

William P. Kenoi
Mayor



BJ Leithead Todd
Planning 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 28, 2011

Mr. Hisashi Yamazaki
BENFACT USA INC.
15-922 Punawai Avenue
Pāhoa, HI 96778

Dear Mr. Yamazaki:

SUBJECT: Special Management Area Use Permit Assessment Application (SAA 11-000658)
Special Management Area Minor Permit No. 11-000177
Applicant: BENFACT USA INC.
Land Owner: Seiren Suzuki
Request: Routine Maintenance of the Perimeter of the Property
TMK: 1-5-111:26, Hawaiian Shores Subdivision, Puna, Hawai'i

This is to follow up on our April 21, 2011 letter relating to the above-referenced Special Management Area assessment for the routine maintenance of the perimeter of the property.

This 8,757 square foot parcel is designated Urban by the State Land Use Commission and zoned Agricultural (A-1a) by the County. Although it is in the Special Management Area, it is not located within a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(B) relating to Special Management Area, the routine maintenance of the perimeter of the property is considered "*Grading, removing, dredging, mining, or extraction of any materials*" 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. 11-000177 is hereby issued to allow for the routine

Mr. Hisashi Yamazaki
BENFACT USA INC.
April 28, 2011
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maintenance of the perimeter of the property, 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 of this department at 961-8139.

Sincerely,


for BJ LEITHEAD TODD
Planning Director

ETI:cs
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Enclosures - SMM No. 11-000177
Department of Public Works April 27, 2011 Memo

cc w/encls: Long Range Planning
Planning

cc ltr only: Mr. Jesse K. Souki, Director
Office of Planning, DBEDT
P.O. Box 2359
Honolulu, HI 96804-2359

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 27, 2011

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMA 11-000658)

Applicant: Benfact U.S.A., Inc.

Land Owner: Seiren Suzuki

Request: Routine Maintenance of the Perimeter of the Properties

Tax Map Key: 1-5-111: 026

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 21, 2011 and have no objections to the request.

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." 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.



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Special Management Area Minor Permit No. 11-000177

Project: Routine Maintenance of the Perimeter of the Property
Applicant: BENFACT USA INC.
Land Owner: Seiren Suzuki
Tax Map Key: 1-5-111:26 **Land Area:** 8,757 sq. ft.

Applicant's Request

1. Project Description:

This proposal is for the routine maintenance of the perimeter of the property. Fifteen feet of the perimeter of the 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 property.

3. Project Valuation: \$32,700

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 property is 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 parcel as Open.

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 property is zoned Agricultural (A-1a).
5. **Special Management Area (SMA):** Although the subject parcel is located in the SMA, it is mauka of Papio Street. Therefore, it is not located in a “shoreline area” as defined by Section 205A-41, Hawaii Revised Statutes (HRS).
6. **Flood Zone:** Flood Zone X

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| <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 parcel does 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.

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| Findings |
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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 \$32,700 is not in excess of \$125,000.

By enclosed memorandum dated April 27, 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 21, 2011 and have no objections to the request.

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". For developmental purposes, we designate such parcels as Zone X – areas determined to be outside the 500-year floodplain."

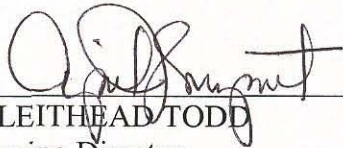
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000177** is hereby approved to allow for the routine maintenance of the perimeter of the property subject to conditions of approval as specified below.

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| Conditions of Approval |
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The Planning Director has approved **SMA Minor Permit No. 11-000177** 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. A copy of this letter must be submitted to our office prior to the initial clearing of the property.
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

APR 28 2011

Date