

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)	
SPECIAL MANAGEMENT AREA)	
USE PERMIT)	SMA Use Permit
by)	No. 53
BRATTON DEVELOPMENT CORPORATION)	
AND)	
VENTURA WESTLAKE DEVELOPMENT CORPORATION)	
for)	
TWELVE SINGLE FAMILY UNITS,)	
RELATED IMPROVEMENTS, AND)	
SUBDIVISION/CONSOLIDATION ACTION)	
in)	
La'aloa 2nd, North Kona, Hawaii)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on March 8, 1978, considered the application of BRATTON DEVELOPMENT CORPORATION AND VENTURA WESTLAKE 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 the construction of twelve (12) single family units and related improvements, and the subdivision of 1,485± square feet and its consolidation with an 88,515-square foot area in La'aloa 2nd, North Kona, Hawaii, Tax Map Key 7-7-10:29-34, 78-80 and portion of 26.

The Commission has found:

That the proposed development will not have any substantially adverse environmental or ecological effects. The area under consideration does not contain any known endangered plant or animal species nor does it provide habitat for such species. The proposed development will not interfere with important natural systems or publicly owned or used beaches. Access to the shoreline will continue to be available from the adjacent State-owned parcel.

Although the proposed development will change the existing character of the land, aesthetic and pollution concerns can be minimized through conditions of approval or mitigated through existing rules and regulations. No major alterations are expected to occur during land preparation and air and noise quality would be affected primarily during the construction phase. In addition, the proposed development includes a central sewage treatment system for the disposal of waste water. The proposed

development is also not expected to significantly detract from existing visual planes, in part because the slope of the land is such that the shoreline area is not now highly visible and also because of the nature of the development which is detached structures.

The request is also consistent with the Single Family Residential Element of the General Plan which encourages the development of single family units in areas already zoned for such use and serviced by existing utilities. Although water service may present a problem, it can be overcome by improvements to the existing system.

Although the subject property contains archaeological sites which are on the Hawai'i Register of Historic Places, previous uses of the land have probably disturbed the integrity of these sites. Through conditions of approval and existing regulations, the importance of these sites can be determined and adequate protection or preservation measures can be taken.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of twelve (12) single family units and related improvements, and the subdivision of 1,485⁺ square feet and its consolidation with an 88,515-square foot area 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 proposed development shall conform to the representations made by the petitioners and the plans submitted with the application.
2. That the subject properties shall be consolidated within one year from the effective date of approval of the Special Management Area Use Permit. The area to be consolidated shall include those lands which are being acquired to create a 90,000-square foot parcel.
3. That prior to any grading or other land preparation activities an archaeological test excavation shall be conducted and a report of the excavation shall be submitted to the Historic Preservation Office of the Department of Land and Natural Resources and to the Planning Director for review.
4. That plans shall be submitted to the Planning Department for plan approval within one year from the date of approval of the consolidation action. Construction shall commence within one year from the receipt of final plan approval and shall be completed within two years thereafter.
5. That all other rules and regulations, including the requirements of the Department of Health and Water Supply, shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be March 8, 1978.

Dated at Hilo, Hawaii, this 13th day of April, 1978.



William F. Mielcke
Chairman, Planning Commission

APPROVED as to
FORM and LEGALITY

Roxanna Garcia

ASSISTANT CORPORATION COUNSEL
COUNTY OF HAWAII

Date MAR 28 1978