

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	No. 125
by)	
ROBERT BEHRENS)	
for)	
CONSTRUCTION OF A ONE-UNIT APARTMENT)	
BUILDING (SECOND SINGLE FAMILY)	
DWELLING))	
in)	
Puako, Lalamilo, South Kohala, Hawaii)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on February 13, 1980, considered the application of ROBERT BEHRENS for a Special Management Area Use Permit in accordance with Rule No. 9 of the Planning Commission, Rules and Regulations Relating to Environmental Shoreline Protection to allow the construction of a one-unit apartment building (second single family dwelling). The area involved is located on the makai side of Puako Beach Road, Puako, Lalamilo, South Kohala, Hawaii, Tax Map Key 6-9-02:12.

The Commission has found the following:

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 proposed apartment will require the improvement of 672 square feet of additional land area on the 13,832 square foot parcel. Consequently, the negative effects created to the physical features of the area should be of a minor nature.

The proposed development involving the renovation of the garage interior and the additional living area will not be visible from the roadway. Therefore, the visual quality from the nearest roadway will not be affected as a result of this action. In addition, the petitioner's proposed improvements will be consistent with the existing structures, thus minimizing the visual impact when viewed from the shoreline.

That the construction of the apartment will be conducted on land which was graded and topsoiled during the construction of the house. Therefore, drainage and erosion patterns should not be affected by this action, nor should rare or endangered flora or fauna be affected by the addition of the apartment.

The area under consideration is identified as being within both the Potential Tsunami Inundation Zone and Flood Hazard area. However, these concerns can be adequately addressed through the existing regulations and review process including plan approval.

Though some pollution may result during the construction phase, these concerns should be mitigated through existing rules and regulations.

Furthermore, the proposed development is consistent with the "Economic" policy of Chapter 205-A, HRS, by directing the location and expansion of coastal dependent development to areas presently designated and used for such development.

Based on the above, it has been determined that the proposed development is consistent with the requirements of Chapter 205-A, HRS, Relating to Coastal Zone Management and Rule 9 of the Planning Commissions Rules and Regulations.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a one-unit apartment building (second single family dwelling) at Puako, Lalamilo, South Kohala, Hawaii, TMK: 6-9-02:12, pursuant to the authority vested in it by Rule No. 9 of the Planning Commission.

Approval of the Special Management Area Use Permit is subject to the following conditions:

1. That the proposed development shall substantially conform to representations made and the plans submitted by the petitioner or his authorized representative.
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.
3. That construction of the improvements shall commence within one (1) year of receipt of the Final Plan Approval and shall be completed within two (2) years thereafter.

4. That the sewage disposal system shall conform to the requirements of the State Department of Health to include the necessary setbacks from building and property lines.
5. That all other applicable rules, regulations and requirements including those of the Department of Water Supply and Hawaii Electric Light Company shall be complied with.


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

The effective date of this Permit shall be February 13, 1980.

Dated at Hilo, Hawaii, this 12th day of June, 1980.


WILLIAM J. PARIS, JR., Chairman
Planning Commission

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel
County of Hawaii

Date: 20 May 80