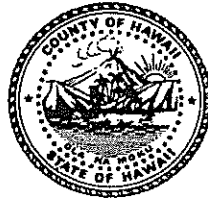


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
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CERTIFIED MAIL  
7000 0600 0024 2904 6617

DEC 26 2000

Mr. Monty Richards  
Kahua Ranch  
P.O. Box 837  
Kamuela, HI 96743

Dear Mr. Richards:

Special Permit Application (SPP 00-045)  
Applicant: Kahua Ranch, Ltd.  
Request: Establishment of a Visitors Activities Area  
Tax Map Key: 5-9-2:Portion 2 and Portion 3

The Planning Commission at its duly held public hearing on November 30, 2000, voted to approve the above-referenced application. Special Permit No. 1089 is hereby issued to establish a visitor activities area on approximately 1.5 acres of land in the State Land Use Agricultural District. The project area is the site of the existing Kahua Ranch headquarters approximately ½ mile east from the Kohala Mountain Road, Kahuanui, North Kohala, Hawaii.

Approval of this request is based on the following:

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 classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and classified as "Prime" by the Department of Agriculture's ALISH

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Map. The proposed project will utilize existing buildings within the Kahua Ranch headquarters complex and will not remove any agricultural lands from use. Although the 1.5 acre area proposed to be used for the visitor activities area is not currently used for agriculture, the majority of the subject properties are used for active cattle and sheep ranching as well as the production of hydroponically-grown vegetables and vine-ripened tomatoes for commercial sale.

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 Agricultural-20 acre (A-20a) zoned district. The proposed visitor activities area, which will include horseback riding, a shooting range, classroom use, an area for meals and private parties, and a retail store, would be situated on approximately 1.5 acres within four existing buildings and the areas immediately surrounding these buildings located within the Kahua Ranch headquarters complex. The proposed 1.5 acres 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 it is currently used only for the buildings which support the applicant's agricultural activities on the surrounding 8,500 acres ranch. Furthermore, no additional surrounding lands are to be developed. No active agricultural lands will be taken out of production to provide the area necessary to establish the proposed use. The remainder of the properties will continue to be used for agricultural activities.

Therefore, based on the above circumstances, approval of the subject request would not be contrary to the objectives of the State Land Use Law Rules and Regulations given the subject conditions. The proposed project will not reduce the agricultural potential of the subject properties, remove agriculturally active lands from the County's inventory of agricultural lands, nor preclude the continued use of the properties for the agricultural activities currently conducted on the properties. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. Adjacent lands are zoned Agricultural-20 acres (A-20a) and are also within the State Land Use Agricultural District. The subject properties are surrounded by parcels owned by the applicant with the exception of TMK: 5-9-002:004, which is owned by Ponoholo Ranch Ltd. Surrounding lands are used as pasture grazing for the cattle and sheep owned by the applicant and Ponoholo Ranch. The Kohala Ranch subdivision is located to the southwest (makai) of the subject properties. The properties are of sufficient size to allow

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for adequate setbacks and buffers in minimizing any physical, social or other impacts that this proposed use may have on the area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and police and fire protection. The site is currently served by a private access roadway, a private water system, telephone and electrical utilities. The average traffic generated by the project will consist of combinations of one to two buses and vans four to five days per week. The traffic to be generated by the project is deemed to be within the capability of the existing road. All requirements of the Department of Health and Department of Public Works shall be complied with prior to establishment of the proposed use.

The land upon which the proposed use is sought is not suitable for the uses permitted within the district. The soils within the project area are not suitable for many types of agricultural uses as the area has been developed with the existing buildings associated with the ranch operation. The nature of the request is to allow for a visitor activities area, which will include horseback riding, a shooting range, classroom use, an area for meals and private parties, and a retail store, on approximately 1.5 acres within four existing buildings and the areas immediately surrounding these buildings located within the Kahua Ranch headquarters complex. The United States Department of Agriculture's Soil Survey Report classifies soils within the project site as Palapalai silt loam (PLC), 6 to 12 percent slopes. This soil is at intermediate elevations on the leeward side of the Kohala Mountains. A representative profile consists of dark-brown silt loam to a depth of 60 inches or more. This soil grades from slightly acid in the upper part of the surface to neutral in the subsoil. Permeability is moderately rapid, runoff is slow, and the erosion hazard is slight. The natural vegetation consists of kikuyugrass, rattail, bermudagrass, and white clover. This soil is used for pasture. The Land Study Bureau's Detailed Land Classification System indicates the soils within the subject property are classified as "C" or "Fair." The visitor activities area will be contained in and confined to the existing ranch complex of buildings on the property. Therefore, no active or 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 proposed 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 for over 70 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 the four existing buildings for visitor activities, nor the visits by tour groups, will alter the essential agricultural character of the area. The dominant plant species in the project area is kikuyugrass. Tree lines have been planted around the headquarters area for protection from the elements but there are no indigenous forests in the area of the proposed visitor center. Non-native birds and pigs are the only fauna that have been observed in the

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project area. There are no archeological features in the immediate area surrounding the project site. Given the extensive clearing activities that have taken place in the past, and the construction and continual use of the 70+ year old ranch headquarters, it is unlikely that any endangered or threatened species of plant or animal are present in the vicinity of the project site.

