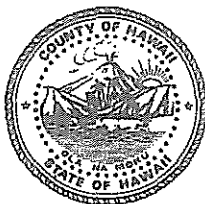


William P. Kenoi
Mayor



BJ Leithead Todd
Acting Deputy 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

February 12, 2009

Mr. Tracy Parlier
and Mr. David Empey
RR3 Box 1329
Pahoa, HI 96778

Dear Messrs. Parlier and Empey:

Subject: Special Management Area (SMA) Assessment Application (SAA 09-000408)
Special Management Area Minor Permit No. 09-000098
Applicant(s): Tracy Parlier and David Empey
Owner(s): Tracy Parlier and David Empey
Request: Installation of Field Fencing
TMK: (3) 1-4-069:035; Kapoho, Vacationland Hawaii, Puna, Hawaii

This letter is in response to the Special Management Area Assessment Application (SMAA) we received on January 27, 2009, for the installation of a field fence along portions of the subject property boundaries.

The parcel has a total of 8,226 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) relating to the Special Management Area, the proposed construction does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

Mr. Tracy Parlier
and Mr. David Empey
Page 2
February 12, 2009

For this reason and pursuant to Planning Commission Rule No. 9-10(E), Special Management Area Minor Permit No. 09-000098 is hereby issued to allow for the installation of field fencing along portions of the subject property boundaries. 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,



BJ LEITHEAD TODD
Acting Deputy Planning Director

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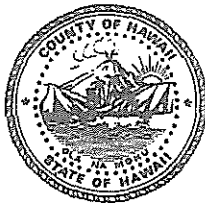
Enclosure: SMM No. 09-000098
Memorandum from Department of Public Works

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

William P. Kenoi
Mayor



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Phone (808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 09-000098

Project: Installation of Field Fencing
Applicant: Tracy Parlier and David Empey
Land Owner: Tracy Parlier and David Empey
Location: Kapoho, Vacationland Hawaii, Puna, Hawaii
TMK: (3) 1-4-069:035 **Land Area:** 8,226 sq ft

Applicant's Request

1. Project Description:

The applicant proposes to install a field fence along portions of the north and south boundaries and across the rear boundary.

2. Purpose of Project:

The purpose of the project is to enclose as much of the property as possible along the rear and sides in order to keep both people and animals out for their protection and for the protection of the property and existing ponds.

3. Project Valuation: \$1,500.

4. Determination:

The proposed installation of the fence is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use 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.
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 construction 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 \$1,500 is not in excess of \$125,000.

By enclosed memorandum dated February 9, 2009, the Department of Public Works, Engineering Division had the following comments:

"We reviewed the reviewed subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated February 6, 2009 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 (may include area with unknown flood or drainage hazards).

Questions may be referred to Kelly Gomes at ext. 8327."


Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000098** is hereby approved for the installation of the fencing, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

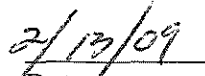
The Planning Director has approved **SMA Minor Permit No. 09-000098** subject to the following conditions:

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 Federal, State and County of Hawaii departments and agencies.
3. An environmental barrier netting, meeting with the approval of the Planning Director, shall be erected along the entire length of the five (5)-foot setback line from the two ponds prior to the commencement of land altering and construction activities. It shall remain in place until the fence has been completely installed. In addition, the landscape netting to cover the surface of the ponds, must also be in place prior to commencement of construction activities and remain in place until the fence has been completely installed.
4. 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 pond or the pond setback area.
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 determination; 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. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

APPROVED:


BJ LEITHEAD TODD

Acting Deputy Planning Director


Date

PLANNING DEPARTMENT
COUNTY OF HAWAII

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DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII
HILO, HAWAII

DATE: February 9, 2009

Memorandum

TO: BJ Leithead Todd, Acting Deputy Planning Director

FROM: *DE* for Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000408)

Applicants: Tracy Parlier and David Empey
Land Owners: Tracy Parlier and David Empey
Request: Installation of Field Fencing
Location: Portion of Kapoho, Puna, Hawaii
Tax Map Key: 1-4-69: 035

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 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 (may include areas with unknown flood or drainage hazards).

Questions may be referred to Kelly Gomes at ext. 8327.

