

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A84-566
TSA INTERNATIONAL, LIMITED) TSA INTERNATIONAL, LIMITED
To Amend the Agricultural Land)
Use District Boundary into the Urban)
Land Use District for approximately)
190 acres at Kaloko and Kohanaiki,)
North Kona, Hawaii, Tax Map Key)
7-3-09: Portion of 17)
_____)

FINDINGS OF FACT, CONCLUSIONS OF LAW
DECISION AND ORDER

Petitioner, TSA International, Limited, a Hawaii corporation formerly known as Takemasa International, Inc., a Hawaii corporation whose address is Room 901-A, 1150 South King Street, Honolulu, Hawaii, 96814, filed this boundary amendment Petition on April 23, 1984, and an Amendment to Petition on July 26, 1984, pursuant to Chapter 205, Hawaii Revised Statutes, and the Rules of Practice and Procedure and District Regulations of the Land Use Commission, State of Hawaii, to amend the Land Use District boundaries of certain land consisting of approximately 190 acres, identified by Hawaii Tax Map Key 7-3-09: Portion of 17 (hereinafter referred to as "Subject Property") situated at Kaloko and Kohanaiki, North Kona, Island, County and State of Hawaii, from the Agricultural District to the Urban

District. The Land Use Commission (hereinafter referred to as "Commission"), having heard the evidence presented on the matter during the hearings and having considered the full record of this Docket, hereby makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The hearing was held on September 5, 1984 pursuant to the notice published on August 1, 1984 in the Honolulu Advertiser and the Hawaii Tribune Herald.

2. William Knutson, President of Kona Coast Chamber of Commerce, testified as a public witness.

GENERAL DESCRIPTION OF THE PROPERTY

3. The Subject Property constitutes a portion of a parcel of land, owned in fee by Petitioner described as Royal Patent Grant Number 2942 to Hulikoa in Kohanaiki and Royal Patent Number 8214, Land Commission Award Number 7715, Apana II to Lota Kamehameha in Kaloko, District of North Kona, County and State of Hawaii, containing 1,168.457 acres.

4. The Subject Property is situate in the North Kona District on the Island of Hawaii within the Kaloko and Kohanaiki Ahupua'as and consists of approximately 190 acres located midway between the town of Kailua-Kona and Ke-Ahole

Airport. The Subject Property is approximately 4,000 feet east of Queen Ka'ahumanu Highway and is over 1.5 miles mauka of the shoreline.

5. The Subject Property is presently vacant and undeveloped. No crops are being cultivated on the Subject Property.

6. Other undeveloped Kaloko Lands owned by Petitioner abut the southern, eastern and western boundaries of the Subject Property. The proposed Kaloko Light Industrial Subdivision lies immediately to the southwest. Lands to the immediate north of the Subject Property are privately owned and remain unimproved.

7. The climate of this area is semi-tropical and is considered to be dry and arid with light rainfall. The average annual temperature is 75 degrees (F) with an average high of 83 degrees and an average low of 67 degrees. Average annual rainfall at Kailua, Kona is 25 inches.

8. The entire area is comprised of Hualalai volcanic flows of which two (2) are historic, the 1801 flow to Keahole Point and the 1800-1801 Kaupulehu flow.

9. Elevation of the Subject Property ranges from 300 feet above mean sea level along the makai (west) boundary to 480 feet along the mauka (east) boundary.

The Subject Property slopes gently mauka to makai (east to west) at a rate from 5 percent to 10 percent. The Subject Property has a generally irregular surface with localized mounds and depressions present throughout, as is characteristic of non-eroded lava flows.

PROPOSAL FOR RECLASSIFICATION

10. Petitioner proposes to develop an 18-hole golf course and appurtenant facilities. These include a clubhouse, maintenance building, driving range, practice greens, and parking. The proposed golf course will not be a part of, nor associated with any type of resort development. Petitioner proposes that the golf course primarily serve the resident population.

11. Petitioner estimates the total construction cost, excluding the cost of any off-site improvements for the irrigation system such as wells, storage tanks or transmission lines, to range between \$7,000,000.00 to \$10,000,000.00.

