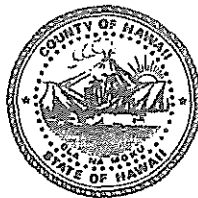


Esther

Harry Kim



**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*

June 6 2007

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

Dear Mr. Hastings:

**Subject: Special Management Area Use Permit Assessment Application (SAA 07-000248)**  
**Special Management Area Minor Permit No. SMM 07-000057**

**Applicant: Charles Hastings**

**Request: Place Storage Shed, Catchment Tank, Irrigation System, Kennel Run  
and Portable Toilet; Erect 5' Perimeter Fence**

**Tax Map Key: 1-4-11:28, Kapoho Beach Lots Subdivision, Kapoho, Puna, Hawaii**

This is to follow up on our April 10, 2007 letter relating to the above-referenced Special Management Area Use Permit assessment to place a storage shed, catchment tank, irrigation system, kennel run and portable toilet as well as erect a 5' perimeter fence on the subject parcel.

This 1.1214 acre property is zoned Single-Family Residential (RS-10) by the County and designated Urban by the State Land Use Commission.

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 proposal to place a storage shed, catchment tank, irrigation system, kennel run and portable toilet as well as erect a 5' perimeter 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. 07-000057 is hereby issued to place a storage shed, catchment tank, irrigation system, kennel run and portable toilet as well as erect a 5' perimeter fence on the parcel, subject to compliance with the conditions of approval.

Mr. Charles E. Hastings

Page 2

June 6, 2007

However, we note that portions of the makai tidal pond appear to be within the road right-of-way. In reference to the April 3, 2007 letter sent to you by Thomas L.H. Yeh, Esq., please ensure that the perimeter fence is installed entirely on your property and that it does not impact the Kapoho Beach Community Association's road.

Finally, as a reminder, any development within the pond will require approval from the U.S. Army Corps of Engineers.

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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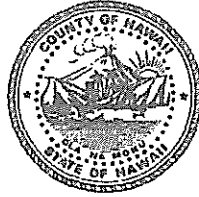
Enclosures: SMM No. 07-000057  
Department of Public Works April 16, 2007 Memo

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

Ms. Laura H. Thielen, Director – Office of Planning, DBED&T  
(SMM 07-000057 will be emailed with the semi-monthly report)

Mr. Thomas L.H. Yeh, Esq.  
Tsukazaki Yeh & Moore  
85 W. Lanikaula Street  
Hilo HI 96720

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



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
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**Special Management Area Minor Permit No. 07-000057**

**Project:** Place Storage Shed, Catchment Tank, Kennel Run, Portable Toilet;  
Erect 5' Perimeter Fence  
**Applicant:** Charles 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 proposes to place a 10'x12' storage shed, 15' diameter catchment tank, kennel run and portable toilet as well as erect a 5' perimeter fence on the subject property.

**2. Purpose of Project:**

The structures will facilitate the routine maintenance and landscaping work on the subject parcel.

**3. Project Valuation: \$20,000.**

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i) states that "development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*". 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. **Special Management Area Minor Permit No. 06-000045:** Approved on December 18, 2006, this permit allowed for routine maintenance and restoration of previous landscaping on the subject parcel.
6. **Flood Zone:** Zone X.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
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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.

<b>Findings</b>
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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 \$20,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 16, 2007, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated April 10, 2007, 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."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000057** is hereby approved to place a storage shed, catchment tank, kennel run and portable toilet as well as erect a 5' perimeter fence on the subject parcel. 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. 07-000057** 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. The kennel run shall be for personal and not commercial use.
4. All structures shall be located a minimum ten (10) feet away from the ponds and placed securely on the property.
5. Based on the site plan submitted, a construction barrier, meeting with the approval of the Planning Director, shall be erected ten (10) feet away from and along the entire northern end of the mauka pond. No mechanized equipment or vehicle is allowed within this ten foot wide buffer area during the construction phase of the proposed activity.
6. 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.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

  
Date

2007 APR 18 08 7 35  
DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: April 16, 2007

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 07-000248)**

Applicant: Charles Hastings

Request: To Place a Storage Shed, Catchment Tank, Irrigation System  
Kennel Run, Potable Toilet; Erect 5' Perimeter Fence

Location: Kapoho Beach Lots Subdivision, Kapoho, Puna, Hawaii

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 April 10, 2007 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.

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