Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

February 13, 1992

Mr. William F. Mielcke, President
Mauna Kea Properties
One Mauna Kea Beach Drive
Kohala Coast, HI 96743-9706

Dear Mr. Mielcke:

SMA Use Permit Application (SMA 91-3)
Use Permit Application (UP 91-4)
Applicant: Mauna Kea Properties
Request: Golf Course & Related Improvements
TMK: 6-2-2:por of 6

The Planning Commission at its duly held public hearing on February 6, 1992, voted to approve your applications, Special Management Area (SMA) Use Permit No. 328 and Use Permit No. 96, to allow the construction of an 18-hole golf course, golf clubhouse and related improvements on approximately 200 acres of land. The property is located on the makai side of the Queen Kaahumanu Highway and bounded by Spencer Beach Park and the Puukohola Heiau National Historic Park to the north and Mauna Kea Resort to the south, Kawaihae 2nd and Waimea, South Kohala, Hawaii.

Approval of the Special Management Area (SMA) Use Permit request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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One of the criteria for approving a development within the Special Management Area is that it is consistent with the General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area for Resort, Medium Density Urban, Low Density Urban and Open uses. 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 . . . ."

Another criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed development is not anticipated to have substantial adverse ecological effects. According to a Botanical Assessment Survey of the project site conducted in 1991, the majority of the plant species located within the project site were introduced or alien species. Roughly 90 percent of the project site is covered scattered trees, shrubs and grasses. Native plants found were limited to koali, 'ilima, pa'u-o-Hi'i-'aka, milo, alena, pili, pili grass, popolo and 'uhaloa. The assessment concluded that "there are no botanical reasons to impose any restrictions, conditions, or impediments to the development site." Another survey, also in 1991, found no endangered species of birds or mammals within the project site. This survey concluded that no special or unique environmental resources, with respect to birds, were discovered. It suggested that the proposed development might increase the areas attractiveness or suitability for species such as the plover, common myna, sparrow and Japanese White-eye.

A baseline assessment of coastal waters in the vicinity of the subject property concluded that construction and operation of the proposed golf course does not present the potential for permanent adverse impacts to the marine environment. As recommended by the report, a condition of this approval would require the applicant to establish an on-going coastal water quality monitoring program to establish a pre-construction

baseline of conditions. The program shall be designed to provide mitigative measures prior to degradation of the water quality and biotic community structure.

An environmental assessment of fertilizer, herbicide and pesticide use on the proposed golf course determined that it is unlikely that leaching of these applications into groundwater with subsequent movement to shoreline waters will be a problem. While runoff during the rainy season could possibly carry pesticides or nitrates to coastal waters near Kukui Point, the assessment concluded that the quantities of pesticides or nitrates would be too small and infrequent to be of consequence to aquatic species.

With the exception of the Waiulaula Stream and low-lying areas, most of the subject property is located within an area outside of the 500-year flood plain (Zone X). The Waiulaula Stream forms the southern border of the project site and is subject to inundation by a 100-year frequency flood (Zone A). The low-lying areas are also subject to the 100-year flood with a base flood elevation of 8 feet. While no improvements are proposed within these flood areas, the 15th and 16th fairways and the proposed golf course maintenance building will be located in close proximity. To ensure that construction and land alteration activities are not conducted within these flood areas as well as to ensure that all runoff generated by the proposed development is disposed on-site, it is recommended that the applicant prepare a drainage study and a detailed flood control plan meeting with the approval of the Department of Public Works for submittal at the time of plan approval review for the proposed development.

The proposed development will not adversely impact historical and cultural resources within the area, provided recommended mitigating conditions are complied with. A two-phase archaeological inventory survey of the property was conducted in 1990. The survey identified 148 archaeological sites within the project area, of which 130 sites were assessed as significant solely for information content. Of these, no further work was recommended for 77 sites. The survey recommended that further data collection be required for the remaining 53 sites.

Of the remaining 18 sites, further testing was recommended to determine the cultural significance of 6 probable burial

sites. Some level of interpretive development was recommended for 5 probable habitation complexes. Further data collection was recommended for 3 habitation complexes with possible burials. Two sites, a family cemetary and ceremonial site/burial, were determined to be significant for its cultural significance and information content. A road/trail, which was possibly situated along the same route as a prehistoric/early historic foot trail referred to as the Kawaihae-Puako Trail, was also determined to be significant for information content and culturally significant. Preservation of this road/trail "as is" was recommended. A final site, which corresponds to the old Puako-Kawaihae Road, was recommended to be included in future plans. To ensure that the cultural and historical character of the area is maintained, it is recommended that the applicant prepare and submit an archaeological data recovery and mitigation/interpretive plan for the review and approval of the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to the submittal of plans for plan approval review.