12. Petitioner will commence construction immediately after all governmental approvals are received. Petitioner predicts that it will commence construction of the golf course within two years.

13. Petitioner expects to complete the golf course within approximately 12 to 18 months from the start of construction.

14. Petitioner has the financial capacity to undertake and complete the proposed project.

15. Petitioner represents that the proposed golf course is oriented for public use. Starting times will be on a first-come, first-serve basis. No special preference will be given to hotel guests or any specific segment of the community and green fees will be less than those fees charged by resort courses.

STATE AND COUNTY PLANS

16. The State Land Use District designation for the Subject Property is presently Agricultural. The proposed golf course is not a permissible use in the Agricultural District.

17. The Hawaii County General Plan designates the Subject Property as Extensive Agriculture.

18. The County of Hawaii's Kona Regional Plan designates the Subject Property as Open Space. This designation allows golf course use.

19. The present County of Hawaii zoning for the Subject Property is unplanned. The proposed golf course is not listed as a permitted use in the zoning code. Therefore, a Use Permit or a zone change (to either Agriculture, Open, Residential or Resort, which are designations that permit golf courses) may be required.

20. The Subject Property is not situated within the Special Management Area. It is located approximately 1.5 miles mauka of the shoreline.

NEED FOR GROWTH AND DEVELOPMENT

21. The State Recreational Plan, published in January, 1980, indicated a long-term need for a golf course in West Hawaii. Although golf was not viewed as a high long-term need like swimming, camping or boating, it ranked with other activities such as hunting, boat launching, field games, court games, surfing and paddling.

22. In 1975, the State Comprehensive Outdoor Recreation Plan (SCORP), stated that the demand for golf in the Kona area "is expected to increase substantially over the next fifteen years." There are eleven golf courses in the County of Hawaii. Two of them are 9-hole privately owned courses and one is an 18-hole municipal course. The remaining eight golf courses are privately owned facilities but open to the public. Seven of the eight courses are associated with resort developments. These resort courses give hotel guests playing priority while charging higher rates for non-guests. Resident golfers will find it more and more difficult to participate in the sport if golf facilities are provided only in association with resort developments.

23. Only one golf course, a resort course, is presently in operation in North and South Kona, at Keauhou. There are four resort courses in the neighboring South Kohala District.

24. The County of Hawaii, Department of Parks and Recreation proposed in 1974 to develop a public golf course in Keeli, South Kona, as part of a planned recreation complex which would include the Palemano Point area.

Keeli was considered by many to be too far removed from the urban Kona area. Opponents of the project were concerned that a golf course would encourage further urban and resort type developments in the Keeli area, which would adversely impact the rural and agricultural character of the area and that the tax money would be better spent on other facilities such as parks, ball fields or a swimming pool, which would be used by a greater percentage of the residents. The County has since abandoned its plans to develop a golf course in Kona.

25. Petitioner proposes to employ approximately 40 to 60 persons on a permanent basis in its proposed golf course.

26. The proposed golf course site is located within an expanding urban area. The Subject Property falls within the general areas described by the Draft Kona Regional Plan

(November 28, 1983) as the "Queen Ka'ahumanu Highway Corridor - Keahole to Palani Road," and "Mauka Residential Area - North of Palani Road."

27. The golf course site will provide a large buffer zone between the Kaloko Light Industrial Subdivision, and future mauka residential developments. Open space will be preserved to separate these activities.

RESOURCES OF THE AREA

Soils

28. The Subject Property is composed almost entirely of basaltic rock. The lava flows are "pahoehoe" and "aa" lava, the latter which has extremely rough, irregular and clinkery surfaces, is black to greyish in color and closely resembles heavy cinders or coal. The flow units are light and seemingly brittle, yet remarkably capable of withstanding various forces. The "pahoehoe" lava is characterized by small, low, and broad outcroppings with smooth and ropey surface features. The pahoehoe flows are composed of a series of thin, overlapping flow units separated by distinct interfaces which are characterized by red to brown oxidized surfaces highly vesiculated and fractured. In general, the site has the irregular surface associated with uneroded lava flows. The lava material is very friable and can usually be graded using conventional earth moving equipment.

