

CERTIFIED MAIL

July 23, 1984

Mr. Robert Emory
P.O. Box 1049
Captain Cook, HI 96704

Dear Mr. Emory:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 84-37

Applicant: Robert Emory

Tax Map Key 8-2-03:1

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 84-37 for a two lot subdivision in Waipunaula, South Kona, Hawaii, TMK: 8-2-03:1.

Please note that the permit approval is also subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Comply with all other applicable rules, regulations and requirements.

Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, this Special Management Area Minor Use Permit shall be void.

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Should you have any questions regarding the above, please do not hesitate to contact Edward Cheplic of this department at 961-8288.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sidney Fuke". The signature is written in a cursive, somewhat stylized script.

SIDNEY FUCE
Planning Director

GU:lqv
Enclosures

cc: Chief Engineer w/enc.

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 84-37

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on July 23, 1984, an assessment on the application of Robert Emory for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: a two lot subdivision in Waipunaula, South Kona, Hawaii,
TMK: 8-2-03:1.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Comply with all other applicable rules, regulations and requirements.

Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, this Special Management Area Minor Use Permit shall be void.

Stanley Sakamoto
for Chief Engineer, DPW

[Signature]
Planning Director

Attachment

6257A-5/84

BACKGROUND

Robert Emory is requesting a Special Management Area (SMA) Use Permit to allow a two lot subdivision. The area involved is a 21.319 acre parcel located in Waipunaula, South Kona, Hawaii, Tax Map Key 8-2-03:1.

Specifically, the proposed project involves the subdivision of the existing 21.319 acre parcel into two lots with one lot being 5.0001 acres and the second lot being 16.318 acres.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Extensive Agriculture. The State Land Use District classification is Agricultural and the County zoning is Unplanned. Immediate adjacent properties are similarly zoned.

The Soil Survey of the Island of Hawaii, prepared by the U.S. Department of Agriculture, Soil Conservation Service, classifies the soil as being of the Kainaliu Series which consists of well-drained silty clay loams that formed in volcanic ash. In a representative profile, the surface layer is very dark brown silty clay loam about 10 inches thick. The subsoil consists of dark brown very stony silty clay loam and silt loam, about 16 inches thick and is underlain by fragmental Aa lava. Permeability is rapid, runoff is slow, and the erosion hazard is slight. Generally, this soil is used for coffee, macadamia nuts and pasture.

The usable portions of the property have average grades of 20%-30% of which approximately 3 acres is partially cleared and planted in orchard.

The subject area was previously used for growing coffee and as pasture. It is presently vacant of any use, other than approximately 3 acres of orchard plantings and 400 square foot structure.

There are no known rare or endangered species of flora or fauna on the property.

The subject parcel is located within the Kealahou Bay Historic District which is listed in the National Register of Historic Places and is also included in "The Kona Field System." The State Historic Sites Section of the Department of Land and Natural Resources concurred with the findings of Dr. Paul H. Rosendahl who conducted an archaeological inspection of the site, archaeological clearance for the parcel be granted due to the lack of any significant cultural remains.

In compliance with Chapter 343, HRS, Relating to Environmental Impact Statements, a negative declaration was submitted to the Office of Environmental Quality Control and published in its July 23, 1984 bulletin.

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, depicts the area to be outside of the coastal high hazard area.

According to the South Kona Flood Hazard Analyses (July 1977), prepared by the U.S. Department of Agriculture, Soil Conservation Service, a natural drainage watercourse, Watercourse No. 5, runs diagonally across the southernmost corner of the subject parcel and is located within the 100-year flood limit.

The Department of Public Works offered the following comments:

- "1) Portion of subdivision is located within drainageway. All reviewing agencies shall be informed of the special flood hazard designation. As required by Chapter 27, all subdivision within special flood hazard areas shall:
 - a. Have public utilities and facilities, such as sewer, gas, electrical and water system, located and constructed to minimize flood damages;
 - b. Have adequate drainage provided to reduce exposure to flood damage;
 - c. Identify the areas of special flood hazards on the final plat map; and
 - d. Indicate the base (100 yr.) flood and ground elevations of all lots on the final plat map.
- 2) Provide minimum 20' wide agricultural standard pavement within 50' wide right-of-way from Lower Government Road to Lot 1-B. Where grades are 8% or greater, roadways shall be built to paved standards of the subdivision code.
- 3) Angle of intersection with Lower Government Road appears too small. Provide adequate turning radius and sight distance at intersection. Indicate available sight distances on construction plans.
- 4) Submit construction plans for review and comment."

Compliance with these conditions should mitigate any adverse impacts on the physical environment.

The total cost of the proposed project will be approximately \$2,000.

An SMA Minor Use Permit is hereby approved based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in any significant adverse effects on the Special Management Area.

The proposed development should not create any substantial adverse impacts on the environmental or ecological resources of the Special Management Area. The applicant proposes to subdivide the 21.319 acre parcel into two lots, one lot being 5.0001 acres and the second lot being 16.318 acres. The subject property was previously modified and there are no known rare or endangered species of flora or fauna in the area. As such, the proposed project will not result in an increase of environmental impact to the subject or surrounding area.

The proposed project is consistent with the Objectives, Policies and SMA Guidelines. These were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational/scenic resources, coastal ecosystems, economic use, and coastal hazards.

The Department of Land and Natural Resources, Historic Sites Section concurred with the findings of Dr. Paul H. Rosendahl who conducted an archaeological inspection of the site, that archaeological clearance for the parcel be granted due to the lack of any significant cultural remains.

The proposed subdivision is consistent with the Zoning Code of the County of Hawaii.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment; and therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management and Rule 9 of the Planning Commission related to the Special Management Area of the General Plan and Zoning Code of Hawaii.

An SMA Minor Use Permit is further approved subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the requirements for subdivision approval.
3. Comply with all other applicable rules, regulations and requirements.

Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion this Special Management Area Minor Use Permit shall be void.