



## County of Hawai'i

### PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

August 1, 2006

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

Dear Mr. Fuke:

Special Management Area Use Permit Application (SMA 06-000012)  
Request: Renovation and Expansion of Existing Golf Clubhouse &  
Restaurant Facility  
Applicant: Kona Country Club, Inc.  
Tax Map Key: 7-8-10:portion 36

The Planning Commission at its duly held public hearing on July 21, 2006, voted to approve the above-referenced application to allow the renovation and expansion of the existing Kona Country Club golf clubhouse and restaurant facility. The property is located along the makai side of Alii Highway, Keauhou-Kona, Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. The applicant requests a Special Management Area Use Permit to allow the renovation and expansion of the existing Kona Country Club golf clubhouse and restaurant facility. The project includes the following:

- Relocation of an existing 320 square-foot restroom facility 50 feet further north of the existing dining area.

- Expansion of the dining area by 750 square feet.
- Expansion of the dining storage area by 250 square feet.
- Interior renovations to relocate the existing golf pro shop, bar and office area.
- Renovation of the existing 900-square foot mezzanine for office use.
- Construction of a new locker room facility north of the existing clubhouse. This single-story structure will be approximately 2,160-square feet in size and less than 25 feet in height.
- Upgrade existing ground-level restrooms.
- Landscaping.

The improvements will retain the existing architectural and open air ambience of the existing clubhouse. The exterior finish and overall architectural design will be similar to the existing structure. All of the proposed expanded improvements will be less than the height of the existing structures.

The existing Kona Country Club clubhouse consists of less than one acre of a 45.21-acre parcel and currently serves both the mauka and makai golf courses. At one point, a new clubhouse for the mauka golf course was planned, but the plans were abandoned. Since the completion of the mauka course, the existing clubhouse has been used to serve both courses. The applicant intends to serve both courses from the existing clubhouse facility. The improvements are designed to upgrade the existing facilities to better serve guests of both the mauka and makai golf courses. The applicant also hopes that the improvements will allow the facility to host professional golf tournaments in the future.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. Lands to the north and southeast are zoned Multiple-Family Residential (RM-2) and properties to the makai or west of the project site are zoned Resort (V-4 and V-1.25). These lands are developed with condominium projects. Lands east or mauka of Alii Highway are zoned Open, site of the mauka golf course. Given that the clubhouse is currently in existence and the applicant proposes a height limit of 25 feet, the visual impact to the surrounding areas will not be significant.

While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. With the proposed conditions, the development will not substantially affect scenic vistas or viewplanes of nearby residents nor have a significant adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems.

Air quality in the area is predominantly affected by emissions from natural and vehicular sources. Both short-term air and noise quality impacts associated with the

construction of the proposed improvements are expected during construction, especially during grubbing and grading activities. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Water is available to the project site, and the clubhouse will continue to use the existing sewerline along Alii Highway which connects to the Heeia Wastewater Treatment Plant. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized.

As the project site has been fully improved and operating as a golf course, no commissioned archaeological inventory survey and cultural assessment study was conducted for the area. However, the applicant has stated that should any unanticipated archaeological features or sites be uncovered, work in the affected area will cease and the applicant will notify the Planning Department. The applicant states that "it is not known whether the subject or immediate surrounding area was used in the recent past for the gathering of plants by native Hawaiians. However, the site has been substantially disturbed in the past and filled with non-native vegetation. As such, it would appear unlikely that the site would serve such purpose today."

The project site has been significantly altered and improved in the past 25 years. As such, no commissioned flora or faunal studies were conducted. The majority of the flora and fauna species on the site are introduced. According to the applicant, there are no endangered, threatened, or proposed for listing species under the Federal or State registers.

The proposed development is consistent with the County General Plan and the Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The subject area is designated Resort Node. This designation includes areas which include "a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or

operated as hotels), single-family and multiple-family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services.” Thus, the proposed development is consistent with the LUPAG Map designation. The property is zoned Open (O). Golf courses and accessory uses are allowed in the Open district.

The existing access to the project site is from Alii Highway, and will continue to serve as the access to the clubhouse and golf course. Although issues such as traffic are valid and important concerns, in *Topliss vs. Planning Commission*, the Third Circuit Court concluded that if the proposed development does not result in substantial adverse environmental or ecological effect, or is not inconsistent with the objectives, policies, and guidelines of the Coastal Zone Management Act, the Planning Commission's finding that the development would have significant adverse effects and impact on the existing roadway system in the area of the development is not a sufficient basis for denying the application. Traffic concerns can be a basis for denying an application, or for conditions that mitigate a traffic problem, if traffic from the proposed project would be inconsistent with the goals and policies of the Coastal Zone Management Act, for example, if the traffic would hamper the ability to evacuate a tsunami hazard or interfere with the public's ability to use the road for convenient access to coastal recreational areas.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed improvements from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

3. To mitigate potential interference with viewplanes from the Alii Highway, structures shall be limited to a maximum height of twenty-five (25) feet, measured according to Chapter 25, Hawaii County Code.
4. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
5. If required by the Department of Public Works, a drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. If required, the drainage improvements shall be constructed, meeting with the approval of the Department of Public Works, prior to the receipt of a Certificate of Occupancy.
6. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
7. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
8. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
9. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
10. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.

12. An initial extension of time for the performance of conditions within this 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 this permit.
  - 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).
  - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Sidney Fuke  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



C. Kimo Alameda, Chairman  
Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Department - Kona  
Department of Land and Natural Resources/HPD-Kona  
Ms. Alice Kawaha  
Plan Approval Section  
Mrs. Fumiyo Okuda