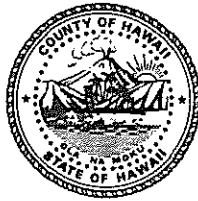


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

March 1, 1994

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

Dear Mr. Fuke:

Special Permit Application (SPP 93-24)  
Applicant: Spear Development Corporation  
Request: Establish an Expanded Use of the Golf Clubhouse,  
Construction of Additional Recreational Facilities, Community Park,  
Volunteer Fire Facility, and Other Related Improvements  
Tax Map Key: 7-1-5:Portions of 9, 10, 26, 39, & 41

The Planning Commission at its duly held public hearing on February 17, 1994, voted to approve the above referenced application. Special Permit No. 863 is hereby issued to establish an expanded use of the golf clubhouse and construction of additional recreational facilities (tennis court/pool/etc); and community park and volunteer fire facility on approximately 12.5 acres of land in the State Land Use Agricultural District. The property is located on the makai (northwest) side of Mamalahoa Highway opposite the Puu Lani Ranch Subdivision, Puuanahulu Homesteads, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and 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 is to preserve or keep lands of high

02635

MAR 1 1994

agricultural potential in agricultural use. While the potential for intensive and/or extensive agricultural uses may exist, the project site is comprised of soils which have been classified as "D" (Poor) or "E" (Very Poor) for agricultural productivity by the Land Study Bureau's Detailed Land Classification System. Locationally within the project site in the vicinity of the golf clubhouse facility and proposed recreational center complex, the "D" or "Poor" soils roughly coincide with soils classified as "Other Important Agricultural Land" by the Agricultural Lands of Importance to the State of Hawaii (ALISH) system. The remainder of the project site, or roughly 40 percent, is unclassified, which includes the proposed community park site and the proposed community recreational center and volunteer fire station facility. The Land Study Bureau cites the "D" soils in the vicinity of the clubhouse complex as poorly suited for machine tillability. When rated by selected uses and overall suitability, these "D" soils were poorly suited for the growing of vegetables, sugar cane and for orchards. The soils were fair for grazing activities but very poorly suited for foraging crops. The "E" soils located within the community park site were cited as being "very poorly suited" across all of the categories described above, except for being poorly suited for grazing. Therefore, the proposed use would not displace any agricultural activity nor diminish the agricultural potential of the area, which has seen very little in the way of intensive agricultural activities in many years.

With the start of construction of the proposed 27-hole golf course development and the proposed 106-lot residential-agricultural lot subdivision proposed under the accompanying change of zone application, the proposed construction of a community recreation center and volunteer fire station on these Agricultural-designated lands would complement, rather than create a conflict with, the surrounding rural community of Puuanahulu. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for the Agricultural district.

The desired use will not adversely affect the surrounding properties. Surrounding uses include residential and agricultural uses as well as vacant lands. The expanded use of the golf clubhouse facilities and the construction of a recreation center complex would further the attractiveness of the proposed golf course as a country club by providing amenities to its members and, on certain occasions, to the surrounding community. These expanded clubhouse uses and

Mr. Sidney M. Fuke  
March 1, 1994  
Page 3

recreational center facilities will be centrally located within the golf course, providing a more than adequate buffer from surrounding uses, most of which are vacant lands. Traffic generated by the expanded uses will not adversely affect surrounding areas due to the excellent level of service (LOS A) along this portion of the Mamalahoa Highway and the channelization of the project access roadway required under Use Permit No. 74. The proposed community park site and the construction of the community recreation center and volunteer fire station may generate some visual, noise and traffic impact to adjoining properties due to its location adjacent to the Mamalahoa Highway. However, when assessing the need for these facilities within this particular area against any impacts which may be generated by the attendant uses, the benefits to the general public welfare far exceeds what limited impacts may be generated by these community facilities. To mitigate any visual and noise impacts which may be generated, appropriate landscaping will be determined at the time of plan approval review of the proposed construction plans. The expanded clubhouse uses and the recreation center shall be limited to no later than 10:00 p.m. during the weekdays and midnight during the weekends. Since the Puuanahulu community will essentially manage its own facilities, no restrictions on operational hours will be imposed.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, police and fire protection. Electricity, water, wastewater disposal facilities and telephone services are available to the project site. Access to the property is provided by the Mamalahoa Highway, a two-lane roadway having a pavement width of 24 feet within a 50-foot right-of-way. Access to the clubhouse complex and recreation center complex will be built to County roadway standards with channelization improvements at its intersection with the Mamalahoa Highway. Access to the community park site will be provided by a 20-foot wide paved driveway and parking area with direct connection to the Mamalahoa Highway. Wastewater generated by the proposed development will be disposed of utilizing an individual wastewater disposal system for each lot such as a septic tank or an alternate system meeting with the requirements of the Department of Health. If a more intensive system is required due to the presence of the proposed potable water wells located within the project site, then such a system will be constructed by the applicant to accommodate the development. As required by the Department of Transportation, a 10-foot wide no-vehicular

