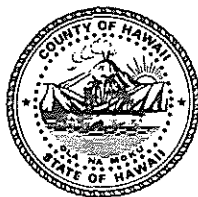


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

CERTIFIED MAIL

December 14, 1993

Dr. James L. Watson
1240 Mokulua Drive
Kailua, HI 96734

Dear Dr. Watson:

Special Management Area (SMA) Minor Permit No. 93-24
Applicant: Dr. James L. Watson
Proposed Grubbing and Grading
Tax Map Key: 7-5-19:43; Kahalui 2nd, North Kona, Hawaii

With regards to the above-referenced project, we have determined that a Special Management Area (SMA) Minor Permit is required for the proposed grubbing and grading activities of the subject property. Accordingly, based on the following background and findings, we hereby issue SMA Minor Permit No. 93-24 with conditions.

BACKGROUND

1. **Dr. James L. Watson** is requesting a Special Management Area (SMA) Minor Permit to allow the grubbing and grading of a 5.496 acre parcel. The property is located between Alii Drive and the proposed Alii Highway, Kahalui 2nd, North Kona, TMK: 7-5-19:43.

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2. The applicant stated the following objectives:

"The project proposed for this property will consist of lot clearing and light grading in the rough areas for the purpose of allowing prospective purchasers the opportunity to view the lay of the land. We will also create a rough grade driveway approximately 100 yards in length with a turn-around to allow a vehicle access to the property for the purpose of viewing the land. ...There will be no development or building permits involved in this project."

The cost of the project is estimated for \$12,500.

STATE AND COUNTY PLANS

3. The State Land Use District classification is Urban. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Urban Expansion. The County Zoning designation is Multiple Family Residential -4,000 square feet per unit (RM-4).
4. The subject parcel is located within the Special Management Area. The proposed land alteration activities require an SMA Permit.

DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA

5. The subject vacant parcel consists of 5.496 acres. It is a roughly rectangular parcel situated on the mauka side of Alii Drive, between Alii Drive and the proposed Alii Highway realignment. The parcel also abuts a road reserve along its southern boundary. It is over 700 feet from the shoreline.
6. Soils are classified as Punaluu Series which consists of well-drained, thin organic soils over pahoe-hoe lava bedrock and is extremely rocky peat, 6 to 20 percent slopes. The peat is rapidly permeable. The pahoe-hoe lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow, and the erosion hazard is slight.
7. Vegetation of the property is composed primarily of shoulder-high grasses and haole koa, intermittent patches of lantana, scattered mature kiawe trees, two tamarind trees, and small amounts of ilima.

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8. According to an Archaeological Inventory Survey (June 1991, Revised May 1992, Addendum November 1992), three (3) historic sites are present on the property --Sites 16155, 16156, and 16157. State Historic Preservation Division has determined that adequate data was collected for Sites 16156 and 16157 and therefore are considered "no longer significant". However, Site 16155, with Features A and C containing human burials, is a significant historic site. The applicant proposes to preserve the features in Site 16155. During the archaeological survey, evidence was found that bulldozer disturbance occurred along the entire length of the property midsection and in a portion of the northwestern corner.
9. According to the Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency, the subject property is determined to be in Zone X, areas determined to be outside 500-year flood plain.
10. The properties immediately to the north and west are zoned Multiple Family Residential, and Neighborhood Commercial. Properties to the south are zoned Unplanned and Single Family Residential, and to the east makai of Alii Drive are Resort zoned. Surrounding land uses include single family residences, Multiple Family Condominiums and vacant lands.

PUBLIC UTILITIES AND SERVICES

11. Access to the property is from Alii Drive which has a 50-foot wide right-of-way with a 20-foot wide pavement.
12. Water and other essential utilities and services are available to the property.

AGENCIES' - COMMENTS

13. State Department of Land and Natural Resources, Historic Preservation Division:

(SEE ATTACHMENTS NOVEMBER 23, 1992 AND MAY 25, 1993 LETTERS)

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FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit based on the following findings:

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, 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 the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The total valuation of the project will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

The proposed action is consistent with the Objectives, Policies and SMA Guidelines which 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, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards.

Three historic sites --16155, 16156 and 16157-- have been identified. Sites 16156 and 16157 have been considered "no longer significant" as adequate data was collected. Site 16155 will be preserved as it is considered a significant historic site which contains burials. A condition of this permit will be that prior to any grubbing and grading activities, the applicant secures approval of preservation from the Hawaii Island Burial Council and that, accordingly, a preservation plan be accepted by the State Historic Preservation Division and the Planning Department.

The proposed grubbing and grading activities are not anticipated to interfere with recreational uses, public access to shoreline areas or existing view planes. The property is located mauka of a government coastal road and is over 700 feet from the shoreline. Therefore, the proposed project would not affect the environment or ecology of the shoreline area.

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Based on the above findings, the limited nature of the project and given the proposed conditions, it is determined that the granting of this request will not impact the identified resources. Therefore, the granting of this request will not be contrary to the purpose and intent of Chapter 205A, HRS, relating to Coastal Zone 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 Permit is further approved subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, 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 and 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 this permit.
3. Within one year of this permit and prior to the grubbing and grading activities, the applicant shall secure approval for preservation of Site 16155 from the Hawaii Island Burial Council. Accordingly, a preservation plan shall be developed and accepted by the State Historic Preservation Division and the Planning Department.
4. The applicant, successors or assigns shall secure a grubbing and grading permit from the Department of Public Works and shall complete the project within one year from an accepted preservation plan.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon a archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.


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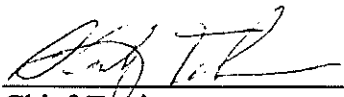
6. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances: (a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; (b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and (c) 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).

Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

Should you have any questions, please feel free to contact Alice Kawaha of this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

 12/20/93

for Chief Engineer Date

AGK:mjs
Enclosures

xc w/Encl: Ms. Donna Kiyosaki, Chief Engineer
Dr. Don Hibbard, State Historic Preservation Division
Eddie Ayau, Esq., Burials Program
Planning Commission
West Hawaii Office