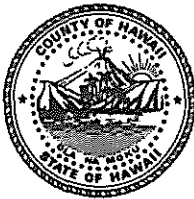


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 457

August 15, 1996

Mr. Glen Koyama
Belt Collins Hawaii
680 Ala Moana Boulevard, First Floor
Honolulu, HI 96813

Dear Mr. Koyama:

Special Management Area Use Permit (SMA 212)
Applicant: Kohala Waterfront Joint Venture
Request: Amendment From a 416-Unit Multiple-Family
Development to 50 Single Family Residential Lots
Tax Map Key: 5-9-1:6

The Planning Commission at its duly held public hearing on August 1, 1996, voted to approve the above-referenced request. Special Management Area Use (SMA) Permit No. 212 allowed a 416-unit multiple family residential development. The amendment is to allow the development of a 50-lot residential subdivision and related improvements. The property is located on the makai side of Akoni Pule Highway immediately north of the North and South Kohala District Boundary at Waika, North Kohala, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS) and Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Medium Density Urban Development. This designation allows for village and neighborhood commercial and residential and related functions. Residential uses up to 35 units per acre are permitted uses. The amendment from a 416-unit condominium development to a 50-lot residential subdivision would not be contrary

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to the original reasons for granting the Special Management Area Use Permit. The request would be consistent with the Land Use Element of the General Plan which states "Designate and allocate lands in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to "...encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." The proposed development will also compliment the following goals, policies and standards of the Housing Elements of the General Plan:

- o Attain safe, sanitary, and livable housing for the residents of the County of Hawaii.
- o Attain a diversity of socio-economic housing mix throughout the different parts of the County.
- o Maintain a housing supply which allows a variety of choice.
- o Develop better places to live in Hawaii County by creating viable communities with decent housing and suitable living environments for our people.
- o Improve and maintain the quality and affordability of the existing housing stock.
- o Seek sufficient production of new affordable rental and fee-simple housing in the County in a variety of sizes to satisfactorily accommodate the needs and desires of families and individuals.
- o Ensure that housing is available to all persons regardless of age, sex, marital status, ethnic background, and income.
- o The cornerstone of the County's housing programs and activities shall continue to be the encouragement and expansion of appropriate home ownership opportunities for our residents.

Courses of Action - North Kohala:

- o The County shall encourage the concentration of residential structures to avoid strip residential development.

The proposed development will add to the housing inventory for the district of North Kohala. Thus, it is determined that the purpose and provision of this type of housing development in this district will be implementing the General Plan's Housing Element. This residential development will be in harmony with the character of the surrounding neighborhood, and will result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted, or as otherwise specified for the district in which this development occurs.

The inability of the applicant to develop a 416-unit condominium as represented in SMA Use Permit No. 212 is the result of conditions which could not have been foreseen or are beyond the control of the applicant. Since the original approval of SMA Use Permit

Mr. Glen Koyama
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No. 212, the market conditions have changed. The new plan reflects the less ambitious goals of the new owner and the realistic conditions of the existing market. Since the original approval, the applicant has been seeking ways to maximize the use of the subject property as well as retain the rural look of the area. As such, the applicant now proposes to develop a 50-lot residential subdivision.

As a time frame for securing Final Plan Approval and for commencing construction of the development remains open (by conditions in Change of Zone Ordinance 84-54), a condition is being included that the applicant secure Final Subdivision Approval of the development within five (5) years from the date of this amendment. Also, based on comments received from the Department of Public Works and to minimize any impacts on coastal water quality from the development, conditions are being included to require a Drainage Study and a Solid Waste Management Plan to be submitted to the Department of Public Works for review and approval.

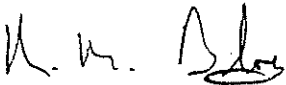
The request to amend SMA Use Permit No. 212 from a 416-unit multiple-family development to a 50-lot residential subdivision is hereby approved subject to the following new conditions (subsequent conditions to be realphabetized):

- "C. Final Subdivision Approval for the development shall be secured within five (5) years from the effective date of this amendment.
- D. A Drainage Study shall be submitted for review and approval by the Department of Public Works prior to the submittal of plans for subdivision review.
- E. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works prior to submittal of plans for subdivision review."

