



Planning Commission

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

LORRRRAINE R. INOUE
Mayor

CERTIFIED MAIL

February 15, 1991

Mr. Carl Carlson, Jr.
Senior Project Manager
Huehue Ranch Associates, L.P.
Kuakini Towers
75-5722 Kuakini Highway, Suite #107,
Kailua-Kona, HI 96740

Dear Mr. Carlson:

Special Permit Application
Applicant: Huehue Ranch Associates, L.P.
Tax Map Key: 7-2-6:Portion of 9

The Planning Commission at its duly held public hearing on February 1, 1991, voted to approve your application, Special Permit No. 766, to allow the establishment of an administrative building and temporary sales office/community center on 5.2 acres of land situated within the State Land Use Agricultural District. The project site is located on the west (makai) side of the Mamalahoa Highway, approximately 1.5 miles north of the Kona Palisades Subdivision, Puukala and Kaulana, North Kona, 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. The area under consideration is classified as Agriculture by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils, and other related

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characteristics. Although the property is classified as "Other Important Agricultural Land" by the ALISH Map, it is rated "Poor" for agricultural productivity. The subject property is a portion of a 377-acre lot situated within the A-500a zoned district. The applicant also conducts extensive cattle ranching activities on the property and on other lands in the area. A portion of the property has been rezoned to the A-1a zoned district. The applicant is planning the development of a +184-lot agricultural subdivision with golf course, equestrian center, and related amenities. There is a need for a sales office to facilitate sales of lots within the development that is accessible to potential purchasers. The sales office use is temporary and would be replaced by community center use. The community center would be accessory to the agricultural community and would not be an inappropriate intrusion in the agricultural district. The applicant states that the primary use of the administrative office is the administration of ranch lands and the agricultural development and related facilities. The administrative office will also be used for development activities associated with the applicant's urban makai lands. Since the administration of the applicant's urban lands constitutes a small proportion of the administrative operations, such use is determined to be an appropriate supplement to the administration of agricultural lands. It is recommended, however, that the administrative office not be expanded or enlarged to accommodate administrative needs generated by increased development activity on its urban lands in the future. The site of the proposed development has been graded and improved with a single-family residence and temporary office trailers for ranch administration. The proposed use would not displace agricultural activity on the property or diminish the agricultural potential of the region.

The proposed use will not be contrary to the General Plan. The location of urban and rural uses should be evaluated from the standpoint of how each use services existing and future land uses of the surrounding area. The subject property is designated for Orchard use on the LUPAG Map. A sales office/community center and administrative office to serve the adjacent agricultural development is consistent with the orchard designation. As previously mentioned, the administration of the applicant's urban lands will constitute a small proportion of administrative activities on the property. This recommendation is consistent with the goal of the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate

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proportions and mix and in keeping with the social, cultural, and physical environments of the County."

The desired use will not adversely affect the surrounding properties. Surrounding uses are pasture and low density agricultural/residential. The sales office/community center will provide necessary on-site services to potential purchasers and future residents of the development. The administrative office will provide necessary services for ranch functions and the proposed agricultural community. Access will be from a roadway to Mamalahoa Highway. Traffic will not directly impact neighboring residents. The structure will be provided with adequate parking and landscaping to buffer visual impacts.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. All necessary facilities are or can be made available to the property. Consulted agencies had no objections to the request. Since Mamalahoa Highway is a State highway, access to the property will be subject to the approval of the State Department of Transportation - Highways Division.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The establishment of a relatively remote agricultural subdivision unrelated to an established community core has created needs not available from nearby urban zoned lands. Administrative services for the ranch and agricultural community can function more effectively if located on-site than on distant urban lands. Sales and information services are needed by prospective purchasers. The future community center will accommodate some of the social needs of the community.

Based on the above considerations, it is determined that a temporary sales office/community center and an administrative office 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 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 stalls associated with the proposed sales office/community center and administrative office building. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
3. Construction of the real estate office/community center, administrative office and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. A metes and bounds description of the 5.2-acre area affected by the Special Permit in map and written form shall be submitted to the Planning Director with plans for Plan Approval.
5. Real estate sales shall be restricted to lands within the Huehue Ranch agricultural subdivision. Annual sales reports indicating the Tax Map Key of each property sold shall be submitted to the Planning Department. Each annual report shall be submitted by the anniversary date of this permit. The temporary real estate office shall be terminated after the sales of all lots in the subdivision or five (5) years following the issuance of a certificate of occupancy, whichever is earlier.
6. Vehicular access to the development shall meet with the approval of the State Department of Transportation and the Department of Public Works. Required improvements shall be completed prior to issuance of a certificate of occupancy.
7. The administrative office building shall not be expanded or enlarged beyond the scope of plans submitted with this application.

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8. Comply with all other laws, rules, regulations and requirements of 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. 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 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
West Hawaii Office
Mr. James Leonard
State Department of Transportation-Highways Division
Department of Commerce & Consumer Affairs