

March 9, 1979

Mr. Guido Giacometti
Kamehameha Development Corporation
700 Bishop Street, Suite 601
Honolulu, HI 96813

Dear Mr. Giacometti:

Nullify SMA Use Permit No. 27
TMK: 7-8-10:43

At its regular meeting of March 8, 1979, the Planning Commission discussed the Planning Director's request to nullify Special Management Area (SMA) Use Permit No. 27 issued to Kamehameha Development Corporation. The Permit was to allow the subdivision of 17.9 acres of land into twenty-four (24) lots and the construction of related roads and utility improvements. The property involved is located near the eleventh fairway of the Keauhou Golf Course, Keauhou 1st, North Kona, Hawaii.

The Commission voted to void SMA Use Permit No. 27, based on the following considerations:

1. That the petitioner does not intend to pursue the development plans submitted for approval; and
2. That the petitioner intends to significantly amend the existing plans which should require further review by the Commission.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE
Chairman, Planning Commission

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
KAMEHAMEHA DEVELOPMENT)
CORPORATION)
for)
24-LOT SUBDIVISION AND)
RELATED IMPROVEMENTS)
in)
KEAUHOU 1st, North Kona,)
Hawaii)
_____)

SMA USE PERMIT NO. 27

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on March 23, 1977, considered the application of KAMEHAMEHA DEVELOPMENT CORPORATION for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow a 24-lot subdivision of 17.9 acres of land and the construction of related road and utility improvements in Keauhou 1st, North Kona, Hawaii, Tax Map Key 7-8-10:43.

The Commission has found:

That approval of the subject request will not be contrary to the purpose and intent of the Environmental Shoreline Protection Act (Act 176, SLH 1975) or Rule 9 of the Planning Commission. The purpose of the subject request is to allow the subdivision of a 17.9-acre parcel into 24 lots for single family and multiple family residential and park uses and to also allow various improvements related to the subdivision to be made. The area under consideration is designated for medium density urban uses by the General Plan and is an integral part of the Keauhou resort area. At the present time, the petitioner has no plans to develop structures on the subject property. The intent of the request is to allow the area under consideration to be subdivided into more manageable sized lots.

The subdivision of the subject property will not intensify the use of the land over that which is presently permitted through zoning and General Plan designations. In fact, the petitioner intends to develop the area at a density which is far less than that which is permitted. The petitioner proposes a maximum of 221 units, whereas the existing zoning allows a maximum of 929 units. As a result, a considerable amount of the subject property will be retained in

open space. The proposed density also allows low rise development and options for the siting of structures in the future. In addition, future development of the areas proposed for multiple family residential use will be subject to further evaluation inasmuch as the petitioner will need to obtain similar permits prior to proceeding with any actual development beyond that of subdivision.

The proposed action will also not have any substantially adverse environmental or ecological effects nor will it result in the permanent loss of any valuable natural resource or public recreation area. There are no known unique natural features or ecosystems in the area under consideration. Some of the proposed improvements which are related to the subdivision, such as the sewer lines, are intended to mitigate potential adverse effects on water quality.

Further, one of the proposed lots will be kept in permanent open space as a beach park. The petitioner also intends to provide for the preservation of important and significant archaeological and historical remnants which are located on the subject property.

In addition, the relatively flat topography of the subject area will not require that extensive land preparation take place. The subdivision action will require land preparation primarily for the infrastructure, namely the Manukai Street extension and the new access road to the He'eia Sewage Treatment Plant. Less intensive land work will be required for the installation of water and sewer mains and laterals. None of the expected work will significantly affect water quality of the nearshore coastal waters or the existing character of the land.

Based on the above, it is determined that the proposed action will not be contrary to the provisions of the Environmental Shoreline Protection Act, Rule 9 of the Planning Commission or the County General Plan.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow a 24-lot subdivision of 17.9 acres of land and the construction of related road and utility improvements in Keauhou 1st, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

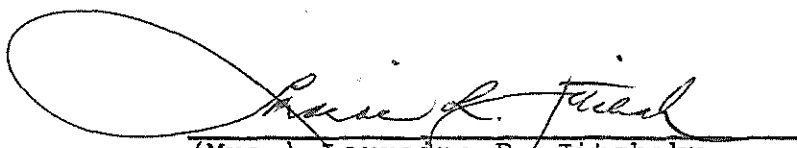
1. That the petitioner shall be responsible for obtaining final subdivision approval.
2. That future development of the subject area shall conform substantially to the representations made by the petitioner.
3. That the petitioner shall submit a plan outlining measures to assure the protection of archaeological sites on the subject property which shall meet with the approval of the Planning Director and the State Historical Preservation Officer. Such plan shall be approved prior to the granting of final subdivision approval.

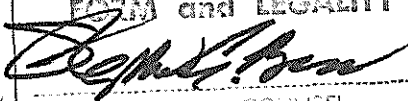
4. The petitioner shall delineate and set aside a perpetual public easement to the shoreline at a minimum width of ten (10) feet at the time of subdivision review. The petitioner shall also improve said easement with materials acceptable to the Planning Director during the development of the subdivision.
5. That all other applicable rules and regulations shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit may be deemed null and void.

The effective date of this permit shall be March 14, 1977.

Dated at Hilo, Hawaii, this 14th day of April, 1977.


(Mrs.) Lorraine R. Jitchaku
Chairman

APPROVED as to
FORM and LEGALITY

Acting DEPUTY COUNSEL
COUNTY OF HAWAII
Date 4/5/77