The proposed development will not have an adverse impact on the coastal scenic and open resources of the area. The open nature of the proposed development will complement the open character of the area as well as maintain its scenic qualities. Siting of the proposed clubhouse and maintenance building away from the Queen Kaahumanu Highway will take advantage of the visual buffer to be created by the golf course.

The recreational resources of the area will be maintained by the applicant, if not enhanced. According to the application, public shoreline access will continue to be available over a 6-foot wide pedestrian easement along the coast. A public shoreline access parking area is also proposed mauka of the Haseko property. The number of stalls to be provided will be determined at the time of plan approval review.

No adverse impacts on air and water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing regulations.

Approval of the Special Management Area (SMA) Use Permit request is subject to the following conditions:

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

2. The applicant shall prepare a drainage study and a detailed flood control plan for the proposed development meeting with the approval of the Department of Public Works and submitted at the time of Plan Approval Review for the proposed development.

3. Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Department within 18 months 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. Plans would delineate structures, archaeological preservation/ interpretive areas, public shoreline access parking area, flood plains, landscaping, parking associated with the golf course use, and roadway alignments and its connection to the Mauna Kea Beach Resort, at the minimum.

4. 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.

5. 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. The total cost of community benefit assessment shall not exceed three million dollars ($3,000,000).

6. The minimum 40-foot shoreline setback line shall be staked by a registered engineer or surveyor with written confirmation of such staking submitted prior to any land alterations in the affected area. No improvements shall be allowed within the 40-foot shoreline setback area unless a Shoreline Setback Variance has been granted by the Planning Commission.

7. Prior to the submittal of plans for Plan Approval review, the applicant shall prepare and establish a Coastal Water Quality Monitoring Program for the proposed development meeting with the approval of the Planning Director. The

program shall utilize the baseline survey obtained in the applicant's Baseline Assessment of the Marine Environment in the Vicinity of the Queen Emma Foundation Lands (Queen's Area). The monitoring program should be designed to provide mitigative measures prior to the degradation of water quality and the biotic community structure.

8. 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.

9. An archaeological data recovery and mitigation/interpretive plan shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources-Historic Preservation Division prior to the submittal of plans for Final Plan Approval review.

10. 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.

11. The applicant shall submit an Integrated Pest Management (IPM) program, which includes compliance with the applicable conditions and/or regulations of the appropriate governmental agencies, including the Department of Health.

12. 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 in the state of Hawaii.

13. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Department that adequate water is available to meet the demands for irrigation, fire

protection and all golf course related facilities. Additional sources of water to be developed to support the proposed development shall meet with the approval of the Department of Water Supply.

14. 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.

15. Access(es) to the proposed development from the Queen Kaahumanu Highway, which may include fully channelized intersection(s), shall meet with the approval of the State Department of Transportation-Highways Division. The applicant shall provide all off-site roadway improvements to the Queen Kaahumanu Highway as may be required by, and meeting with the approval of, the State Department of Transportation-Highways Division.

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

17. 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.

18. 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.

Approval of the Use Permit request is based on the following:

The establishment of an 18-hole golf course, clubhouse and related improvements within the Agricultural-1 acre (A-1a) 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.

A two-phase archaeological inventory survey of the property was conducted in 1990. The survey identified 148 archaeological sites within the project area, of which 130 sites were assessed as significant solely for information content. Of these, no further work was recommended for 77 sites. The survey recommended that further data collection be required for the remaining 53 sites.

Of the remaining 18 sites, further testing was recommended to determine the cultural significance of 6 probable burial sites. Some level of interpretive development was recommended for 5 probable habitation complexes. Further data collection was recommended for 3 habitation complexes with possible burials. Two sites, a family cemetary and ceremonial site/burial, were determined to be significant for its cultural significance and information content. A road/trail, which was possible situated along the same route as a prehistoric/early historic foot trail referred to as the Kawaihae-Puako Trail, was also determined to be significant for information content and

culturally significant. Preservation of this road/trail "as is" was recommended. A final site, which corresponds to the old Puako-Kawaihae Road, was recommended to be included in future plans. To ensure that the cultural and historical character of the area is maintained, it is recommended that the applicant prepare and submit an archaeological mitigation/interpretive plan for the review and approval of the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to the submittal of plans for plan approval review.

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 . . . ."

The Department of Land and Natural Resources has recommended that provisions for public play be made available for local residents at the proposed golf course or that an impact fee be assessed for government or civic projects within West Hawaii. As a condition of this approval recommendation, a community benefit assessment program will be formulated by the Planning Director prior to Final Plan Approval review of the golf course. It is felt that this provision would be consistent 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 property is Class "E" or "Very Poor"; therefore, consideration of a golf course within these State land use parameters is permissible.

