

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 86-3

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

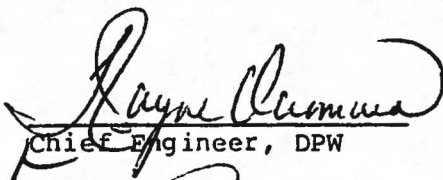
The Planning Director completed on February 5, 1986, an assessment on the application of FIRST INVESTORS CORP., LTD. for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: A two-lot subdivision and related improvements makai of Kuakini Highway at Kapalaalaea 2nd, North Kona, Hawaii,  
TMK: 7-7-08:62 & 105.

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:

(SEE ATTACHED CONDITIONS)

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 86-3: First Investors Corp., Ltd.

Conditions:

1. The petitioners, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. An intensive archaeological survey shall be conducted of Parcels 62 and 105 prior to any grubbing, grading or other form of land alteration activity. Two copies of the survey report shall be submitted to the Planning Department for review and further recommendations. Appropriate mitigative action shall be completed prior to grubbing or grading. Should mitigation include site preservation, the area shall be delineated on the final subdivision map and recorded with the Bureau of Conveyances.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work 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. As required by the State Department of Transportation, a 10-foot wide "no vehicle access" planting screen easement shall be provided along the frontage of those lots which border Kuakini Highway, exclusive of access points.
5. Submit final subdivision map for approval within one year from the effective date of tentative approval.
6. Comply with all other applicable rules and regulations, including those of the Department of Public Works and the Department of Water Supply.
7. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, this minor permit shall be void.

BACKGROUND

The petitioner, First Investors Corporation, Ltd., A Canadian Corporation, is requesting a Special Management Area (SMA) Use Permit to allow for a two-lot subdivision and related improvements makai of Kuakini Highway at Kapalaalaea 2nd, North Kona, Hawaii, Tax Map Key 7-7-08:62 & 105.

Specifically, the applicant proposes to subdivide a 26.6-acre parcel of land (Parcel 105) into two lots that would have an area of 14.5 and 12.1 acres, respectively. Access from Kuakini Highway to the lots would be from an existing 60-foot wide perpetual roadway easement situated on an adjacent parcel described as Lot 4 or Parcel 62. A copy of the recorded Commissioner's Deed verifies that this easement for roadway purposes is to be "enjoyed in common with the grantor and its assigns." As a part of subdivision requirements, this easement must be improved to provide a minimum 20-foot wide agricultural standard pavement. The total valuation is estimated to be \$25,000.

The State Land Use District Classification is Agricultural and the Hawaii County Zoning is Unplanned with a minimum lot size of five acres. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map depicts the area as Extensive Agriculture/Alternate Urban Expansion. The Kona Regional Plan recommends residential uses at a density of four units per acre.

The subject property is vacant except for dense vegetation overgrowth. The adjacent Parcel 62 contains a residence and a family cemetery.



The parcels to the south and west are similarly zoned Unplanned. The adjacent properties to the north and east are zoned for single-family residential uses.

An archaeological reconnaissance was performed by Cultural Surveys Hawaii and a report dated December 1985 has been submitted to the Planning Department. The report recommends a thorough intensive field survey with selective testing of sites. The survey would include: 1) mapping and detailed descriptions of all major sites; 2) selective detailed mapping of agricultural complexes; 3) selective testing of sites likely to contain evidence of human occupation or significant information related to Hawaiian settlement; 4) testing of sites to locate human burials and to disinter and relocate; and 5) an evaluation of future mitigative action for major sites 18 and 37 habitation complexes.

The Flood Insurance Rate Map depicts the area to be in an area of minimal flooding.

The property is located about 2,900 feet away from the shoreline.

The land has a characteristic slope of 10%-20%.

Rainfall in the area is about 40 inches a year or less.

There are no known rare or endangered species of plant or animal associated with the subject or surrounding area.

The following comments were received from various agencies in response to the proposed subdivision:

Department of Transportation-Highways Division:

"A 10-foot wide, "no vehicle access," planting screen easement along the frontage of those lots which border the State highway, exclusive of access points, shall be provided.

"A common access shall be provided for all lots.

