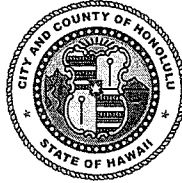


DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

June 26, 2026

2019/CUP-18(SF)

Mr. Kalani A. Morse, Esq.
Durrett Lang Morse, LLLP
Pacific Guardian Center Mauka Tower
737 Bishop Street, Suite 1850
Honolulu, Hawaii 96813

Dear Mr. Morse:

SUBJECT: Reconsideration of Conditional Use Permit (CUP) Minor
File No. 2019/CUP-18
Kamananui Agribusiness Activities (Project)
Kaukonahua Road – Waialua
Tax Map Keys: 6-5-001: 049, 052, and 053;
6-7-003: 002, 006, and 007;
6-7-004: 001 and 004; and
Portion of Kaukonahua Stream

CUP No. 2019/CUP-18, which was approved subject to conditions to establish a new agribusiness activities use on the subject parcels in the AG-1 Restricted Agricultural and AG-2 General Agricultural Districts, has been reconsidered. Based on the attached Findings of Fact, Conclusions of Law, and Decision of Order, the Director of the Department of Planning and Permitting (DPP) has concluded that the Project site is not suitable for the gondola, its support towers, and base-, mid-, and top-stations. However, the remaining agricultural and agribusiness activities satisfy the criteria of Revised Ordinances of Honolulu relating to the issuance of a CUP, subject to the revised conditions imposed therein. CUP No. 2019/CUP-18 has been superseded in its entirety.

A copy of the Finding of Fact, Conclusions of Law, and Decision and Order of the Reconsideration of the 2019 Decision, including new conditions which shall apply to the Project henceforth, are enclosed.

Mr. Kalani A. Morse, Esq.
June 26, 2026
Page 2

Any party (to the case) wishing to appeal the Director's action must submit a written petition to the Zoning Board of Appeals (ZBA) within 30 calendar days from the date of mailing or personal service of the Director's written decision (ZBA Rules Relating to Procedure for Appeals, Rule 22-2 Mandatory Appeal Filing Deadline). Essentially, the ZBA rules require that a petitioner show that the Director based her action on an erroneous finding of a material fact and/or that the Director acted in an arbitrary or capricious manner, or manifestly abused her discretion. Generally, the ZBA can only consider the evidence previously presented to the Director of the DPP. The filing fee for appeals to the ZBA is \$400 (payable to the "City and County of Honolulu").

Failure to comply with ZBA Rules Chapter 22, Procedure for Appeals, may result in the dismissal of the appeal. Copies of the ZBA rules are available at the DPP. Appeals should be addressed to:

Zoning Board of Appeals
c/o Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Should you have any questions, please contact Shelby Frangk, of our Land Use Approval Branch, at (808) 768-8019 or via email at shelby.frangk@honolulu.gov.

Very truly yours,



Dawn Takeuchi Apuna
Director

cc: Applicant, Mr. Joey Houssian, joey@direct.ca
Agent, Mr. Tom Schnell, tschnell@pbrhawaii.com

Enclosures: Findings of Facts, Conclusions of Law, and Decision of Order of the
Reconsideration of the 2019 Decision
Exhibits A1 through R

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE
RECONSIDERATION

OF

KAUKONAHUA RANCH, LLC

FOR A CONDITIONAL USE PERMIT
(MINOR)

FILE NO. 2019/CUP-18(SF)

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

I. GENERAL INFORMATION

PROJECT:	Kamananui Agribusiness Activities (Project)
APPLICANT/PERMITTEE:	Kaukonahua Ranch, LLC (Joey Houssian)
LANDOWNERS:	Kaukonahua Ranch, LLC and K View, LLC
AGENT:	PBR Hawai'i and Associates, LLC (Tom Schnell, AICP)
ATTORNEY:	Durrett Lang Morse, LLLP (Kalani A. Morse, Esq.)
LOCATION:	Kaukonahua Road – Waialua (Exhibit A-1)
TAX MAP KEYS (TMKs):	6-5-001: 049 (f/k/a 19 and 43), 052 (f/k/a 34), and 053 (f/k/a 38); 6-7-003: 002, 006, and 007; 6-7-004: 001 and 004; and Portion of Kaukonahua Stream
LAND AREA:	2,320.01 acres
ZONING:	AG-1 Restricted Agricultural District and AG-2 General Agricultural District (Exhibit A-2) State Land Use Agricultural District (Exhibit A-3)
FLOOD ZONES:	A, AE, AEF, X, and XS (Exhibit B)
EXISTING USE:	Cattle grazing; replanting areas of koa and sandalwood trees; test plots of agricultural

crops; agricultural research; weather station;
and farm trails
SURROUNDING LAND USES: Military Facility (Schofield Barracks), State of
Hawai'i natural and forest reserves, agricultural
operations, and farm dwellings

II. BACKGROUND

- A. Permit History: The Department of Planning and Permitting (DPP) issued a Conditional Use Permit (CUP)-Minor for agribusiness activities (hiking, biking, ATV, Gondola, zipline tours, retail, food and beverage sales, events, and possibly a farmer's market) on May 28, 2019 (File No. 2019/CUP-18 [2019 Decision]).

The 2019 Decision was modified by Minor Modification No. 2019/MOD-87 (2019 MOD) on October 4, 2019. The 2019 Decision authorized agribusiness activities on the subject properties subject to Conditions A through Q. The 2019 MOD added Condition R. Several conditions have multiple requirements, for a total of 44 items.

A Minor Modification application (No. 2024/MOD-68 [2024 MOD]) was submitted to the DPP on December 16, 2024, and was withdrawn on September 4, 2025. The 2024 MOD showed a different land area and different parcels compared to the approved plans of the 2019 Decision. A Minor Modification application (No. 2025-MOD-55 [2025 MOD]) was submitted to the DPP on September 23, 2025, and was withdrawn on June 1, 2026. The 2025 MOD showed a different land area and different parcels compared to the approved plans of the 2019 Decision.

The Director of the DPP initiated a Reconsideration of the 2019 Decision on November 29, 2025, for the reasons stated in the Notice of Reconsideration (Notice).

This Decision and Order is the Director's decision on the reconsideration of the 2019 Decision, as modified by 2019/MOD-87.

- B. Applicant Response to Reconsideration: The Applicant provided a response to the Notice, dated December 16, 2025, and provided a supplemental response on January 12, 2026. Following the January 12, 2026 public hearing, the Applicant submitted written responses to the public hearing testimony related to the following topics: Traffic concerns; archaeological resources and the Project's Preliminary Archaeological Inventory Survey (AIS); on-site water resources and agricultural uses related to written comments provided by the State of Hawai'i Department of Agriculture and Biosecurity (DOA); and the Project's compliance

with the North Shore Sustainable Communities Plan (NSSCP).

- C. **2019 Proposal:** In the 2019 application, the Applicant proposed to expand existing agricultural uses, conduct ecological restoration, and develop accessory agribusiness activities. The 2019 plans showed 40 proposed structures totaling about 60,000 square feet (sq.) (ft.) in building area and floor area. The proposed expanded agricultural uses included more intensive cattle ranching, continued agricultural research, new crop cultivation, forestry, and agroforestry. The following table lists the proposed agricultural uses, acreage, and implementation, as represented in the 2019 application:

Use	Description	Size	Phasing
Crop cultivation	Hawaiian heritage plants, breadfruit, taro, sugarcane, sweet potato, cacao, etc.	30 acres	Five acres starting in 2019 and five to 10 more acres every six to 12 months
Cattle ranching	Grazing for grass-fed beef production, possibly to include goats and sheep	874 acres	Three pastures to be fenced sequentially starting in 2019; the first pasture is 387 acres, the second is 268 acres, and the third is 219 acres. There will be 30 to 40 cows per pasture and about 125 cows total.
Forestry	Planting of primarily koa and sandalwood trees, invasive weed species management, and exclusion of feral ungulates	611 acres (not all of the proposed 611 acres is suitable)	About 20 acres per year starting in 2019, at about 600 trees per acre. There is an existing two-acre koa test plot in addition to the planned 20 acres.
Agroforestry	Planting and harvesting koa, sandalwood, bananas, breadfruit, and cacao	30 acres (within a 322-acre area)	Propagation starting in 2020; planting and cultivation starting in 2021 at about 400 trees per acre
Total Agriculture		No more than 1,545 acres (66.58 percent of site). This figure includes some forestry acreage not suitable for forestry.	414 acres by 2019 (17.84 percent of site). Additional 25 acres of crop cultivation no later than 2024; additional 487 acres of cattle ranching once fenced; additional 20 acres of forestry per year; and 30 acres of agroforestry starting in 2021.

The proposed accessory agribusiness activities were designed to accommodate up to 1,700 people per day and included hiking, biking, and ATVs (about 12,650 total linear feet of trails); a Gondola (about 9,000 linear feet) with three stations; a zipline with three landings (about 7,920 linear feet); demonstration gardens;

greenhouses; retail; take-away food and beverage sales; events (including educational, culinary, and community organization events); and possibly a farmer's market (Exhibits C and D).

Most structures would be located at the 14-acre main agribusiness center site adjacent to Kaukonahua Road (Exhibit E). It would include an entry/arrival Pavilion of 504 sq. ft. (Exhibit F), a central courtyard (Exhibit G), a Main Pavilion with 4,950 sq. ft. and amphitheater seating (Exhibits H and I), a cultural Pavilion of 1,096 sq. ft. (Exhibit G – mislabeled as Main Pavilion), and two support buildings with offices, storage, and a kitchen totaling 3,000 sq. ft. (Exhibit F).

Other structures would be located along the Kaukonahua Stream valley, at the proposed Gondola Mid-Station and Top-Station, at the top of the zipline near the Top-Station, and at the proposed midway zipline stop in the upland area of the site. The Gondola Base station includes a 3,888-sq. ft. platform with a layered metal or wood roofing system (Exhibit J). The Gondola Mid-Station includes 4,960 sq. ft. of roofed areas over the station platforms, along with a structure for Gondola storage and restrooms, of about 2,025 sq. ft. (Exhibit K and L). Three roofed zipline sheds would have platforms of about 775 sq. ft. under about 1,000 sq. ft. of roofing for a total of about 2,325 sq. ft. (Exhibit M). The Gondola Top-Station includes eight viewing decks, restrooms, food and beverage facilities, four sets of stairs, a ramp, and an elevator (Exhibits N and O). The terraced station building appears to be about 20,000 sq. ft. of building area.

In total, the structures comprising the agribusiness center and three Gondola stations are over 42,700 sq. ft. in area.

Agricultural structures totaling about 25,600 sq. ft. would include greenhouses, agricultural products drying and processing houses, and storage (Exhibit P). The Applicant also proposed ecological restoration, involving removing invasive weeds, restoring native plants, and trapping feral goats, pigs, and cattle. Ecological restoration would take place within a 258-acre area in the upland portion of the site, 254.5 acres of which have been designated critical habitat for threatened and endangered species by the U.S. Fish and Wildlife Service (USFWS). The Applicant proposed about 10 acres of ecological restoration per year starting in 2019, to consist of planting a few rare plants to several hundred rare plants per acre.

The facility was anticipated to accommodate a maximum of approximately 1,650 visitors and 50 employees per day. Supporting infrastructure for the Project included a new 350-stall parking lot, 8.43 miles of fencing, four new emergency helicopter landing zones, a new water supply system with irrigation lines, and a new wastewater treatment system consisting of a septic tank and

leach field to accommodate staff and visitors. The existing network of agricultural roads would be improved to meet farm needs and reduce erosion and runoff.

Proposed operating hours would be daily from 8:00 a.m. to 11:00 p.m. Proposed daytime operations, from 8:00 a.m. to sunset, would include the agricultural operation, agribusiness tours, retail and events, and ecological restoration work. Proposed evening operations, from sunset to 11:00 p.m., would include agribusiness tours limited to the areas near the main agribusiness center off of Kaukonahua Road and the Gondola Mid-Station. Evening tours may include culinary programs and events, guided educational walking tours, and educational workshops and community events. Visitors were expected to spend one to four hours on the Project site.

III. STANDARDS FOR REVIEW

- A. Reconsideration. DPP Rules of Practice and Procedure (DPP Rules) Sec. 4-1 states that reconsideration gives the Director the authority to review and revoke a previous decision at any time, based on new information or changed circumstances.
- B. 2019/CUP-18 Conditions P and Q. Conditions P and Q of the 2019 Decision and Order authorize the Director to modify, delete, and/or terminate the conditional use as follows:
 - P. The Director may modify the conditions of this permit by imposing additional conditions, modifying existing conditions, or deleting conditions deemed satisfied upon a finding that circumstances related to the approved Project have significantly changed so as to warrant a modification to the conditions of the approval.
 - Q. In the event of noncompliance with any of the conditions set forth herein, the Director may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare this conditional use permit null and void or seek civil enforcement.
- C. De Novo Review. The Director has reconsidered the CUP de novo based on the entire record before the Department.

IV. FINDINGS OF FACT

The record on Reconsideration includes all the files and records contained in DPP File Nos. 2019/CUP-18, 2019/MOD-87, 2024/MOD-68, 2025-MOD-55, and the materials received from the Applicant related to the Reconsideration, together with the written and oral testimony received from members of the public and consulted agencies. Having considered the entire record in this Reconsideration proceeding, the Director makes the following Findings of Fact.

A. Environmental Review:

1. Pursuant to Hawai'i Administrative Rules (HAR) §11-200.1-9(a), Hawai'i Revised Statutes (HRS) Chapter 343 environmental review is required for any applicant action that requires one or more approvals prior to implementation; and includes one or more triggers identified in HRS § 343-5(a).
2. Pursuant to HRS §343-5(a)(9)(A), the preparation of an environmental document is required for actions that propose any *"wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent."*

In assessing the wastewater needs for a non-residential development, the DPP first determines the equivalent wastewater generation of 50 single-family dwellings. The DPP estimates that for household living, 70 gallons of wastewater are generated per person per day. With an average of four people per household, the estimated equivalent for 50 single-family dwellings is 14,000 gallons per day (GPD) (i.e. 70 gallons x 4 people x 50 single-family dwellings).

The projected wastewater needs for the Project are 13,375 GPD, which is considered equivalent to the wastewater usage for 47.8 single-unit dwellings. To verify that the anticipated wastewater projection calculations submitted by the Permittee are reasonable, the DPP also applied a commercial use equivalency based on the anticipated number of agribusiness activities visitors per day. Uses that are comparable to the agribusiness activities estimate that five gallons of wastewater will be generated per person per day (e.g. stadiums and restaurants use this calculation). With the anticipated 1,700 visitors per day and an estimate of five gallons per person per day, the estimated wastewater generation associated with the agribusiness activities would be 8,500 GPD.

3. Wastewater generation at or below 14,000 GPD does not trigger HRS Chapter 343 because the projected wastewater generation is below the equivalent of 50 single-family dwellings. The anticipated wastewater

generation for the Project is below 14,000 GPD, therefore, the Project is not an action pursuant to HRS §343-5(a)(9)(A).

4. HRS §343-5(a)(1) requires environmental review for actions that propose the use of state or county lands, or the use of state or county funds. As proposed, the Project does not involve state or county lands or funds. However, should right-of-way improvements or modifications to Kaukonahua Road be required in the future for the Project (beyond those authorized in agency exemption lists on file with the State of Hawai'i Environmental Review Program), they may be considered to be "use of state or county lands" and subject to HRS Chapter 343 environmental review.
5. There are no other HRS §343-5(a) triggers that apply to the Project. The DPP Director reviewed the actions listed in HRS § 343-5(a) and determined the Project, as approved in the 2019 Decision, is not subject to the environmental review provisions of HRS Chapter 343.

- B. State Land Use District Requirements: HRS Chapter 205 regulates permitted uses within the State Land Use (SLU) Agricultural District. The proposed Project is in the SLU Agricultural District.

Pursuant to HRS § 205-4.5(a), permissible uses within the SLU Agricultural District include public and private open area types of recreational uses; agricultural-based commercial operations; agricultural parks; agricultural tourism activities conducted on a working farm or farming operation (provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use); and agricultural education programs conducted on a farming operation (provided that the agricultural education programs are accessory and secondary to the principal agricultural use). On April 20, 2018, the DPP issued a letter to the Agent related (File No. 2018/ELOG-302), stating that a State Special Use Permit (SUP) was not needed for the Project. The Project is consistent with the outlined permissible uses.

- C. Public Hearing and Testimony:

- i. Pursuant to § 4-5(e) of the DPP Rules, if a public hearing is not required, a public hearing may nevertheless be held, if, in the Director's judgement, there is sufficient cause to do so. The Director determined there was sufficient cause to hold a public hearing.
- ii. A public hearing for the Reconsideration was advertised in the January 2 and January 6, 2026, editions of the Honolulu Star-Advertiser. The January 6, 2026, public hearing notice was a correction to the January 2, 2026, notice omitting TMK 6-5-001: 050 (Parcel 50) at the request of the

Permittee and partial owner of Parcel 50. A portion of Parcel 50 was proposed as part of the Project in the 2025 MOD, not the 2019 Decision.

The public hearing was held at 10:00 a.m. on January 12, 2026, at the Mission Memorial Auditorium. The Permittee, Attorney, Agent, additional Project consultants, members of the public, and City staff were present. The public hearing began with a presentation by the Permittee that summarized the Project, the 2019 Decision, and the Attorney's response to the Notice. Around 54 members of the public provided testimony both in person and remotely.

- iii. In addition to the testimony received at the public hearing, the DPP received hundreds of emails and letters providing written testimony from members of the public.
- D. Agency Consultation: The DPP requested written input from the following agencies: U.S. Army Garrison Hawai'i (USAG Hawai'i), Honolulu Fire Department (HFD), Honolulu Emergency Services Division (HESD), City and County of Honolulu Board of Water Supply (BWS), State of Hawai'i Office of Hawaiian Affairs (OHA), and State of Hawai'i Department of Health (DOH) Wastewater Branch (WWB).
- E. Compliance with the 2019 Decision and 2019 MOD. The 2019 Decision and 2019 MOD were subject to Conditions A through R. The DPP reviewed the evidence in the record to determine whether the Permittee has complied with the conditions and representations in the 2019 Decision and 2019 MOD.
 - 1. Condition A requires operation and development of the site and facility to be in general conformance with the approved Project, as described in the 2019 CUP Decision and shown on Exhibits C through P.
 - a. The 2019 application represented as part of the 2019 Decision approved Project that 30 acres of crop cultivation would be established in phases (*"five acres starting in 2019, and five to 10 more acres every six to 12 months"*). As of January 2026, the Permittee established roughly four acres of crop cultivation on the Project site. Therefore, the Permittee has not met Condition A's requirements for crop cultivation.
 - b. The 2019 application represented as part of the 2019 Decision approved Project that cattle ranching of 874 acres would be phased with *"three pastures to be fenced sequentially starting in 2019; the first pasture is 387 acres, the second is 268 acres, and the third is 219 acres. There will be 30 to 40 cows per pasture and about 125 cows total."* Exhibits C and D to the 2019 Decision show the

location of the three pastures and the location of the fencing enclosures.

- c. During the May 24, 2024, and October 17, 2025, site visits, the DPP did not observe three fenced pastures. Furthermore, the cattle were free roaming and only about 30 head were observed. At the October 17, 2025, site visit, the Project's representative, Skip Taylor, and Project's rancher, Daniel Olsen, acknowledged that fencing had not been installed to enclose the pastures and stated that the Permittee may use virtual fences with smart electric collars in the future for herd management. The Permittee has not installed fencing to enclose the pastures, as required by this portion of Condition A.
- d. At the time of the October 17, 2025, site visit, the Permittee established roughly two acres of koa forest restoration. This is not consistent with Exhibits C and D of the 2019 Decision or the Permittee's representation that 611 acres of forestry to be phased in at a rate of *"about 20 acres per year starting in 2019" with "about 600 trees per acre."*
- e. During the May 24, 2024, and October 17, 2025, site visits, DPP staff did not observe any areas of agroforestry on the site. This is not consistent with Exhibits C and D of the 2019 Decision or the Permittee's representation that agroforestry of 30 acres would be phased through *"propagation starting in 2020; planting and cultivation starting in 2021 at about 400 trees per acre."*
- f. During the May 24, 2024, and October 17, 2025, site visits, other than the pre-existing koa test plot, DPP staff observed no forestry or ecological restoration and conservation activities in the upper areas of the Project, as shown on Exhibits C and D of the 2019 Decision. The Permittee has not proceeded with these activities, as required by this portion of Condition A.
- g. The 2019 application represented, and the 2019 Decision approved 1,545 acres of total agriculture to be phased as *"414 acres by 2019. Additional 25 acres of crop cultivation no later than 2024; additional 487 acres of cattle ranching once fenced; additional 20 acres of forestry per year; and 30 acres of agroforestry starting in 2021."* The Permittee has not met this representation for level of activities or timing, as required by this portion of Condition A.

- h. The Permittee has not constructed the agricultural buildings shown on Exhibit P, which totaled approximately 25,600 sq. ft. of floor area.
 - i. The Permittee has not satisfied Condition A.
- 2. **Condition B.1** requires that prior to the issuance of a building permit (BP) or any ground disturbance for any agribusiness activities, 50 percent (1,160.26 acres) or more of the site must be in active agricultural use. Each of the three pasture paddocks must contain a minimum of 30 head of cattle to qualify as active agricultural use acreage. Forestry and agroforestry will only be counted towards active agricultural use acreage if trees are planted to at least 300 trees per acre.

Based on the DPP staff's May 24, 2024, and October 17, 2025, site visits, the DPP determined that 50 percent of the site is not in active agricultural use. Staff witnessed approximately 30 cattle, three horses, one goat, test plots of agricultural crops, replanting areas of koa trees, and naturally occurring sandalwood trees. DPP staff observed that, inconsistent with Exhibits C and D of the 2019 Decision, the grazing paddocks have not been delineated or fenced, and other than the koa test plot of two acres, no meaningful forestry, forestry restoration, or agroforestry were visible. The diversified agricultural zones are only about two acres of test plots. The Permittee has not constructed agricultural support structures, as outlined and approved on Exhibit P of the 2019 Decision. Therefore, the Permittee has not met Condition B.1.

