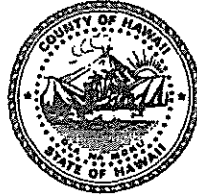


Harry Kim
Mayor



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

January 18, 2008

Mr. Gregory R. Mooers
Mooers Enterprises, LLC
P.O. Box 1101
Kamuela HI 96743

Dear Mr. Mooers:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000305)
Special Management Area Minor Permit No. 08-000074
Applicant: SunStone ML LLC
Land Owner: SunStone ML LLC
Request: Two (2) Lot Subdivision
Tax Map Key: 6-8-22:52 Anahoomalu, South Kohala, Hawaii

This is to follow up on our December 20, 2007 letter concerning the above-referenced Special Management Area Assessment for the two (2)-lot subdivision of the subject parcel.

This parcel is designated Urban by the State Land Use Commission and zoned Multiple-Family Residential (RM-4) and Open (O) by the County. The General Plan designation is Resort Node.

Although the parcel is in the Special Management Area, it does not have frontage along the coastline.

This area was previously included in Subdivision No. 6814 and Subdivision No. 7412. Therefore, the proposed two (2)-lot subdivision requires a SMA Minor Permit.

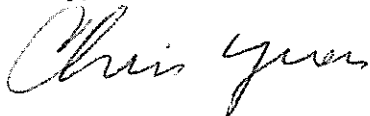
For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000074 is hereby issued to allow for the two (2) lot subdivision, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other applicable Zoning and Subdivision Code requirements must also be satisfied.

Mr. Gregory R. Mooers
Mooers Enterprises, LLC
Page 2
January 18, 2008

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:cs

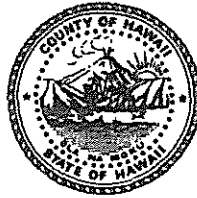
P:\wpwin60\CZM\SMM\2008\SMM 08-74L Sunstone ML LLC.rtf

Enclosures - SMM No. 08-000074
Department of Public Works December 27, 2007 Memo

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission
Mr. Ed Cheplic, Ministerial Division
SUB 07-000522

xc ltr only: Ms. Mary Lou Kobayashi, Planning Program Administrator – Office of Planning,
DBED&T
(SMM 08-000074 will be emailed with the semi-monthly report)

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. 08-000074

Project: Two (2)-Lot Subdivision
Applicant: SunStone ML LLC
Land Owner: SunStone ML LLC
Location: Anaehoomalu, South Kohala, Hawaii
TMK: 6-8-22:52 **Land Area:** 26.097 acres

Applicant's Request

1. Project Description:

The applicant proposes to subdivide the subject property into two (2) lots consisting of Lot A-1 (13.846 acres) and Lot A- 2 (12.251 acres). There will be no associated physical improvements.

2. Purpose of Project:

The project is to subdivide the developed multi-family portion of the lot (Proposed Lot A-1) from the unimproved portion of the lot (Proposed Lot A-2).

3. Project Valuation: \$0.

4. Determination:

This area was previously included in Subdivision No. 6814 and Subdivision No. 7412. Therefore, the proposed two (2)-lot subdivision 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 (SLU) Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Resort Node.
- 3. County Zoning:** The subject property is zoned Multiple-Family Residential (RM-4) and Open (O) by the County of Hawaii.

4. **Special Management Area (SMA):** Although it is in the SMA, it does not have frontage along the coastline.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject property is located within Flood 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 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 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 \$0 is not in excess of \$125,000.

By enclosed memorandum dated December 27, 2007, the Department of Public Works, Engineering Division had the following comments:

"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 Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will or will not be free from flooding or flood damage. Zone 'X' is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first

obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000074** is hereby approved for the two (2) 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. 08-000074** 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 State of Hawaii, Department of Health and the Hawaii County, Department of Public Works and applicable requirements of other affected agencies.
3. 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.
4. 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).
5. 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

1/22/08

Date


2007 DEC 27 10:05 AM

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 27, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 07-000305)
Applicant: Sunstone ML LLC
Location: Anaehoomalu, South Kohala, Hawaii
TMK: 3 / 6-8-022:052

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 Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will or will not be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.

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

036763