Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

January 23, 1992

Mr. James Leonard
PBR Hawaii
101 Aupuni Street, Suite 310
Hilo, HI 96720

Dear Mr. Leonard:

Use Permit (UP 91-15)
Special Permit Application (SP 91-25)
Applicant: Kaumana Country Club, Inc.
Request: 18-Hole Golf Course and Related Recreation Facilities
Tax Map Key: 2-5-3:27

The Planning Commission at its duly held public hearing on January 16, 1992, voted to approve the above applications, Use Permit No. 95 to allow for the establishment of an 18-hole golf course and related improvements and Special Permit No. 796 to allow for a club member swimming pool, tennis courts, meeting rooms for member and community functions, and member/guest use of the facilities beyond the regular golf course operational hours situated on 55,600 square feet of land within the State Land Use Agricultural District. The site is located approximately 1,800 feet west (mauka) of the Wilder Road-Kaumana Drive intersection and behind Island Orchid, Inc. farms, Ponahawai-Kaumana Homestead Lots, South Hilo, Hawaii.

Approval of the Use Permit request is based on the following:

The establishment of an 18-hole golf course, clubhouse, driving range, and related improvements within the Agricultural-20 acres (A-20a) zoned district will not be inconsistent with the general purpose of that zoned district, the intent and purpose of the Zoning Code, and the General Plan, provided adequate mitigating conditions are met.

The subject request will also provide a form of perpetual open space, thus, maintaining the current rural and open character of the surrounding area along with its natural and scenic qualities. The proposed development would, therefore, be consistent with the policies of the Recreation and Open Space

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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 Department of Land and Natural Resources concurred with the findings of the applicant's archaeological inventory survey and found that the proposed development will have "no effect" on the sites located on the subject property which were deemed "no longer significant". As required by the DLNR, the archaeological inventory survey submitted shall be revised to a level determined acceptable to their office.

The granting of this proposal 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 . . . ."

As a condition of this approval recommendation, the applicant will be required to develop a community center, community park and covered playcourt facilities on or in the vicinity of the project site meeting with the approval of the Planning Director in compliance with the community benefit assessment program developed by the Planning Director for the proposed development. It is felt that this provision would be consistent with the policy of the Land Use Element that states "The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment" and would encompass a wide range of community needs rather than the limited recreational needs determination previously required.

Golf courses are permitted uses within the State Land Use Agricultural District provided that the affected lands are not classified either "A" and "B" soils by the Land Study Bureau. The Land Study Bureau's Overall Master Productivity rating for agricultural use of the subject property is Class "C" and "E" or "Fair" and "Very Poor"; therefore, consideration of a golf course within these State land use parameters is permissible.

Among the permitted uses in the County's Agricultural (A) zoned district are single family dwellings, agricultural uses and related activities, aquaculture activities, and accessory uses or structures. Since golf courses are not permitted uses in the County's Agricultural zoned district, a Use Permit must be approved by the Planning Commission before the use can be

established. Golf courses are permitted uses within the County's Residential and Open zoned districts.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The character of land use in the immediate area is open space with clustered residential homesites located to the southeast and southwest. As previously mentioned, the open nature of the proposed golf course will complement the rural character of the community. All structures associated with the proposed golf course will be located in excess of 400 feet from its property boundaries. The proposed clubhouse will be located within the northern portion of the property approximately 2,600 feet from Kaumana Drive and the dwellings which border it. In addition, the Planning Department's Guidelines for Golf Course Development will be utilized to assure that adjacent properties will not be adversely affected by direct play on the golf course (i.e. errant golf balls).

The project site is traversed by the Waipahoehoe Stream along its northern property boundary, the Kaluiiki Branch and an unnamed stream. These streams are defined as areas subject to 100-year flood recurrence intervals (Zone A). The applicant has prepared a flood evaluation study of the subject property to clarify the location of the floodways and the flood fringe areas and to determine base flood elevations within the project site. According to the summary concept included within the study, the applicant will retain within the project site all additional flows generated by the proposed development. Runoff from parking areas, access roads, clubhouse and maintenance facilities will be diverted to the golf course, which will be designed to act as retention basins. Runoff from the course will then be diverted and retained in the golf course lakes. According to the applicant, Waipahoehoe and Kaluiiki Branch streams will be left in their natural state with adjacent development to be located outside of the 100-year flood plain. To ensure that all runoff generated by the proposed development is retained on-site, the applicant shall prepare a drainage study and a detailed flood control plan meeting with the approval of the Department of Public Works for submittal at the time of plan approval review for the proposed development.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area,

community, or region. The City of Hilo has one 18-hole municipal golf course and one 9-hole private golf course (open to the public). A proposed 18-hole golf course, to be located mauka of the Komohana Street-Ponohawai Street intersection, has recently received approval for a Use Permit from the Planning Commission. It is not anticipated that this approval would affect these existing or proposed courses.