- 3. **Condition B.2** requires the Permittee to obtain a CUP-Minor to joint develop the parcels that make up the Project site, including TMK 6-7-004: 003 (Parcel 3), so the entire site can be treated as a single zoning lot that complies with the development standards of the AG-1 Restricted Agricultural District (AG-1 District) and AG-2 General Agricultural District (AG-2 District). Alternatively, the Permittee may obtain an approved subdivision to establish an access easement for the use of Parcel 3. The Permittee has not applied for or obtained a joint development CUP-Minor or established an easement. Therefore, the Permittee has not satisfied Condition B.2.
- 4. **Condition B.3.a** requires the Permittee to submit revised plans that show the Top Gondola terminal is limited to 5,000 sq. ft. in building area, as provided in the written description. All structures and equipment visible from public roadways must be painted to blend in with the natural environment. These facilities may not be artificially lit at night. The DPP has not received revised plans of the Top Gondola terminal. Therefore, the Permittee has not satisfied Condition B.3.a.

5. **Condition B.3.b** requires the Permittee to submit revised plans that show the parking lots will be adequately screened. The plans must also ensure that loading areas are sufficiently screened such that buses are not visible from the street. The Permittee has not submitted revised plans showing adequate screening of the parking lot and loading areas. Therefore, the Permittee has not satisfied Condition B.3.b.
6. **Condition B.3.c** requires the Permittee to submit revised plans that show an outdoor trash storage area screened on a minimum of three sides by a wall or hedge at least six feet in height. The Permittee has not submitted revised plans showing adequate screening of the trash storage area. Therefore, the Permittee has not satisfied Condition B.3.c.
7. **Condition B.4** requires the Permittee to submit to the DPP for review and approval estimated water demands for the Project, both potable and non-potable, including demand during peak usage periods, and the calculations used to estimate those demands. The Permittee must submit a clear and firm total amount (GPD) of irrigation that will be available to the Project site, with listed confirmed water sources and allocation amounts for each water source, and evidence showing the irrigation infrastructure plan would contain enough capacity to provide sufficient irrigation during peak usage periods. Water conservation and efficiency measures to be implemented should be discussed.
8. The Permittee has submitted documentation that maintains that water will come from existing and proposed on-site wells, the Dole irrigation ditch, recycled water, and potential reservoirs and a pump system; however, the Permittee has not confirmed availability of water for these sources, nor access to and/or construction of the wells. (Water demand and sources are further discussed in § G.2.b below.) However, the documentation has not been sufficiently detailed to meet the requirements of this condition. Further, the Permittee has not informed the DPP of the volume of irrigation water or their sources and no irrigation infrastructure plan has been provided to the DPP. Therefore, the Permittee has not satisfied Condition B.4.
9. **Condition B.5** requires the Permittee to develop a wildfire mitigation plan in consultation with neighboring landowners (including the Army), the Division of Forestry and Wildlife (DOFAW), the City and County of Honolulu, and the Hawai'i Wildfire Management Organization. The Permittee provided a Wildfire Mitigation Plan in the Reconsideration materials and stated that the Hawai'i Wildfire Management Organization, HFD, DOFAW, and other neighbors participated. However, Condition B.5. required participation from the Army. The Permittee states that the Army

did not participate despite being invited. The USAG Hawai'i states they were not invited to participate and therefore did not participate. The Wildfire Mitigation Plan did not meet the requirements of the condition, so the Permittee has not satisfied Condition B.5.

10. **Condition B.6** requires the Permittee to provide water supply system plans that show water is being provided to all composting toilet locations for moistening. The Permittee maintains that composting toilets do not require moistening and has stated that they will provide substantiation to the DPP to that effect. The Permittee did not appeal Condition B.6 and is therefore required to comply. The Permittee has not provided materials related to toilet moistening or substantiation that no moistening is required, so Condition B.6 has not been satisfied.
11. **Condition B.7** requires the Permittee to revise the landscaping plan and agricultural master plan to remove any invasive species and plants that are at risk of naturalization. A revised landscape plan has not been submitted to the DPP for review. Therefore, the Permittee has not satisfied Condition B.7.
12. **Condition B.8** requires the Permittee to obtain a determination letter from the State of Hawai'i Department of Land and Natural Resources (DLNR) - State Historic Preservation Division (SHPD) regarding effects to significant historic properties and/or mitigation commitments, and comply with the recommendations. A copy of the letter must be submitted to the DPP. The DPP has not received a determination letter from DLNR-SHPD in reference to the Project. Therefore, the Permittee has not satisfied Condition B.8.
13. **Condition B.9** requires the Permittee to obtain comment letters from the USFWS and State of Hawai'i DLNR DOFAW Rare Plant Program regarding impacts to USFWS-designated critical habitat and streams, and comply with any recommendations. A copy of the letter must be submitted to the DPP. The Permittee provided letters from DLNR-DOFAW and USFWS in the Threatened and Endangered Species Survey Plan and Reconsideration materials, which the DPP deemed to be insufficient to meet the requirements of Condition B.9. The correspondence does not address potential stream impacts. The documentation related to threatened and endangered species does not include specific recommendations from USFWS or DOFAW. In an email to the DPP dated December 18, 2026, DOFAW stated that additional information, such as a clear Project description from the Permittee, is required to assess impacts to these resources. Therefore, the Permittee has not satisfied Condition B.9.

14. **Condition B.10** requires the Permittee to obtain a permit from the State DLNR Commission on Water Resources Management (CWRM), for any stream alteration or diversion, or concurrence that no permit is necessary. A copy must be submitted to the DPP. The Permittee maintains that stream alteration or diversion is not necessary for the Project and states that they will seek confirmation from DLNR-CWRM to this effect. The Permittee did not appeal the condition, therefore, they must comply. No supplemental information about this has been provided to the DPP. Therefore, the Permittee has not satisfied Condition B.10.
15. **Condition B.11** requires the wastewater facilities be approved by the DOH-WWB. Documentation of approval must be submitted to the DPP. The DPP has not received documentation that the DOH-WWB has approved the wastewater calculations and projections for the Project. The Permittee has not satisfied Condition B.11.
16. **Condition B.12** requires the Permittee work with HFD to develop a plan and protocol for Gondola rescues. A copy of the plan must be submitted to the DPP. A Gondola Rescue Plan has not been submitted to either the DPP or the HFD. The Permittee has not satisfied Condition B.12.
17. **Condition B.13** requires the Permittee create an invasive species mitigation plan, which incorporates the following recommendations from DOFAW: Importing any off-island plant or soil material; consulting the O'ahu Invasive Species Committee to learn of high-risk invasive species in the area and mitigate spread; cleaning all gear and pets before and after entering the area; cleaning gear that may contain soil, such as boots and vehicles, with 70 percent alcohol solution to prevent the spread of Rapid Ōhi'a Death and other pathogens; encourage visitors to stay on designated trails and roads at all times; and consider implementing biosecurity protocols (such as decontamination stations at trailheads or points of entry into conservation areas for cleaning footwear and other equipment that can harbor invasive species). A copy of the plan must be submitted to the DOFAW and the DPP.
18. An Invasive Species Mitigation Plan was received by the DPP and DLNR-DOFAW on December 8, 2025, but the plan did not sufficiently incorporate the required recommendations of DOFAW. The DOFAW requested additional information, amendments, including a clear Project proposal, and conferral with DOFAW about the plan. The Permittee has not satisfied Condition B.13.
19. **Condition B.14** requires that a qualified biologist conduct twilight surveys to determine whether Pueo are present and could be impacted by construction or operations. Documentation of the survey must be

submitted to the DLNR-DOFAW and the DPP. If Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DLNR-DOFAW staff should be notified. The withdrawn 2025 MOD and Reconsideration materials included a survey that was completed by a qualified biologist in April 2024. No nests were identified. The Permittee maintains that proactive mitigation measures will be taken related to Pueo. DLNR-DOFAW also received a copy of the survey. Therefore, the Permittee has satisfied Condition B.14.

20. **Condition C** requires that exterior lighting must be limited to the main agribusiness building complex and the northern valley agricultural site. All exterior light fixtures must be shielded. Condition C is an ongoing condition that will need to be reflected and approved on BP plans, and will continue to apply during the operation of the agribusiness activities.
21. **Condition D.1** requires the Permittee to provide an annual report documenting compliance with daily wastewater flow levels for the duration of the agribusiness activities. Wastewater flow of 14,000 gallons or more on any given day will require environmental review pursuant to the HRS Chapter 343. Condition D.1 is an ongoing condition that will continue to apply during the operation of the agribusiness activities.
22. **Condition D.2** requires the Permittee to provide an annual report with documentation that 50 percent (1,160.26 acres) or more of the site remains in active agricultural use. Each of the three pasture paddocks must contain a minimum of 30 head of cattle to qualify as active agricultural use acreage. Forestry and agroforestry will only be counted towards active agricultural use acreage if trees are planted to at least 300 trees per acre. Condition D.2 is an ongoing condition that will continue to apply during the operation of the agribusiness.
23. **Condition E.1** requires the Permittee to provide a timeline or phasing plan of the anticipated dates to obtain major BPs for construction work, including the projected date of occupancy. The Permittee has not submitted a timeline or phasing plan, so Condition E.1 has not been satisfied.
24. **Condition E.2** requires that the Construction Management Plan (CMP) identify the type, frequency, and routing of heavy trucks and construction-related vehicles. A CMP has not been provided to the DPP. Condition E.2 has not been satisfied.
25. **Condition E.3** requires that the Traffic Management Plan (TMP) include traffic demand management (TDM) strategies to minimize the number of vehicular trips for daily activities by patrons and employees. A TMP has

not been provided to the DPP. Condition E.3 has not been satisfied.

26. **Condition E.4** requires that a post Traffic Impact Analysis Report (TIAR) be submitted approximately one year after the issuance of the certificate of occupancy to validate the traffic projections, distribution, and assignment contained in the initial TIAR. A post-TIAR has not been provided to the DPP because a certificate of occupancy has not been issued for the Project. Condition E.4 has not been satisfied.
27. **Condition E.5** requires that the access driveway be designed to accommodate buses and their turn movements. The condition specifies that a new left-turn turn lane, an acceleration lane, and a right-turn deceleration lane on Kaukonahua Road may be needed; and that an analysis for the storage lengths of the lanes must be done by the traffic consultant. The DPP has not received detailed plans related to the proposed access driveway location. Condition E.5 has not been satisfied.
28. **Condition E.6** requires bus parking and loading/drop offs be accommodated on-site. The proposed site plan and building plans, labeled Exhibit E in the 2019 Decision, lack detail to confirm compliance with this condition. Condition E.6 has not been satisfied.
29. **Condition E.7** requires construction plans for all work within or affecting public streets and traffic control plans to be submitted for review and approval. Construction and traffic control plans have not been submitted to the DPP, so Condition E.7 has not been satisfied.
30. **Condition F** requires, prior to construction, that the Applicant document the condition of roads or highways to be modified. The required road condition documentation has not been provided to the DPP. Road and highway damages and deficiencies have not been catalogued as construction of the Project has not begun. Condition F has not been satisfied.
31. **Condition G.1** requires that fire department access roads be provided such that any portion of the proposed structures are located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. The Permittee submitted an Equivalency Letter to the HFD in May 2025. The HFD sent a memorandum to the DPP, dated February 27, 2026, stating that the Permittee's proposed equivalency is not acceptable to meet fire code requirements. Therefore, Condition G.1 has not been satisfied.

32. **Condition G.2** requires that supply water for fire protection be provided in a manner acceptable to the HFD. The Permittee submitted an Equivalency Letter to the HFD in May 2025. The HFD sent a memorandum to the DPP, dated February 27, 2026, stating that the Permittee's proposed water supply for fire protection is not acceptable to meet fire code requirements. Therefore, Condition G.2 has not been satisfied.
33. **Condition G.3** requires the submission of civil drawings to the HFD for review and approval. The Permittee has not submitted civil drawings to the HFD for review and approval. Condition G.3 has not been satisfied.
34. **Condition H** requires that if during construction, any previously unidentified archaeological sites or remains are encountered, the Permittee shall stop work and contact the DLNR-SHPD immediately. Condition H is an ongoing condition that runs during all phases of construction work related to the Project.
35. **Condition I** requires that site work be scheduled during periods of minimal rainfall and lands denuded of vegetation must be replanted or covered as quickly as possible to control erosion. Condition I is an ongoing condition that runs during all phases of site work related to the Project.
36. **Condition J** requires that nighttime work that requires outdoor lighting be avoided during the seabird fledging season (September 15 through December 15). Condition J is an ongoing condition that runs during all phases of construction and site work related to the Project.
37. **Condition K** requires that woody plants taller than 15 feet should not be disturbed, removed, or trimmed during the Hawaiian Hoary Bat birthing and pup-rearing season (June 1 through September 15). Condition K is an ongoing condition that runs during all phases of construction work and site work related to the Project.
38. **Condition L** requires that if any State-listed waterbirds are present during construction activities, then all activities within 100 feet must cease, and the bird must not be approached. Condition L is an ongoing condition that runs during all phases of construction work related to the Project.
39. **Condition M** requires that hours of operation for agribusiness activities be limited to sunrise to sunset, and quiet hours shall be established from 10:00 p.m. to 6:00 a.m., daily. Amplified sound systems will not be permitted during these hours. Condition M is an ongoing condition that runs throughout operation of the agribusiness activities.

40. **Condition N.1** requires the Permittee and/or landowner to submit written notification to the Director of any change in use, including the addition of any accessory uses and/or structure, termination of any use on the property; and/or transfer in ownership of the property or of any use on the property. Condition N.1 is an ongoing condition that runs throughout the life of the CUP.
41. **Condition N.2** requires written notification to the Director in the event of a change in ownership, the seller shall notify the new owner that the site and/or facility is permitted and/or governed by the CUP, and that compliance with all conditions of approval is required. Condition N.2 is an ongoing condition that runs throughout the life of the CUP.
42. **Condition N.3** requires written notification to and approval by the Director in the event that any change in size of the active agricultural use and agribusiness activities on the site. Condition N.3 is an ongoing condition that runs throughout the life of the CUP.
43. **Condition O** requires that if the active agricultural use or agribusiness activities cease, all agribusiness improvements must be removed within one year of cessation. Condition O is an ongoing condition that runs throughout the life of the CUP.
44. **Condition P** specifies that the Director may modify the conditions of this permit by imposing additional conditions, modifying existing conditions, or deleting conditions deemed satisfied upon a finding that circumstances related to the approved Project have significantly changed so as to warrant a modification to the conditions of approval. Condition P is an ongoing condition that runs throughout the life of the CUP.
45. **Condition Q** specifies that in the event of noncompliance with any of the conditions, the Director may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare the CUP null and void or seek civil enforcement. Condition Q is an ongoing condition that runs throughout the life of the CUP.
46. **Condition R** states that the application has only been reviewed and approved pursuant to the provisions of Land Use Ordinance (LUO) § 21-2.90-1 (i.e. application requirements of CUPs), and its approval does not constitute compliance with the requirements of other governmental agencies. These are subject to separate review and approval. The Permittee is responsible for ensuring that the final plans for the Project approved under the CUP comply with all applicable provisions and requirements of government agencies, including compliance with the

provisions of 14 CFR Part 77. Condition R is an ongoing condition that runs throughout the life of the CUP.

47. Of the 44 Conditions in the 2019 Decision:
 - One condition has been fully satisfied;
 - 16 conditions are ongoing in nature; and
 - 27 conditions are not satisfied; and
48. Many conditions and representations remain unmet more than seven years after issuance of the 2019 Decision.
49. The Project has not proceeded substantially as represented in the 2019 application and as approved in the 2019 Decision.
50. The Permittee failed to comply with permit conditions and representations and did not implement significant portions of the Project. These failures constitute changed circumstances, provide an independent basis for reconsideration, and demonstrate that the 2019 Decision agricultural plan is infeasible.

F. The Gondola and Associated Stations: This section addresses the Gondola, Base-station, Mid-station, and Top-station and their consistency with the criteria for CUP review found in Revised Ordinance of Honolulu (ROH) § 21-2.90-2. Throughout this section, references to ROH § 21-5.10A et. seq. refer to the LUO prior to the adoption of Ordinance 25-2.

1. The first criteria for issuance of a CUP is, *"The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of the LUO."*
 - a. Uses in the AG-1 and AG-2 Districts (ROH Table 21-3): Prior to the adoption of Ordinance 25-2, agribusiness activities were permitted in the AG-1 Restricted Agricultural District and AG-2 General Agricultural District with an approved CUP. The use is discussed further below in the section related to ROH § 21-5.10A(d).
 - b. Development Standards of ROH § 21-3.50-4 (Table 21-3.1) related to the Gondola and its Associated Stations:
 - i. The height limit for nonagricultural structures in the AG-1 and AG-2 Districts is 25 ft. if height setbacks are provided, and 15 ft. if height setbacks are not provided. Agribusiness uses and structures are accessory to agricultural uses; agribusiness structures are not considered agricultural

structures. All structures related to the agribusiness activities must comply with the 25-ft. height limit.

- ii. The Gondola was presented as an agricultural structure that was not subject to the 25-ft. height limit for nonagricultural structures in the AG-1 and AG-2 Districts. The Gondola towers exceed 25 ft., with the tallest Gondola tower being 69.75 ft.
 - iii. Although the Gondola could be used incidentally to assist in agricultural activities, the Gondola is designed primarily as part of the agribusiness activities use. This is discussed further below. The 25-ft. height limit applies to the Gondola and its towers. The Gondola towers do not comply with the required height limit.
- c. ROH § 21-5.10A(b) related to the Gondola and its Associated Stations: *Transportation systems used for tours may be permitted only if in conjunction with and incidental to the existing agricultural operation on the site.*
- i. To be a code-compliant agricultural transportation system, the Gondola and all its associated stations should be in areas of agriculture and must be necessary to support active agricultural uses. The Gondola Top-Station is proposed in an area dedicated to ecological recreation and conservation, not agriculture. The Gondola Mid-Station is proposed in a location dedicated to grazing. The Permittee has not established that Gondola transport is necessary to support the grazing area. Based on the May 24, 2024, and October 17, 2025, site visits, it appeared that the cattle grazing operations on the site are relatively passive and do not require significant human intervention.
 - ii. The September 2025 Stewardship and Agricultural Planning Report, which was presented as the executive summary of the Project's agricultural plan, includes no details related to the functionality of the Gondola in connection with the agricultural operation. The extent to which agricultural products, tools, materials, employees, etc. will utilize the Gondola for transportation related to the agricultural operation remains unclear.
 - iii. Exhibit C shows several roadways throughout the site (i.e., the Forest Service Road, Tractor Blade Road, Kamananui

Road, Line Tree Road, Valley Bypass Road, Valley Road, and Upper Valley Road). The 2019 application stated that the existing network of agricultural roads will be improved to meet farm needs. The Permittee has not established the necessity of the Gondola and its associated stations as an agricultural transport system given the proposed improvements of these roadways.

- iv. The proposed Top- and Mid-Stations, shown as Gondola Pavilions on Exhibits J, K, L, N, and O, are designed to accommodate up to 1,650 guests each day. The Gondola will be primarily, not incidentally, used for transporting up to 11,550 visitors per week. The agricultural use of the Gondola will be incidental compared to the transport of visitors. The Gondola and its stations are not consistent with this standard.
- d. ROH § 21-5.10A(d) related to the Gondola and its Associated Stations: *Agribusiness activities must always be accessory and incidental to the primary agricultural use of the lot. Permitted agribusiness activities, individually and collectively, must be on a scale appropriate to the size of the lot and the surrounding area; and adequate parking and vehicular access for agribusiness activities, as determined by the director, must be provided.*

As discussed in the Project description, the Base-station includes a 3,888 sq. ft. platform with a layered metal or wood roofing system (Exhibit J). The Mid-station includes 4,960 sq. ft. of roofed areas over the station platforms, along with a structure of about 2,025 sq. ft. for Gondola storage and restrooms, (Exhibit K and L). The Top-station includes eight viewing decks, restrooms, food and beverage facilities, four sets of stairs, a ramp, and an elevator in what appears to be about 20,000 sq. ft. of building area (Exhibits N and O). The scale of the proposed Gondola and its associated stations make it clear it is part of the agribusiness, not the agricultural uses. The Gondola and stations are not accessory to the levels of agriculture on the site.

- 2. The second criteria for issuance of a CUP is, *"The site must be suitable for the proposed use considering size, shape, location, topography, infrastructure, and natural features."*

a. Fire, Police, and Emergency Services:

- i. The size, location, topography, infrastructure, and natural features of the Project area complicate, to the point of infeasibility, the plans for the Gondola and its stations, because it places large gatherings of people outside of reasonable access to emergency services and infrastructure sources. The Gondola stations are located on steep terrain to an altitude of approximately 1,700 feet above mean sea level (MSL) on the slopes of Mount Ka'ala. The Top-station would include a substantial public gathering area.
- ii. The 2019 Decision acknowledged that the site has a high risk of wildfires that are a great threat to the property and required the Permittee to establish fire department access roads such that any portion of the proposed structures are located not more than 150 ft. from fire department access roads. The presence of hydrants and automatic sprinkler systems do not provide adequate fire protection if the emergency apparatus cannot access the structures.
- iii. The site still lacks code-compliant fire apparatus access roads to the Top- and Mid-Stations, and other remote areas, due to the location and topography of the site. The unpaved internal roadways do not meet fire apparatus access road requirements of National Fire Protection Association (NFPA) 1, 2021 edition, Chapter 18, as amended.
- iv. The Permittee has stated that they do not intend to construct a code-compliant fire apparatus access road. Instead, the Permittee submitted an equivalency letter to HFD for review. The letter stated that *"the project intends to provide a water supply capable of supplying the required fire flow for fire protection to the Agricultural Operations and Top-Station building areas."*
- v. NFPA 1, 2021 edition, § 18.5.6 states, *"Accessibility. Fire hydrants and connections to other approved water supplies shall be accessible to the fire department."* The water supply will not be of use without fire apparatus access roads so that the HFD apparatus can reach the Top-station.
- vi. The HFD determined that the Permittee's proposed equivalency measures do not satisfy the fire apparatus access road requirements. Without compliant access, the

HFD apparatus and personnel could not safely conduct fire suppression or rescue operations at the Top- or Mid-stations.

