Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

December 19, 1991

Mr. Thomas H. Yamamoto
Chief Operating Officer
Puako Hawaii Properties
PO Box 111222
Kamuela, HI 96743-0020

Dear Mr. Yamamoto:

Use Permit Application (91-7)
Applicant: Puako Hawaii Properties
Request: 6 Golf Courses and Related Improvements
TMK: 6-8-01:25, 36, 37, 38, 39 & 40

The Planning Commission at its duly held public hearing on December 11, 1991, voted to approve your application, Use Permit No. 90, to allow the construction of six 18-hole championship golf courses, a golf teaching academy and related improvements within the County's Unplanned zoned district. The project site is located on the mauka side of the Queen Kaahumanu Highway between the Mauna Lani Resort complex and Waikoloa Village, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The establishment of six 18-hole golf courses 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.

DEC 20 1991

The proposed development would, therefore, be consistent with the policies of the Recreation and Open Space elements of the General Plan, which cite 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, botanical mitigation and interpretive preservation will be required.

The granting of this proposed development would further 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 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."

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 and the ALISH system does not classify the subject area; therefore, consideration of a golf course within these State land use parameters is permissible.

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 subject area is vacant open space. The area under consideration and surrounding lands are basically in open space and not in intensive agricultural pursuits. The Waikoloa Residential community is adjacent to the east. 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 project will continue to change the character of this portion of Puako. This pattern of transformation, however, is already evident in the land use pattern adjacent to and abutting the project site where the Mauna Lani and Waikoloa resort and residential complexes 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 resort and residential type development which would essentially be compatible with the proposed golf course use. The establishment of six (6) additional golf courses within the community and region should provide an inland recreational alternative not currently available.

All essential utilities and services required for the development of the six golf courses 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. In addition, conditions of approval relative to a groundwater monitoring and a golf course maintenance (fertilizers, pesticides, biocides) plan are also being required.

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. The golf course project shall be developed in three phases. The first phase shall consist of a maximum of three golf courses, one of which shall be made available for play at comparable municipal rates within the County of Hawaii meeting with the approval of the Planning Department in consultation with the Department of Parks and Recreation. The second and third phases shall consist of two golf courses and one golf course, respectively.

3. Final Plan Approval for three golf courses and related improvements shall be secured from the Planning Department within 18 months from the effective date of this 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 structure(s), archaeological and biological preservation areas, landscaping, parking and roadway alignments, at the minimum. The Planning Department shall determine the related improvements and accessory uses to the golf courses not inconsistent with the applicable provisions of the Zoning Code at the time of plan approval review. This condition shall not preclude the simultaneous submittal of plans for the remaining golf courses.

4. Construction of the three golf courses within the first phase and related improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within four years thereafter. Phases II and III shall be completed within three years from the date of completion of the golf courses within the previous increment(s). Construction of the golf courses within Phases II and III shall commence within one year from the date of opening of the golf course(s) within the previous increment(s) and be completed within three 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 courses. As part of the community benefit assessment program, one golf course, or the equivalent number of rounds per year, shall be turned over to the County of Hawaii and/or made available within Phase 1 for public play at municipal rates, as determined by the Planning Director in consultation with the Department of Parks and Recreation.

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 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. A botanical mitigation and preservation plan shall be prepared for review and approval by the U.S. Fish and Wildlife Service and the Department of Land and Natural Resources prior to submitting plans for plan approval or any land alterations on the project site, whichever comes first.

10. The use of pesticides, biocides and herbicides in conjunction with all phases of the golf courses operation shall conform with the applicable regulations of appropriate governmental agencies.

11. 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.

12. Prior to each golf course construction, the applicant shall demonstrate to the satisfaction of the Planning Department that adequate water for the continuous use of the golf course is available.

13. Prior to each golf course 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.

14. Prior to issuance of a grading permit for the golf courses in Phases II and III, the applicant shall submit an analytical mitigation report to the Planning Department and the Planning Commission. The analytical mitigation report

shall (A) summarize the results of the groundwater quality monitoring program; (B) summarize the golf course management practices being utilized at the existing golf courses; (C) analyze the results of the groundwater quality monitoring and golf course management practices; and (D) recommend revisions or additional mitigation measures to be initiated with the next phase to be constructed. The Planning Department or Commission may determine that appropriate mitigation measures be taken by the applicant. The Planning Department or Commission reserves the right to conduct a hearing on the mitigation measures.

15. Access(es) to the proposed development from Queen Kaahumanu Highway, including channelization, shall meet with the approval of the State Department of Transportation-Highways Division. Should the Department of Transportation allow phasing of access improvements, the specific improvements shall be installed prior to opening of each golf course.

16. The applicant shall designate an 80-foot wide mauka-makai road from the eastern property boundary to Queen Kaahumanu Highway at a location meeting with the approval of the Departments of Public Works and Transportation. The mauka-makai road shall be open for general public traffic. The 80-foot wide mauka-makai road shall be delineated on plans submitted for plan approval review or subdivision. The mauka-makai road may be constructed incrementally with the golf course development; provided, however, the entire road within the project site, including an interchange at Queen Kaahumanu Highway, is completed either prior to completion of the final golf course or as required by the Department of Transportation, whichever occurs first.

17. The applicant shall provide water service and back-up facilities or assurances to meet the demands for fire protection and domestic-related facilities prior to issuance of a certificate of occupancy permit for the respective project phase to be developed.

18. A groundwater monitoring plan and system shall be prepared, in consultation with the State Department of Health, and submitted to the Planning Department prior to issuance of a grading permit for the golf course(s). The plan and system shall be updated prior to opening of each successive golf course.

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

20. 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.

21. 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,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mr. Bruce Tsuchida
Mayor
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Department of Tranportation-Highways Division
Plan Approval Section
Planners
Connie
Department of Health
Department of Public Works
US Fish & Wildlife
DLNR
Planning Director
Mayor