Among the permitted uses in the County's Agricultural (A) zoned district are single family dwellings, agricultural uses and related activities, aquaculture activities, and accessory uses or structures. Since golf courses are not permitted uses in the County's Agricultural 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 surrounding area is open space with resort/open (Mauna Kea Beach Resort) uses to the south, national and state parks to the northwest, and residential uses to the north. As previously mentioned, the open nature of the proposed golf course will complement the predominantly open character of the surrounding area. The site plan submitted indicates that the proposed clubhouse facility will be centrally located within the golf course, thereby allowing the golf course itself to provide a visual buffer from adjoining properties and the Mamalahoa Highway. In addition, the Planning Department's Guidelines for Golf Course Development will be utilized to assure that adjacent properties will not be adversely affected by direct play on the golf course (i.e. errant golf balls).

The proposed clubhouse as well as most of the subject property is located within an area outside of the 500-year flood plain (Zone X). The Waiulaula Stream forms the southern border of the project site and is the major drainageway within the subject area. The Waiulaula Stream is subject to inundation by a 100-year frequency flood (Zone A). According to the site plan submitted, the 15th and 16th fairways and the proposed golf course maintenance building will be located in close proximity to the northern banks of the Waiulaula Gulch. No improvements are anticipated within other low-lying areas within the project site also identified as areas subject to a 100-year frequency flood (Zone AE). The Department of Public Works recommends that all runoff generated by the proposed development be disposed of on-site. To ensure the confinement of runoff as well as to define the limits of the 100-year frequency flood areas, it is recommended that the applicant prepare a drainage study and a detailed flood control plan meeting with the approval of the Department of Public Works for submittal at the time of plan approval review for the proposed development.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. The applicant currently operates the 18-hole Mauna Kea Beach Resort Golf Course adjacent to the south

of the project site. Other existing golf courses within the South Kohala District include two 18-hole golf courses at Mauna Lani Resort, two 18-hole courses at the Waikoloa Beach Resort, and one 18-hole course at Waikoloa Village. Permitted golf courses pending or presently under construction include 18-hole courses at the proposed South Kohala Resort and Ouli Country Club, and two 18-hole courses each within the Waikoloa Beach Resort and Waikoloa Village developments. Puako Hawaii Properties recently secured approval for six 18-hole courses in Waikoloa. It is not anticipated that this approval would affect these existing or proposed courses.

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 off-site roadway improvements and wastewater disposal system meeting with the approval of the affected agencies. The Department of Public Works recommends that the applicant provide an interior roadway connection from the project site to the Mauna Kea Beach Resort. Access to the project site from the Queen Kaahumanu Highway shall meet with the approval of the Department of Transportation. The Department of Water Supply had indicated that additional water sources will be required to support the proposed development. Therefore, this approval recommendation is conditioned upon the applicant demonstrating to the satisfaction of the Planning Department that adequate water is available to support the proposed golf course development.

Approval of the Use Permit request is subject to the following conditions:

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

2. The applicant shall prepare a drainage study and a detailed flood control plan for the proposed development meeting with the approval of the Department of Public Works and submitted at the time of Plan Approval Review for the proposed development.

3. Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Department within 18 months 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. Plans would delineate structures, archaeological preservation/ interpretive areas, public shoreline access parking area, flood plains, landscaping, parking associated with the golf course use, and roadway alignments and its connection to the Mauna Kea Beach Resort, at the minimum.

4. 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.

5. 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. The total cost of community benefit assessment shall not exceed three million dollars ($3,000,000).

6. 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.

7. An archaeological data recovery and mitigation/interpretive plan shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources-Historic Preservation Division prior to the submittal of plans for Final Plan Approval review.

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 applicant shall submit an Integrated Pest Management (IPM) program, which includes compliance with the applicable conditions and/or regulations of the appropriate governmental agencies, including the Department of Health.

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 adequate water is available to meet the demands for irrigation, fire protection and all golf course related facilities. Additional sources of water to be developed to support the proposed development shall meet with the approval of the Department of Water Supply.

12. 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.

13. Access(es) to the proposed development from the Queen Kaahumanu Highway, which may include fully channelized intersection(s), shall meet with the approval of the State Department of Transportation-Highways Division. The applicant shall provide all off-site roadway improvements to the Queen Kaahumanu Highway as may be required by, and meeting with the approval of, the State Department of Transportation-Highways Division.

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.

These approvals do not, however, sanction the specific plans submitted with the applications 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,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Belt Collins & Associates
J. Douglas Ing, Esq.
Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
OSP, CZM Program w/background
DLNR-Historic Preservation Division
Department of Health
Department of Transportation-Highways Division
Plan Approval Section