

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of )  
PRINCEVILLE AT HANAIEI, a division )  
of Consolidated Oil & Gas, Inc., )  
for a Special Permit )  
\_\_\_\_\_ )

SP80-349

This is to certify that this is a true and correct copy of the  
Decision and Order on file in the office of the State Land Use  
Commission, Honolulu, Hawaii.

MAR 30 1981

Date

by  Executive Officer

DECISION AND ORDER

In the Matter of the	)	SP80-349
Petition for Special Permit	)	
of PRINCEVILLE AT HANALEI,	)	FINDINGS OF FACT; CON-
a division of Consolidated	)	CLUSIONS OF LAW; AND DE-
Oil & Gas, Inc.	)	CISION AND ORDER
	)	

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above-entitled matter, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The subject petition for Special Permit was filed with the Planning Commission of the County of Kauai in June 1979 by PRINCEVILLE AT HANALEI, a Division of Consolidated Oil & Gas, Inc., a Colorado corporation, hereinafter called "Princeville", pursuant to Section 205-6 of the Hawaii Revised Statutes, as amended. The petition proposed the construction of an 18-hole golf course and ancillary uses, including a club house and parking area, on approximately 329.4 acres of land situated within the State Land Use Agricultural District at Princeville at Hanalei, Hanalei, Kauai, Hawaii, on real property identified as Kauai Tax Map Keys: 5-3-01: por. 2, and 5-3-06: pors. 14 and 17.

2. A public hearing was held by the Planning Commission of the County of Kauai, hereinafter called the "Planning Commission", on July 25, 1979, following publication of notice thereof as was required by law;

3. There were no requests for intervention at the public hearing, although Bill "Kaipo" Asing testified

Shore Ohana;

4. Numerous requests for deferral of action on the petition were made either by Princeville or of Princeville by the Planning Commission in order to have an opportunity to evaluate the proposed golf course in terms of the updating of the Northshore Development Plan for the County of Kauai. All requests for deferrals were granted with the consents of all parties.

5. On October 31, 1980, the Planning Commission voted to recommend approval of the Special Permit Application, subject to the conditions hereinafter discussed, to the Land Use Commission. The files and records were transmitted to the Land Use Commission by letter of November 5, 1980 of Planning Director Brian Nishimoto.

6. The Land Use Commission acted upon the application at its meeting of December 9, 1980.

#### DESCRIPTION OF SUBJECT PROPERTY

7. The subject land, consisting of approximately 329.4 acres, is situated in the area of the Princeville at Hanalei Resort complex, approximately 6 miles east of Hanalei.

8. The average monthly rainfall is about 75 inches per year. The area is exposed to the prevailing northeasterly tradewinds.

9. The soil conservation service classified the soils of the subject petition into two groups. The relatively flat grazing land consists of oxisols of the Makapili series. The gulch areas are classified as rough broken land. The Land Study Bureau of the University of Hawaii has classified the soils of the subject area as "C", "D" and "E".



10. There does not appear to be any significant archaeological or historic sites within the subject area.

11. The existing drainage patterns will be maintained, flowing into the ocean either via the erosion gullies cut into the uplands or over a series of small waterfalls at the volcanic coastal cliffs. Erosion control measures will be implemented during the construction phase of the golf course.

12. Of the 329.4 acres of land subject of the petition, approximately 150 acres are currently used by the Princeville Cattle Company for its cattle operations. However, the construction of the golf course will not have any adverse effects on the cattle operations, as it is Princeville's intention to open more mauka land for grazing by a brush clearing and fertilization program.

13. An Avifaunal and Bat Survey, conducted on behalf of Princeville, indicated the lack of any endangered species of plant or animal life on the subject site;

#### PROPOSED USE AND JUSTIFICATION

14. Princeville proposes to construct an 18-hole golf course with ancillary services on the subject site. The ancillary services include a clubhouse with pro-shop and restaurant facilities, and parking areas.

15. The course will be laid out on lands currently in cattle grazing and on natural undeveloped gulch areas. The terrain consists of pastures of 10-20% slopes incised by steep gulches and drainageways.

