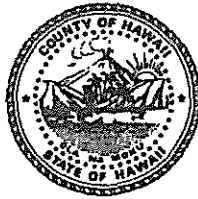


Harry Kim
Mayor



Alice
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

November 13, 2008

Ms. Monica Arnett
PO Box 147
Papaaloa, HI 96780

Dear Ms. Arnett:

Subject: Special Management Area (SMA) Assessment Application (SAA 08-000378)
Special Management Area Minor Permit No. 08-000090

Applicant(s): Monica Arnett and Beth Fulton

Owner(s): Beverly and Geoff Mofino

Request: Establish a Farmers Market

TMK: 3-6-010:004, 022; Portion of Manowaipoae Homesteads, North Hilo, Hawaii

This letter is in response to the Special Management Area Assessment Application (SMAA) we received on October 15, 2008 requesting to establish a Farmers Market on the subject parcel. In addition to reviewing the SMAA, Planning Department staff conducted a site inspection of the subject parcel.

According to documentation submitted with the SMAA, TMK 3-6-010:022 will serve as the access to TMK 3-6-010:004, where the proposed Farmers Market will be located. The parcel has a total of 0.7378 acres, is zoned Village Commercial (CV-10) by the County of Hawaii. It is designated Urban by the State Land Use Commission, and the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Medium Density Urban. The parcel is located entirely within the Special Management Area (SMA).


According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(i) and (ii) relating to the 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.

Ms. Monica Arnett
Page 2
November 13, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000090 is hereby issued to allow for the establishment of a Farmers Market on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8288, extension 246.

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

BJM:cs
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Enclosure: SMM No. 08-000090
Memorandum from Department of Public Works

cc w/encls: Ms. Beth Fulton
PO Box 196
Laupahoehoe, HI 96764

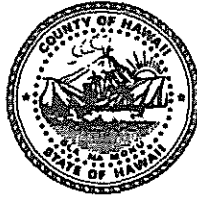
Mr. and Mrs. Geoff Molfino
PO Box 190
Papaaloa, HI 96764

xc w/encls: Long Range Planning Division ✓

Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

xc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

Harry Kim
Mayor



Christopher J. Yuen
Director

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(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 08-000090

Project: Farmers Market
Applicant: Monica Arnett and Beth Fulton
Land Owner: Beverly and Geoff Molfino
Location: Portion of Manowaipoae Homesteads, North Hilo, Hawaii
TMK: (3) 3-6-010:004, 022

Applicant's Request

1. Project Description:

The applicant proposes to establish a Farmers Market with gravel parking lot and temporary tents on the subject parcel (TMK: 3-6-010:004). According to documentation submitted with the Special Management Area Use Permit Assessment Application, TMK 3-6-010:022 will serve as the access to TMK 3-6-010:004, where the proposed Farmers Market will be located.

2. Purpose of Project:

To establish a local Farmers Market in the area to provide farmers, prepared food makers, artists, and craft persons a place to sell organic produce and handmade crafts as well as offer the general public a place to buy these products.

3. Project Valuation: \$5,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i), relating to the Special Management Area, "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 (SLU) Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Medium Density Urban uses.

3. **County Zoning:** The subject property is zoned Village Commercial (CV-10) by the County of Hawaii.
4. **Special Management Area:** The subject property is located in the SMA.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>
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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 it is a permitted use in the zoning district in which the property is situated.

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 Department of Public Works – Engineering Division submitted the following comments, dated October 29, 2008, regarding the subject SMAA.

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated April 18, 2005 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as Zone X - an area determined to be outside the 500-year floodplain (may include areas with unknown flood hazards).

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

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000090** is hereby approved to allow for the proposed establishment of a Farmers Market, including temporary tents, a fence to be installed mauka of the 40-foot shoreline setback line, and gravel parking lot. The permit 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. 08-000090** 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 and Federal departments and agencies.
3. Prior to obtaining any building permits for the temporary tent structures, remove all fencing and junk cars in the Shoreline Setback Area by **December 12, 2008** or submit a request for a Determination of Minor Structure or Minor Activity, pursuant to Planning Department Rules of Practice and Procedure (PD Rules) Rule 11-8, or an application for a Shoreline Setback Variance, pursuant to PD Rules, Rule 11-9 by **December 12, 2008**; and
4. Provide photos of the shoreline setback area to prove that all fencing and cars have been removed.
5. Applicant shall secure building permits from the Department of Public Works Building Division within 1 year of the granting of this permit.
6. The area makai of the 40-foot shoreline setback line shall be kept clear of any rubbish or debris resulting from construction activities at all times.
7. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the shoreline setback area without securing a prior written determination of minor structure or activity pursuant to Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.
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

NOV 13 2008

11/13/08
Date

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PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: October 29, 2008

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for* *OK* Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 08-000378)**

Applicants: Monica Arnett and Beth Fulton

Land Owners: Beverly and Geoff Molfino

Request: Establish a Local Farmers Market with a Gravel Parking Lot
and Temporary Tents

Tax Map Key: 3-6-10: 004

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 29, 2008 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified 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 at ext. 8327.

