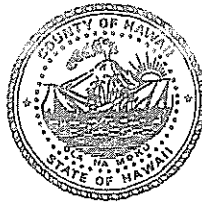


Susan

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

July 14, 2005

Mr. Ronald Smith
Mr. Richard Gorman
P. O. Box 1317
Pahoa HI 96778

Dear Messrs. Smith and Gorman:

Subject: Special Management Area Use Permit Assessment Application (SAA 05-000051)
Special Management Area Minor Permit No. SMM 05-000005
Applicants: Ronald Smith and Richard Gorman
Land Owner: Ronald Smith
Request: Hand-clearing of Property to Determine the Topography
Tax Map Key: 2-1-14:4 and 5, Keaukaha, South Hilo, Hawaii

This is to follow up on our July 1, 2005 letter relating to the above-referenced Special Management Area assessment for the hand-clearing of the property to determine the topography of the parcels.

Both parcels are zoned Resort-Hotel (V-.75) by the County and designated Urban by the State Land Use Commission. They are also designated Resort by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is 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. 05-000005 is hereby issued to allow for the hand-clearing of the properties to determine topography, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Hawaii County is an equal opportunity provider and employer.

Mr. Ronald Smith
Mr. Richard Gorman
July 14, 2005
Page 2

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Please note, however, that any further activity on or development of the properties will require the submittal of another Special Management Area Use Permit Assessment Application for the proposed use.

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: je

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Enclosures - SMM No. 05-000005
Department of Public Works July 7, 2005 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik
Planning Commission

Roy R. Takemoto
Deputy Director

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 05-000005

Project: Hand-clearing of Property to Determine Topography
Applicants: Ronald Smith and Richard Gorman
Land Owner: Ronald Smith
Location: Keaukaha, South Hilo, Hawaii, Island of Hawaii
TMK: 2-1-14:4 **Land Area:** 7,840 square feet
TMK: 2-1-14:5 **Land Area:** 55,011 square feet

Applicant's Request

1. Project Description:

The applicants propose to hand-clear the properties to remove undergrowth and brush, cut saplings and remove trash. Larger trees will not be touched and no work will occur in the ponds.

2. Purpose of Project:

The purpose is to determine the topography of the subject parcels.

3. Project Valuation: \$2000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(ii) relating to the Special Management Area, the “*Grading, removing, dredging, mining, or extraction of any materials*” is defined as “development.” Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the properties as Resort.
3. **County Zoning:** Both parcels are zoned Resort-Hotel (V-.75) by the County.
4. **Special Management Area:** The subject properties are located in the SMA.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject properties are located in an area designated as VE, which is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

The project sites are not shoreline properties. Therefore, the proposed improvements will not affect the shoreline recreational resources available to the public.

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 tsunamis, 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, 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 estimated project cost of approximately \$2000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has no objections to the request. A copy of this memo is enclosed.

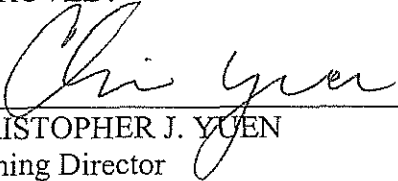
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000005** is hereby approved to allow for the hand-clearing of the properties to determine the topography.

Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 05-000005 subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.
4. The applicant shall comply with all applicable requirements of the State of Hawaii-Department of Health and the Hawaii County-Department of Public Works and applicable requirements of other affected agencies.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director

7/13/05
Date