



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

LORRAINE R. INOUE
Mayor

CERTIFIED MAIL

February 15, 1991

Mr. David Bills
Gray, Hong, Bills & Associates, Inc.
119 Merchant Street, Suite 607
Honolulu, HI 96813

Dear Mr. Bills:

Special Management Area Use Permit Application
Kaupulehu Developments/Kona Village Associates
TMK: 7-2-03: 1

The Planning Commission at its duly held public hearing on January 31, 1991, voted to approve your application, Special Management Area Use Permit No. 310, to allow the construction of a guardhouse, roadway and related improvements. The proposed roadway, which would provide permanent access to Kona Village Resort and the Kaupulehu Resort Development, would intersect with the Queen Kaahumanu Highway approximately one mile east (Kawaihae direction) of the existing Kona Village Resort access road/gatehouse. The property involved is located east of the Kaupulehu Resort Development between Queen Kaahumanu Highway and Kona Village Resort at Kaupulehu, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) 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 the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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A criteria in reviewing an SMA Use Permit application is that "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest." The proposed project is not anticipated to have any substantial adverse environmental or ecological effects. The project site is located within an area that is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely due to the minimal soil cover associated with the A'a and pahoehoe groundcover. However, should erosion and runoff occur, they can be adequately mitigated through compliance with existing regulations.

The proposed access roadway is not anticipated to have any significant adverse impacts on coastal ecosystems due to its considerable distance from the coastal waters.

Further, it is not anticipated that the public's ability to access the coastal areas will be adversely impacted by the proposed access roadway. The existing access would eventually be eliminated as construction activities associated with the proposed Kaupulehu golf course development progresses. The proposed access road will allow for continued public access to the coastal areas while eliminating potential conflicts between public/visitor vehicular traffic and construction activities. A condition of this approval requires that the new access roadway alignment be incorporated into the Kona Village Resort Grant of Easement and Agreement. A perpetual easement would be consistent with the requirements of Change of Zone Ordinance No. 87 113.

The proposed roadway is not anticipated to adversely affect any archaeological resources in the area. The proposed access roadway will, for the most part, be located along and within the existing jeep road alignment. An archaeological reconnaissance of the proposed Kona Village Resort roadway corridor found no surface archaeological features within the corridors. An

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archaeological survey of the revised access and its immediate area found four sites which have been deemed significant for its information content only. The Department of Land and Natural Resources-Historic Preservation Division concurred with the survey's findings and recommended that the proposed development will have "no adverse effect" on significant historic sites provided that these sites undergo further archaeological data recovery. This recommendation will be made a condition of approval. Furthermore, this approval recommendation is conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities.

The proposed roadway is not anticipated to create any adverse visual impacts from the Queen Kaahumanu Highway and surrounding areas. The new alignment would be connected to a grade separated interchange at Queen Kaahumanu Highway which design will be coordinated with the Department of Transportation-Highways Division to provide minimal visual impacts. Further, the proposed access will replace an existing roadway of which the majority will be located along and within an existing jeep road alignment. In addition, it is recommended that the proposed guardhouse maintain a minimum 150-foot setback from the Queen Kaahumanu Highway right-of-way. The 150-foot setback would provide continuity with the neighboring Kaupulehu and Kuki'o Resorts' 150-foot planting screen easement.

Based on the above, it is determined that the revised request will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. A Conservation District Use Permit shall be secured from the Board of Land and Natural Resources.
3. A grading permit shall be secured from the Department of Public Works within one year from the effective date of the Conservation District Use Permit.

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4. Construction of the proposed access road and related improvements shall commence within one year from the date of approval of the grading permit and be completed within one year thereafter.
5. The proposed guardhouse shall maintain a minimum 150-foot setback from the Queen Kaahumanu Highway right-of-way.
6. Archaeological data recovery shall be conducted on the four sites identified in Paul H. Rosendahl, Ph.D., Inc. "Archaeological Inventory Survey-Kaupulehu Makai Resort Intersection" dated January 9, 1991. The survey shall include, but not be limited to, a complete site description (with measurements), a map of the archaeological site identified as 1008-1, and photographs of all sites. Findings of this data recovery shall be submitted in report format for review and approval to the Planning Department and the Department of Land and Natural Resources-Historic Preservation Division, prior to construction or any land alteration activity.
7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
8. The new alignment and construction shall provide for continuous vehicular access to the Kona Village Resort public access parking area. This connection shall be reviewed and approved by the Planning Department prior to issuance of a grading permit. The permanent roadway alignment and connection shall be incorporated by easement into the Kona Village Resort's Grant of Easement and Agreement prior to issuance of a grading permit for the roadway. The easement shall be a perpetual easement. Further, the Grant of Easement and Agreement shall be consummated by all parties prior to issuance of a grading permit for the roadway.
9. Access to Queen Kaahumanu Highway shall meet with the

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approval of the Department of Transportation-Highways Division. Access alignment and its connections to adjacent properties shall meet with the approval of the Department of Public Works.

10. Comply with all other applicable laws, rules, regulations, and requirements including those of the Departments of Public Works and Health.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
12. 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 shall initiate procedures to revoke the permit.

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.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
OSP, CZM Program w/background
DLNR-Historic Sites
DLNR-Conservation & Environmental Affairs
Department of Transportation-Highways Division