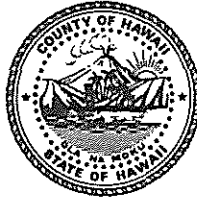


Stephen K. Yamashiro
Mayor



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

February 26, 1997

Mr. Michael J. Krochina
P.O. Box 4613
Kailua-Kona, HI 96745

Dear Mr. Krochina:

Special Management Area Use Permit Assessment Application
No. 97-11 (SMAA 97-11)

Special Management Area Minor Use Permit No. 55

Applicant: Michael J. Krochina

Request: Install a paved, landscaped automobile display area with a low perimeter wall and no buildings.

Tax Map Key: 7-5-005: 086

We are in receipt of the above-described application on February 3, 1997, to install a paved, landscaped automobile display area with a low perimeter wall and with no buildings (hereinafter referred to as "improvements"). The proposed improvements will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Minor Use Permit No. to allow the proposed improvements, for the reasons detailed below.

BACKGROUND INFORMATION

1. **Land Ownership:** The subject properties are owned by Lanihau Partners Limited Partners. The applicant is the consulting engineer for the proposed improvements.
2. **Existing Improvements:** The subject property consists of a 1.0 acre parcel, partially graded with rock and gravel. The subject property has patches of grass and no other significant vegetation.

APPLICANT'S REQUEST

3. **Request:** The applicants wish to install a paved, landscaped automobile display area with a low perimeter wall, with no buildings.

4. **Reason for Request:** The proposed improvements will upgrade the appearance of the subdivision and significantly reduce airborne dust.
5. **Total Valuation:** According to the application, the proposed improvements is anticipated to cost about \$110,000.

STATE AND COUNTY PLANS

6. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
7. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area as Medium Density.
8. **County Zoning:** The subject property is designated Village Commercial (CV-10) by the County Zoning Code.
9. **Special Management Area (SMA):** The subject property is located within the County's Special Management Area. Therefore, this Special Management Area Minor Use Permit is being issued in satisfaction of Rule No. 9 of the Planning Commission regarding the Special Management Area.
10. **Kailua Village Special District:** The subject properties are situated within an area designed as the Kailua Village Special District. Therefore, the architectural and design concepts of all buildings and structures proposed on the subject property will be subject to the review of the Kailua Village Design Commission.

DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREAS

11. **Subject Property:** The subject property, consists of a 1.0 acre parcel of land, located along the makai side of Kuakini Highway approximately 150 feet to the north of the Palani Road-Kuakini Highway intersection. The subject property is located approximately 500 feet from the nearest shoreline.
12. **Existing Uses:** The subject property is currently occupied as an automobile display area and parking lot. No grading or paving had been done on the subject property.
13. **Soil Conservation Service Soil Survey Report:** The Soil Survey Report classifies soils

within the project site as **Lava Flows, Pahoehoe (rLW)**. Lava Flows, Pahoehoe has been mapped as a miscellaneous land type. This lava has billowy, glassy surface that is relatively smooth. In some areas however, the surface is rough and broken, and there are hummocks and pressure domes. Pahoehoe lava has no soil, covering, and is typical bare of vegetation except for mosses and lichens. In the areas of higher rainfall, however, scattered ohia trees, ohelo berry, and aalii have gained a foothold in cracks and crevices.

14. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
15. **Archaeological/Floral/Fauna Resources:** An archaeological inventory survey of the subject property was not conducted by the applicant. The subject property is not identified as containing features listed on the Hawaii and National Registers of Historic Places. Therefore, there is no significant archaeological features being located on the subject property.
16. **Surrounding Land Use Designation/Uses:** The subject property is surrounded by other properties zoned at Village Commercial (CV-10), Resort-Hotel (V-.75) and General Industrial (MG-1a) by the County.

UTILITIES AND SERVICES

17. **Access:** Access to the project site is provided by Kuakini Highway.
18. **Other Essential Utilities and Services** are already provided 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 subject request, the Planning Director finds that the proposed installation of a paved, landscaped automobile display area with a low perimeter wall and its related improvements are consistent with the State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements will not interfere with recreational uses of the coastal area due to its location approximately 500 feet from the shoreline. The

site consists of a 1.0 acre parcel, partially graded with rock and gravel. The subject property has patches of grass and no other significant vegetation. Therefore, approval of the proposed improvements will have no effect on existing recreational resources within the area, which are centralized along shoreline areas far removed from the subject property.

- b) **Historical and Natural Resources:** The subject property is not known to contain any archaeological feature which have been included on the Hawaii or National Registers of Historic Places. A condition of approval will be included within this permit requiring the applicant to cease all grubbing work and to notify the Planning Department should they encounter archaeological features or sites. The proposed improvements, by itself, should not have an adverse impact to historical or natural resources within the area.
- c) **Scenic and Open Space Resources:** The subject property is not located within the area recognized by the General Plan as an example of natural beauty. The proposed improvements will not have any effect upon the County's open space and scenic resources due to its landscaping and grading. Construction activities associated with the proposed improvements will only have a temporary impact to the coastal viewplane.
- d) **Coastal Ecosystems:** The proposed improvement will install a paved, landscaped automobile display area with a low perimeter wall, and no buildings. The proposed improvements will ensure the protection of the coastal environment by improving the appearance of the subdivision and significantly reduce airborne dust. Approval of the proposed improvements will further the objectives and policies of the Coastal Zone Management Program.
- e) **Economic Uses:** Approval of the proposed improvements will have no short-term economic impacts to coastal resources. However, long term protection of the coastal environment can be viewed as having a positive economic impact.
- f) **Coastal Hazards:** The subject property is located within an area outside of the 500-year flood plain (Zone X) and is not recognized as an area affected by coastal flooding hazards.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that approval of the proposed improvements would not be contrary to the State and County policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. , 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. The applicant shall secure Final Plan Approval, which shall be completed within two years from the date of the approval of this permit. The applicant shall notify this office, in writing, upon completion of all proposed improvements.
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 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).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke this permit.

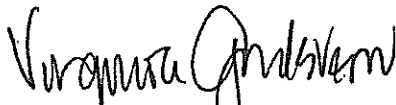
Mr. Michael J. Krochina, P.E.

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Should you have any questions, please feel welcome to contact Royden Yamasato of our Kona office at 327-3510.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

SSO:rld

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xc: Ms. Donna Fay Kiyosaki, Chief Engineer
SMA Section
West Hawaii Office