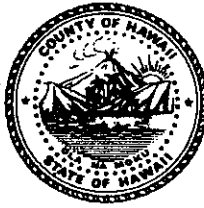


William P. Kenoi
Mayor



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 13, 2011

Ms. Eileen O'Hara
President, Board of Directors
Hawaiian Shores Community Association
15-2793 Honu Street
Pāhoa HI 96778

Dear Ms. O'Hara:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 11-000642)**

Special Management Area minor Permit No. 11-000174

Applicant: Eileen O'Hara, President of HSCA Board of Directors

Landowner: Hawaiian Shores Community Association

Request:

- 1) Landscaping Improvements and Routine Maintenance**
- 2) Addition of a Footpath, Bench and/or Picnic Table,**
- 3) Placement of Large Boulders to Prevent Vehicular Access, and**
- 4) Replacement and Addition of Signs**

TMK: 1-5-88:1 and 1-5-111:1, Hawaiian Shores Subdivision, Puna, Hawai'i

This is to follow up on our April 5, 2011 letter relating to the above-referenced Special Management Area assessment for the 1) landscaping improvements and routine maintenance, 2) addition of a footpath, bench and/or picnic table, 3) placement of large boulders to prevent vehicular access, and 4) replacement and addition of signs on the subject parcels.

TMK: 1-5-88:1, consisting of .6982 acre, and TMK: 1-5-111:1, consisting of 2.704 acres, are both designated Urban by the State Land Use Commission and zoned Agricultural (A-1a) by the County. They are in the Special Management Area and have frontage along the coastline.

Ms. Eileen O'Hara
President, Board of Directors
Hawaiian Shores Community Association
Page 2
April 13, 2011


According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(B) and (A) relating to Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" and as well as the "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*", respectively, are 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. 11-000174 is hereby issued to allow for the above referenced request, subject to the applicant's compliance with the conditions of approval as required by the permit.

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

Should you have questions, please feel free to contact Esther Imamura at 961-8139.

Sincerely,


BJ LEITHEAD TODD
Planning Director

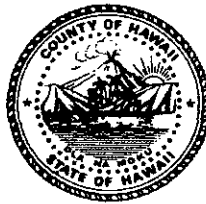
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Enclosures - SMM No. 11-000174
Department of Public Works April 7, 2011

cc w/Encls.: Long Range Planning
Planning
Mr. Jesse K. Souki, Director – Office of Planning, DBED&T

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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Special Management Area Minor Permit No. 11-000174

- Project:**
- 1) Landscaping Improvements and Routine Maintenance
 - 2) Addition of a Footpath, Bench and/or Picnic Table,
 - 3) Placement of Large Boulders to Prevent Vehicular Access, and
 - 4) Replacement and Addition of Signs

Applicant: Eileen O'Hara, President of HSCA Board of Directors

Land Owner: Hawaiian Shores Community Association

Tax Map Key: 1-5-88:1

Land Area: 0.6982 acres

Tax Map Key: 1-5-111:1

Land Area: 2.704 acres

Applicant's Request

1. Project Description:

Vegetative re-growth will be maintained on a periodic basis to retain access and control alien species. It will be necessary to cut and remove some of the overgrown native hau, hala and coconut trees in order to maintain the properties in a usable state. Any plant introduced to the properties will be native species appropriate for coastal areas and will be introduced to prevent erosion.

The area will be kept in a natural state with only a footpath traversing the cleared areas. No construction is intended on either of the parcels and removal of noxious vegetation within the area designated as lying within the certified shoreline will be accomplished with only hand held tools.

A bench or picnic table may be situated near the foot path under the shade of the Banyan Tree. Large boulders will be placed along the properties' border along Papio Street at 4' - 5' intervals to prevent access by vehicles. The existing sign describing the parcel as Private Property will be replaced and at least one additional sign will be posted.

