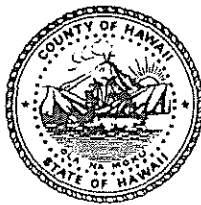


William P. Kenoi
Mayor



BJ Leithead Todd
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

March 25, 2009

Mr. William Reed
P.O. Box 446
Naalehu HI 96772

Dear Mr. Reed:

**Subject: Special Management Area Use Permit Assessment Application (SAA 09-000418)
Special Management Area Minor Permit No. 09-000102**

Applicant: William Reed

Land Owner: William Reed and Kris Reed

**Request: Placement of Four 20-foot Shipping Containers for
Agricultural Storage**

Tax Map Key: 1-5-32:49, Hawaiian Paradise Park, Puna, Hawai'i

This is to follow up on our March 4, 2009 letter relating to the above-referenced Special Management Area Assessment Application to place four 20-foot shipping containers for agricultural storage on the subject parcel.

This 31,363 s.f. property is zoned Agricultural (A-1a) by the County and designated Agricultural by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i) relating to Special Management Area, the "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" is considered to be "development".

Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000102 is hereby issued to allow for placement of four 20-foot shipping containers for agricultural storage, subject to the applicant's compliance with the conditions of approval as specified in the permit.

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

MAR 30 2009

Mr. William Reed
Page 2
March 25, 2009

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 253.

Sincerely,



BJ LEITHEAD TODD
Planning Director

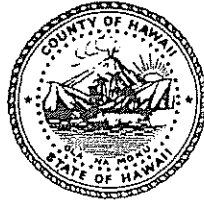
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Enclosures - SMM No. 09-000102
Department of Public Works March 17, 2009 Memo

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission

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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Special Management Area Minor Permit No. 09-000102

Project: Placement of Four 20-foot Shipping Containers for Agricultural Storage
Applicant: William Reed
Land Owner: William Reed and Kris Reed
Location: Hawaiian Paradise Park Subdivision, Puna, Hawai'i
TMK: 1-5-32:49 **Land Area:** 31,363 s.f.

Applicant's Request

1. Project Description:

The landowner proposes the placement of four 20-foot shipping containers for agricultural storage use on the subject property. Agricultural building material, tractor and supplies would be placed within the storage containers.

2. Purpose of Project: Facilitate the raising of fruits and vegetables.

3. Project Valuation: \$20,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)A(i) relating to the Special Management Area (SMA), the "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste" is defined as "development." Therefore, the proposed placement of four 20-foot shipping containers for agricultural use requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Agricultural by the State Land Use Commission.
- 2. General Plan:** The subject property is designated Open (O) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The subject property is zoned Agricultural (A-1a) by the County.
- 4. Flood Zone:** The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as an area of "minimal tsunami inundation".

5. **Special Management Area (SMA):** The subject property is located in the SMA, and has frontage along the coastline.
6. **SAA No. 06-000159:** A Special Management Area Use Permit Assessment Application by the previous owners for the after-the-fact clearing, grubbing, and grading and for the construction of a new single-family dwelling and related improvements was approved on March 20, 2006. As the new owner of the property, however, we understand that four storage containers for agricultural use will be placed on the property instead of the construction of a new dwelling.
7. **Coastal Hazards:** Due to the observed fracturing of pahoehoe lava rocks from the edge of the sea cliff to approximately 40-50 feet inland and the known hazards to life and property from recent storm waves along this portion of the Puna coast, the shoreline setback line was previously established at 90 feet mauka (inland) from the top of the sea cliff. For clarification, the base of the sea cliff at the water's edge is not considered to be the makai end of the shoreline setback line. Where the top edge of the cliff starts dropping downward toward the water is determined to be the top of the sea cliff.
8. **Public Access:** To ensure the coastal access for fishing and hiking purposes the public has enjoyed for many years in this area, the applicant is required to provide lateral access along a 40-foot wide portion of the shoreline setback area along the top of the sea cliff. Also, a mauka-makai public pedestrian only access to the sea cliff from Ala Heiau Road shall be provided along a 5-foot wide portion of the 15-foot side yard setback area along the eastern property line of the subject lot.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

