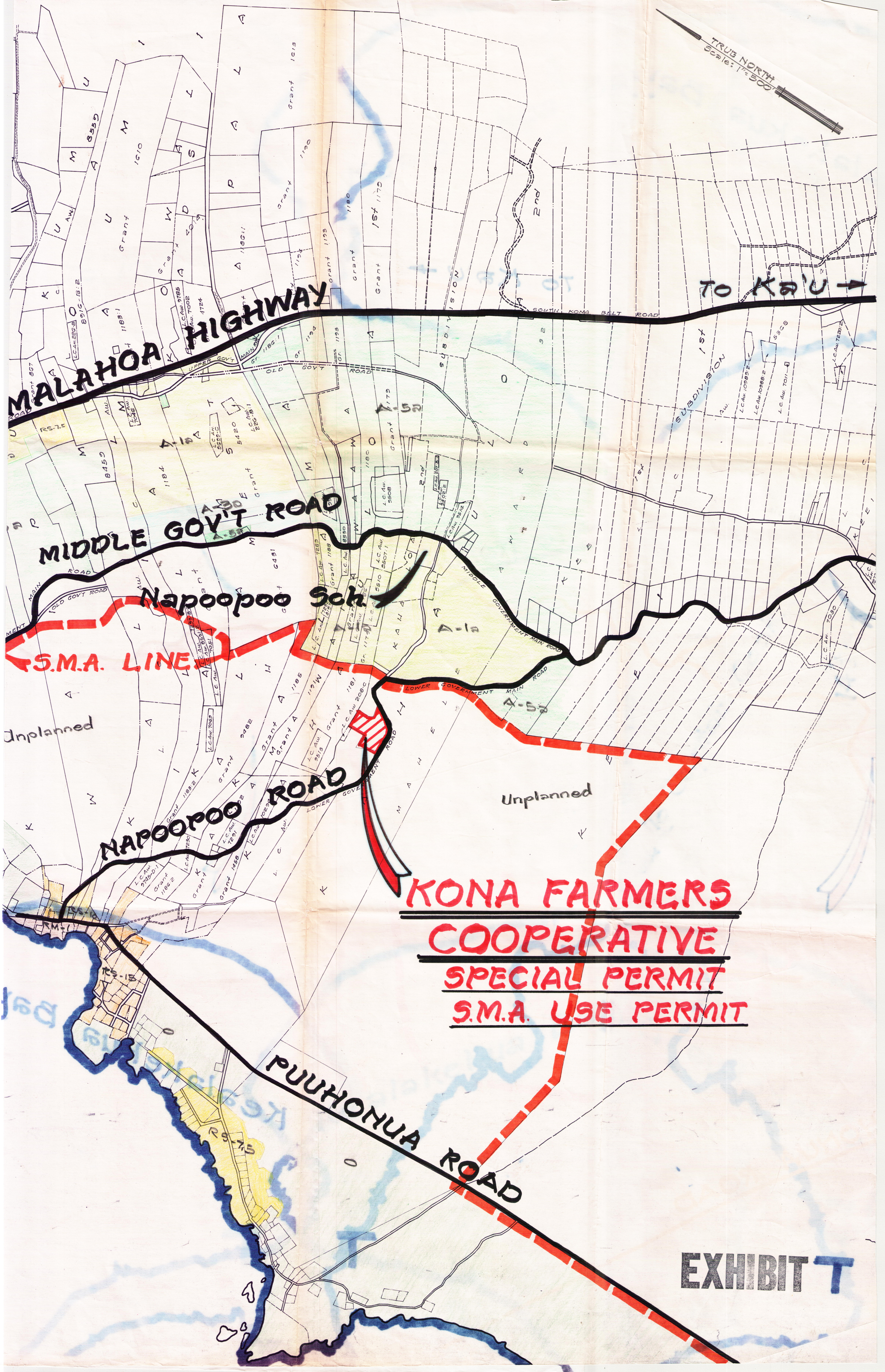
PROPOSED
STORAGE BLDG.

14'±

To Kealahou Bay



TRUE NORTH
Scale: 1" = 500'



MALAHOA HIGHWAY

TO KA'U →

MIDDLE GOV'T ROAD

Napoopoo Sch

S.M.A. LINE

NAPOOPOO ROAD

KONA FARMERS
COOPERATIVE
SPECIAL PERMIT
S.M.A. USE PERMIT

PUUHONUA ROAD

EXHIBIT T

Drq. No. : 2 '3
Source : Tax Maps Bureau - Field Survey
By : I.K.H. E- S.L.C. - June, 1936.

PORTION of KAHALUA 2nd - KEEI 2nd, SOUTH KONA, HAWAII.



Note: All lots owned by B. P. Bishop Estate unless otherwise noted.

ADVANCE SHEET
SUBJECT TO CHANGE

NOTICE: Owners, lessees and vendees names recorded on this tax map print may not be current. Refer to Administrative Directive 24-58 (Rev.) dated November 21, 1938, as amended by RPP Procedure 4-76, dated July 2, 1976.

Parcels Dropped: 6

THIRD	DIVISION
ZONE	SEC. PLAT
8	3 04
CONTAINING	PARCELS
SCALE 1 in. = 600 ft.	

SP77-276 KONA FARMERS
COPERATIVE