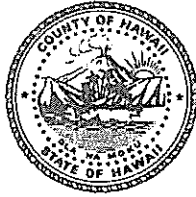


Debbie

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

December 8, 2006

Mr. and Mrs. Michael O'Friel
RR2 Box 4235
Pahoa HI 96778

Dear Mr. and Mrs. O'Friel:

Subject: Special Management Area Use Permit Assessment Application (SAA 06-000207)
Special Management Area Minor Permit No. 06-000044
Applicant: Michael and Nora O'Friel
Request: Five (5)-Lot Subdivision and Related Improvements
Tax Map Key: 1-3-2:10, Kamaili Subdivision, Kamaili, Puna, Hawaii

This is to follow up on our November 27, 2006 letter concerning the above-referenced Special Management Area Assessment for the five (5) lot subdivision and related improvements on the subject parcel.

This parcel is designated Agricultural the State Land Use Commission and zoned Agricultural (A-1a) by the County. The General Plan designation is Important Agricultural Lands.

The subject 6.104 acre parcel is a flag lot. Only approximately 224.5 feet of the makai pole portion is in the Special Management Area (SMA).

An application (SUB 06-000316) for the five (5)-lot subdivision was received on March 31, 2006. By memorandum dated July 26, 2006, the Department of Public Works required that the applicant construct a minimum 16-foot wide nondedicable pavement within the 25-foot wide easement, conforming to DPW Std Det R-39.

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(10)A(i), the "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" is considered to be a "development". However, since paving of the road will only cost \$62,000, a Special Management Area Minor Permit is required.

Mr. and Mrs. Michael O'Friel

Page 2

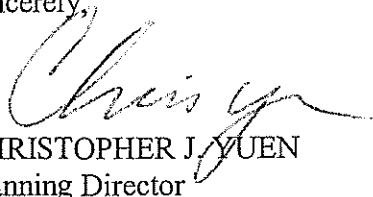
December 8, 2006

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 06-000044 is hereby issued to allow for the five (5) lot subdivision and related improvements, subject to the applicant's compliance with the conditions of approval as required by the permit.

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

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

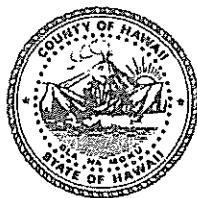
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Enclosures - SMM No. 06-000044

Department of Public Works December 4, 2006 Memo

xc w/encls: Ms. Deborah Chang, Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Ms. Laura H. Thielen, Director – Office of Planning, DBED&T (emailed enclosure)
Mr. Ed Cheplic, Ministerial Division
SUB 06-000316

Harry Kim
Mayor



Christopher J. Yuen
Director

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Special Management Area Minor Permit No. 06-000044

Project: Five (5)-Lot Subdivision and Related Improvements
Applicant: Michael and Nora O'Friel
Land Owner: Michael and Nora O'Friel
Location: Kamaili Subdivision, Kamaili, Puna, Hawaii
TMK: 1-3-2:10 **Land Area:** 6.104 acres

Applicant's Request

1. Project Description:

The applicant proposes to subdivide the subject property into five (5) lots consisting of Lot 2-A (1.1 acres), Lot 2-B (1.1 acres), Lot 2-C (1.536 acres), Lot 2-D (1.368 acres) and Lot 2-E (1.0 acre). There is an existing driveway access that will be paved with asphalt. No additional land clearing or grading is required to pave the roadway.

2. Purpose of Project:

The project is intended to create a small community, as additional agricultural uses may be encouraged and dwellings may be subsequently built on the subdivided parcels.

3. Project Valuation: \$62,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i) relating to the Special Management Area, the "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*" is defined as development. Therefore, the proposed five (5)-lot subdivision and related improvements requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Agricultural by the State Land Use (SLU) Commission.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Important Agricultural Lands.
3. **County Zoning:** The subject property is zoned Agricultural (A-1a) by the County of Hawaii.
4. **Special Management Area:** The subject parcel is a flag lot. Although approximately 224.5 feet of the makai portion of the pole is in the SMA, it does not have frontage along the coastline.

<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 area does not have frontage along the coastline. Therefore, the proposed subdivision will not affect the 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, 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 estimated project cost of approximately \$62,000 is not in excess of \$125,000.

The Department of Public Works, Engineering Division has no objections to the request provided that the proposed subdivision is in accordance with Chapter 23, Subdivision, of the Hawaii County Code.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000044** is hereby approved for the five (5)-lot subdivision and related improvements, 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. 06-000044 subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All development activities in connection with this project shall be completed within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the development activities.
3. 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.
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:
 - a) 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;
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) 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

DEC 13 2006

Date

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII
HILO, HAWAII

2006 DEC 4 PM 2 36

PLANNING DEPARTMENT

CL. DATE: December 4, 2006

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 06-000207)

Applicants: Michael and Nora O'Friel

Request: Proposed 5-Lot Subdivision and Related Improvements.

Tax Map Key: 1-3-02: 010

Folder No.: 1332-A

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 27, 2006 and have no objections to the request provided the proposed subdivision is in accordance with Chapter 23, Subdivisions, of the Hawaii County Code.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

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