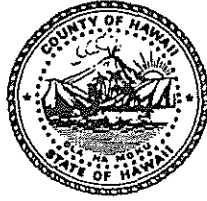


Harry Kim  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
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CERTIFIED MAIL  
7099 3220 0002 3094 9083

JUN 25 2001

Mr. Everett S. Maynard  
77-6365 Kenika Place  
Kailua-Kona, HI 96740

Dear Mr. Maynard:

Special Management Area Use Permit Application (SMA 01-002)  
Applicant: Everett S. Maynard and Carol Gilliland  
Request: Construction of Two Duplex Residential Development and Related  
Recreational Amenity Improvements  
Tax Map Key: 7-6-17:49

The Planning Commission at its duly held public hearing on June 1, 2001, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 416 is hereby issued to allow the construction of two duplex residential development and related recreational amenity improvements. The property is bordered between Alii Drive and Mania Lane approximately 120 feet north of the intersection of Mania Lane and Stardusk Lane, Holualoa 1<sup>st</sup> & 2<sup>nd</sup>, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed 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 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 applicants are proposing to construct two separate duplex residential buildings that total to 4 units on the 15,274 square foot parcel. The proposed development also includes future recreational amenities such as outdoor barbecues, gazebos, open picnic pavilions, recreational center, open spaces, manager's office, pedestrian way, landscaping, etc. The property is located mauka of Ali'i Drive and approximately 300 feet from the nearest shoreline. It is relatively level and was previously graded and used for temporary parking of heavy equipment during the County's installation of sewer lines within Ali'i Drive. The Flood Insurance Rate Maps

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(FIRM) indicate that the property is located in Zone "X," areas outside of the 500-year flood plain. There are no significant drainageways on the property. While there are no indications of surface water flow on-site, the applicant will abide by all applicable County guidelines for run-off generated by the development. Therefore, the proposed development is not anticipated to have any adverse environmental or ecological effects.

The proposed development is consistent with the objectives, policies, and guidelines of the Special Management Area as provided by Chapter 205A, HRS, and Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Given the extensive clearing activities that have taken place and the existing residential uses in the area, it is unlikely that any archaeological features and threatened species of plant or animal are present on the property. According to the Planning Department's file, there is no designated public access to the mountain areas or to the shoreline over the subject property. The property is located on the mauka side of Ali'i Drive and approximately 300 feet from the nearest coastline. As previously stated, the Flood Insurance Rate Map designates the property as Zone X, areas determined to be outside the 500-year flood plain. The applicants propose to hook up to the existing County's sewer line fronting the property along Ali'i Drive for the development's wastewater disposal system. It should be pointed out that the County's Department of Environmental Management also requires that the development connect to the County's wastewater disposal system. Therefore, the proposed development will not adversely impact any archaeological resources, recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Further, the property is not affected by any beach erosion.

The Department of Health (DOH) requires that underground injection systems that receive wastewater or storm run-offs from development need to address DOH requirements. Any potential runoff or discharge that 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 development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

Air quality in the area of the subject property is most affected by emissions from natural and vehicular sources. Volcanic haze is the dominant form of natural emissions, while windblown dust may also contribute to air pollution. The existing noise generated in the area is coming primarily from the vehicular traffic on Ali'i Drive. The principal source of both short-term air and noise quality impacts associated with the proposed improvements is expected during construction, especially during grubbing and/or grading activities. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

Water is available to the subject property from an 8-inch waterline located along Ali'i Drive. Accesses to the property are from Ali'i Drive which has a 50-foot right-of-way with approximately 20 foot pavement, and Mania Lane, a private road which has a 25-foot wide right-of-way with gravel surface. As a condition of vehicular access on the Ali'i Drive frontage, the Department of Public Works recommends that the applicants provide roadside improvements, for pedestrian and bicyclist safety, including signs, markings, and relocation of utilities. A condition of approval will be included for the applicants to address this concern.

The proposed development is consistent with the County General Plan and Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for Medium Density Urban development uses. The property is zoned Double Family Residential (RD-3.75). Both of these designations allow for the proposed two duplex residential development. Given the RD-3.75 zoning, a total of 4 units would be allowed on the 15,274 square feet parcel, provided that all requirements of Chapter 25, Zoning Code, relating to minimum yards and height limitations are met. The lands adjacent to the north and south of the property are similarly zoned Double Family Residential (RD-3.75); to the east are Single Family Residential (RS-7.5) and to the west (makai) across of Ali'i Drive are zoned Single Family Residential (RS-15). An existing duplex dwelling is situated on the adjoining parcel fronting Ali'i Drive. Approximately 3/4 of the Holualoa Hui Lands Subdivision has been developed with single family dwellings and/or duplexes. The Agricultural Lands of Importance to the State of Hawaii classifies the property as "Existing Urban Development," lands which have been developed for urban type uses.

Based on the above findings, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives, policies and guidelines 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate to revoke this permit.

1. The applicants, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, Final Plan Approval for the proposed development shall be secured in accordance with Chapter 25, Zoning Code. Plans shall identify all existing and proposed structures, landscaping, and parking stalls associated with the development.
3. Access to the property from Ali'i Drive, including site distance, shall meet with the approval of the Department of Public Works.
4. Sewer lines shall be installed within the development to connect hookup with the County's Kealakehe Wastewater Treatment Plant, meeting with the approval of the Department of Environmental Management and prior to the issuance of a certificate of occupancy for any portion of the development.
5. An emergency preparedness and respond plan shall be filed with the Hawaii County Civil Defense Agency and Planning Department prior to issuance of a certificate of occupancy for any portion of the development.
6. 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.
7. Comply with all applicable rules, regulations and requirements of other affected agencies for approval of the proposed development within the subject property.
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.

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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 applicants, its 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).

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 contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman  
Planning Commission

Lmaynard01PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Office of Planning, CZM Program (w/Background)  
Department of Land and Natural Resources  
Brian Minaai, Director/DOT-Highways, Honolulu  
Mr. Norman Hayashi  
Mr. Jeffrey Darrow  
Plan Approval Section  
Mr. Everett S. Maynard