

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-6

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on February 8, 1988, an assessment on the application of Berenice Spalding 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: allowing a 2-lot subdivision. The property is located at Waiulaula Point adjacent and to the north of the 3rd Green and 4th Fairway of the Mauna Kea Beach Golf Course, Ouli, South Kohala, Hawaii, TMK: 6-2-02:5.

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

for David Munk
Chief Engineer, DPW

A. Q.
Planning Director

Attachment

6257A-5/84

*Val. \$25,000
PT = 7 days*

CONDITION FOR BERENICE SPALDING SMA MINOR PERMIT

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change
3. Comply with all other applicable laws, rules, regulations and requirements.
4. An initial extension of time for the performance of conditions within the ordinance may be granted by the planning director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Mr. Sidney Fuke, on behalf of Ms. Berenice Spalding, is requesting a Special Management Area (SMA) Use Permit to allow a two lot subdivision. The property is located at Waiulaula Point adjacent and to the north of the 3rd Green and 4th Fairway of the Mauna Kea Beach Golf Course, Ouli, South Kohala, Tax Map Key 6-2-02:5.

Specifically, the proposal is to subdivide an existing 15 acre parcel into a 6.2 \pm acre parcel and a 8.8 \pm . Access to the subject property is via the main entrance road to the Mauna Kea Beach Hotel. The intent is to sell the 6.2 \pm acre lot and keep the other 8.8 \pm lot which contains a single family dwelling.

The subject property is currently undergoing a change of zone request. The proposed zone change request is from Open and Single Family Residential - 15,000 square feet (RS-15) to a Single Family Residential - 5 acre (RS-5a) zoned district. The Planning Commission at it January 26, 1988 meeting forwarded a favorable recommendation of the change of zone request to the County Council. The County Council has yet to act on the change of zone request.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the majority of the subject area for Low Density Urban Development and a portion of the property along the shoreline as Open. The State Land Use District classification is Urban. The County zoning designation are Open and Single Family Residential with a minimum lot size of 15,000 (RS-15).

Through a Settlement Agreement, Akau v. Mauna Kea Properties, Inc. (Civil No. 3072, Third Circuit Court), provision of a lateral access through the property is required. According to a letter dated September 14, 1987, there is an agreement in principle to settle the trail litigation over the subject property.

Surrounding land uses include single family dwellings, the Mauna Kea Beach Resort development and vacant lands.

According to the Flood Insurance Rate Map (FIRM), the northern portion of the property which is part of Waiulaula Gulch, is classified Zone "A" (Areas of 100-year flood.) The shoreline is designated as a Coastal High Hazard Area. The majority of the property, however, is classified Zone "C" (Area of minimal flooding).

As stated earlier, there is a single family dwelling on the property. The remaining area is vacant.

There are no known rare or endangered plant or animal species present on the subject property. Also, no known or archaeological sites have been identified in the vicinity.

The total valuation of the proposed subdivision will be approximately \$25,000.

Recommendation

An SMA Minor Use Permit is issued 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 a significant adverse effect on the Special Management Area since the subject site has been used for single family dwelling purposes in the past.

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 Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Subdivision plans shall be submitted to the Planning Department within one year from the effective date of the zone change
3. Comply with all other applicable laws, rules, regulations and requirements.
4. An initial extension of time for the performance of conditions within the ordinance may be granted by the planning director upon the following circumstances: 1) 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; 2) granting of the

time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.