Planning Commission

LORRAINE R. INOUYE
Mayor

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CERTIFIED MAIL

February 15, 1991

Ms. Marcia Stevens
Mauna Lani Resort, Inc.
P. O. Box 4959
Kohala Coast, HI 96743-4959

Dear Ms. Stevens:

Special Management Area (SMA) Use Permit Application
Use Permit Application
Applicant: Mauna Lani Resort, Inc.
TMK: 6-8-01 portion of 52

The Planning Commission at its duly held public hearing on January 31, 1991, voted to approve your applications, Special Management Area (SMA) Use Permit No. 309 and Use Permit No. 79, to allow the construction of three helipads, a terminal building, parking lot and related improvements on two acres of land within an Unplanned (U) zoned district. The property is situated within Mauna Lani Resort on the mauka side (northeast) of Kaniku Drive approximately 1,300 feet east (Kawaihae direction) of the Mauna Lani Resort Services and Administrative Office buildings, Waikoloa, South Kohala, Hawaii.

Approval is based on the following:

SPECIAL MANAGEMENT AREA USE PERMIT 88-17

The approval of three helipads, a terminal building, parking lot and related improvements within Mauna Lani Resort will not be violative of the objectives and policies stated in Chapter 205A, HRS, nor with the intent of Rule No. 9 of the Planning Commission relating to Special Management Area.

The purpose of Chapter 205A, HRS, and Rule No. 9 is to preserve, protect and where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development may be necessary to avoid irretrievable

loss of the valuable resources and the foreclosure of management options. No known rare or endangered species of plant or animal have been identified in this vicinity. Also, the project is located about 1.06 miles from the shoreline and should have minimal impacts to the coastal ecosystem. The area will be landscaped for dust control during takeoff and landings. The combination of on-site drywells, landscaping, and sewage disposal will effectively inhibit erosion, water runoff and potential pollutants into the offshore waters of this area.

An archaeological survey conducted in 1989 identified no archaeological features or sites in the area. If, however, any unanticipated sites or remains should be unearthed during construction, work shall cease and the Planning Department notified immediately. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

The proposal is not anticipated to obstruct public views of the coastline from Queen Kaahumanu Highway. The 252-square foot terminal building will be constructed at a distance of 3,500 feet from Queen Kaahumanu Highway and will be one story in height. Landscaping around the parking area and terminal building should lessen visual impacts to the surrounding area. Around the perimeter of the helipads, earthen berms and low landscaping will be utilized in lieu of fencing considering security, flight safety and aesthetics.

The project is not in a coastal hazard area nor will it aggravate any flood plains. The administration of the Hawaii County Code, Chapter 27 relating to Flood Control, by the Department of Public Works, will oversee on-site drainage.

Public access to and along the shoreline will not be affected because of the project's considerable distance from the coastal waters. Similarly, the project will not interfere with any publicly owned or used recreational area. The State's Puako Petroglyph Park, which is being developed by Mauna Lani Resort and the State, is 2,500 feet away. The approach and departure flight paths would occur in a diametrically opposite direction from the Park and from the shoreline. According to the Noise Impact Assessment report prepared by Darby and Associates and reviewed by the FAA, Department of Transportation-Airports Division, the Department of Health and the Department of Land and Natural Resources, the noise generated from 12-30 flights

would be less than 50-55 dB at these locations; thereby not affecting the Park and shoreline. The Puako Petroglyph Archaeological Park was measured as having an average sound pressure range from 35.0 to 44.5 dBA. When applying the 55 dB along the approach/departure/site corridor, the Park's exposure to helicopter generated noise would be minimally affected. The Department of Land and Natural Resources has stated that visitors in the Park should not be affected by the proposed use.

Another criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan, which designates the site within an Urban Expansion Area. The General Plan and the West Hawaii Regional Plan have identified Mauna Lani Resort as a major resort destination area. While the proposed activity is not a permitted use within the County's Unplanned (U) zoned district, the County Zoning Code does allow the possibility of establishing such an activity through the issuance of a Use Permit, which is being simultaneously processed. Therefore, the proposed use will not be inconsistent with the intent and purpose of the Zoning Code and the General Plan.

