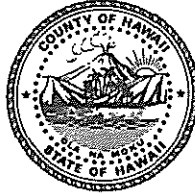


Stephen K. Yamashiro
Mayor



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
Z 416 229 178

July 11, 1995

Mr. Dwight P. Kauahikaua
Kauahikaua & Chun-Architects
Kawaiahao Plaza Hale Mauka
567 South King Street, Suite 108
Honolulu, HI 96813

Dear Mr. Kauahikaua:

Special Management Area Use Permit Assessment (SMAA)
Application No. 95-23
Special Management Area Minor (SMM) Permit No. 28
Applicant: Lili'uokalani Trust
Request: Proposed Construction of Office Addition to
Existing Maintenance Structure
Tax Map Key: 7-4-08:Por. of 2; Keahuolu, North Kona, Hawaii

Pursuant to your previous submittal of the above-described SMA Assessment Application No. 95-23 on May 15, 1995, and our letter to you dated June 16, 1995, we hereby issue SMA Minor Use Permit No. 28 to allow the construction of a campground reservations office addition to the existing maintenance workshop/office building at the Queen Lili'uokalani Children's Center site located within the County's Special Management Area.

GENERAL INFORMATION

- 1) **Landownership & Project Site:** The project site is a portion of a 961.7-acre parcel owned by the applicant and located makai of the Queen Kaahumanu Highway.

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BACKGROUND INFORMATION

- 2) **February 26, 1990** - Planning Director issued Special Management Area Minor Use Permit No. 90-3 to allow the construction of a maintenance workshop/office building within the project site. The 470 square-foot structure is approximately 14 feet high with plywood/gypboard walls, metal roof and concrete floor. Approval of Special Management Area Minor Use Permit No. 90-3 is subject to the following conditions:
- "1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
 - "2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements, including that of completing the Plan Approval process.
 - "3. Should any unanticipated archaeological or historic features be encountered or uncovered during the construction activities, work in the affected area shall cease immediately and the Planning Department be notified. Work shall not resume until clearance has been obtained from the Planning Department.
 - "4. The applicant shall complete the construction within one year.
 - "5. An initial extension of time for the performance of conditions within the permit 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)."

APPLICANT'S REQUEST

- 3) **Request:** The applicant has submitted an SMA Use Permit Assessment Application for the construction of an approximately 700 square foot, single-story, campground reservations office addition to the existing maintenance-office building located within the Queen Lili'uokalani Children's Center-Kona Unit complex. The addition will contain an office, reception/waiting area, and a restroom.
- 4) **Purpose:** According to the applicant, *"The Queen Lili'uokalani Children's Center was created by Queen Lili'uokalani to provide outreach services to single parents and orphan children of Hawaiian ancestry." "A portion of the 961 acre site is for their camping program. The campsites are used to engage children in activities such as camping, lessons in Hawaiiana, exploration of historic sites, Hawaiian arts and crafts, agriculture, and practices of old Hawaiian methods of survival. These activities are intended to teach the children about their outdoor environment and Hawaiian heritage."*
- 5) **Estimated Cost:** The total estimated cost for improvements associated with the proposed office addition is \$60,000.

STATE AND COUNTY PLANS

- 6) **The State Land Use District** classification of the subject property is Agriculture. Effective August 28, 1991, the State Land Use Commission approved a State Land Use District Boundary amendment (Docket #A89-646) for approximately 212+ acres, which includes the project site, from an Agricultural to an Urban District to accommodate the expansion of the Old Kona Industrial Area.
- 7) **The General Plan Land Use Pattern Allocation Guide (LUPAG)** Map designates the subject area for Urban Expansion uses.
- 8) **Keahole to Kailua Development Plan** recommends that the project site and the approximately 1,300 acres surrounding the project site and makai of the Queen Kaahumanu Highway be used for open space and recreational facilities.

