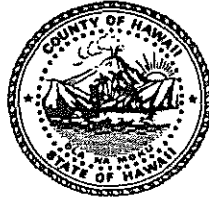


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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CERTIFIED MAIL

7000 0600 0024 2903 7363

SEP 27 2001

Kari L. Kimura, AIA  
P.O. Box 624  
Holualoa, HI 96725

Dear Mr. Kimura:

Special Permit Application (SPP 01-014)  
Applicant: Holualoa Foundation for Arts and Culture  
Request: Establishment of an Arts Education Center and  
Related Improvements  
Tax Map Key: 7-8-15:5

The Planning Commission at its duly held public hearing on September 7, 2001, voted to approve the above-referenced application. Special Permit No. 1119 is hereby issued for the establishment of an arts education center, including classrooms, administrative office, gallery and caretaker's quarters within the existing building; and related improvements on approximately 1.35 acres of land in the State Land Use Rural District. The property is the former Donkey Mill site located on the west (makai) side of Mamalahoa Highway near its intersection with Mokuaikaua Road, Kahaluu-Keauhou 1 Houselots, Keauhou, 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

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The proposed project will be located within an area whose soils are classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and Unique Agricultural Land by the Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (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 Residential and Agricultural (RA-.5a) zone district. The main building is a well known Kona landmark referred to by the name "Donkey Mill." The proposed Arts Education Center, which will include an administrative office, classrooms, gallery and caretaker's quarters, would be situated within the existing building although some classes may be held outdoors. There is no agricultural activity on the project site; therefore, no additional land will be taken out of the existing agricultural inventory nor will the agricultural resources of the area be negatively impacted. In addition, the proposed parking areas would be established on the existing concrete slabs. Thus, no potential agricultural lands will be used to provide the area necessary to establish the required parking. A portion of the remaining undeveloped property will be converted to a cultural garden; containing such items as wauke for tapa and paper making, lauhala for weaving, and indigo for shibori.

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 use would not displace any agricultural activity since this parcel has not been in agricultural use for years.

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawaii Revised Statutes, relating to the Coastal Zone Management Program. According to the applicant, there are no known archaeological features or threatened flora or fauna on the subject parcel. There is no designated public access to the mountain or coastal areas over this parcel. The project site is located over two miles from the nearest shoreline and in a rural-residential and agricultural area. The proposed project will not impact any recreational, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Finally, the Donkey Mill has been in existence since 1954 and no structural additions are proposed which would significantly obstruct any makai views or significantly affect view planes.

The desired use will not adversely affect the surrounding properties. The subject property contains a split-level building with a first floor consisting of 2,240 square feet and the lower level consisting of 350 square feet. In addition, there are two concrete slabs with retaining walls that are located towards the center of the parcel. This parcel is located within the Kahaluu-Keauhou 1 Houselots, which is zoned Residential and Agricultural (RA-.5a) by the County. Uses in the area consist of farm dwellings, agricultural activities and vacant land. The property is of sufficient size to allow for adequate setbacks and buffers in minimizing any physical, social or other impacts that this proposed use may have on the area. There are existing tall trees and heavy vegetation along the north and south property lines and coffee trees to the west. However, to mitigate any potential noise and visual impacts to the adjacent properties, a landscaping buffer shall be provided in accordance with the Planning Department's Rule 17 and Plan Approval requirements.

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 water, telephone and electrical utilities. The traffic generated by the project will be minimal and within the capability of the existing road. Access from Mamalahoa Highway will be via an existing 22-foot wide paved ingress from the north and an existing 16 feet 9 inches paved egress from the south. Existing landscaping will be trimmed back and lowered to further enhance visibility. In addition, the proposed use will not generate concerns for additional services as reflected by the agencies' responses. The applicant has stated that all requirements of the Department of Water Supply, Department of Public Works and Fire Department will be complied with prior to establishment of the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Although it is not a registered landmark building, the Donkey Mill is significant to the agricultural and farming heritage of Kona. This mill was built in 1954 as the first farmer's cooperative mill in Kona. The Foundation is committed to preserving the character of the old coffee mill and the rural feelings of its surroundings. They are committed to maintaining the old Donkey Mill yet also allowing the community and visitors more access to a historically significant building.

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. The nature of the request is to allow for the establishment of an Arts Education Center, which will include classrooms, administrative office, gallery and caretaker's quarters within the existing Donkey Mill. Parking would be located on already developed areas. The United States Department of Agriculture's Soil Survey Report classifies soils within the project site as Kaimu Series which consists of extremely stony peat, 6 to 20 percent slopes (rKED). The natural vegetation consists of trees such

as mango, papaya, kukui and ohia-lehua. Other vegetation includes palms, monstera, bamboo, guava, grasses and shrubs. The Land Study Bureau's Detailed Land Classification System indicates the soils within the subject property are classified as "E" or Very Poor. The proposed use will not remove any agricultural land from the existing inventory.

The use will not substantially alter or change the essential character of the land and the present use. The proposed use would be located entirely within the existing developed areas of the subject parcel. The classrooms, administrative office, gallery and caretaker's quarters are within the existing building. Parking will be established on the existing concrete slabs. No existing area for agricultural activities will be curtailed or diminished as a result of the establishment of this activity on the subject property. For your information, the half-acre of undeveloped land that is available will be used for agricultural purposes. Thus, the proposed use 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 contrary to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates the property for Orchard uses. The soil classification rating for the subject area is "E" or "Very Poor" by the Soil Conservation Service Soil Survey Report. The request would support the General Plan's goals and policies of the Economic and Land Use Elements of the General Plan which are to: *"Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County"* and to *"...encourage the development and maintenance of the communities meeting the needs of its residents in balance with the physical and social environment."*

Based on the above considerations, the proposed Arts Education Center which includes classrooms, administrative office, gallery and caretaker's quarters 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. Comply with all applicable rules, regulations and requirements of the affected agencies for approval of the proposed development.

3. The Arts Education Center, including classrooms, administrative office, gallery and caretaker's quarters and related improvements 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 pertaining to Plan Approval and the Planning Department's Rule 17 (Landscaping Requirements). Plans shall identify all existing structures, proposed parking areas and driveway(s), lighting, and landscaping to mitigate any visual or noise impacts. Plans shall include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties.
4. 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.
5. The hours of operation for the proposed use shall be limited from 9:00 a.m. to 9:00 p.m. daily.
6. Access(es) to the subject property shall meet with the requirements of the Department of Public Works. A sight distance study for County Road entry from both driveway approaches shall be submitted to the Department of Public Works for building permit approval.
7. Drainage improvements to the property, if required, shall meet with the requirements of the Department of Public Works.
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—Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the (DLNR-HPD) when it finds that sufficient mitigative measures have been taken.
9. 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 applicant, successors or assigns, and that are not the result of their fault or negligence.

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- 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.

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

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lholualoa01PC

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  
Brian Minaai, Director/DOT-Highways, Honolulu  
Holualoa Foundation for Arts and Culture