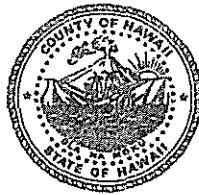


Harry Kim
Mayor



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

October 1, 2003

Mr. Carlos A. Parisi
P. O. Box 404
Honomu, HI 96728-0404

Dear Mr. Parisi:

Special Management Area Use Permit Assessment Application (SMAA 03-52)
Special Management Area Minor Permit No. 142
Applicant: Carlos A. Parisi
Request: Legitimize the construction of an approximately 2-foot high, 16-inch wide and 657-foot long rock wall along the cliff
Tax Map Key: 2-8-13:10, Honomu, South Hilo, Hawai'i

This is to acknowledge receipt of the above referenced application on August 27, 2003, and letter of authorization from Anita L. S. Parisi on September 9, 2003.

The application was submitted, in part, as a result of a Special Management Area violation for the construction of a concrete pathway along the southeast portion of the subject property. This pathway was subsequently removed.

Noted during the site inspection of the property was an approximately 2-foot high, 16-inch wide and 657-foot long rock wall constructed without a Special Management Area Use Permit Assessment. As part of the residential improvement of the property, this wall was installed primarily for safety purposes as the cliff drops 150'-200' down to the rocky oceanfront.

It does not function as a seawall as it is located at the top of the cliff. In addition, this wall does not block any public access to the sea. The total cost/fair market value of the wall is \$9,855.00.

The subject 3.725 acre parcel is designated Intensive Agriculture/Open by the General Plan's Land Use Pattern Allocation Guide Map. It is zoned Agricultural (A-20a) by the

Mr. Carlos A. Parisi

Page 2

October 1, 2003

County and designated Agricultural and Conservation by the State Land Use Commission. The State Land Use Agricultural/Conservation line follows the mauka side of the old dirt road. Therefore, the wall is located in the Conservation area of the parcel.

In the Conservation area of the parcel, there is no County zoning per se. Therefore, the Department of Land and Natural Resources (DLNR) has jurisdiction on any use which occurs in this Conservation area. It is our understanding that you have been in contact with the DLNR regarding this wall.


According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i) relating to Special Management Area, the construction of an approximately 2-foot high, 16-inch wide and 657-foot long rock wall is considered to be "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" and defined as "development". Therefore, a Special Management Area Minor Permit is required.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 142 is hereby issued to allow for an approximately 2-foot high, 16-inch wide and 657-foot long rock wall, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning, Department of Public Works and DLNR requirements must also be satisfied.

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

ETI:mad

P:\WPWIN60\CZM\SMM\2003\SMM142LParisi.doc

Enclosures - SMM No. 142

Department of Public Works September 23, 2003 Memo

Mr. Carlos A. Parisi

Page 3

October 1, 2003

xc w/encls: ~~Long~~ Range Planning - Ms. Susan Gagorik
Planning – Mr. Norman Hayashi

**SPECIAL MANAGEMENT AREA MINOR PERMIT
NO. 142**

Approved Development:

Legitimize the construction of an approximately 2-foot high, 16-inch wide and 657-foot long rock wall along the cliff. As part of the residential improvement of the property, this wall was installed primarily for safety purposes as the cliff drops 150'-200' down to the rocky oceanfront. It does not function as a seawall as it is located at the top of the cliff. In addition, this wall does not block any public access to the sea.

Applicant's Name: Carlos A. Parisi

TMK: 2-8-13:10

Honomu, South Hilo, Hawai'i

Land Area: 3.725 acres

**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.

An SMA Minor Permit No. 142 is issued to legitimize the construction of an approximately 2-foot high, 16-inch wide and 657-foot long rock wall along the cliff, which will not be in excess of \$125,000 in valuation; and after review 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**

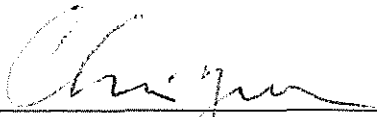
Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

- ☒ 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
- ☒ Marine Resources
- ☒ 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. Applicant shall secure 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

Oct 1, 2003

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2003 SEP 23 PM 2 08

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: September 23, 2003

Memorandum

TO: Christopher J. Yuen, Planning Director

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

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 03-52)

Applicant: Carlos A. Parisi

Request: Legitimize a Two Feet High Rock Wall Along the Cliff

TMK: 2-8-13: 010

We have reviewed the subject application for compliance with Chapter 27 forwarded by your memo dated September 17, 2003 and have no objections to the request.

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

KG

041266