Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

CERTIFIED MAIL

December 29, 1989

Ken Melrose, Director of Planning
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Use Permit Application
TMK: 6-8-02:Portion of 16

The Planning Commission at its duly held public hearing on December 19, 1989, voted to approve your application, Use Permit No. 71, to allow the construction of a portion of a golf course and related improvements on approximately 220 acres of land situated within the Unplanned (U) zoned district on the west side of the Waikoloa Road, mauka of the Waikoloa Village General Store, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of a portion of the new 18-hole golf course within the Unplanned (U) zoned district 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 recreational facility would complement the goals of the General Plan's Recreation element which states to, "Provide a wide variety of recreational opportunities. . ." and to "Provide a diversity of environments for active and passive pursuits." It should be noted that the area under consideration is a portion (220± acres) of the entire 18-hole golf course. The remainder of the proposed golf course lands are within a zoned district which permits such use. According to the applicant, the area under consideration for a proposed golf course will eventually be rezoned to an Open (O) district, thus, becoming a permitted use.

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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. A golf course is a permitted use within the State Land Use Agricultural District provided that it is not classified A and B soils by the Land Study Bureau. The Land Study Bureau's overall master productivity rating for agricultural use is Class E or very poor.

If the property were not within the Unplanned (U) zoned district but instead zoned for Agricultural (A) uses, then it would have been an outright permitted use. The property is also not classified by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) system. It is, therefore, determined that impacts to the agricultural resources of the area are negligible. The golf course would also preserve and improve open space areas adjacent to existing vacant lands and within the Waikoloa Village area by improving the present arrid landscape of the area.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. The new golf course, which the area under consideration is a part of, will be used to provide for the applicant's own recreational need and demands.

The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The area is not a habitat for any endangered plant or animal species.

The granting of the proposed golf course will not unreasonably burden public agencies to provide the necessary utilities and services. All essential utilities and services are or will be available to the property.

Approval of this request 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 the proposed golf course and related improvements shall be secured from the Planning Department within one year from the effective date of the 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. The Planning Department shall determine the related improvements and accessory uses to the golf course at the time of plan approval review.

3. Construction of the golf course and related improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.

4. In the design of the golf course, the County of Hawaii Planning Department's Guidelines for Golf Course Design (November 1989) shall be considered. The Planning Department shall determine appropriate setback requirements, e.g. building and property lines, at the time of plan approval review.

5. An archaeological reconnaissance survey shall be conducted prior to any grading or land alteration and a report be submitted to the State Department of Land and Natural Resources, Historic Sites Program, and the Planning Department for review. Should any significant sites be found, a data recovery plan outlining appropriate mitigation measures shall be submitted to both agencies for review and approval.

6. Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. No work within the affected area shall resume until clearance is obtained from the Planning Department.

7. The use of pesticides and herbicides shall conform with the applicable regulations of appropriate governmental agencies.

8. During construction, best effort measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such best effort measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.

9. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Director that all proposed off-site construction material such as topsoil or sand are being supplied from an approved quarry or resource site.

10. A Traffic Impact Analysis Report (TIAR) shall be submitted to and approved by the Department of Public Works and Planning Department prior to receipt of Final Plan Approval.

11. Access to the area from the Waikoloa Road shall meet with the approval of the Department of Public Works.

12. To ensure that the goals and policies of the recreational element of the General Plan are implemented as proposed, the Department of Parks and Recreation upon consultation and with the approval of the Planning Department may require additional public recreational facilities and/or improvements within the project area or the district as appropriate. The preliminary recreational needs determination, if any, shall be established prior to the granting of Final Plan approval for the proposed golf course and related improvements, and shall be based upon an overall project and regional assessment of existing and proposed public recreational facilities less any credits for existing facilities and/or improvements directly attributable to the overall project. The applicant shall provide its required pro rata share in a method not inconsistent with the requirements and criteria found in Chapter 8, Article 1 (Park Dedication Code) of the County Code prior to the opening of the proposed golf course or any related facility thereto, whichever occurs first.

13. Comply with all other applicable laws, rules, regulations, and requirements.

14. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

15. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

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

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

Sincerely,

Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DLNR

bcc: Plan Approval Section