All essential utilities and services required for the development of a golf course and related facilities are or will be made available. Conditions of approval relative to the provision of such services are being proposed. These include off-site roadway improvements and a wastewater disposal system meeting with the approval of the affected agencies. County water is presently available to the subject property. However, should additional water be required for irrigation purposes and to supplement the clubhouse uses, the applicant will consult and comply with the requirements of the Department of Water Supply in securing the additional services.

Approval of the Use Permit request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.

2. The applicant shall prepare a drainage study and a detailed flood control plan for the proposed development meeting with the approval of the Department of Public Works and submitted at the time of Plan Approval Review for the proposed development. As recommended by the Drainage Plan-Summary Concept submitted with the application, all runoff generated by the proposed golf course development shall be disposed on-site through the use of the golf course and its features as a retention basin. The natural courses of the Waipahoehoe, Kaluiiki Branch and the unnamed streams, which traverse the project site, shall not be disturbed.

3. Final Plan Approval for the proposed golf course and related improvements shall be secured from the Planning Department within 18 months from the effective date of the permit. To assure adequate time for Plan Approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five (45) days prior to the date by which plan approval must be secured.

4. Construction of the golf course and related improvements shall commence within one year from the date of receipt of final plan approval and be completed within three (3) years thereafter.

5. To ensure that the goals and policies of the General Plan are implemented, the applicant shall implement a community benefit assessment program which shall include a program for public play at reasonable rates, community center, community park, and covered playcourt facilities on or in the vicinity of the project site meeting with the approval of the Planning Director and which shall not preclude other community benefit assessments as may be approved by the Planning Director. Such facilities shall be completed prior to the official opening of the golf course. The total cost of developing such facilities shall not exceed three million dollars ($3,000,000). The public facilities shall be available for public use in perpetuity and the applicant shall execute the necessary documents to ensure such public use.

6. In the design of the golf course, the County of Hawaii Planning Department's Guidelines for Golf Course Design (November 1989, as amended) shall be utilized. The Planning Department shall determine appropriate setback requirements (i.e. building and property line) at the time of plan approval review. Easements for golf course purposes over and across abutting lots, either existing or proposed, shall not be permissible.

7. A revised archaeological inventory survey shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources prior to the submittal of plans for Final Plan Approval review.

8. Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. Work within the affected area shall not resume until clearance is obtained from the Planning Department.

9. The use of pesticides and herbicides in conjunction with all phases of operation shall comply with the applicable regulations of appropriate governmental agencies.

10. 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.

11. Prior to construction, the applicant shall demonstrate to the satisfaction of the Planning Department that all proposed off-site construction material such as topsoil or sand are being supplied from an approved quarry or resource site.

12. The project's access roadway and its connection to Kaumana Drive shall meet with the approval of the Department of Public Works. The applicant shall provide all off-site roadway improvements as may be required by, and meeting with the approval of, the Department of Public Works.

13. The applicant shall provide adequate water service and back-up facilities or assurances to meet the demands for fire protection and all golf course related facilities prior to the issuance of any occupancy permit. Should additional water service be required, the applicant shall secure the approval of the Department of Water Supply for the additional water service with assurances of such additional service submitted to the Planning Department.

14. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health, Public Works and HELCO.

15. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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. 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.

16. 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) the 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; 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 the permit.

Approval of the Special Permit request is based on the following:

The granting of this request to allow for a club member swimming pool, tennis courts, meeting rooms for member and community functions, and member/guest use of the facilities beyond the regular golf course operational hours would not be contrary to the objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed tennis courts, swimming facilities and meeting rooms will be located is classified as "C" or "Fair" by the ALISH map. It should be mentioned that in addition to soil quality and the eventual displacement of a portion of the existing guava orchard, consideration should be given to the fact that the request is integral to the clubhouse use and, in all practicality, the establishment of the golf course, should these uses be approved. These facilities, having a total floor area of approximately 55,600 square feet, will be incorporated into the project site and overall design of the clubhouse, thereby expanding the overall clubhouse use within an area already

targeted for improvements. Therefore, it can be determined that approval of the request will not affect important agricultural lands within the district or region and would not be contrary to the objectives of the State Land Use Law and Regulations.

