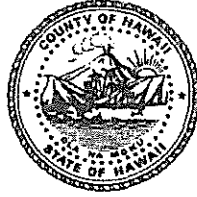


Harry Kim
Mayor



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

June 26, 2007

Mr. John C.H. Chung, P. E.
Project Manager
Belt Collins Hawaii Ltd.
2153 North King Street, Suite 200
Honolulu, HI 96819

Dear Mr. Chung:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000254)
Special Management Area Minor Permit No. SMM 07-000058
Applicant: Belt Collins Hawaii Ltd. – John Chung
Land Owner: Queen Liliuokalani Trust
Request: Construct a New 2-Lane Asphalt Concrete Driveway
to Replace the Existing Driveway
Tax Map Key: 7-4-8:Portion of 2, Keahuolu, North Kona, Hawaii

This is to follow up on our May 14, 2007 letter relating to the above-referenced Special Management Area Use Permit assessment to construct a new 2-lane concrete driveway to replace the existing driveway on the subject parcel.

The project site is zoned Agricultural (A-5a) by the County and designated Agricultural by the State Land Use Commission. Since the project site is over 2,500 feet from the coastline, the requirement to submit a certified shoreline survey is waived.

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 construct a new 2-lane concrete driveway to replace the existing driveway 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. 07-000058 is hereby issued to construct a new

JUN 29 2007

Mr. John C.H. Chung, P. E.
Project Manager
Belt Collins Hawaii Ltd.
Page 2
June 27, 2007

2-lane concrete driveway to replace the existing driveway on the parcel, subject to compliance with the conditions of approval.

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

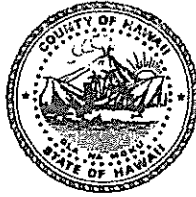
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Enclosures: SMM No. 07-000058
Department of Public Works May 21, 2007 Memo

xc w/Encls: Ms. Esther Imamura, Long Range Planning
Mr. Norman Hayashi, Planning Commission
Department of Public Works, Engineering Division (Kona)
Planning Department, Kona

Ms. Laura H. Thielen, Director -- Office of Planning, DBEDT
(SMM 07-000058 will be emailed with the semi-monthly report)

Harry Kim
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(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 07-000058

Project: Construct a New 2-Lane Asphalt Concrete Driveway to Replace the Existing Driveway
Applicant: Belt Collins Hawaii Ltd. – John Chung
Land Owner: Queen Liliuokalani Trust
Location: Keahuolu, North Kona, Hawaii
TMK: 7-4-8:Portion of 2 **Land Area:** 926.291 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct a new 2-lane asphalt concrete driveway to replace the existing driveway on the subject parcel. The driveway would be relocated about 300 feet south of its current location and would access onto the new extension of Makala Boulevard within the Makalapua Business Center. It would be about 1,534 feet long and include a pavement section that is 12 feet wide with two-foot shoulders and three turn-out bays to allow for bypass traffic. The construction work will be confined to within 50 feet on either side of the driveway. The graded 16-foot wide driveway area will be about 0.9 acres.

2. Purpose of Project:

The relocated driveway will allow continued access to the property when the current driveway is blocked by upcoming projects at the Makalapua Business Center. The existing driveway will be abandoned.

3. Project Valuation: \$112,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the proposed new 2-lane asphalt concrete driveway to replace the existing driveway requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Although the subject property is designated Agricultural and Conservation, the project site is in the Agricultural district.
2. **General Plan:** The project site is in the Urban Expansion area on the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** Although the subject property is zoned Agricultural (A-5a), Industrial-Commercial Mixed (MCX-20) and Open (O), the project site is zoned Agricultural (A-5a).
4. **Special Management Area (SMA):** Although the subject property is located in the SMA, the project site is over 2,500 feet from the coastline.
5. **Flood Zone:** Flood Zone "X".

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

The subject parcel has frontage along the ocean. However, the project site is over 2,500 feet from the coastline. Therefore, the proposed project 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 tsunامي, 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 \$120,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 21, 2007, states the following:

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

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is not a designated Special Flood Hazard Area."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000058** is hereby approved to construct a new 2-lane asphalt concrete driveway to replace the existing driveway, subject to the applicant's compliance with the conditions of approval as specified below.

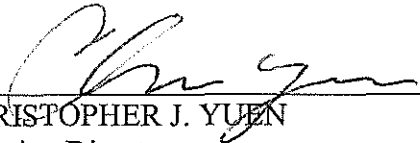
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000058**, 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 the County Department of Public Works and applicable requirements of other affected State and County agencies.
3. The applicant shall secure a grading permit for the new driveway within one (1) year from the date of approval of this permit. All construction activity shall be completed within two (2) years from the date of approval of this permit.
4. 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.
5. 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).
6. 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

6/29/07
Date

2007 MAY 21 10:00 AM
COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 21, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief *GK*
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 07-000254)
Applicant: Belt Collins Hawaii LTD.-John Chung
Location: Keahuolu, North Kona, Hawaii
TMK: 3 / 7-4-008:Por. Of 2

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

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone "X" is not a designated Special Flood Hazard Area.

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