

**COUNTY OF HAWAII PLANNING DEPARTMENT
RECOMMENDATION**

**OCEANSIDE 1250
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION 93-1**

Upon review of the subject request, the Planning Director is recommending that the **Special Management Area (SMA) Use Permit Application be approved by the Planning Commission.** This recommendation 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. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter her position based upon additional information presented at the public hearing. This approval recommendation is based on the following findings:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the Special Management Area (SMA) is that it is consistent with the General Plan and Zoning Code. The construction of portions of a proposed 27-hole golf course, driving range, public access improvement and other related improvements within the Unplanned (U) zoned district will not be inconsistent with the general purpose of the Zoning Code, and the General Plan, provided adequate mitigating conditions are met.

The subject request will provide a form of perpetual open space, thus, maintaining the current open character of the surrounding area to the north, south and west (makai) along with its natural and scenic qualities. The proposed development would, therefore, be consistent with the policies of the Recreation and Open Space elements of the General Plan which state that 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. The project site is characterized as predominantly pastureland used for cattle grazing. Located makai of the project site on the boundary of North and South Kona is the cinder cone Pu'u Ohau, or Red Hill which is a prominent feature in the middle of the property near the coast. No improvements are presently being proposed within these areas, which are located within the State Land Use Conservation District. Also located makai of the project site along its northwestern boundary is the historic Hokukano Village. The proposed golf course will not encroach upon lands located makai of the project site within the State Land Use Conservation District. An archaeological inventory survey of the entire Villages at Hokukano project site recommended that of the 473 site and site complexes located, 179 are recommended for preservation, of which 17 are recommended for selective preservation, and 289 sites are recommended for data recovery. With the approval of an archaeological mitigation and interpretation plan by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, archaeological features will be incorporated within the golf course project site through historic parks, interpretive programs and an extensive pedestrian trail system. According to plans, an internal roadway within the northern portion of the project site will provide a public access roadway and parking area in the vicinity of the proposed 8th and 9th holes of the golf course. It is recommended that the Applicant develop and implement a comprehensive coastal public access plan for the review and approval of the Planning Director. With the approval and implementation of the comprehensive coastal access plan and the establishment of the public access area within the Conservation District, the proposal *would not have any adverse effect on public access to the shoreline* and would complement the goals of the General Plan's Recreation Element which states to *"Provide a diversity of environments for active and passive pursuits" and to "Provide a wide variety of recreational opportunities"*

Another criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not limited to, the potential cumulative impact of individual developments, each of which taken in itself might not have a substantial adverse effect and elimination of planning options." *The proposed improvements are not anticipated to create substantial adverse ecological effects to the affected area.* No endangered species of flora or fauna were located within the project site nor were any special habitats identified. Air emissions generated during the construction phase can be mitigated by existing construction regulations. As proposed by the Applicant, native plant species, such as the Prosopis tree, Capparis, and Wili Wili tree, shall be preserved or utilized to the furthest extent possible for landscaping in and around the golf course. The use of such native plantings will be detailed in a landscaping plan to be required of the Applicant. Applicable and appropriate governmental regulations will be adhered to in the application and use of pesticides and herbicides within the project site.

The project site is located approximately 300 feet from the shoreline. Any potential runoff or discharge which could reach ocean waters can be handled by existing construction regulations during the construction phase and on-site drainage systems during operations. Wastewater generated by the golf course clubhouse will be disposed of within a wastewater treatment system meeting with the approval of the Department of Health. As recommended by the Department of Public Works, appropriate drainage systems will be required to accommodate runoff generated by the proposed improvements. *To ensure that no significant adverse impacts to coastal systems are generated, a groundwater and coastal water monitoring plan(s) will be required.*

The proposed golf course will not have an adverse impact to cultural or historical resources within the area. An archaeological inventory survey of the entire Villages at Hokukano project site located 473 sites and site complexes, some of which were located within the golf course project site. Of this total, 179 of these sites are recommended for preservation of which 17 sites are recommended for selective preservation, and 289 sites are recommended for data recovery. Sites intended for selective preservation include the Kuakini Wall, distinguishable portions of the King's Trail or Ala Loa, the railroad bed and the ahupua'a boundary walls. Preservation is recommended for all confirmed burial sites, all confirmed and probable heiaus, and all major lava tubes. The Applicant intends to preserve the King's Trail or Ala Loa in its present location, with slight modifications if necessary. Possible burials, if not preserved "as is", will be treated in a manner as prescribed by the State Department of Land and Natural Resources (DLNR)-Historic Preservation Division. These archaeological mitigative measures were recommended by the Applicant and its archaeological consultant. A detailed archaeological mitigation and interpretation plan, meeting with the approval of the Planning Director in consultation with the DLNR-Historic Preservation Division, is recommended prior to the submittal of plans for Final Plan Approval review of the golf course or any land alteration activities.