2. Purpose of Project:

These parcels were established as an open space reserve and future park land for the residents at the time of subdivision. By letter dated January 11, 2006, SMM 06-22 was issued to allow for grubbing and spraying to control invasive/noxious vegetation and pests on both parcels. This current proposal would allow for safe pedestrian access to portions of the parcels that do not represent a hazard.

3. Project Valuation: \$1,000.00.

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(B) and (A) relating to Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" and the "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste", respectively, are defined as "development". Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Open.
3. **Puna Community Development Plan:** Objectives in Parks and Recreation, Section 3.5.2a, Adopt the following classification for expansion and improvement of parks in Puna: "*Coastal Activity Area: A shoreline recreational area that is accessed by a park or a public easement*" and "*Community Park: A recreational park or facility intended to be used primarily by residents of the area that is owned and maintained by the County or by a private entity with unrestricted public access*".
4. **County Zoning:** The subject properties are zoned Agricultural (A-1a).
5. **Special Management Area (SMA):** Both parcels have ocean frontage.
6. **Flood Zone:** Flood Zone X.

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

Frontage along the coastline for both parcels is a steep cliff which makes access to the ocean prohibitive. Therefore, although there is no public access to the shoreline, the proposed activity will not negatively affect shoreline recreational resources available to the public. Rather, it would allow for additional safe recreational opportunities along the coastal 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, 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 \$1,000 is not in excess of \$125,000.

By enclosed memorandum dated April 7, 2011, the Department of Public Works, Engineering Division had the following comments:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 5, 2011 and have no objections to the request."

The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation". For developmental purposes, we designate such parcels as Zone X—areas determined to be outside the 500-year floodplain."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000174** is hereby approved to allow for the 1) landscaping improvements and routine maintenance, 2) addition of a footpath, bench and/or picnic table, 3) placement of large boulders to prevent vehicular access, and 4) replacement and addition of signs, with the conditions of approval as specified below.

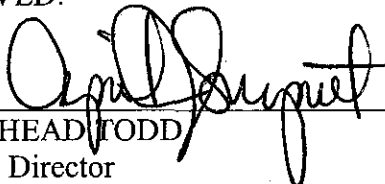
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 11-000174** 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 comply with all applicable requirements of all State and County of Hawaii and Federal departments and agencies.

3. As required by the Department of Public Works, the applicant shall obtain a grubbing permit prior to the commencement of any tree cutting, clearing or grubbing activities.
4. Prior to the commencement of any grubbing or the application of any pesticide or herbicides, the applicant shall consult with the State Department of Health regarding any regulations and/or permits applicable to the proposed activities.
5. Prior to the application of any pesticide or herbicides, the applicant shall consult with the State Department of Health regarding any regulations and/or permits applicable to the proposed activities.
6. This permit does not allow for any excavation, grading or filling on the subject properties.
7. All green waste material shall be removed from the subject properties within 72 hours of being grubbed and disposed of at a County of Hawaii approved green waste facility. No green waste or any other material shall be deposited over the sea cliff or in the ocean.
8. No mechanized heavy equipment, such as bulldozers, backhoes, tractors, trucks, etc, shall be permitted within 40 feet of the top of the sea cliff.
9. 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.
10. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:


BJ LEITHEAD
Planning Director

4-13-11
Date

DEPARTMENT OF PUBLIC WORKS

2011 APR -8 PM 1:01

COUNTY OF HAWAII
HILO, HAWAII

DATE: April 7, 2011

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* *OG* Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SMA 11-000642)**

Applicant: Eileen O'Hara, President of HSCA Board of Directors

Land Owner: Hawaiian Shores Community Association

Request: 1) Landscaping Improvements and Routine Maintenance
2) Addition of a Foot Path, Bench and/or Picnic Tables
3) Placement of Large Boulders to Prevent Vehicular Access
4) Replacement and Addition of Signs

Tax Map Keys: 1-5-080: 001 and 1-5-111: 001

OG
We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 5, 2011 and have no objections to the request.

The subject parcels are in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

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

SCANNED

APR - 7 2011

By: 070674