



# Planning Commission

Lorraine R. Inouye  
Mayor

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

## CERTIFIED MAIL

December 3, 1991

Mr. Matthew Grady  
Chalon International, Inc.  
PO Box 249  
Hawi, HI 96719

Dear Mr. Grady:

Special Permit Application 91-18  
Applicant: Chalon International, Inc.  
Request: Golf Driving Range and Related Improvements  
Tax Map Key: 5-4-9:Portion of 1

The Planning Commission at its duly held public hearing on November 21, 1991, voted to approve your application, Special Permit No. 788, to allow the establishment of a golf driving range and related improvements on 13.5 acres of land within the State Land Use Agricultural District. The property is located on the north (makai) side of the Kamehameha Park, Kapaau, North Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State 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 the State of Hawaii. The State Land Use Law allows "open area recreational facilities, including golf courses and golf driving ranges, provided that they are not located within agricultural district lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B." Since the driving range is not associated with a golf course, it would not be an outright permitted use in the SLU Agricultural district. However, it is an open area recreational facility which would be compatible with permitted uses in the State Land Use Agricultural District.

DEC 4 1991

Mr. Matt Grady  
December 3, 1991  
Page 2

The desired use will not adversely affect the surrounding properties. The proposed driving range will be located on a 637± acre parcel of land adjacent to the County's Kamehameha Park. The driving range will be adequately buffered from surrounding properties by land area to prevent impacts from noise, traffic, or errant golf balls. The driving range is compatible with the recreational use of the adjacent County Park.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. An access road will be constructed from the end of the existing Kamehameha Park access road to the project site in compliance with the requirements of the the Department of Public Works. The Kohala Community Association has expressed concern for poor pedestrian access to the property. It is recommended that pedestrian improvements meeting with the approval of the Department of Transportation and/or the Department of Public Works be constructed prior to occupancy. All other services are available to the property.

The use will not substantially alter or change the essential character of the land and the present use. The proposed driving range will maintain the open space character of the land.

The request is not contrary to the General Plan and the North Kohala Community Development Plan. The driving range is compatible with the recommended agricultural use of the area. The proposed use is consistent with the policy of the Agriculture Element of the General Plan that "Agricultural land shall be used as one form of open space or as green belt." The location of the site adjacent to the County park is consistent with the policy of the Recreation Element of the General Plan which states, "The use of land adjoining recreation areas shall be compatible with community values, physical resources and recreation potential."

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.

Mr. Matt Grady  
December 3, 1991  
Page 3

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. Plans shall identify structures, landscaping, and parking stalls associated with the driving range. Parking shall comply with the requirements of Chapter 25 (Zoning Code).
3. In the design of the driving range, 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 at the time of plan approval review.
4. Construction of the driving range and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.
5. Roadway and pedestrian improvements meeting with the approval of the Department of Public Works and the Department of Transportation Highways Division shall be completed prior to the establishment of use.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
7. The hours of operation shall be between 8:00 a.m. and 7:00 p.m. daily.
8. Comply with all other laws, rules, regulations and requirements of State and County agencies.
9. 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 development and to what extent the conditions of approval are being complied with.

Mr. Matt Grady  
December 3, 1991  
Page 4

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.

10. 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 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.

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

Sincerely,



Mike Luce, Chairman  
Planning Commission

6887d  
jdk

xc: Mr. Everett Pang  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
DLNR  
Department of Transportation-Highways  
Plan Approval Section