



Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

October 3, 1989

Mr. William F. Mielcke
Mauna Kea Properties, Inc.
P.O. Box 218
Kamuela, HI 96743

Dear Mr. Mielcke:

Use Permit Application
TMK: 6-2-01:portion of 51

The Planning Commission at its duly held public hearing on September 20, 1989, voted to approve your application, Use Permit No. 69, to allow the development of a portion (21.6 acres) of a proposed golf course within the Unplanned (U) zoned district. The areas involved are located mauka (east) of the Queen Kaahumanu Highway and in the vicinity of the Mauna Kea Beach Hotel complex, Ouli, 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 for the residents of the County" and to "Provide a diversity of environments for active and passive pursuits." The addition of an 18-hole golf course, which the affected properties are a part of, would also further the goals of the Land Use element which state, "To provide for 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." It should be noted that the area under consideration is only a small portion (21 acres of the entire 18-hole golf course). The majority of the land for the

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proposed golf course is within a zoned district which permits such use. Further, the area under consideration for a golf course will become a permitted use as soon as the Open (O) and Multiple Family Residential (RM) zoning become effective.

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. The property is also not classified by the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) system. That department also commented that the request would not pose any additional impacts on agriculture. 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 South Kohala Resort development by improving the present arid landscape of the area.

The granting of the proposed use will not adversely affect similar or related existing uses with 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. Further, no archaeological sites of significance were found on the property.

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.

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2. Plans for the proposed golf course shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the permit.
3. Construction of the golf course shall commence within one year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.
4. 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.
5. The use of pesticides and herbicides shall conform with the applicable regulations of appropriate governmental agencies.
6. 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.
7. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Director that all proposed off-site construction materials such as topsoil or sand are being supplied from an approved quarry or resource site.
8. Access to the area from the Queen Kaahumanu Highway shall meet with the approval of the State Department of Transportation, Highways Division.
9. Comply with all other applicable laws, rules, regulations, and requirements.
10. 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.


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11. 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: Ms. Anne Mapes
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DLNR

bcc: Plan Approval Section