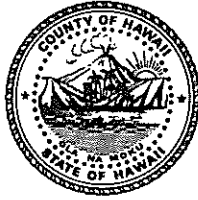


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 340

NOV 07 1997

Mr. James Larry Walker  
Ms. Brenda Lam  
P.O. Box 5182  
Kailua-Kona, HI 96745

Dear Mr. Walker and Ms. Lam:

Use Permit Application (USE 97-19)  
Applicant: James Larry Walker and Brenda Lam  
Request: Allow for a Golf Putting Course, Golf Driving Range,  
Baseball Batting Cages, Administration/Cashier/Snack Shop Building,  
Parking Lot and Maintenance Building  
Tax Map Key: 7-4-8:Portion of 2

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The Planning Commission at its duly held public hearing on October 24, 1997, voted to approve the above application. Use Permit No. 170 is hereby issued to allow the establishment of a golf putting course, gold driving range, baseball batting cages, administration/cashier/snack shop building, parking lot and maintenance building on approximately 13 acres of land within the County's Agricultural (A-5a) zoned district. The property is located along Makala Boulevard adjacent to (mauka) the County's Kailua Park and the Old Kona Airport State Recreation Area at Keahuolu, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a golf putting course, golf driving range, baseball batting cages, administration/cashier/snack shop building, parking lot and maintenance building on a parcel located within the State Land Use Urban District and the County's Agricultural-5 acre (A-5a) zoned district may be permitted through the Use Permit review process. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the General Plan goals and policies. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be

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occupied, the density of population and land for trade, industry, residence or other purposes.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject area as Urban Expansion. This category allows for a mix of high density, medium density, low density, industrial and /or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. The subject request will provide a form of recreational activities which is not presently available in the West Hawaii district. The Keahole to Kailua Development Plan designates the area as Urban Expansion. Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will compliment the following goals, policies and standards of the Land Use Elements of the General Plan.

#### Land Use Element

- o Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- o The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The Commercial Development section of the Land Use Element sets forth the following goals, policies and standards.

#### Commercial Development

- o Provide for commercial developments that maximize convenience to users.
- o Provide commercial developments that complement the overall pattern of transportation and land usage within the island's regions, communities, and neighborhoods.
- o Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers, and transportation systems. Should such services not be available, the development of more intensive uses should be in concert with a localized program of public and private capital improvements to meet the expected increased needs.
- o The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.

The proposed request would also complement the following goals and policies of the Recreational Element of the General Plan.

Recreational Element

- o Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- o Maintain the natural beauty of recreation areas.
- o Provide a diversity of environments for active and passive pursuits.

The proposed use would also conform to the following goals and policies of the Economic Element.

- o Provide residents with opportunities to improve their quality of life.
- o Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- o The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The Kona Regional Plan adopted by the Planning Commission in 1984 is intended to provide short and middle range implementation strategies for the goals, policies and land use pattern presented in the General Plan. The Kona Regional Plan and its Zone Guide Map, adopted over 10 years ago, suggested General Commercial uses. The property is situated within close proximity to the urban/retail/industrial centers of Kailua-Kona and the proposed use will support diversification of the economic base for the County. Approval of the subject request would be consistent with the policy direction established by the General Plan.

The granting of the proposed use shall 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 urban in character. The subject property is currently vacant. The proposed golf putting course, golf driving range, baseball batting cages, administration/cashier/snack shop building, parking lot and maintenance building shall be provided with a 26 car parking area. The proposed project will be designed and be compatible with the proposed overall character and development of the area. The location of the subject development is along a major roadway corridor, amongst industrial and commercial areas and in close proximity to all of the existing resort developments. The County's Kailua Park and the Old Kona Airport State Recreation Area are adjacent to the project site. The proposed project will also fill a recreational void that exists and provide a place for families and children of the community and for visitors to enjoy as they experience our island community. The proposed project will be developed in an area that is adequately served by water, utilities, sewers and transportation systems. Therefore, it is determined that the impacts to the surrounding area will not be substantial nor negatively impact upon existing infrastructural systems.

The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, schools, police and fire protection, and other related infrastructure. Water is and/or will be made available to

the subject property. Primary access to the project site shall be via Makala Boulevard which is presently improved in accordance with the requirements of the Department of Public Works. Wastewater will be disposed of via the Kailua Wastewater Treatment Plant. 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of Special Management Area Minor Use Permit No. 63.
3. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. This time period shall also include the securing of Final Plan Approval for the proposed golf putting course, golf driving range, baseball batting cages, administration/cashier/snack shop building, parking lot and maintenance building. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use.
4. 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 construction projects of the State of Hawaii.
5. Driveway access to the proposed development from Makala Boulevard shall meet with the approval of the Department of Public Works.
6. Sewer lines shall be constructed, to hook up to the Kealakehe Wastewater Treatment Plant in a manner meeting with the approval of the Department of Public Works, when applicable. Or in the interim, wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Department of Health or Department of Public Works, whichever is applicable, prior to the issuance of a certificate of occupancy.
7. The recommendations as detailed in the phased mitigation program for the subject property area must be completed prior to any approval for any land alteration permits and approved by the Planning Department, in consultation with the State Department of Land and Natural Resources-Historic Preservation Division, prior to submitting plans for plan approval review. This Plan shall consist of a detailed archaeological data recovery plan (scope of work with research design) and a detailed site preservation plan. The Planning Department and the State of Hawaii's Historic Preservation Division shall verify in writing the successful execution of the plan, prior to land altering activities in the area of historic sites. Proposed mitigation treatment (preservation in place or disinterment/reinterment) for burial sites must be approved by the Historic

Preservation Division's Hawaii Island Burial Council before detailed mitigation plans are finalized for these sites.

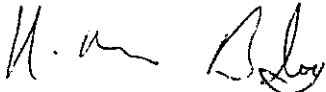
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
9. Comply with all other laws, rules, regulations and requirements, including those of the Department of Health and the Department of Public Works-Building Division.
10. 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, and a detailed listing of public complaints or problems and their disposition. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action or remedial effort, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked. 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.
11. 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. 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.
  - 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).

Mr. James Larry Walker  
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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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

LWalke01.PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
FHB Trust Division