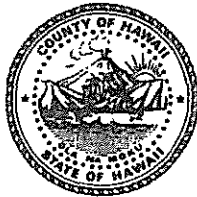


Long Range

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

December 3, 2007

Mr. James A. and Mrs. Van Donald
P.O. Box 41
Emu Park, QLD 4710
Australia

Dear Mr. and Mrs. Donald:

**Subject: Special Management Area (SMA) Assessment Application (SAA 07-000292)
Special Management Area Minor Permit No. 07-000069
Applicant: James A. and Van Donald
Owner: James A. and Van Donald
Request: Bulldoze a Driveway and House Pad
TMK: 1-4-28:41, Wa`a Wa`a, Puna, Hawaii**

This letter is in response to the Special Management Area Assessment Application we received on October 31, 2007 to bulldoze a driveway and house pad on the subject parcel.

This 2.282-acre property is zoned agricultural (A3a) by the County and designated conservation and agricultural by the State Land Use Commission. It does not have frontage along the coastline, but is entirely within the SMA.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to Special Management Area, the proposed activity 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. 07-000069 is hereby issued to allow for bulldozing a driveway and house pad on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Please be aware that an additional SMA Use Permit Assessment will be required prior to construction of a future dwelling or other uses on the subject property.

Mr. James A. and Mrs. Van Donald
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December 3, 2007

If you have questions, please feel free to contact Maija Cottle or Esther Imamura of this department at 961-8288, extension 253 and 257, respectively.

Sincerely,



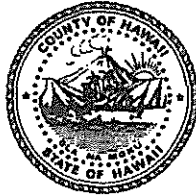
CHRISTOPHER J. YUEN
Planning Director

MJC:cd
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Enclosure: SMM No. 07-000069

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T

Harry Kim
Mayor



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Special Management Area Minor Permit No. 07-000069

Project: Bulldoze a driveway and house pad
Applicant: James A. and Van Donald
Location: Wa`a Wa`a, Puna, Hawaii
TMK: 1-4-28:41 **Land Area:** 2.282 acres

Applicant's Request

1. Project Description:

The applicant requests to bulldoze a driveway and house pad on the subject parcel.

2. Purpose of Project:

The applicant wishes to bulldoze a driveway and house pad in order to construct a future single family dwelling on the subject parcel. The house pad will be located approximately (400) four hundred feet from Government Beach Road. Bulldozing will occur more than (800) eight hundred feet from the ocean and more than (300) three hundred feet from the conservation zone.

3. Project Valuation: \$5,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" 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 property is designated agricultural from Old Government Road to approximately 200 feet mauka of the makai (north) property line, and conservation on the remaining makai portion of the property, 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 open.
3. **County Zoning:** The subject property is zoned agricultural (A3a).
4. **Special Management Area (SMA):** Although the subject property is located entirely within the SMA, it does not have frontage along the coastline.
5. **Flood Zone:** Zone X, outside the 500-year floodplain.

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

The project area does not have frontage along the coastline. Therefore, the proposed activity will not affect public access to the shoreline or public use of the shoreline area.

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 approximately \$5,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 26, 2007, stated the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated November 14, 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. 07-000069** is hereby approved to bulldoze a driveway and house pad on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

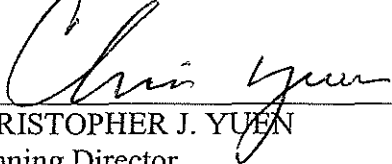
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000069** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to any land altering activities, the applicant shall prepare and provide the Planning Director with a copy of an archaeological site preservation plan, and written approval of the preservation plan from the State Historic Preservation Division of the Department of Land and Natural Resources. As stated in the DLNR-SHPD letter dated December 18, 2006 the preservation plan shall delineate and detail the area in which the house pad for the future single family dwelling will occur, as well as where the historic raised trail (SIHP 50-10-25518) will be breached by the proposed driveway.
3. The applicant shall implement the recommendations and mitigation measures of the preservation plan, to include but not be limited to preserving the habitation complex (SIHP 50-10-46-25519), the raised trail (SIHP 50-10-25518), and the remaining agricultural complex (SIHP 50-10-25516).
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. All land altering activities approved by this permit shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the land altering activities.

6. This permit does not include the construction of any structures or other uses on the subject property. Another SMA Use Permit Assessment will be required for any uses or activities (such as a dwelling) beyond the scope of this project.
7. 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.
8. 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).
9. 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

DEC 03 2007

Date