

CERTIFIED MAIL

April 4, 1989

Ms. Phyllis Richards
Kahua Ranch, Ltd.
P.O. Box 837
Kamuela, HI 96743

Dear Ms. Richards:

Special Permit Application (89-1)
Tax Map Key: 5-9-02:Portion of 3

The Planning Commission at its duly held public hearing on March 28, 1989, voted to approve your application, Special Permit No. 696, to allow the establishment of a bed and breakfast operation and to allow special events such as tours and group meals which are compatible with cattle ranching at Kahuinui, North Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agriculture use. While the subject property has a fair potential for productive agricultural uses and has been classified "Prime" by the ALISH map system, the 3.0+ acre property contains a 60+ year old ranch complex. The conversion of the guest houses into a bed and breakfast establishment and occasional tours will have negligible affect on ranching and farming operations now conducted by applicant on the adjoining lands. Furthermore the operation of the bed and breakfast and the tour activities would encourage the perpetuation of existing agricultural use by diversifying sources of income associated with the agricultural activity for the ranch owners.

APR - 4 1989

Ms. Phyllis Richards
Kahua Ranch, Ltd.

April 4, 1989

Page 2

The desired use will not adversely affect the surrounding properties. The ranch complex is surrounded by approximately 22,000 acres owned or leased by the applicant. Adjoining land is in use as pasture land and a wind farm.

It is recommended that the proposed uses be limited in order to avoid interfering with ranch activities. As stated previously, the applicant wishes to provide bed and breakfast service for no more than 8 people at a time. The applicant also wishes to provide private tours and group meals no more than 12 times a year for groups ranging from 2 to 90 people. As in previous permits granted for bed and breakfast use, a condition of approval is being included to require that the applicant provide this service as well as the tour service on a reservation only basis. In addition, being a small private facility, no signage will be permitted to be placed on the Kohala Mountain Road. All directions to the property shall be made via other means, such as maps, brochures, etc. This condition is being proposed to minimize the commercial-resort type atmosphere that could be projected with advertisement visible from the public road. With appropriate conditions it is believed that the agricultural use will not be adversely affected by the proposed use.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicant's property is served by a private water supply. It is believed that the proposed level of increased use will not negatively impact use of Kohala Mountain Road. However, provision should be made for adjustment in the case that use by tour groups proves to negatively impact traffic flow at the driveway entrance/exit.

As the applicant's roadway is privately owned and maintained for heavy ranch use, no paving shall be required. A gravelled, oil treated parking area as will be required as a condition of approval is considered to be adequate for the use of bed and breakfast patrons. In this particular case, this type of parking area would be in keeping with the ranch style character of the bread and breakfast operation.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The bed and

Ms. Phyllis Richards
Kahua Ranch, Ltd.
April 4, 1989
Page 3

breakfast operation will be contained and confined within the existing ranch complex on the property. Therefore, no available agricultural land will be converted to non-agricultural use. No existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the new use.

The use will not substantially alter or change the essential character of the land and the present use. The ranch complex has been in use over 60 years. No new buildings will be added. The majority of the existing structures will continue to serve as auxiliary to the agricultural activities of the ranch. Neither the use of two of the cottages by bed and breakfast guests, nor the occasional visits by tour groups will alter the agricultural character of the area.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The decline of the sugar industry has brought attention to the need to diversify economic activities associated with agriculture. There has also been a general trend towards the provision of alternative lodging sites in remote areas such as this. This lodging and tour concept involving the visitor with the activities of a functioning ranch is an unusual cultural experience which could not be provided as well in another setting.

The request is not contrary to the General Plan and the North Kohala Community Development Plan. Both plans encourage the establishment of small "family-type" hotels or "bed and breakfast" facilities in North Kohala. The North Kohala CDP also recommends the promotion of visitor activities such as historical tours and special events which would capitalize on North Kohala's agricultural and historical resources. Although the CDP suggests that bed and breakfast facilities be limited to single family residential dwellings and serve no more than 4 guests, the existing ranch complex provides a unique setting which has the capacity to provide broader services without disturbing the present use.

The subject property is situated within the County's Agricultural 20-acre zone district. Private lodging facilities are a permitted use within the County's Agricultural zoned district.

Ms. Phyllis Richards
Kahua Ranch, Ltd.
April 4, 1989
Page 4

Based on the above considerations, it is determined that the requested use is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify existing structures and gravelled, oil-treated parking area associated with the bed and breakfast use. Parking for all functions shall be maintained on the subject property.
3. The bed and breakfast and tour operation shall be established within one year from the date of receipt of Final Plan Approval. The applicant shall inform the Planning Director of the fulfillment of conditions of Final Plan Approval in the form of a letter documenting such compliance.
4. The operation of the bed and breakfast facility shall be limited to four (4) bedrooms situated within two (2) cottages. The main ranch house may be used for serving breakfast, provided all applicable rules and regulations are complied with.
5. Commercial tour and group meal events shall be conducted no more than 12 times per year.
6. The bed and breakfast and tour uses shall be conducted on a reservation-only basis with no signage on the premises. However, this is not to preclude advertising of the facility in newspapers, books, brochures, etc.

Ms. Phyllis Richards

Kahua Ranch, Ltd.

April 4, 1989

Page 5

7. The tour operation shall not adversely impact traffic at the Kohala Mountain Road/Kahua Ranch driveway intersection. Should traffic problems arise from the tour operation which cannot be mitigated, the Planning Director shall institute proceedings to amend or nullify the permit, upon a finding that the use is unreasonably burdening public agencies to provide road or other services.
8. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. The report shall also give the status of compliance with other State and County agencies and an accounting of the level of tour activity. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Ms. Phyllis Richards
Kahua Ranch, Ltd.
April 4, 1989
Page 6

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission

bcc: Plan Approval Section