

PLANNING DEPARTMENT - PLANNING COMMISSION

COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 82-1

SPECIAL MANAGEMENT AREA MINOR PERMIT

The Planning Director completed on January 7, 1982
an assessment on the application of Lizzy M. Lum
for a Special Management Area (SMA) Minor Permit pursuant to
Section 9.7.C, Rule No. 9 of the Planning Commission Rules
Relating to Administrative Procedures, as amended. The permit
request is for: the subdivision of a 16.7927-acre parcel
into three (3) new lots. The proposed site is located on the
makai side of the Government Beach Road in Keonepoko-iki, Puna,
Hawaii (TMK: 1-5-09). 1-5-09: SS. 56.57

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

- (1) not in excess of \$25,000; and
- (2) will not significantly affect the SMA.

Therefore, with the concurrence of the Chief Engineer,
the Director hereby grants to the applicant a minor permit
under the authority vested in him by Section 9.7.C of said

- Rules, with the following condition(s) that:
1. That the applicant comply with the requirements for Subdivision Approval pursuant to Chapter 9 (Subdivision Control Code), Hawaii County Code;
 2. That a Conservation District Use Permit be secured from the Board of Land and Natural Resources for the subject subdivision; and
 3. That all other applicable rules, regulations and requirements shall be complied with. Should any of the foregoing conditions not be met, this SMA Minor Use Permit may be deemed null and void.

RK92

Chief Engineer, DPW

[Signature]

Planning Director

Attachment

BACKGROUND: LIZZY M. LUM

Lizzy M. Lum is requesting a Special Management Area (SMA) Use Permit to allow the subdivision of a 16.7927-acre parcel into three (3) new lots. The proposed site is located on the makai side of the Government Beach Road in Keonepoko-iki, Puna, Hawaii (TMK: 1-5-09).

More specifically, the applicant proposes to legalize the existence of a 6.7927-acre lot and two 5.0-acre lots, respectively. In 1970, Eric Mydell et al submitted a request for the subject subdivision. However, the request was denied in view of the policy of the Board of Land and Natural Resources of not approving subdivisions which adversely affect the purposes for which the Conservation District was established. In the meantime, the subdivision was submitted to the Bureau of Conveyances for recordation and has been platted as TMK: 1-5-09:55, 56, 57.

In support of the proposal, the applicant stated, in part, that:

"The purpose of this application is to legalize lots that are recorded under TMK: 1-5-09: 55, 56, 57 and not to change the use of subject property, which was subdivided and parceled for family intent.

"There are no alternatives to the project."

The State Land Use (SLU) designation is "Conservation." As such, the applicant must comply with the requirements for development within the Conservation District.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area Orchards and is zoned Agriculture - one acre (A-1a) by the County.

The owner of parcel 57, Benjamin Lum, is presently farming his lot. Parcels 55 and 56, owned by Theodore Young and Edmond Chow, respectively, are presently overgrown with weeds and brush. There are no structures on the lots.

There are no sites of historic significance as listed in the National Register of Historic Places situated on the property nor are there any rare or endangered flora or fauna in the area.

The surrounding area is vacant except for two residences which are located approximately 300 feet from the project site. Surrounding areas makai of the Government Road are designated Conservation by the SLU and are zoned Agricultural - 1 acre (A-1a) by the County. The areas mauka of the road are within the SLU Agriculture district and are zoned for A-3a use.

The total cost of the proposal will be approximately \$2,000.

A SMA Minor Use Permit is hereby approved based on the following findings:

1. The total cost fair market value of the proposal will not exceed \$25,000; and
2. The proposal will not result in a significant adverse effect on the SMA.

The proposed development was previously surveyed during the original request for subdivision. This request is to legalize the lots which are owned by different parties. There are no rare or endangered flora or fauna in the area. As such, the proposed development should not create any substantial adverse impact on the environmental or ecological resources of the SMA.

Furthermore, since no improvements or uses are being proposed, the granting of this request is not expected to affect the coastal resources as indentified for management purposes by the Coastal Zone Management objectives and policies.

In addition, the proposed subdivision is consistent with the General Plan and zoning designations which allow the subdivision of lots into minimum lots sizes of one acre for the area. However, a Conservation District Use Permit must be secured from the Department of Land and Natural Resources as a condition of approval of this permit for compliance with the land use requirements of the State of Hawaii.

The SMA Minor Use Permit is further approved subject to the following conditions:

1. That the applicant comply with the requirements for Subdivision Approval pursuant to Chapter 9 (Subdivision Control Code), Hawaii County Code;
2. That a Conservation District Use Permit be secured from the Board of Land and Natural Resources for the subject subdivision; and
3. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be met, this SMA Minor Use Permit may be deemed null and void.