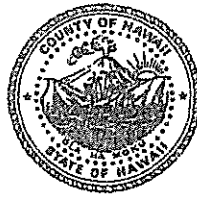


Harry Kim  
*Mayor*



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 7, 2003

Muhammad Yunis, D.V.M.  
RR2 Box 3918  
Pāhoa, HI 96778

Dear Dr. Yunis:

**SUBJECT: Special Management Area Use Permit Assessment Application (SMAA 03-21)**  
**Special Management Area (SMA) Minor Use Permit No. 137 (SMM No. 137)**  
**Applicant: Muhammad Yunnis, D.V.M.**  
**Request: Construction of a Second Single Family Dwelling**  
**TMK: 1-4-11:20 Kapoho Beach Lots, Puna Hawai'i**

This is to follow-up on our April 17, 2003 letter relating to above-referenced Special Management Area Assessment for the construction of a second single family dwelling on the subject parcel.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, a second single family dwelling is considered "Construction, reconstruction, or alteration of the size of any structure" and defined as "development", therefore, a Special Management Area Minor Use Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area, Minor Use Permit No. 137 is hereby issued to allow the construction of a second single family dwelling, approximately 1,008 square feet in size, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Muhammad Yunis, D.V.M.

Page 2

May 7, 2003

In addition, due to the presence of ponds on your property, prior to grubbing, grading or commencement of construction, please contact Lolly Silva of the U.S. Army Corps of Engineers at (808) 438-7023. Prior to any land alteration activity on the site, you are required to submit written documentation from the Corps allowing the proposed use. Further, according to the Department of Public Works, the proposed dwelling will be constructed on the subject property within an area designated as Flood Zone AE by the Federal Emergency Management Agency (FEMA), with a base flood elevation of 16. Therefore all construction shall be above the base flood elevation of 16.

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

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

SG:pak

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Enclosures - SMM No. 137

Department of Public Works April 22, 2003 Memo

xc w/encls: Long Range Planning (Susan Gagorik)  
Planning Department – Kona  
DPW, Building Division – Kona  
Corp of Engineers

# **SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 137**

**Approved Development:**

Second single family dwelling, approximately 1,008 square feet in size.

**Applicant's Name:** Muhammad Yunis, D.V.M.

**TMK:** 1-4-11:20

**Land Area:** 47,445 Square Feet

Kapoho Beach Lots Subdivision, Puna, Hawai'i

## **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. 137 is issued for a second single family dwelling, approximately 1,008 square feet in size, 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**

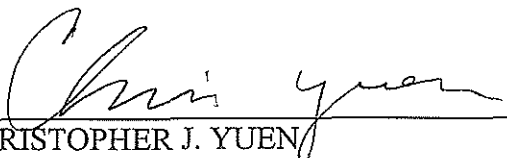
Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ 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. Written clearance shall be secured from the Army Corps of Engineers, with a copy to the Planning Department, prior to any land alteration or construction activities.
3. Construction and/or land alteration activities shall not disturb pond areas.
4. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
5. 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

5/9/03  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

2003 APR 22 PM 1:30 DATE: April 22, 2003

PLANNING DEPARTMENT  
COUNTY OF HAWAII

*Memorandum*

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION NO. 03-21

Applicant: Muhammad Yunis D.V.M.

Request: Establish a Second Single Family Dwelling

TMK: 1-4-11-020 *OK*

We have reviewed the subject application forwarded by your memo dated April 15, 2003 and have the following comments.

The subject parcel is in an area that is designated as Flood Zone AE and VE by the Federal Emergency Management Agency (FEMA). The proposed second dwelling is located within Flood Zone AE - the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations have been determined. The base flood elevation is 16, or 16 feet above mean sea level.

All development shall comply with Chapter 27, Flood Control, of the Hawaii County Code. Generally, the Code will require the subject dwelling be constructed above the base flood elevation.

KG