16. The primary reason for the proposed golf course is to accomodate the demand for golf facilities generated by the existing and planned single, multi-family and

300-room Princeville Marriott Hotel, located on Parcel 1 of the Princeville resort development.

17. The County of Kauai's Comprehensive Zoning Ordinance designates the subject property as "Agricultural" and "Open". A golf course is a permitted use within the "Agriculture" zoned land with a Use Permit, and is also a permitted use within the "Open" zoned land.

18. The County's draft Northshore Plan update does not specifically address the use of the site as a golf course, but does recognize the further expansion of the Princeville resort complex unto the abutting parcel (Parcel 2) to the east of the existing complex. The proposed golf course would be located principally on Parcel 2, although two of the holes is planned to be located mauka of Kuhio Highway on lands within the Land Use Agricultural and Conservation District Boundaries. The lands mauka of Kuhio Highway within the Agricultural District Boundary is included in the subject petition. On May 25, 1979, the State of Hawaii Board of Land and Natural Resources approved Princeville's application for a Conservation District Use Permit to allow the two mauka holes of the proposed golf course within the Conservation District overlooking Hanalei Valley.

19. A portion of the proposed golf course would traverse upon the existing Hanalei sanitary landfill, which is on land leased to the County of Kauai by Princeville. Concern was raised by the County of Kauai Department of Public Works regarding the County's possible inability to place into operation an alternative refuse transfer station prior to the expiration of the landfill lease with Princeville.

20. The County Planning Department recommended



conditions, and the County Planning Commission at its meeting on October 31, 1980 voted 5-0 to recommend approval of the Special Permit subject to the following conditions.

1) No holes mauka of Kuhio Highway shall be permitted, unless the applicant or their future purchasers sign a recorded agreement with the County that would prevent urbanization and any land use, General Plan and zoning amendments for the lands mauka of Kuhio Highway for a period to be mutually agreed upon by both parties.

2) Should this option be pursued, all golf cart crossings on Kuhio Highway shall be placed underground.

3) As requested by the County Engineer, the present landfill site lease agreement shall be extended to give the County additional time to acquire and develop a refuse transfer site to replace the landfill. The terms of the extension can be resolved with the County Engineer.

4) The applicant is advised that prior to and/or during construction and use, additional governmental agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).

21. The Land Use Commission, at its meeting of December 9, 1980, approved the addition of a further condition that construction of the golf course begin within 18 months from the date of the Land Use Commission's approval, the failure of which shall be reason for termination of the Special Permit.

## CONCLUSIONS OF LAW

1. "Unusual and reasonable" uses other than those which are permitted in an Agricultural District may be permitted by Special Permit pursuant to HRS, Chapter 205-6, and State Land Use Commission District Regulation, Part V.

2. The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

3. The requested use will not adversely affect surrounding property. A golf course is compatible with the surrounding agricultural lands. In addition much of the golf course is located within gullies which are not used for agricultural purposes.

4. The proposed use will not unreasonably burden public agencies to provide services and facilities. Adequate access will be provided by Princeville, and construction of the facilities will not impose additional burden upon other agencies to provide services and facilities.

5. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The growth of the Princeville resort development in the adjoining urban district and the demand for golf created thereby has created a need for the proposed golf course. The lack of alternate urban lands on which to construct the golf course and the present and future demand for such a facility require construction within the Agricultural District.

6. The use described in the petition is an unusual and reasonable use pursuant to HRS, Chapter 205-6, and State Land Use Commission District Regulation, Part V.

IT IS HEREBY ORDERED that Special Permit Number 80-349 for the development of an 18-hole golf course and ancillary improvements including a club house and automobile parking areas on approximately 329.4 acres of land situated within the State Land Use Agricultural District at Princeville, Hanalei, Kauai, Tax Map Keys: 5-3-01: por. 2 and 5-3-06: pors. 14 and 17, be approved subject to the following conditions:

- 1) No holes mauka of Kuhio Highway shall be permitted, unless the petitioner or its future purchasers sign a recorded agreement with the County of Kauai that would prevent urbanization and any land use, General Plan and zoning amendments for the lands mauka of Kuhio Highway for a period to be mutually agreed upon by both parties.
- 2) Should this option be pursued, all golf cart crossings on Kuhio Highway shall be placed underground.
- 3) As requested by the County Engineer, the present landfill site lease agreement with the petitioner shall be extended to give the County additional time to acquire and develop a refuse transfer site to replace the landfill. The terms of the extension can be resolved with the County Engineer.
- 4) The petitioner is advised that prior to and/or during construction and use, additional governmental agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).
- 5) Construction of the golf course shall begin within 18 months from the date of this Decision and Order, the failure of which shall be reason for termination of the Special Permit.



