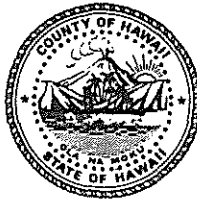


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

March 1, 1994

Ms. Elizabeth M. Stack
P.O. Box 497
Honolulu, HI 96809

Dear Ms. Stack:

Special Permit Application (SPP 93-20)
Applicant: Elizabeth M. Stack
Request: Establish "Ranch Store" Within Existing Structures
Tax Map Key: 8-6-11:Portion of 1

The Planning Commission at its duly held public hearing on February 17, 1994, voted to approve the above application. Special Permit No. 864 is hereby issued to establish a ranch store on a five acre portion of a large parcel consisting of approximately 127.403 acres of land within the State Land Use Agricultural District. The property is located on the makai side of Mamalahoa Highway at the 101 mile marker, Kalahiki, South Kona, Hawaii.

Approval of this request is based on the following:

1. Such use is not contrary to the objectives sought to be accomplished by the land use law and regulations.

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 proposed project will be located within an area whose soils are identified as of the Kaimu soil series by the Soil

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Conservation Service and is generally utilized for pasture. The soil is classified as "D" of "Poor" by the Land Study Bureau's Overall Master Productivity Rating and unclassified by the Department of Agriculture's ALISH map.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

The subject property is situated within the County's Unplanned (U) zone district. The proposed Ranch Store will temporarily utilize approximately 576 sq. ft. on the second floor of an existing warehouse. When the old Ranch Office is completely rennovated, the store will move to a space within that structure that consists of approximately 1,032 square feet. The proposed 20,000 square feet of land that will be taken out of the agricultural inventory for this area will not significantly affect the agricultural resource of the area, as the proposed use will be confined within the existing buildings already established on the property and no additional surrounding lands are to be developed. In addition, no active agricultural lands will be taken out of production to provide the area necessary to establish this use. The proposed use would not displace agricultural activity nor diminish the agricultural potential of the area since this parcel has not been in agricultural use in years. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

2. The desired use will not adversely affect the surrounding properties.

The subject property is currently used for ongoing ranch operations including office, shop, warehouse, paddock and pasture. Lands to the north, south and west of the subject area are primarily in pasture use. The property to the east is utilized similarly by Kaimalino Ranch for office, shop and paddock. Other land uses in the surrounding area include widely scattered single family residential dwellings and the cultivation of orchard crops. There will be an area for 4 paved stalls. In addition, because of the Ranch Store's remote location and its ability to attract tourists not only in cars but only with bus traffic, an area for a

minimum of 5 off-street parking stalls and 2 bus parking stalls will be required as a condition of approval. This will ensure that both type of vehicles can be accommodated on-site for parking purposes. The property is heavily landscaped with vegetation on the north, east and south of the property. The area to the west is open pasture. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social, or other impacts that this Ranch Store use may have on the neighborhood. In addition, as the proposed Ranch Store is situated within an area of pastoral character.

3. The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection.

All essential utilities such as electricity, water and telephone are available to the subject property. All requirements of the Department of Health, Department of Public Works, and Fire Department shall be complied with prior to establishment of the proposed use, including that of the State of Hawaii, Department of Transportation, Highways Division. Although, consulted agencies had no objection to the request, the Police Department raised concerns about parking. These concerns will have to be addressed and an approved plan shall be submitted with plans for Final Plan Approval.

4. The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district.

As indicated previously, the proposed Ranch Store will be contained within the existing warehouse building, and moved into the old Ranch Office building when renovations are completed. Therefore, no existing or proposed areas for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on this property. As such, other undeveloped areas are still available for agricultural development and the removal of 20,000 square feet of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii. In addition, this type of Ranch Store is unique because of its relationship with the ranching activity and history of this area at this particular location and may become an integral part of the international visitor industry.

5. The use will not substantially alter or change the essential character of the land and the present use.

The essential character of the land is primarily agricultural in nature, with the existing orchards and cattle ranch pasture fields. The proposed Ranch Store is situated adjacent to the Mamalahoa Highway and as indicated previously, the proposed Ranch Store will be confined to the existing warehouse and Ranch Office when renovated and its surrounding grounds. Therefore, from a physical standpoint, there will be no major alteration to the landscape which would give this area an appearance other than what is presently there.

6. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

The proposed Ranch Store is part of a worldwide trend towards providing diversified economic alternatives sites in rural and agricultural areas such as this particular location. A localized and ranching historical character Ranch Store provides the visitor an opportunity to experience Hawaii in this rural and agricultural setting as well as contribute to the economic structure of the County. Within the County of Hawaii, there are unique areas and structures that can provide this type of service to the visitor as well as for the local people.

7. The request is not contrary to the General Plan.

The County General Plan Land Use Pattern Allocation Guide Map (LUPAG) map designates this area for Orchards. The property is situated within the County's Unplanned (U) zone district. The proposal would also be in keeping with the Economic Element policies of the General Plan which states that "The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents of the County" and "The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors." Additionally, one of the basis purposes of the County General Plan is "To improve the physical environment of the County as a setting for human activities - to make more functional, beautiful, healthful, interesting and efficient." The proposed Ranch Store at this particular location will fulfill this purpose.

Based on the above considerations, the proposed Ranch Store 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 and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. A metes and bounds description of the 20,000 square foot area for the Ranch Store in written and map form shall be submitted to the Planning Department within one year from the effective date of this Special Permit.
3. Final Plan Approval for the conversion of the warehouse space for the Ranch Office and future conversion to the Old Ranch Office shall be secured from the Planning Department. 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, fire protection measures and a minimum of 5 paved parking stalls, including a paved two-lane driveway to the parking stalls shall be provided. Should the Ranch Store ever become a regular stop for tour buses, an additional two paved bus parking stalls shall be provided on the subject property. Parking design 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. Plans shall also include landscaping around the perimeter of the parking area.
4. Construction of the proposed Ranch Store in the warehouse facility shall be completed within three (3) years from the effective date of this permit. In addition, renovations of the Old Ranch Office shall be completed and the new Ranch Store established within six (6) years from the effective date of this permit.
5. The plans for a two-lane driveway access to the proposed off-street parking area shall meet with the approval of the Department of Transportation, Highways Division and the Department of Public Works if applicable. This approved plan shall be submitted simultaneously with the plans for Final Plan Approval.

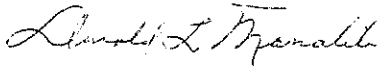
6. All retail activities shall be confined within the building. No exterior display of goods or products shall be permitted. In addition, no community events, swap meets, flea markets, or other forms of temporary fundraising activities shall be permitted at this facility.
7. The applicant shall comply with all other laws, rules, regulations and requirements.
8. 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 with and the Planning Director acknowledges that further reports are not required.
9. 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.

Ms. Elizabeth M. Stack
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Should you have any questions, please feel free to contact Rodney Nakano of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Mr. Brian Nishimura
Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
Department of Land & Natural Resources
Plan Approval Section
State Department of Transportation, Highways Division