29. The Detailed Land Classification - Island of Hawaii prepared by the Land Study Bureau of the University of Hawaii and published in November, 1965, classifies soil on the Subject Property as type E289 and E319. The "E" classification means the land is very poorly suited for agricultural purposes.

Also, the Soil Survey of Island of Hawaii, State of Hawaii, prepared by the Soil Conservation Service of the U.S. Department of Agriculture in cooperation with the Agriculture Experiment Station of the University of Hawaii, published in December, 1973, described the soils of the Subject Property as part of a soil group classified as lithosol (a soil lacking definite genetic horizons, consisting of a freshly or imperfectly weathered mass of hard rock or hard rock fragments). Both studies indicate this area as being generally unsuited for agricultural use due to low precipitation and lack of soil material.

30. The Subject Property is not designated for agriculture by the State of Hawaii, Department of Agriculture's ALISH (Agricultural Lands of Importance to the State of Hawaii) maps.

NATURAL RESOURCES

31. Kenneth Nagata conducted a botanical reconnaissance survey of the project site in August, 1983.

32. The native plant species on the project site, will to the extent possible, be incorporated into the golf course design. In the event that the golf course design cannot accommodate the native plant in naturally occurring areas, Petitioner will coordinate relocation of these plants to other areas of the golf course with the botanist and landscape architect.

33. No rare or endangered wildlife species are known to inhabit the Subject Property.

HISTORIC RESOURCES

34. Archaeological Consultants of Hawaii (ARCH) conducted an archaeological reconnaissance study in November, 1983, and identified a number of lava tubes and surface structures and did an intensive archaeological survey, in August, 1984. ARCH identified 27 sites with varying degrees of significance.

35. Petitioner will protect the site 22/32 cave and platform complex by a surrounding fence. The adjacent golf course fairways will be designated to provide adequate "rough" area to preserve the site.

36. Site 11 is an exceptionally well-preserved example of platform cave construction. Although it is not unique, in terms of style, location or research

potential, it will be preserved by a surrounding fence, as suggested by the archaeologist.

PUBLIC SERVICES AND FACILITIES

Fire Protection

37. The fire fighting facilities at the Kailua Station will provide fire protection service. Backup from the Captain Cook Station and the Ke-ahole Airport Station is available if necessary.

Police Protection

38. The County will provide police protection through the County of Hawaii Kona District Headquarters located in Captain Cook.

Electrical Utility Services

39. Hawaii Electric Light Company, Inc., will provide electrical power by utility lines along the mauka-makai connector. Substations exist near Ke-Ahole Airport, Kealakehe, Kona Industrial Subdivision, and the Kaloko Light Industrial Subdivision (under construction).

Water

40. The Petitioner has a water commitment from the Department of Water Supply for 793,500 gallons per day of potable water to accommodate the golf course facility and the proposed Kaloko Light Industrial subdivision. The County of Hawaii Department of Water Supply confirmed that water is available for the proposed use.

41. Initially, irrigation water will be obtained by utilizing the unused balance of potable water committed for the Petitioner's proposed industrial subdivision. Upon development of the entire industrial subdivision, the Petitioner will develop either a brackish well or potable well to provide for the golf course water demands.

42. The clubhouse and comfort station will utilize cesspools to handle sewage. Cesspools will be constructed in accordance with the Public Health Regulations, Chapter 38, Sewage Treatment and Disposal Systems (Department of Health, State of Hawaii).

SEWAGE TREATMENT AND DISPOSAL SERVICES

Solid Waste Disposal Services

43. There are four solid waste disposal sites which serve North Kona, three of which operate as open pit dumping and one operate as a transfer point for a container which hauls its load to the Kailua dump.

DRAINAGE

44. Off-site and on-site storm run-off will be contained in storage basins within the golf course. Surface run-off will be conveyed by swales and open ditches to the storage basins. The golf course will be designed to accommodate necessary improvements within the overall layout.

