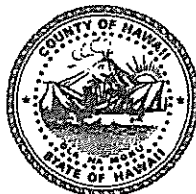


*Esther*

**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 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

September 13, 2007

Mr. and Mrs. Dallas Jackson  
P.O. Box 1517  
Pahoa HI 96778

Dear Mr. and Mrs. Jackson:

**Subject: Special Management Area Use Permit Assessment Application (SAA 07-000266)**  
**Special Management Area Minor Permit No. SMM 07-000062**  
**Applicant: Dallas and Beverly Jackson**  
**Request: Hand Spread Cinder-Soil Mix for Landscaping**  
**Tax Map Key: 1-4-69:14, Vacationland Hawaii, Puna, Hawaii**

This is to follow up on our August 1, 2007 letter relating to the above-referenced Special Management Area Use Permit Assessment Application to hand spread cinder-soil mix for landscaping on the vacant parcel.

This 8,001 square feet 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 hand spread cinder-soil mix for landscaping around the pond 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. 07-000062 is hereby issued to hand spread cinder-soil mix for landscaping, subject to compliance with the conditions of approval.

Mr. and Mrs. Dallas Jackson  
Page 2  
September 13, 2007

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  
P:\wpwin60\CZM\SMM\2007\SMM 07-62L Jackson.rtf

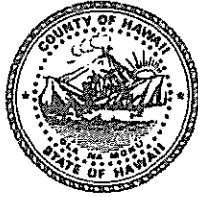
Enclosures: SMM No. 07-000062  
Department of Public Works August 23, 2007 Memo

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 07-000062 will be emailed with the semi-monthly report)

Mr. George Young  
Chief of Regulatory Branch  
Honolulu Engineers District  
Building 230  
Ft. Shafter, HI 96858

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 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

**Special Management Area Minor Permit No. 07-000062**

**Project:** Hand Spread Cinder-Soil Mix for Landscaping  
**Applicant:** Dallas and Beverly Jackson  
**Location:** Vacationland Hawaii, Puna, Hawaii  
**TMK:** 1-4-69:14 **Land Area:** 8,001 square feet

**Applicant's Request**

**1. Project Description:**

The applicant proposes to hand spread cinder-soil mix outside of the anchialine pond for landscaping on the vacant property.

**2. Purpose of Project:**

The cinder-soil mix will cover the bedrock and form a planting base for garden beds and ground cover.

**3. Project Valuation:** \$500.

**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 is a large tidal pond on the parcel.

5. **Special Management Area Violation (SMA/V 06-03):** A SMA notice of violation was issued by letter dated February 16, 2006 for extensive clearing and grubbing of the subject property.
6. **Special Management Area Minor Permit No. 06-000026:** Approved on April 6, 2006, this permit allowed for the clearing and grubbing of the subject parcel. However, it did not allow for any fill material to be deposited on the property.
7. **Flood Zone:** Zone AE in the eastern third of the parcel.

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

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.

### 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 \$500 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 23, 2007, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 1, 2007, and have no objections to the request."*

*The eastern third of the subject parcel is located within Flood Zone AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined."*

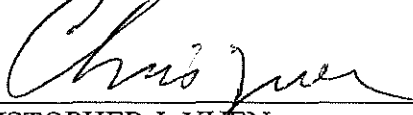
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000062** is hereby approved to hand spread cinder-soil mix for landscaping on the vacant parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. 07-000062** 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. No mechanized equipment will be allowed to distribute the cinder-soil mix.
4. Best management practices shall be established to prevent any inadvertent spillage or run-off into the pond during high winds and/or heavy rains.

APPROVED:

  
\_\_\_\_\_  
CHRISTOPHER J. YUEN  
Planning Director

9/13/07  
\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: August 23, 2007

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 07-000266)**

Applicant: Dallas & Beverly Jackson

Request: Hand-Spread Cinder-Soil Mix for Landscaping

Tax Map Key: 1-4-69:014

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 1, 2007 and have no objections to the request.

The eastern third of the subject parcel is located within Flood Zone AE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

Questions may be referred to Kelly Gomes of the Engineering Division at ext. 8327.

090552