

May 14, 1976

CERTIFIED MAIL

Ms. Harvest Moon Dunham
The Source Family
c/o Goodies Bakery
20 Haili Street
Hilo, HI 96720

Re: Special Permit Application
Kaumana, South Hilo, Hawaii
Tax Map Key 2-5-43:7

The Planning Commission at a duly advertised public hearing on March 29, 1976 and in regular session of May 13, 1976 discussed your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, as amended, to allow the use of the former Hilo Country Club Clubhouse building and the existing single-family dwelling situated within the State Land Use Agricultural District as residences for extended family use. The property involved is the former site of the Hilo Country Club Golf Course located along the mauka side of Country Club Drive, Kaumana, South Hilo, Hawaii.

The Commission voted to deny the special permit based on the following findings:

1. That the use would have some adverse effects on surrounding properties. The purpose of the subject request is to allow the establishment of extended family residential use within a State Land Use Agricultural District. This use can be basically characterized as a medium or higher density urban-type use in terms of the number of people and the activities generated by such numbers. One of the basic tenets of land use planning and zoning is the minimization of adverse effects which various uses may have upon other uses. It is determined that the abrupt introduction of the subject higher density use into the existing rural/agricultural environment would have an adverse impact upon surrounding properties and would be contrary to sound planning practices. This determination is supported by the evidence presented in public testimony by surrounding property owners. The petitioner's activities, which includes very early morning gatherings at about 3:00 a.m. everyday, have disturbed

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residents in the surrounding area to such a degree that formal complaints have been lodged with the Police Department. The early morning chanting and additional activities generated by the increase in the amount of persons on a permanent basis is comparable to the introduction of a multi-family use in the subject area.

2. That the use would generate an added burden on the already inadequate roadway leading into the property as well as on the water supply. Country Club Drive serves as the primary access to the subject area. This roadway has a 30-foot wide right-of-way with only a 12-foot pavement and does not meet County dedicable standards. The requested use will intensify the road's usage. The petitioner has indicated that there are presently 75 to 80 persons living at the former clubhouse site, and that a maximum of 140 persons living there at one point in time is not inconceivable. As such, the heavy usage will continue further towards the deterioration of the presently inadequate roadway.

Although the Hilo Zone Map does indicate that roadway to be improved to a 60-foot right-of-way, no funds have been appropriated or requested within the State or County Capital Improvements Program budget. Improvement to this road are not expected to be made for at least the next 6 years.

Additionally, the Department of Water Supply has noted that although there is a public water system serving the area, the existing waterline "is not adequate to provide water for heavy demands nor will it provide for adequate fire flow requirements." The Planning Commission is quite concerned with this condition, as the intensification of residential use on the subject property would increase the potential of a fire hazard.

This potential coupled with the fact that there is inadequate water service for fire protection leads the Commission to contend that approval of this request would not necessarily be promoting the health and safety aspects of the County General Plan.

Admittedly, it could be argued that there was a former use of the subject area and thus, the problem would not necessarily be intensified by the requested use. However, we would like to note that the use was not for residential purposes, but recreational ones. As such, the use was of a transitory daytime nature with overnight accommodations for only the caretaker and not 75 to 140 persons.

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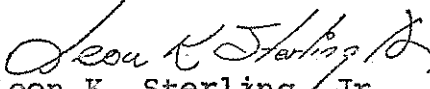
3. That this request would not be in keeping with the General Plan Land Use Allocation Guide Map's Open designation as well as the Planning Commission-adopted Hilo Community Development Plan. The Hilo Community Development Plan, which was developed using the legal policy objectives of the General Plan, has designated the area for Open Space use on its Zone Guide Map. County zoning of the area is also "Open." The requested extended family use, which in essence amounts to multi-family use, would be incongruous with the spirit, intent and purpose of the "Open" designation.

In accordance with the County General Plan and County Zoning Code, lands designated open are to have a minimum of structures and such structures are to be directly related to recreational and/or open space activities. The conversion of the golf clubhouse facility into an extended family use with the amount of persons indicated by the petitioner on a permanent basis would not be consistent with the open space concept of the various documents.

While the Commission recognizes that there is an existing single-family dwelling unit on the subject property, it should be pointed out that the structure and its use are nonconforming. Both the State Land Use Rules and Regulations and the County Zoning Code provide for reasonable continuance of such nonconformity. The expansion thereof, however, is not allowed.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

Should there be further questions on this matter, please do not hesitate to call or write us.


Leon K. Sterling, Jr.
Chairman, Planning Commission

NH:lat

cc Henry Jacober
Valta Cook
Duane Carlsmith
Norman Frane

Corporation Counsel
Chief Engineer, Public Works
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