45. The on-site storage basin will be sized to accommodate the storm run-off of a 50-year term. Overflow from the larger storms will be discharged into the adjoining vacant property, also owned by Petitioner, and presently in the State Conservation District.

46. The Subject Property is not within the flooding or tsunami inundation areas identified by the Flood Insurance Rate Maps prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration (FIA), 1978.

ROADWAY AND HIGHWAY SERVICES

47. Petitioner will provide access to the Subject Property by constructing an 80-foot wide mauka-makai connector road from Queen Ka'ahumanu Highway to the mauka boundary of lands owned by Petitioner mauka of the Subject Property. An interior road system will be developed to serve the clubhouse, maintenance facilities, driving range, and parking areas.

SCATTERIZATION AND CONTIGUITY OF DEVELOPMENT

48. The proposed golf course is contiguous to an incrementally approved urban district; constitutes part of a larger self-contained urban area; maximizes the use of existing public services and facilities; is strategically located along Queen Ka'ahumanu Highway midway between the

two major areas of urban activities, Ke-Ahole Airport and Kailua, Kona; and, therefore, would not constitute scattered urban development.

49. The proposed golf course will be adequately served by existing public service facilities, including fire fighting, police, electrical and telephone, solid waste disposal, roadways, and highways.

50. The Subject Property is situated in proximity to the residential areas of North Kona, providing convenient access to the potential users. The largest increase in single family homes occurs north of Kailua Town, at Kealakehe and Kalaoa, mauka of Ke-Ahole Airport. Kalaoa has the largest number of subdivided lots in Kona and is just north of the Subject Property. Over the past two years, a considerable number of houses have been built in the Kalaoa area.

CONCLUSIONS OF LAW

Pursuant to Chapter 205, Hawaii Revised Statutes, as amended, and the Rules of Practice and Procedure and District Regulations of the State Land Use Commission, the Commission concludes that the reclassification of approximately 190 acres of land at Kaloko and Kohanaiki, North Kona, Island of Hawaii, and identified as Tax Map Key: 7-3-09: Portion of 17, from the Agricultural to the Urban District, subject to the conditions stated below is

reasonable, not violative of Section 205-2, Hawaii Revised Statutes, and is consistent with the interim policies and criteria established pursuant to Section 205-16.1, Hawaii Revised Statutes, the State Plan and the County of Hawaii General Plan.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, which is the subject of the Petition in this Docket No. A84-566, consisting of approximately 190 acres of land at Kaloko and Kohanaiki, North Kona, Island of Hawaii, State of Hawaii, identified by Tax Map Key: 7-3-09: Portion of 17, and more particularly identified on the map which is attached hereto as Exhibit A and incorporated herein, for the development of a golf course and related facilities, shall be and hereby is reclassified from the State Land Use Agricultural to the Urban District.

IT IS FURTHER HEREBY ORDERED that the reclassification shall be subject to the following conditions:

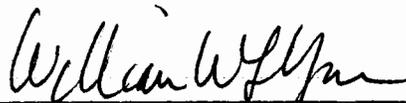
- A. Petitioner shall construct an all-weather connecting road to the County of Hawaii standards from the Queen Ka'ahumanu Highway to the mauka boundary of lands owned by Petitioner mauka of the Subject Property, within a time schedule to be established by the County of Hawaii.

B. Petitioner shall conduct an archaeological reconnaissance of all areas which will be impacted by development before commencing development, and shall send its findings to the Department of Land and Natural Resources' Historical Preservation Office for review and comment.

