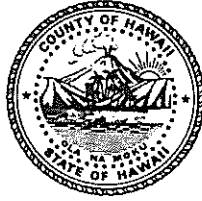


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

March 1, 1994

Mr. Sachi Noma, Director
Kealakekua Development Corporation
PO Box 945
Captain Cook, HI 96704

Dear Mr. Noma:

Applicant: Kealakekua Development Corporation
Use Permit Application (USE 93-6)
Request: 18-Hole Golf Course, Clubhouse & Related Improvements
Tax Map Key: 8-2-12:01 & 12

The Planning Commission at its duly held public hearing on February 17, 1994, voted to approve the above application. Use Permit No. 121 is hereby issued to develop a golf course, club house and related improvements. The project site, formerly Kealakekua Ranch Lands, consists of approximately 11,184 acres, situated between the 2,200 and 6000 foot elevation, (mauka) east of Captain Cook, mauka of the intersection of Koa Road and Hawaii Belt Road, Kealakekua, South Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The establishment of an 18-hole golf course and related facilities within the State Land Use Agriculture District and the County's Agriculture zoned district may be permitted through the granting of a Use Permit. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area for Extensive Agriculture and Orchards. The subject request will provide a form of perpetual open space which will maintain the current open and forested character of the subject property and the surrounding area along with its natural and scenic qualities. The proposed development would be consistent with the policies of the Recreation and Open Space elements of the General Plan which state that

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recreational facilities in the County shall reflect the natural, historic, and cultural character of the area, and that the recreational use should be compatible with the adjacent areas. To further ensure that these General Plan elements are implemented further data recovery and interpretive preservation will be required and provided for by conditions of approval. The granting of this proposal would complement the goals of the General Plan's Recreational element which states to "Provide a diversity of environments for active and passive pursuits" and to "provide a wide variety of recreational opportunities...." A condition of approval shall be an Impact Fee to implement the Land Use element policy concerning meeting communities needs. This provision would be consistent with the policy of the Land Use element that states "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." This impact fee will encompass a wide range of community needs in addition to the recreational needs that this proposal will satisfy. Golf courses are permitted uses within the State Land Use Agricultural District provided that the affected lands are not classified either A or B soils by the Land Study Bureau. The Land Use Study Bureau's Overall Master Productivity Rating for agricultural use of the subject area for the proposed golf course is Class "C" or (Fair) and "E" (Very Poor), therefore, a golf course is permissible in the this area of the subject property. Golf courses are a permitted use within the County's Agriculture zone district provided a Use Permit is secured from the County Planning Commission.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The character of the subject area of the property is pasture, open space and forest. The subject property is currently being used for cattle grazing, an orchid farm and equestrian activities. The proposed golf course and related improvements shall be part of an overall master agricultural plan which will include support wastewater, drainage, recreational activities. However, it is important to note that a major portion of the master plan is devoted to Forest and Agricultural uses. The creation of a perpetual open space golf course use which will be designed with golf course fairways and playing areas left in a relatively natural condition to complement the forest surroundings. In addition, the golf course will be designed in an 18-hole "core" configuration which is compatible with the forestry

objectives of the Kealahou Development project master plan to have an environmentally and ecologically sensitive golf course design. The golf course design will include the retention of important archaeological sites, retention of existing rock walls where possible, integrating drainage management with the golf course and utilize an integrated pest management approach for course maintenance. Water usage for the course will be developed from existing ground water resources. The impacts to the proposed agricultural resources of the area are negligible. This finding is consistent with the Land Study Bureau's classification and the ALISH system map for soils in the area. The proposed golf course will also be consistent with the requirements of Chapter 205, Hawaii Land Use Commission rules and County of Hawaii zoning requirements. The proposed golf course and related improvements shall continue to promote as its primary goal, an Agricultural base in conjunction with the recreational aspect of the golf course with the proposed agricultural master plan.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed golf course "core" configuration design will be compatible with the proposed overall agricultural master plan and as such will not adversely affect the surrounding properties.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Water is and/or will be made available to the subject property for the proposed golf course. The primary access to the project site shall be via Koa Road which will be fully improved in accordance with the requirements of the Department of Public Works and the Department of Transportation, Highways Division. Wastewater will be disposed of in a manner meeting with the new wastewater treatment facility which will have the approval of the Department of Health. All other utilities or facilities are or will be made available to support the proposed use.

