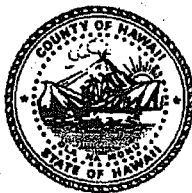


William P. Kenoi  
Mayor



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

March 22, 2010

Mr. Gregory R. Mooers  
Mooers Enterprises, LLC  
P.O. Box 1101  
Kamuela HI 96743

Dear Mr. Mooers:

**Subject: Special Management Area Use Permit Assessment Application (SAA 09-000496)  
Special Management Area Minor Permit No. 10-000145**

**Applicant: Charles and Diane Bundrant**

**Land Owner: B.P. Bishop Estate Trustees**

**Request: Installation of Two Vehicular Gates on Keawaiki Road**

**Tax Map Key: 8-3-5:1, Kahauloa, South Kona, Hawaii**

This is to follow up on our November 19, 2009 letter relating to the above-referenced Special Management Area assessment for the installation of two vehicular gates on Keawaiki Road on the subject parcel.

This 24.55 acre parcel is designated Conservation by the State Land Use Commission. For parcels with that designation, there is no County zoning per se.

Although it is in the Special Management Area, this parcel does not have frontage along the coastline and is approximately 250 feet inland.

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 installation of two vehicular gates 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. 10-000145 is hereby issued to allow for the installation of two vehicular gates, subject to the applicant's compliance with the conditions of approval as required by the permit.

Mr. Gregory R. Mooers  
Mooers Enterprises, LLC  
March 22, 2010  
Page 2

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,

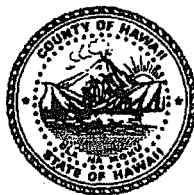
  
BJ LEITHEAD TODD  
Planning Director

ETI:cs  
P:\Public\Wpwin60\CZM\SMM\2010\SMM 10-145L Bundrant.Rtf

Enclosures - SMM No. 10-000145  
Department of Public Works November 30, 2009 Memo  
Na Ala Hele December 14, 2009 Memo

cc w/Encls: Long Range Planning  
Planning  
Planning Department – Kona  
Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

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

### Special Management Area Minor Permit No. 10-000145

**Project:** Installation of Two Vehicular Gates on Keawaiki Road  
**Applicant:** Charles and Diane Bundrant  
**Land Owner:** B.P. Bishop Estate Trustees  
**Location:** Kahauloa, South Kona, Hawai'i  
**TMK:** 8-3-5:1 **Land Area:** 24.55 acres

#### Applicant's Request

##### 1. Project Description:

As a requirement of their lease, Charles and Diane Bundrant propose to erect two vehicular gates on the existing private Keawaiki Road.

This property is traversed by two unpaved mauka-makai roads from Puuhonua Road. To the north, Keawaiki Road is essentially an 800-foot long private driveway to access the 1,400 foot long north-south road that fronts the Keawaiki Beach Lots and connects the two mauka-makai roads at their makai ends. It does not provide public access to the coastline.

Currently, the private Keawaiki Road system serves as an alternate public route to Ke'ei Beach Road.

To the south, Ke'ei Beach Road has its own separate access across the property to Ke'ei Village and the shoreline that will not be affected.

One gate will be approximately 50 feet makai of Puuhonua Road. The second gate will be near Ke'ei Beach Road.

##### 2. Purpose of Project:

The gates would provide more protection and security for the historic sites on the property and for the residents of Keawaiki Beach Lots.

##### 3. Project Valuation:

Less than \$50,000.

##### 4. Public Access:

This property does not have frontage along the coastline. Mauka-makai shoreline access is available on properties immediately south at Ke'ei and to the north at Manini Beach. The

proposed project will not restrict or affect beach access, or access to any other public resource.

**5. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

<b>State and County Plans</b>
-------------------------------

1. **State Land Use District:** The subject parcel is designated Conservation by the State Land Use Commission.
2. **Na Ala Hele:** The enclosed December 14, 2009 memorandum from D. Moana Rowland, Abstractor to Clement Chang, Trails Specialist states the following:  
*"Research has been completed pursuant to your request dated December 9, 2009. Examination of available records fails to disclose the alignment of a trail on a map predating 1892. Without the necessary evidence documenting the trail's existence in accord with the mandates of the Highways Act of 1892, ownership of said trail could not be confirmed in favor of the State of Hawai'i."*
3. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
4. **County Zoning:** For parcels that are designated Conservation by the State Land Use Commission, there is no County zoning per se.
5. **Special Management Area (SMA):** Although the subject parcel is located in the SMA, it does not have frontage along the coastline.
6. **Flood Zone:** Both proposed gates are located within Zone X.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
--

This property does not have frontage along the coastline and the project site is located approximately 250 feet inland. Therefore, the proposed improvements will not affect lateral public access or coastal 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 \$50,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 30, 2009 states the following:

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

*We have determined that the subject property is located within Flood Zones "AE" and "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Both of the proposed gates are located within Zone X.*

*The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.*

*Any new construction or substantial improvements within Zone AE on the subject property will be subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawaii County Code."*


Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000145** is hereby approved for the installation of two vehicular gates on the subject parcel. This approval is 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. 10-000145 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The installation of the two vehicular gates shall be completed within one (1) year from the date of approval of this permit.
4. Any change to the location of the two vehicular gates will require the submittal of another Special Management Area Use Permit Assessment Application for further review.
5. Neither the landowners nor any agent of the landowners or their successors shall, at any time, impede or otherwise restrict access around the gates on the special walkway and pedestrian access on Keawaiki Road. The walkway must be maintained to allow for safe traversable pedestrian access at all times.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and 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.

APPROVED:

  
\_\_\_\_\_  
BJ LEITHEAD TODD  
Planning Director

MAR 22 2010

\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII


PLANNING DEPARTMENT -K  
COUNTY OF HAWAII

2009 NOV 30 PM 1:42

DATE: November 30, 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 09-000496)  
Applicant: Charles and Diane Bundrant  
Location: Kahauloa, South Kona, HI  
TMK: 3 / 8-3-005: 001

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

We have determined that the subject property is located within Flood Zones "AE" and "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Both of the proposed gates are located within Zone X.

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.

Any new construction or substantial improvements within Zone AE on the subject property will be subject to the requirements of Chapter 27 - Flood Plain Management, of the Hawaii County Code.

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

058521