- vii. The equivalency letter stated the water supply for the Mid-station will be supplied by a dip tank. The HFD is not aware the NFPA allows this without approval from HFD, and HFD has not approved a dip tank for water delivery to a structure.
- viii. The proposed plans for the Gondola and its stations do not meet fire apparatus access road requirements.
- ix. The site also lacks adequate emergency response infrastructure. The HESD has stated that the Project, and Gondola rescues in particular, may overextend already limited emergency medical resources serving the North Shore and Waialua areas. Emergency responses to the Project could remove critical public safety resources from surrounding communities for extended periods. In the event of an emergency, HESD would send an ambulance and an Emergency Management Services (EMS) District Chief (at a minimum) for any rescue call at the Project site. The nearest EMS ambulance is stationed in Waialua and the nearest EMS District Chief is stationed in Waipio. If these resources were dispatched to the Project site for a Gondola rescue, they would be committed to the site and event for hours, removing their availability to the surrounding public.
- x. Gondola rescues are highly technical and would require additional training and equipment to ensure the safety of first responders and the public. This specialized equipment and training are not presently available to local emergency responders. The record does not demonstrate that the Permittee has coordinated with HESD and HFD regarding a Gondola Rescue Plan, as required by the 2019 Decision. In a memorandum to the DPP, the HFD confirmed it has not received a plan/protocol for Gondola rescues or information regarding on-site helistops from the Permittee.
- xi. The combination of steep terrain, limited emergency access, and public assembly creates a significant threat to public health and safety. This risk cannot be adequately mitigated, which precludes the safe and reasonable use of the site for a Gondola and its stations.

- b. Views: The 2024 and 2025 MOD applications moved the Gondola Top-station location from 1,700 f.t. above MSL to 1,250 ft. above MSL, in part to mitigate visual impacts of the Gondola infrastructure from public roadways. As stated in the 2019 Decision, *"the NSSCP includes views of the Wai'anae Mountains from Kaukonahua Road, Farrington Highway, Kamehameha Highway, and Weed Junction among the significant scenic views that should be protected and enhanced."* Further, the 2019 Decision states that one of the NSSCP guidelines for agricultural lands is to *"design and site buildings and other facilities that are accessory to an agricultural operation to minimize the visual impact on nearby areas and views from arterial and major collector roads."* Impacts to public views are anticipated and cannot be mitigated due to the nature, scale, and scope of the Gondola and its associated stations.
- c. Cultural and Historical Resources: The Permittee prepared a preliminary AIS for the Project based on the Gondola alignment and towers in the 2024 and 2025 MOD applications. The 2019 plan has more Gondola towers than the withdrawn 2024 or 2025 MOD proposals because of the higher Gondola Top-station placement at 1,700 ft. above MSL and the jog proposed in the Gondola alignment. Because the AIS documentation was prepared for a different Gondola alignment, there is insufficient archaeological information to conclude that the Gondola towers and stations from the 2019 plan would avoid impacts to on-site historical and/or cultural resources on Mount Ka'ala. Preservation-in-place strategies, supplemental AIS studies, monitoring, and compliance with DLNR-SHPD requirements are necessary to protect on-site historic resources.

In a letter to the DPP dated March 4, 2026, OHA stated that the Project is "incompatible with the agricultural classification of the property and must be denied." OHA noted that the Ka Pa'akai (KPK) analysis discussed Mount Ka'ala as a cultural resource for which proper management is encouraged to minimize any adverse impacts to the viewshed. Several public testifiers also noted that Mount Ka'ala is a sacred mountain with deep historical, spiritual, and cultural significance, deserving the highest level of protection and that the use poses risks to the site's ecosystem and culturally sacred landscape. They stated cultural responsibility and environmental integrity are paramount and a Gondola fundamentally alters the character of the mountain. The viewshed analysis identifies adverse visual impacts based on the proposed location of the Gondola alignment and the station locations.

- d. The location of the Gondola-related structures on the slopes of Mount Ka'ala have not been determined to be located in areas where impacts to cultural, archaeological, and historic resources will not occur. The steep terrain does not support the establishment of roadway and firefighting infrastructure for emergency services to those remote areas up to 1,700 ft. above MSL. The infrastructure is not sufficient because fire access roadways within the Project site are not shown to support the Gondola and its stations. The *natural features* are not suitable because the Gondola and its stations will have adverse impacts to view planes.
3. The third criteria for issuance of a CUP is, *"The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing, or precluding use of surrounding properties for the principal uses in the underlying zoning district."*

The Gondola will impact the surrounding area in ways that cannot be mitigated, including with respect to fire and emergency access, and impacts to the viewshed, and sensitive natural resources. Removal of the Gondola, its large support towers, and three stations will substantially reduce the Project's intensity and associated impacts on the surrounding area and properties.
 4. The fourth criteria for issuance of a CUP is, *"The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood."*
 - a. The proposed Gondola would provide an additional revenue source to the economic viability and stability of the active agricultural use. The Permittee states that it will create hundreds of short- and long-term jobs and estimates 50 employees would be on the site daily.
 - b. Throughout the processes of the 2024 MOD, 2025 MOD, and Reconsideration, the DPP received voluminous input from the community about the Project and the Gondola in particular. This includes the North Shore Neighborhood Board (NB), the Wai'anae NB, the Mililani Mauka-Launani Valley NB, the Mililani-Waipio-Melemanu NB, the Honolulu City Council, the vast majority of the public hearing attendees, as well as the majority of people who submitted written testimony. Almost every person and/or entity made it clear that they do not consider the Gondola to be a service or facility that will contribute to the general welfare of the community-at-large or the surrounding neighborhood. The adverse impacts to public health and safety, both for visitors to the site and

to the region at large could be significant in the case of a wildfire or Gondola rescue mission.

- c. The DPP finds that the use of the Gondola and its stations as part of the agribusiness activities will not provide a service or facility which will contribute to the general welfare of the community at large or surrounding neighborhood.

G. Agribusiness Activities other than the Gondola and its Stations: In this section, we will review the consistency of the remaining agribusiness activities (other than the Gondola and its stations) with the criteria for granting a CUP. Throughout this section, references to ROH § 21-5.10A et. seq. refer to the LUO prior to the adoption of Ordinance 25-2.

1. Compliance with Conditional Use Criteria (ROH § 21-2.90-2): The first criteria for issuance of a CUP is, *"The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of the LUO."*
 - a. Uses (ROH Table 21-3): Prior to the adoption of Ordinance 25-2, agribusiness activities were permitted in the AG-1 Restricted Agricultural District and AG-2 General Agricultural District with an approved CUP. The proposed agribusiness activities, other than the Gondola, include hiking, biking, ATV, and zipline tours, retail, food and beverage sales, events, and possibly a farmer's market.
 - b. Lot size and dimensions (ROH § 21-3.50-4[b] [Table 21-3.1]): The minimum lot area in the AG-1 District is five acres. The minimum lot area in the AG-2 District is two acres. The minimum lot width and dimensions in both districts are 150 ft. The Project area is approximately 2,320 acres and exceeds 150 ft. in width and depth. The Project area complies with the minimum lot area, width and depth standards of the AG-1 and AG-2 Districts.
 - c. Yards and height setback (ROH § 21-3.50-4[b] and [c] [Table 21-3.1]):
 - i. AG-1 and AG-2 Districts are subject to 15-ft. front and 10-ft. side and rear yards, and height setbacks where every portion of a structure exceeding 15 ft. must be setback one ft. for each two ft. of additional height. Pursuant to ROH § 21-4.30(a), *"No business, merchandising displays, uses, structures, or umbrellas shall be located or carried on within any required yard."*

- ii. The Project complies with the 15-ft. front yard standard along Kaukonahua Road because the structures will be at least 30 ft. from the front property line. All other property lines within the Project area are side/rear yards because they do not front a street. Without the Gondola, the Project appears to comply with the height setback.
 - iii. The Project does not comply with the side/rear 10-ft. yard because agribusiness uses cross property lines and are proposed to be carried out within the required yards. Some of the trails, roads, and agricultural uses also traverse the Lopez Trust Property (TMK 6-7-004:003).
 - iv. The Permittee must obtain approval of a CUP to joint develop the zoning lots on which the agribusiness will operate so the entire site can be treated as a single zoning lot that complies with all development standards of the zoning districts. This is a condition of approval. We also note that changes to the TMK parcels and ownership have occurred since the 2019 Decision, but there has not been a Subdivision action to create new zoning lots. The CUP for joint development will be based on the zoning lot and all owners of the tax map parcels within the affected zoning lots will have to be signatories to the joint development agreement.
- d. Height (ROH § 21-3.50-4[b] and [c] [Table 21-3.1]):
- i. The height limit for nonagricultural structures in the AG-1 and AG-2 Districts is 25 ft. if height setbacks are provided, and 15 ft. if height setbacks are not provided. The agribusiness uses and structures are accessory to agricultural uses; agribusiness structures are not considered agricultural structures. All structures related to the agribusiness must comply with the 25-ft. height limit.
 - ii. The proposed nonagricultural structures within the agribusiness center are shown in the plans as complying with the 25-ft. height limit (see Exhibits F, G, and I).
 - iii. Exhibit M shows the zipline shed as meeting the 25-ft. height limit. Another plan provided in the application materials showed the "Zoom 1 Landing" zipline tower shown to be approximately 42 ft. high (see Exhibit Q). The structures to support the zipline are considered nonagricultural structures

that are limited to 25 ft. in height. The Zoom 1 Landing tower and any other zipline structures will need to be redesigned to comply with the 25-ft. height limit. Revised plans showing compliance are a condition of approval.

- e. ROH § 21-5.10A(a): *...Retail activities in an enclosed structure may be allowed, but are limited to not more than 500 square feet of floor area...The limitations enumerated above notwithstanding, an agribusiness activity may also include facilities for the preparation, sale and consumption of food and drink on the site, which must feature agricultural products grown or produced on the site, in the city or elsewhere in the State of Hawai'i.*

In the 2019 application, the Applicant asserted that retail activities will not exceed 5,000 sq. ft. in floor area and that the products would comply with the requirements of this section. However, the plans are unclear as to where the retail activities will take place. As a condition of approval, revised plans showing the location of the retail and verifying that it does not exceed 500 sq. ft. will have to be submitted for review and approval by the DPP.

- f. ROH § 21-5.10A(b): *Transportation systems used for tours may be permitted only if in conjunction with and incidental to the existing agricultural operation on the site.*
 - i. There are several roadways throughout the site, as shown on Exhibit C (i.e. Forest Service Road, Tractor Blade Road, Kamananui Road, Line Tree Road, Valley Bypass Road, Valley Road, and Upper Valley Road). The 2019 application stated that the existing network of agricultural roads will be improved to meet farm needs.
 - ii. The 2019 application states that hiking, biking, zipline, and ATV tours will be available “as a way of further exploring the agricultural lands.” The self-guided hiking and biking trails are shown throughout the site. In some areas these trails align with the roads.
 - iii. The zipline would begin in the ecological restoration and conservation area, traverse the area of forestry, and then cross and land in the grazing areas. The ATV trails would be about 12,650 linear ft., but the application did not provide maps to indicate the locations of the proposed trails. The Permittee has not indicated how many ATV tours or rides would run per day or how many visitors could sign up. It is

also unclear whether the tours are proposed to be led by a guide or be self-guided, like the hiking and biking trails associated with the Project.

- iv. The Permittee has not provided sufficient information about how the transportation systems would be used in conjunction with and incidental to the agricultural operation. If the farm roads are proposed to be some or all of the proposed ATV trails, improvements to these roads, beyond improvements for farm needs, and records of maintenance over time, are necessary to ensure public health safety, and welfare.
 - v. Unguided ATV tours would not facilitate a connection with the agricultural uses of the site, so all ATV tours should be led by a guide who can explain and demonstrate the agricultural connection. This is a condition of approval.
 - vi. To confirm compliance with this section, the Permittee will need to create a report showing how the agricultural transportation system will be used in conjunction with and incidental to the agricultural uses on the site. This is a condition of approval.
- g. ROH § 21-5.10A(c): *No more than one farmer's market for the growers and producers of agricultural products to display and sell agricultural products grown in the city or elsewhere in the State of Hawai'i may be permitted on a zoning lot...*
- The 2019 application indicated that a farmer's market was an option but the application had only conceptual information. If a farmer's market is proposed in the future, it will have to comply with this section.
- h. ROH § 21-5.10A(d): *Agribusiness activities must always be accessory and incidental to the primary agricultural use of the lot. Permitted agribusiness activities, individually and collectively, must be on a scale appropriate to the size of the lot and the surrounding area; and adequate parking and vehicular access for agribusiness activities, as determined by the director, must be provided.*
- i. The 2019 Decision stated: *The Project will not initially comply with the agribusiness activities and agricultural use standards. The Project, as proposed, consists of an extensive agribusiness operation coupled with relatively small areas of agriculture, some of which would be sparsely*

used. The Project plans show 414 acres of active agricultural use by 2019, which represents 17.84 percent of the site...The NSSCP stresses the importance of dedicating agricultural land to agricultural use and prohibiting token farming or ranching as a ruse to exploit agricultural land. Accordingly, the Applicant must provide documentation that 50 percent or more of the site remains in active agricultural for the duration of the agribusiness activities.

- ii. As previously discussed, the Permittee has not established the level of agricultural uses proposed in the application. Further, as indicated within § 2.C. of this report, the 2019 Decision clearly outlined the proposed agricultural uses and scales of operation. Over the course of the past seven years, the projected amount of agriculture has not been established.
- iii. The record does not support a finding that the current level of agriculture equates to 50 percent or more of the Project site. To date, the site's agricultural operation consists of cattle grazing, agricultural test plots, and replanting areas, as observed by DPP staff on the site visits.
- iv. The Permittee has not used other mechanisms to establish measurable evidence that Kaukonahua Ranch is in the business of agriculture. For example, no business plans, financial statements, or reports of products sold have been provided to the DPP.
- v. Much of the site is not irrigated and/or does not have access to required water sources. The DOA commented on the 2019 Decision that the mean annual rainfall of 37 to 45 inches in the vicinity of the Project is not sufficient for year-round cultivation of most crops, so the supply of supplemental irrigation waters is critical to establish and maintain the proposed agricultural activities.
- vi. Furthermore, the Permittee called into question the original level of proposed agricultural activity when they asserted in connection with the 2024 and 2025 MOD applications that most forestry and all agroforestry components are no longer feasible because of on-site environmental conditions, wildfire risk, and invasive species (i.e. coconut rhinoceros beetle) concerns.

- vii. The current levels of agricultural activity are not sufficient to support the accessory agribusiness activities use.
- viii. A complete agricultural plan, inclusive of financial evidence that the agricultural uses are operating at production-level (and not experimental) scale will be required so the DPP can accurately assess when the agricultural operation will be in substantial compliance with the 50 percent requirement. This will allow the DPP to confirm whether the agribusiness activities are in fact accessory and incidental to the agricultural operation.
- ix. To ensure that active agriculture is occurring on the site before the agribusiness activities are established, the DPP will require the following as conditions of approval:
 - The Permittee will be required to submit an updated and complete Agricultural Master Plan (not an executive summary as was provided in the 2025 MOD application).
 - The agricultural uses must be oriented toward the production of food, fiber, or fuel for the benefit of and sale to the community. The majority of the agricultural uses must be clearly production-based, rather than passive.
 - The Permittee shall establish the following uses within the phasing allotted. This is based on the timing proposed by the Applicant during the 2019 Application. These activities and timing are required as conditions of approval.

Use	Description	Size	Phasing
Crop cultivation	Hawaiian heritage plants, breadfruit, taro, sugarcane, sweet potato, cacao, etc.	30 acres	At least five acres starting in 2026 and five to 10 more acres every 12 months, for completion by 2031.
Cattle ranching	Grazing for grass-fed beef production, possibly to include goats and sheep	874 acres	Three pastures to be fenced sequentially starting in 2026; the first pasture is 387 acres, the second is 268 acres, and the third is 219 acres. Completion is required by 2028

Use	Description	Size	Phasing
Forestry	Planting of primarily koa and sandalwood trees, invasive weed species management, and exclusion of feral ungulates	611 acres (not all of the proposed 611 acres is suitable)	About 20 acres per year starting in 2026, at about 600 trees per acre.
Agroforestry	Planting and harvesting koa, sandalwood, bananas, breadfruit, and cacao	30 acres (within a 322-acre area)	Propagation starting in 2027; planting and cultivation starting in 2028 at about 400 trees per acre.
Total Agriculture		No more than 1,545 acres (66.58 percent of site). This figure includes some forestry acreage not suitable for forestry.	414 acres by 2026 (17.84 percent of site). Additional 25 acres of crop cultivation no later than 2031; additional 487 acres of cattle ranching once fenced; additional 20 acres of forestry per year; and 30 acres of agroforestry starting in 2027.

- This agricultural plan will have to follow the DPP Instructions for Agricultural Plans, including but not limited to the “Content Requirements,” “Farm Operation Narrative,” “Operational Phasing Narrative,” and “Business Plan” sections.
- The agricultural plan or its updates must provide comprehensive photo documentation showing the installation of the required pasture fencing.
- The Project’s projected water needs and sources must be included in the Agricultural Plan, substantiated by plan’s agricultural data, and consistently referenced within it.
- The studies performed by the Hawai’i Agriculture Research Center (HARC) on behalf of the Project, such as the phased financial planning, projected agricultural yields and revenue streams, contracted farmer lessees, geographic information systems maps of the planned agricultural areas, an agricultural management plan, documentation of paddock fencing, crop irrigation systems maps, native species surveys, and threatened and endangered species buffer zones, must be included in the required agricultural plan.
- Prior to establishing a retail and/or food and beverage operations, the Permittee must provide a copy of the menu and product descriptions for all food, drink, and

retail items, identifying the local ingredients and where they were grown. All menu must include Hawai'i -grown agricultural products and value-added products that were produced using Hawai'i -grown agricultural products.

- The Permittee must provide an annual report documenting compliance with the agricultural plan. This report will need to accompany the requisite agribusiness activities annual report, once those uses are lawfully established on the site.
- The annual report must indicate how many cattle have been birthed, purchased, sold, or transferred for slaughter.
- The annual report must indicate crop yields and values.
- The annual report must indicate staffing levels for the agricultural uses individually and collectively.

- i. ROH § 21-5.10A(e): *As a condition of approval, dedication of 50 percent or more of the project site, as the director determines is necessary to preserve the purpose and intent of the agricultural districts, for a minimum of 10 years to active agricultural use will be required by way of an agricultural easement or comparable mechanism acceptable to the director.*

A condition for 50 percent dedication to active agriculture was required as part of the 2019 Decision and is part of this Reconsideration decision.

2. The second criteria for issuance of a CUP is, *"The site must be suitable for the proposed use considering size, shape, location, topography, infrastructure, and natural features."*

- a. Suitability Considering Size, Shape, Location, and Topography: The Project site is very large at approximately 2,320 acres, and it ranges significantly from 300 ft. above MSL at Kaukonahua Stream to approximately 2,400 ft. above MSL in the mauka most portion of the site. Portions of the Project site are relatively level, while others involve extremely steep mountain cliffs, ridges, ravines, and gulches. Kaukonahua Stream runs across the entire project site. Kaukonahua Road is a curvy, windy road that acts as one of only two ways to get to Waialua from Central Oahu.

Portions of the Project adjoin or are near active military training areas operated by the USAG Hawai'i. USAG Hawai'i identified concerns regarding surface danger zones, wildfire risk, and low-

flying aircraft. The USAG Hawai'i public hearing testimony, written testimony dated April 4, 2026, and testimony related to City Council Resolution 25-305 on November 5, 2025, provided that deaths of the Project's cattle have occurred as a result of wandering onto Schofield Barracks lands during live-fire drills. In addition, unexploded ordinances (UXOs) within formerly used defense sites within the Project site may be encountered by members of the public. The Permittee must coordinate with the U.S. Army Corps of Engineers (USACOE) to determine the areas of possible UXOs on the site. The Permittee must then provide the DPP a letter that reveals these areas, as well as recommendations for their removal and/or mitigation measures, as appropriate.

Hiking, bicycling, ziplining, and ATV tours involve outdoor activities where people are relatively spread out, or within structures in the agribusiness center. This could be unsuitable if visitors to the site got too close to the active military training areas or encountered UXOs. Public access to areas near active military training introduces substantial safety concerns if appropriate mitigation measures are not implemented.

b. Water Infrastructure:

- i. The DOA commented that the mean annual rainfall of 37 to 45 inches in the vicinity of the Project is not sufficient for year-round cultivation of most crops, so the supply of supplemental irrigation waters is critical to establish and maintain the proposed agricultural activities. Additionally, the Permittee's estimated water requirement of five gallons per each head of cattle is insufficient and should be increased to one gallon per every 100 pounds of animal. This equates to at least 12 GPD per cow. The topography and rough pasture quality may require more drinking water.
- ii. The BWS commented that the Permittee does not have a water system serving the Project and water services must be provided by the private water system which serves the area. Also, the Project is within the BWS's designated "No Pass Zone," which is an area where waste disposal facilities have the potential to contaminate groundwater resources used or expected to be used for domestic water supplies. The Project is located more than 1,000 linear feet from an existing BWS source and is not located within the capture zone of a BWS source. Therefore, the Permittee will need to verify with the DOH in regards to allowable wastewater

disposal systems on the site.

