

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
)
by) SMA USE PERMIT NO. 99
D. G. L. CONSTRUCTION)
for)
THE CONSTRUCTION OF A)
TWO (2) STORY DUPLEX 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 31, 1979, considered the application of D. G. L. CONSTRUCTION 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 two (2) story duplex and related improvements. The property involved is located off the mauka side of Ali'i Drive and mauka of Kahaluu Beach Park, Kahaluu, North Kona, Hawaii, Tax Map Key: 7-~~8~~-14:40.
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The Commission has found:

That approval of the subject request will not be contrary to Rule 9 of the Planning Commission or with Chapter 205-A, HRS, relating to Coastal Zone Management. The area under consideration is situated mauka of Alii Drive, over 250 feet from the shoreline. Therefore, the proposed development is not expected to have any adverse environmental or ecological effects on the shoreline or nearshore coastal waters. Due to the location of the subject area, the proposed duplex will not interfere with the use of public recreational areas, access to the shoreline, or any unique ecosystem. Further, the property contains no known rare or endangered species of plants or animals nor any known historical or archaeological sites.

Although the proposed development will alter the existing character of the area, aesthetic and pollution concerns can be minimized through conditions of approval or mitigated through existing rules and regulations. Furthermore, while the subject area is presently vacant, it is

adjacent to an existing resort area to the south and a residential area to the north and is already zoned for the proposed urban uses.

The subject request is consistent with the land use element of the General Plan which encourages the development of urban areas conveniently located with respect to community service and employment facilities and with adequate public utilities and facilities.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a two (2) story duplex and related improvements. The property involved is located off the mauka side of Ali'i Drive and mauka of Kahaluu Beach Park, Kahaluu, North Kona, Hawaii, Tax Map Key: 7-9-14:40, 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 substantially conform to the representations made by the petitioner and the plans submitted with the application.
2. That the petitioner shall submit for and secure Final Plan Approval within one (1) year from the date of approval of the Special Management Area Use Permit. Said plans shall include detailed landscaping plans.
3. That construction of the improvements shall commence within one (1) year of receipt of Final Plan Approval and shall be completed within two (2) years thereafter.
4. That access to the subject area shall be determined at the time of Plan Approval subject to the approval by the Chief Engineer of the Department of Public Works. Further, that said access from Alii Drive as well as on-site parking areas shall be improved and paved with an all-weather, dust-free surface.
5. That the sewage disposal system shall conform to the requirements of the State Department of Health.
6. That should any unanticipated archaeological or historical sites be found during land preparation activities, the petitioner shall immediately notify the Planning Department. Said site or sites shall not be disturbed until a review and clearance has been obtained from the Planning Department.
7. That all other applicable rules, regulations and requirements shall be complied with.

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

The effective date of the permit shall be May 31, 1979.

Dated at Hilo, Hawaii, this 28th day of June, 1979.

William J. Paris Jr.

for

WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:

George O. Recht

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: JUN 20 1979