Planning Commission

LORRAINE R. INOUYE
Mayor

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

CERTIFIED MAIL

April 1, 1991

Mr. Thomas Yamamoto
Nansay Hawaii, Inc.
P. O. Box 111222
Kamuela, HI 96743

Dear Mr. Yamamoto:

Use Permit Application
Tax Map Key: 6-2-01:18, 74, and 75

The Planning Commission at its duly held public hearing on March 14, 1991, voted to approve your application, Use Permit No. 82, to allow the establishment of an 18-hole golf course and related improvements within the County's Unplanned (U) zoned district. The project site is located on the south side of the Kawaihae-Waimea Road, across from the Waimea Landmark Estates Subdivision and to the west of Anekona Estates Subdivision, Ouli, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of an 18-hole golf course and related facilities 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, provided adequate mitigating conditions are met.

The subject request will also provide a form of perpetual open space, thus, maintaining the current open character of the surrounding area along with its natural and scenic qualities. The proposed development would, therefore, be consistent with the policies of the Recreation and Open Space elements of the General Plan which state that recreational facilities in the County shall reflect the natural, historic, and cultural character of the area, and that the recreational use should be compatible with the adjacent areas. To further ensure that these General Plan elements are implemented further data recovery and interpretive preservation will be required.

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The granting of this proposal would complement the goals of the General Plan's Recreation element which states to "Provide a diversity of environments for active and passive pursuits" and to "Provide a wide variety of recreational opportunities . . . ."

A condition of this approval would be the submittal of a community benefit assessment program to the Planning Director for approval prior to Final Plan Approval of the golf course. It is felt that this provision would be consonant with the policy of the Land Use Element that states "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." A community benefit assessment program would also encompass a wide range of community needs rather than the limited recreational needs determination previously required.

Golf courses are permitted uses within the State Land Use Agricultural District provided that the affected lands are not classified either A and B soils by the Land Study Bureau. The Land Study Bureau's Overall Master Productivity rating for agricultural use of the subject properties is Class E or very poor; therefore, consideration of a golf course within these State land use parameters is permissible.

The County's Unplanned (U) zoned district applies to areas that have not had sufficient studies to adopt specific district classifications. Among the permitted uses in this zoned district are single family dwellings, agricultural uses and activities, home occupations, hunting and fishing preserves or lodges, aquaculture activities, and accessory uses or structures. Since golf courses are not permitted uses in the County's Unplanned zoned district, a Use Permit must be approved by the Planning Commission before the use can be established. Golf courses are permitted uses within the County's Residential and Open zoned districts.

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 character of land use in the immediate area is pasture, open space, and clustered single family residential homes. With the exception of cattle grazing, the area under consideration and immediately surrounding lands are basically in open space and not in intensive agricultural pursuits. It is

determined that impacts to the agricultural resources of the area are negligible. This finding is consistent with the Land Study Bureau's classification and the ALISH system map for soils of the area.

The proposed golf course and related improvements will continue to change the character of Ouli. This pattern of transformation, however, is already evident in the land use pattern adjacent to and abutting the project site where the Anekona and Waimea Landmark Estate Subdivisions have been established.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. These areas have already been committed to large lot rural residential type development which would essentially be compatible with the proposed golf course use. The establishment of another golf course within the community and region should provide an inland recreational alternative not currently available.

All essential utilities and services required for the development of a golf course and related facilities are or will be made available. Conditions of approval relative to the provision of such services are being proposed. These include the provision for off-site roadway improvements as well as water.

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 (45) 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 not inconsistent with the applicable provisions of the Zoning Code 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. To ensure that the goals and policies of the General Plan are implemented, the Planning Director shall formulate a community benefit assessment program for implementation by the applicant prior to receipt of Final Plan Approval of the golf course.

5. In the design of the golf course, the County of Hawaii Planning Department's Guidelines for Golf Course Design (November 1989, as amended) shall be utilized. The Planning Department shall determine appropriate setback requirements (i.e. building and property line) at the time of plan approval review. Easements for golf course purposes over and across abutting lots, either existing or proposed, shall not be permissible.

6. No individual fee interest, ownership, or title to any portion of the golf course shall be permitted without prior compliance with the Subdivision Code.

7. A data recovery plan and mitigation program shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources, prior to receipt of Final Plan Approval and/or prior to the issuance of any grading or grubbing permit, whichever occurs first.

8. 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. Work within the affected area shall not resume until clearance is obtained from the Planning Department.

9. The use of pesticides and herbicides in conjunction with all phases of operation shall conform with the applicable regulations of appropriate governmental agencies.

10. 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.

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

12. Access(es) to the proposed development from Kawaihae-Waimea Road, including channelization, shall meet with the approval of the State Department of Transportation-Highways Division.

13. The applicant shall provide adequate water service and back-up facilities or assurances to meet the demands for fire protection and all domestic related facilities prior to the issuance of any occupancy permit.

14. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health and Public Works.

15. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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.

16. An initial extension of time for the performance of conditions within the permit 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) the 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 shall 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,

Fred Y. Fujimoto
Chairman, Planning Commission

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xc: Mr. Bruce Tsuchida
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Department of Parks & Recreation
State Department of Transportation-Highway Division
Department of Health
West Hawaii Office
DLNR

Bcc: Plan Approval Section