

CERTIFIED MAIL

September 4, 1987

Mr. Thomas Hickey
77-6478 Princess Keelikolani Drive
Kailua-Kona, Hawaii 96740

Dear Mr. Hickey:

Special Management Area (SMA) Use Permit Application
Tax Map Key 7-7-08:104

The Planning Commission at its duly held public hearing on August 25, 1987, voted to approve your application, SMA Use Permit No. 261, to allow the development of a 25-lot subdivision and related improvements at La'aloa 1st, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed project consists of the development of a twenty-five (25) lot subdivision and related improvements. These improvements are not anticipated to have any substantial adverse environmental or ecological effects.

The project site is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species.

In addition, due to its location, approximately 250 feet from the shoreline and the fact that the surrounding areas are developed with single family dwellings, the proposed development is not expected to adversely effect the shoreline or the coastal ecosystems.

While there may be some adverse effect from noise and other impacts associated with the construction phase of the project, these impacts, however, will be short-term and can be mitigated by existing regulations.

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The proposed project is consistent with the objectives, policies, and SMA Guidelines. These were established to provide guidance for the preservation, protection and the development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational, open space and scenic resources, coastal ecosystems, economic use and coastal hazards.

The proposed 25-lot subdivision is consistent with the Low Density designation of the General Plan as well as the RS-7.5 zoning.

As previously discussed, a further archaeological report is being prepared to analyze the archaeological sites situated on the subject property. Following review of the additional archaeological findings, these sites can be adequately addressed through the conditions of approval.

Based on the foregoing, it is determined that the proposed development will not have any substantial adverse effects on the environment; and therefore, will not be contrary to the purposes and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; or the General Plan or Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all of the stated conditions of approval.
2. Submit preliminary plans for tentative subdivision approval within 6 months from the effective date of this SMA Use Permit for Phase I. Submit plans for final subdivision approval within one year from the date of tentative subdivision approval for all three (3) phases.
3. A final archaeological report addressing all archaeological sites, features or artifacts on the property shall be submitted for review and approved by the Planning Director. No subdivision improvements shall begin until all archaeological work has been approved by the Planning Director.
4. Should any unanticipated archaeological sites, features or artifacts be discovered during site excavation or grading, work in the area shall immediately cease and the Planning Department notified at once by telephone. Work shall not resume until clearance is given by the Planning Department.

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5. All roadway and drainage improvements shall meet with the approval of the Chief Engineer.
6. An extension of time for the performance of conditions within the permit may be granted by the planning director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program (w/background)

bcc: Plan Approval Section