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- 9) **County Zoning:** The subject property is zoned Unplanned (U) by the County.
- 10) **SMA:** The project site is located within the Special Management Area; therefore, this SMA Minor Permit is being issued in satisfaction of the requirements of the SMA. While no improvements are being proposed within the shoreline setback area at this time, a shoreline setback variance will be required for any future improvements to be located within the 40-foot shoreline setback area.

SITE DESCRIPTION

- 11) **Physical Description:** The subject property, consisting of approximately 961 acres, extends from the Queen Kaahumanu Highway to the shoreline for a minimum distance of approximately 3,800 feet. The project site is located approximately 1,800 feet makai of the Queen Kaahumanu Highway and approximately 2,400 feet to the shoreline.
- 12) **Existing Uses:** As mentioned, the project site currently accommodates the Queen Lili'uokalani Children's Center-Kona Unit complex, which consists of the main outreach services building, aquaculture school, and storage and maintenance buildings.
- 13) **Archaeological/Floral/Faunal Resources:** Due to the extensive development of the project site to accommodate the Queen Lili'uokalani Children's Center, significant historical sites or features and the presence of endangered species of plants or animals are not anticipated to be located within the project site.
- 14) **The Flood Insurance Rate Map (FIRM),** prepared by the Federal Emergency Management Agency (FEMA), designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
- 15) **Surrounding Uses:** The project site is centrally located within the larger 961-acre parcel which is predominantly vacant of uses.

INFRASTRUCTURE

- 16) **Access** to the project site from the Queen Kaahumanu Highway is provided by the existing VORTEC access road.

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- 17) **Water, electricity, wastewater disposal and other utilities or facilities** are or will be made available to the subject property.

ASSESSMENT

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 island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the proposed improvements, the Planning Director finds that the proposed improvements are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed construction of an office addition to an existing maintenance-office building will not interfere with recreational uses of the coastal area since all proposed improvements will be located at least 2,400 feet from the shoreline.
- b) **Historical and Natural Resources:** The project site has undergone extensive alteration due to improvements associated with the existing Queen Lili'uokalani Children's Center complexes. Therefore, adverse impacts to historical or natural resources are not anticipated. A condition will be included to require the notification of the Planning Department should archaeological sites be encountered during the course of development.
- c) **Scenic and Open Space Resources:** The proposed improvements will not severely interfere with the coastal view plane. The project site is located approximately 1,800 feet makai of the Queen Kaahumanu Highway. The proposed office addition will be one-story in height, similar in height with other existing structures adjacent to and in the immediate vicinity of the proposed addition. The extreme distance of the proposed distance from the highway and its low height similar to other existing structures will help to mitigate any adverse visual impact to adjoining properties.
- d) **Coastal Ecosystems:** As previously mentioned, the proposed improvements will be centrally located within a 961-acre parcel and located approximately 2,400 feet from the

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shoreline. The limited nature of the proposed improvements and its distance from the coastal area will ensure that coastal resources are not severely impacted. Construction activities will be governed by current construction practices to limit runoff and dust. Wastewater which may be generated will be disposed of in a manner meeting with the approval of the Department of Health.

- e) **Economic Uses:** The proposed improvements will provide limited economic benefit. However, the social and cultural benefits currently offered by the applicant far outweigh any short-lived economic benefit which may be realized.
- f) **Coastal Hazards:** The entire property is located outside of the 500-year flood plain and is not affected by coastal flooding hazards.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the proposed construction of an office addition to an existing structure will not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, **subject to the following conditions:**

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or 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 approval of this permit.
3. Final Plan Approval for the proposed office addition shall be secured from the Planning Department. Plans submitted shall indicate all existing and proposed structures and facilities, access and parking stalls. Construction of the approved office addition shall be completed within three (3) years from the date of issuance of Final Plan Approval.

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4. 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 in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
5. 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 the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
6. An 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 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

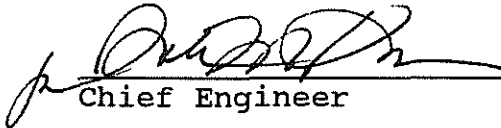
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Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director



Chief Engineer

7/14/95

Date

DSA:mjs
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xc: Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section
West Hawaii Office