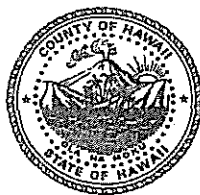


Harry Kim
Mayor



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

November 10, 2004

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo HI 96720

Dear Mr. Fuke:

Subject: Special Management Area Use Permit Assessment Application (SMAA 04-89)
Special Management Area Minor Permit No. 169 (SMM 169)
Applicant: Denise Norman
Request: Three (3)-Lot Subdivision and Related Improvements
TMK: 3-6-1:13, Manowaiopae Homesteads, North Hilo, Hawaii

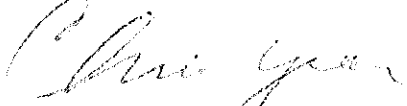
This is in regards to a Special Management Area Minor Permit that was issued to you on Nov. 4, 2004 for the subject parcel. In error, we issued a duplicate number, SMM 167, for your permit. Please replace the previously mailed November 4, 2004 cover letter and SMM 167 with the attached corrected cover letter and SMM 169 which changes all references to the newly issued number.

We apologize for any inconvenience this may have caused you.

Mr. Sidney M. Fuke
Planning Consultant
Page 2
November 10, 2004

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

SG:cd

P:\WPWIN60\CZM\SMM\2004\SMM169LCorrection FukeNorman.rtf

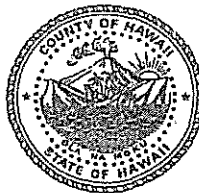
Enclosures - SMM No. 169

Department of Public Works October 14, 2004 Memo

Department of Water Supply October 22, 2004 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik
Planning – Mr. Norman Hayashi
SUB 2004-0114

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

Special Management Area Minor Permit No. 169

Project: Three (3)-Lot Subdivision and Related Improvements
Applicant: Denise Norman
Land Owner: Denise Norman
Location: Manowaiopae Homesteads, North Hilo, Hawaii
TMK: (3) 3-6-1:13 Land area: 1.642 acres

Applicant's Request

1. Project Description:

The applicant proposes to subdivide the subject property into three lots. Proposed Lot 1, consisting of 0.390 acre, has been residentially developed. Proposed Lot 2 will consist of 0.461 acre and proposed Lot 3 will be 0.791 acre. Improvements required in connection with the proposed subdivision may include the expansion of the existing 18+ foot wide private road within a 50-foot right-of-way and the installation of a water lateral for the two undeveloped lots.

SMA Use Permit No. 303 was approved by the Planning Commission on November 5, 1990 for the construction of four single-family dwellings on the subject parcel. The current owner does not wish to proceed with this development and has requested that this permit be voided.

2. Purpose of Project:

The project is intended to create two additional lots for single-family residential use.

3. Project Valuation: \$80,000.00

4. Determination:

According to Hawaii Revised Statutes, Chapter 205A and Planning Commission Rule 9-4(10(B)(xii)), the "subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed, provided that any land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels" is not a "development".

However, the proposed project may include the installation of a water lateral and possible improvements to the private road that would cost approximately \$80,000. Therefore, the Director has determined that this three (3) lot subdivision is not exempt from the definition of "development" and requires a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Intensive and Extensive Agriculture.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-15).
4. **Special Management Area:** The subject property is located in the SMA. However, it does not have frontage along the ocean.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), 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 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 the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, 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.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, 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 to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, the proposed 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The subject parcel does not front the coastline.

The estimated project cost of approximately \$80,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request provided that the requirements of the subdivision code are met.

The Department of Water Supply has submitted a copy of their September 14, 2004 memorandum listing requirements that must be complied with prior to final subdivision approval.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 169** is hereby approved to allow the subdivision of the subject property into three (3) lots, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 169** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Use Permit No. 303 shall be voided by the Planning Commission prior to Final Subdivision Approval.
3. Final Subdivision Approval shall be secured within three (3) years from the effective date of this permit.
4. Future development of the proposed lots shall be subject to review against the SMA guidelines as such plans are implemented.
5. 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 mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
6. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances: 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;
 - a) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and

- b) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

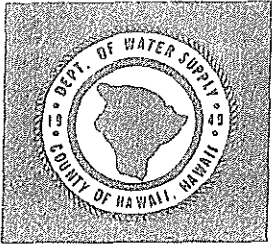
APPROVED:



CHRISTOPHER J. YUEN
Planning Director

November 4, 2004

Date



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

October 22, 2004

2004 OCT 25 AM 8:14
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Christopher J. Yuen, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager

SUBJECT: SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT
APPLICATION (SMAA 04-89)
APPLICANT – DENISE NORMAN
REQUEST: THREE (3)-LOT SUBDIVISION AND RELATED
IMPROVEMENTS
TAX MAP KEY 3-6-001:013

We have reviewed your request and we are enclosing a copy of our memorandum to the Planning Department for Subdivision Application No. 2004-0114 dated September 14, 2004, for our comments.

