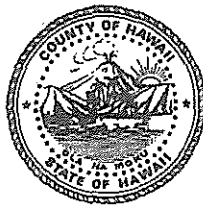


William P. Kenoi
Mayor



Daryn S. Arai
Acting Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

January 22, 2009

Mr. Martin Blackwell
RR2 Box 3965
Pahoa, HI 96778

Dear Mr. Blackwell:

Subject: Special Management Area (SMA) Assessment Application (SAA 09-000397)
Special Management Area Minor Permit No. 09-000095
Applicant(s): Martin Blackwell
Owner(s): Martin Blackwell
Request: Two(2) Lot Subdivision
TMK: (3) 1-4-011:065; Kapoho Beach Lots Subdivision, Puna, Hawaii

This letter is in response to the Special Management Area Assessment Application (SMAA) we received on December 19, 2008 requesting to subdivide the subject parcel into two separate parcels.

The parcel has a total of 23,320 square feet, and is zoned Single-Family Residential minimum 10,000 sq. ft lot size (RS-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 Low 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 (iii) relating to the Special Management Area, the proposed subdivision and related improvements do not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

JAN 26 2009

Mr. Martin Blackwell

Page 2

January 22, 2009

For this reason and pursuant to Planning Commission Rule No. 9-10(E), Special Management Area Minor Permit No. 09-000095 is hereby issued to allow for the proposed two (2) lot subdivision of 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 252.

Sincerely,



DARYN S. ARAI
Acting Planning Director

BJM:cs

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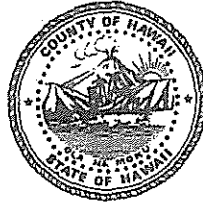
Enclosure: SMM No. 09-000095
Memorandum from Department of Public Works

cc w/encls: Long Range Planning Division

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

cc 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

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Special Management Area Minor Permit No. 09-000095

Project: Two (2)-Lot Subdivision and Associated Improvements
Applicant: Martin Blackwell
Land Owner: Martin Blackwell
Location: Kapoho Beach Lots, Puna, Hawaii
TMK: (3) 1-4-011:065 **Land Area:** 23,320 sq. ft

Applicant's Request

1. Project Description:

The applicant proposes to subdivide the subject property into two (2) lots consisting of approximately 11,660 sq. ft. Physical improvements associated with this subdivision include the installation of an additional water meter.

2. Purpose of Project:

The project is to subdivide the unimproved portion of the property from the improved portion of the property with an existing single-family dwelling, in order to sell the unimproved portion.

3. Project Valuation: \$8,500.

4. Determination:

The proposed subdivision includes additional construction activities. 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 Low Density Urban.
- 3. County Zoning:** The subject property is zoned Single-Family Residential minimum 10,000 sq. ft lot size (RS-10) by the County of Hawaii.

4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA, but is approximately 730 feet from the shoreline, north of Kapoho Beach Road.
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 and there are no known trails on or adjacent to the subject parcel. 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 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 \$8,500 is not in excess of \$125,000.

By enclosed memorandum dated January 13, 2009, the Department of Public Works, Engineering Division had the following comments:

"We reviewed the reviewed subject application for compliance with Chapter 2, Flood Plain Management, forwarded by your memo dated January 6, 2009, and offer the following comments for your consideration.

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.

The proposed subdivision shall comply with Chapter 23, Subdivision Control Code, of the Hawaii County Code.

Questions may be referred to Carter Romero at 961-8327.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000095** is hereby approved for the two (2) lot subdivision and associated improvements, 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. 09-000095** 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. Final subdivision approval shall be secured within two (2) years from the date of approval of this permit.
4. Future development of the proposed lots shall be subject to review against the SMA guidelines as such plans are implemented.
5. 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).
6. 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:



DARYN S. ARAI
Acting Planning Director

1/22/09
Date