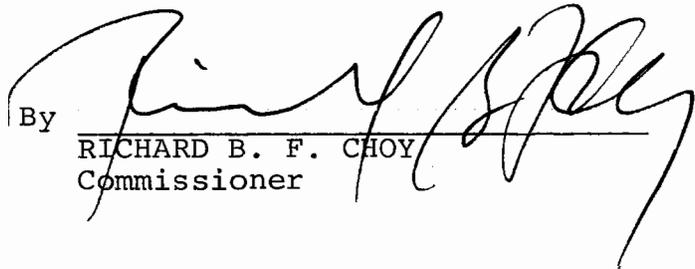
DOCKET NO. A84-566 - TSA INTERNATIONAL, LIMITED

Done at Honolulu, Hawaii, this 28th day of February,
1985, per motions on December 11, 1984 and January 9, 1985.

LAND USE COMMISSION
STATE OF HAWAII

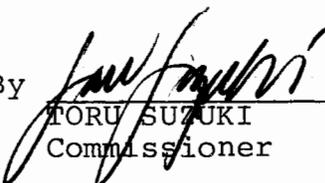
By 
WILLIAM W. L. YUEN
Chairman and Commissioner

By 
TEOFILO P. TACBIAN
Vice Chairman and Commissioner

By 
RICHARD B. F. CHOY
Commissioner

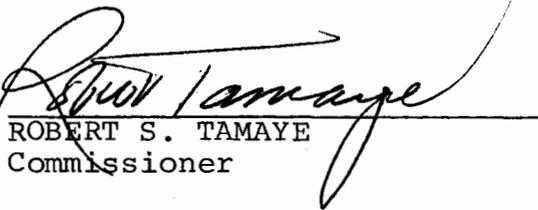
By 
LAWRENCE F. CHUN
Commissioner

By 
WINONA E. RUBIN
Commissioner

By 
TORU SUZUKI
Commissioner

DOCKET NO. A84-566 - TSA INTERNATIONAL, LIMITED

By


ROBERT S. TAMAYE
Commissioner

By


FREDERICK P. WHITTEMORE
Commissioner

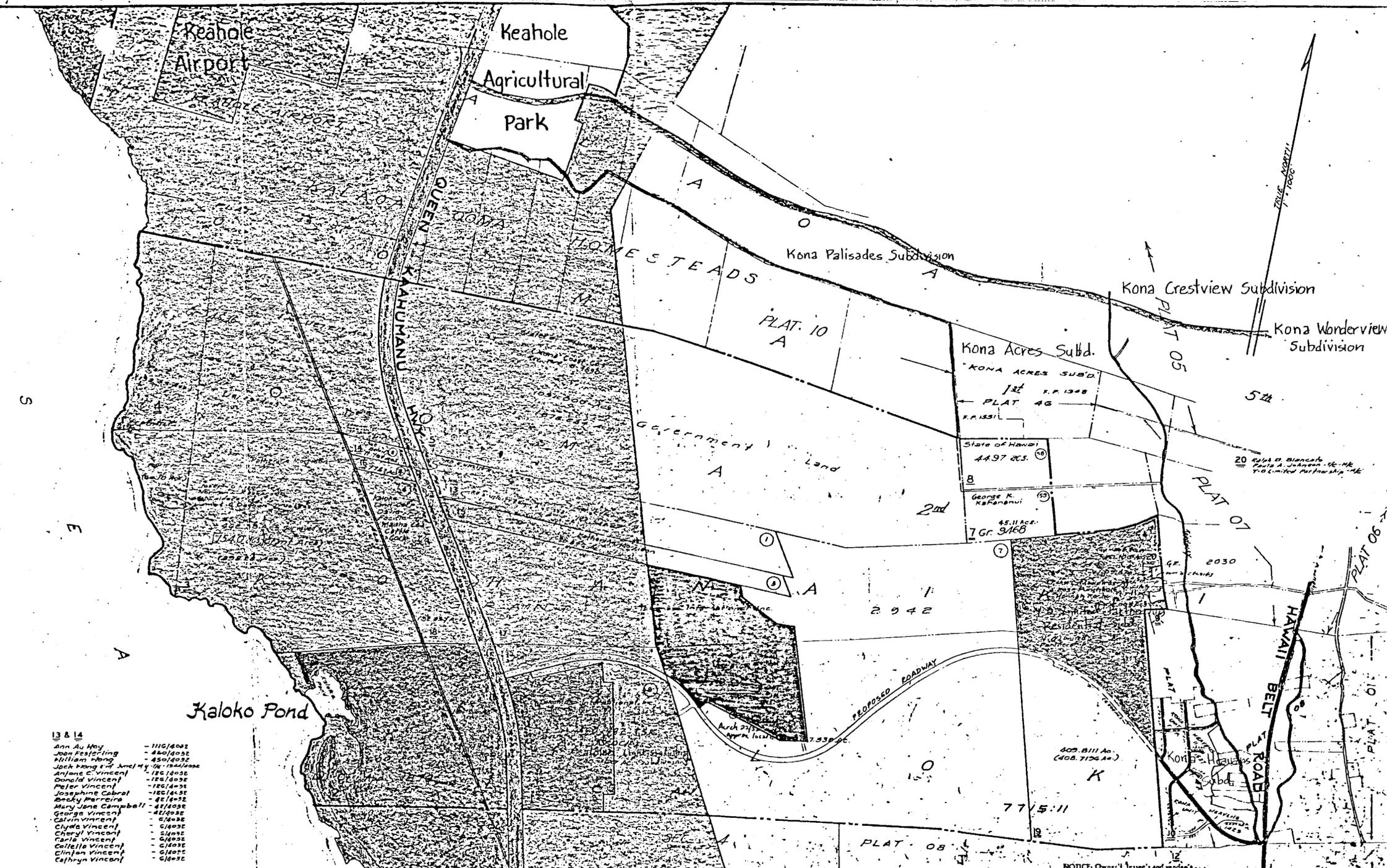
Dw No. 2622
 Sol. e Tax Maps Bureau of Survey Dept.
 By I.K.H. & S.L.C. February, 1936