- iii. The Permittee identified several existing, proposed, or contingent potable and non-potable water sources for the Project. The proposed or contingent water sources are dependent on future approvals, agreements, or infrastructure improvements.
- iv. The first water source is groundwater from an existing private well water system. A DLNR-CWRM letter addressed to Marcus Gillisepie, dated January 31, 2017, notes that the site will have access to 13,466 GPD of potable water from the Kaukonahua Ho'ola Well (Well No. 33105-001) under Groundwater Permit No. 01032 (Permit), with approval of up to 40,000 GPD of groundwater. The Permit is addressed to Marcus Gillisepie, and the permittee/water user and landowner of source is named as Kaukonahua Ho'ola, LLC. The Certificate of Well Construction and Pump Installation (Certificate), dated April 3, 2018, is also addressed to Marcus Gillisepie. The Certificate states that if the well operator and/or landowner changes, the DLNR-CWRM shall be notified prior to the change. The land holdings of Kaukonahua Ho'ola LLC appear to have been purchased by K View LLC. The Permittee did not provide documentation that DLNR-CWRM was notified of the landowner change.

The potable water system includes a 60,000-gallon reservoir storage capacity, which equates to a maximum of 100,000 GPD from this water source if the reservoir is full. The Permittee represented that a maximum of 208,800 GPD may come from this water source. The 208,800 GPD figure is the capacity of the well pump, which is not an indication of the available on-site water from this source.

- v. The Permittee provided no evidence that the Permit and Certificate were properly transferred to the Permittee, as required under the Permit (Condition 12 of the letter), rendering it unclear whether this is an active permit for the subject properties and whether the Project is an approved water user. The DPP cannot ascertain the validity of the Permit and Certificate.
- vi. The second proposed water source is the Dole surface water system/siphon. The existing Dole irrigation ditch system includes a syphon that crosses the Kaukonahua Stream,

running through the subject properties, with a proposed maximum daily output of 210,000 GPD of non-potable water to support agricultural activities. This is an existing water source with alleged adequate access to meet the current demands of 9,975 GPD, but this water source experiences interrupted service when the siphon runs dry. The Permittee states that the State of Hawai'i Agribusiness Development Corporation will be acquiring this water source in the future and upgrading it for existing system users, which is planned to allow for the additional 200,000 GPD. While the Permittee references a 2016 agreement with Dole related to this water source, a copy of the agreement has not been provided to the DPP for verification.

- vii. The third proposed water source is R-1 reuse water from the on-site water treatment facility. Recycled and reclaimed water may be used as a non-potable water source on the site for irrigation purposes. This is a planned future water source of up to 9,573 GPD. The Permittee has not provided any plans relating to this proposed facility.
- viii. The fourth proposed water source involves the installation of a 200,000 GPD well. The Permittee will consider the option to drill a well in the Kaukonahua Valley to support agricultural needs unmet by the other water sources. This is a proposed potential future water source. The daily capacity is proposed to be a maximum of 200,000 GPD, with use of a 500-gallon-per-minute pump, and will require DLNR-CWRM and DOH approval. This water source also requires an agreement with the water association Declarant, who is the owner of the surplus system capacity. No agreement has been provided to the DPP.
- ix. The fifth proposed water source is Kemo'o Reservoir 5. The Permittee represents that this source may be utilized to support the Project's fire suppression needs to drop water onto active fires. There is no indication of the maximum storage and usage capacities of this possible water source. No agreement has been provided to the DPP between the Permittee and the reservoir owner to substantiate the use of this water source for the Project.
- x. The sixth proposed water source involves on-site storage reservoirs. The Permittee represents that another alternative to meet fire suppression needs is the siting of on-

site water storage of two steel storage reservoirs with a combined storage capacity of approximately 300,000 gallons. This water source may be available in the event of a grid failure.

- xi. The seventh of the proposed water sources, according to the Permittee, are fire sprinklers. The Permittee represents that fire sprinklers are proposed in the agribusiness center, agricultural operations building, Base-Station, and Top-Station (not the Mid-Station). This is not a water source.
 - xii. The eighth proposed water source is a pump system with backup generators to meet fire suppression needs in the event of a grid failure. The DPP has not received any proposed or conceptual plans for this pump system and generators. This is not a water source.
 - xiii. The Permittee has not submitted a final irrigation infrastructure plan demonstrating adequate and reliable water service under peak conditions, nor has the Permittee informed the DPP of the volume of irrigation water or their sources.
 - xiv. Based on the lack of current approvals and agreements related to the Project's water infrastructure, the adequacy of the proposed water sources has not been established. Updated water requirements and confirmation of water sources are necessary to verify availability and distribution capacity for the proposed agricultural and agribusiness activities. Additional documentation and plans are necessary to verify water availability and distribution capacity for the above water sources. This is a condition of approval.
- c. Wastewater Infrastructure: The Project proposes on-site wastewater facilities subject to approval by the DOH-WWB. The projected wastewater needs in the 2019 Decision were 13,375 GPD, which was considered equivalent to the wastewater usage for 47.8 single-unit dwellings. The Project proposes an on-site wastewater treatment system consisting of a septic tank and a leach field. Updated wastewater figures reflecting the Reconsideration decision will be required to determine the new wastewater demands with the removal of the Gondola stations.

d. Traffic and Access:

- i. The Permittee produced traffic and transportation evaluations in 2018 and 2024. The 2018 Transportation Evaluation estimated approximately 290 to 770 one-way vehicle trips per day. The December 2024 Traffic Evaluation estimated a daily visitor count range of 1,000 to 1,700 visitors, which may translate to 430 to 735 one-way vehicles trips per day. This would equate to approximately six percent of the current daily traffic volume per the evaluation.
- ii. The December 2024 Traffic Evaluation recommended 1) road widening for a new median left-turn lane on Kaukonahua Road to limit traffic disruption flow resulting from the Project, and 2) relocating the Project's access driveway to align with the existing farm lot driveway across the street to avoid creating another intersection on Kaukonahua Road. The Project's Traffic Engineer asserted that the revised location and alignment of the driveway with the existing farm lot driveway across the street addressed potential safety concerns that would be consistent with best management practices.
- iii. In the 2024 and 2025 MOD requests, the Permittee sought to relocate the driveway to a new location for the access driveway 675 feet south of the original location on Kaukonahua Road. The Reconsideration materials noted that *"the modified access driveway to/from Kaukonahua Road will facilitate compliance with the condition by providing optimal turning movements to accommodate buses and optimal spacing to accommodate a left-turn acceleration lane, and/or a right- turn deceleration lane, if determined to be necessary."*
- iv. Upon withdrawal of the 2024 and 2025 MOD applications, the driveway is in the original proposed location, which is just northwest of a curve on Kaukonahua Road. Because the 2025 MOD was withdrawn, this evaluation is based on the 2019 CUP location of the driveway.
- v. The Permittee's traffic engineer testified at the public hearing that the December 2024 traffic evaluation determined that Kaukonahua Road can sustain traffic generated by the Project.

- vi. Verbal and written public testimony received in relation to the Reconsideration included the following topics: Kaukonahua Road is a dangerous road; the Project will cause increased traffic which the road and surrounding area cannot support; serious and fatal accidents have occurred on Kaukonahua Road; and visitors who are unfamiliar with the windy nature of Kaukonahua Road will be travelling to and from the Project.
 - vii. The DPP Traffic Review Branch (TRB) requested updated traffic volumes on Kaukonahua Road to ensure no adverse impacts will occur to the surrounding area as a result of the Project. The DPP TRB has not received the updated traffic volumes. The traffic volumes will need to be further updated to reflect the removal of the Gondola and its stations. To ensure traffic impacts are mitigated to the extent possible, conditions are imposed.
- e. Natural Features – Streams and Flood Hazards:
- i. In 2019, the Project site was primarily within Flood Zone D on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). Zone D indicates unstudied areas with possible but undetermined flood hazards. Effective June 10, 2026, FEMA updated the flood maps. The subject properties are within Flood Zones A, AE, AEF, X, and XS (see Exhibit B). The portion of Kaukonahua Stream that crosses through the Project area is now in the general floodplain (Flood Zone A), which is a special flood hazard area subject to the requirements of ROH Chapter 21A, the Flood Hazards Ordinance. This is new information that was not presented as part of the 2019 Decision, and the Permittee must comply with ROH § 21A-1.5 and 21A-1.10.
 - ii. Ownership of Kaukonahua Stream is halved between abutting property owners; the portion owned by the Permittee is included in the Project site. The stream crosses the entire project site on the northeastern portion of the Project (see Exhibit B). Because the agribusiness center is across the stream from most of the hiking, biking, zipline, and ATV activities, the Project will involve stream crossings at various points along the stream on foot, by bicycle, or by ATV.

- iii. The DLNR-CWRM reviews stream ownership and jurisdiction, and issues Stream Channel Alteration and Stream Diversion Works Permits, if required, before any alteration can be made to the bed and/or banks of a stream channel and before any stream diversion works is constructed or altered. The Permittee maintains that no stream alteration or diversion will be necessary under Project implementation, but no substantiation of this position has been provided to the DPP. Additionally, on the October 17, 2025, site visit, DPP staff crossed the stream multiple times on an ATV.
- iv. Some type of safe crossing will be necessary to ensure the health and safety of the visitors to the site. The Permittee must design a plan and submit it to the DPP for review and approval. The Permittee must also work with the CWRM for approval of the crossings.
- v. Stormwater from the portion of the site where the main agribusiness facility will be located generally flows toward the southeast corner along Kaukonahua Road, where it is diverted to a neighboring open reservoir. Stormwater from the remainder of the Project site flows toward gulches and tributary streams that eventually collect in Kaukonahua Stream.

f. Flora and Fauna:

- i. The Project contains sensitive natural resources and habitat for protected species. Approximately 255 acres of critical habitat of threatened and/or endangered species is present along the mauka border of the property (see Exhibit Q). The top zipline shed and portions of the zipline itself, along with hiking and biking trails are in the critical habitat area.
- ii. Endangered or threatened animals within the Project vicinity include the Hawaiian Hoary Bat ('Ōpe'ape'a), the Hawaiian coot ('Alae ke'oke'o), the Hawaiian duck (Koloa maoli), the Laysan duck (Koloa pōhaka), the Monarch flycatcher ('Elepaio), the Laysan finch ('Ekupu'u), the Nihoa finch ('Ainohu Nīhoa), the Hawaiian Moorhen ('Alae 'ula), the Scarlet honeycreeper ('I'iwi), the Newell's Shearwater ('A'o), the Hawaiian stilt ('Ae'o), O'ahu tree snails, and Hawaiian

short-eared owl (Pueo). Portions of the Kaukonahua Stream are known to harbor the native goby (O'opu nakea).

- iii. The 2019 Decision outlined conditions to mitigate impacts on these creatures, including consultation and permitting with the DLNR-CWRM for construction and water usage of the stream. These conditions are included as conditions of the Reconsideration.
 - iv. The 2019 Decision also stated that the proposed landscaping plan included ironwood trees and other Polynesian plants that are at risk of spreading and becoming naturalized, including noni, ohe, and mountain apple. The 2019 Decision required the Applicant to obtain recommendation letters from the USFWS and DLNR-DOFAW relating to impacts of critical habitats and streams on the site. The letters provided by the Permittee do not satisfy this requirement. This condition of approval is included in this Reconsideration.
 - v. During the 2019 Decision, the DLNR-Division of Aquatic Resources (DLNR-DAR) commented that site work should be scheduled during periods of minimal rainfall and lands denuded of vegetation be replanted or covered as quickly as possible to control erosion. This condition of approval is also included in this Reconsideration.
- g. Cultural and Historical Resources: The Permittee prepared and the DPP received copies of the Literature Review Field Inspection, AIS, and KPK analysis for the Project. The studies identified numerous historic properties and possible pre-contact burials within or adjacent to the Project area. The Permittee plans to submit supplemental documents for the AIS in phases as they prepare to disturb different areas of the Project site.

The preliminary AIS was prepared for the Gondola alignment shown in the 2024 and 2025 MOD applications, which had significantly fewer support towers. With the June 1, 2026, withdrawal of the 2025 MOD, many of these documents and studies may be out of date.

Preservation-in-place strategies, supplemental AIS studies, monitoring, and compliance with DLNR-SHPD requirements are necessary to protect on-site historic resources. The Project would allow access to historical resources, previously inaccessible to the

public.

- h. To evaluate potential Project impacts to traditional and customary Native Hawaiian practices, the DPP evaluated the KPK Analysis, all the testimony (written and verbal), the AIS, and all other materials in the 2019 CUP application, 2024 MOD, 2025 MOD, and the Reconsideration materials. A KPK analysis called “Ka Pa’akai O Ka ‘Āina Analysis for Kaukonahua Ranch’s Kamananui Agribusiness Project” was prepared by ASM Affiliates and issued November 2025.

- i. *The identity and scope of valued cultural, historical, or natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area:*

Based on the KPK analysis by ASM Affiliates and the administrative record, the DPP finds that the following cultural and historic resources are present within the Project site: Traditional Hawaiian (pre-Contact and/or early historic) features and sites, including agricultural terraces, ‘auwai, stacked stone walls, and commercial sugarcane infrastructure, among others. Most of these resources and features are found in the vicinity of Kaukonahua Stream.

Based on the KPK analysis by ASM Affiliates and the administrative record, DPP finds that the following natural resources are present within the general area around the Project site: Fresh water and the forest ecosystem, Kaukonahua Stream, and traditional agriculture.

- ii. *The extent to which those resources—including traditional and customary native Hawaiian rights— will be affected or impaired by the proposed action:*

Based on the KPK analysis by ASM Affiliates and the administrative record, the DPP did not find evidence of a known traditional and customary Native Hawaiian practice on the site that would be directly adversely impacted by the establishment of an agribusiness use on the site. The agribusiness structures will not be situated near the cultural and historic resources, features, or sites identified in the KPK Analysis.

- iii. *The feasible action, if any, to be taken to reasonably protect*

native Hawaiian rights if they are found to exist:

The KPK analysis recommends 1) Monitoring the presence of invasive species in the forest during and after native plant rehabilitation; 2) Monitoring water usage during crop irrigation; and 3) Restricting the areas exposed to ATV-riding, ziplining, and motorized cableways, so as to limit noise pollution, soil erosion, and impacts to the natural and cultural resources on the Ranch.

Conditions relating to invasive species, irrigation water usage, the gondola, and ATV activities were previously discussed and are adequate to satisfy this recommendation. The areas exposed to ziplining area already identified and are static, so no additional condition relating to zipline use is necessary.

Because there are no known cultural practices taking place on the Project site, no conditions are imposed to preserve these practices. Additional conditions to protect cultural practices may be imposed if cultural practices are found to take place on the Project site.

5. The third criteria for issuance of a CUP is, *"The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing, or precluding use of surrounding properties for the principal uses in the underlying zoning district."*
 - a. The surrounding area consists primarily of agricultural lands, conservation lands, military lands, and rural uses. The proposed agribusiness will generate several hundred one-way vehicle trips per day. The 2024 traffic analysis estimates that the trips generated by this one site would equate to approximately six percent of the current daily traffic volume on Kaukonahua Road. This level of traffic generation could alter the character of the surrounding area.
 - b. Portions of the Project adjoin or are near active military training areas operated by the USAG Hawai'i. USAG Hawai'i identified concerns regarding surface danger zones and low-flying aircraft in relation to the Project. Public access to areas near active military training introduces substantial safety concerns. The proposed Project could impair the use of the surrounding property for standard military uses unless fencing and buffers are established.

- c. If agriculture remains the primary use and all permit conditions are met, the remaining approved agribusiness activities can be conducted in a manner compatible with the surrounding area. Subject to the conditions imposed in this Decision, the remaining activities will not substantially limit, impair, or preclude surrounding agricultural, conservation, military, and rural uses.
6. The fourth criteria for issuance of a CUP is, *"The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood."*
- a. The NSSCP states, *"Agriculture-based tourism is an alternative revenue-generating activity that combines education about agricultural products with recreation and the experience of interacting with the land and the grower."* It also states, *"By providing an additional revenue source, such visitor-related activities can supplement farm incomes and contribute to the economic viability and stability of the farm."*
 - b. The Project is intended to support the economic viability of agricultural operations through compatible agribusiness activities.
 - c. The Project may provide educational opportunities, locally grown agricultural products, and public access to agricultural and cultural resources.
 - d. These benefits are realized only if agriculture remains the principal use and public health, safety, and environmental concerns are adequately addressed.
 - e. Throughout the processes of the 2024 MOD, 2025 MOD, and Reconsideration, the DPP received voluminous input from the community about the Project and the Gondola in particular. Comments were received from the North Shore NB, the Waianae NB, the Mililani Mauka-Launani Valley NB, the Mililani-Waipio-Melemanu NB, the Honolulu City Council, the vast majority of the public hearing attendees, and residents from all over O'ahu. Most testifiers made it clear they do not consider the Gondola as a service or facility that will contribute to the general welfare of the community-at-large or the surrounding neighborhood.
 - f. With the removal of the Gondola, its stations, and infrastructure, the remaining agribusiness uses are likely to provide a service and facility that will contribute to the community at large and the

surrounding neighborhood by creating opportunities to observe agricultural activities and enjoy the outdoors.

- g. As modified by this Decision and subject to the conditions imposed herein, the remaining agricultural and agribusiness activities will contribute to the general welfare of the community-at-large and surrounding neighborhood.

Any finding of fact that is more appropriately construed as a conclusion of law shall be a conclusion of law.

V. CONCLUSIONS OF LAW

Based on the foregoing, the Director of the DPP hereby makes the following Conclusions of Law:

- A. Jurisdiction and Authority. The Director has jurisdiction to reconsider the 2019 Decision pursuant to § 4-1 of the DPP Rules of Practice and Procedure, which authorizes the Director to reconsider a prior decision based on new information, changed circumstances, or evidence that was not part of the original decision.
- B. Procedural Compliance. The Reconsideration was initiated and conducted in accordance with applicable law, ROH Chapter 21, including the DPP Rules of Practice and Procedure, and all interested persons were provided notice and an opportunity to be heard.
- C. Continuing Authority under the 2019 Decision. Conditions P and Q of the May 28, 2019 Findings of Fact, Conclusions of Law, and Decision and Order expressly reserve to the Director the authority to impose additional conditions, modify or delete existing conditions, terminate approved uses, declare the conditional use permit null and void, or seek enforcement in the event of changed circumstances or noncompliance with permit conditions.
- D. Authority to Modify, Revoke, and Impose Conditions. The Director has authority under ROH Chapter 21, the DPP Rules, and Conditions P and Q of the 2019 Decision, to affirm, modify, revoke, or deny all or part of the 2019 Decision and to impose new or revised conditions reasonably related to ensuring compliance with applicable law and the protection of public health, safety, and welfare.
- E. Environmental Review. Based on the record before the Director, the Project, as modified by this Decision and Order, remains exempt from environmental review under HRS Chapter 343, provided that 1) Wastewater flows and other Project characteristics remain below applicable thresholds, 2) Traffic-related right-of-way

improvements do not trigger review, and 3) No subsequent action triggers additional environmental review.

- F. Noncompliance with Permit Conditions. The record establishes that the Permittee has not fully complied with numerous conditions and representations of the 2019 Decision and has not demonstrated that the Project has been implemented substantially as represented and approved in 2019.
- G. Failure of the Gondola and Associated Stations to Satisfy Conditional Use Criteria. The Director concludes that the project site is not suitable for the Gondola, its support towers, the Base station, the Mid-station, and the Top-station because:
1. The proposed use does not conform to the requirements of the LUO.
 - a. The Gondola, towers, and stations would not be accessory and incidental to the primary agricultural use of the lot, as required in ROH § 21-5.10A(d).
 - b. The Gondola and stations would be a transportation system used for tours but they would not be in conjunction with and incidental to the agricultural operation, as required ROH § 21-5.10A(b).
 - c. The Gondola structures are not agricultural structures, but several towers exceed the 25-ft. height limit of the AG-1 and AG-2 Districts.
 - d. The Gondola towers are subject to the 25-ft. height limit for nonagricultural structures in the AG-1 and AG-2 Districts and they exceed the height limit.
 2. The site is not suitable for the proposed use considering size, location, topography, infrastructure and natural features.
 - a. Topography and lack of infrastructure would prevent safe and timely responder access to areas serviced by the Gondola in the event of an emergency. Use of the Gondola is likely to increase the number of people in areas that are remote or difficult to access;
 - b. If an emergency were to occur and the Gondola was not operable, potentially a large number of visitors may be stranded on the mountainside;
 - c. Public health and safety cannot be adequately protected due to the absence of code-compliant fire apparatus access roads and limited emergency response capabilities;

- d. HFD reports that the proposed equivalency measures do not satisfy applicable fire code requirements;
 - e. The uses would create unacceptable risks associated with wildfire, evacuation, and technical rescue;
 - f. The Gondola is incompatible with adjacent military operations and special use airspace; and
 - g. The Gondola adversely impacts scenic and cultural resources;
- 3. The proposed use of the Gondola and stations as part of the agribusiness use will alter the character of the surrounding area in a manner substantially limiting, impairing, or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district. This use would adversely affect surrounding properties and public resources.
 - 4. The proposed use of the Gondola and stations as part of the agribusiness use at its proposed location will not provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.
- H. Remaining Agricultural and Agribusiness Activities. The Director concludes that as conditioned, the site is suitable for the remaining agribusiness activities.
- 1. The proposed use is permitted as a conditional use in the underlying zoning district and conforms to the requirements of the LUO.
 - 2. The site is suitable for the proposed use considering size, location, topography, infrastructure and natural features.
 - 3. The proposed use will not alter the character of the surrounding area in a manner substantially limiting, impairing, or precluding the use of surrounding properties for the principal uses permitted in the underlying zoning district.
 - 4. The use at its proposed location will provide a service or facility which will contribute to the general welfare of the community-at-large or surrounding neighborhood.

