

November 20, 1979

Mr. Willish H. Sanburn
Transcontinental Development Company
Financial Plaza of the Pacific
Suite 1801, 130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

Special Permit Application
TMK: 6-8-01:Portion of 26

The Planning Commission at its duly held public hearing on November 14, 1979, considered your application for a Special Permit to allow the establishment of a golf course maintenance yard on 2.6 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii.

The Commission voted to approve your application effective November 14, 1979, subject to the following conditions:

1. That the petitioner or its authorized representative shall secure final plan approval within one (1) year from the effective date of the Special Permit.
2. Construction of the proposed maintenance yard and facility shall commence within one (1) year from the date of receipt of final plan approval, and shall be completed within two (2) years thereafter.
3. That the petitioner or its authorized representative shall secure a grading permit prior to the grading and construction of the proposed facility.
4. That in the design, review, and construction of the golf course maintenance facility due consideration shall be given in the grading, siting, and landscaping

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of the facility so as to minimize visual impacts from the Queen Kaahumanu Highway, Waikoloa Beach Resort entrance road, and to mitigate any potential adverse impacts on areas within historic sites.

5. That the petitioner shall submit the final archaeological report prior to the receipt of final Plan Approval. Should any unanticipated archaeological sites be found during the excavation or construction of the facility, work shall immediately cease and the Planning Director notified. Work shall not resume until approval has been received from the Planning Director.
6. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

We will be forwarding the official Special Permit as soon as the document is prepared. In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,

Willis H. Sanburn

for WILLIAM F. MIECKE
CHAIRMAN
PLANNING COMMISSION

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cc State Land Use Commission
Land Use Division, DPED
Kona Services Office

bcc Land Use Controls Division, Plng. Dept.

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR SPECIAL PERMIT)
by)
TRANSCONTINENTAL DEVELOPMENT)
COMPANY)
for)
GOLF COURSE MAINTENANCE YARD)
in)
Waikoloa, South Kohala, Hawaii)

SPECIAL PERMIT NO. 439

SPECIAL PERMIT

The County Planning Commission at a duly held public hearing on November 14, 1979, considered the application of TRANSCONTINENTAL DEVELOPMENT COMPANY for a Special Permit in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission relating to Special Permit to allow the establishment of a golf course maintenance yard on 2.6 acres of land situated within the State Land Use Agricultural District. The area involved is situated makai of the Queen Kaahumanu Highway within the Waikoloa Beach Resort Development, Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01:portion of 2.

The Commission has found the following:

That approval of the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of Hawaii. The purpose of the subject request is to allow the establishment of a use which is an integral part of the petitioner's proposed resort development at 'Anaeho'omalu, South Kohala. The proposed golf course maintenance facility will provide a centralized facility in close proximity to the proposed golf courses. The proposed use is thus an essential and integral part of the resort development.

The Land Use District Regulations provide that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the Agricultural District. The site proposed for the use being requested consists of unweathered lavas. Due to the geologic make-up of the proposed site and the climatic characteristics of the area, the subject lands are relatively unsuited for productive agricultural activities. The use of the subject site for the proposed facility will not substantially impair actual or potential agricultural production in the area under con-

sideration or in the region. As such, it is found that approval of the subject requests will not be contrary to the intent and purpose of the Land Use Law and Regulations.

Further, the establishment of the proposed use will complement the goals, policies and standards of the County of Hawaii General Plan. One of the goals of the County Element of the General Plan is to "strive for stability in (the County's) economic system." Stated policies to help achieve the goal of this element provide that the County "shall encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents," and also that the County "shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors." The Land Use Element of the General Plan designates 'Anaeho'omalu as a major resort area. 'Anaeho'omalu is makai of the proposed site and the petitioner has received County approvals to allow the development of a major resort area. The proposed use is ancillary to the major resort area and is essential for compliance with the standards of the General Plan major resort designation and development permits already granted. Although the proposed site is outside of the area designated for major resort use, such location will not adversely affect surrounding land, which also consists of lava and is vacant or which will be developed for resort uses.

In light of the integral part which the proposed use will play in the petitioner's resort development and the County General Plan policies, it is determined that the establishment of the proposed use will be in the best public interest. In addition, approval of the subject request will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity.