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.

Sincerely yours,

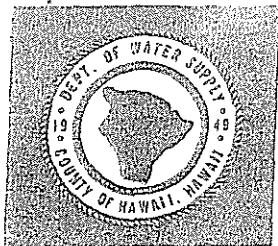
Milton D. Pavao, P.E.
Manager

SHK:dfg

Enc.

061160

... Water brings progress...



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKUANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

September 14, 2004

TO: Mr. Christopher J. Yuen, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager

SUBJECT: SUBDIVISION APPLICATION NO. 2004-0114
APPLICANT - DENISE A. NORMAN
TAX MAP KEY 3-6-001:013

We have reviewed the subject application for the proposed subdivision and have the following comments.

✱
Water can be made available from an existing 6-inch waterline along the Māmalahoa Highway fronting the property in accordance with the Department's existing water availability conditions, which are subject to change without notice.

Pursuant to Rule 5 of the Department's Rules and Regulations, a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the 2 additional lots requested in the proposed 3-lot development, the required water commitment deposit is \$300.00.

Remittance by the applicant of the \$300.00 is requested as soon as possible so that a water commitment may be formally issued. The commitment will be in writing with specific conditions and effective dates stated. Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change without notice, depending on the water situation.

For the applicant's information, final subdivision approval will be subject to compliance with the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. ✱
installation of a service lateral that will accommodate a 5/8-inch sized meter to each lot,
and

... *Water brings progress...*

Mr. Christopher J. Yuen, Planning Director
Page 2
September 14, 2004

- b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.
2. Submit construction plans and design calculations prepared by a professional engineer, architect, or land surveyor, registered in the State of Hawai'i, for review and approval.
3. Remit the prevailing facilities charge, which is subject to change, of \$11,000.00 as shown below:


FACILITIES CHARGE (FC):

1 existing service to lot	
2 additional lots @ \$5,500.00/lot	\$11,000.00

This is due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

Should there be any questions, please contact Mr. William Atkins of our Water Resources and Planning Branch at 961-8070, extension 254.

Sincerely yours,



Milton D. Pavao, P.E.
Manager

WA:sco

copy - (w/att.) Ms. Denise Norman
(w/o att.) Island Survey, Inc.
(w/o att.) DWS Customer Service Section (Hilo)

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 14, 2004

2004 OCT 14 PM 2 17

Memorandum

PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 04-89)

