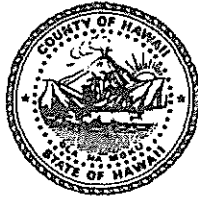


Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

Long Range

December 18, 2007

Mr. Stephen W. Long  
Kananhonua Makai, LLC  
P.O. Box 223459  
Princeville HI 96722-3459

Dear Mr. Long:

**SUBJECT: Special Management Area Use Permit Assessment Application (SAA 07-000290)**  
**Special Management Area Minor Permit No. 07-000053**

**Applicant: Kananhonua Makai, LLC**

**Land Owner:**

**David M. Allen Trust & Dallas Allan Trust**

**TMK: 4-8-6:9 (11.606 acres)**

**Kananhonua Makai, LLC**

**TMK: 4-8-6:11 (68.075 acres)**

**TMK: 4-8-6:17 (1.0 acre)**

**TMK: 4-8-6:19 (0.275 acre)**

**TMK: 4-8-6:41 (15.0 acres)**

**Location: Kananhonua & Waiakoekoe, Hamakua, Hawaii**

This is to follow up on our November 20, 2007 letter regarding the above-referenced Special Management Area Use Permit Assessment for the consolidation and resubdivision of five (5) lots into five (5) lots.

These parcels are zoned Single-Family Residential (RS-15) and Agricultural (A-40a) by the County. The State Land Use Commission's designation is Urban, Agricultural and Conservation. The General Plan Designation is Low Density Urban, Important Agricultural Land and Open.

Mr. Stephen W. Long  
Kananhonua Makai, LLC  
Page 2  
December 18, 2007

Although the consolidation and resubdivision of five (5) lots into five (5) lots is not considered development, Planning Commission Rule 9-4(10)D, relating to Special Management Area states that *"Whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as 'development' for the purpose of this rule."*

The requirement to provide public mauka-makai and public lateral shoreline pedestrian access will have a cumulative impact and ecological effect on the parcels. This requirement, included as a condition of final consolidation and resubdivision approval, is considered "development". However, it is anticipated that the cost of infrastructural improvements, if required, will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources."

In addition, since there will be a deed restriction that no development will be allowed within the SMA portion of proposed Lot 1, the requirement of a current certified shoreline survey is waived. Further, any future development of proposed Lot 1 will be subject to review against the SMA guidelines as such plans are implemented.

Therefore, pursuant to Planning Commission Rule 9-10(E), Special Management Area Minor Permit No. 07-000053 is hereby issued to allow for the consolidation and resubdivision of five (5) lots into five (5) lots, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Please note, however, that issuance of SMM 07-000053 does not imply tacit approval of the proposed consolidation and resubdivision project. All 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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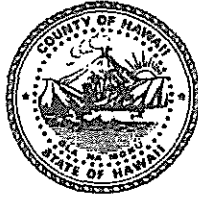
Mr. Stephen W. Long  
Kananhonua Makai, LLC  
Page 3  
December 18, 2007

Encl: SMM No. 07-000053

xc w/encl: Long Range Planning Division  
Mr. Norman Hayashi, Planning Commission  
Mr. Daryn Arai, Ministerial Division

xc ltr only: Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T  
(enclosure to be emailed with semimonthly 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. 07-000053**

**Project:** Consolidation and Resubdivision of Five (5) Lots into Five (5) Lots

**Applicant:** Kanahonua Makai, LLC

**Land Owner:**

David M. Allen Trust & Dallas Allan Trust

TMK: 4-8-6:9 (11.606 acres)

Kanahonua Makai, LLC

TMK: 4-8-6:11 (68.075 acres)

TMK: 4-8-6:17 (1.0 acre)

TMK: 4-8-6:19 (0.275 acre)

TMK: 4-8-6:41 (15.0 acres)

**Location:** Kanahonua & Waiakoekoe, Hamakua, Hawaii

**Applicant's Request**

**1. Project Description:**

The applicant proposes to consolidate and resubdivide five (5) lots into five (5) lots.

**2. Purpose of Project:**

The applicant proposes to reconfigure the lots to suit the common topography. According to the proposed consolidation/resubdivision map dated July 25, 2007, proposed Lot 1 will contain all of the area located within the Special Management Area.

**3. Project Valuation:** None, according to the applicant. However, the requirement to provide public mauka-makai and public lateral shoreline pedestrian access may require some infrastructural improvements, but anticipated to be less than \$125,000.

**4. Determination:**

According to Chapter 205A-22, HRS and Planning Commission Rule 9-4(10)A(iii) relating to the Special Management Area, "development" includes "Change in the density or intensity of use of land, including but not limited to the division or subdivision of land".

Further, according to Planning Commission Rule No. 9-4(10)(D), *“Whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as ‘development’ for the purpose of this rule”*.

A public mauka-makai and public lateral shoreline pedestrian access, meeting with the approval of the Planning Director, will be required prior to the granting of final consolidation and resubdivision approval. This public mauka-makai and public lateral shoreline pedestrian access will have a cumulative impact and ecological effect on some of these parcels. Therefore, the proposed consolidation and resubdivision of these lots requires a SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** See table below.
2. **General Plan:** See table below.
3. **County Zoning:** See table below.
4. **Special Management Area (SMA):** See table below.

