

December 7, 1981

Mrs. Eulela Ulrich  
P. O. Box 35  
Volcano, HI 96781

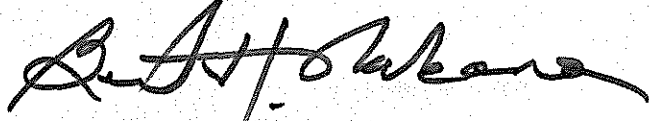
Dear Mr. Ulrich:

Special Management Area Use Permit No. 79  
TMK: 9-5-6:Portion of 36

The Planning Commission at its regular meeting on December 3, 1981, voted to nullify Special Management Area (SMA) Use Permit No. 79 issued to Arthur Ulrich which allowed the construction of certain improvements at Kaalaiki, Ka'u, Hawaii.

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

Sincerely,



BERT H. NAKANO  
Chairman, Planning Commission

lgv

cc: Stanley Roehrig  
Department of Public Works  
Kona Services Office

bcc: Land Use Controls Division, Planning Dept.

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SPECIAL MANAGEMENT AREA )  
USE PERMIT )  
by )  
ARTHUR ULRICH )  
for )  
CERTAIN IMPROVEMENTS )  
in )  
Ka'alaiki, Ka'u, Hawaii )

SMA USE PERMIT NO. 79

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on July 19, 1978 and November 29, 1978, considered the application of Arthur Ulrich for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection to allow road grading; construction of a water reservoir, fence, ranch quarters building; a windmill; digging a well; installation of a waterline and electric service poles; leveling of approximately 12 acres of land; and landscaping. The property involved is located makai of the Hawaii Belt Road, approximately one mile southwesterly of Kawaa Bay in Ka'alaiki, Ka'u, Hawaii, Tax Map Key 9-5-16:portion of 36.

The Commission has found:

That impacts to the physical environment and historic sites have already occurred with the initial grading of the access road, construction of the reservoir and grading along the old government road. Completion of these portions of the proposed improvements will not entail further degradation of the environment.

Although there are some concerns with respect to the environment, archaeological sites and public access, these concerns may be mitigated through conditions of approval. Further, the area does not contain unique geological features nor are there any known endangered plant or animal species within the area. The area also is not known to provide habitat for such species. Given the character of the area and the character of the shoreline, it is not expected that the proposed improvements would be contrary to the intent and purpose of Rule 9 of the Planning Commission or the Hawaii Coastal Zone Management program as contained in Chapter 205-A, Hawaii Revised Statutes.

That although there are archaeological sites on the subject property, these have been deemed to be of marginal significance with the exception of the two platforms which abut the 'a'a bluff. Mitigating measures to minimize impacts to these two sites may be imposed through conditions of approval. In the larger context, since these sites have been surveyed in isolation of others in the surrounding area, provisions may be made whereby these sites can be evaluated at some point in the future when additional archaeological work may be undertaken.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow road grading; construction of a water reservoir, fence, ranch quarters building; a windmill; digging a well; installation of a waterline and electric service poles; leveling of approximately 12 acres of land; and landscaping 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 rocks shall be removed from the south end of the property and public access along the old government road shall not be impeded. Removal of the rocks shall be effectuated within 30 calendar days from the effective date of action by the State Department of Land and Natural Resources or Board of Land and Natural Resources.
2. That public pedestrian access to the shoreline shall be provided along the petitioner's access road from the Hawaii Belt Road. The exact terms of the public access, e.g., width, improvements and liability, shall use as a reference Chapter 46-6.5, Hawaii Revised Statutes, relating to public access. They shall be determined by the County through the Planning Director prior to the granting of final subdivision approval for the access road from the Hawaii Belt Road. A copy of said terms shall be forwarded to the Planning Commission for information.
3. That the petitioner shall consult with the Ka'u Soil and Water Conservation District on proposed grading, filling and erosion control. An accepted SWCD program shall be submitted to the Planning Department for review prior to recommencing grading.
4. That the petitioner shall submit plans for the ranch quarters for plan approval. The proposed ranch quarters shall be limited to a single family dwelling.
5. That the petitioner shall obtain final subdivision approval for the access road from the Hawaii Belt Road.
6. That the petitioner shall submit copies of the archaeological report, all field notes and maps to the Historic Preservation Office for research purposes.
7. That the two platforms which abut the 'a'a bluff shall be staked with a buffer of twenty feet and no grading shall occur within this area.

8. That improvements within the area shall be limited to those which have been enumerated for this application and shall be limited to the portion of the property mauka of the old government road, as delineated on the presentation map.
9. That prior to undertaking any of the proposed improvements, including subdivision, the petitioner shall receive approval of a Conservation District Use Application from the Board of Land and Natural Resources.
10. That all other applicable rules, regulations and requirements shall be complied with.

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

The effective date of the permit shall be November 29, 1978.

Dated at Hilo, Hawaii, this 25th day of January, 1979.



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WILLIAM F. MIELCKE  
Chairman, Planning Commission