Approval of this request is subject to the following conditions:

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

2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. The Applicant shall provide assurance(s) satisfactory to the Planning Director, upon consultation with the Department of Land and Natural Resources-Commission on Water Resource Management and the Department of Health, that a water source(s) of sufficient quality and quantity to support the total irrigation needs of the golf course be established prior to the issuance of a certificate of occupancy or opening of the golf course, whichever occurs first.
4. Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Director. In the design and review of any improvements, noise and visual impacts shall be minimized through appropriate siting, height, bulk, color schemes, and landscaping. The Planning Director shall determine the related improvements and accessory uses to the golf course not inconsistent with the applicable provisions of the Zoning Code at the time of plan approval review.
5. Construction of the golf course and related improvements shall be completed within five (5) years from the date of receipt of Final Plan Approval.
6. A detailed drainage study 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 golf course. The Study shall take into consideration the tile drainage system, retention basins and "Reduced Turf" design to be incorporated within the golf course. A drainage system shall be installed meeting with the approval of the Department of Public Works, prior to issuance of a certificate of occupancy or golf course opening, whichever occurs first.
7. In the design of the golf course, the County of Hawaii Planning Department's Guidelines for Golf Course Design

(November 1989, as amended) shall be utilized. The Planning Director shall determine appropriate setback requirements (i.e. building and property line) at the time of plan approval review. Easements for 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.

8. The new Koa Road improvements shall be constructed to County dedicable standards, meeting with the approval of the County Department of Public Works. These road improvements shall be installed prior to issuance of a certificate of occupancy or golf course opening, whichever occurs first. The Koa Road shall allow for perpetual public use by easement or be dedicated to the county. No golf cart path shall be permitted to cross over Koa Road, except as may be approved by the Planning Director and Chief Engineer. Furthermore, direct access from future residential lots adjoining this alignment will not be permitted.
9. Intersection improvements at the Mamalahoa Highway-Koa Road intersection, including traffic signals and channelization, shall be installed in a manner meeting with the approval of the State Department of Transportation and the County Department of Public Works, prior to issuance of a certificate of occupancy or golf course opening, whichever occurs first.
10. An archaeological mitigation and interpretation plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division and Hawaiian community organizations, prior to submitting plans for plan approval review. The Plan shall consist of three subplans; (1) an archaeological data recovery plan for the sites to undergo data recovery, (2) a detailed interim protection/preservation plan for the sites to undergo preservation, and (3) an interpretation plan which shall include buffer zones, signage, and long-range preservation concerns which may be submitted at a later date. Approved mitigation measures shall be implemented prior to or in conjunction with any land alteration activity within the project area. The Plan shall also include a detailed map of known lava tube/cave systems located within the project site and

mitigative measures to ensure that the golf course and related drainage systems do not impact these cave systems.

11. Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Director immediately notified. Work within the affected area shall not resume until clearance is obtained from the Planning Director.
12. The use of pesticides and herbicides in conjunction with all phases of operation shall conform with the applicable regulations of appropriate governmental agencies.
13. Prior to the commencement of construction, any portion of the proposed golf course development are overall monitoring plan on the potential pollution of groundwater shall be submitted to the Planning Director for approval in consultation with the State Department of Health.
14. 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.
15. Prior to construction, 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.
16. A program for public play at the proposed golf course shall be developed meeting with the approval of the Planning Director, prior to the issuance of a certificate of occupancy or the opening of the golf course, whichever occurs first. The Program shall include, but not be limited to, the provision of public play, at kama'aina rates, at least one (1) day per month.
17. The Applicant shall establish a program for employee housing and which shall be submitted for the review and

approval of the Planning Director and Housing Agency together with the submittal of plans for plan approval of the golf course and clubhouse. The program shall include provisions for on-site or off-site housing for the employees at a ratio to be determined by a study of surrounding housing opportunities and employee needs. The ratio shall be no less than 10% and no more than 50% of the number of employees. The program may also include consideration for other alternatives such as rental housing subsidies or housing allowances. The approval of the program shall be secured prior to the issuance of a certificate of occupancy with the golf course.

18. A job training program for the operating phase of the golf course and golf clubhouse shall be developed and submitted to the Planning Director for review and approval prior to the issuance of a certificate of occupancy or opening of the golf course, whichever occurs first.
19. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health and Public Works.
20. 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.
21. 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

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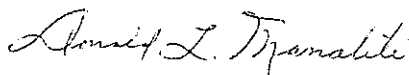
condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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.

For your information, the Planning Commission denied the requests for a contested case hearing by John Olson and Lunakanawai Hauanio.

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

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
West Hawaii Office
Plan Approval Section
Department of Land and Natural Resources, Commission on
Water Resource Management
Department of Land and Natural Resources, Historic
Preservation Division
State Department of Health
State Department of Transportation
County Housing Agency