CERTIFIED MAIL

February 2, 1988

Mr. Ken Melrose
Director of Planning
Transcontinental Development Company
P. O. Box 3028
Kamuela, Hawaii 96743

Dear Mr. Melrose:

Use Permit Application
Petitioner: Transcontinental Development Company
TMK: 6-8-01:Por. 35 and 6-8-22:Por. 32

The Planning Commission at its duly held public hearing on January 26, 1988, voted to approve the application, Use Permit No. 57, to allow the development of a portion of a golf course within the County's Unplanned (U) zoned district at Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of 8 holes of a golf course and related improvements will not be inconsistent with the general purpose of the Unplanned 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 state to "Provide a wide variety of recreational opportunities for the residents of the County" and to "Provide a diversity of environments for active and passive pursuits." The approval of this request would also support the Economic policy of the General Plan which states that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors." The addition of a new nine holes to the existing 18-hole golf course furthers the goals of the Land Use Element which read "To provide for

FEB 2 1988

resort development that maximizes conveniences to its users" and "To ensure that resort developments maintain the social, economic, and physical environments of Hawaii and its people."

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 in the State Land Use Agricultural District because it affects lands with a Land Study Bureau Overall Productivity Rating of E or Poor. Thus, impacts to the agricultural resources of the island are negligible. The golf course will preserve and improve open space areas adjacent to existing vacant lands and within the present Waikoloa Beach Resort by landscaping the present barren lava fields and sparse vegetation. The proposed golf course addition would be irrigated with brackish water, which is mixed with treated sewage effluent. The Mauna Kea Soil and Water Conservation District commented that because of the shallowness of the water table coupled with the highly permeable a'a lava sub base, leaching of chemicals could occur and be deposited into the nearby ocean water. To mitigate this negative environmental situation, a condition of this approval is the establishment of an off-shore water quality monitoring program. Additionally, archaeological requirements are laid out as a condition of permit approval.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The added 9 holes of which 8 holes are affected under this request, were a part of the Waikoloa Beach Resort master plan as evidenced in the SMA Use Permit amendment request, which was approved in 1977. With the opening of the Hyatt Regency Waikoloa Hotel, the petitioner anticipates an increased demand in golf play of 150 more rounds per day. The proposed 9-hole addition should fulfill this resort need.

The granting of the proposed use will not unreasonably burden public agencies to provide the necessary utilities and services. All essential utilities and services are available to the project site.

Approval of this request is subject to the following conditions:

1. The petitioner, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.

2. Submit plans for consolidation and resubdivision within one year from the effective date of this permit.

3. Plans for the proposed development shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the subdivision.

4. Construction of the golf course shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.

5. An archaeological data recovery report shall be conducted and submitted to the Planning Department and State Department of Land and Natural Resources, Historic Sites Section prior to any land alterations on the subject properties. 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.

6. A coastal water and on-shore water quality monitoring program and contingency mitigation plan shall be developed and submitted to the Planning Department for approval prior to commencing operation of the proposed project.

7. All other applicable laws, rules, regulations, and requirements, including those of the Department of Health shall be complied with.

8. 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 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.

9. An initial extension of time for the performance of conditions within the ordinance 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 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 nullify the permit.

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

Sincerely,

Thomas A. Krieger

Thomas A. Krieger
Chairman, Planning Commission

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

bcc: Plan Approval Section