

#533

CERTIFIED MAIL

August 30, 1983

Transcontinental Development Corporation
Financial Plaza of the Pacific
Suite 1801
130 Merchant Street
Honolulu, Hawaii 96813

Gentlemen:

Special Permit Application (83-7)
TMK: 6-8-02:portion of 16

The Planning Commission at its duly held public hearing on August 25, 1983, voted to approve your application, Special Permit No. 533, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions is 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 in Hawaii. The subject property is situated within the County's Unplanned and State Land Use "Agriculture" zoned districts. In this particular case, however, a Special Permit is necessitated since the polo field facility will be operated on a commercial basis. The Zoning Code states that an Unplanned zone district applies to areas not subjected to sufficient studies to adopt specific district classification. However, the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area within the "Extensive Agriculture" classification. "Extensive Agriculture" is defined as "Pasturage and range lands." Public and private open type recreational uses are permitted uses in the State Land Use Agricultural zoned district. A major objective in the State Land Use Law is that the affected County's General Plan and related planning documents are being

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complied with when evaluating applications for "Special Permits." Although the subject area is zoned within the "Unplanned" zoned district, open type recreational uses are permitted uses within the County's Agricultural zoned district and the County General Plan has designated this area as an "Extensive Agriculture" area. Thus, we have further concluded that approval of the proposed polo field facility use would not be circumventing the County's planning efforts for this particular area.

The purpose of the subject request is to allow a polo field facility for the Waikoloa recreational complex. The establishment of another compatible recreational facility will benefit the residents as well as visitors to this district.

On the Island of Hawaii the objectives of the State Land Use are translated into the goals, policies, and standards contained within the General Plan. Approval of the subject request would complement the General Plan Extensive Agriculture designation of the property in the same way that it complements the State Land Use Agriculture district. Approval of the subject request would also complement the General Plan Economic goals which states, "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

The State Land Use and County Agriculture zoned districts permits recreational areas that are essentially open and where none of the recreational features are entirely enclosed in a building. The use of the Special Permit procedure is appropriate in view of the direct relationship between the requested use and the uses permitted within the Agricultural districts. We have determined that the requested use will not be detrimental to the underlying district designation, and that it is not such a large scale intrusion that would make it inappropriate for placement within the State Land Use Agriculture district.

Based on the above considerations, we have concluded that the approval of the subject request will not be contrary to the purpose and intent of the Land Use Law and Regulations but rather would promote the effectiveness and objectives of that law.

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The approval of the subject request is not expected to adversely affect the surrounding properties. The petitioner intends to utilize the polo field facility in conjunction with the Waikoloa stables function. The proposed polo field facility will be located adjacent and across the street from the existing Waikoloa Stables. The proposed location of the polo field would be in a southeast to northwest orientation on the property. The State Land Use Law Rules and Regulations permit this type of open recreational facility, exclusive of any structural or commercial development. The area immediately east of the property is vacant and the areas to the south are expected to be developed into a ranch type (5-10 acres) subdivision. The nature and scale of the proposed polo field facility is considered minor in terms of its physical and visual impact to any scenic vistas, viewplanes or to the surrounding subdivision in this area. The subject property is of sufficient size (24 acres) to enable adequate buffer and transition areas to be established. The petitioner intends to provide an unpaved parking area for the facility. Because of the commercial element of the facility, some measure of improved parking must be provided for to handle this function. These concerns can be addressed through conditions of approval and the "Plan Approval" process established in the Zoning Code. Therefore, the development's size, open type recreational function and the impacts resulting from there are not anticipated to be adversely affecting the surrounding lands or properties nor significantly affect the character of the area. Further, recommended conditions of approval include the improvement of the parking area, as well as compliance with the Department of Public Works requirements relative to grading. These conditions should minimize any adverse impacts to surrounding properties due to noise, odors and dust.

The proposed use will generate additional traffic along the two roadways serving the subject property. Waikoloa Road has a 20-foot wide pavement and Pua Melia Street has 36-foot wide pavement with sidewalks. These two accesses will be able to handle the additional traffic based on the existing improvements. However, to mitigate possible traffic impacts from the establishment of a polo field facility, a recommended condition of approval is that the polo field facility be limited to the area shown on the plans submitted. In this way the potential impacts will remain at an acceptable scale.

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The approval of the subject request should not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. The subject property is in close proximity to the other recreational areas of the Waikoloa area and these areas have long had these essential services. Additional service to the subject property in view of the scale of the project should not create unreasonable burdens. Water service is available from Waikoloa Water Company. Fire and police protection is also available.

