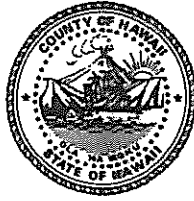


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 459

August 15, 1996

Mr. Dennis M. Reid  
P.O. Box 1686  
Kailua-Kona, HI 96745

Dear Mr. Reid:

Special Management Area Use Permit Application (SMA 96-7)  
Applicant: Dennis M. Reid  
Request: Proposed 12-Lot Subdivision and Related Improvements  
Tax Map Key: 7-5-19:43

The Planning Commission at its duly held public hearing on August 1, 1996, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 365 is hereby issued to allow the development of a 12-lot subdivision and related improvements. The property is located along the mauka side of Alii Drive directly across from the entrance to Kona Makai Condominiums at Kahului 2nd, North Kona, 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 development of the twelve (12) lot subdivision 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 be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options. The proposed subdivision will consist of twelve 16,000+ square foot lots and other related facilities. The proposed subdivision is located mauka of Alii Drive approximately 600 feet from the shoreline. The property was cleared and used for pasture in the past, and was graded and bulldozed. Current vegetation on the property is dominated by non-native plants. There are no known rare or endangered plant life or animal

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species on the property or in its immediate vicinity. Therefore, there would be no adverse impact to recreational and visual resources, access to and along the shoreline nor coastal ecosystems. The proposed subdivision would not impact the immediate adjacent properties as the subject property is surrounded by resort, condominiums, single family residences and vacant lands.

The proposed subdivision is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. According to the applicant, the proposed project will be hooked up to the County of Hawaii's Alii Drive sewer system. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations. With these precautionary measures in place, the proposed subdivision is not anticipated to have any substantial adverse effects on the coastal resources or environment. Likewise, the potential of finding rare or endangered animal life is not anticipated.

An intensive archaeological survey was conducted by Archaeological Consultants of Hawaii. A 100 percent surface survey was undertaken, and five features were identified. These feature were grouped into three sites. Site 16155 consisted of features A, B and C. Site 16156 and 16157 each consisted of one feature. Excavations were conducted on all of the features. Feature B of Site 16155 and Sites 16156 and 16157 are no longer significant to the interests for historic preservation, and sufficient information has been collected from them to mitigate the impacts of construction activities. Features A and C have been recommended for historic preservation for they contain human remains. A preservation plan has been prepared and approved by the State Department of Land and Natural Resources Historic Sites Division (DLNR-HPD) and the Hawaii Island Burial Council on August 27, 1994. A preservation easement has been executed between DLNR and the owner and has been recorded in the Bureau of Conveyances. During a brush fire several years ago, the County Fire Department directed a fire break be pushed by a bulldozer through the area. Feature A was scarified on the surface and Feature C had some push material on half of the site.

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 for Urban Expansion. This designation allows for high and medium density uses which includes activities such as those proposed. The proposed subdivision will compliment the following goals, policies and standards of the Land Use and Housing Elements of the General Plan:

#### LAND USE

- o Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- o Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.
- o The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

HOUSING

- 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.

The proposed subdivision would also compliment the following Courses of Action in North Kona:

- o Since the lands in this district are sloped, the County shall encourage the use of cluster and planned unit developments which can take advantage of the topography.
- o Aid and encourage the development of a wide variety of housing for this area to attain a diversity of socio-economic housing mix.

The proposed subdivision will add to the housing inventory for the district of North Kona. 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 subdivision 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 proposed subdivision development occurs.

Based on the above findings, it is determined that the proposed subdivision and related improvements will not have any 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 the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.

2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of Ordinance No. 87-47.
4. Final Subdivision Approval for the proposed subdivision shall be secured from the Planning Department within five (5) years from the effective date of this permit.
5. Access, roadway and any drainage improvements shall be constructed in a manner meeting with the approval of the Department of Public Works.
6. Sewer lines shall be constructed to connect to the County of Hawaii's Alii Drive Sewer system in a manner meeting with the approval of the Department of Public Works.
7. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease, and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
8. 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.
9. An initial 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.
  - 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).

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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

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cc: Honorable Stephen K. Yamashiro, Mayor  
~~Planning Director~~ syw 8/15/96  
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  
Mr. James L. Watson