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LKohal01.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of State Planning, CZM Program (w/Background)

CERTIFIED MAIL - P612 154 947

August 7, 1984

Mr. Robert Cole
Kohala Makai I, A Limited
Partnership
P. O. Box 98
Kahului, Maui, HI 96732

Dear Mr. Cole:

Change of Zone Application and
Special Management Area (SMA) Use Permit Application ✓
TMK: 5-9-01:6

The Planning Commission at its duly held public hearing on August 2, 1984, considered your requests for a change of zone and for a Special Management Area (SMA) Use Permit at Waika, North Kohala, Hawaii.

The Commission voted to recommend the approval of the application for change of zone to the Council, subject to the following conditions:

- A. The petitioner, successors or its assigns shall comply with the stated conditions of approval.
- B. Plans for plan approval shall be submitted for the proposed development within one year from the effective date of the accompanying Special Management Area (SMA) Use Permit.
- C. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
- D. The method of sewage disposal shall meet with the approval of the appropriate governmental agencies.

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- E. Drainage system(s) in accordance with the requirements of the Department of Public Works shall be installed.
- F. Access(es) to the property from Akoni Pule Highway shall meet with the approval of the State Department of Transportation, Highways Division. Further, the main access to the property shall be fully channelized with left turn storage lanes, deceleration lane and an acceleration lane. Such improvements shall be constructed prior to issuance of an occupancy permit for the condominium units.
- G. Should any unanticipated archaeological or historic features be uncovered during land preparation activities, work shall cease immediately and the Planning Department shall be notified. Work shall not resume until clearance has been obtained from the Planning Department.
- H. All other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation may be initiated.

A requirement, as part of our recommendation to the County Council, is the inclusion of a legal description of the subject area in map and written form by metes and bounds. Please submit such a description to us as soon as possible so that the application can be forwarded to the Council with a minimum of delay.

The Commission also voted to approve your application, SMA Permit No. 212, to allow the development of a 416-unit condominium project and related improvements, for the subject area.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes and Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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One (1) of the criteria for approving a development within the Special Management Area (SMA) is that the development is consistent with the General Plan, Zoning and Subdivision Control Codes, and other applicable ordinances. As presented earlier, the request does conform to the General Plan which designated the subject area as Medium Density Urban Development.

The proposed development is also not anticipated to have any substantial adverse environmental or ecological effects. The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. Further, there were no archaeological features of importance found on the property.

The proposed development is not expected to have any significant adverse effects on the coastal resources, nor adversely affect any existing accesses to the shoreline. In fact, the development of the property will improve any existing accesses to the shoreline. The petitioner intends to provide both mauka-makai and lateral accesses to the shoreline. Further, any potential adverse effects on the off-shore water quality will be mitigated through compliance with existing regulations.

Based on the above, it is determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of the shoreline and coastal area.

Further, no adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Further, negative impacts on the local water quality resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur they can be adequately mitigated through compliance with existing ordinances and regulations.

All other essential utilities and services, including water, are or will be made available to the subject property. In this regard, the proposed development will complement that objectives of Rule No. 9, and the Land Use and Multiple Residential elements of the General Plan which encourage developments, such as proposed, in areas serviced by existing infrastructures.

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Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be contrary to the objectives and policies of Chapter 205-A or with the intent of Rule No. 9.

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

- A. The petitioner, successors or its assigns shall comply with all of the stated conditions attached to the accompanying change of zone.
- B. The permit shall not become effective until the pending change of zone application is adopted.
- C. All above ground structures shall be set back a minimum of 100 feet from the front property line along Akoni Pule Highway.
- D. The preliminary site plan shall be redesigned in order to create mauka-makai view corridors from Akoni Pule Highway. Such plan shall meet with the approval of the Planning Department.
- E. A minimum 10-foot wide mauka-makai and lateral walkway to and along the shoreline shall be provided. The type of improvements and specific location of the walkway shall be determined at the time of plan approval review. Further, a minimum of five on-site public parking stalls to serve the walkway shall be provided and clearly identified. A shoreline setback variance shall be secured for any improvements to the public access which will be within the 40-foot shoreline setback area. Construction of the public walkway and parking stalls shall be completed prior to issuance of any occupancy permit.
- F. No occupancy permit for any of the residential structures be issued until water, as represented in the applicant's agreement with the Kohala Joint Venture, is available to the subject property.
- G. All other applicable rules, regulations, and requirements be complied with.

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- H. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Management Area (SMA) Use Permit shall be void.

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

Sincerely,



Roy Kagawa
Chairman, Planning Commission

cc: Chief Engineer
Building Dept.
Kona Services Office
Dept. of Water Supply
Real Property Tax Division