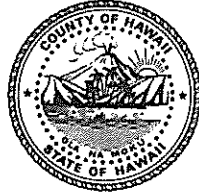


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL

MAR 01 1995

Mr. Wallace Tirrell  
Kamehameha Investment Corporation  
567 South King Street, Suite 120  
Honolulu, HI 96813

Dear Mr. Tirrell:

Special Management Area (SMA) Use Permit Application 354 (94-5)  
Applicant: Kamehameha Investment Corporation  
Request: To Allow Development of a 45-Lot Single Family  
Residential Subdivision  
Tax Map Key: 7-8-10:Portion 50

The Planning Commission at its duly held public hearing on February 16, 1995, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 354 is hereby issued to construct a 45-lot residential subdivision and related improvements on the mauka side of Kealii Street, mauka of the Keauhou Estates Subdivision, approximately 600 feet from its intersection with Kamehameha III Road, Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 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 an 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 Special Management Area (SMA) is that it is consistent with the General Plan and Zoning Code. Approval of the requested Special Management Area Use Permit would conform to the General Plan's

02555

MAR 01 1995

Land Use Pattern Allocation Guide (LUPAG) Map which designates the affected area as an Urban Expansion Area. An Urban Expansion Area allows for a mix of high, medium and low density, industrial and/or open designations in areas where new settlements may be desirable, but where the specific pattern and mix of uses have not yet been determined. The proposed single family residential development is consistent with a Low Density Urban designation. The General Plan also recognizes the affected area as a Major Resort Area, which is a resort area where basic and support facilities are provided to support an entire resort development. Such a designation may allow for Low Density Urban uses, provided the goals, policies and standards of the General Plan are met. As the accompanying favorable recommendation for the requested change of zone to a Single Family Residential-zoned district indicates, the Planning Director concludes that approval of this SMA Use Permit request will not be inconsistent with the general purpose of the Zoning Code and the General Plan, provided adequate mitigating conditions are met.

Another criteria for the granting of an SMA Use Permit 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. Such adverse effect shall include, but not limited to, the potential cumulative impact of individual developments, each of which taken in itself might not have a substantial adverse effect and elimination of planning options." Endangered species of flora or fauna or their special habitats were not located or identified within the project site. Only indigenous plants and animals were observed. Wastewater generated by the development will be accommodated within the County's Keauhou Wastewater Treatment Plant in Heeia. Air emissions generated during the construction phase can be mitigated by existing construction regulations. Therefore, impacts to the physical environment within the immediate area which may be generated by the proposed subdivision development will be minimal.

The project site is located approximately 3,500 feet from the shoreline. Runoff or discharge generated by the proposed subdivision development which could reach ocean waters can be handled by on-site drainage improvements meeting with the approval of the Department of Public Works. Potential adverse impacts to coastal waters from soil erosion and runoff during site preparation and construction can be adequately mitigated through compliance with existing construction regulations. The location of the project site far from coastal areas coupled with the provision of on-site drainage improvements and compliance with existing governmental regulations to control runoff, drainage, erosion and wastewater disposal would mitigate any

adverse impact to the region's environment or the ecology of the area's coastal waters.

The proposed development will not have an adverse impact to cultural or historical resources within the area. An intensive archaeological inventory survey of the project site was conducted in May and April 1991 by International Archaeological Research Institute, Inc. Four new archaeological sites and one known archaeological site were discovered within and adjacent to the project site. The one known site is an old, abandoned railroad berm which runs outside and in a north-south direction along the entire eastern (mauka) boundary of the project site. This railroad berm, which is part of a large berm which runs for several miles to the south of the project site, was constructed in the early 1920's by the West Hawaii Railroad and is considered to be historically and culturally significant and is recommended to be preserved. Two of the newly identified sites, which consist of walls, terraces, mounds and enclosures, appear to have been used for agricultural purposes. The third site is associated with past cattle ranching activities. The two agriculturally-related and one ranching-related sites are considered significant solely for their information content. Further data collection is recommended by the applicant for the two agriculturally-related sites consisting of walls, terraces, mounds and enclosures. No further data collection is recommended for the one site associated with cattle ranching. The last of the newly discovered sites is a lava tube within which two burials were found. The applicant will comply with the recommendation of the Hawaiian Island Burial Council to cover the burials with cloth with the lava tube containing the burials to be collapsed. The ground surface above the collapsed lava tube will then be left in a natural state and protected by means of an easement. A Historic Preservation Mitigation Plan containing the mitigative measures discussed above has been prepared by the applicant and is currently being reviewed by the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD). This favorable recommendation is subject to the acceptance and proper implementation of an archaeological mitigation plan by the DLNR-HPD prior to the issuance of Final Subdivision Approval or the commencement of any land alteration activities within the project site.

Due to the location of the project site approximately 3,500 feet from the shoreline and down gradient of the Kuakini Highway, coastal viewplanes within the area will not be significantly affected by the proposed development. With a maximum permitted building height of 35 feet within the Single Family Residential-zoned district, the development of this new subdivision is not expected to interfere with existing viewplanes from the Kuakini Highway. The proposed development

will not adversely impact public access to and along coastal areas due to its extreme distance from the shoreline.

Based on the above, the proposed development of a 45-lot single family residential subdivision consisting of 15,000+ square-foot parcels will not have a substantial adverse impact on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management and Rule 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

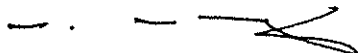
1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. A final archaeological inventory survey report and mitigation plan shall be prepared and submitted for approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to submittal of plans for subdivision review or any land alteration activities within the project site. The applicant shall obtain written verification from the Department of Land and Natural Resources-Historic Preservation Division that the applicable portions of the approved plan have been properly executed, prior to the issuance of Final Subdivision Approval or commencing any land altering activities within the project site.
3. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area 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 mitigative measures have been taken.
4. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate the revocation of 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.

Mr. Wallace Tirrell  
Page 5

Should you have any questions, please feel free to contact Connie Kiriu or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wilton K. Wong, Chairman  
Planning Commission

CRK:syw  
LKAMEH03.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Mr. Glen Koyama/Belt Collins Hawaii  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Office of State Planning, CZM Program w/background  
Department of Land and Natural Resources  
Plan Approval Section