VI. DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, the Director of the DPP hereby renders the following Decision and Order:

- A. Decision: Based on the findings and conclusions of this Reconsideration, the 2019 Decision is SUPERSEDED AND REPLACED, as outlined above and by the conditions below.
- B. Order: This Decision is subject to the following conditions:
1. Operation and development of site and facility must be in general conformance with the approved Project, as described herein and shown on Exhibits C through I, M and P. The Gondola, its support towers, and Base-, Mid-, and Top-stations, as shown on Exhibits E, J, K, L, N, and O, must be removed from the plans.
 2. Any modification to the Project and/or approved agricultural and agribusiness plans is subject to the prior review of and approval by the Director of the DPP. Minor modifications will be processed in accordance with LUO § 21-2.20(k). Major modifications will require a new CUP. Minor revisions that cumulatively require reanalysis of several aspects of the Project will be considered a major modification.
 3. Failure to meet any deadlines within this Decision and Order will render the CUP null and void.
 4. Fifty percent (1,160.01 acres) or more of the site must be in active agricultural use prior to the issuance of construction plans or building permit plans for the agribusiness structures, uses, and activities.
 5. The agricultural uses must conform with the spatial and timing requirements listed in the following table. Passive grazing areas beyond the fenced paddocks will not be considered active agricultural uses.

Use	Description	Size	Phasing
Crop cultivation	Hawaiian heritage plants, breadfruit, taro, sugarcane, sweet potato, cacao, etc.	30 acres	At least five acres starting in 2026 and five to 10 more acres every 12 months, for completion by 2031.
Cattle ranching	Grazing for grass-fed beef production, possibly to include goats and sheep	874 acres	Three pastures to be fenced sequentially starting in 2026; the first pasture is 387 acres, the second is 268 acres, and the third is 219 acres. Completion is required by 2028
Forestry	Planting of primarily koa and sandalwood trees, invasive weed species management, and exclusion of feral ungulates	611 acres (not all of the proposed 611 acres is suitable)	About 20 acres per year starting in 2026, at about 600 trees per acre, for completion in 2056.
Agroforestry	Planting and harvesting koa, sandalwood, bananas, breadfruit, and cacao	30 acres (within a 322-acre area)	Propagation starting in 2027; planting and cultivation starting in 2028 at about 400 trees per acre.
Total Agriculture		1,545 acres (66.58 percent of site). This figure includes some forestry acreage not suitable for forestry.	414 acres by 2026 (17.84 percent of site). Additional 25 acres of crop cultivation no later than 2031; additional 487 acres of cattle ranching once fenced; additional 20 acres of forestry per year; and 30 acres of agroforestry starting in 2027.

6. Prior to establishing a retail and/or eating establishment, the Applicant must provide a copy of the menu and product descriptions for all food, drink, and retail items identifying the local ingredients and where they were grown. All menu must include Hawai'i -grown agricultural products and value-added products that were produced using Hawai'i -grown agricultural products.
7. An updated and complete Agricultural Master Plan must be submitted to the DPP for review and approval within one year of the date of this

decision. The plan shall follow the DPP Instructions for Agricultural Plans, including but not limited to the "Content Requirements," "Farm Operation Narrative," "Operational Phasing Narrative," and "Business Plan" sections and must include the following:

- a. Comprehensive photo documentation showing the installation of the required pasture fencing;
 - b. The Projects water figures, substantiated by the agricultural data in the plan, and consistently referenced within the plan;
 - c. Summaries of the agricultural efforts taken and copies of the studies performed by the HARC on behalf of the Project, as referenced in the "Kaukonahua Ranch Land Stewardship & Agricultural Planning Report";
 - d. Phased financial planning (i.e. five-, 15-, and 30-year plans), projected agricultural yields and revenue streams, contracted farmer lessees, geographic information systems maps of the planned agricultural areas, an agricultural management plan, documentation of already fenced/planned-to-be-fenced paddocks, crop irrigation systems maps, native species surveys, and threatened and endangered species buffer zones. These must be included in the required agricultural plan.
8. Upon acceptance by the DPP, the Project's submitted Agricultural Plan will become part of this Decision and Order.
 9. To mitigate visual impacts, the BP plans must show:
 - a. All structures and equipment associated with the agribusiness activities visible from public roadways are painted to blend in with the natural environment. These facilities may not be artificially lit at night.
 - b. The parking lots are adequately screened.
 - c. Loading areas and bus loading areas are sufficiently screened such that these spaces are not visible from the street.
 - d. All outdoor trash storage areas are screened on a minimum of three sides by a wall or hedge at least six feet in height.

10. The Applicant shall obtain an approved Joint Development CUP-Minor for all the zoning lots (including TMK 6-7-004: 003) on which the Project activities will operate within one year of the date of this decision.
11. The Applicant shall provide plans for review and approval by the DPP of all zipline related structures confirming compliance with the 25-ft. height limit.
12. The Applicant shall provide plans for review and approval by the DPP the location and size of the proposed retail activities, which shall be no more than 500 sq. ft.
13. The Applicant shall provide a plan or report to show how the transportation system is clearly used in conjunction with and incidental to the existing agricultural operation on the site.
14. The Applicant shall provide a map showing the locations of the proposed ATV tours, including the proposed trails. The Applicant must state how many ATV tours will run each day and how many visitors are anticipated to use these facilities daily. In the interest of public, health, safety, and welfare, ATV tours must exclusively be led by a guide. Self-guided ATV tours are not permitted. If the farm roads are proposed to be some or all of the proposed ATV trails, within a year of the date of this decision, the Applicant must provide a report outlining the required improvements to these roads. The Applicant is also required to submit to the DPP an annual report demonstrating that these roads are being maintained to ensure public health, safety, and welfare, which shall include a maintenance schedule.
15. The Applicant must coordinate with the USACOE to determine the areas of possible UXOs on the site. The Applicant must provide the DPP a letter that reveals these areas, as well as recommendations for their removal and/or mitigation measures, as appropriate, within two years of the date of this decision.
16. Within one year of the date of this decision, the Applicant must coordinate with the USAG Hawai'i to install an approved physical barrier (fence) along the location(s) of the Project site that are at risk of possible interaction with the Schofield Barracks active firing range and create a buffer zone within which visitors to the site are prevented from entering.
17. The Applicant must expressly disclose to visitors the risks of entering and utilizing the Project site given the proximity to an active military base and the potential existence of UXOs. Appropriately placed signage must be distributed throughout the site and the disclosure must be given to visitors

as physical or digital paperwork.

18. The Applicant must consult the USAG Hawai'i on the Project's Wildfire Mitigation Plan and incorporate their feedback into the current plan, and all future iterations of the plan.
19. The Applicant must submit to the DPP for review and approval updated estimated water demands for the Project, both potable and non-potable, including demand during peak usage periods, and the calculations used to estimate those demands. The Applicant must also submit a clear and firm total amount (GPD) of irrigation and livestock (based on one GPD per 100 pounds of animal) water that will be available to the Project site, with listed confirmed water sources, allocation amounts for each water source, and evidence showing the irrigation infrastructure plan contains enough capacity to provide sufficient irrigation during peak usage periods. Water conservation and efficiency measures to be implemented must also be discussed.
20. The Applicant shall verify that the Ground Water Use Permit and the Certificate of Well Construction and Pump Installation documents apply to the subject properties and the proposed Project, and provide that justification to the DPP.
21. The Applicant must provide a Kemo'o Reservoir 5 agreement establishing that the Applicant has rights and access to the Kemo'o Reservoir 5 to support the site's fire suppression needs.
22. The Applicant must provide a water agreement with Dole to substantiate the water availability figures of the syphon and the Applicant's rights to this water.
23. The Applicant must provide an agreement with the water association Declarant for use of the 200,000 GPD well establishing the Applicant has right and access to this water source.
24. Plans for the R-1 Reuse Water from the On-Site Water Treatment Facility and pump system with backup generator must be provided for DPP review and approval.
25. Any water sources used to support the Project's agricultural, agribusiness, or fire suppression needs must be established and formalized, as appropriate and by any necessary agencies, prior to the issuance of any BPs for the agribusiness activities. As outlined below, substantiation of these water sources must be provided to the DPP.

26. The Applicant must provide an irrigation infrastructure plan to the DPP, and the Applicant must inform the DPP of the volume of irrigation water or their sources, prior to the issuance of any BPs for the agribusiness activities.
27. Any future on-site farmer's market must feature only growers and producers of agricultural products who display and sell agricultural products grown in the City or elsewhere in the State of Hawai'i. Finished products produced primarily from these agricultural products also may be included for display and sale.
28. The landscaping plan and agricultural master plan must demonstrate the removal of any invasive species and plants that are at risk of naturalization. These plans must be received within a year of this decision.
29. The Applicant must obtain comment letters from the USFWS and DOFAW Rare Plant Program regarding impacts to USFWS-designated critical habitat and streams. The Applicant must comply with any recommendations of the USFWS and DOFAW. A copy of the letter must be submitted to the DPP within a year of this decision.
30. The Applicant must submit to the DPP for review and approval a plan for stream crossings for visitors to the site. The plan must reflect stream alterations along with any comments from DLNR-CWRM and safety considerations for search and rescue efforts by HFD.
31. The Applicant must provide a copy of the permit from the DLNR-CWRM for stream alterations or diversion. If no permit is required, the Applicant must provide a copy of their correspondence with DLNR-CWRM showing concurrence that no permit is necessary. If no permit is deemed to be necessary, a copy of this determination must be submitted to the DPP within a year of this decision.
32. The wastewater facilities must be approved by the DOH-WWB. Documentation of approval must be submitted to the DPP within a year of this decision. The Applicant shall provide an annual report to the DPP which substantiates that the wastewater needs of the agricultural and agribusiness activities uses are not exceeding the household equivalency threshold (50), which would require the preparation of an environmental assessment under HRS Chapter 343.
33. The Applicant must create an invasive species mitigation plan that incorporates the recommendations from DOFAW, including impacts from current and proposed agricultural uses, and proposed agribusiness

activities uses. A final version of the plan, with the required amendments, must be sent to the DPP within one year of the date of this decision.

34. The Applicant must continue to incorporate the following recommendations from DOFAW into the invasive species mitigation plan: importing any off-island plant or soil material; consulting the O'ahu Invasive Species Committee to learn of high-risk invasive species in the area and mitigate spread; cleaning all gear and pets before and after entering the area; cleaning gear that may contain soil, such as boots and vehicles, with 70 percent alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other pathogens; encourage visitors to stay on designated trails and roads at all times; and consider implementing biosecurity protocols (such as decontamination stations at trailheads or points of entry into conservation areas for cleaning footwear and other equipment that can harbor invasive species).
35. If Pueo nests are found to occur on the site during construction, a buffer zone should be established in which no clearing occurs until nesting ceases, DOFAW staff should be notified, and consulted on the proper procedure to appropriately manage their presence.
36. Exterior lighting must be limited to the main agribusiness center and the northern valley agricultural site. All exterior light fixtures must be shielded.
37. The Applicant must provide an annual report documenting compliance with the following requirements for the duration of the agribusiness activities. The report must include:
 - a. Daily wastewater flow levels for all uses. The DPP must also be informed of any substantive change in the wastewater calculations.
 - b. Documentation that 50 percent (1,160.01 acres) or more of the site remains in active agricultural use.
 - c. Upon the establishment of 50 percent active agricultural use and the accompanying accessory agribusiness activities as permitted in this decision, the Applicant shall also provide an annual report outlining the agribusiness activities occurring on-site and include their compliance with applicable LUO standards.
 - d. The Applicant shall provide an annual report to the DPP which substantiates that the on-site water sources are commensurate with the water needs of the agricultural and agribusiness activities uses. The DPP must also be informed of any substantive change in the

water calculations.

38. The Applicant must comply with the conditions for the DPP TRB:
- a. Traffic volumes on Kaukonahua Road must be updated and provided to the DPP TRB within one year of the date of this decision to ensure no adverse impacts will occur to the surrounding area as a result of the Project.
 - b. A timeline or phasing plan of the anticipated dates to obtain major BPs for construction work, including the projected date of occupancy, shall be prepared by the Applicant in a format acceptable to the DPP within one year of the date of this decision. The time line shall identify when the CMP, TMP, TIAR, and off-site roadway work will be submitted for review and approval in relation to when approvals for construction plans, building and occupancy permits, will be necessary.
 - c. The CMP shall be submitted for review and approval prior to the issuance of BPs for major construction work. It must identify the type, frequency, and routing of heavy trucks and construction related vehicles. The Applicant must document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities.
 - d. The TMP shall be submitted and approved prior to the issuance of the (temporary) certificate of occupancy. It must TDM strategies to minimize the number of vehicular trips for daily activities by patrons and employees. TDM strategies could include carpooling, ride sharing programs and transit incentives, and other similar TDM measures.
 - e. A post TMP will be required one year after the issuance of the certificate of occupancy to validate the relative effectiveness of the various TDM strategies identified in the initial report.
 - f. A post TIAR will be required one year after the issuance of the certificate of occupancy to validate the traffic projections, distribution, and recommendations contained in the initial TIAR. If additional traffic mitigation measures or modifications are necessary to support related traffic impacts directly attributable to this development, the Applicant will be required to implement these measures within six months of the issuance of the post TIAR. If the

findings of the post TIAR are inconclusive, a follow-up study will be required within a year of this post study, as necessary.

- g. An updated access driveway location must be designed to accommodate public safety concerns of the current location, and buses and their turn movements. A new left-turn turn lane, an acceleration lane, and a right-turn deceleration lane on Kaukonahua Road may be needed. An analysis for the storage lengths of the lanes shall be done by the traffic consultant within a year of this decision.
 - h. Exclusive bus parking and loading/drop-offs must be provided on-site.
- 39. The Applicant must comply with the conditions from the HFD and HESD:
 - a. Fire department access roads shall be provided such that any portion of the proposed structures are located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
 - b. Confirmation that supply water for fire protection in a manner acceptable to the HFD is available within one year of the date of this decision.
 - c. Submit civil drawings to the HFD for review and approval within one year of the date of this decision.
- 40. The Applicant must comply with conditions related to historic and cultural resources as follows:
 - a. Any historic sites and artifacts found on the Project site must be preserved-in-place.
 - b. The Applicant is required to obtain a determination letter from the DLNR-SHPD regarding effects to significant historic properties and/or mitigation commitments, and comply with their recommendations.
 - c. As the Project proceeds and additional development occurs in phases and by specific agribusiness activity use, as approved herein, any areas not previously covered by the Preliminary AIS will

be required to conduct a Supplemental AIS for the continued documentation of historic properties on the subject properties.

- d. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the SHPD immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
 - e. In the event that valued cultural practices are found to take place on the site, the Applicant must allow individuals and/or entities to access and utilize the Project site to perform customary and cultural activities.
- 41. Site work must be scheduled during periods of minimal rainfall and lands denuded of vegetation must be replanted or covered as quickly as possible to control erosion.
 - 42. Nighttime construction work that requires outdoor lighting must be avoided during the seabird fledging season (September 15 through December 15).
 - 43. Woody plants taller than 15 feet may not be disturbed, removed, or trimmed during the Hawaiian Hoary Bat birthing and pup rearing season (June 1 through September 15).
 - 44. If any State listed water birds (such as the Hawaiian Duck, Hawaiian Stilt, Hawaiian Coot, and Hawaiian Common Gallinule) are present during construction activities, then all activities within 100 feet must cease, and the bird must not be approached. Work may continue after the bird leaves the area of its own accord. If a nest is discovered at any point, the Applicant must contact the DOFAW Office at 808-587-0166.
 - 45. Hours of operation for agribusiness activities shall be limited to sunrise to sunset, and quiet hours shall be established from 10:00 p.m. to 6:00 a.m., daily. Amplified sound systems will not be permitted during these hours.
 - 46. If at any time the 50 percent agricultural threshold is not maintained, the approved accessory agribusiness activities must immediately cease and will not be permitted to continue operating until the threshold is re-established, as confirmed by the DPP Director.
 - 47. The Applicant shall submit to annual on-site inspection(s) to the DPP and provide an authorized representative to guide DPP inspectors around the

subject properties and to answer questions.

48. The Applicant and/or landowner shall receive prior approval from the Director of any change in use, including the addition of any accessory uses and/or structure, termination of any use on the property; and/or transfer in ownership of the property or of any use on the property:
 - a. In the case of any addition and/or change in use, the Director shall determine if the proposed change requires a minor or major modification of the conditional use permit;
 - b. In the event of a change in ownership, the seller shall notify the new owner (by copy of this report) that the site and/or facility is permitted and/or governed by the conditional use permit and that compliance with all conditions of approval is required;
 - c. Any change in size of the active agricultural use and agribusiness activities on the site;
 - d. Any change in the water calculations for the Project; and
 - e. Any changes in the wastewater calculations for the Project.
49. If the active agricultural use or agribusiness activities cease or change, and therefore become out of compliance with Conditions 1, 4, and 5, all agribusiness improvements must be removed within one year of cessation.
50. The Director may modify the conditions of this permit by imposing additional conditions or modifying existing conditions upon a finding that circumstances related to the approved Project have significantly changed so as to warrant a modification to the conditions of approval.
51. In the event of noncompliance with any of the conditions set forth herein, the Director may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare this conditional use permit null and void or seek civil enforcement.

52. This application has only been reviewed and approved pursuant to the provisions of LUO § 21-2.90-1 (Application Requirements of Conditional Use Permits), and its approval shall not constitute compliance with the requirements of other governmental agencies. These are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable provisions and requirements of government agencies, including compliance with the provisions of 14 CFR Part 77.

Dated at Honolulu, Hawai'i, this 26th day of June, 2026.

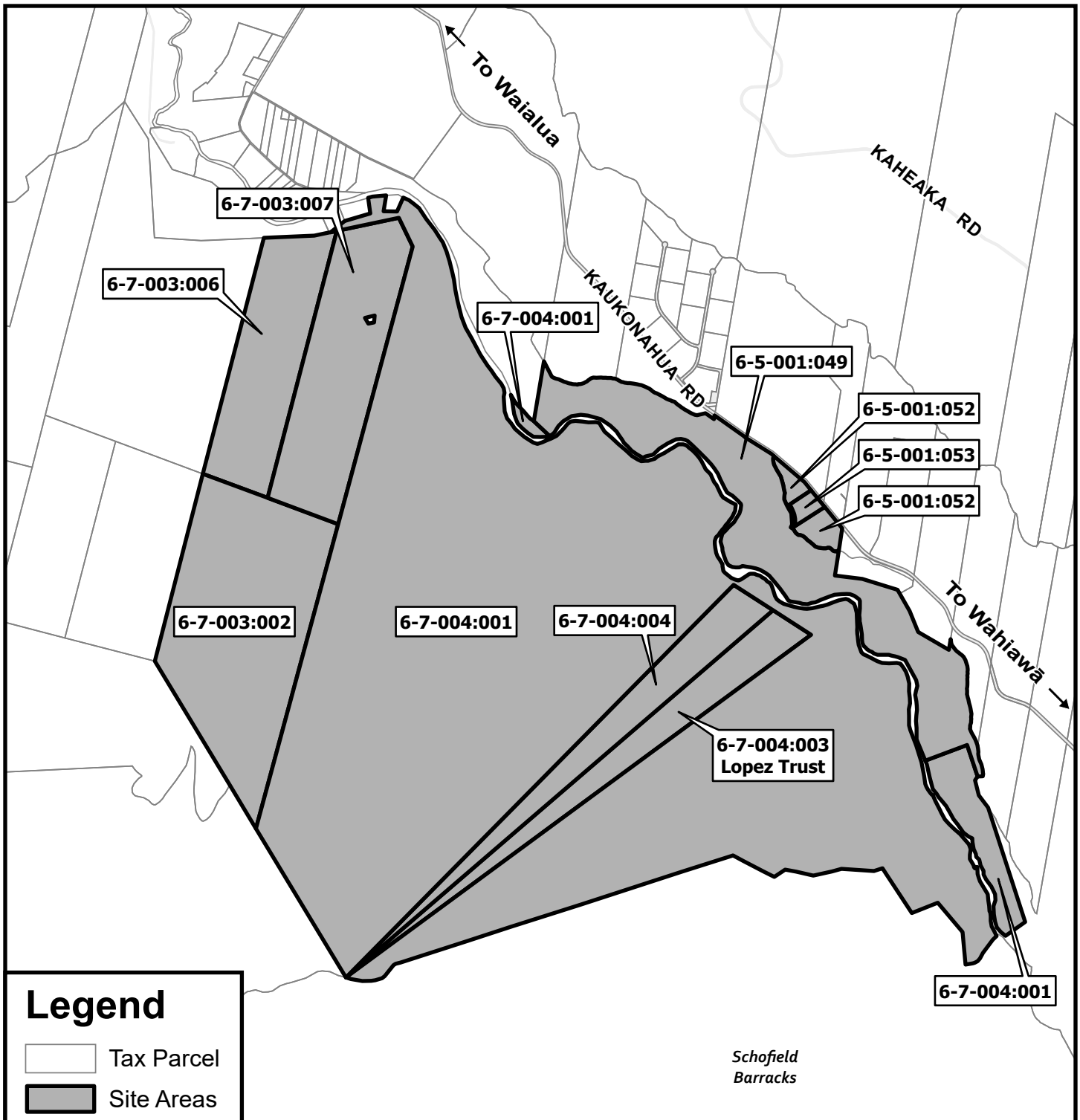
Department of Planning and Permitting
City and County of Honolulu
State of Hawai'i

