

# Planning Commission

Lorraine R. Inouye  
Mayor

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

CERTIFIED MAIL

December 30, 1991

Mr. Clayton Kaneshiro Manning  
PO Box 390900  
Keauhou, HI 96739

Dear Mr. Manning:

Special Management Area Use Permit Application (91-19)  
Applicant: Clayton Kaneshiro-Manning  
Construction of 14 Single Family Dwellings  
TMK: 7-6-17: 68

The Planning Commission at its duly held public hearing on December 19, 1991, voted to approve your application, Special Management Area (SMA) Use Permit No. 327, to allow the construction of 14 single-family dwellings and related improvements. The property is located to the southwest (Keauhou direction) of Kahakai Elementary School, Holualoa 1st and 2nd, 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 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.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) map and zoning designation, which designates the area for Low Density Urban uses and as RS-7.5, respectively. The Housing Element of the General Plan states as a goal to "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." A Course of Action for

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the North Kona District is to "Aid and encourage the development of a wide variety of housing for this area to attain a diversity of socio-economic housing mix." A profile of housing within the North Kona District reflects acute housing problems for the low and moderate income groups. Land costs and market prices for homes have been influenced by investor and resort/residential markets and may preclude the purchase of house and lot packages by most households in the district. The applicant proposes that the sale prices will provide for 36% affordable homesites. Prices for homesites land area within the proposed development will range from approximately \$75,000 to \$110,000. With the anticipated cost of each dwelling at \$65,000, total costs for each home and land area will range from approximately \$147,900 to \$186,680. Therefore, the proposed development would be consistent with the intent and purpose of the Zoning Code and the General Plan.

Another 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 development is not anticipated to have any substantial adverse environmental or ecological effects. The subject property, located within an area that has been extensively developed, is not known to contain any unique ecological systems nor provide habitats for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. 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 very thin soil cover and the pahoehoe lava bedrock. However, should erosion or runoff occur, they can be adequately mitigated through compliance with existing regulations.

The proposed development is not anticipated to have any significant adverse impact on coastal ecosystems or public access along the shoreline due to the project's considerable distance from the coastal waters. The subject property is situated approximately 510 feet mauka of Alii Drive at a distance of approximately 810 feet at its nearest point from the shoreline.

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A September 1991 archaeological inventory survey found only 5 surface features within the property. Three of these features were determined to be "no longer significant" by the State Historic Preservation Division, Department of Land and Natural Resources. The other two are possible burials, and were recommended for preservation. The HPD provided additional review comments on the archaeological report in the context of the subject proposal, suggesting revisions to the report and pointing out potential alternatives to preservation of the two possible burial sites. Should future test excavations be undertaken at these two sites and no burials be found, then the applicant could petition to amend the required preservation mitigation (probably amend to require no further mitigation). Alternatively, should the presence of burials be confirmed, the applicant could either proceed with preparing the preservation plan or submit a written amendment to move the burials. Such moving would first have to receive approval from the Hawaii Island Burial Council (in accordance with Hawaii Revised Statutes, Chapter 6E-43). This approval recommendation is conditioned upon resolution of the two possible burials, as noted above, undertaken to the satisfaction of the HPD. This approval recommendation is also conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities.

There are no major identified scenic resources and viewplanes from or around the subject property. The proposed single family dwellings will not greatly intensify the visual or structural impact of the area due to the project site being located within an established single family residential subdivision with existing dwellings scattered throughout the immediate area. The height of the proposed dwellings would not exceed the maximum height limit of 35 feet for those properties surrounding the subject property zoned Single Family Residential.

To mitigate any adverse impacts associated with the proposed development such as traffic, noise and air quality, this approval recommendation is contingent upon the applicant completing a 20-foot wide pavement within the existing 25-foot wide unimproved right-of-way located along the southern boundary and southwest of the property, as conditioned in SMA Use Permit No. 314. A 7 1/2-foot wide future road-widening setback along the property's southern boundary to accommodate a 40-foot

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right-of-way shall also be delineated on plans submitted for Final Plan Approval review. By increasing the existing 25-foot wide right-of-way to 40 feet, the applicant will allow for future improvements to an unimproved roadway that will ultimately provide access between Alii Drive and the proposed Alii Highway. In addressing the concerns and requirements of the Fire Department, the applicant will be required to provide sufficient fire hydrant service to the subject property as well as to provide a properly designed and constructed internal driveway to serve as a fire apparatus access road with turnaround, or otherwise to satisfy the recommendations of the Fire Department.

Approval of this request is subject to the following conditions:

1. The applicants, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of this permit.
3. Final Plan Approval for the construction of 14 single family dwellings shall be secured within one year from the effective date of the permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, required archaeological preservation areas (if any), driveway circulation, parking areas and fire protection measures associated with the proposed residential development. The applicant shall delineate on plans submitted a 50-foot future road widening setback along the property's eastern boundary (Kahakai School Access Road) and a 7-1/2-foot future road widening setback along the property's southern boundary. Building setbacks and separation distance shall comply with the requirements of Chapter 25 (Zoning Code).
4. Construction of the proposed development shall commence within one year from the date of receipt of Final Plan Approval and be completed (Certificate of Occupancy) within two years thereafter.

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5. The applicant shall construct a minimum 20-foot wide paved access within the existing 25-foot wide right-of-way located along the southern boundary of the subject property. This roadway improvement shall be constructed from Alii Drive up to the future Alii Highway road widening, including the proposed development portion along the property's southern boundary, prior to approval of a building permit by the Planning Department for the first dwelling to be constructed on the subject property. The roadway connection to Alii Drive shall meet with the approval of the Department of Public Works.
6. Should an Improvement District be implemented for the construction of the proposed Alii Highway, the applicant, successors or assigns shall automatically be a participant in the Improvement District, provided, however, that the contribution of land and the construction of improvements can be credited towards the applicant's Improvement District assessment.
7. The applicant shall provide fire protection measures meeting with the approval of the Fire Department prior to the issuance of a certificate of occupancy.
8. A revised archaeological inventory survey report, including the test excavation results for Site 15,148, shall be submitted for review and approval by the Planning Department, in consultation with the State Department of Land and Natural Resources, Historic Sites Section, prior to submittal of plans for Plan Approval or prior to any land preparation activity, whichever occurs first. A qualified archaeologist shall be on-site to monitor subsurface construction activities associated with the proposed development.
9. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.

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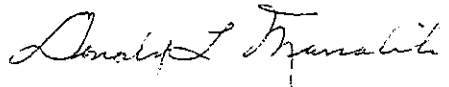
10. Comply with all other applicable laws, rules, regulations, and requirements, including those of the Department of Public Works and Department of Health.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report 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). 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,



*for* Mike Luce, Chairman  
Planning Commission

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jdk

xc: Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
OSP, CZM Program w/background  
DLNR  
Plan Approval Section  
Fire Department  
Department of Health  
Department of Education - Hilo  
Department of Education - Honolulu  
Connie Kiriu