

GOVERNMENT UPDATE

Moratorium ends, but future in doubt

A number of developers eagerly hailed in the New Year since Honolulu's moratorium on golf course development expired on New Year's Eve.

But an extension of the moratorium is being considered as the City Council tries to determine the best method for reviewing golf course development applications.

Having been put on hold since the moratorium was enacted last March, 12 to 15 golf course developers reportedly had applications pending and another 40 had made preliminary inquiries.

A bill was presented to the City Council that would impose a stricter review process. But critics, including the citizens group Hands Around Oahu, say even that is not strict enough and have nicknamed Bill 152 the "green tsunami."

Bill 512, originally authored by Zoning Committee Chairwoman Donna Kim and refined by Councilman John DeSoto, would allow golf courses in several zones, subject to the city's Plan Review process, a relatively speedy method applied to universities, convention centers, hospitals and prisons. The Department of Land Utilization, various agencies and neighborhood boards comment on proposals, then the City Council holds one public hearing and votes in the form of a resolution.

The council was to vote on the bill in mid-December. But because of numerous objections, the bill was sent back to the Zoning Committee which will study it further and make its recommendations before sending it back for a council vote. The Zoning Committee was scheduled to meet again Jan. 23.

The Zoning Committee will take into consideration the opinions of groups like Hands Around Oahu, which wants golf courses approved by ordinance, not resolution, in order to widen the spectrum of agencies and public opinion to be consulted.

A major sticking point for opponents of the bill is that the Plan Review process cannot be challenged by initiative because it is an administrative act.

Hands Around Oahu has submitted a bill that would analyze the cumulative effect of new courses rather than judge each on its own merits. It would include criteria to evaluate projects in regard to fresh and coastal water and competing land uses. It also would broaden access to the courses by residents who, Hands says, are being squeezed out of the courses by high fees.

A companion bill would add a special tax on golf-course revenues.

Mayor Frank Fasi has suggested — and Hands Around Oahu agrees — that new courses be limited to three a year.

To that idea, Kim's aide, Bob McGraw said, "Absurd and capricious. We'd be wide open for a suit."

NCA warns: 'Stay vigilant'

Legislation that poses both great concern and opportunity to country clubs is being debated in state legislatures across the nation, according to the National Club Association's director of government relations.

Attorney Thomas M. Walsh, reporting in the organization's magazine, "Club Director," said that among the areas being discussed are privacy, the environment, property taxes, limits on liability, employer-employee relations, alcohol control, taxes and health insurance.

NCA is lobbying basically only in Congress but "can mesh its national overview with the local expertise of clubs and their members," accord-

ing to Walsh.

He gave as an example the NCA's Texas chapter. The group was formed primarily to fight against legislation that would have made many private clubs public. NCA Director Bob Meyer was called to document the clubs' position that the legislation was unconstitutional, and that position won in that case.

Walsh said vigilance — keeping abreast of exactly what laws are being authored — is a must for clubs across the country.

"Chances are great that many problems will occur, and many opportunities will arise in state legislatures," he said. "The area fraught

with greatest danger is the threatened intrusion of governments into membership decisions of clubs. Legislatures continue to entertain proposals to declare private clubs to be public accommodations, which, if passed, would subject clubs to unwarranted public scrutiny...

"Regardless of their own membership policies or how homogenized their membership profile is, clubs should be concerned with such proposals.

"They have the potential for much mischief because they would involve state governments in a private club's single most important function, selecting its members."



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