LAND USE COMMISSION  
STATE OF HAWAII

By Charles W. Duke  
CHARLES W. DUKE, Chairman and  
Commissioner

By Shinichi Nakagawa  
SHINICHI NAKAGAWA, Vice Chairman  
and Commissioner

By George Pascua  
GEORGE PASCUA, Commissioner

By Shinsei Miyasato  
SHINSEI MIYASATO, Commissioner

By Mitsuo Oura  
MITSUO OURA, Commissioner

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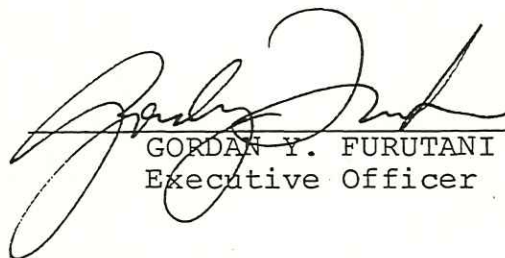
CERTIFICATE OF SERVICE

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:

BRIAN NISHIMOTO, Planning Director  
 Planning Department  
 County of Kauai  
 4280 Rice Street  
 Lihue, Hawaii 96766

WALTON D. Y. HONG  
 Masuoka and Hong  
 Attorneys at Law  
 P. O. Box 1727  
 Lihue, Hawaii 96766

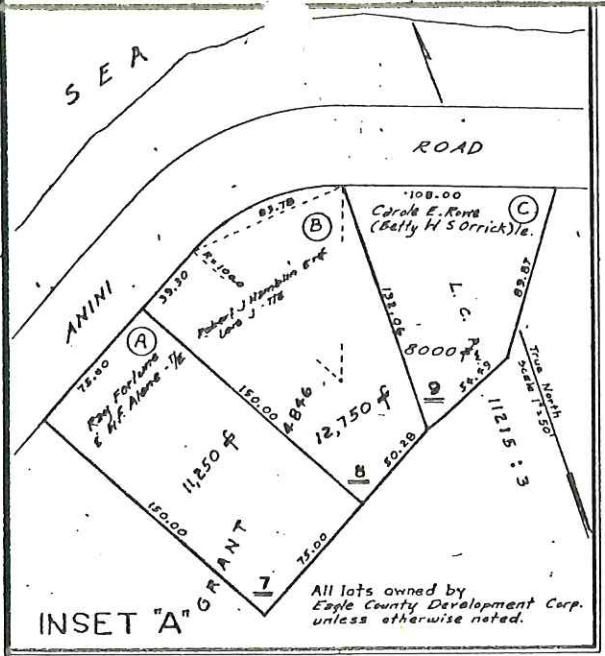
DATED: Honolulu, Hawaii, this 30th day of March, 1981.



