

CERTIFIED MAIL

October 31, 1984

Mr. Glenn T. Koyama
Belt, Collins and Associates
606 Coral Street
Honolulu, HI 96813

Dear Mr. Koyama:

Special Management Area (SMA) Use Permit Application
Petitioner: Red Hill Joint Venture
TMK: 7-9-12:3

The Planning Commission at its duly held public hearing on October 24, 1984, voted to approve your application, Special Management Area Use Permit No. 84-13, to allow the development of a 98-lot subdivision basically consisting of 5- and 10-acre sized lots and related improvements at Keekee-Honuaino, North Kona, Hawaii.

Approval of this request is based on the following:

Although the applicant proposes a ninety-eight (98) lot subdivision with required improvements, only 29 lots proposed within the SMA are covered under this approval recommendation. The proposed development will not create any significant adverse impact on the environment or ecological resource of the Special Management Area (SMA).

The property is not known to contain any unique ecological systems nor provide unique habitats for any endangered plants or animal species.

The entire proposed subdivision does, however, contain some significant archaeological sites as well as sites with potentially significant archaeological value. As such, this approval recommendation will require specific additional archaeological work prior to the commencement of any activity on the project site including, where appropriate, the preservation of significant archaeological sites in their original condition for the purpose of public education and cultural preservation.

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Further, although we are not considering approval of the entire 98-lot subdivision and related improvements under this SMA Use Permit, adjustments may need to be made to the proposed subdivision layout so as to accommodate those archaeological sites for preservation and, as such, may affect both the configuration as well as the number of lots in the subdivision.

The proposed project is consistent with the objectives, policies and Special Management Area guidelines as established pursuant to Chapter 205-A, HRS. These objectives and policies 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, recreational, scenic resources, coastal ecosystems, economic use and coastal hazards.

Since the subdivision proposes two lots along the shoreline which will remain in their natural condition serving as open space, natural shoreline processes as well as recreational resources along the coastal area will not be impeded by the subject proposal. The subject property is traversed by a jeep trail (old government road) which will provide portion of the mauka/makai pedestrian access to the shoreline when the proposed subdivision roadway system is completed and dedicated to the County.

There presently is no such legally established lateral and mauka/makai public accesses available along and to the shoreline. Therefore, proposed conditions of approval will require a public shoreline access plan delineating mauka/makai public accesses and an 8-foot wide lateral public pedestrian access path along the shoreline. Such a proposal will be an improvement from the existing situation as it will increase the legal accessibility to the shoreline.

Impacts from the proposed subdivision will be short-term. There may be some insignificant adverse impacts with respect to noise, dust and erosion problems associated with the proposed subdivision improvements. However, these impacts will be temporary and can be mitigated by limiting the operation of the construction equipment to normal working hours and employing muffler devices on all gasoline and diesel-power equipment. Dust could be controlled by sprinkling of water, erecting dust control screens along the downwind property line or any other mitigating measure.

The proposed subdivision is consistent with the General Plan "Extensive Agricultural" and "Orchards" designations as

well as the Unplanned and Agricultural-5 acre zoning district designations.

Based on the foregoing, it is therefore determined that those lots of proposed subdivision within the SMA will not have any substantial adverse impacts on the property or surrounding areas. Furthermore, this approval will be consistent with the objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management, Rule No. 9 of the Planning Commission relating to the Special Management Area, the General Plan of the County of Hawaii and the Zoning Code.

Approval of this Special Management Use Permit request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with the stated conditions of approval.
2. The maximum number of lots which may be created within the SMA shall be limited to 29 lots.
3. The petitioner, its successors or its assigns, shall execute a water source agreement for the proposed development with the Department of Water Supply similar to the Kona Water Source Agreement or secure a water commitment for the proposed development from the Department of Water Supply or develop a private water system meeting with the standards and approval of the Department of Water Supply within one year from the effective date of the SMA Use Permit.
4. An intensive archaeological survey within the SMA area as recommended by the archaeological report shall be conducted and two copies of the final archaeological report submitted to the Planning Department and to the State Historic Preservation Office for review and comments prior to obtaining tentative subdivision approval for any lots within the SMA.
5. Should any salvage archaeological work be necessary as a result of the intensive archaeological survey, work shall be completed prior to commencement of any subdivision improvements.
6. Should any unanticipated archaeological or historical sites be discovered during subdivision improvements, work shall immediately cease and the Planning Department shall be notified as well as the State Historic Preservation Office.

*amended
on 1-16-85*

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7. A public shoreline access plan shall be submitted to the Hawaii County Planning Department within one year from the effective date of the SMA use permit. Said shoreline access plan shall include, but not necessarily be limited to:
 - a) Location and description of a mauka/makai accesses with parking and an 8-foot wide lateral public pedestrian access path, providing continuous access from the northern boundary of the property to the southern boundary of the property.
 - b) Plans for any proposed improvements for the access path including, but not limited to, the proposed method of signage to identify the location of the public shoreline access path.
 - c) The petitioner shall, in consultation with an archaeologist, route the specific path so as to provide minimum impacts to the archaeological resources in and along the public access; further, the petitioner shall provide other mitigating measures as may be recommended by the archaeologist which would reduce indirect impacts to adjacent sites.

Upon approval of the public shoreline access plan, a Conservation District Use Application (CDUA) and/or a Shoreline Setback Variance application shall be submitted for construction or establishment of the shoreline access improvements required through this SMA Use Permit.

8. The public access path shall be described by metes and bounds and recorded with the State Bureau of Conveyances so as to provide a perpetual right of pedestrian access for the general public. A copy of the recorded document shall be filed with the Planning Department prior to obtaining final subdivision approval.
9. The petitioner, its successors or assigns, shall be responsible for the maintenance of all shoreline access paths.
10. All lots zoned Unplanned or proposed for any development requiring wastewater system and within the SMA area shall be serviced by a septic tank wastewater system meeting with the approval of the appropriate state or county agency.
11. The petitioner shall comply with all requirements of the Subdivision Control Code, including water, roadway, and access requirements as determined by the Department of

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Water Supply, Department of Public Works, and State
Department of Transportation, Highways Division.

12. Comply with all other applicable rules, regulations, and requirements.
13. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Management Area Use Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Roy Kagawa
Chairman, Planning Commission

cc: Ms. Libbey Kamasugi
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section