Due to the open nature of the proposed golf course, *viewplanes within the area will not be significantly affected by the proposed improvements.* To further ensure that viewplanes will not be adversely impacted, all electrical and communication systems will be placed underground, with the exception of the 69 KV line from the Mamalahoa Highway to the proposed substation site.

Based on the above, the proposed construction of portions of an 27-hole golf course, driving range, public access improvements and other related improvements will not have a substantial adverse impact on the surrounding area, nor will its approval be contrary to the

objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management and Rule 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying 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. 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, prior to submitting plans for plan approval review. The Plan shall consist of two subplans; (1) an archaeological data recovery plan for the sites to undergo data recovery, and (2) a detailed preservation/interpretation plan for the sites to undergo preservation. The preservation/interpretation plan shall include buffer zones, signage, interim protection measures, and long-range preservation concerns. 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 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.
4. Should any unidentified sites or remains, such as lava tubes, artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Director immediately notified. Subsequent work shall proceed upon an archaeological

clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

5. 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.
6. The use of pesticides and herbicides in conjunction with all phases of operation shall conform with the applicable regulations of appropriate governmental agencies.
7. 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.
8. A final comprehensive public access plan shall be submitted to the Planning Director in conjunction with golf course plans submitted for plan approval review. The final comprehensive public access plan shall be developed in consultation with the Planning Director and the Department of Land and Natural Resources and shall include mauka-makai and lateral shoreline accesses; parking area(s), signage, restrictions on use (if any), provision of recreational and restroom facilities at appropriate locations, and related improvements. Within one (1) year from the date of approval of the final comprehensive public access plan by the Planning Director, the Applicant shall apply for a Conservation District Use Permit, Special Management Area Use Permit and other applicable permits/approvals to allow for the implementation of the recommendations of the approved Plan.

9. The Alii Drive-Haleki'i Street extension shall allow for perpetual public use by easement or be dedicated to the County.
10. Areas of the affected properties located within the State Land Use Conservation District shall be set aside as public shoreline access areas in a manner consistent with the approved final comprehensive public access plan via covenants recorded with the Bureau of Conveyances. Upon approval of the final comprehensive public access plan, draft covenants which detail the rights, obligations and privileges of the public, the County of Hawaii and the applicant, its successors or assigns shall be submitted to the Planning Director for approval. The approved covenants shall be recorded prior to the receipt of Final Plan Approval for the golf course or the subdivision of any portion of the Agricultural-zoned area within the project site, whichever occurs first. These covenants shall be encumbrances running with the land and shall be binding on all parties and persons claiming under them.
11. Prior to the commencement of construction of any portion of the proposed golf course development, an overall monitoring plan on the potential pollution to groundwater and coastal waters shall be submitted to the Planning Director for approval in consultation with the Department of Health. A Golf Course Best Management Plan and Integrated Groundwater Monitoring Plan shall be component parts of this overall monitoring plan.
12. The Applicant shall prepare and submit to the Planning Director for approval a Landscaping Plan for the golf course and golf clubhouse along with plans submitted for plan approval review. The Plan shall discuss the method of preservation and/or propagation and use of native plants, such as the Prosopis tree, Capparis, and Wili Wili tree, within and around the golf course and golf clubhouse facilities.

13. All electrical and communication utilities and systems shall be placed underground, with the exception of the main 69 KV transmission line from the Mamalahoa Highway to the proposed electrical substation site.
14. Comply with all other applicable laws, rules, regulations and requirements;
15. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this 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 and the Planning Director acknowledges that further reports are not required;
16. An initial extension of time for the performance of conditions within this 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 the 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 this permit.