

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

August 10, 2000

Mr. Sidney M. Fuke
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Special Management Area Use Permit Assessment Application No. 00-18 (SMAA 00-18)

Special Management Area Minor Use Permit No. 92

Applicant: Pohaku Kea, LLC

Request: To Allow the Development of a 6-lot Agricultural Subdivision
and Construction of an Irrigation Well and Related Improvements

TMK: 5-8-01: 11: Kaiholena 1 & 2, North Kohala, Hawaii

We are in receipt of the above-described application on July 17, 2000, to allow the development of a 6-lot agricultural subdivision, irrigation well and related improvements within the County's Special Management Area (SMA).

Section 9-4(10)(B)(xiii) of Planning Commission Rule No. 9 regarding the Special Management Area does not recognize the subdivision of land into lots greater than 20 acres in size as "development"; thereby exempting such subdivisions from the need to secure Special Management Area Use Permits. However, such a determination can only be made when I have found that the proposed subdivision would not be contrary to the objectives and policies of Chapter 205A, HRS regarding the Special Management Area. We have carefully reviewed the project details as described within the application and find that a Special Management Area Minor Use Permit is warranted given the proximity of the proposed subdivision to Conservation-designated lands and the identification of archaeological sites within the project site.

For the reasons as discussed and pursuant to Section 9-10(E) of Planning Commission Rule No. 9, please find enclosed Special Management Area Minor Use Permit No. 92 to allow the development of a 6-lot agricultural subdivision and construction of an irrigation well within the County's Special Management Area.

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SPECIAL MANAGEMENT AREA MINOR USE PERMIT

NO. 92

Approved Development (describe in detail)

To allow the subdivision of approximately 263 acres of land into six (6) parcels ranging in size between 34+ and 71+ acres, and its related improvements. An irrigation well will be constructed within the subject property to provide irrigation water to all of the proposed lots for potential agricultural uses. No improvements or land alteration activities are proposed within that portion of the project site situated within the State Land Use Conservation District.

Applicant's Name Pohaku Kea, LLC

TMK No. 5-8-01: 11; Kalholena 1 & 2, North Kohala, Hawaii **Land Area:** 262.858 ac.

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

✓ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.

✓ The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

✓ The proposed development does not conflict with the following objectives of Chapter 205A,
Hawaii Revised Statutes to:

- ✓ Provide coastal recreational opportunities accessible to the public.
- ✓ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- ✓ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
- ✓ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
- ✓ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ✓ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- ✓ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ✓ Stimulate public awareness, education, and participation in coastal management.
- Protect beaches for public use and recreation.

✓ The proposed development is consistent with the following policies of Chapter 205A, Hawaii Revised Statutes relating to:

- o Recreational resources
- o Historic resources
- o Scenic and Open Space resources
- o Coastal Ecosystems
- o Economic Uses
- o Coastal Hazards
- o Managing Development
- o Public Participation
- o Beach Protection

✓ The proposed development conforms with the requirements of Chapter 343, Hawaii Revised Statutes regarding Environmental Impact Statements.

CONDITIONS OF APPROVAL

1. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval;
2. A shoreline public access plan shall be submitted to the Planning Director for approval prior to the submittal of plans for subdivision review. The shoreline public access plan shall provide for one mauka-makai and one lateral public shoreline access within the project site along with any provisions or restrictions on its use.
3. No land alteration activities or uses will be permitted within that portion of the project site designated as Conservation by the State Land Use Commission, as determined by its letter and map dated May 15, 2000, unless approval for such activities or uses is issued by the Department or Board of Land and Natural Resources, whichever is applicable.
4. An archaeological survey and mitigation plan shall be approved by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to the issuance of Final Subdivision Approval.
5. The applicant shall comply with the requirements and recommendations of the Department of Public Works as detailed within their memorandum dated August 7, 2000.
6. 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.

APPROVAL:



VIRGINIA GOLDSTEIN
Planning Director

8/10/00

Date