Based upon the above, it is determined that the proposed development will not have any substantial adverse impacts on the environment nor will its approval be inconsistent with the General Plan and Zoning Code or contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management, and Rule No. 9 of the Planning Commission relating to Special Management Area.

USE PERMIT APPLICATION 88-9

The establishment of three helipads, a terminal building and related improvements within the Mauna Lani Resort, will not be inconsistent with the general purpose of that zoned district, the intent and purpose of the Zoning Code, and the General Plan. The granting of such a facility would complement a goal of the General Plan's Land Use Element which states that "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." Mauna Lani Resort is, in itself, a "resort community." It is recognized that helicopter tours are a visitor-oriented industry. As a convenience to its users, the resort is providing that service within the resort

proper. Localizing impacts of a helicopter operation within the resort where surrounding uses include the applicant's golf course, administrative offices, sewage treatment plant, and preschool is preferable to widespread scattering of such uses throughout the county.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The project site is located in a section of the Mauna Lani Resort reserved for ancillary services and would be relatively secluded from resort and residential uses along the coastal areas. The applicant submitted a Noise Impact Assessment report prepared by Darby and Associates. The report utilized a 3,000-foot radius to identify noise-sensitive zones at the site and along the approach/departure corridor centerline. The Puako Petroglyphs Archaeological Park, the resort services building and pre-school were identified noise sensitive areas within the 3,000-foot zone. Using various scenarios of daily takeoff/landing operations, the Ldn levels were projected to be less than 55 dB at the three noise sensitive locations. The closest noise-sensitive use, the resort service and office, is planned to be moved to Mauna Lani Drive. The Department of Land and Natural Resources has stated that visitors in the Park should not be affected by the proposed use. While the preschool, a noise sensitive use, is within the 3,000-foot radius, the school and the helipad facility are both under the Mauna Lani Resort's management umbrella. Should there be a conflict, which can be mediated or mitigated, a condition of this approval would require that operations cease upon findings by the Planning Commission that surrounded uses have been adversely impacted. Further, these permits are granted with a five-year termination date. If a request to renew the permits is received, new factors and changing conditions in the area can be reassessed.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed use is a relocation of an existing use located on the boundaries of Mauna Lani's golf course close to Mauna Lani Drive. The new project site is located outside of the resort proper and away from resort traffic.

The granting of the permit to allow helipads, terminal

building, parking lot and related improvements will not unreasonably burden public agencies to provide the necessary utilities and services. Traffic to the site will increase over present levels. Since this traffic is expected to be internally generated from the resort visitors, impacts to the roadway system, including Kaniku Drive having a 20-foot wide pavement, should be minimal. The project is serviced by the private sewage treatment plant and an approved water system. All other essential utilities are available to the project site. Consulted agencies raised no objections or concerns over the request.

Approval is subject to the following conditions:

1. The applicant, successors, or assigns shall comply with all of the stated conditions of approval.

2. Final Plan Approval for Phase I improvements shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify any structures, helipads, landscaping, paved driveway access and paved parking stalls.

3. Phase I construction shall commence within one year and be completed within one year thereafter. Appropriate landscaping, paved driveway access and parking stalls shall be installed prior to commencing flight operations.

4. The applicant shall notify the Planning Department in writing of completion of required improvements prior to commencing flight operations.

5. Final Plan Approval for Phase II improvements shall be secured within one year from completion of Phase I improvements.

6. Construction of Phase II improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.

7. All flight activity shall be restricted to daylight hours.

8. Safety devices and signage as may be required by the State Department of Transportation and the Federal Aviation Administration shall be installed prior to the commencement flight operations.

9. The life of the permits shall be for five years commencing from the effective permit date with no obligation to renew.

10. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.

11. Comply with all other laws, rules, regulations, and requirements.

12. An annual report shall be submitted to the Planning Department prior to the anniversary date of the approval of these permits. The report shall include, but not be limited to, a detailed listing of public complaints or problems and their disposition. Should a conflict arise, which cannot be mitigated or mediated, the helipad operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding uses.

13. An extension of time for the performance of conditions within the permits, with the exception of Condition No. 9, may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permits; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one

additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permits.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Fred Y. Fujimoto

Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
OSP, CZM Program w/background
DLNR
Department of Transportation-Airports Division
Federal Aviation Administration