Unusual conditions, trends, and needs have arisen in relation to the subject request since the establishment of the district boundaries and regulations. Since the enactment of the State Land Use Law in 1961, the Waikoloa area has primarily been developed as a recreational and residential complex. The Waikoloa Stables, which offer riding and rodeo type activities, and the Waikoloa golf course are already existing recreational type facilities for this particular area. The recently developed resort facilities along the coastline makai of this area and the growth of the residential development since 1960 has spurred interest in the expansion of the community and districts recreational resource base. The approval of the subject request would complement these trends by providing additional recreational facilities.

The Agricultural district not only includes lands with a high capacity or potential for agricultural uses, but also includes lands which are surrounded by or contiguous to agricultural lands that are not suited to agricultural or ancillary activities by reasons of topography, soils, and other related characteristics. The subject property's dominant soil type is of the Kawaihae soil series. The Land Study Bureau's overall master productivity and selected use rating is "E" or "Very Poor." The Soil Conservation Service Soil Survey Report designates this soil to be within Capability Class VII. Furthermore, the subject area has not been included in the State Department of Agriculture's Agricultural Lands of Importance to the State of Hawaii (ALISH) Map.

Although it is possible that some form of agricultural activity may be conducted on the subject property, we have determined that the approval of subject request would not be detrimental to agricultural activities in the area, nor contrary to the objectives of the State Land Use Law and Regulations given the low agricultural productivity rating for the property.

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While it is possible to conduct selected agricultural uses on the property, its use as a polo field facility will not seriously detract from agricultural activity that may result in this area since its soil is not generally well suited for such uses.

Based on these considerations, we have further concluded that the relinquishment of this land for the proposed use will not diminish or irreversibly deplete the State or County's Agricultural land resource.

The establishment of the proposed use would do more for the benefit of the recreational function of this area than would be possible through grazing land exclusively. As stated earlier, the activity is directly related to and should benefit the recreational opportunities in the South Kohala district. By providing an additional open type recreational facility, future growth opportunities and incentives will exist to maintain the present status of the area and to expand where possible. The open area type of improvements with essentially grassed areas and fencing etc. will not physically alter or change the essential agricultural character of the land. Thus, the approval of the subject request should benefit the uses intended to be established by the Agricultural District classification and be consistent with the overall purpose of the Land Use Law and Regulations.

Based on the foregoing, we have further determined that the proposed polo field facility use is an unusual and reasonable use of the land within the State Land Use Agricultural District and that the approval of the subject request would promote the effectiveness and objectives of Chapter 205, HRS, as amended.

Approval of this special permit request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval.
2. The polo field facility shall be limited to the area as shown on the submitted plans. These plans, including a detailed parking and landscaping plan, shall be submitted and approved through the Plan Approval process within one year from the effective date of the Special Permit.


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3. Construction of the proposed facility shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
4. The polo field facility's related improvements shall be limited to restroom and concession facilities, which must be submitted for Plan Approval prior to construction.
5. The requirements of the Soil Conservation Service and the Department of Public Works, relative to grading of the property shall be complied with.
6. The access to the parking area shall be from Pua Melia Street and access restricted from Waikoloa Road.
7. All other applicable rules, regulations, and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed automatically void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,


CLYDE IMADA
Chairman, Planning Commission

cc: Chief Engineer, Public Works
County Kona Office
Department of Water Supply

bcc: Plan Approval Section

December 14, 1984

Mr. Ken Melrose, Project Planner
Waikoloa
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Special Permit No. 533 ✓
Polo Field Facility and Related Improvements
TMK: 6-8-02:Por. of 16

This is to confirm your telephone conversation with staff planner Brian Nishimura on December 13, 1984, regarding the status of the above-described permit.

As discussed, Condition No. 2 of Special Permit No. 533 states:

"2. The polo field facility shall be limited to the area shown on the submitted plans. These plans, including a detailed parking and landscaping plan, shall be submitted and approved through the Plan Approval process within one year from the effective date of the Special Permit."

In addition, the last phrase of the permit also states that, "Should any of the foregoing conditions not be met, the Special Permit shall be deemed automatically void." (emphasis added)

Our records indicate that a Plan Approval has not been secured for the above-described project. Since the effective date of the permit was August 25, 1983, Condition No. 2 of Special Permit No. 533 has not been met. As such, the subject permit is now void.

As discussed, a new Special Permit application must be filed and processed if you wish to pursue the project. The Special Permit application form has been included as your requested.

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Mr. Ken Melrose
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Should you have any questions regarding this matter, please contact Keith Kato or Brian Nishimura of this office.

Sincerely,



ALBERT LONO LYMAN
Planning Director

BN:lgv
Attach.

cc: Planning Commission