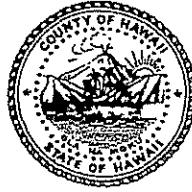


William P. Kenoi
Mayor



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

April 12, 2011

Ms. Valerie Colter
12-7242 Kii Nani St.
Pāhoa, HI 96778

Dear Ms. Colter:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 10-000621)**

Applicant: Valerie Colter

Land Owner: Jonah Gouin

Request: Subdivision into 6 Lots of 2 acres or more

Tax Map Key: 1-3-002:100, Kamā'ili - Kaueleau, Puna, Hawai'i

This is in response to your Special Management Area Use Permit Assessment Application (SAA 10-621), which you submitted on December 13, 2010. The applicant proposes to subdivide the subject parcel into six lots of two acres or more.

The subject property consists of 24.981 acres. The property is zoned Agricultural (A-1a) by the County and is designated as Agriculture by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Important Agricultural Land (ial). The parcel is partially situated within the Special Management Area (SMA) and does not have frontage along the shoreline.

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the proposed subdivision is considered "development" and requires a Special Management Area Minor Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 11-000170 is hereby issued to allow for the subdivision of the subject parcel into six lots of two acres or more. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Ms. Colter
Page 2
April 12, 2011

If you have questions, please feel free to contact Christian Kay of this department at 961-8136.

Sincerely,



BJ LEITHEAD TODD
Planning Director

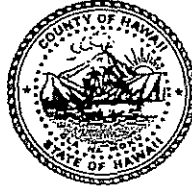
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P:\wpwin60\CZM\SMM\2011\SMM 11-170L Colter 6 Lot Subdivision.doc

Enclosure: SMM No. 11-000170
Department of Public Works Memorandum dated March 14, 2011

cc w/encls: Long Range Planning Division
SUB-10-001039

cc ltr only: Mr. Jesse K. Soule, 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



BJ Leithead Todd
Director

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PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 11-000169

Project: Subdivision into 6 Lots of 2 acres or more
Applicant: Valerie Colter
Land Owner: Jonah Gouin
Location: Kamā'ili - Kaueleau, Puna, Hawai'i **TMK:** (3) 1-3-002:100
Land Area: 24.981 acres

Applicant's Request

1. **Project Description:** The applicant proposes to subdivide subject property into six lots of two or more acres.
2. **Purpose of Project:** To subdivide the subject property into six lots.
3. **Project Valuation:** \$20,000
4. **Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (A), "development" includes "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the proposed subdivision 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 Agriculture by the State Land Use Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Important Agricultural Lands.
3. **County Zoning:** The property is zoned Agricultural (A-1a).
4. **Special Management Area:** The subject property is partially located in the SMA.
5. **Flood Zone:** X

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes
(HRS), Regarding the Special Management 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 Hawai'i 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 tsunامي, 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 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 January 5, 2011, states the following:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 13, 2011 and have no objections to the request provided the proposed subdivision complies with the subdivision code.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." The subject parcel is at an approximate elevation ranging from 30 to 80 feet. Therefore, we designate the parcel as Zone X – areas outside the 500-year floodplain.

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


Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000170** is hereby approved to allow for the proposed subdivision of 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. 11-000170 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. The applicant shall apply for the subdivision of the subject parcel within two (2) years from the date of approval of this permit.
4. Prior to the granting of Final Subdivision Approval, the applicant shall complete a Preservation Agreement for the area of historical note identified in the Northern Makai Portion of Lot under the guidance of the State Historic Preservation Division of the Department of Land and Natural Resources.
5. Further 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.
6. 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).
7. 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

DATE: March 14, 2011

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 10-000621)

Applicant: Valerie Colter

Land Owner: Jonah Gouin

Request: Subdivision into Six Lots of 2 Acres or More

Tax Map Key: 1-3-02: 100

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 13, 2011 and have no objections to the request provided the proposed subdivision complies with the subdivision code.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." The subject parcel is at an approximate elevation ranging from 30 to 80 feet. Therefore, we designate the parcel as Zone X - areas outside the 500-year floodplain.

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