

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
)
By)
MICHAEL MacFARLAND) SMA USE PERMIT NO. 114
For)
THE CONSTRUCTION OF A)
12-UNIT CONDOMINIUM AND)
RELATED IMPROVEMENTS)
In)
Holualoa, North Kona, Hawaii)
)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on September 13, 1979, and at its regular meeting on October 11, 1979, considered the application of MICHAEL MacFARLAND 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 a 12-unit condominium apartment development and related improvements. The property involved is located approximately 50 feet mauka of Ali'i Drive adjacent to Kona Bali Kai condominium complex, Holualoa, North Kona, Hawaii, Tax Map Key: 7-6-15:16.

The Commission has found:

That the proposed development is not anticipated to have any severe adverse environmental impacts. The subject property is not known to contain any endangered plant or animal species nor any unique ecological systems.

Based on the findings of the archaeological reconnaissance survey the archaeologist involved preliminarily concluded that it is not necessary to preserve the habitation complex on the subject property. The consulting archaeologist does, however, feel that further investigation is warranted, and a condition to this effect is recommended. Thus, given this mitigating condition, it is determined that while the sites themselves will be removed the historic value of the sites will be adequately preserved through research and recordation.

As the property involved is located mauka of Ali'i Drive, its development will not detract from views toward the ocean. Further, the proposed development will not

dominate the visual landscape along Ali'i Drive. The property involved is located approximately fifty (50) feet from the Ali'i Drive right-of-way. As proposed the three (3) story structure has a length of approximately 63 feet and would be situated fifty (50) feet from the makai property line for a total setback of about 100 feet from the Ali'i Drive right-of-way.

The potential inundation from flood waters and tsunami can be mitigated through appropriate design. A proposed condition of approval would require the development to be designed and constructed such that no increase in the flood hazard to surrounding properties will occur. Further, through compliance with the Building Code requirements the potential tsunami inundation hazards can be reduced.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a 12-unit condominium apartment development and related improvements. The property involved is located approximately 50 feet mauka of Ali'i Drive, adjacent to Kona Bali Kai condominium complex, Holualoa, 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, or his authorized representative, shall submit plans for and secure final plan approval within two (2) years from the effective date of the Special Management Area (SMA) Use Permit.
2. That construction shall commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
3. That an intensive archaeological survey shall be conducted and a report submitted for the review and approval of the Planning Director, including any further archaeological work that may be necessary. All archaeological work shall be completed and approval prior to the issuance of final plan approval.
4. Should the archaeological studies determine that the preservation of the entire property is warranted, the Planning Director shall initiate the nullification of the Special Management Area (SMA) Use Permit. Further, should any unanticipated archaeological features be encountered during excavation or construction work shall immediately cease and the Planning Department notified. Work shall not resume until clearance is given by the Planning Director.
5. That the development shall be designed so that the flood hazard to surrounding areas is not increased. Said plan shall meet with the approval of the Chief Engineer.
6. That the potential tsunami inundation level shall be indicated on the plans submitted for a building permit. Further, the proposed construction shall meet with the requirements of the Building Code.

7. That the requirements of the State Department of Health shall be complied with.
8. That the existing roadway easement shall not be considered as a back-up area for any proposed parking stalls on the subject property.
9. That all other applicable rules, regulations, and requirements shall be complied with.

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

The effective date of the permit shall be October 11, 1979.

Dated at Hilo, Hawaii, this _____ day of _____, 1979.

for William F. Mielcke

WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

P. Ben Sulagchi

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 12/10/79