By



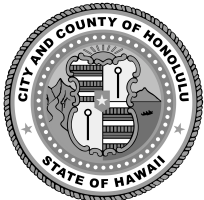
Dawn Takeuchi Apuna
Director

Enclosures: Exhibits A1 through R

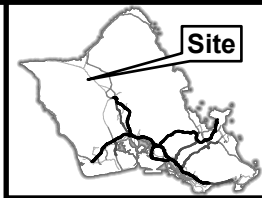


Legend

-  Tax Parcel
-  Site Areas



0 1,000 2,000 4,000
Distance in Feet



VICINITY MAP



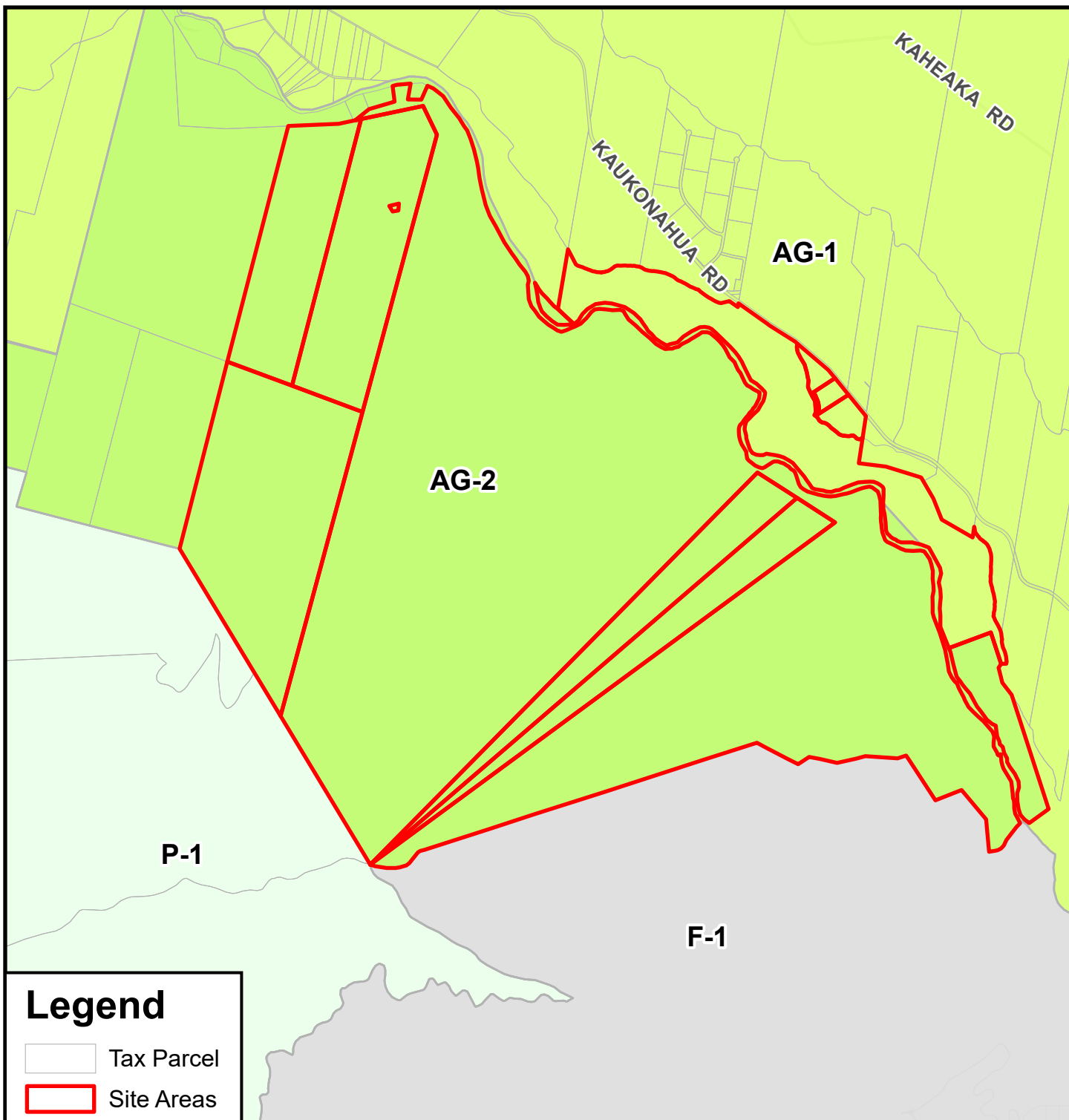
LOCATION MAP

WAIALUA

TAX MAP KEYS:

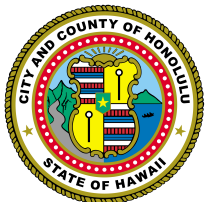
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FOLDER NO.: Reconsideration of 2019/CUP-18

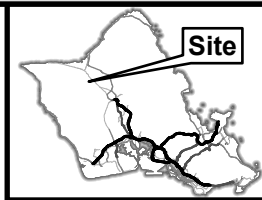


Legend

- Tax Parcel
- Site Areas



0 1,000 2,000 4,000
Distance in Feet



VICINITY MAP



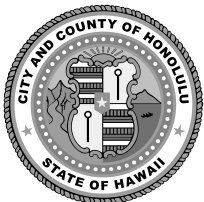
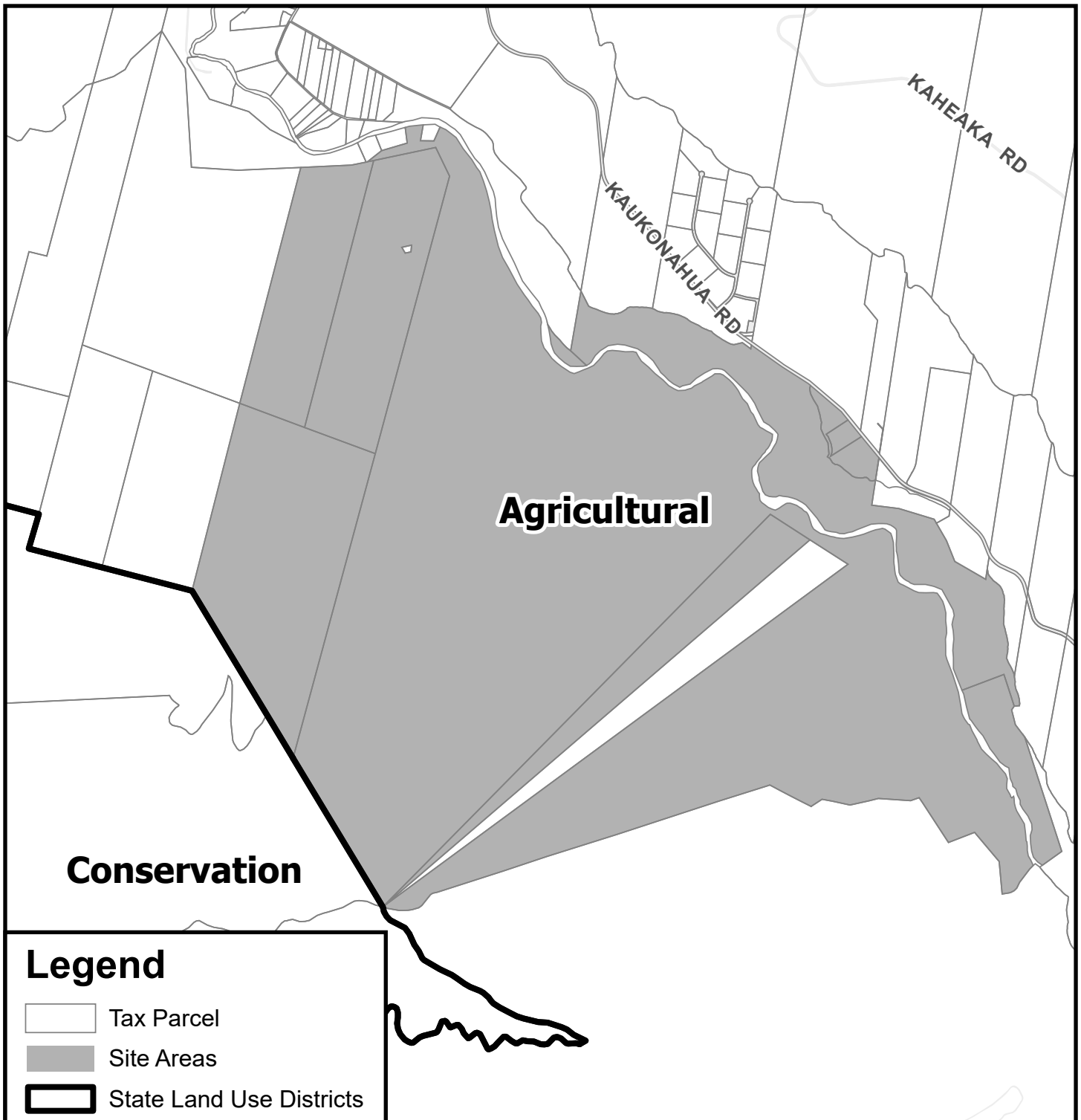
PORTION OF ZONING MAP

MOKULĒ'IA - WAIALUA - HALE'IWA

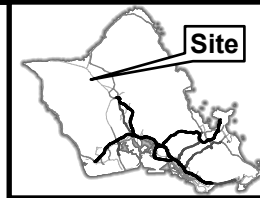
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FOLDER NO.: Reconsideration of 2019/CUP-18



0 1,000 2,000 4,000
Distance in Feet



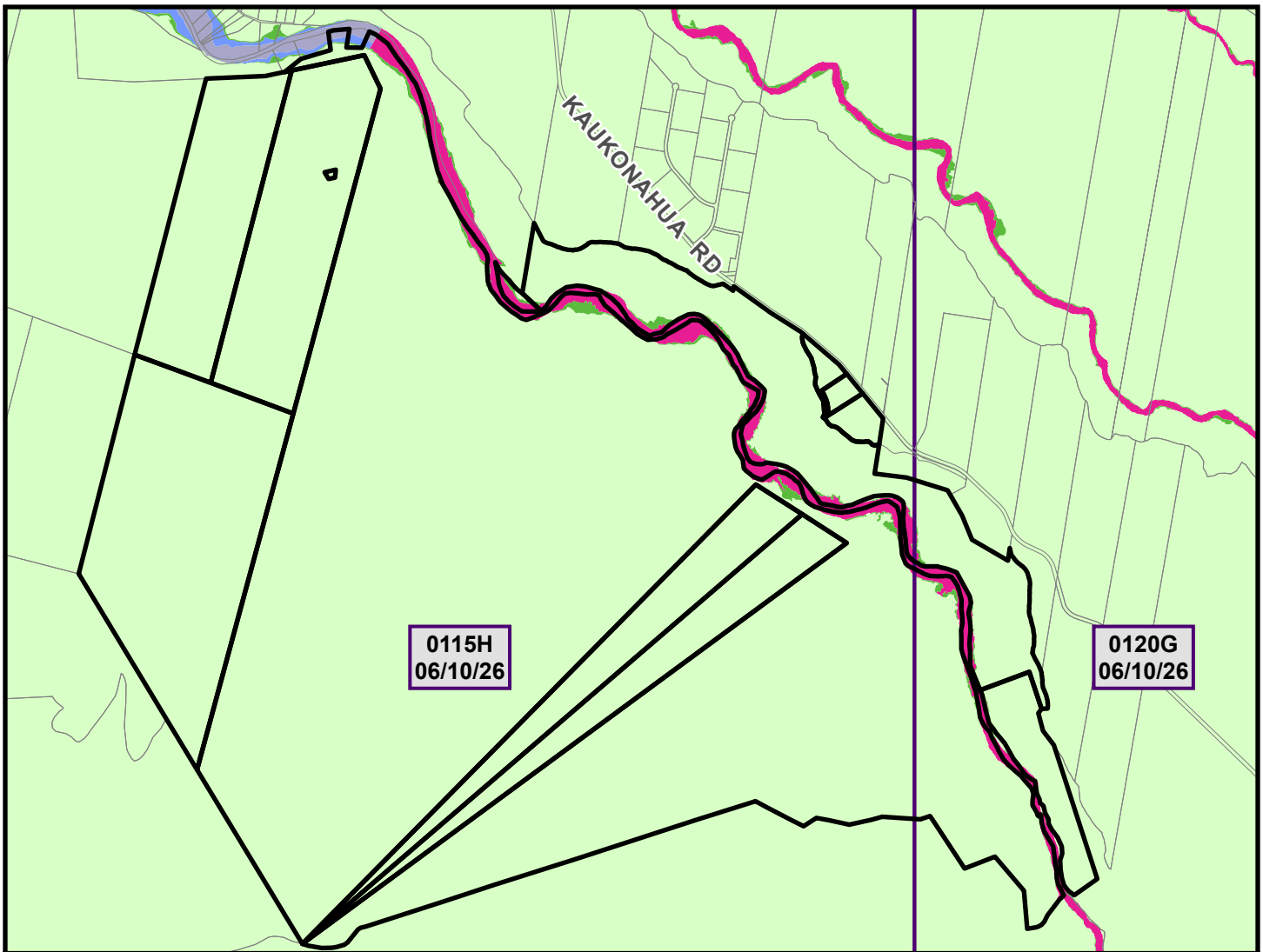
VICINITY MAP



PORTION OF
STATE LAND USE MAP
HALE'IWA QUADRANGLE

TAX MAP KEYS:
6-5-001:049, 052, 053; 6-7-003:002, 006, 007;
and 6-7-004:001, 004

FOLDER NO.: Reconsideration of 2019/CUP-18



Flood Hazard Zones:

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood.

Zone **A** = No BFE determined

Zone **AE** = BFE determined

Other Flood Areas

Zone **XS** (X shaded) = Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Other Areas

Zone **X** = Areas determined to be outside the 0.2% annual chance floodplain.

Tax Parcel

0120G
06/10/26

FIRM Flood Panel

A

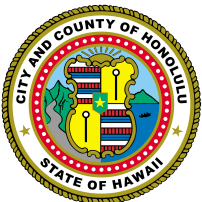
AEF

XS

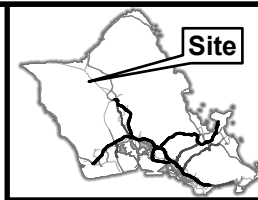
Site Areas

AE

X



0 1,000 2,000 4,000
Distance in Feet



VICINITY MAP



PORTION OF FLOOD HAZARD MAP

FIRM PANELS 15003C0115H and 15003C0120G

NOTE: FLOOD ZONES EFFECTIVE AS OF JUNE 10, 2026.

TAX MAP KEYS: 6-5-001:049, 052, 053;
6-7-003:002, 006, 007; and 6-7-004:001, 003, 004

FOLDER NO.: Reconsideration of 2019/CUP-18



Figure 2: Kamananui Land Use Map

EXHIBIT D

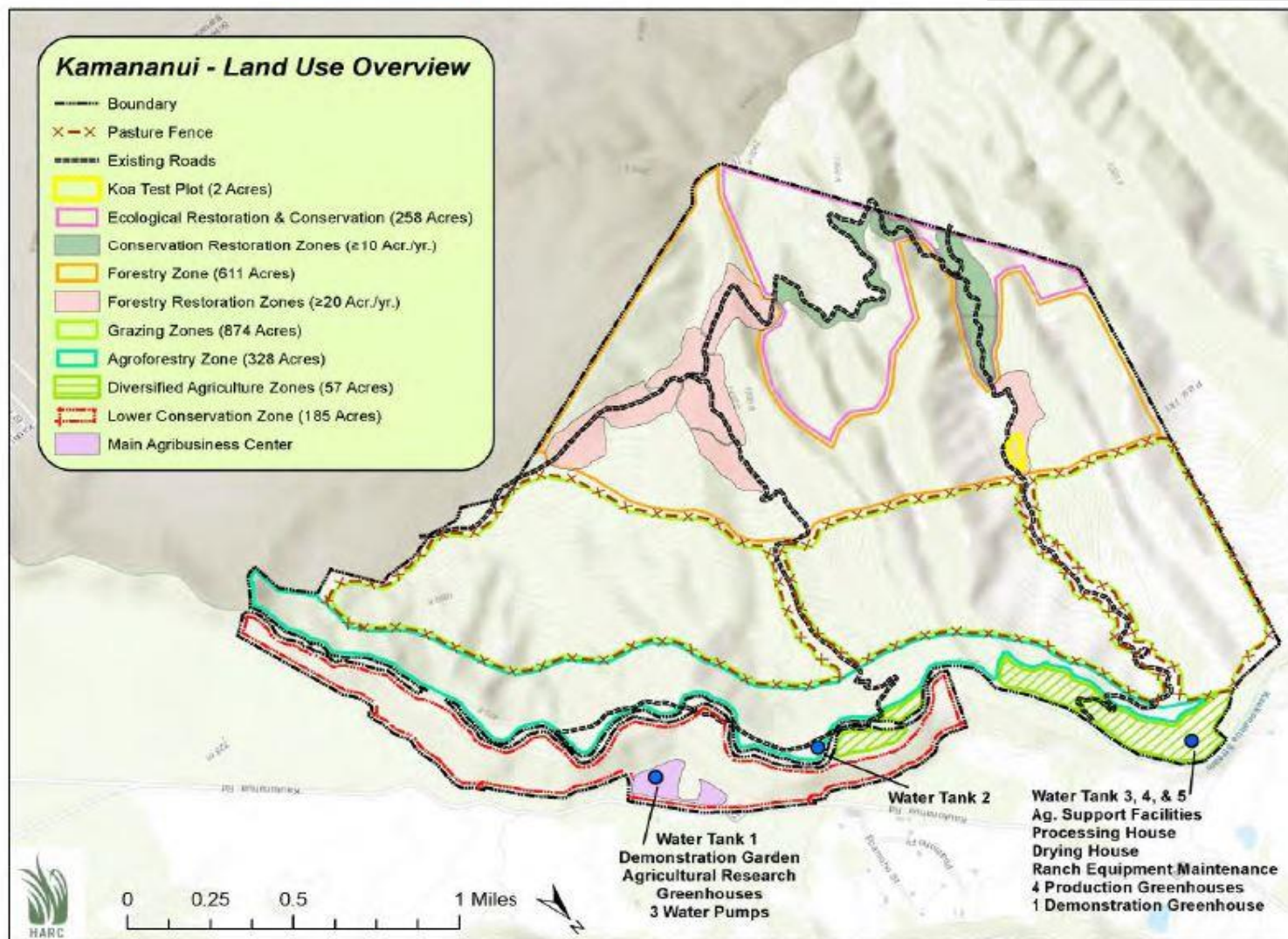


EXHIBIT E

Proposed Site Plans and Building Plans
Kamananui



EXHIBIT F

Proposed Site Plans and Building Plans Kamananui

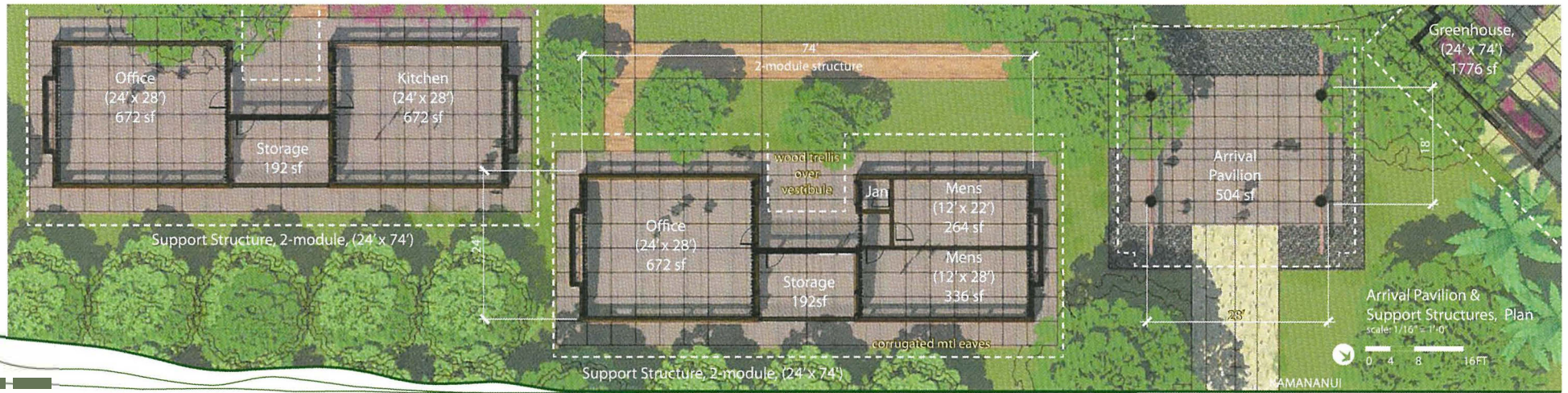
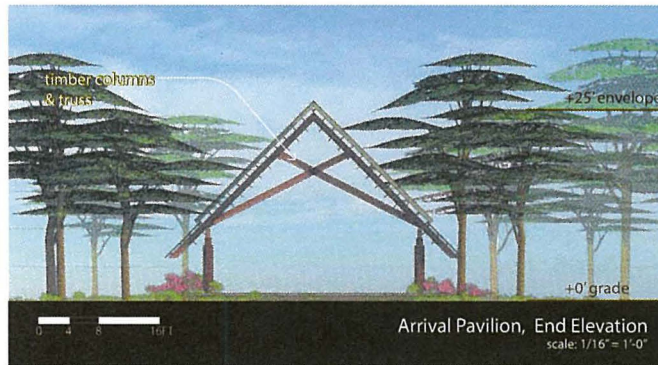
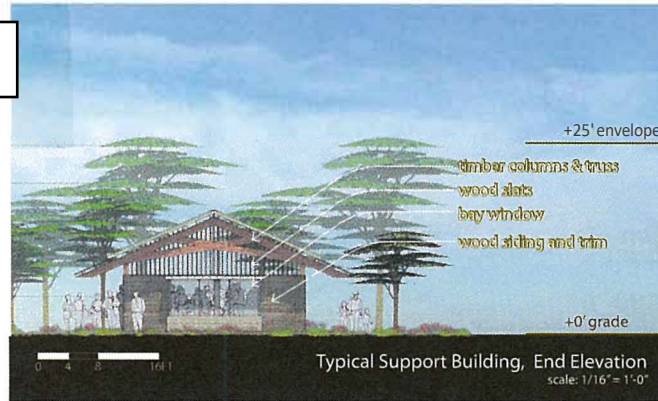


