

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for SPECIAL MANAGEMENT)
AREA USE PERMIT)
by)
KONA GARDENS, INC.)
for) SMA USE PERMIT NO. 61
A BOTANICAL/CULTURAL PARK, A PLANT)
NURSERY AND RELATED IMPROVEMENTS)
in)
Kahalu'u, North Kona, Hawaii)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on May 17 and June 15, 1978, considered the application of KONA GARDENS, INC. for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the establishment of a botanical/cultural park, a plant nursery and related improvements on 23.8+ acres of land at Kahalu'u, North Kona, Hawaii, Tax Map Key 7-8-10:portion of 35.

The Commission has found:

That approval of the proposal will not be in conflict with the policies and objectives of the Hawaii Coastal Zone Management (HCZM) Program as contained in Chapter 205-A of the Hawaii Revised Statutes, or with the Planning Commission's Rules (Rule No. 9) Relating to Environmental Shoreline Protection.

The petitioner proposes to identify, restore and incorporate existing valuable historic and archaeological sites into the design of the botanical/cultural park, and as such, the proposal will foster the Historic Resources objectives and policies of the HCZM program. As outlined in the program, these policies aim to:

1. Identify and analyze significant archaeological resources;
2. Maximize information retention through preservation of remains and artifacts or salvage operations; and
3. Support State goals for protection, restoration, interpretation, and display of historic resources.

Further, the petitioner proposes to retain existing vegetation, where possible, and to transplant other native plant materials to the site. In so doing, the petitioner will provide information and promote understanding of the Hawaiian flora.

Site preparation will include grubbing and grading activities which would potentially alter or destroy historical sites which are known to occur on the subject parcel. However, with proper prior identification and employment of adequate controls, the risk of destruction will become insignificant or will be removed entirely. In addition, although grubbing may remove most of the existing vegetation, no threatened or endangered native or endemic plant species are known to exist in the area. The area is also not known to be a habitat for any threatened or endangered animal species. Therefore, the proposal is not anticipated to result in any significantly adverse impacts on valuable natural, historical or cultural resources of the area.

Further, the proposed grading activities are not expected to alter the existing topography so as to create adverse impacts on erosion and drainage patterns with respect to abutting properties.

In addition, because all of the proposed structures, with the exception of the forty-foot high view tower, will be low rise and dispersed throughout the area, the proposal will not adversely impact on view planes towards the ocean from the nearest public right-of-way, nor will the development impact on existing public access routes to shoreline recreational areas or natural reserves.

The proposed use of the subject parcel is not incongruous with the concept of the open district zoning designation. The display of native and endemic plants in an area of significant value in Hawaiian history and culture will enrich the visitor experience as well as augment recreational amenities in the area. In a like manner, the proposal could be of significant educational and recreational value for all the residents of the Island.

Based on the above, it is determined that the proposal is not in conflict with the intent of the Hawaii Coastal Zone Management Program or with Rule 9 of the Planning Commission's Rules and Regulations, nor is it contrary to any other County or State long-range environmental goals and policies. It has also been determined, based on these findings, that the requirements of Chapter 343, H.R.S., have been complied with and a Negative Declaration is being filed with the Office of Environmental Quality Control.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the establishment

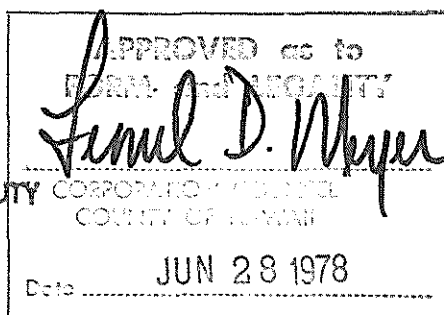
of a botanical/cultural park, a plant nursery and related improvements on 23.8+ acres of land, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That the petitioner shall conduct an archaeological survey in the areas to be developed, prior to any grubbing or grading activities, and that one copy of the report of this survey be submitted to the State Historic Preservation Office and the County Planning Department. The survey should identify all archaeological sites existing in the area with a priority listing of sites recommended for restoration or preservation. All plans for the restoration of valuable sites of historic or archaeological significance must obtain prior approval from the State Historic Preservation Office. A copy of the plans shall also be submitted to the County Planning Department.
2. That the petitioner shall submit the project plans for Plan Approval within one year from the date of approval of the Special Management Area Use Permit.
3. That construction of the proposed facility shall commence within one year from the receipt of final Plan Approval and shall be completed within three (3) years thereafter.
4. That the proposed development shall conform to the representations made by the petitioner and the preliminary plans submitted with the application.
5. That the requirements of the County of Hawaii Grading Ordinance shall be complied with.
6. That the requirements of the Federal Flood Insurance Program shall be complied with.
7. That all other applicable rules, regulations and requirements, including the requirements of the Departments of Health, and Public Works shall be complied with.

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

The effective date of this permit shall be June 15, 1978.

Dated at Hilo, Hawaii, this 29th day of June, 1978.



William F. Mielcke

William F. Mielcke, Chairman
Planning Commission