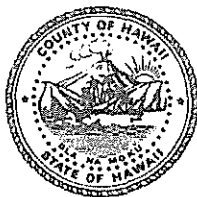


Harry Kim  
Mayor



County of Hawaii  
PLANNING DEPARTMENT

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

Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

January 30, 2007

Mr. John C. Cross, Land Manager  
Edmund C. Olson Trust No. II  
P. O. Box 280  
Pahala HI 96777-0280

Dear Mr. Cross:

**Subject: Special Management Area Use Permit Assessment Application (SAA 06-000196)**  
**Special Management Area Minor Permit No. 07-000047**  
**Applicant: Edmund C. Olson**  
**Request: Preliminary Grubbing and Brush Control to Determine the Topography**  
**Tax Map Key: 2-6-25:1, Alae, South Hilo, Hawaii**

This is to follow up on our November 20, 2006 letter relating to the above-referenced Special Management Area assessment for preliminary grubbing and brush control to determine the topography of the subject parcel.

The 10,923 square feet parcel is zoned Single-Family Residential (RS-15) by the County and designated Urban by the State Land Use Commission. It is designated Open by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map and has frontage along the coastline only at the base of the pali.

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.

However, portions of the site are very steep, with grades of 50%. Due to concerns over soil erosion, only clearing with hand tools, weed eaters and chainsaws are permitted. No mechanized equipment will be allowed on the property.

Mr. John C. Cross, Land Manager  
Edmund C. Olson Trust No. II  
Page 2  
January 30, 2007

Additionally, Planning Department Rule 11 states that shoreline setback areas are established to regulate the use and activities along the shoreline. All shoreline lots shall have a **minimum** shoreline setback line of forty feet unless it qualifies for a minimum shoreline setback line of twenty feet. In consideration of the current size and configuration of the subject parcel and without receipt of a current certified shoreline survey, for this particular project only, we are limiting all grubbing and brush control to within 20 feet of the top of pali.

For these reasons and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 07-000037 is hereby issued to allow for the preliminary grubbing and brush control to determine the topography, subject to the applicant's compliance with the conditions of approval as specified in the permit.

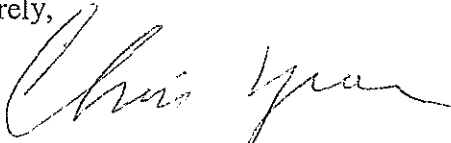
Further, all other applicable Zoning and Building Code requirements must also be satisfied.

Finally, we note that this application is to plan for a home on the property. We question whether there is a safe buildable area on this lot. Your survey map shows a lot width of about 43 feet to the top of the pali on the north end of the property, widening to about 65 feet at the south end. This includes the 8 feet shoulder easement.

While the lot may potentially qualify for a reduction in the shoreline setback from 40 feet to 20 feet, we would not necessarily approve a house with such a setback from the top of pali. We are aware of a lot in the Pauka'a area that lost close to 20 feet of land along the top of the sea cliff in a single incident. The home on the adjacent lot is perilously close to the cliff edge. Comparison of your current map with the tax maps, which also show a "top of pali" line indicates that there may have been considerable erosion of the cliff since this line was originally mapped.

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

CJY/ETI:cd

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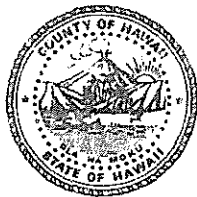
Mr. John C. Cross, Land Manager  
Edmund C. Olson Trust No. II  
Page 3  
January 30, 2007

Encl: SMM No. 07-000047

xc w/encl: Ms. Esther Imamura, Long Range Planning Division  
Mr. Norman Hayashi, Planning Commission

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T (enclosure  
to be emailed with semimonthly report)

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**Special Management Area Minor Permit No. 07-000047**

**Project:** Preliminary Grubbing and Brush Control to Determine the Topography  
**Applicant:** Edmund C. Olson  
**Location:** Alae, South Hilo, Hawaii  
**TMK:** 2-6-25:1 **Land Area:** 10,923 s.f.

**Applicant's Request**

**1. Project Description:**

The applicant proposes to remove enough vegetation and minor leveling of a roadside berm to be able to access the land and assess the parcel for future activities. Grubbing work is proposed to be primarily by hand tools with the assistance of a Case 580D backhoe.

**2. Purpose of Project:**

The intended use of the parcel is for the construction of a single family residence.

**3. Project Valuation:** Approximately \$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 Open.
- 3. County Zoning:** The parcel is zoned Single-Family Residential (RS-15) by the County.

4. **Special Management Area:** The subject property is located in the SMA. Portions of the parcel located at the base of the pali has frontage along the ocean.
5. **Flood Zone:** The Department of Public Works, Engineering Division states that *"For developmental purposes, we designate areas above the "top of pali" as Zone X – areas determined to be outside the 500 year floodplain.* A copy of their November 27, 2006 memorandum is attached.

<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 subject property fronts the coastline only at the base of the pali. Therefore, the proposed grubbing and brush control activity 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 – 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.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000047** is hereby approved to allow for the preliminary grubbing and brush control to determine the topography. This approval is 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. 07-00047 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 comply with all applicable requirements of all Federal, State and County of Hawaii departments and agencies.
3. Only clearing with hand tools, weed eaters and chainsaws are permitted. No mechanical grubbing will be allowed.
4. The applicant shall complete hand-clearing of the property within one (1) year from the date of approval of this permit.
5. A construction barrier, meeting with the approval of the Planning Director, shall be erected 20 feet makai (inland) of the top of pali prior to the commencement of hand-clearing. No hand clearing is allowed in the area makai (seaward) of this barrier.
6. The area makai of the barrier shall be kept clear of any rubbish or debris at all times. All waste material composted to be used as a mulch layer will not be placed makai of the construction barrier. Other generated waste material will be disposed of at an approved waste disposal site immediately upon completion of the hand-clearing of the property.
7. Neither the landowner nor any agent of the landowner or its successors shall, at any time, impede or otherwise restrict access along the 8 feet wide "*Road Shoulder and Utility Easement*".
8. Future development of the lot is subject to review against the SMA guidelines as such plans are implemented.
9. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

FEB 05 2007

Date