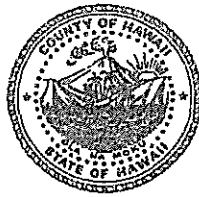


Harry Kim  
*Mayor*



Christopher J. Yuen  
*Director*

Roy R. Takemoto  
*Deputy Director*

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

May 6, 2003

Mr. Gregory Mooers  
Mooers Enterprises, LLC  
P O Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

**SUBJECT: Special Management Area Use Permit Assessment Application (SMAA 03-17)**  
**Special Management Area (SMA) Minor Use Permit No. 136 (SMM No. 136)**  
**Applicant: Desmond Twigg-Smith**  
**Request: Construction of a Single Family Dwelling and related improvements**  
**TMK: 8-3-6:5, Ke'ei 2nd, South Kona, Hawai'i**

This is to follow-up on our April 8, 2003 letter relating to above-referenced Special Management Area Assessment for the construction of the two-story single family dwelling and septic field system on the subject kuleana parcel.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A) relating to Special Management Area, the construction of this proposed single family dwelling is defined as "development" as it is considered a part of a larger development. Therefore, the proposed development requires a Special Management Area Minor Use Permit. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Use Permit No. 136 is hereby issued to allow the two-story single family dwelling, approximately 1,808 square feet in size, and septic field system, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. Gregory Mooers

Page 2

May 6, 2003

Should you have any further questions, please feel free to contact Alice Kawaha or Susan Gagorik of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

AK:pak

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Enclosures - SMM No. 136

Department of Public Works April 13, 2003 Memo

xc w/encls: Mr. Peter T. Young, Chairperson, BLNR  
Long Range Planning (Susan Gagorik)  
Planning Department – Kona  
DPW, Building Division – Kona

# **SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 136**

**Approved Development:**

Construction of a two-story, one bedroom single family dwelling, approximately 1,808 square feet in size, and septic field system on a kuleana parcel.

**Applicant's Name:** Desmond Twigg-Smith

**TMK:** 8-3-6:5

Ke'ei 2nd, South Kona, Hawai'i

**Land Area:** 14,351 Square Feet

## **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.

An SMA Minor Permit No. 136 is issued for a two-story, one bedroom single family dwelling, approximately 1,808 square feet in size, and septic field system, which will not be in excess of \$125,000 in valuation; and after reviewed by the Chief Engineer for compliance with Chapter 27, Flood Control, of the Hawai'i County Code will not have a substantial adverse effect on the Special Management Area. The proposed development is consistent with the following objectives and 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 Hawai'i County General Plan and Zoning Code.

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

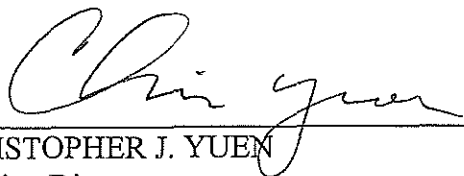
Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ 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 tsunامي, 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:
  - ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
  - ☒ Beach Protection
  - ☒ Marine Resources
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact

### Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 136 will be effective upon the granting of a Conservation District Use Permit (CDUP) from the Board of Land and Natural Resources.
3. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
4. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN  
Planning Director

5/9/07

Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

2003 APR 17 AM 9 08  
DATE: April 13, 2003

PLANNING DEPARTMENT  
COUNTY OF HAWAII

## Memorandum

TO : Christopher J. Yuen, Planning Director  
Planning Department

FROM : Galen M. Kuba, Division Chief *GK*  
Engineering Division

SUBJECT : SMA Use Permit Application (SMAA 03-17 )  
Applicant: Desmond Twigg-Smith  
Location: Keei 2<sup>nd</sup>, South Kona, HI  
TMK: 3 / 8-3-006:005

We reviewed the subject application and our comments are as follows:

### DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
2. Flood Zone "AE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated September 16, 1988. Any new construction or substantial improvements within the Special Flood Hazard Area will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

### EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
3. The applicant shall comply with chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA  
PLNG-KONA