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

Lorraine R. Inouye
Mayor

PM 12 56

CERTIFIED MAIL

November 9, 1992

Mr. Sidney Fuke
Sidney Fuke & Associates
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (UP 92-8)
Special Permit Application (SP 92-18)
Applicant: Ainaloa Development Corporation
Request: Golf Course, Expanded Clubhouse,
Recreational Facilities & Related Improvements
Tax Map Key: 1-6-4:21 & 57

The Planning Commission at its duly held public hearing on November 4, 1992, voted to approve the above applications, Use Permit No. 106 to allow an 18-hole golf course, golf clubhouse and related improvements on 200 acres of land zoned Agricultural-1 acre (A-1a) by the County and Special Permit No. 827 to allow for an expanded golf clubhouse, recreational facilities, and related improvements. The proposed clubhouse would contain locker and changing rooms, a restaurant, and a recreation center which would include a swimming pool, exercise room, ping-pong area, meeting area, and tennis courts. The proposed 200-acre project site is zoned Agricultural-1 acre (A-1a) and is located adjacent to the Ainaloa Subdivision, approximately seven miles southeast of Keaau and four miles northwest of Pahoa. The proposed site is located on Ainaloa Boulevard, at the extreme northwestern end (mauka) of the Ainaloa Subdivision, approximately 3.7 miles from Highway 130, Keaau, Puna, Hawaii.

EXHIBIT A

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NOV 12 1992

Approval of Use Permit request is based on the following:

The establishment of an 18-hole golf course and related facilities within the County's Agricultural-1 acre (A-1a) 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 open character of the adjacent surrounding area 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 Department of Land and Natural Resources concurred with the findings of the applicant's archaeological inventory survey that all sites in the project area were recorded and only two archaeological sites were identified. Both sites were determined to be "no longer significant", and the proposed development will have "no effect" on historic sites.

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 would be the formulation of a community benefit assessment program by the Planning Director prior to Final Plan Approval of the golf course. It is felt that this provision would be consonant 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." A community benefit assessment program would also 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 "E" or very poor; therefore, consideration of a golf course within these State land use parameters is permissible.

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. Adjacent to the project site are the agricultural subdivisions of Ainaloa to the southeast, Hawaiian Acres to the west, Tiki Gardens to the east, and Orchidland Estates to the north. As previously mentioned, the open nature of the proposed golf course will complement the rural character of the community. The proposed clubhouse and wastewater treatment plant will be centrally located on the property and screened with berms and landscaping to minimize adverse visual impacts to surrounding properties. Existing vegetation would be retained as much as possible between fairways. In addition, the Planning Department's Guidelines for Golf Course Development will be utilized during plan approval to assure that adjacent properties will not be adversely affected by direct play on the golf course.

The proposed project is located approximately three miles from the Keaau-Pahoa Road/Ainaloa Blvd. intersection. Keaau-Pahoa Road (Highway 130) is a two-lane highway under the jurisdiction of the State Department of Transportation. Primary access to the golf course will be from Ainaloa Boulevard, a private road with a 60-foot right-of-way consisting to a 20-foot wide asphaltic-concrete pavement.

The project is identified to be outside the 500-year flood plain or Zone "X". The applicant has prepared a Stormwater Runoff Assessment to analyze storm runoff conditions for the subject property. The study determined that runoff is considered to be insignificant. To mitigate any possible storm water runoff and to ensure that all runoff is retained on-site, the applicant shall prepare a detailed drainage plan meeting with the approval of the Department of Public Works for submittal at the time of plan approval review.

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). In addition, the Planning Commission has approved two additional 18-hole golf courses, one to be located mauka of the Komohana-Ponahawai Street intersection, and the other to be located mauka of the Wilder Road-Kaumana Drive intersection. Another golf course is under construction at Pohoiki. It is not anticipated that this approval would not 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 other community benefit assessments meeting with the approval with the Department of Planning and affected agencies. In the area of roads, the intersection of Keaau-Pahoa Road/Ainaloa Boulevard shall be fully channelized meeting with the approval of the State Department of Transportation and the County Department of Public Works. Ainaloa Boulevard shall be upgraded to County-dedicable standards from the Keaau-Pahoa Road intersection to the proposed entrance of the project. Also required shall be installation of stop signs and street lights at road intersections that front Ainaloa Boulevard with an existing power pole. All roadway improvements shall be installed prior to occupancy.

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 an Erosion Control Plan addressing a detailed drainage system meeting with the approval of the Department of Public Works which shall be submitted at the time of Plan Approval Review for the proposed development. As required by the Department of Public Works, all runoff generated from the proposed development shall be disposed on-site.

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. Plans shall identify all structures, landscaping, which shall include a 40-foot perimeter landscaping buffer, and paved parking stalls associated with the proposed development.

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. The project's access roadway and its connection to Ainaloa Boulevard 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 Keaau-Pahoa Road/Ainaloa Boulevard intersection shall be fully channelized meeting with the approval of the State Department of Transportation-Highways Division and/or the County Department of Public Works, prior to the issuance of the certificate of occupancy or the opening of the golf course, whichever occurs first.

7. Ainaloa Boulevard from Keaau-Pahoa Road to the entrance of the project site shall be upgraded to County dedicable standards meeting with approval of the Department of Public Works. Stop signs and street lights shall also be installed at all lateral roads fronting Ainaloa Boulevard with an existing power pole. In addition, for pedestrian safety, the applicant shall extend the pavement width within the existing right-of-way of Ainaloa Boulevard, including the striping or installing of a rolled curb. All roadway improvements to Ainaloa Boulevard shall be completed prior to the issuance of the certificate of occupancy or opening of the golf course, whichever occurs first.

8. 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.

