

CERTIFIED MAIL

December 29, 1983

Mr. Glen T. Koyama
Belt, Collins & Associates
606 Coral Street
Honolulu, Hawaii 96813

Dear Mr. Koyama:

Special Management Area (SMA)
Use Permit Application
Petitioner: Puakea Bay Ranch Partnership
TMK: 5-6-1:Portion of 24 & 43

The Planning Commission at its duly held public hearing on December 21, 1983, voted to approve your application, Special Management Area (SMA) Use Permit No. 202, at Puakea and Honoipu, North Kohala, Hawaii.

Approval of this request is based on the following:

The proposed project is consistent with the objectives, policies and special management area guidelines as established pursuant to Chapter 205-A, HRS. These objectives and policies provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational scenic resources, coastal ecosystems, economic use and coastal hazards. As a result, the SMA process provides special controls on development within the area along the shoreline deemed necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the subject request is to allow the development of forty 10-acre sized agricultural parcels as well as an 18-acre area, located along the shoreline and in the Conservation

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district, as an open space parcel. The project site is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species.

Construction activities for the project will be limited to the provision of subdivision roads and utilities. As such, there will be only minimal alteration to the terrain and drainageways. Agricultural cultivation will be undertaken by the individual lot owners and soil conservation procedures are expected to be put to practice. As such, negative impacts on the local water quality resulting from soil erosion and runoff are unlikely. Any potential problem can be mitigated through compliance with existing ordinances and regulations.

The proposed development is not expected to have any significant adverse effects on the coastal resources, nor adversely affect any access to the shoreline. In fact, approval of the proposed development, along with the recommended conditions of approval, will vastly improve the latter situation. The proposed conditions require that a 8-foot wide, lateral public pedestrian access path be provided. There presently is no such legally established access available through the subject property. Such a proposal, therefore, will be an improvement from the existing situation as it will increase the legal accessibility to the shoreline.

With regard to archaeological resources, it has been determined that there are numerous and varied archaeological remains of both prehistoric and historic period habitation and exploitation within the subject property. These resources include part of the Kohala Field System (#6600), an extensive aboriginal Hawaiian dryland agricultural system. In terms of the preponderance of cultural resources on the subject properties, which are located within and adjacent to the Kohala Field System, it has been recommended that additional intensive surveys be conducted. In addition, any necessary salvage archaeology shall also be required. Based on the foregoing, it is determined that potential impacts to the archaeological resources on the property can be mitigated through the conditions of approval.

The proposed development is also consistent with the County General Plan, Zoning Code, and other applicable ordinances. The General Plan, Land Use Pattern Allocation Guide (LUPAG) Map designates the area along the shoreline corresponding to the

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State Conservation district as "Open", while the remainder of the property is designated for "Intensive Agricultural" uses. The Open designation is intended for park, historic sites and conservation purposes. The petitioner has indicated that the remnant 18-acre area of the proposed subdivision located along the shoreline and in the Conservation District will be established as an open space parcel.

The Intensive Agricultural designation includes "high" and "low" categories for sugar, orchard, diversified agriculture and floriculture uses. The "high" and "low" categories are distinguished by "fertile" and "less fertile" soils. Within the "Intensive Agricultural" use designation of the General Plan, therefore, there is a hierarchy of agricultural land based on productivity potential. As such, the value for agriculture and the need to preserve and protect those lands would vary accordingly.

It has been determined that the subject area is on the lower end of the scale of the General Plan's "Intensive Agricultural" designation. Although the proposed subdivision is situated on potentially highly productive land, there are a number of problems which would have to be overcome before the property could achieve its agricultural potential. These include (1) a lack of water, (2) strong winds, (3) high cost of land and (4) a management plan for implementing agricultural use. Of these concerns, the lack of water is viewed as the primary stumbling block to achieving the property's full agricultural potential.

The implementation of the petitioner's proposal to provide 10-acre sized agricultural parcels for persons seeking to reside on the land and conduct diversified agricultural activities has the potential to increase the productivity of the land. The desires expressed by the petitioner are clearly legitimate and should be planned for in areas such as the subject property, which has all essential utilities and services available, is presently under utilized and has a number of limitations for increasing agricultural productivity. Based on the foregoing it is determined that the proposed project is consistent with the County General Plan's Intensive Agriculture and Zoning Code Agricultural 10-acre (A-10a) designations.

Based on the foregoing findings the Planning Commission concludes:

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1. The proposed project is consistent with the General Plan, Zoning Code and other applicable ordinances of the Hawaii County;
2. The proposed project will not have any significant or substantial adverse environmental or ecological effects; and
3. The proposed project is consistent with the objectives and policies as provided by Chapter 205-A, Hawaii Revised Statutes, and Rule 9 "Special Management Area Rules and Regulations of the County of Hawaii."

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

- A. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. All of the conditions for rezoning Ordinance No. 83-56 shall be complied with.
- C. A public shoreline access plan shall be submitted to the Hawaii County Planning Department within one year from the effective date of the SMA permit. Said shoreline access plan shall include, but not necessarily be limited to:
 1. Location and description of a lateral public pedestrian access path, providing continuous access from the northern boundary of the property to the southern boundary of the property.
 2. Plans for any proposed improvements for the access path including, but not limited to, the proposed method of signage to identify the location of the public shoreline access path.
 3. The petitioner shall, in consultation with an archaeologist, route the specific path so as to provide minimum impacts to the archaeological resources in and along the public access; further, the petitioner shall provide other mitigating measures as may be recommended by the archaeologist which would reduce indirect impacts to adjacent sites.

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If deemed to be necessary, a Conservation District Use Application and a Shoreline Setback Variance application shall also be submitted for the shoreline access improvements within one year from the effective date of the SMA permit.

- see
Final Setback
#5756* → D. The public access path shall be described by metes and bounds and recorded with the State Bureau of Conveyances so as to provide a perpetual right of pedestrian access for the general public.
- E. The petitioner, its successors or assigns, shall be responsible for the maintenance of all shoreline access paths.
- F. All other County and State rules, regulations, and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area Use Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,


for CLYDE IMADA
Chairman, Planning Commission

cc: Chief Engineer
Dept. of Public Works, Building Section
Dept. of Water Supply
Kona Services Office

bcc: Plan Approval Section