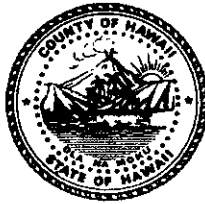


William P. Kenoi
Mayor



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

July 14, 2010

Mr. Larry R. Smith
77-329 Hoomaluhia Rd
Kailua-Kona, HI 96740

Dear Mr. Smith:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 10-000575)**

Special Management Area Minor Permit No. 10-000154

Applicant: Larry R. Smith

Land Owner: Larry R. Smith

Request: Construction of Water Well

Tax Map Key: (3) 7-7-004:069, Kaumalumu, North Kona, Hawai'i

This is to acknowledge receipt on June 14, 2010 of your Special Management Area Use Permit Assessment Application for the construction of a water well. The well is anticipated to supply water to the nursery and greenhouse on the subject property.

The subject property consists of 6 acres and is zoned Agricultural (A-5a) by the County of Hawai'i. In addition, the property is designated Agricultural by the State Land Use Commission and is designated Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. Although the subject property is located in the SMA, it does not have frontage along the coastline.

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 an SMA Minor Permit.

Mr. Larry R. Smith
Page 2
July 14, 2010

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No.10-000154 is hereby issued to allow for the proposed construction of a water well on the subject parcel. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Should you have questions, please feel free to contact Bethany Morrison of this office at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs
P:\wpwin60\CZM\SMM\2010\SMM 10-154L Smith Well.doc

Enclosure SMM No. 10-000154
Department of Public Works Memorandum dated June 30, 2010

cc w/encls: Ms. Lorrie Diamond
HC3 Box 14073
Kea'au, HI 96749

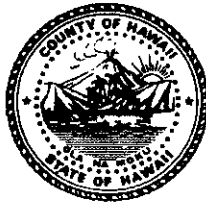
Long Range Planning Division

Planning Division

Planning Department- Kona Office

cc ltr only: Mr. Abbey S. Mayer, Interim Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

William P. Kenoi
Mayor



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County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 10-000154

Project: Construction of Water Well
Applicant: Larry R. Smith
Land Owner: Larry R. Smith
Location: Kaumalumu, North Kona, Hawai'i
TMK: (3) 7-7-004:069 **Land Area:** 6 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct a water well on the subject property. The well will provide water to the existing nursery/ greenhouse. There will be no grading or leveling of the land.

2. Purpose of Project:

The well is anticipated to supply water to the nursery and greenhouses. The well will be used for irrigation of nursery plants. The nursery has been there for approximately 6 years. There are also two existing homes that have been there approximately 5 years. The water is currently being supplied by the County of Hawai'i Department of Water Supply but is costly for the nursery.

3. Project Valuation: \$10,200

4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(10)A(i), "development" includes *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*. Therefore, the proposed construction of the water well is considered "development" and requires a Special Management Area 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 Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property Medium Density Urban.
3. **County Zoning:** The subject property is zoned A-5a (Agricultural District).
4. **Special Management Area:** The subject property is located in the SMA.
5. **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. There is an archeological preservation site (Site 6343) located within the subject property. The site is known as Judd Trail. However, a preservation plan including buffer zones was approved by the Department of Land and Natural Resources Historic Preservation Division. It is not anticipated the proposed water well will affect the archeological preservation site.

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, 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 approximately \$10,200 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 30, 2010, 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 (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood 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 Hawai'i County Code for watercourse alterations.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000154** is hereby approved to allow for the proposed construction of the water well on the subject parcel, 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. 10-000154** subject to the following conditions:

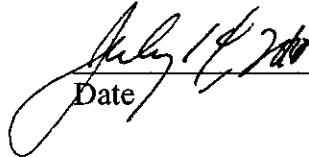
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. 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.
4. The applicant shall comply with the recommendations of the State Department of Land and Natural Resources State Historic Preservation Division approved Preservation Plan including, but not limited to, the 10 foot wide "no build" easement buffer along the southern property line.
5. To ensure adequate preservation of the Judd Trail. A construction barrier shall be erected along the 10 foot wide "no build" easement fronting the proposed well site prior to any construction of the water well.
6. Once the construction barrier is in place, please contact the Planning Department at (808) 961-8138 to arrange for a site inspection. Grading and/or construction activities will not be allowed to commence until the location of the barriers have been approved by the Planning Director.

8. No land alteration, grubbing, landscaping and construction activities, including, but not limited to, construction materials or equipment, shall occur within the 10 foot wide "no build" easement.
7. 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 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).
8. 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
2010 JUL -1 AM 10: 41

DATE: June 30, 2010

Memorandum

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

FROM : Galen M. Kuba, Division Chief *GK*
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 10-000575)
Applicant: Larry R. Smith
Location: North Kona, Hawaii
TMK: 3 / 7-7-004:069

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)

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.

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

Hawaii County is an Equal Opportunity Provider and Employer

