Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

February 13, 1992

Mr. Eugene Lum
Akahi Joint Venture
1330 Dominis Street
Honolulu, HI 96822

Dear Mr. Lum:

Use Permit Application (UP 91-11)
Special Permit Application (SP 91-19)
Applicant: Akahi Joint Venture
Requests: 27-Hole Golf Course, Membership Clubhouse and Overnight Accommodations
TMK: 8-7-14:2

The Planning Commission at its duly held public hearing on February 6, 1992, voted to continue the public hearing on the above-referred Special Permit application as requested by the Planning Director. It also voted to approve your application, Use Permit No. 97, to allow the establishment of a 27-hole golf course and related improvements within the County's Unplanned zoned district. The property is located on the west (makai) side of the Mamalahoa Highway approximately 5 miles north of the Milolii Road-Mamalahoa Highway junction and above Keanahuionaho Point, Opihihale 2nd, South Kona, Hawaii.

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

The establishment of a 27-hole golf course, clubhouse, driving range 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

FEB 13 1992

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, a revised archaeological inventory survey and mitigation/interpretive plan will be required.

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 require the applicant to provide potable water system facilities along the Mamalahoa Highway which will provide water to area residents and a program for public play at the proposed golf course, among other benefits as may be required by, and meeting with the approval of, the Planning Director prior to the official opening 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 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 related activities, 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 open space and scattered residential homesteads. The remote nature of this development and the large landholdings surrounding the subject property would preclude any substantial adverse impacts to surrounding properties. 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). In addition, it is recommended that the applicant preserve public shoreline access through the project site. A shoreline access plan will be required for review and approval of the Planning Director.

The project site is not located within any flood areas. However, to ensure that on-site run-off does not adversely impact surrounding properties, the applicant shall prepare a drainage study for submittal to the Department of Public Works. The coastal area of the subject property is located within the State Land Use Conservation District and the County's Special Management Area. The Conservation District encumbers an area 300 feet mauka of the certified shoreline. As previously determined by the Planning Director, the SMA encumbers an area 500 feet mauka of the certified shoreline. To ensure that construction activities do not impact these areas, the applicant will be required to stake a line a minimum of 500 feet mauka of the shoreline. The applicant shall ensure that all land alteration activities are conducted mauka of this line.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. The establishment of a golf course within this 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. In addition, transfer stations shall not be utilized for the disposal of construction and operational solid waste generated at the proposed golf course.

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. At the time of Plan Approval review, the applicant shall demonstrate to the satisfaction of the Planning Department that adequate water is available for the continuous use of the proposed golf course and related improvements, including those required under Condition No. 5.

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 shall indicate a minimum 500-foot setback from the shoreline as required by Condition No. 8 of this permit.

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, in consultation with the community and the County Council, for implementation by the applicant prior to receipt of Final Plan Approval of the golf course. The community benefit assessment program shall include, but not be limited to:

   a. Potable water system facilities along Mamalahoa Highway which will provide water to area residents at uniform rates;

   b. A program for public play for Big Island residents with green fees which do not exceed twice the municipal rate and with a minimum of 280 rounds per week to be provided on certain weekdays and one weekend day; and

c. Other benefits as may be required by the Planning Director.

All required facilities or improvements shall be completed prior to the official opening of the golf course. The total cost of community benefits, excluding the program for public play, 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. The applicant shall prepare a drainage study of the proposed development for submittal to the Department of Public Works for review and approval prior to securing Final Plan Approval.

8. Prior to any land alteration activities or the issuance of a grading or grubbing permit, the applicant shall stake, clearly flag and certify a line 500 feet mauka of the certified shoreline. Written certification of this staking, to be prepared by a registered engineer or surveyor, shall be submitted to the Planning Department in conjunction with the submittal of plans for a grading permit. All land alteration activities shall occur well mauka of this staked line. The applicant shall take all necessary precautions to inform workers of the requirements and limitations of this condition.

9. 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 monitoring program should be designed to provide mitigative measures prior to the degradation of water quality and the biotic community structure.

10. A revised archaeological inventory survey and mitigation/ interpretive 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 the submittal of plans for Final Plan Approval review.

11. 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.

12. 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.

13. 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.

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. The applicant shall fully channelize the project's access road intersection with the Mamalahoa Highway, provide street lighting at this intersection, and replace substandard guardrails along the property's highway frontage, meeting with the approval of the State Department of Transportation-Highways Division. All interior access roads shall meet with the approval of the Department of Public Works.

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

17. Construction and operational solid waste generated at the proposed development shall be disposed of at the regional landfill. Transfer stations shall not be utilized for the disposal of solid wastes. Policies developed by the applicant to implement this condition shall be included in the operations manual of the proposed development.

18. Existing rights for public access to the shoreline shall be preserved, provided that the applicant may provide for public access over project roadways to facilitate access to unimproved jeep trails which lead to and from the shoreline. A shoreline access plan shall be submitted to the Planning Director for approval prior to the opening of the golf course.

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

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.

You will be informed as to the date, time and place of the continued hearing on your Special Permit application as soon as they have been determined.

Should you have any questions in the meantime, please feel free to contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mr. Raymond Suefuji
Mr. Glenn Koyama
Mr. R. Ben Tsukazaki
Mayor
Planning Director
County Council
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
DLNR-Historic Preservation Division
Department of Health
State Department of Transportation-Highways Division
Office of State Planning
Plan Approval Section