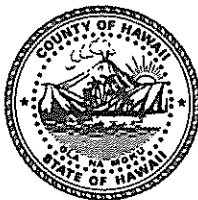


Stephen K. Yamashiro
Mayor



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 27, 1997

Ms. Candice A. Applegate
P.O. Box 1674
Honokaa, HI 96717

Dear Ms. Applegate:

Special Management Area Use Permit Assessment Application
No. 97-12 (SMAA 97-12)
Special Management Area Minor Use Permit No. 56
Applicant: Candice A. Applegate
Request: Hand Grubbing of Parcel
Tax Map Key: (3) 8-2-007: 005

We are in receipt of the above-described application on February 19, 1997, regarding the proposed hand grubbing of tax map key 8-2-007: 005. The proposed hand grubbing activities will not exceed \$125,000 in valuation. It has been determined that the proposed hand grubbing activity will not have a significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 56 to allow the proposed hand grubbing activities, for the reasons as detailed below.

BACKGROUND INFORMATION

1. **Land Ownership:** The subject property is owned by Candice A. Applegate.

APPLICANT'S REQUEST

2. **Request:** The applicant wishes to hand clear the parcel. Parcel at present is over-grown with local vegetation, and it will improve the appearance of the parcel and be more in keeping with the rest of the subdivision.
3. **Reason for Request:** The purpose of the hand grubbing activity is to improve the appearance of the parcel and be more in keeping with the rest of the subdivision.

Ms. Candice A. Applegate

Page 2

February 27, 1997

4. **Total Valuation:** According to the application, the total cost of the activity has not been determined yet.

STATE AND COUNTY PLANS

5. **State Land Use District:** The project site is designated Urban by the State Land Use District.
6. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area as Medium Density.
7. **County Zoning:** The subject property is designated Single Family Residential (RS-15) by the County Zoning Code.
8. **Special Management Area (SMA):** The project site 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.

DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

9. **Subject Properties:** The subject property is 15,000 square feet, located on the mauka side of Puuhonoua Road approximately 300 feet from the Puuhonoua Road-Napoopoo Beach Road intersection. The subject property is located approximately 500 feet from the nearest shoreline.
10. **Existing Uses:** The project site is currently vacant of any use and is heavily over-grown with local vegetation.
11. **Soil Conservation Service Soil Survey Report:** The Soil Survey Report classifies soils within the project site as Lava Flows, Aa (rLV). Lava Flows, Aa has been mapped as a miscellaneous type. This lava has practically no soil covering and is bare of vegetation, except for mosses, lichens, ferns and a few small ohia trees. It is at an elevation ranging from near sea level to 13,000 feet and receives from 10 to 250 inches of rainfall annually. It is associated with pahoehoe lava flows and many soils.
12. **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).

Ms. Candice A. Applegate

Page 3

February 27, 1997

13. **Archaeological Resources:** An archeological inventory survey of the subject property was done and found no information regarding the presence or absence of archaeological or historical features on the subject property.
14. **Floral/Fauna Resources:** The project site is not anticipated to be an essential habitat for any endangered species of plants or animals.
15. **Surrounding Land Use Designation/Uses:** The subject property is surrounded by other properties zoned at Single Family Residential (RS-15) and Agricultural (A-5a) by the County.

UTILITIES AND SERVICES

16. **Access:** Access to the project site is provided by Puuhonua Beach Road.
17. **Other Essential Utilities and Services** are not necessary to accommodate the proposed grubbing activity.

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 hand grubbing activities are consistent with the State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed activity will not interfere with recreational uses of the coastal area due to its location approximately 500 feet from the shoreline. The subject property is 15,000 square feet in area, and is over-grown with local vegetation, and it will improve the appearance of the parcel and be more in keeping with the rest of the subdivision. Therefore, approval of the proposed activity 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:** An archaeological survey inventory survey was done and found no information regarding the presence or absence of archaeological or historical features on the subject property.

Ms. Candice A. Applegate

Page 4

February 27, 1997

- 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 activity will not have any effect upon the County's open space and scenic resources due to its landscaping and grading.
- d) **Coastal Ecosystems:** The applicant wishes to hand grub the parcel. Parcel at present is over-grown with local vegetation, and it will improve the appearance of the parcel and be more in keeping with the rest of the subdivision. Approval of the proposed activity will further the objectives and policies of the Coastal Zone Management Program.
- e) **Economic Uses:** Approval of the proposed activity 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 Hazard:** 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 activity 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. Grubbed material from the subject property site shall be removed from the project site in a timely and proper manner.
4. The proposed activity 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.

Ms. Candice A. Applegate

Page 5

February 27, 1997

5. 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.

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

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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