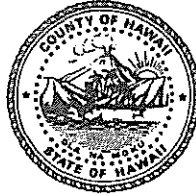


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

April 27, 2006

Mr. Ronald Smith
P.O. Box 133
Hakalau HI 96710

Dear Mr. Smith:

Subject: Special Management Area Use Permit Assessment Application (SAA 06-000141)
Special Management Area Minor Permit No. 06-000030
Applicant: Ronald Smith
Request: Consolidation of Two (2) Lots and Subdivision into Four (4) Lots
Tax Map Key: 2-1-14:4 & 5, Keaukaha, South Hilo, Hawaii

This is to follow up on our April 7, 2006 letter relating to the above-referenced Special Management Area assessment for the consolidation of two (2) lots and the subsequent subdivision into four (4) lots.

The subject properties are zoned Resort-Hotel (V-.75) by the County and designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Resort.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 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 will include the installation of a water lateral that would cost approximately \$40,000. Further, there are numerous ponds, large and small, that are scattered across the subject parcels.

Based on the foregoing, 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. 06-000030** is hereby issued to allow for the consolidation of two (2) lots and the subsequent subdivision into four (4) lots, subject to the applicant's compliance with the conditions of approval as specified in this permit.

Mr. Ronald Smith

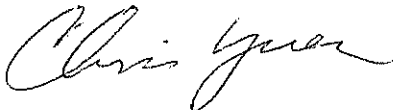
Page 2

April 27, 2006

Finally, all other applicable Zoning and Building Code 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, extension 257 or 258, respectively.

Sincerely,



CHRISTOPHER J. YUEN

Planning Director

ETI:cd

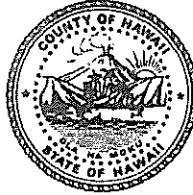
P:\WPWIN60\CZM\SMM\2006\SMM 06-30 Smith ltr.rtf

Enclosures - SMM No. 06-000030

Department of Public Works April 17, 2006 Memo

xc w/encls: Ms. Deborah Chang - Long Range Planning
Mr. Norman Hayashi - Planning

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
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. 06-000030

Project: Consolidation of Two (2) Lots and Subdivision into Four (4) Lots
Applicant: Ronald Smith
Land Owner: Ronald Smith
Location: Keaukaha, South Hilo, Hawaii
TMK: 2-1-14:4 **Land area:** 7,838 s.f.
TMK: 2-1-14:5 **Land area:** 55,011 s.f.

Applicant's Request

1. Project Description:

The applicant proposes to consolidate two lots and subsequently subdivide into four lots. The resultant lots would consist of: Lot 1 - 15,600 s.f., Lot 2 - 15,490 s.f., Lot 3 - 15,709 s.f. and Lot 4 - 16,051 s.f.

Improvement required in conjunction with the proposed activity is the installation of a water lateral at a cost of approximately \$40,000.

2. Purpose of Project:

The project is to create a total of four lots. No further activity or development is proposed.

3. Project Valuation: \$40,000.00

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 will include the installation of a water lateral that would cost approximately \$40,000. Further, there are numerous ponds that occupy a large area of the parcels. Therefore, the Director has determined that the proposed consolidation of two (2) lots and subsequent subdivision into four (4) lots 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 properties are designated Urban by the State Land Use Commission.
2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the properties as Resort.
3. **County Zoning:** The properties are zoned Resort-Hotel (V-.75).
4. **Special Management Area:** The properties are located in the SMA. However, they do not have frontage along the ocean.
5. **Flood Zone:** The subject parcels are located within Flood Zone VE and AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

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 tsunامي, 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 \$40,000 is not in excess of \$125,000.

Upon review of the subject application, the April 17, 2006 memorandum from the Department of Public Works, Engineering Division stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated April 7, 2006, and offer the following comments for your consideration.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

The subject parcels are located within Flood Zone VE and AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Any proposed construction within the designated FEMA flood zones shall comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000030** is hereby approved to allow for the consolidation of two (2) lots and subsequent subdivision into four (4) 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. 06-000030** subject to the following conditions:

The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval:

1. Final Subdivision Approval shall be secured within three (3) years from the effective date of this permit.
2. Future development of the proposed lots shall be subject to review against the SMA guidelines as such plans are implemented.
3. The applicant shall comply with all applicable requirements of all State, County of Hawaii and Federal departments and agencies, in particular, the Department of Public Works, Engineering Division and the U.S. Army Corps of Engineers.
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 mitigative measures are taken for

the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

5. 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).
6. 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

MAY 01 2006
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 17, 2006

APR 19 AM 11 22
PLANNING DEPARTMENT
COUNTY OF HAWAII
Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 06-000141)

Applicant: Ronald Smith

Request: Consolidation of 2 Lots and Subdivision into 4 Lots

Location: Keaukaha, S. Hilo, Hawaii

Tax Map Key: 2-1-14: 004 & 005

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated April 7, 2006 and offer the following comments for your consideration.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

The subject parcels are located within Flood Zone VE and AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Any proposed construction within the designated FEMA flood zones shall comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code.

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

KG

013488