EXHIBIT G

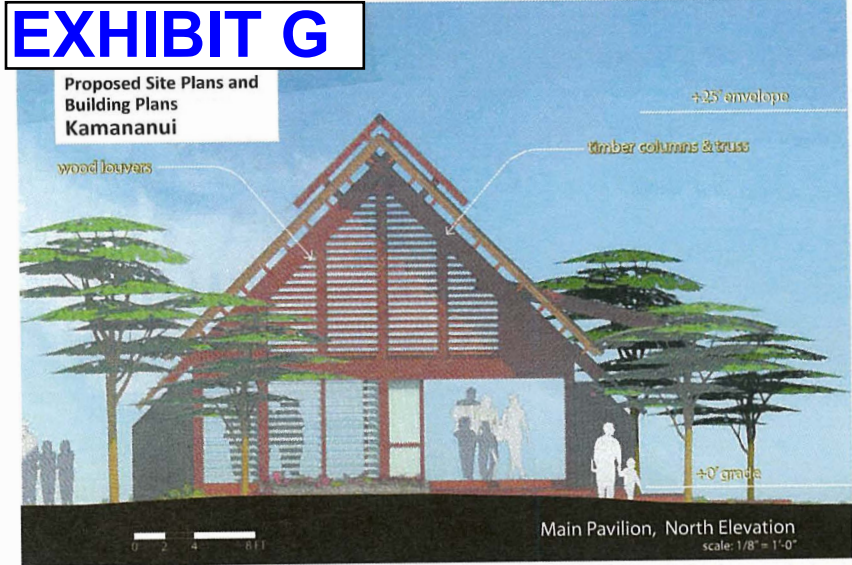


EXHIBIT H

Proposed Site Plans and
Building Plans
Kamananui

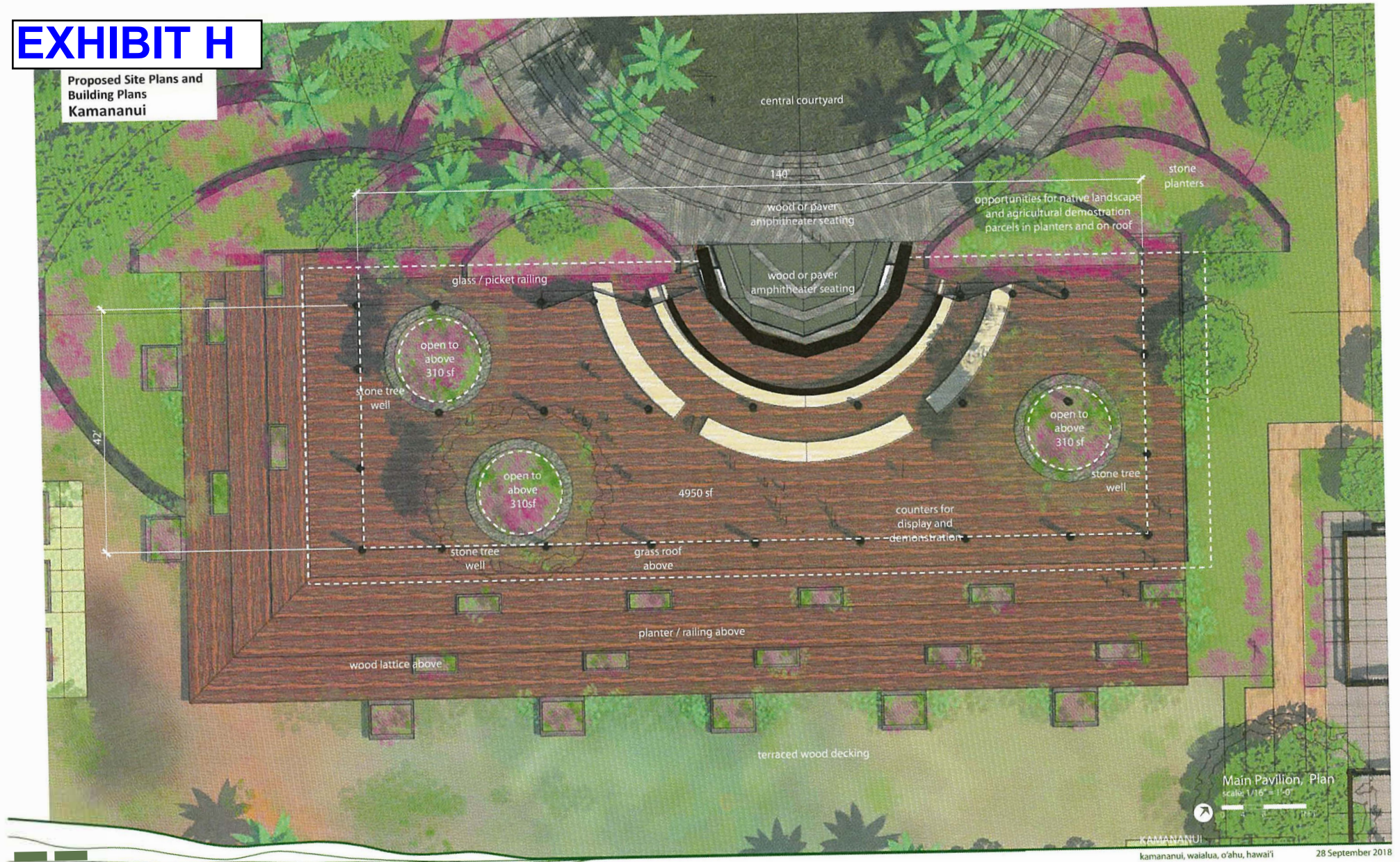
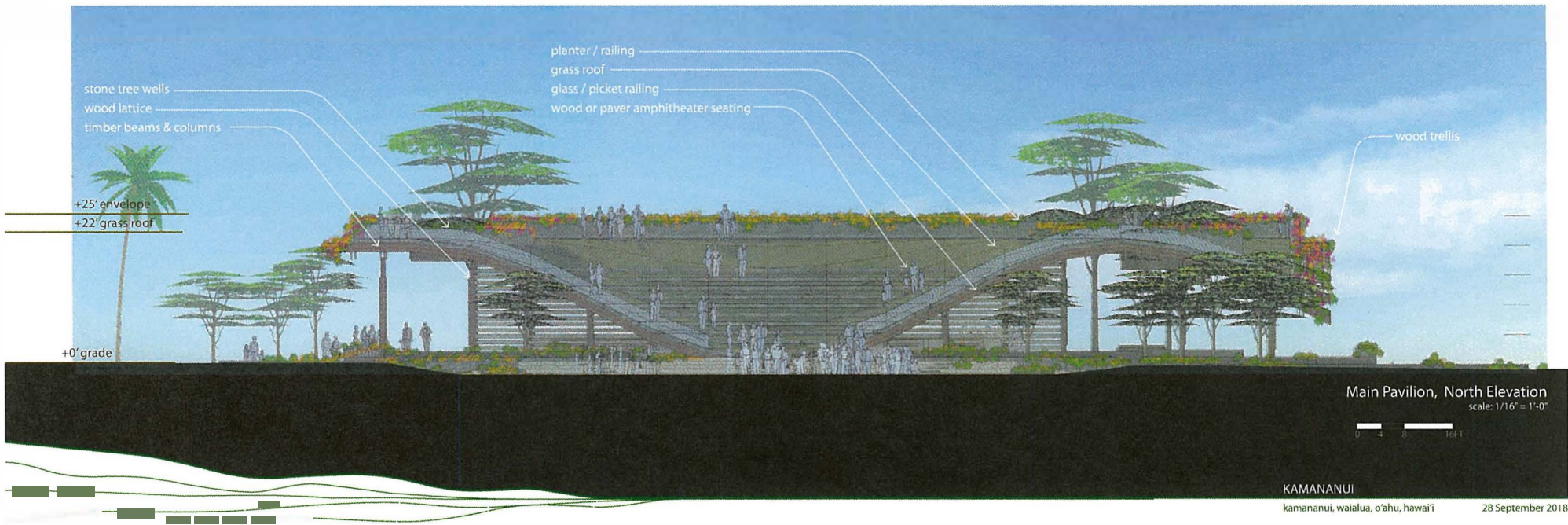


EXHIBIT I

Proposed Site Plans and
Building Plans
Kamananui



KAMANANUI

kamananui, waialua, o'ahu, hawaii

28 September 2018

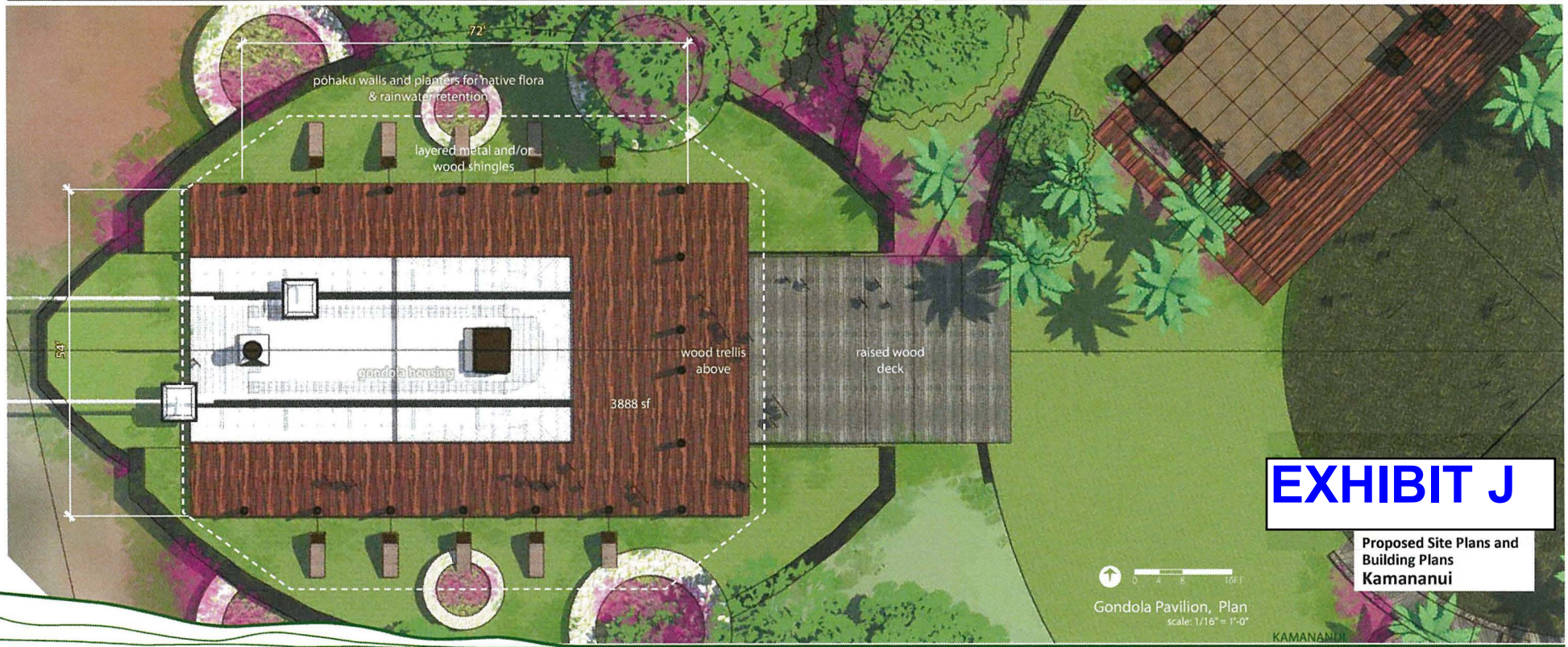
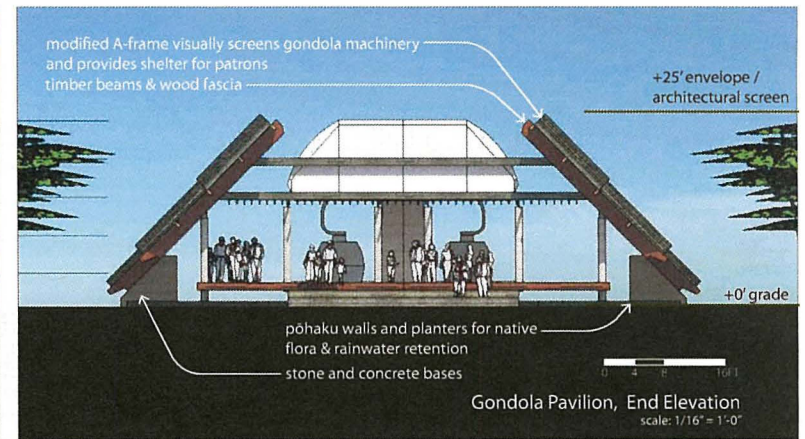
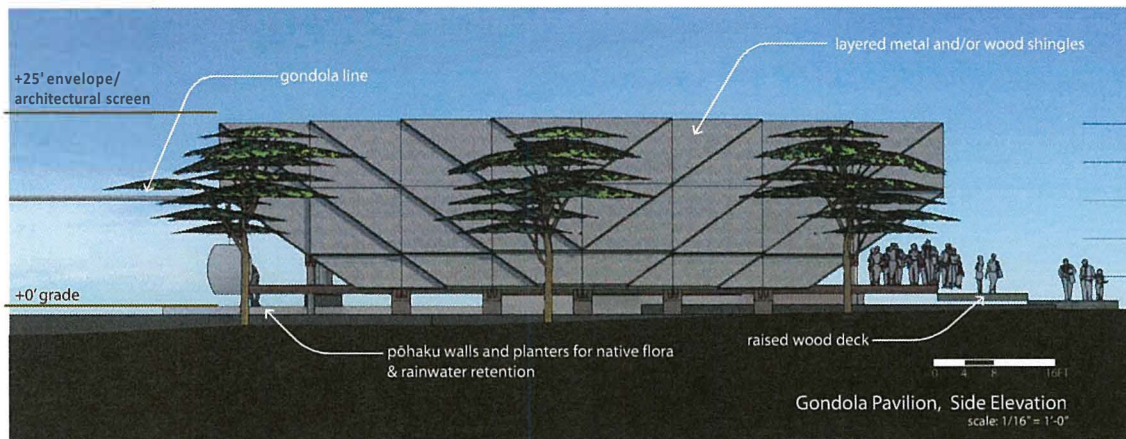


EXHIBIT J

Proposed Site Plans and
Building Plans
Kamananui

KAMANANUI

kamananui, wai'alua, o'ahu, hawaii

28 September 2018

EXHIBIT K

Proposed Site Plans and
Building Plans
Kamananui



pōhaku walls and planters
for native flora & rainwater
retention

GONDOLA
STORAGE &
RESTROOMS

2060 sf

2900 sf

opportunities for native
landscape and agricultural
exhibit parcels in clearings
and along trails

Gondola Pavilion
(Mid Station), Plan
scale: 1/32" = 1'-0"



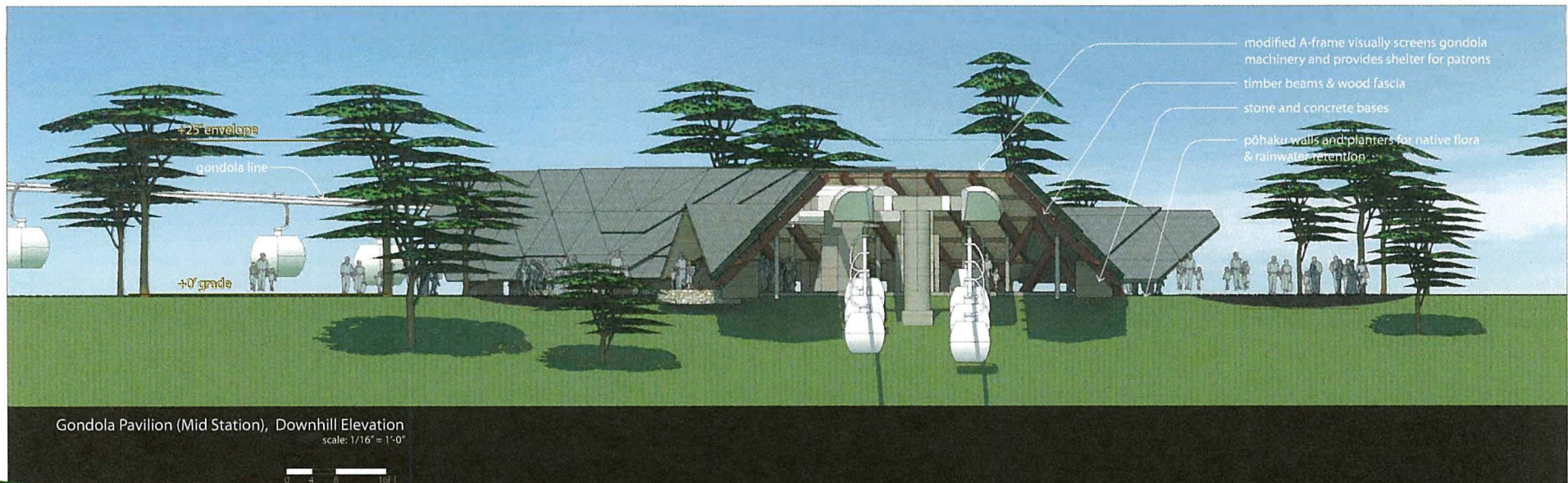
KAMANANUI

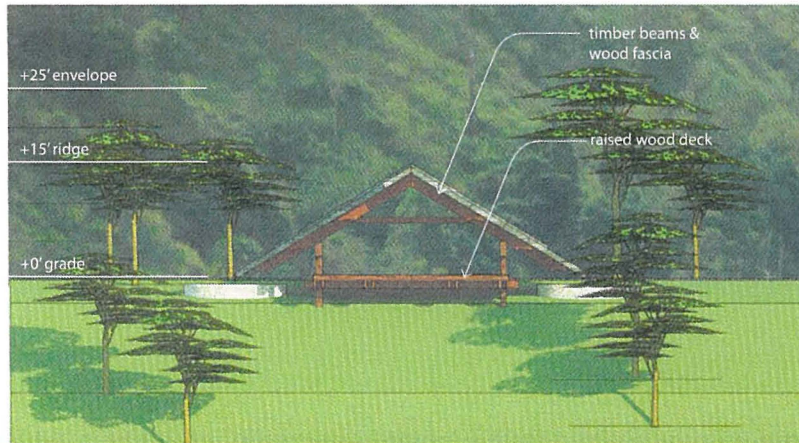
kamananui, waialua, o'ahu, hawaii

28 September 2018

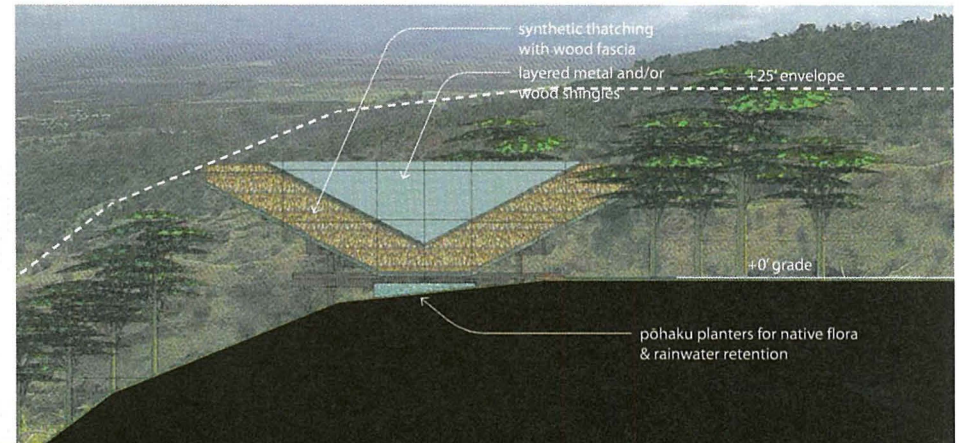
EXHIBIT L

Proposed Site Plans and
Building Plans
Kamananui

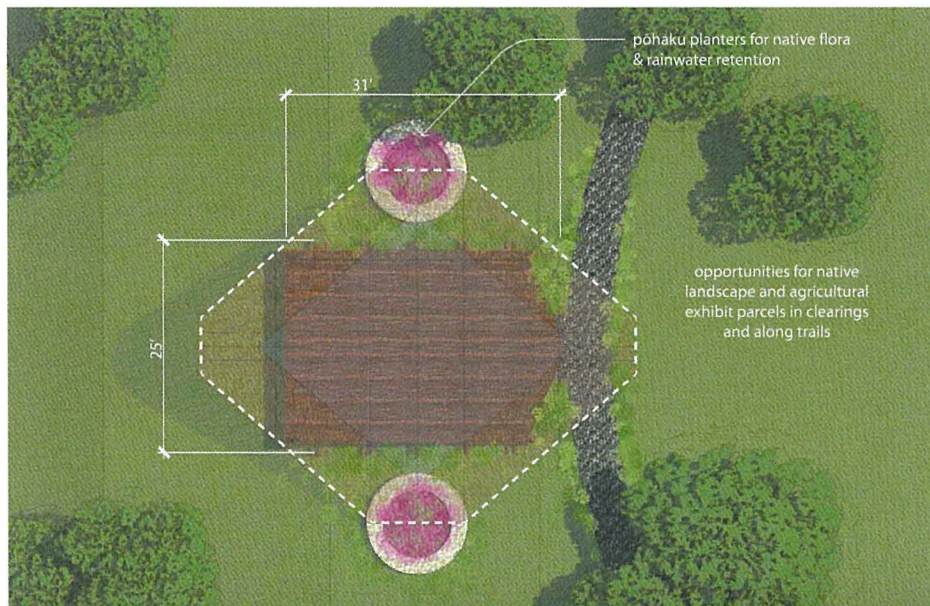




Zipline Shed, Downhill Elevation
scale: 1/16" = 1'-0"



