

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-16

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on September 14, 1988, an assessment on the application of David Lucas for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: to allow the grubbing of a vacant lot. The project site is located near the Napo'opo'o boat landing close to the intersection of the Napo'opo'o Beach Road and the "Lower Government Road", at Waipunalua-Kalamakowali, South Kona, Hawaii, TMK: 8-2-05: 16 .

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

SEE ATTACHMENT

62 David Murahe
Chief Engineer, DPW

62 Jim Smith
Planning Director

Attachment

A Special Management Area Minor Use Permit is approved 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 submit a supplemental report on subsurface testing, providing a documentation of historical artifacts and a relative chronological range for the artifacts.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the grubbing and survey 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

BACKGROUND

2344Q 9/12/88

Mr. David Lucas is requesting a Special Management Area (SMA) Permit to allow the grubbing of a vacant lot. The project site is located near the Napo'opo'o boat landing, close to the intersection of the Napo'opo'o Beach Road and the "Lower Government Road", at Waipunalua-Kalamakowali, South Kona, Hawai'i, TMK:8-2-05:16.

Specifically, the applicant proposes to clear the vegetation (all but the large trees) from a 40,176 square foot property to facilitate surveying for a three-lot subdivision. Grubbing is anticipated to cost \$2000-3000. The applicant plans to leave most of the existing stone wall alignments in place.

The General Plan Land Use Allocation Guide (LUPAG) Map designates the area for Medium Density Urban development. The State Land Use District classification is Urban. The County zoning is Single Family Residential (RS-10).

The subject property is located within the Kealakekua Bay Historical District (HRHP 10-47-7000). According to a recent archaeological survey report prepared for the parcel, prehistoric use of the property is nearly certain. Since the early historic period subsequent uses of the area for a variety of activities has eliminated any original surface structures and has mixed the subsurface midden with historic material. Existing walls and structures reflect the concentration of commercial activities and construction around the nearby Napo'opo'o landing. The State Historic Preservation Office concurs with the archaeological report in stating that the sites were significant only for their

information content. Now that the information content has been recorded they can be considered "no longer significant".

As the property is included within the Kealahou Bay Historic District, the proposed action requires compliance with Chapter 343, Hawai'i Revised Statutes, relating to Environmental Impact Statements. A negative declaration for the grubbing activity was submitted for publication in the Office of Environmental Quality Control Bulletin.

The property has been vacant for a number of decades and presently it is not in active use. Nearby properties are used for residences, are vacant or are used for pasture. Those parcels closest to the subject property are zoned RS-10, and those somewhat farther are zoned either Unplanned or RS-15.

More than three quarters of the parcel contains portions which are fairly level and the remaining portions which are sloping or uneven in topography. There are areas of exposed rock (less than a tenth of the parcel) and other areas bearing deep soil. The property is mapped as containing Kainaliu series soil, a very silty clay loam classified as a Typic Eutrandsols and derived from weathered volcanic ash and accumulated organic material.

The median annual rainfall at the parcel site is 35-40 inches per year.

The property supports some canopy-forming large monkeypod and mango trees (over a foot in diameter), and the understory is composed of either a guinea grass/koa haole community in more open areas or a mix of various shrubs and herbs in shadier portions. All the plant life is introduced, and no endangered plants or animals are known to occur on the lot.

According to the Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, the parcel is outside the flood zone areas mapped for the vicinity. The U.S. Geological Survey Tsunami Inundation Map includes only the makai portion of the parcel within the approximate limits of inundation for a 100-year tsunami. The General Plan Facilities Map indicates that the area lies within a fault zone.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed grading is not anticipated to have any adverse environmental or ecological effects. The lot preparation for the surveying and subdivision will not result in an increase of significant environmental impact to the surrounding areas.

The proposed action is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the project, it is determined that the granting of this request will not impact on the identified resources.

The proposed grading for surveying and subdivision into three houselots is consistent with the present Single Family zoned district, as well as the General Plan Medium Density Urban designation.

Based on the above, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

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