

CERTIFIED MAIL

May 30, 1989

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

Dear Mr. Fuke:

Special Management Area (SMA) Use Permit Application
Applicant: Otaka, Inc.
TMK: 7-8-10:51 and Portion of 36 and 82

The Planning Commission at its duly held public hearing on May 23, 1989, voted to approve the above application, Special Management Area (SMA) Use Permit No. 284, to allow the 9-hole expansion to the existing 27-hole Kona Country Club golf course, golf pro shop, parking area, comfort station/snack bar, and related improvements at the existing club house facility, as well as the area mauka of Alii Highway and south of the mauka 9-hole golf course, Keauhou-Kona, North Kona.

Approval of this 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. As a result, 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. The proposed development involves the construction of a 9-hole golf course, expansion of the existing golf pro shop, and related improvements at the Kona Country Club, Keauhou Resort.

The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The subject area is not believed to be habitat for any endangered plant or animal species. The site of the proposed golf course

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is over 1,200 feet away from the shoreline and is not near any other natural body of water. The proposed pro shop expansion is within the existing developed area. Thus, it is determined that the construction work shall not directly affect any natural body of water. The development will not affect the use of any public beach nor public access to the shoreline.

Significant archaeological sites have been identified on the property. The applicant has stated that current construction plans will effectively avoid impact to any significant archaeological resources. It is recommended that a detailed preservation plan be submitted for approval by the Planning Department and the Department of Land and Natural Resources prior to any construction work. This plan should also include improvements relating to preservation of the Holua Slide as suggested by Cultural Surveys Hawaii and the Keauhou Resort - Cultural Resources Management Plan, including public access with five designated parking spaces at the golf clubhouse parking lot. Improvements at the upper portion of the Holua Slide will not be required as that area is not owned by the applicant and is not being proposed for development at this time.

The proposed development is not expected to interfere with or detract from the line of sight toward the sea. The proposed golf course expansion is located mauka of the Alii Highway and will not interfere with views from the highway. Although located between the Alii Highway and the coast, the pro shop expansion will be constructed on the makai side of the existing structure and to the same height. Views of the coastline from any principal roadway will not be substantially altered.

No adverse impacts on air quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by the proposed conditions of approval.

The proposed development is consistent with the General Plan, the Zoning Code and other applicable ordinances. A golf course and related improvements is a permitted use in the Open zoned district and is consistent with the General Plan designation of major resort area.

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Based on the foregoing, it is, therefore, determined that: (1) the proposed development will not have any substantial adverse environmental or ecological impacts on the surrounding area; (2) its approval will be consistent with the objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management, Rule 9 of the County of Hawaii Planning Commission; and (3) is consistent with the County Zoning Code and General Plan.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety days from the date of approval of this permit. This permit shall become effective after the water commitment payment has been accepted by the Department of Water Supply.
3. Final Plan Approval shall be secured from the Planning Department within one year 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 days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, and parking associated with the proposed improvements, including five parking stalls designated for public access to the Holua Slide. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted. Parking for all functions shall be maintained on the subject property.
4. Construction of the golf course, expansion of the pro shop, and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within three years thereafter.
5. The golf rate policy for the proposed and existing golf courses at the Kona Country Club shall be as represented by the applicant and implemented by the applicant, its successors, heirs, or assigns.

6. An archaeological preservation plan shall be submitted to the Planning Department for approval by the Planning Director in consultation with the Department of Land and Natural Resources together with submittals for plan approval and/or prior to the issuance of any grading or grubbing permit. This plan shall include protective and/or interpretive measures for significant sites both during and after construction.
7. 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 shall be notified. No work within the affected area shall resume until clearance is obtained from the Planning Department. Any unanticipated burial site shall also be reported to the Department of Land and Natural Resources.
8. The following minimum distances shall be observed from the center lines to the property lines at the tees and greens:
 - a. Tees - 100 feet; and
 - b. Greens - 150 feet.
9. Applicable conditions of Change of Zone Ordinance No. 820 shall be complied with.
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 constructions projects of the State of Hawaii.
11. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Director that all proposed off-site construction materials such as topsoil or sand are being supplied from an approved quarry or resource site.
12. Comply with all other applicable laws, rules, regulations and requirements.
13. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not

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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 and the Planning Director acknowledges that further reports are not required.

14. An 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) 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 may initiate procedures to nullify 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,



Gary Mizuno
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
State Land Use Commission
DLNR

Otaka, Inc.

bcc: Plan Approval Section