Mr. Sidney M. Fuke

March 1, 1994

Page 4

access planting screen easement shall be delineated on plans submitted for review. All requirements of the Department of Health, Department of Public Works, and Fire Department shall be complied with prior to establishment of the proposed use. Traffic along the Mamalahoa Highway and turning movements from the main project access road has been determined to be at Level of Service A. A traffic impact analysis report of the golf course and proposed residential-agricultural subdivision development concluded that traffic generated by the development will not have an adverse impact to traffic along the Mamalahoa Highway. The level of traffic anticipated to be generated by the expanded clubhouse use, recreation center complex, community recreation center and volunteer fire station does not warrant consideration of alternate accesses to the project sites. Other consulted agencies had no objection to the request.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Rural and agricultural communities have established themselves in places where typical public and community facilities are not readily available. While rural and agricultural in nature, these are residential communities which require some level of attendant facilities to support its unique lifestyle. The proposed construction of a community recreation center and volunteer fire station would provide for this very basic need in the Puuanahulu community. Golf courses are a permitted use within the State Land Use Agricultural District. A Use Permit may be obtained to allow such a use within the County's Unplanned and Agricultural-zoned districts. The proposed Big Island Country Club reflects another type of golf course development not typical of the resort courses located within the coastal portions of our island. The Big Island Country Club wishes to create a "country club" atmosphere by providing for some of the amenities the resort courses may have, within an area not associated with, or may be inappropriate for, any type of resort development. The proposed expansion of clubhouse uses and the construction of a recreation center would be a step in providing its members and the surrounding community with a level of service and amenities found at resorts, but in a subdued atmosphere more befitting of the rural Puuanahulu area.

The use will not substantially alter or change the essential character of the land and the present use. The proposed uses will be located within an area presently being developed as a 27-hole golf course with clubhouse facilities and related uses. The expanded clubhouse uses, recreation center,

community recreation center and volunteer fire station will become an integral part of the overall golf course development and the community. Should the accompanying change of zone be approved, these uses continue to be in character with the proposed residential-agricultural subdivision to be located within the golf course boundaries.

The land upon which the proposed use is marginally suitable for the uses permitted within the district. As previously mentioned, soils within the project sites are marginally suitable for many types of agriculture. The limited nature of the requests and the land area it will occupy will not adversely affect permitted uses located within adjoining areas.

The proposed use is consistent with the goal of the Land Use Element of the General Plan which is to "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to ". . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The expanded clubhouse uses and recreation center will complement the approved golf course development by adding an increased level of services and enjoyment for patrons of the facilities, whether members of the golf course or residents of the community. The community recreation center and volunteer fire station will be of tremendous benefit to the community of Puuanahulu.

Based on the above considerations, the expanded use of the golf clubhouse, the construction of a recreation center, community recreation center and volunteer fire station on the project site is an unusual and reasonable use of land, which would not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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.
2. Final Plan Approval for the expanded golf clubhouse uses, recreation center, community recreation center and volunteer fire station shall be secured from the Planning Department. Plans shall identify all existing and proposed structures, landscaping, fire protection measures, paved

parking stalls and paved driveway and access roadways associated with the proposed uses. Parking shall comply with the requirements of Chapter 25 (Zoning Code). Parking for all functions shall be maintained within the project sites. Plans for the community park site and the community recreation center and volunteer fire station shall indicate appropriate landscaping for the purpose of mitigating any visual and noise impacts which may be generated by the facilities. A 10-foot wide no-vehicular access planting screen easement shall be delineated along the project site's entire Mamalahoa Highway frontage, exclusive of access points and reflected on all plans submitted for Final Plan Approval review.

3. The expanded use of clubhouse facilities and the opening of the recreation center, the community recreation center and volunteer fire station shall coincide with the opening of the golf course.
4. Access(es) to the project site shall be constructed in a manner meeting with the approval of the Departments of Transportation-Highways Division and/or Public Works, whichever is applicable. The proposed main project access roadway intersection with the Mamalahoa Highway shall be channelized with a left turn storage lane which shall be completed prior to the issuance of a certificate of occupancy for the proposed facilities.
5. The applicant shall provide adequate potable water service and back-up facilities or assurances to meet the demands for fire protection and the proposed uses prior to the issuance of a certificate of occupancy for the proposed uses.
6. An final archaeological inventory survey and mitigation plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to submittal of plans for Plan Approval review. The Plan shall consist of two subplans; (1) an archaeological data recovery plan for the sites to undergo data recovery, and (2) a detailed preservation/interpretation plan for the sites to undergo preservation. The preservation/interpretation plan shall include buffer zones, signage, interim protection measures, and long-range preservation concerns. The Plan shall also detail measures

to provide unrestricted access to all individuals wishing to visit any burial sites which may be located within the project site. Proposed mitigation treatment (preservation in place or disinterment/reinternment) for burial sites must be approved by the Historic Preservation Division's Hawaii Island Burial Council before detailed mitigation plans are finalized for these sites. The Planning Department and the State of Hawaii's Historic Preservation Division shall verify in writing the successful execution of the plan, prior to land altering activities in the area of historic sites.

7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
8. Use of the clubhouse, recreation center facilities and related facilities beyond the regular golf course operational hours shall be limited to no later than 10:00 p.m. during the weekdays and 12:00 a.m. during the weekends.
9. The applicant shall comply with all other laws, rules, regulations and requirements, including those of the Department of Health and Fire Department.
10. 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.
11. 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,

Mr. Sidney M. Fuke

March 1, 1994


Page 8

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.

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.

Should you have any questions, please feel free to contact Daryn Arai or Rodney Nakano of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman  
Planning Commission

RKN:smn

LSpear01.-PC

xc: Brian Murphy  
Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
Department of Land & Natural Resources  
State Department of Transportation, Highways Division  
State Department of Health  
Fire Department  
Plan Approval Section