- 13 & 14
- Ann Au Hoy - 110/4025
 - Joon Fasting - 440/4025
 - William Wong - 450/4025
 - Jack Wong & Amelia - 180/4025
 - Anfane C. Vincent - 180/4025
 - Donald Vincent - 180/4025
 - Peter Vincent - 180/4025
 - Josephine Cobral - 180/4025
 - Rocky Ferreira - 42/4025
 - Mary Jane Campbell - 42/4025
 - George Vincent - 42/4025
 - Calvin Vincent - 6/4025
 - Clyde Vincent - 6/4025
 - Cheryl Vincent - 6/4025
 - Carla Vincent - 6/4025
 - Collette Vincent - 6/4025
 - Clinton Vincent - 6/4025
 - Cathryn Vincent - 6/4025

A84-566 T S A INTERNATIONAL, LIMITED

COMA 2nd - KALOKO, NORTH KONA, HAWAII.

Kealahou Bay, South Kona



NOTICE: Owner's, tenant's and vendor's names, etc. map point may not be correct as shown. Date of this map is November 21, 1935.

THIRD DIVISION		
ZONE	SEC.	PLAT
7	3	09
CONTAINING PARCELS		
SCALE 1" = 1000 FT.		

EXHIBIT A

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A84-566
)
TSA INTERNATIONAL, LIMITED) TSA INTERNATIONAL, LIMITED
)
To amend the Agricultural Land)
Use District Boundary into the Urban)
Land Use District for approximately)
190 acres at Kaloko and Kohanaiki,)
North Kona, Hawaii, Tax Map Key)
7-3-09: Portion of 17)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

KENT M. KEITH, Director
Department of Planning and Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

ALBERT LONO LYMAN, Planning Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

WAYNE MINAMI, Attorney for Petitioner
820 Mililani Street, Suite 611
Honolulu, Hawaii 96813

ROY Y. NIHEI, Attorney for Petitioner
Shigemura & Ching
500 Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 28th day of February, 1985.



GORDON Y. FURUTANI
Executive Officer

DOCKET NO. A84-566 - TSA INTERNATIONAL, LIMITED

A copy of the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by regular mail on March 1, 1985

EVERETT KANESHIGE, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, Hawaii 96813

RONALD IBARRA, Corporation Counsel
Office of the Corporation Counsel
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720