9. To ensure that the goals and policies of the General Plan are implemented, the Planning Director shall formulate a community benefit assessment program which shall include the following: (A) a program for public play at reasonable costs, (B) a program for reasonable access to the proposed recreational facilities by Ainaloa Subdivision residents, (C) a standpipe, providing water for potable and firefighting purposes, to be located on a park site owned by the Ainaloa Community Association, (D) funds for/or a water tanker and an ashpalt paver to be donated to the Ainaloa Community Association, (E) bus shelters to be constructed at different locations along Ainaloa Boulevard within the existing right-of-way, and shall not preclude other community benefit assessments as may be approved by the Planning Director. The community benefit assessments, as outlined in the developer's letter of October 2, 1992 to the Planning Director, shall also be provided. Such community benefits shall be implemented prior to the official opening of the golf course.

10. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving or walks, or caves be encountered during land preparation activities, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.

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. 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. Further, top-soil material-hauling

traffic shall be restricted to the calculated non-peak hours, as may be defined by the State Department of Transportation.

13. The use of pesticides and herbicides in conjunction with all phases of operation shall conform with the applicable regulations of appropriate governmental agencies. Also the applicant shall establish and maintain the golf course in an environmentally responsible manner based upon principles of an Integrated Pest Management (IPM) system.

14. The applicant shall provide adequate potable water service and back-up facilities to meet demands for fire protection for all golf course-related facilities prior to the issuance of an occupancy permit.

15. A potable and irrigation water system shall be constructed in accordance with the Department of Water Supply's Water System Standards and Rules and Regulations.

16. Should the location of the private potable well on the subject property cause additional wastewater requirements for adjoining properties, the applicant shall provide: a) a private wastewater system for a single-family residence on the affected lots meeting with the requirements of the appropriate State and/or County rules applicable at the time of issuance of a building permit for a single-family residence on the affected lots; or b) allow the affected property owners to hook-up into the project's wastewater system. Under that basis, the developer shall provide a wastewater transmission line along the property line of the affected adjoining lots.

17. Comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Transportation-Highways Division, Fire, Health, Water Supply and Public Works.

18. 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.

19. 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 an expanded golf clubhouse, recreational facilities and related improvements would not be contrary to the objectives of Chapter 205, Hawaii Revised Statutes, as amended. The proposed clubhouse will be a two-story structure with a floor area of approximately 30,000 square feet. In addition, a recreation center would include a 6,500 square foot recreation building, two tennis courts and a swimming pool. All facilities would be appurtenant to the main use of the subject property as a golf course. The recreational facilities would be made available to Ainaloa Community Association members upon conditions agreed upon by the Association and owner. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses in 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 Laws Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The lands on which the proposed expanded golf clubhouse and recreational facilities would be located is classified "E" or very poor by the Land Study

Bureau's Overall Master Productivity Rating and not classified by the Department of Agriculture's ALISH map. Therefore, it can determined that the proposed use would not affect important agricultural lands within the district or region and would not be contrary to the objectives of the State Land Use Law.

The desired use will not adversely affect the surrounding properties. Surrounding uses include scattered residential and agricultural uses. The expanded clubhouse and recreational facilities would be located toward the interior of the property and adequately screened with berms and landscaping. It is anticipated that the impacts will be minimal due to the size of the property. The surrounding golf course will also serve as a buffer between the activities associated with the clubhouse and recreational facilities. Hours of operation would be from approximately 7:00 to sunset, with limited use of recreational facilities during evening hours, thereby minimizing any traffic or noise impacts to the surrounding properties during evening hours.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. All necessary infrastructure to support the proposed development will be funded by the applicant. A private wastewater treatment plant will be constructed on site by the owner. Both potable and irrigation water will be provided via the construction of two wells. All potable water system improvements shall meet with the approval of the Department of Water Supply. Access and installation of fire protection standards shall meet with the approval of the Fire Department and will be required as a condition of approval.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The establishment of an agricultural subdivision unrelated to an established community core has created a need for facilities to accommodate recreational and social requirements of the community.

The land upon which the proposed use is sought is not unsuitable for the uses permitted within the district, however, the proposed use will not interfere with permitted uses.

The proposed facilities will not substantially alter or change the essential character of the land but will complement the open and rural character of the land. All recreational facilities will be incorporated within the proposed clubhouse site and the surrounding golf course which are permitted within the State Land Use Agricultural District. Landscaping will be incorporated around the structures as to minimize visual impacts.

The request is not contrary to the goals, standards and policies of the General Plan. The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County." The proposed is consistent with the policy that, "The county shall 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, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. Plans for the proposed expanded clubhouse and recreational facilities shall be submitted concurrently with plans submitted for Final Plan Approval review for the proposed golf course and related improvements. 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 days prior to the date by which plan approval must be secured. In the design and review of any improvements, due consideration shall entail the minimization of noise and visual impacts through appropriate siting, height, bulk, color schemes, and landscaping. Plans shall identify all structures, landscaping, and paved parking stalls associated with the proposed development.

3. 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.

4. Comply with all applicable conditions of the accompanying Use Permit for the golf course and clubhouse.

5. Comply with all other laws, rules, regulations and requirements.

6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval 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.

7. An 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) 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.

If you should have any questions please feel free to contact Connie Kiriu or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

Attached 10/2/92 ltr.

xc: Ainaloa Development Corp. w/ltr.
Department of Public Works w.ltr.
Department of Water Supply w/ltr.
County Real Property Tax Division w.ltr.
State Land Use Commission w/ltr.
Department of Transportation-Highways w/ltr.
Department of Health w/ltr.
Fire Department w/ltr.
DLNR w/ltr.
Mayor w/ltr.
Planning Director w/ltr.
Plan Approval Section w/ltr.
Connie w/ltr.