Applicant: Denise Norman

Request: Three-Lot Subdivision and Related Improvements

Reference: Subdivision No. 2004-0114

DPW Folder No.: 3643-A

TMK: 3-6-01: 013

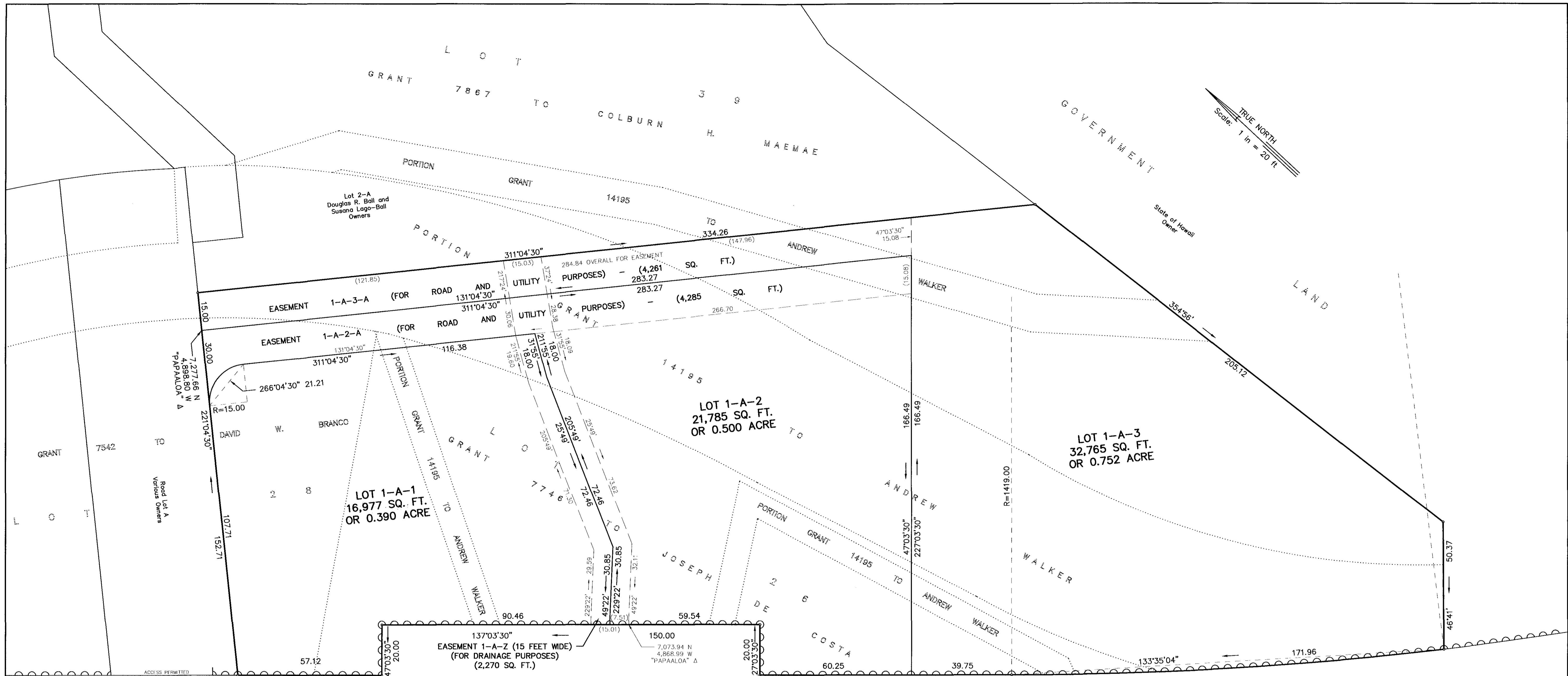
We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated October 11, 2004 and have no objections to the request provided the requirements of the subdivision code are met.

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 floodplain (may include areas with unknown flood hazards and/or tsunami inundation).

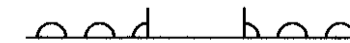

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG

060641



OWNER: DENISE A. NORMAN
76 Elm Street
San Carlos, CA 97070

NOTES:
 = ACCESS PERMITTED
 = NO VEHICULAR ACCESS

HAWAII BELT ROAD SDR 3(17)

PLAN SHOWING
 SUBDIVISION OF LOT 1-A INTO
 LOTS 1-A-1, 1-A-2 AND 1-A-3

AND THE DESIGNATION OF EASEMENT 1-A-Z
 (FOR DRAINAGE PURPOSES) &
 EASEMENTS 1-A-2-A AND 1-A-3-A
 (FOR ROAD AND UTILITY PURPOSES)

BEING PORTIONS OF GRANT 14195 TO ANDREW WALKER,
 PORTION OF GRANT 7542 TO DAVID W. BRANCO,
 PORTION OF GRANT 7746 TO JOSEPH DE COSTA AND
 PORTION OF GRANT 7867 TO COLBURN H. MAEMAE

MANOWAIOPAE HOMESTEADS

MANOWAIOPAE, NORTH HILO, ISLAND OF HAWAII, HAWAII

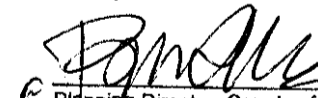
Survey and Plan by Island Survey, Inc.

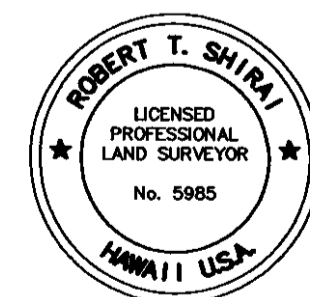
P.O. Box 4215, Hilo, Hawaii 96720

July 12, 2004

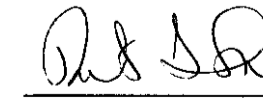
Revised December 13, 2006

SUBDIVISION NUMBER SUB-04-000114
 APPROVED FOR RECORDATION with the Bureau of
 Conveyances, State of Hawaii


 Planning Director, County of Hawaii
 Date: NOV 20 2004



This work was prepared by me
 or under my supervision.


 ROBERT T. SHIRAI, PLS
 State of Hawaii Cert. No. LS-5985
 License Expires April 30, 2008