This parcel has frontage along the coastline. However, a mauka-makai public pedestrian only access to the sea cliff and lateral access along a portion of the shoreline setback area will be provided. Therefore, the proposed improvements will not affect public access to the shoreline or public use of the shoreline 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 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, 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 Hawai'i 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 \$20,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated March 17, 2009 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 10, 2009 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 an area of 'minimal tsunami inundation'."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000102** is hereby approved to allow for the placement of four 20-foot shipping containers for agricultural storage use on the property, subject to the applicant/owners compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 09-000102**, subject to the following conditions:

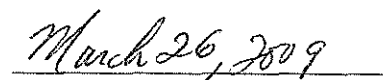
This determination is granted subject to the applicant's compliance with the following conditions.

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 and State and County of Hawaii departments and agencies.
3. The Shoreline Setback Line shall be established 90 feet mauka (inland) from the top of the sea cliff. No land altering or construction activities shall be permitted within the 90' shoreline setback area without the prior written Determination of Minor Structure or Minor Activity by the Planning Director or the approval of a Shoreline Setback Variance by the Planning Commission.
4. The applicant shall erect a construction barrier meeting with the approval of the Planning Department along the entire length of 90-foot shoreline setback line. The construction barrier shall be erected prior to the commencement of any construction, clearing, grading or other land altering activities and shall remain in place until the Building Division has granted Final Approval for all Building Permits issued in connection with the subject project.

5. In order to ensure the coastal access for fishing and hiking purposes the public has enjoyed for many years in this area, the applicant shall provide the following (see enclosed site plan):
 - a) Lateral access along a 40'-wide portion of the shoreline setback area along the top of the sea cliff.
 - b) Mauka-makai public pedestrian only access to the sea cliff from Ala Heiau Road shall be provided along a 5-foot wide portion of the 15-foot side yard setback area along the east property line of the subject lot. Although the applicant is not required to construct any footpath, he shall clear and maintain the 5' pathway to ensure it is kept free of brush, trees, rubbish or other obstructions that would inhibit reasonably traversable pedestrian access via an unimproved foot path.
 - c) Applicant shall purchase and install a Shoreline Public Access sign, meeting with Planning Department approval, at the entrance to the public access path at Ala Heiau Road. Please contact the Planning Department at 961-8288, extension 253 for further information.
6. The site plan submitted with the Building Permit must include the location of the 90' shoreline setback line, the 5'-wide mauka-makai public pedestrian access and the 40'-wide public lateral access.
7. The Building Permit(s) for the placement of the four storage containers shall be issued within two (2) year from the date of this letter.
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 determination; and
 - c) The time extension granted shall be for a period 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. 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:


B. LEITHEAD TODD
Planning Director


Date

IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONSTRUCT THIS STRUCTURE WITH STRICT ACCORDANCE TO THE PLANS AND THE RULES AND REGULATIONS OF THE UNIFORM BUILDING CODE AS AMENDED BY THE COUNTY OF HAWAII.

THE CONTRACTOR SHALL INSPECT PLANS AND SITE AND VERIFY ALL DIMENSIONS, CONDITIONS, AND DETAILS BEFORE STARTING

CONTRACTOR SHALL BRING ANY POTENTIAL PROBLEMS, ERRORS, OR OMISSIONS TO THE ARCHITECT'S ATTENTION BEFORE STARTING

THE CONTRACTOR SHALL BRING ANY SITE CONDITIONS THAT MAY ADVERSELY AFFECT THE DESIGN TO THE ARCHITECT'S ATTENTION BEFORE STARTING JOB.

