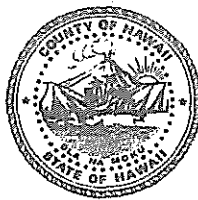


Harry Kim
Mayor



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

Esther

February 27, 2007

Mr. Lee Sichter
Belt Collins Hawaii Ltd.
2153 North King Street, Suite 200
Honolulu, HI 96819-4554

Dear Mr. Sichter:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000225)
Special Management Area Minor Permit No: 07-000050
Applicant: Belt Collins Hawaii (Lee Sichter, Principal Planner)
Request: After-the-Fact and New Security Fences and Gates
Land Owner: Kona Residence Trust
TMK: 7-5-5:63 - 4.994 acres
TMK: 7-5-5:93 - 1.199 acres
Land Owner: Island Investors Inc.
TMK: 7-5-5:84 - 3.839 acres
Location: Lanihau-Iki, North Kona, Hawaii

This is to follow up on our February 8, 2007 letter relating to the above-referenced Special Management Area assessment for the after-the-fact and new security fences and gates along portions of the subject parcels.

Although the SMA assessment application also included TMK: 7-5-5:12, the after-the-fact and new security fences for this residentially developed parcel was determined to be exempt from the definition of "development" and, therefore, permitted structures.

The other three parcels are zoned Single-Family Residential (RS-15) by the County and designated Resort/Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. They are also designated Urban by the State Land Use Commission.

Of these properties, only Parcel 63 has frontage along the shoreline. Also, there will be no fences on the perimeter of Parcel 93; rather, this parcel will be fully contained by the fences on the other parcels.

Mr. Lee Sichter
Page 2
February 27, 2007

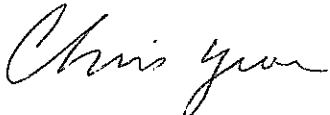
According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the after-the-fact and new security fences and gates is considered "*Construction, reconstruction, or alteration of the size of any structure*" and defined as "development". In addition, since the project area on Parcel 63 is located approximately 150' inland of the June 30, 1985 certified shoreline survey, the requirement of a current certified shoreline survey is waived. Also, the proposed improvements will not have an adverse effect on the environment.

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. 07-000050 is hereby issued for the after-the-fact and new security fences and gates on these three parcels, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building 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

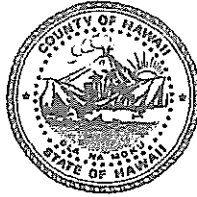
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Enclosures - SMM No. 07-000050

xc w/encls: Ms. Esther Imamura, Long Range Planning
Mr. Norman Hayashi, Planning Commission
Planning Department – Kona

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T
(SMM 07-000050 to be emailed with the semi-monthly report)

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 07-000050

Project: After-the-Fact and New Security Fences and Gates
Applicant: Belt Collins Hawaii (Lee Sichter, Principal Planner)
Request: After-the-Fact and New Security Fences and Gates
Land Owner: Kona Residence Trust
TMK: 7-5-5:63 - 4.994 acres
TMK: 7-5-5:93 - 1.199 acres
Land Owner: Island Investors Inc.
TMK: 7-5-5:84 - 3.839 acres
Location: Lanikai-Iki, North Kona, Hawaii

Applicant's Request

1. Project Description:

The proposed project, which included TMK: 7-5-5:12, is for the after-the-fact and new installation of chain link security fences (not to exceed 5'11" in height) and two gates along portions of the subject parcels. Approximately 138 fence posts, 681 feet of chain link fencing and one 14-foot steel gate were installed. Some of the previously installed fence posts will be relocated, and approximately 110 fence posts, approximately 1,300 linear feet of chain link fence and a 24-foot steel gate will be installed to complete the project. Total length of the entire fence alignment is 1,981 feet of chain link fencing and a total of 38 feet of gates.

A determination was subsequently made that the after-the-fact and new security fences for TMK: 7-5-5:12 was exempt from the definition of development. Further, although the perimeter of Parcel 93 will not be fenced, it would be fully contained by the fences on the other parcels. Therefore, the project area consists of only the three referenced parcels.

2. Purpose of Project:

The purpose is to improve security for the subject parcels.

3. **Project Valuation:** Since TMK: 7-5-5:12 was exempt from the definition of development, the total cost/fair market value of the improvements for the remaining three parcels was recalculated to \$54,528.

4. Therefore, the proposed project now consists of only the three referenced parcels.

Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" 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 parcels are 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 parcels as Resort/Open.
3. **County Zoning:** The subject parcels are zoned Single-Family Residential (RS-15).
4. **Special Management Area (SMA):** The subject parcels are located in the SMA, but only Parcel 63 has frontage along the shoreline.
5. **Flood Zone:** According to the Department of Public Works, Engineering Division, "...the subject property is located within Flood Zone "VE", AE" according to 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
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The project area on Parcel 63 is located approximately 150' inland of the June 30, 1985 certified shoreline. Therefore, the proposed improvements will not affect the lateral public access or 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 \$54,258 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. However, any new construction or substantial improvements within the subject properties will be subject to the requirements of Chapter 27 – Flood Control, of the Hawaii County Code. A copy of their February 14, 2007 memorandum is attached.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000050** is hereby approved for the after-the-fact and new security fences and gates on the subject parcels. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

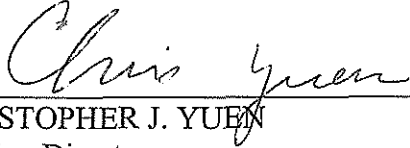
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000050** 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The installation of the new security fences and a gate shall be completed within one (1) year from the date of approval of this permit.
4. Any substantial change to the location of the security fences and gate will require the submittal of another Special Management Area Use Permit Assessment Application for further review.
5. Neither the landowners nor any agent of the landowners or their successors shall, at any time, impede or otherwise restrict lateral public access along the shoreline.

6. The security fence will be located no closer than five feet from the edge of any inland anchialine pond.
7. 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. 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 form the State Historic Preservation Division of the Department of Land and Natural Resources.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

FEB 28 2007

Date

2007 FEB 15 AM 11:15


PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: February 14, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 07-000225)
Applicant: Belt Collins Hawaii (Lee Sichter, Principal Planner)
Location: Lanihau-Iki, North Kona, Hawaii
TMK: 3 / 7-5-005:012,063,084, & 093

We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "VE, AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements within the subject property will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE
copy: ENG-HILO/KONA
PLNG-HILO