TMK	State Land Use	General Plan	Zoning	In SMA
4-8-6:9	Agricultural	Important Agricultural Land	A-40a	Portion
4-8-6:11	Urban, Agricultural & Conservation	Low Density Urban, Important Agricultural Land & Open	A-40a/RS-15	Portion
4-8-6:17	Urban	Low Density Urban	RS-15	No
4-8-6:19	Urban	Low Density Urban	RS-15	No
4-8-6:41	Agricultural & Conservation	Important Agricultural Land & Open	A-40a	Portion

5. **Flood Zone:** The parcels are in an area designated as Zone X 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

Public access is imposed to enhance access to the shoreline for recreational purposes. There is an existing Tutu Nene Trail that currently provides lateral public access along the coastline.

According to the proposed Consolidation/Resubdivision Map dated July 25, 2007, Easement “A-1” in favor of Cemetery and Native Hawaiian Rights extends from the Kukuihaele Road to the northern end of the Proposed 1.000 Acre Cemetery Easement (Currently Parcel 17). A “10-foot wide Access Easement in favor of Native Hawaii Access Rights” continues to the top of the “pali line” or top of the bluff. This easement will connect to the existing Tutu Nene Trail.

In consultation with the Na Ala Hele Statewide Trail and Access System and the Ala Kahakai National Historic Trails, the applicant will be required to establish the alignment of the historical coastal trail and create a public pedestrian easement of not less than 10 feet in width from the northeastern property line to the northwestern property line, aligning it with the existing Tutu Nene Trail.

There will also be a deed restriction that no development will be allowed in the SMA portion of proposed Lot 1. However, future development of proposed Lot 1 will be subject to review against the SMA guidelines as such plans are implemented.

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 205-A, 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 ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Proposed Lot 1, containing all of the Special Management Area (SMA), will have a deed restriction that no development will be allowed. The other four lots will be situated a significant distance from the coastline. Therefore, we have determined that the proposed consolidation and resubdivision of these lots will not have a substantial adverse effect on the environment.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

Although there is no project cost for the consolidation and resubdivision of the five (5) lots, the requirement to provide public mauka-makai and public lateral shoreline pedestrian access may require some infrastructural improvements.

The enclosed copy of the Department of Public Works – Engineering Division memorandum dated December 4, 2007 states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 20, 2007 and have no objections to the request.*

*The subject parcels are 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 (may include areas with unknown flood or drainage hazards."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000053** is hereby approved to allow for the consolidation and resubdivision of five (5) lots into five (5), subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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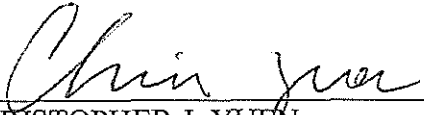
The Planning Director has approved **SMA Minor Permit No. 07-000053** subject to the following conditions:

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 other affected Federal, State and County agencies.
3. The applicant shall develop a public access plan that provides, at a minimum, a continuous public traversable mauka-makai access from Kukuihaele Road along the eastern portion of the project site, and a public 10-foot wide lateral shoreline pedestrian access incorporating the Tutu Nene Trail or as otherwise mutually agreed upon. This plan shall be submitted to the Planning Director for approval not more than one year after the granting of this permit. Approval of the public access plan shall be required prior to granting of final approval of the proposed consolidation and resubdivision. These access easements shall be delineated on the final plat map.
4. The applicant shall submit a plan for the purchase and installation of Shoreline Public Access signage to the Planning Department prior to final approval of the consolidation/resubdivision. Approved signage must also be installed prior to final consolidation/subdivision approval. Signage should include, but not be limited to, the pedestrian access route and noted hazardous trail and shoreline conditions.
5. Applicant shall submit a written estimate(s) provided by a contractor(s) licensed to do business in the State of Hawaii for all construction activities required prior to the granting of final consolidation and resubdivision approval to confirm that the total project valuation (exclusive of land costs) is not in excess of \$125,000. In the event the total valuation of the proposed consolidation and resubdivision does exceed \$125,000, this Special Management Area Minor Permit shall be deemed null and void and the applicant shall be required to secure approval of a Special Management Area (Major) Use Permit from the Planning Commission.
6. Final consolidation and resubdivision approval shall be secured within two (2) years from the date of approval of this permit.
7. Any further subdivision or consolidation and resubdivision of proposed Lot 1 shall constitute a cumulative impact on the SMA and require a Special Management Area (Major) Use Permit.
8. Any future development of proposed Lot 1 will be subject to further SMA review as such plans are implemented.



9. All site plans submitted to the Planning Department for any future land use permits or development of proposed Lot 1 shall include the location of the public mauka-makai and public lateral shoreline pedestrian access easements.
10. All site plans submitted to the Planning Department for any future land use permits or development for proposed Lot 2 shall include the location of the public mauka-makai access easements.
11. 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).
12. 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

12/19/07  
Date

2007 DEC 4 10 32  
DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: December 4, 2007

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for* Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 07-000290)**

Applicant: Kanahonua Makai, LLC

Request: Consolidation & Resubdivision of 5 Lots into 5 Lots

Tax Map Keys: 4-8-06:009, 011, 017, 019, & 041

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 20, 2007 and have no objections to the request.

The subject parcels are 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 (may include areas with unknown flood or drainage hazards).

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