The desired use will not adversely affect the surrounding properties. The proposed uses will be located within the northern portion of the subject property at a distance of approximately 400 feet from the nearest property boundary. The nearest dwelling is located approximately 2,600 feet from the clubhouse facility. The proposed clubhouse will be located within the northern portion of the property approximately 2,600 feet from Kaumana Drive and the dwellings which border it. The proposed golf course will effectively serve to mitigate any adverse noise or visual impacts to surrounding properties that are generated from the proposed facilities. Single family dwellings are located makai of the project's access road connection along both sides of Kaumana Drive. Therefore, there is the potential for traffic entering or leaving the project site during the evening hours to adversely impact these properties. Therefore, the use of the clubhouse facilities beyond the normal operational hours of the golf course will be limited to no later than 10:00 p.m. during the weekdays and midnight during the weekends and holidays.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. The applicant will be required to provide off-site roadway improvements to Kaumana Drive meeting with the approval of the Department of Public Works. Water is presently available for the proposed clubhouse uses. However, should additional water be required, the applicant will work with the Department of Water Supply to satisfy the applicant's additional water needs. Wastewater generated by the proposed facilities will be disposed of and treated at an on-site wastewater treatment facility. All other services are available to the property.

The use will not substantially alter or change the essential character of the land and the present use. The proposed facilities and uses will complement the open and rural character of the land and its present use. The proposed tennis courts, swimming pool and meeting room facilities will be incorporated within the proposed clubhouse site. With the exception of the meeting rooms, the facilities will be of an

open architecture, thereby not substantially increasing the visual mass of the clubhouse.

The request is not contrary to the General Plan and the Hilo Community Development Plan. Approval of the proposed club member swimming pool, tennis courts, and meeting rooms would complement the goals of the Recreational Element of the General Plan which states to "provide a diversity of environments for active and passive pursuits" and to "provide a wide variety of recreational opportunities . . . ." To allow use of the meeting rooms for community functions, and member/guest use of the facilities beyond the regular golf course operational hours would provide complementary uses to the golf course and clubhouse activities as well as complement a policy of the General Plan to "encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

Approval of the Special Permit request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.

2. The applicant shall prepare a drainage study and detailed flood control plan for the proposed development meeting with the approval of the Department of Public Works and submitted at the time of Plan Approval Review for the proposed development. As recommended by the Drainage Plan-Summary Concept submitted with the application, all runoff generated by the proposed golf course development shall be disposed on-site through the use of the golf course and its features as a retention basin. The natural courses of the Waipahoehoe, Kaluiiki Branch and the unnamed streams, which traverse the project site, shall not be disturbed.

3. Plans for the proposed tennis courts, swimming pool and meeting room facilities shall be submitted concurrently with plans submitted for Final Plan Approval Review for the proposed golf course, clubhouse and related improvements. Plans shall identify structures, access roadway, landscaping, and parking stalls associated with the proposed facilities. To assure adequate time for Plan Approval review and in accordance with Chapter 25-244

(Zoning Code), plans shall be submitted a minimum of forty-five (45) days prior to the date by which plan approval must be secured.

4. Construction of the proposed facilities shall commence within one year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.

5. The project's access roadway connection to Kaumana Drive shall meet with the approval of the Department of Public Works. The applicant shall provide all off-site roadway improvements as may be required by, and meeting with the approval of, the Department of Public Works.

6. The applicant shall provide adequate potable water service and back-up facilities or assurances to meet the demands for fire protection and the proposed clubhouse uses prior to the issuance of an Occupancy Permit.

7. A revised archaeological inventory survey shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources prior to the submittal of plans for Final Plan Approval review.

8. Use of the clubhouse and all related facilities beyond the regular golf course operational hours shall be limited to no later than 10:00 p.m. during the weekdays and 12 a.m. during weekends and holidays.

9. Should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. Work within the affected area shall not resume until clearance is obtained from the Planning Department.

10. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health, Public Works and HELCO.

11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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. 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.

12. 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) the 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; 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 the permit.

These approvals do not, however, sanction the specific plans submitted with the applications as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Kaumana Country Club, Inc.
R. Ben Tsukazaki
Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DLNR
Department of Health
HELCO
Plan Approval Section