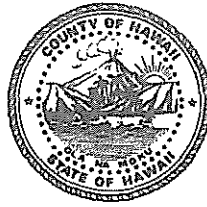


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

June 10, 2009

Mr. Lyman H. Casey
72-3100 Manini'owali Valley
Kailua-Kona HI 96740

Dear Mr. Casey:

Subject: Special Management Area Use Permit Assessment Application (SAA 09-000444)
Special Management Area Minor Permit No. 09-000115
Applicant: Lyman H. Casey
Land Owner: Lyman H. Casey & Carol W. Casey
Request: Construction of a Well for Dust Abatement
Tax Map Key: 7-2-24:15, North Kona, Hawaii

This is to follow up on our May 26, 2009 letter relating to the above-referenced Special Management Area Assessment Application for the construction of a well on the subject parcel.

Also acknowledged is receipt on May 26, 2009 of authorization by Carol W. Casey.

The 2.244 acre property is zoned Project District by the County and designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Urban Expansion.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the construction of the well for dust abatement is considered "*Construction, reconstruction, demolition or alteration of the size of any structure*" and defined as "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. 09-000115 is hereby issued to allow for the construction of a well for dust abatement, subject to the applicant's compliance with the conditions of approval as specified in the permit.

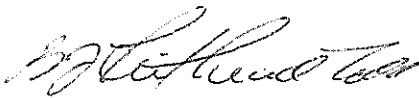
JUN 15 2009

Mr. Lyman H. Casey
Page 2
June 10, 2009

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

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

ETI:cs

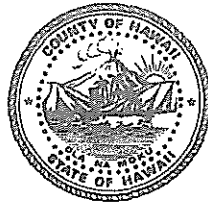
P:\Public\Wpwin60\CZM\SMM\2009\SMM 09-115L Casey.Rtf

Enclosures - SMM No. 09-000115

Department of Public Works June 2, 2009 Memo
Na Ala Hele letter of May 29, 2009

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

William P. Kenoi
Mayor



BJ Leithead Todd
Director

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Special Management Area Minor Permit No. 09-000115

Project: Construction of a Well for Dust Abatement
Applicant: Lyman H. Casey
Land Owner: Lyman H. Casey & Carol W. Casey
Location: North Kona, Hawaii
TMK: 7-2-24:15 **Land Area:** 2.244 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct a well to be used for dust abatement.

2. Purpose of Project: The well will supply water for dust abatement. After construction of the future dwelling, it would then supply water for landscape irrigation.

3. Project Valuation: \$30,451

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area (SMA), the "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the proposed construction of the well 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 Commission.
- 2. General Plan:** The subject property is designated Urban Expansion by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The subject property is designated Project District.
- 4. Special Management Area (SMA):** Although the subject property is located in the SMA, the project site is approximately ¼ mile from the shoreline.
- 5. Flood Zone:** "X", not a designated Special Flood Hazard Area.

**Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS),
Regarding the Special Management Area**

Although this parcel has frontage along the coastline, the well will be constructed approximately ¼ mile from the shoreline. Therefore, the proposed improvement 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 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, 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 approximately \$30,451 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 2, 2009 states the following:

"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).

Zone 'X' is not a designated Special Flood Hazard Area."

The enclosed Na Ala Hele letter dated May 29, 2009 stated that *"We have no interest of trails within this development at this time."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000115** is hereby approved to allow the construction of a well for dust abatement, 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. 09-000115, 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 complete construction of the well within one (1) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. 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
4. 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 form the State Historic Preservation Division of the Department of Land and Natural Resources.
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/owner, 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:



BJ LEITHEAD TODD
Planning Director


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


PLANNING DEPARTMENT
COUNTY OF HAWAII

2009 JUN -2 AM 10:48

DATE: June 2, 2009

Memorandum

TO : B. J. Leithead-Todd, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 09-000444)
Applicant: Lyman H. Casey
Location: North Kona, Hawaii
TMK: 3 / 7-2-024:015

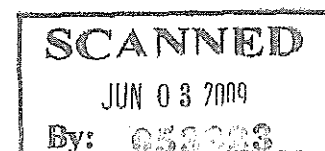
We reviewed the subject application and our comments are as follows:

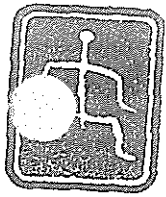
We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Zone "X" is not a designated Special Flood Area.

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





NA ALA HELE
Hawaii Trail & Access System

PLANNING DEPARTMENT
COUNTY OF HAWAII

2009 JUN -3 AM 9:02

May 29, 2009

B.J. Leithead Todd
County Planning Department
Aupuni Center
101 Pauahi St. Suite 3
Hilo, Hawaii 96720

Dear Ms. Leithead Todd,

Re: SMA PERMIT (SAA 09-000444) CASEY WELL CONSTRUCTION

We have no interest of trails within this development at this time.

Attachments March 9, 2004.

Appreciate the notification.

Sincerely,

Irving K. Kawashima
Trails & Access Specialist

