Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

August 5, 1994

Mr. Sidney Fuke
Sidney Fuke and Associates
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (USE 94-5)
Applicant: Toyama Gardens Hawaii, Inc. dba Nani Mau Gardens, Inc.
Request: Establish a 9-hole Pitch and Putt Golf Course
Tax Map Key: 2-2-48:13

The Planning Commission at its duly held public hearing on July 28, 1994, voted to approve the above application. Use Permit No. 126 is hereby issued to Toyama Gardens Hawaii, Inc. dba Nani Mau Gardens, Inc. to establish a 9-hole pitch and putt golf course on approximately 15 acres of land within the State Land Use Agricultural district. The project site is located at the corner of Makalika and Awa Streets, Panaewa Farm Lots, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for a proposed 9-hole pitch and putt golf course and related improvements, Rule 7 of the Planning Commission relating to Use Permits require that such action conform to the following guidelines:

(a) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;

(b) 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;

(c) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and

(d) The proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

Non-conformance with any of the above-mentioned guidelines would require that the requested Use Permit be denied.

The establishment of a 9-hole pitch and putt golf course and related improvements on the project site which is located within the County's Agricultural-10 acres (A-10a) 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.**

A pitch and putt golf course may be established within the County's Agricultural-zoned district provided a Use Permit is secured from the Planning Commission. Therefore, **approval of the request would not be inconsistent with the general purpose of the Agricultural-zoned district nor the intent and purpose of the Zoning Code.**

The subject request will provide the petitioner with a unique opportunity to expand the character of the existing Nani Mau Gardens and its extensive landscaping motif into an "active-version" of its existing arboretum. The proposed pitch and putt golf course would be visually and functionally integrated into the existing arboretum through the use of similar landscaping and interwoven footpaths. The proposed pitch and putt course would therefore maintain the open character of the existing arboretum and surrounding area while providing a recreational opportunity in a unique setting. The proposed development **would be consistent with the following policies of both the Recreation and Open Space elements of the General Plan:**

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.
- Recreational facilities in the County shall reflect the natural, historic, and cultural character of the area.

- Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.

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 of the project site for agricultural use is Class "E" or "Very Poor". 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. Simply stated, the proposed pitch and putt golf course in an extension of the petitioner's existing arboretum. While defined as a "golf course", the intensity of the use of land is no different that that generated by the existing arboretum. The pitch and putt golf course offers a novel method in which to enjoy and appreciate what the Nani Mau Gardens has to offer. The recreational benefits offered by such a facility would only enhance the gardens appeal to the general public. Conditions of approval within Special Permit No. 247 requires the provision of landscaping along the boundaries of the affected properties. Additional landscaping, beyond that already required and anticipated with the establishment of course within an arboretum, would be sufficient to mitigate any visual or noise impact to adjoining properties which may be generated by the proposed activity. The applicant shall consider the concepts defined within the Planning Department's Guidelines for Golf Course Development to assure that adjacent properties will not be adversely affected by direct play on the course (i.e. errant golf balls). Finally, application of pesticides or herbicides on the pitch and putt golf course will be no different that that applied within the existing arboretum. According to the applicant, this course will not be maintained at the standards applied to standard regulation golf courses. The course will essentially be a "converted lawn and landscaped area." Therefore, limited concerns regarding pesticide and herbicide application would not warrant the imposition of any mitigative requirements beyond compliance with existing governmental standards and regulations. Fugitive dust and runoff will be regulated through existing governmental regulations.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community, or region. By the nature of the proposed use as a

non-regulation pitch and putt golf course, adverse impacts to golf courses in the region are not anticipated. The only golf course in the South Hilo District is the Hilo Municipal Golf Course, an 18-hole regulation golf course. Approved courses within the region, such as the proposed Ponahawai, Ainaloa and Kaumana Country Club golf courses, are all regulation golf courses which will not be affected by the proposed use.

