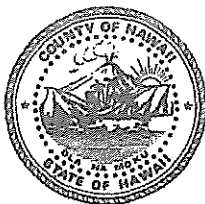


William P. Kenoi
Mayor



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 29, 2009

Mr. Scott Watson
27-104 Lali Street
Hilo HI 96720

Dear Mr. Watson:

Subject: Special Management Area Use Permit Assessment Application
(SAA 09-000462)
Special Management Area Minor Permit No. 09-000117
Applicant: Scott Watson
Land Owner: Scott Watson and Laurie Fraser Robertson
Request: Construction of Water Well for Use by Parcels 23 and 41
Tax Map Key: 3-2-3:23, Ninole, North Hilo, Hawaii

This is to follow up on our June 17, 2009 letter relating to the above-referenced Special Management Area Assessment Application for the construction of a well for use by the subject parcel and the adjoining TMK: 3-2-3:41.

This 1.359 acre property is zoned Agricultural (A-20a) by the County and is designated Agricultural by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Important Agricultural Land.

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 a water well for use by Parcels 23 and 41 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. 09-000117 is hereby issued to allow for the construction of a well for use by the subject parcel and the adjoining TMK: 3-2-3:41, subject to the applicant's compliance with the conditions of approval as specified in the permit.

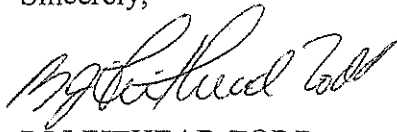
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Mr. Scott Watson
Page 2
June 29, 2009

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 961-8139.

Sincerely,



BJ LEITHEAD TODD
Planning Director

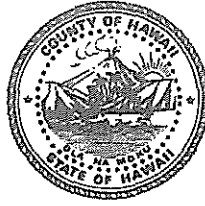
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P:\Public\Wpwin60\CZM\SMM\2009\SMM 09-117L Watson.Rtf

Enclosures - SMM No. 09-000117
Department of Public Works June 22, 2009 Memo

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



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Special Management Area Minor Permit No. 09-000117

Project: Construction of Water Well for Use by Parcels 23 and 41
Applicant: Scott Watson
Land Owner: Scott Watson and Laurie Fraser Robertson
Location: North Hilo, Hawai'i
TMK: 3-2-3:23 **Land Area:** 1.359 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct a water well for use by the subject parcel and the adjoining TMK: 3-2-3:41.

2. Purpose of Project: The well will be used to provide water for the future dwelling on the subject parcel and for the residence on the adjoining Parcel 41.

3. Project Valuation: \$20,000

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 water well 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 Important Agricultural Land by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The subject property is zoned Agricultural (A-20a).
- 4. Special Management Area:** Although the subject property is located in the SMA, it does not have frontage along the coastline.

5. **Flood Zone:** It 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".

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

This parcel does not have frontage along the coastline. 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 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 \$20,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 22, 2009 states the following:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated June 17, 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'."

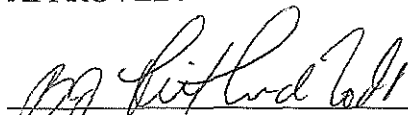
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000117** is hereby approved to allow the construction of a well for use by Parcels 23 and 41, subject to the applicant's compliance with the conditions of approval as specified below.


Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 09-000117, 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 water well within two (2) 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 from 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

PLANNING DEPARTMENT
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS

2009 JUN 22 PM 12:13

COUNTY OF HAWAII
HILO, HAWAII

DATE: June 22, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000462)

Applicant: Scott Watson

Land Owners: Scott Watson and Laurie Fraser Robertson

Request: Construction of a Well for Use by Parcels 23 and 41

Location: Nīnole, North Hilo, Hawaii

Tax Map Key: 3-2-03: 023

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated June 17, 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.

