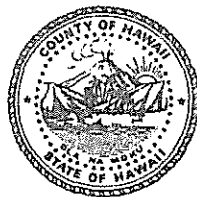


Harry Kim  
Mayor



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 18, 2006

Mr. Charles E. Hastings  
97 India Street  
Portland, Maine 04101

Dear Mr. Hastings:

**Subject: Special Management Area Use Permit Assessment Application (SAA 06-000210)**  
**Special Management Area Minor Permit No. 06-000045**  
**Applicant: Charles E. Hastings**  
**Request: Routine Maintenance and Restoration of Previous Landscaping**  
**TMK: 1-4-11:28, Kapoho Beach Lots Subdivision, Kapoho, Puna, Hawaii**

This is to follow up on our November 27, 2006 letter relating to the above-referenced Special Management Area assessment for routine maintenance and restoration of previous landscaping on the subject parcel.

The subject property is zoned Single-Family Residential (RS-10) by the County and designated Urban by the State Land Use Commission. Although it does not have frontage along the coastline, there are two tidal ponds on the parcel.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to Special Management Area, routine maintenance and restoration of previous landscaping does not qualify as exempt from the definition of "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. 06-000045 is hereby issued to allow for the proposed activity.

Mr. Charles E. Hastings


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December 18, 2006

Please note, however, that the U.S. Army Corps of Engineers has jurisdiction over tidal ponds. They should be consulted prior to any clean-up or repair work within the ponds.

If 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

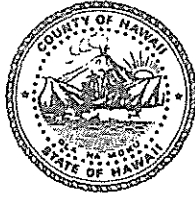
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Enclosures: SMM No. 06-000045

xc w/encls: Ms. Esther Imamura, Long Range Planning Division  
Mr. Norman Hayashi, Planning commission  
Ms. Laura H. Thielen, Director – Office of Planning, DBED&T (enclosure  
emailed with semimonthly report)

Mr. George Young (w/copy of application)  
Chief of Regulatory Branch  
Honolulu Engineers District  
Building 230  
Ft. Shafter, HI 96858

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
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**Special Management Area Minor Permit No. 06-000045**

**Project:** Routine Maintenance and Restoration of Previous Landscaping  
**Applicant:** Charles E. Hastings  
**Location:** Kapoho Beach Lots Subdivision, Kapoho, Puna, Hawaii  
**TMK:** 1-4-11:28                      **Land Area:** 1.1214 acre

**Applicant's Request**

**1. Project Description:**

The applicant requests for routine maintenance and restoration of the previous landscaping on the subject parcel.

**2. Purpose of Project:**

The applicant proposed to clean up the overgrowth that has taken over the property and restore the landscaping to its previous condition. The ponds will be cleaned and repaired with no filling whatsoever.

**3. Project Valuation:** \$5,000 - \$10,000.

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" is not exempt from the definition of "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 Low Density Urban.
- 3. County Zoning:** The subject property is zoned Single-Family Residential (RS-10).

4. **Special Management Area (SMA):** The subject property is located in the SMA. Although it does not have frontage along the coastline, there are two tidal ponds on the parcel.
5. **Flood Zone:** By memorandum dated December 4, 2006, the Department of Public Works, Engineering Division stated that *"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. The subject parcel is in area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain"*.

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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The project area does not have frontage along the coastline. Therefore, the proposed improvements 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 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 estimated project cost of approximately \$5,000 - \$10,000 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.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000045** is hereby approved for routine maintenance and restoration of the previous landscaping on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 06-000045** subject to the following conditions:

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

APPROVED:

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

12/22/06  
\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII  
HILO, HAWAII

2006 DEC 4 PM 2 35

CO. DATE: December 4, 2006

*Memorandum*

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 06-000210)**

Applicant: Charles Hastings

Request: Routine Maintenance and Restoration of Previous Landscaping

Tax Map Key: 1-4-11: 028

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.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

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

122-1040