



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. 11-000176

Project: Routine Maintenance of the Perimeter of the Property
Applicant: BENFACT USA INC.
Land Owner: Yukinobu and Keiko Katou
Tax Map Key: 1-5-88:42 **Land Area:** 9,720 sq. ft.
Tax Map Key: 1-5-88:43 **Land Area:** 9,720 sq. ft.

Applicant's Request

1. Project Description:

This proposal is for the routine maintenance of the perimeter of the two contiguous properties. Fifteen feet of the perimeter of each parcel will be cleared and routinely maintained by the cutting of tree branches and tree trunks as well as the trimming of weeds and shrubs. No heavy machinery or equipment will be used, only chain saws.

2. Purpose of Project:

Routine maintenance will allow for a cleared area along all sides of the properties.

3. Project Valuation: \$28,000 each.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is 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 Parcel 42 as Open while Parcel 43 is Open and Low Density Urban.

3. **Puna Community Development Plan (PCDP):** The proposed activity is not contrary to the goals, objectives and policies of the PCDP.
4. **County Zoning:** The subject properties are zoned Agricultural (A-1a).
5. **Special Management Area (SMA):** Parcel 42 is entirely within the SMA. Parcel 43 is partially out of the SMA. Both, however, are mauka of Papio Street. Therefore, they are not located in a “shoreline area” as defined by Section 205A-41, Hawaii Revised Statutes (HRS).
6. **Flood Zone:** Flood Zone X.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</p>
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The subject parcels do not have frontage along the coastline. Therefore, the proposed activity will not affect public access to the shoreline or negatively affect shoreline 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 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 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, 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 for each of approximately \$28,000 is not in excess of \$125,000.

By enclosed memorandum dated April 25, 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 20, 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."

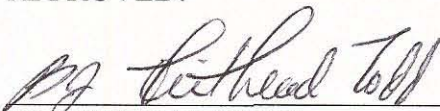
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000176** is hereby approved to allow for the routine maintenance of the perimeter of the properties subject to conditions of approval as specified below.

Conditions of Approval

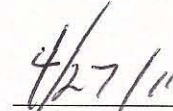
The Planning Director has approved **SMA Minor Permit No. 11-000176** subject to the following conditions:

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. Regarding archaeological resources, obtain a "no-effect" letter from the Department of Land and Natural Resources, State Historic Preservation Division for both parcels. A copy of this letter must be submitted to our office prior to the initial clearing of the two properties.
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 form the State Historic Preservation Division of the Department of Land and Natural Resources.
5. All green waste shall be collected and disposed of off-site at appropriate locations designated by the Department of Environmental Management for green waste.
6. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

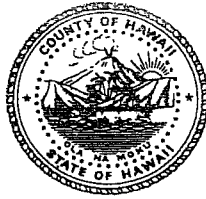


BJ LEITHEAD TODD
Planning Director



Date

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 3, 2017

Ms. Lori Mikkelsen
All Aina Services
P.O. Box 291
Laupāhoehoe, HI 96764

Dear Ms. Mikkelsen:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001499)
Applicant: Shonan Sanaiwaland Bright Co., Ltd.
Request: Amend SMM 11-000176 to Allow for Interior Landscape
Improvements and Routine Maintenance on Parcel 042
Tax Map Key: (3) 1-5-088:042 and 043

This is in response to your Special Management Area (SMA) Use Permit Assessment Application submitted on May 8, 2017. Proposed for the interior of Parcel 042 is grubbing and grading, capping the surface with cinder/soil and seeding or laying of turf for a yard. The establishment of a yard on this parcel would increase Parcel 043's area for recreation.

On April 27, 2011, SMM 11-000176 allowed for routine maintenance of the perimeter of Parcels 042 and 043. On July 29, 2016, Building Permit No. BH2016-01021 was issued for the construction of a single-family dwelling with related improvements on Parcel 043.

Special Management Area Determination:

By letter dated June 26, 2015, the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) stated that the Archaeological Inventory Survey Report of these two parcels met the requirements of HAR Section 13-276-5 and was accepted by SHPD. Therefore, as the proposed activities on Parcel 042 will not have any significant adverse environmental or ecological effect, SMM 11-000176 is hereby amended to allow for interior landscape improvements and routine maintenance on Parcel 042.

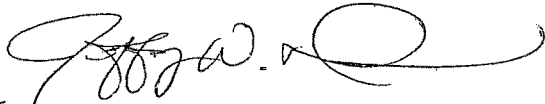
As a reminder, however, the applicant, its successors or assigns shall be responsible for complying with all other stated conditions of approval of the enclosed SMM 11-000176.

JUL 03 2017

Ms. Lori Mikkelson
All Aina Services
July 3, 2017
Page 2

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Yee", with a large, stylized flourish at the end.

For MICHAEL YEE
Planning Director

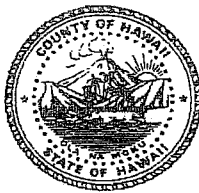
ETI:ja

P:\Wpwin60\CZMLetters\2017\SMM 11-176 Shonan Mikkelson.Doc

Enclosures: SMM No. 11-000176

cc: Hawaiian Shores Community Association

William P. Kenoi
Mayor



BJ Leithead Todd
Planning Director

Margaret K. Masunaga
Deputy

County of Hawai'i

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Hawai'i County is an Equal Opportunity Provider and Employer

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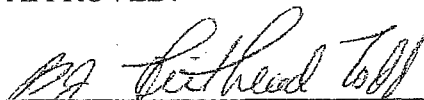
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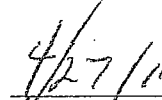
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APPROVED:



BJ LEITHEAD TODD
Planning Director



Date