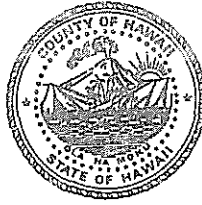


Harry Kim  
Mayor



Susan  
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

August 1, 2005

Mr. Bruce Kawamura  
BK, Inc.  
675 Kinoole Street  
Hilo, HI 96720

Dear Mr. Kawamura:

**Subject: Special Management Area Use Permit Assessment Application (SAA 05-000058)**  
**Special Management Area Minor Permit No. 05-000008 (SMM 05-000008)**  
**Applicant: Chris Tamm**  
**Land Owner: Chris Tamm**  
**Request: After-the-Fact and Proposed Completion of Grading Activities**  
**Tax Map Key: 2-1-6:2, Waiakea, South Hilo, Hawai'i**

This is to follow up on our July 22, 2005 letter relating to the above-referenced Special Management Area Assessment for the after-the-fact and proposed completion of grading activities on a portion of the subject property.

The property is zoned Resort-Hotel (V-.75) by the County and designated Urban by the State Land Use Commission. It is also designated Industrial 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.

*Hawai'i County is an Equal Opportunity Provider and Employer*

Mr. Bruce Kawamura

August 1, 2005

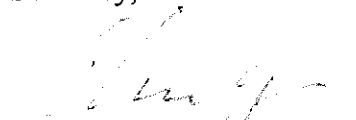
Page 2

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 05-000008 is hereby issued to allow for the after-the-fact and proposed completion of grading activities on a portion of the subject property, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Please note, however, that any further activity on or development of the property 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

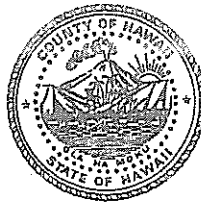
AK: je

P:\WPWIN60\CZM\SMM\2005\SMM L Tamm.doc

Enclosures - SMM No. 05-000008  
Department of Public Works July 22, 2005 Memo

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

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

#### Special Management Area Minor Permit No. 05-000008

**Project:** After-the-Fact and Proposed Completion of Grading Activities  
**Applicant:** Chris Tamm  
**Land Owner:** Chris Tamm  
**Location:** Waiakea, South Hilo, Hawai'i, Island of Hawai'i  
**TMK:** 2-1-6:2 **Land Area:** 1.795 acres  
(0.18 acre – graded area)

#### Applicant's Request

##### 1. Project Description:

In November of 1999, the former owner was cited for grading without the proper permits, and grading work was never completed. A grading permit was prepared, however, no permit was obtained. The grading area consists of 0.18 acre with 311 cubic yards of fill. The former owner had imported approximately 300 cubic yards of material to create a proposed building pad. Work ceased with approximately one-third of the material still stockpiled on the property. The applicant purchased the property in May 2005 and intends to obtain the necessary permits to complete the grading of the project site.

##### 2. Purpose of Project:

The purpose is to clear overgrown weeds and to complete the grading per plan. There is no major construction planned at this time.

##### 3. Project Valuation: \$5,000

##### 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 property is 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 property as Industrial.
3. **County Zoning:** The parcel is zoned Resort (V-.75) by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), a very small portion along the northwest side of the subject property is located within Flood Zone VE. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. The remaining portion of the property is designated as Zone X (the area determined to be outside the 500-year floodplain) by the Federal Emergency Management Agency (FEMA). It should be noted that the grading activities are located in the area of Zone X.

### Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project site is not a shoreline property. It is located on the mauka side of Kalanianaʻole Street and more than 240 feet from the nearest water edge (Ice Pond). Therefore, the proposed grading activities will not affect the shoreline recreational resources available to the public nor impact the coastal environment.

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, 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 \$5,000 is not in excess of \$125,000.

The Department of Public Works (DPW) – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has stated that a very small portion of the property is located within Flood Zone VE and the remainder is designated Zone X ( the area determined to be outside the 500-year floodplain.) DPW has also stated that the proposed grading shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code. A copy of DPW's memorandum is enclosed. The grading area is located at the southeast corner of the property that is designated as Zone X.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000008** is hereby approved to allow for only the grading activities of a portion of the property.

<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. 05-000008** 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 obtain the applicable grading permit from the Department of Public Works, relating to conformance to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.
3. 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.

APPROVED:

  
\_\_\_\_\_  
CHRISTOPHER J. YUEN  
Planning Director

8/2/05  
\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: July 22, 2005

*Memorandum*

TO: Christopher J. Yuen, Planning Director

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

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 05-058)**

Applicant: Chris Tamm

Request: After-the-Fact Grading

TMK: 2-1-06: 002

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated July 22, 2005 and offer the following comments for your consideration.

A very small portion along the northwest side of the subject parcel is located within Flood Zone VE as shown on the plan by R. Shirai, LPLS (revised 3/04/05) included in the subject application. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. The remainder of the property is designated as Zone X (the area determined to be outside the 500-year floodplain).

The applicant shall obtain a grading permit in conformance with Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

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

KG