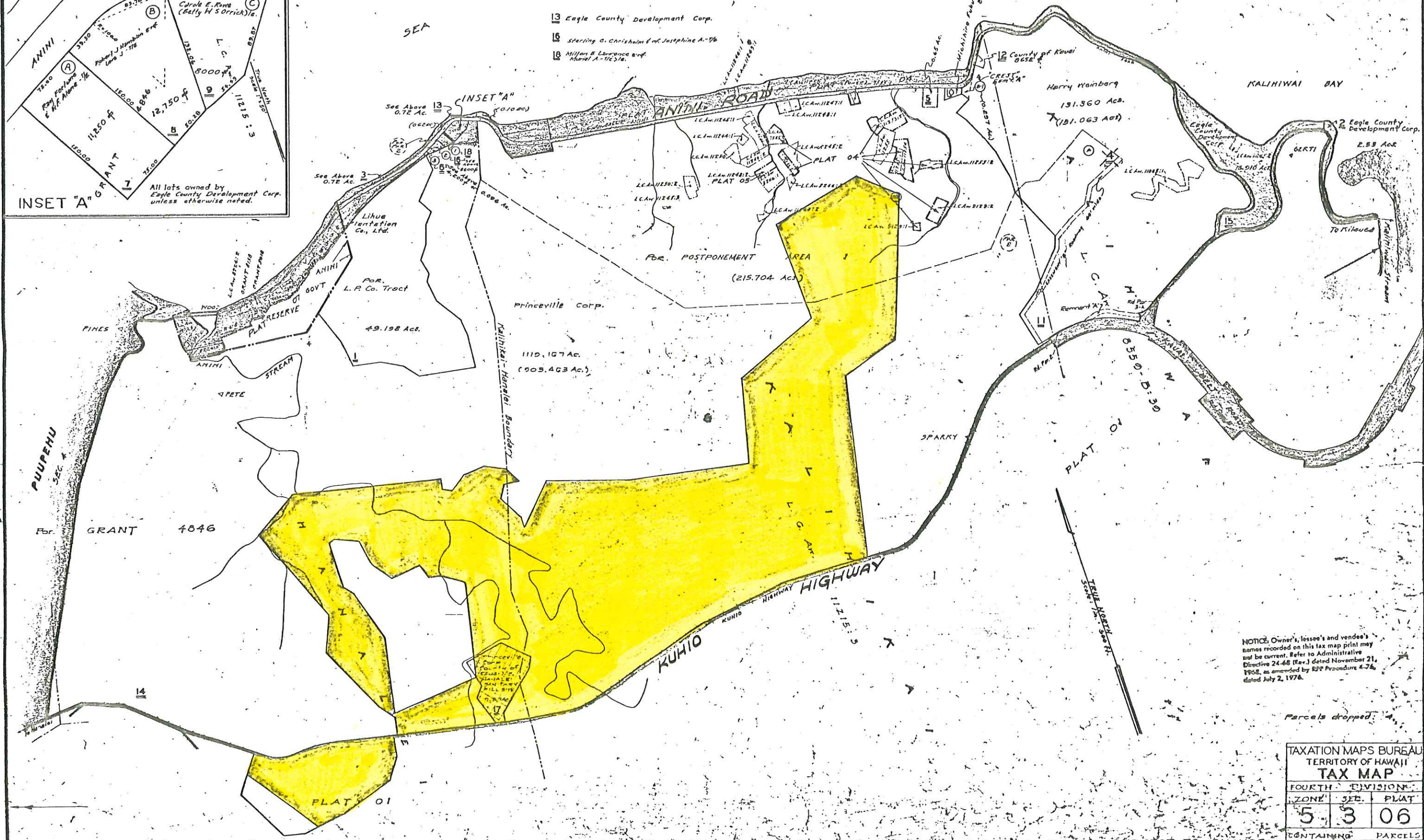
\_\_\_\_\_  
 GORDAN Y. FURUTANI  
 Executive Officer



# SP&D-349 PRINCEVILLE AT HANAIEI



- 3 Lihue Plantation Co., Ltd.
- 6 William Q. Daily & wf. Lillian - 1/2
- 13 Eagle County Development Corp.
- 15 Sterling G. Christman & wf. Josephine A. - 1/2
- 18 Milton B. Lawrence & wf. Harold A. - 1/2



NOTICE: Owner's, lessee's and vendee's names recorded on this tax map print may not be current. Refer to Administrative Directive 24-68 (Rev.) dated November 21, 1968, as amended by EFP Procedure 4-74, dated July 2, 1974.

Parcels dropped: 4

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
5	3	06
CONTAINING PARCELS		
SCALE: 1 IN = 500 FT		

SUBJECT TO CHANGE

PRINTED NOV 24 1980

Dwg. No. 00 103E 1132  
By: Tax Maps Bureau  
Source: Tax Maps Bureau

PRINCEVILLE PLANTATION - HANAIEI, KAUAI