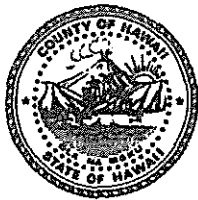


Harry Kim
Mayor



County of Hawaii
PLANNING DEPARTMENT

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

My Range

Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

February 7, 2008

Ms. Melody A. Wohlfeil
58 Riverside Drive
Roswell NM 88201

Dear Ms. Wohlfeil:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000269)
Special Management Area Minor Permit No. 07-000068
Applicant: Melody A. Wohlfeil
Land Owner: Melody A. Wohlfeil and Herman D. Wohlfeil
Request: Seven (7) Lot Subdivision
Tax Map Key: 2-9-2:85, Hakalau, South Hilo, Hawaii

This is to follow up on our July 20, 2007 letter concerning the above-referenced Special Management Area Assessment for the seven (7) lot subdivision.

This 5.573 acre parcel is designated Urban by the State Land Use Commission and zoned Single-Family Residential (RS-7.5) by the County. The General Plan designation consists of Industrial, Open, Low Density Urban and Medium Density Urban.

Although the subject parcel is makai of the Old Mamalahoa Highway, it does not have frontage along the coastline.

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule 9-4(10)A(iii), the "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*" is considered to be a "development".

The current construction estimate to do the subdivision is \$15,000. This qualifies the project of a Special Management Area Minor Permit. The actual costs, however, may be greater depending on the conditions of approvals, particularly if a water variance is not

Ms. Melody A. Wohlfeil

Page 2

February 7, 2008

approved. The costs may be greater and if they exceed \$15,000, a Special Management Area Major Permit will be necessary. Therefore, a Special Management Area permit is required.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 07-000068 is hereby issued to allow for the seven (7) lot subdivision, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other 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

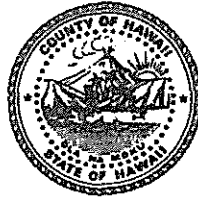
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Enclosures - SMM No. 07-000068
Department of Public Works July 31, 2007 Memo
Department of Public Works August 1, 2007 Memo

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
SUB 05-000230
Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T

Harry Kim
Mayor



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Special Management Area Minor Permit No. 07-000068

Project: Seven (7) Lot Subdivision
Applicant: Melody A. Wohlfeil
Land Owner: Melody A. Wohlfeil and Herman D. Wohlfeil
Location: Hakalau, South Hilo, Hawaii
TMK: 2-9-2:85 **Land Area:** 5.573 acres

Applicant's Request

1. Project Description:

The applicant proposes to subdivide the subject property into seven (7) lots ranging in size from 0.352 acre to 1.903 acres. Proposed Lot 7-G has undivided interest in Roadway Lot TMK: 2-9-2:89. The other six lots will have frontage along Old Mamalahoa Highway.

2. Purpose of Project:

The project is to create six additional residential lots that are consistent in size with those already in the area.

3. Project Valuation: Approximately \$15,000 if asphalt driveway is required.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(iii) relating to the Special Management Area, the "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*" is defined as development. Therefore, the proposed seven (7) lot subdivision requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban.
- 2. General Plan:** Although the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Industrial, Open, Low Density Urban and Medium Density Urban, the majority of the parcel is Low Density Urban.

3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-7.5).
4. **Special Management Area (SMA):** Although the subject parcel is in the SMA and makai of the Old Mamalahoa Highway, it does not have frontage along the coastline.
5. **Flood Zone:** Zone X.

<p style="text-align: center;">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 subdivision will not affect public access to the coastline or public use of the coastline 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 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 \$15,000 is not in excess of \$125,000.

In response to our request for comments, the enclosed Department of Public Works, Engineering Division memorandum dated July 31, 2007 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated July 20, 2007 and offer the following comments for your consideration.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami

inundation." For developmental purposes, we designate such parcels as Zone X – areas determined to be outside the 500-year floodplain."

A subsequent August 1, 2007 Department of Public Works, Engineering Division memorandum in response to the revised preliminary plat map for Subdivision 05-000230, also enclosed, states the following:

"We have reviewed the revised preliminary plat map dated July 2, 2007 and have the following comments:

- 1. §23-30. Identify all watercourses and drainage ways and encumber with drainage easements.*
- 2. §23-46. Planning Department to determine the future road widening setback requirements fronting Mamalahoa Highway. Provide corner radius at the intersection of the future road widening setback line and the private road, in conformance with Section 23-45 of the Hawaii County Code (HCC).*
- 3. §23-65(2). Provide common access easement encumbering the side-by-side poles of Lots 7C and 7D. Identify easement by azimuths/distances on the final plat map and indicate/designate easement as a combined access to serve both proposed Lots 7C and 7D."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000068** is hereby approved for the seven (7) lot subdivision, subject to the applicant's compliance with the conditions of approval as specified below.

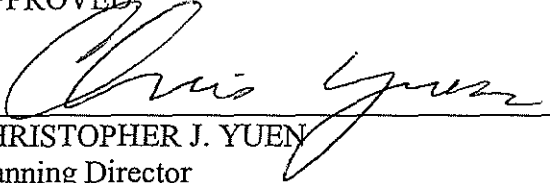
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000068** 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 all State and County of Hawaii departments and agencies, in particular, the Department of Public Works, Engineering.
3. 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 subdivision 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 subdivision 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.
4. Final subdivision approval shall be secured within two (2) years from the date of approval of this permit.

5. Any further subdivision of the lots resulting from the proposed seven (7) lot subdivision shall constitute a cumulative impact on the SMA and require a Special Management Area (Major) Use Permit.
6. Future development of the proposed lots shall be subject to review against the SMA guidelines as such plans are implemented.
7. 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).
8. 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

2/7/08
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2007 AUG 2 AM 9 05

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: July 31, 2007

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 07-000269)

Land Owners: Herman D. and Melody A. Wohlfeil

Request: Seven (7) Lot Subdivision

Subdivision Application No. 05-000230

Tax Map Key: 2-9-02: 085

Folder No. 2938-C

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated July 20, 2007 and offer the following comments for your consideration.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

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

031738

2007 AUG 2 AM 9 05

PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII
HILO, HAWAII

MEMORANDUM

Date: August 1, 2007

TO: PLANNING DEPARTMENT

FROM:  DEPARTMENT OF PUBLIC WORKS

SUBJECT: SUBDIVISION: SUB-05-000230

Subdivider: WOHFEIL, Herman D. & Melody A.

Location: Kekaunohi, Hakalau, Hawaii

TMK: 2-9-002:085

Folder No.: 2938-C

We have reviewed the revised preliminary plat map dated July 2, 2007 and have the following comments:

1. §23-30. Identify all watercourses and drainage ways and encumber with drainage easements.
2. §23-46. Planning Department to determine the future road widening setback requirements fronting Mamalahoa Highway. Provide corner radius at the intersection of the future road widening setback line and the private road, in conformance with Section 23-45 of the Hawaii County Code (HCC).
3. §23-65(2). Provide common access easement encumbering the side-by-side poles of Lots 7C and 7D. Identify easement by azimuths/distances on the final plat map and indicate/designate easement as a combined access to serve both proposed Lots 7C and 7D.

Questions may be referred to Cres Rambayon at 961-8327.

CR