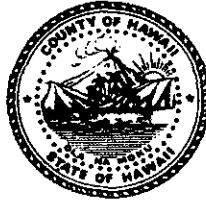


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy Director

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 21, 2011

Mr. Todd Adams
P.O. Box 1295
Pahoa, HI 96778

Dear Mr. Adams:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA-11-000689)
Special Management Area Minor Use Permit (SMM-11-000185)
Applicant: Todd Adams
Land Owner: Caron Davison
Project: After-the-fact Grubbing and Grading and Construction of a
Structure, and Proposed Construction of a Single-Family
Residence and Related Improvements
Tax Map Key: (3) 1-5-061:043, 044, 045 and 046; Hawaiian Paradise Park,
Puna, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-11-000689), which you submitted on June 29, 2011. The proposed development includes the after-the-fact grading, placement of cinder and base course fill, tree and vegetation removal and construction of temporary construction shed. The applicant has also proposed the construction of perimeter fencing around the perimeter of all subject parcels and construction of a single-family residence and related improvements on subject parcel 45. On July, 18, 2011, our office issued a determination of exemption for the proposed construction of a single-family residence and related improvements on parcel 45.

The subject properties consist of approximately 2 acres. They are zoned Agricultural (A-1a) by the County and designated Agricultural by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Rural. In addition, the properties are located entirely within the Special Management Area, although they are not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Mr. Todd Adams
July 21, 2011
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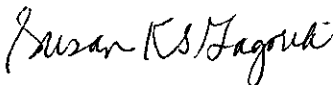
According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and 9-4 (e)(1)(E) relating to Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Construction, reconstruction, demolition or alteration of the size of any structure*" are defined as "development".

Therefore, the after-the-fact grading, placement of cinder and base course fill, tree and vegetation removal, construction of temporary construction shed and proposed construction of perimeter fencing require either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 11-000185 is hereby issued to allow after-the-fact grading, placement of cinder and base course fill, tree and vegetation removal, construction of temporary construction shed and proposed construction of perimeter fencing. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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

Sincerely,


for BJ LEITHEAD TODD
Planning Director

BJM:cs
P:\wpwin60\CZM\SMM\2011\SMM 11-185L Davison-Adams.doc

Enclosure - SMM No. 11-000185
Department of Public Works Memorandum dated July 12, 2011

xc w/encls: Caron Davison
6930 South Senate Street
Chandler, AZ 85249

Long Range Planning Division
Planning Division

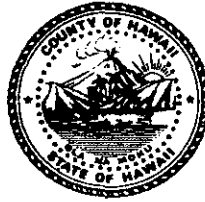
Mr. Todd Adams

July 21, 2011

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xc ltr only: Mr. Jesse K. Souki, 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

Margaret K. Masunaga
Deputy 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. 11-000185

Project: After-the-Fact Grubbing and Grading and Construction of a Structure
Applicants: Todd Adams
Land Owners: Caron Davison
Location: Hawaiian Paradise Park, Puna, Hawai'i
TMK: (3) 1-5-061:043, 044, 045 and 046 Land Area: 2 acres

Applicant's Request

1. Project Description:

The proposed development includes the after-the-fact grading of ½ acre by D-9 Tractor, placement of 300 yards of cinder and 100 yards base course fill, tree and vegetation removal and chipping to be used on site as mulch for existing Ohia trees and construction of temporary construction shed. The applicant has also proposed the construction of perimeter fencing around the perimeter of all subject parcels. The applicant also removed two pickup truck loads of rubbish that was collected from the subject properties and hauled to the nearest transfer station.

2. Purpose of Project:

The project is proposed to be developed as a single-family residential development with the single-family dwelling to be located on parcel 45. The remaining lots will be fenced and maintained.

3. Project Valuation: \$150,000

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and 9-4 (e)(1)(E) relating to Special Management Area, "Grading, removing, dredging, mining, or extraction of any materials" and "Construction, reconstruction, demolition or alteration of the size of any structure" are defined as "development". Therefore, the after-the-fact grading, placement of cinder and base course fill, tree and vegetation removal, construction of temporary construction shed and proposed construction of perimeter fencing requires a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** The subject properties are designated Agricultural by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject properties as Rural.
3. **County Zoning:** The parcels are zoned A-1a (Agricultural-1 acre minimum lot size) by the County of Hawai'i.
4. **Special Management Area:** The subject properties are 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 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$150,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated July 12, 2011, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated July 6, 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 development purposes, we designate such parcels as Zone-X-areas determined to be outside the 500-year floodplain. The Federal and County Government do not have any regulations for developments within area of minimal tsunami inundation and Zone X.

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code. A grading or grubbing permit may be required for the after-the-fact work and the proposed construction."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 11-000185** is hereby approved to allow the after-the-fact grading, placement of cinder and base course fill, tree and vegetation removal, construction of temporary construction shed and proposed construction of perimeter fencing within the subject properties.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 11-000185** 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. A grading or grubbing permit may be required from the Department of Public Works, Engineering Division. Please consult with their office to determine permitting requirements.
4. The Building Permit for the proposed temporary construction shed shall be secured within two (2) years from the date this determination.
5. 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:

for Susan K. Hager

BJ LEITHEAD TODD
Planning Director

July 26, 2011

Date

PLANNING DEPARTMENT

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII

HILO, HAWAII

7/11 JUL 15 AM 10:53

DATE: July 12, 2011

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 11-000689)

Applicant: Todd Adams

Request: After-the-Fact Grubbing and Grading, Construction of a Structure,
and Proposed Construction of a Single-Family Residence

Tax Map Key: 1-5-61: 043, 044, 045, 046

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated July 6, 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. The Federal and County Government do not have any regulations for developments within areas of minimal tsunami inundation and Zone X.

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code. A grading or grubbing permit may be required for the after-the-fact work and the proposed construction.

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

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