The nearest archaeological features on the ranch are more than 1.5 miles west (makai) of the headquarters. The ranch headquarters is comprised of several buildings that may have historic value due to their age. The applicant intends to comply with the request of the Department of Land and Natural Resources-State Historic Preservation Division to complete an Historic Resources Inventory Form for the old slaughterhouse. The proposed use would complement the character of the area by promoting education and awareness of the traditional agricultural and cultural practices associated with the ranch. Therefore, the requested use will not substantially alter or change the essential character of the land and the present use of the subject properties.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Since the decline of the sugar industry thirty years ago, agricultural diversification has become essential to the survival of existing agricultural operations. In recent years, there has been a growing interest in both eco- and cultural tourism. The proposed visitor activities area would introduce visitors to the activities of a working ranch, exposing them to an unusual cultural experience which could not be provided as well in another setting. Furthermore, the proposed visitor activities area would provide additional revenue to the ranch to support its active agricultural operations. No existing area for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on the subject properties. As such, other undeveloped areas are still available for agricultural development and the removal of 1.5 acres of land from the agricultural inventory will not have a detrimental impact on the agricultural resources of the area or the County of Hawaii.

The request is not contrary to the General Plan. The subject request is not inherently contrary to the General Plan LUPAG Map, which designates the property for Intensive Agriculture uses. As the proposed visitor activities center will be confined to existing buildings located within the ranch headquarters complex, it will not diminish the agricultural potential or active agricultural uses of the 8,500-acre ranch. The soil classification rating for the subject area is "C" or "Fair" by the Soil Conservation Service Soil Survey Report. The request would be consistent with the following goals and policies of the Economic and Land Use Elements of the General Plan:

Economic Element

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- The County of Hawaii shall strive for diversity and stability in its economic system.
- The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- The County of Hawaii shall assist the expansion of the agricultural industry, especially diversified agriculture, through the protection of important agricultural lands, capital improvements and other programs, and continued cooperation with appropriate State and Federal agencies.
- The County shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents of the County.
- The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

Land Use Element

- Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Protect and encourage the intensive utilization of the County's important agricultural lands.
- The County shall encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment.

Furthermore, the proposed use is consistent with the following recommendations of the Economic Element of the North Kohala Community Development Plan:

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- Promote daytime visitor activities within North Kohala such as historical tours, special events, nature walks, etc.
- Develop interpretive information to educate visitors about North Kohala's historic and natural resources and encourage their visitation of selected sites.
- Encourage the development of conference and retreat facilities that capitalize on North Kohala's agricultural and historical resources.

Based on the above considerations, the proposed visitor activities area, which will include horseback riding, a shooting range, classroom use, an area for meals and private parties, and a retail 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate the revocation of the Special Permit.

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The visitor activities area, which will include horseback riding, a shooting range, classroom use, an area for meals and private parties, and a retail store, shall be established within five (5) years from the effective date of this permit. Prior to the establishment of this use, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-71 (f), 25-2-72, 25-2-76, and 25-2-77. Plans shall identify all existing structures associated with the use, proposed parking areas and driveway(s), and landscaping to mitigate any visual or noise impacts. The applicant, its successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of the proposed use.
3. The hours of operation for the proposed use shall be limited from dawn to 2:00 a.m. daily.
4. Building permits shall be obtained for the change of use of each of the existing buildings.
5. Access(es) to the subject property shall meet with the requirements of the Department of Public Works and Department of Transportation.

6. Drainage improvements to the property, if required, shall meet with the requirements of the Department of Public Works.
7. The applicant shall prepare and submit a solid waste management plan to the Department of Public Works for its review and approval prior to the establishment of the visitor activities area.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources—State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the (DLNR-SHPD) when it finds that sufficient mitigative measures have been taken.
9. The applicant, its successors or assigns shall comply with all other laws, rules, regulations and requirements, including those of the Department of Health, Fire Department and the Department of Public Works.
10. An initial 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 applicants, 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.
  - 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).


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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Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

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cc: 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  
Kazu Hayashida, Director/DOT-Highways, Honolulu