All essential utilities and services required for the development of a golf course and related facilities are or will be made available. Primary access to the project site from the Hawaii Belt Highway is via Makalika Street, a County-maintained roadway having a pavement width of 18 feet within a 50-foot wide right-of way. A condition of approval of Special Permit No. 247, which permitted the establishment of the Nani Mau Gardens complex and its expansion, requires that the applicant provide a deceleration/acceleration lane at the Hawaii Belt Highway-Makalika Street intersection and street lighting in the vicinity of this intersection prior to the issuance of a certificate of occupancy for any portion of the expanded complex or by June 17, 1994, whichever is sooner. These improvements were required to accommodate the expansion of the Nani Mau Gardens complex. An accompanying request by the applicant for an amendment to this requirement to allow for additional time in which to provided these improvements must still be considered by the State Land Use Commission. While the applicant cites its deferral of expansion plans and the current economic climate as reasons for its inability to construct the intersection improvements within the required timeframe, approval of this Use Permit application would represent the expansion of the existing gardens complex which would, hopefully, increase its visitor count and the financial capability to provide the necessary highway improvements. Traffic to be generated by the establishment of a pitch and putt golf course can be accommodated by highway improvements required for the existing gardens complex. The accompanying amendment to Special Permit No. 247, if approved, would allow for the construction of highway improvements at a time determined necessary by the Department of Transportation, or within 5 years, whichever occurs first. This would allow for the installation of highway improvements when traffic conditions warrant such improvements. It is recommended that a similar condition be required regarding the installation of highway improvements, with the exception of street lighting in the vicinity of this intersection, when required by the Department of Transportation or within 5 years from the date of this permit, whichever is sooner. Water, wastewater disposal and other essential utilities and services are or will be made available to support the proposed use.

Approval of this request is subject to the following conditions:

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

2. Final Plan Approval for the proposed pitch and putt golf course and related improvements shall be secured from the Planning Director. Plans submitted shall identify, but not be limited to, the alignment of the pitch and putt golf course, the location of existing structures and facilities, existing and proposed landscaping, and parking stalls associated with the proposed use.

3. Construction of the pitch and putt golf course and related improvements shall be completed within three (3) years from the date of receipt of Final Plan Approval.

4. A drainage study, if required, shall be prepared by the applicant for review and approval by the Department of Public Works prior to submittal of plans for Plan Approval review of the pitch and putt golf course. A drainage system, if required, shall be installed meeting with the approval of the Department of Public Works, prior to the opening of the pitch and putt golf course opening.

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

6. Access to the project site from Makalika Street shall be restricted to three entrance/exit driveways as approved by the Department of Public Works. Additional accesses from Awa and Makalika Streets may be permitted as service driveways which shall meet with the requirements of the Department of Public Works. No access shall be allowed from Railroad Avenue unless and until it has been improved to County dedicable standards.

7. The Hawaii Belt Highway (Highway 11) shall be improved with a) a right-turn deceleration lane from the Hawaii Belt Highway onto Makalika Street; b) an acceleration lane for traffic entering the Hawaii Belt Highway from Makalika Street; and c) additional street lighting in the vicinity

of the Hawaii Belt Highway-Makalika Street intersection. The foregoing improvements shall meet with the requirements and approval of the Department of Transportation-Highways Division. Highway improvements, with the exception of additional street lighting, shall be constructed within five (5) years from the date of this permit or when traffic volumes at the Hawaii Belt Highway-Makalika Street intersection reach levels warranting such improvements as determined by the State Department of Transportation or Department of Public Works, whichever occurs first and by whichever agency is applicable. The petitioner shall submit annual traffic volume counts to the State Department of Transportation for traffic turning onto Makalika from the Hawaii Belt Highway and from Makalika Street onto the Hawaii Belt Highway. The initial report shall be submitted within 6 months from the effective date of this amendment and annually thereafter. Additional street lighting in the vicinity of the Hawaii Belt Highway-Makalika Street intersection shall be provided within one (1) year from the effective date of this amendment.

8. Should any unanticipated archaeol [illegible] ures be uncovered during land preparat [illegible] within the affected area shall im [illegible] the Planning Director immediately not [illegible] the affected area shall not resume un [illegible] ained from the Planning Director.

refers to SP 247 amendment.

9. The use of pesticides and herbici [illegible] with all phases of the pitch and putt golf course operation shall conform with the applicable regulations of appropriate governmental agencies.

10. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.

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

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

13. An annual progress report shall be submitted to the Planning Director prior to each 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.

14. 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.

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

Sincerely,

Donald L. Manalili, Chairman
Planning Commission

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Plan Approval Section
State Department of Transportation, Highways Division
State Department of Health

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