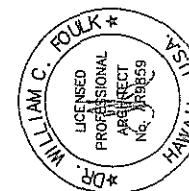
THE OWNER IS RESPONSIBLE FOR VERIFYING ALL LOT DIMENSIONS AND ANGLES, SETBACKS, EASEMENTS, RIGHTS OF WAY, COVENANTS AND RESTRICTIONS, AND OTHER PLANNING AND ZONING ISSUES - REGARDLESS OF THE DRAFTED

THE OWNER SHALL BE RESPONSIBLE FOR ALL
EXTRA COST DUE TO CHANGES MADE BY THE
COUNTY BUILDING DEPT. AFTER THE PLANS
HAVE BEEN DRAUN, AND FOR CONFORMING TO
ALL SUBDIVISION COVENANTS,
CODES & RESTRICTIONS

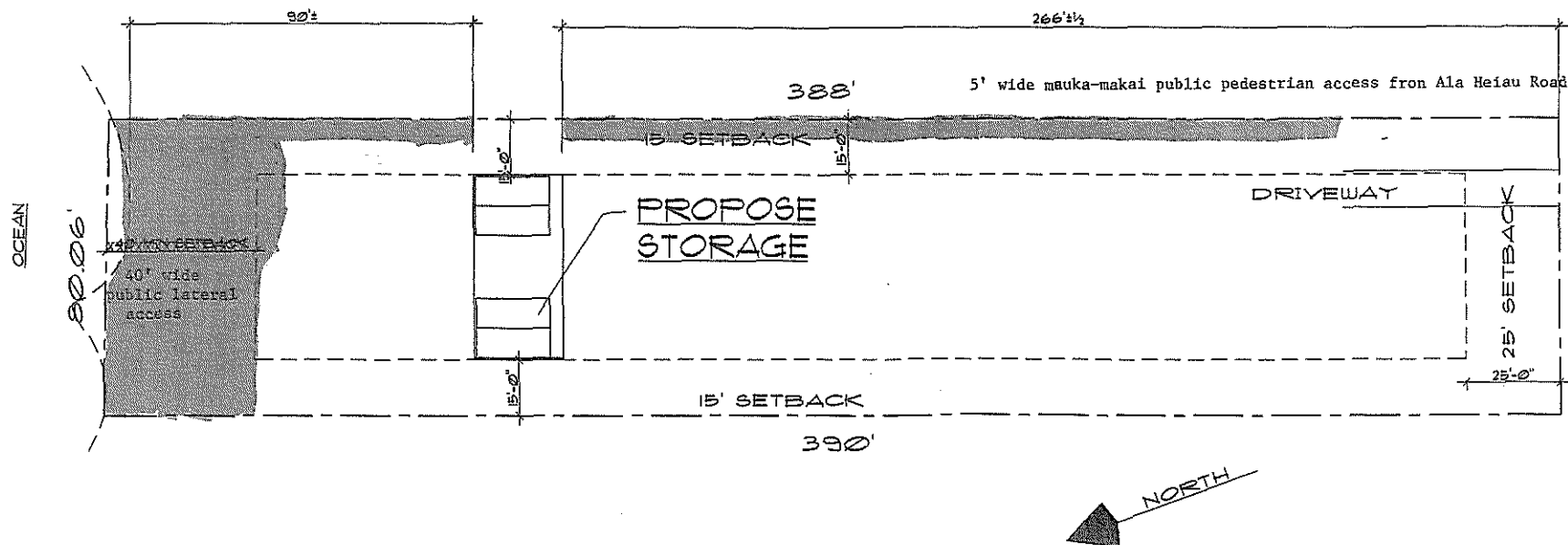
BY APPLYING FOR A BUILDING PERMIT, THE OWNER CONFIRMS THAT HE HAS REVIEWED THESE PLANS AND FINDS THEM COMPLETE AND ACCURATE IN REGARD TO HIS REQUIREMENTS.

OWNER NAME: WILLIAM RAY & KRIS MARIE REED
PHONE#938-7840
MAILING ADDRESS: PO BOX 446
NAALEHU HI 96772
TRK: 1-5-032:049
LOCATION:

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION



Required shoreline setback is 90'.



SITE PLAN
SCALE: 1"=30'

[illegible]

CONTAINER STORAGE FOR:
WILLIAM RAY &
KYD'S MARTE REED

CONTENTS:

JANUARY

DRAWN BY: MILES

SHEET NO.

PLANNING
2009 MAR 16 2:11:06

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 17, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* *[Signature]* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000418)

Applicant: William Reed

Land Owner: William Reed and Kris Reed

Request: Placement of Four 20-ft Shipping Containers for Ag Storage

Tax Map Key: 1-5-32: 049

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 10, 2009 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 an area of "minimal tsunami inundation."

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

