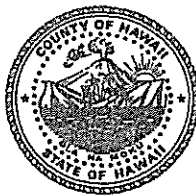


Harry Kim
Mayor



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

June 26, 2003

Mr. Steve Shropshire
Shropshire Group LLC
P. O. Box 1146
Hilo, HI 96721

Dear Mr. Shropshire:

SUBJECT: Special Management Area Use Permit Assessment Application (SMAA 03-29)
Special Management Area Minor Permit No. 138 (SMM No. 138)
Applicant: Steve Shropshire
Request: 6-Lot Subdivision
Tax Map Key: 3-2-2:36 & 37

This is to follow-up on our May 30, 2003 letter relating to the above-referenced Special Management Area Use Permit Assessment for a 6-lot subdivision on the subject parcels.

These parcels are zoned Residential and Agricultural (RA-.5a) by the County and designated Rural by the State Land Use Commission.

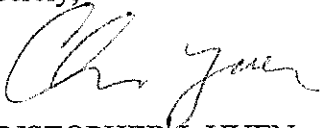
Pursuant to Planning Commission Rule 9-10(E), Special Management Area Minor Permit No. 138 is hereby issued to allow for the 6-lot subdivision, subject to the applicant's compliance with the conditions of approval as specified in the permit.

According to Hawaii Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(10)A(iii), relating to Special Management Area, the 6-lot subdivision is considered "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*" and defined as "development". The proposed subdivision will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. Also, although the General Plan designation of both parcels are Low Density Urban/Open, the County zoning is Residential and Agricultural - half acre (RA-.5a). There will be five lots meeting the minimum half-acre density required by the Zoning Code, and a roadway lot 1.601 acres in size. Therefore, Special Management Area Minor Permit No. 138 was issued for the proposed 6-lot subdivision.

Mr. Steve Shropshire
Shropshire Group LLC
Page 2
June 26, 2003

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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Enclosures - SMM No. 138
Department of Public Works June 5, 2003 Memo

xc w/encls: Long Range Planning - Ms. Susan Gagorik
DPW, Building Division – Hilo

SPECIAL MANAGEMENT AREA MINOR PERMIT NO. 138

Approved Development:

Subdivide a 10.478-acre parcel into a subdivision of six lots (five lots meeting the minimum .5 acre lot size and one 1.601 acre roadway lot)

Applicant's Name: Steve Shropshire

TMK: 3-2-2:36 & 37
Hakalau Nui, South Hilo, Hawaii

Land Area: 10.478 acres based on usable land area west (mauka) of top of pali, according to County of Hawaii Real Property Tax Office records and map.

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 Permit requires that activity be consistent with all objectives & policies.

SMA Minor Permit No. 138 is issued for a subdivision of six lots (five lots meeting the minimum .5 acre lot size and one 1.601 acre roadway lot), with improvements not in excess of \$125,000 in valuation; and after review by the Chief Engineer for compliance with Chapter 27, Flood Control, of the Hawaii 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 Hawaii 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 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 tsunami, 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
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact Statements.

Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Subdivision Approval shall be secured within three (3) years from the effective date of this permit.
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. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls, will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigation measures are taken for the discovery, with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
5. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
6. The Planning Director may grant an extension of time upon the following circumstances:
 - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

7/1/03

Date

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DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: June 5, 2003

2003 JUN 5 AM 10 16

Memorandum

PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for* *by* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION NO. 03-29

Applicant: Steve Shropshire

Request: 6-Lot Subdivision

TMKs: 3-2-02: 036 & 037

We have reviewed the subject application forwarded by your memo dated May 30, 2003 and offer the following comment for your consideration.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as Zone X - an area determined to be outside the 500-year flood plain (may include areas with unknown flood hazards and/or tsunami inundation).

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

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