Zipline Shed, Side Elevation
scale: 1/16" = 1'-0"



Zipline Shed, Plan
scale: 1/16" = 1'-0"

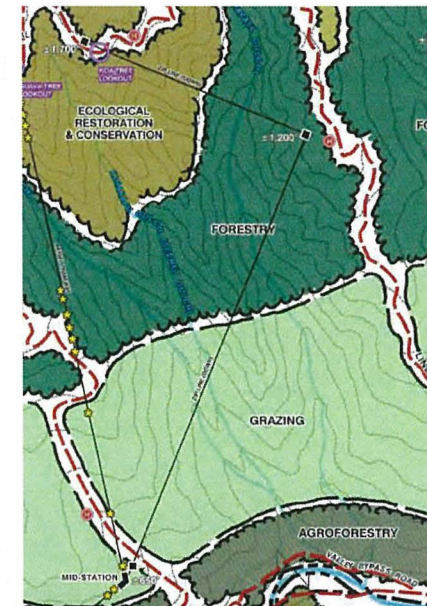


EXHIBIT M

Proposed Site Plans and
Building Plans
Kamananui

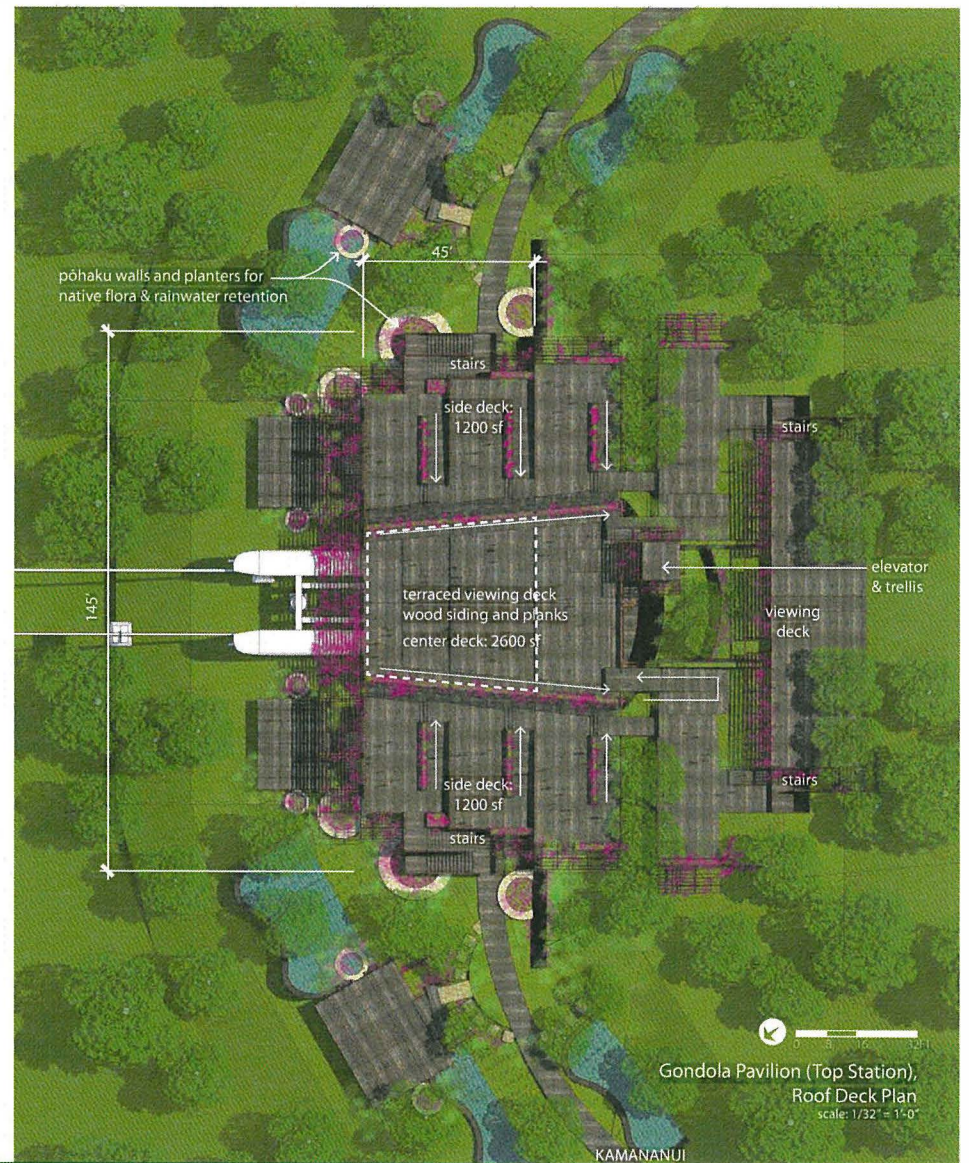
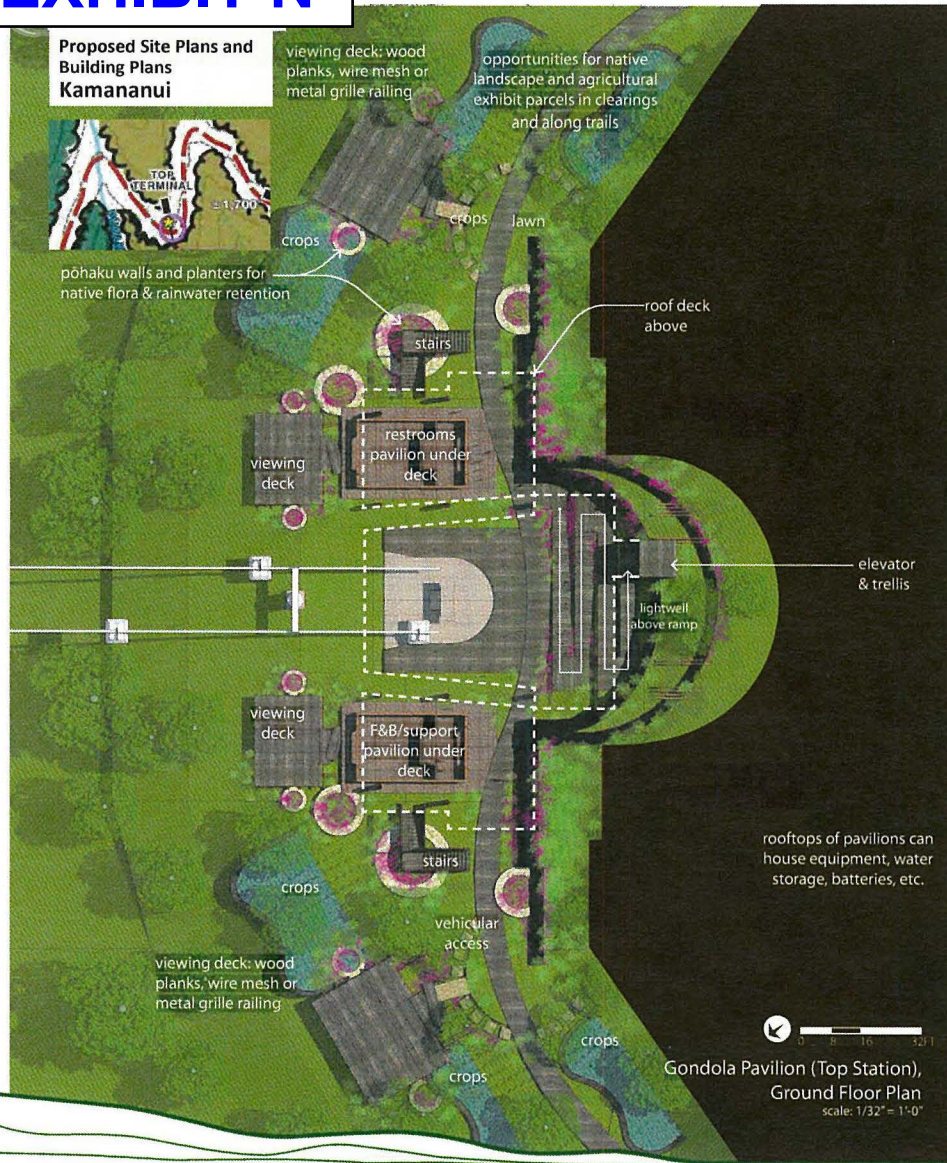
KAMANANUI

kamananui, waialua, o'ahu, hawaii

28 September 2018

EXHIBIT N

Proposed Site Plans and Building Plans Kamananui



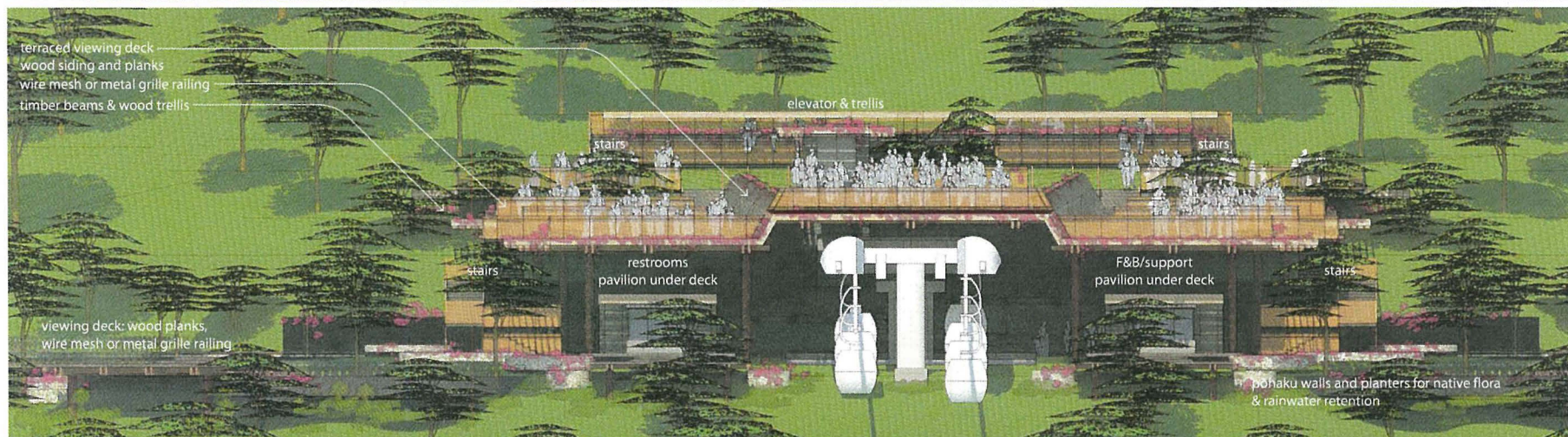
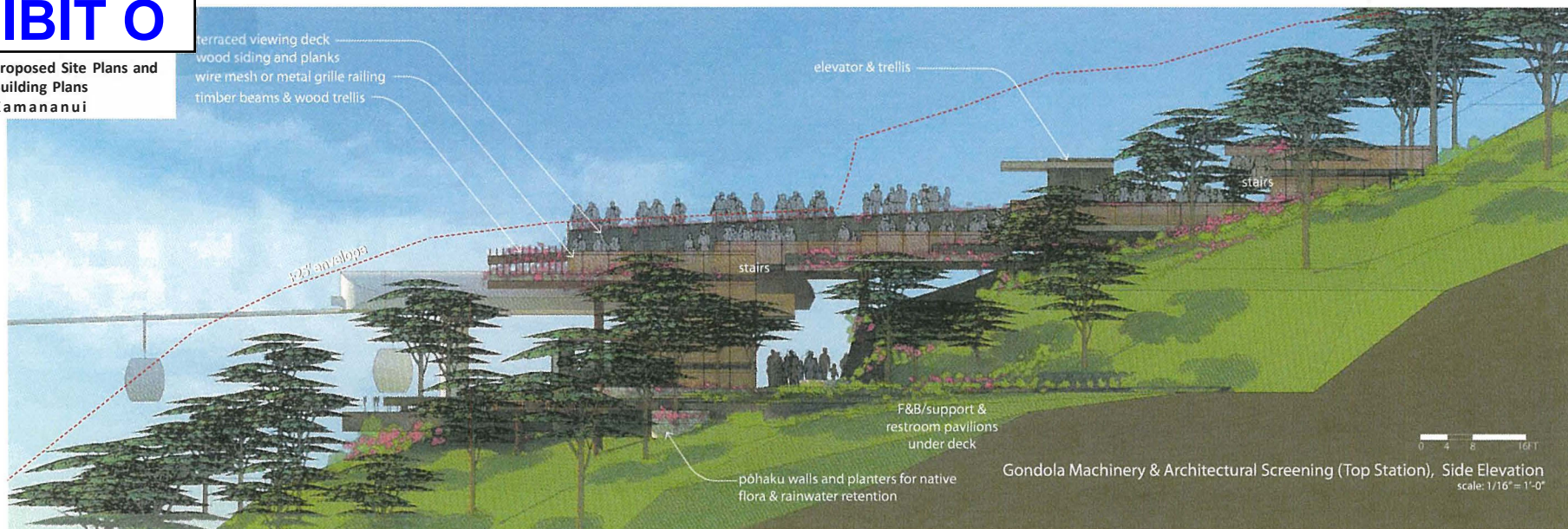
KAMANANUI

kamananui, waialua, o'ahu, hawaii

28 September 2018

EXHIBIT O

Proposed Site Plans and
Building Plans
Kamananui



Gondola Machinery & Architectural Screening (Top Station), Side Elevation
scale: 1/16" = 1'-0"

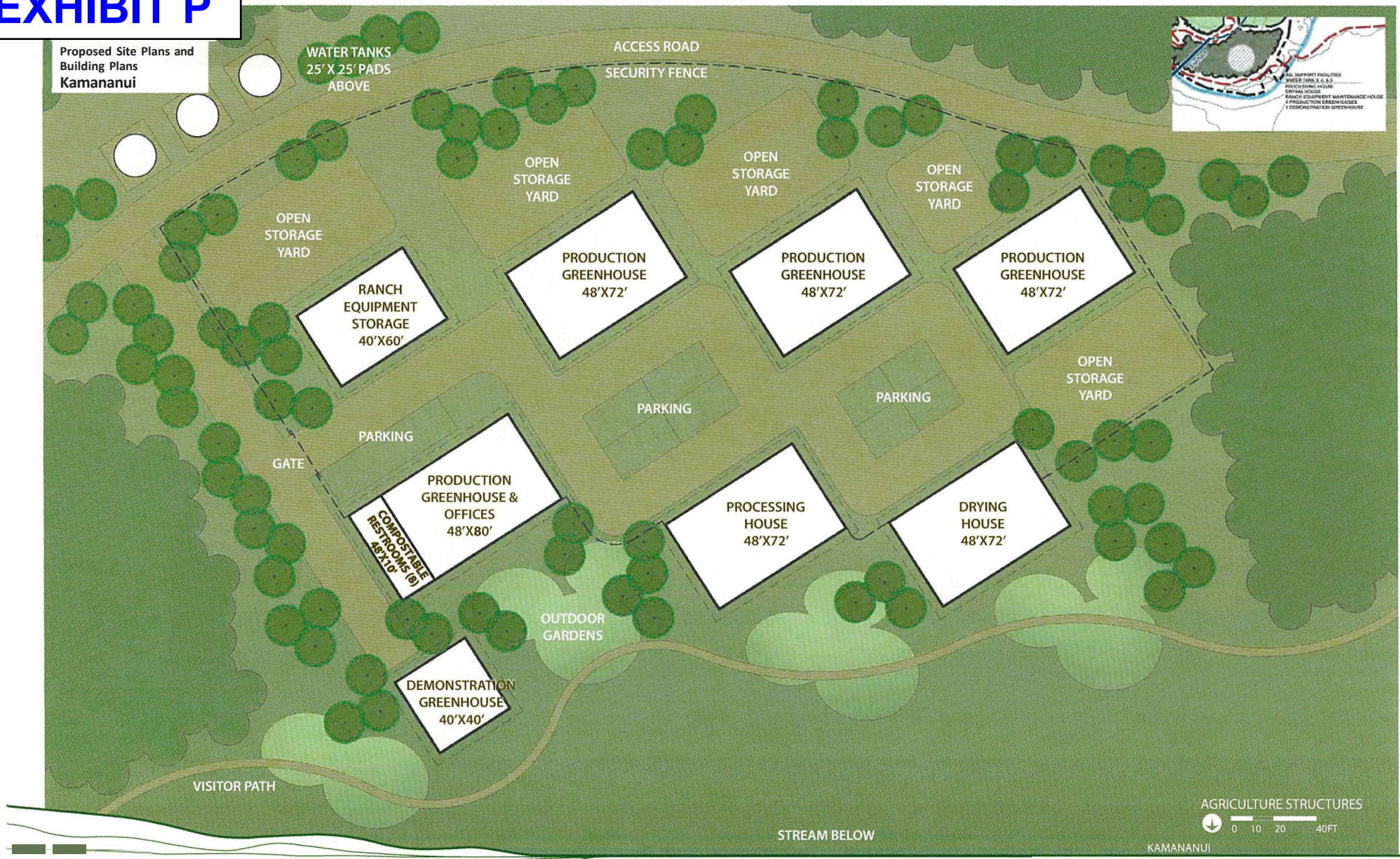
KAMANANUI

kamanīʻnui, walaʻua, oʻahu, hawaʻii

28 September 2018

EXHIBIT P

Proposed Site Plans and
Building Plans
Kamananui



AGRICULTURE STRUCTURES



KAMANANUI

kamananui, waialua, o'ahu, hawaii

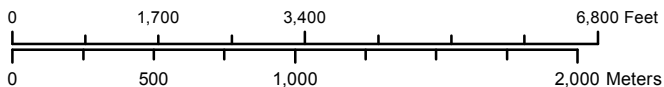
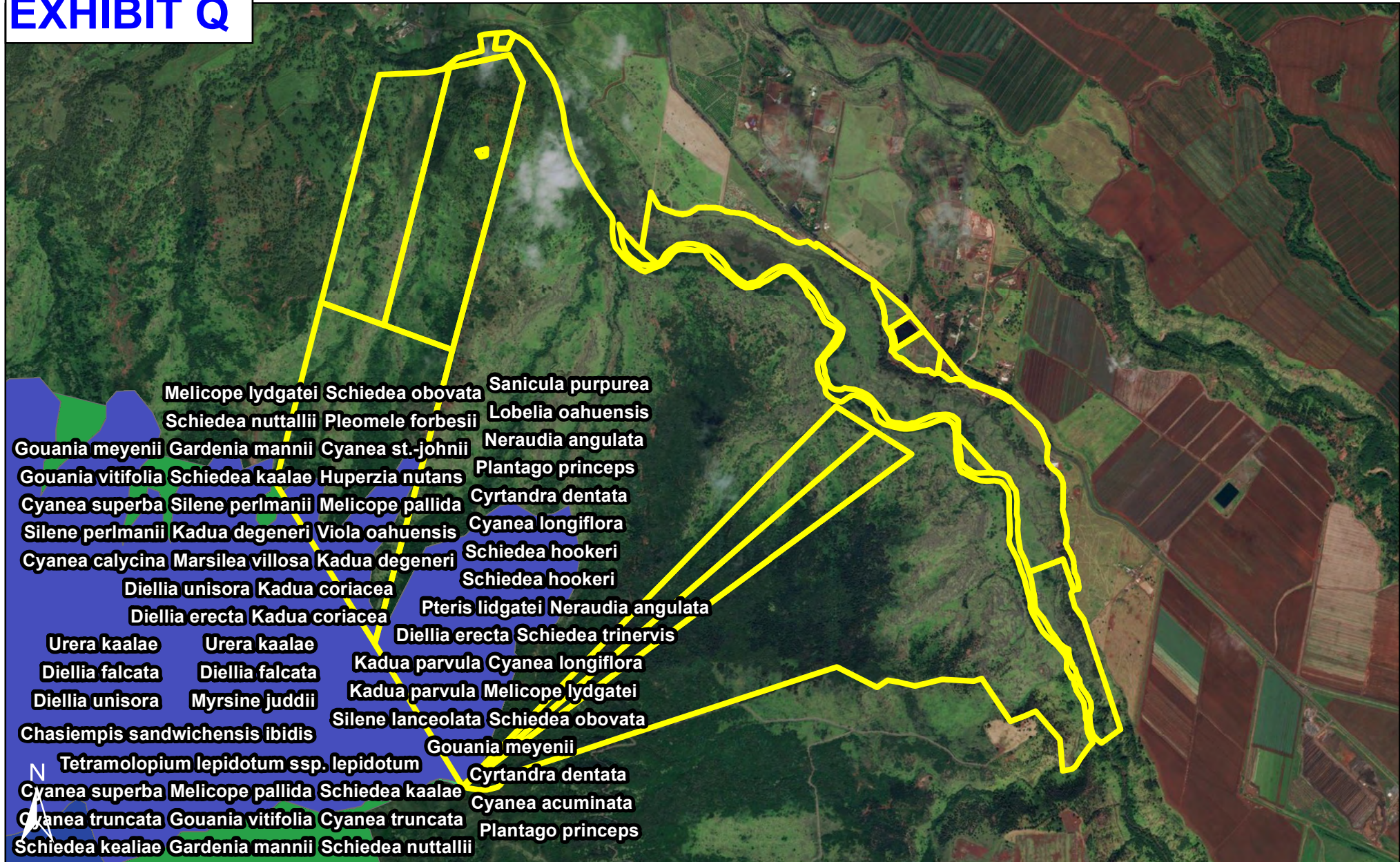
28 September 2018

District: West O'ahu SWCD
Operation: Kamananui Ranch
Approximate Area: ~2420 ac

Critical Habitat of Threatened & Endangered Species Map Kamananui Ranch

Created by: O'ahu RC&D
Assisted by: S. Mock
Date: November 2018

EXHIBIT Q



Doug Savage / Aug. 15, 28 / K-16100/61110TAG Superfly Ziplines As And When Vhislér/2 CAD020 Drafting/61110-Kamranul_Agic_Park.dwg

