



# Planning Commission

Larry S. Tanimoto  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

August 8, 1990

Mr.

Ms. Lynn B. McKinney  
Volcano Winery  
Keahou Ranch  
P. O. Box 843  
Volcano, HI 96725

Dear Ms. McKinney:

Special Permit Application  
Tax Map Key: 9-9-01:Portion of 4

The Planning Commission at its duly held public hearing on July 26, 1990, voted to approve your application, Special Permit No. 742, to allow the establishment of a winery, which would include a wine tasting room and the sale of wine and souvenirs on 18,200 square feet of land situated within the State Land Use Agricultural District. The area involved is located at the northwestern end of Piimauna Drive, adjacent to the Volcano Golf Country Club Subdivision, Unit III, Keauhou, Ka'u, 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The subject area has poor potential (Class D) for productive agricultural use and is unclassified by the ALISH system. An adjoining 10-acre portion of the property has been planted in grape vines. The

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construction of a processing plant and sale of products grown on the premises are permitted uses within the State Land Use and County Agricultural districts. The applicant intends to process grapes grown on the premises as well as other fruit products. The use of products grown elsewhere and the sale of wine and souvenirs will be subsidiary to processing of the grapes grown on the premises. The addition of other fruit products to grapes produced on the property will improve the quality of the wine, thereby encouraging continuation and expansion of the existing vineyard cultivation. It is determined that the proposed winery, including the sale of wine and souvenirs, will not be a large scale intrusion that would be inappropriate for operation within the State Land Use Agricultural District.

The desired use will not adversely affect the surrounding properties. The subject area is a portion of a proposed 64-acre lot. The property is bordered by Volcanoes National Park on the west and vacant land to the south. The nearest residence is over 200 feet to the east of the subject property. The size of the property is sufficient to allow adequate setbacks and landscaping buffers to shield neighboring property owners from the potential visual and noise impacts from traffic by visitors to the wine tasting room. While there may be an increase in traffic along Piimauna Drive, the amount generated is not expected to be significantly greater than that generated by the sale of products grown on the premises. No other adverse impacts are anticipated.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Existing facilities are adequate to serve the proposed development. Consulted agencies had no objection to the project.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Since the enactment of the State Land Use Law in 1961, the diversified agriculture industry has grown as sugar production has declined. Tourism has also declined in East Hawaii as the focus has shifted to West Hawaii. Diversified agricultural activities such as botanical gardens have played a supportive role in agricultural development in the region. It is felt that the establishment of a winery with wine tasting room would likewise encourage a fledgling agricultural industry.

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The use will not substantially alter or change the essential character of the land and the present use. The applicant has already secured a building permit for construction of the winery as a permitted use. The use of fruit products not produced on the premises and sale of souvenirs will be subsidiary to permitted uses on the property and will not substantially change the character of the land.

The request is not contrary to the General Plan. Processing of wine from grapes produced on the property is consistent with the LUPAG Map designation of Extensive Agriculture. Approval of the current request would be consistent with the following goals, policies, and standards, of the General Plan:

#### ECONOMIC

- \* The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- \* The County shall identify and encourage primary industries that are consistent with the social, physical, and economic goals of the residents of the County.

#### LAND USE

- \* Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

#### COURSE OF ACTION FOR KA'U

- \* The County shall assist the further development of agriculture in the area.

Based on the above considerations, it is determined that the establishment of a winery with wine tasting room for sale of wine and souvenirs 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.

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2. Final Plan Approval for Phase I of the winery 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 structures, landscaping, and parking area associated with Phase I of the winery. Plans shall show minimum 100-foot setbacks from all property lines.
3. Construction of Phase I shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. Final Plan Approval for Phase II of the development shall be secured from the Planning Department within one year of completion of Phase I. 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 structures, landscaping, and parking stalls associated with Phase II of the winery, including the wine-tasting room. Plans shall show minimum 100-foot setbacks from all property lines. Parking and access shall comply with the requirements of Chapter 25 (Zoning Code) and shall be paved. No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property, however, buses will be prohibited.
5. Construction of Phase II shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
6. There shall be no signage on the premises advertising the sale of retail items.
7. A list of items (general categories) to be sold shall be submitted to and approved by the Planning Director prior to establishment of the retail use. The items shall supplement the winery theme.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or

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coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.

9. Comply with all other laws, rules, regulations and requirements of State and County agencies.
10. 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. 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.
11. 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 shall initiate procedures to revoke the permit.

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

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

Sincerely,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
State Land Use Commission  
Janice Bibb, Liquor Commission

bcc: Plan Approval Section