Therefore, the Commission hereby grants to the petitioner a Special Permit to allow the establishment of a golf course maintenance yard on 2.6 acres of land situated within the State Land Use Agricultural District at Waikoloa, South Kohala, Hawaii, pursuant to the authority vested in it by Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission.

Approval of the Special Permit is subject to the following conditions:

1. That the petitioner or its authorized representative shall secure final plan approval within one (1) year from the effective date of the Special Permit.
08/01/80
2. Construction of the proposed maintenance yard and facility shall commence within one (1) year from the date of receipt of final plan approval, and shall be completed within two (2) years thereafter.
08/01/80
3. That the petitioner or its authorized representative shall secure a grading permit prior to the grading and construction of the proposed facility.

4. That in the design, review, and construction of the golf course maintenance facility due consideration shall be given in the grading, siting, and landscaping of the facility so as to minimize visual impacts from the Queen Kaahumanu Highway, Waikoloa Beach Resort entrance road, and to mitigate any potential adverse impacts on areas within historic sites.
5. That the petitioner shall submit the final archaeological report prior to the receipt of final Plan Approval. Should any unanticipated archaeological sites be found during excavation or construction of the facility, work shall immediately cease and the Planning Director notified. Work shall not resume until approval has been received from the Planning Director.
6. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met the Special Permit may be deemed null and void by the Planning Commission.

The effective date of the Special Permit shall be November 14, 1979.

Dated at Hilo, Hawaii, this 7th day of March, 1980.

For: William F. Mielcke

WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

L. Ben Teleszaki
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 27 Feb 80

CERTIFIED MAIL

May 30, 1989

Ken Melrose, Director of Planning
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Amendment to Special Permit No. 439
Transcontinental Development Co.
Tax Map Key: 6-8-01:Portion of 2

The Planning Commission at its duly held public hearing on May 23, 1989, voted to approve the above amendment to Special Permit No. 439 which allowed the establishment of a golf course maintenance facility on 2.6 acres of land situated within the State Land Use Agricultural District. The amendment is to allow the establishment of administrative offices at the golf course maintenance facility situated within the Waikoloa Beach Resort, Waikoloa, South Kohala.

Approval of this request is based on the following:

The proposed Waikoloa Beach Resort administrative office use within an existing golf course maintenance office will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations or to the original reasons for granting Special Permit No. 439. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The close proximity of the office building to the Waikoloa Beach Resort could allow for an integrated, efficient servicing of clientele. Further, the establishment of this use does not displace any more lands than the 2.6 acres already approved in 1979 under Special Permit No. 439. It should be mentioned that the landowner, ATPAC Land Company, has petitioned the State Land Use Commission for a boundary

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amendment from an Agricultural to an Urban designation. Should this be approved, the uses approved under Special Permit No. 439 would be considered non-conforming relative to Chapter 205, HRS, relating to Land Use. It is preferable, then, that a change of zone be requested and the office uses be consolidated within a permitted zoned district.

The establishment of administrative offices within the existing golf course maintenance building will not adversely affect surrounding properties or surrounding areas. All improvements have been constructed and no further improvements are expected.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Infrastructure available to the area, such as water, roads and sewer, are privately maintained and should not create additional demand for services. Cooperating agencies foresaw no negative impacts to their operations.

The use will not substantially alter or change the essential character of the land and the present use. The 2.6 acre area is presently used in conjunction with the golf course. The property is improved with a complex of golf course equipment buildings, fuel tanks/fuel island, parking and landscaping. The introduction of an administrative office use will not change the present character of the land.

Finally, the establishment of the proposed use is not inconsistent with the stated policies of the Economic Element of the General Plan which provide that the County "encourage the development of a visitor industry which is consistent with the social, physical, and economic goals of the residents", and also "strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

Based on the above considerations, it is determined that the establishment of administrative offices is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Condition Nos. 1 through 6 shall be deleted since they were complied with in 1982, and the amendment request shall be approved subject to the following new conditions:

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1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. 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.
3. The administrative office use shall be established within one year from the date of receipt of Final Plan Approval. The applicant shall notify the Planning Department in writing that its operations have commenced.
4. Comply with all other applicable laws, rules, regulations and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
5. 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 be limited to, the status of the State Land Use Boundary amendment petition and the applicant's plans for bringing the property into land use conformity. 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.
6. 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

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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

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

bcc: Plan Approval Section