"Any existing or proposed road or driveway connecting to the State highway shall meet the standards given in the "Hawaii Statewide Uniform Design Manual for Streets and Highways" of October 1980 and the "Specifications for Installation of Miscellaneous Improvements Within State Highways" of May 1, 1984 and both as revised.

"Construction drawings shall be submitted for our review and approval."

Department of Water Supply:

"An assignment of water rights from the Kealahou Source Agreement for one additional unit has been secured by the subdivider. Therefore, water is available for the proposed subdivision from a 12-inch waterline along Kuakini Highway. The subdivider must comply with the following for final approval.

- "1) Pay the prevailing facilities charge. The prevailing facilities charge is \$1,800.00. This fee is subject to change should there be an increase in our rate schedule.
- "2) Submit a service lateral installation plan for our review and approval.
- "3) Install a service lateral to Lot 1 and Lot 2."

Department of Public Works:

"1) Provide a minimum 20-foot wide agricultural standard pavement within a 60-foot wide road easement from Kuakini Highway to Lot 1. Where grades are 8 percent or greater, roadway shall be built to paved standards of the Subdivision Code.



"2) Provide a 20-foot curve radius at entrance to road easement.

"3) No additional storm run-off shall be allowed onto adjacent properties and roadways.

"4) Submit construction plans for review and comment."

#### RECOMMENDATION

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

1. The total valuation will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area with the imposition of certain mitigative conditions.

The proposed development should not create any substantial negative impacts on the environmental or ecological resources of the SMA. The applicant proposes the subdivision of a 26.6-acre lot into two lots. Required improvements as a result of the subdivision would be construction of a 20-foot wide roadway within an existing 60-foot wide roadway easement on an adjacent parcel and the installation of water laterals to service the new lots. These will not affect the coastal ecosystems, recreational resources or public accesses due to their considerable distance from the shoreline.

The initial archaeological survey identified several complexes and features that have the potential for additional research or possible preservation. In order to determine what further course of action is necessary, an intensive

archaeological survey is being made a condition of this approval. Two copies of the survey report (one to be forwarded to the Department of Land and Natural Resources-Historic Sites Division) shall be submitted to the Planning Department for review and further recommendations prior to any grading, grubbing or other form of land alteration. Should preservation of any site(s) be required, the site(s) shall be depicted on the final subdivision map and recorded with the Bureau of Conveyances. An archaeological clearance shall be given by the Planning Department following the completion of further mitigative action, if necessary. In this manner, the negative impacts to historic resources will be alleviated.

The proposed project is consistent with the Guidelines, Objectives and Policies of the Special Management Area. These were established to provide guidance for the preservation, protection and the development of coastal resources of the State and County. They identified several areas of management concerns including historic, recreational/scenic resources, coastal ecosystems, economic use, and coastal hazards. Scenic resources should not be significantly affected by the two-lot subdivision and the permitted uses of an Unplanned zoned district. In addition, a 10-foot wide planting screen easement along the frontage of those lots bordering Kuakini Highway shall be provided as required by the Department of Transportation.

While the subject parcel is not situated within a coastal hazard area, no additional storm run-off shall be allowed onto adjacent properties and roadways.



The two-lot subdivision is consistent with the Unplanned zoned district and the Agricultural/Alternate Urban Expansion designation of the General Plan.

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; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code or the General Plan.

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

1. The petitioners, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. An intensive archaeological survey shall be conducted of Parcels 62 and 105 prior to any grubbing, grading or other form of land alteration activity. Two copies of the survey report shall be submitted to the Planning Department for review and further recommendations. Appropriate mitigative action shall be completed prior to grubbing or grading. Should mitigation include site preservation, the area shall be delineated on the final subdivision map and recorded with the Bureau of Conveyances.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work 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. As required by the State Department of Transportation, a 10-foot wide "no vehicle access" planting screen easement shall be provided along the frontage of those lots which border Kuakini Highway, exclusive of access points.
5. Submit final subdivision map for approval within one year from the effective date of tentative approval.
6. Comply with all other applicable rules and regulations, including those of the Department of Public Works and the Department of Water Supply.
7. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, this minor permit shall be void.