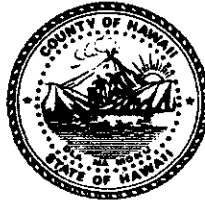


William P. Kenoi  
*Mayor*



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

Mrs. Barbara Bell  
RR2 Box 3881  
Pāhoa, HI 96778

Dear Mrs. Bell:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA 11-000682)**

**Special Management Area Minor Use Permit (SMM-11-000186)**

**Applicant(s): Jack Acree and Barbara Bell**

**Land Owner(s): Mozulay, Edmund E/Christine H Ha TTEES. Esperago,  
Bryce, Esperago, Cornelius, Esperago, Coronel, Villaverde, Shanley,  
Esperago, Michael, Labasan, Bernardo Jr, Acree/Bell Trust, Esperago,  
Kiley**

**Request: Installation of Electrical Power Pole(s)**

**Tax Map Key: (3) 1-5-010:015, 019, Portion of Maku'u and Keonepoko  
Nui, Puna, Hawai'i**

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This is in response to your Special Management Area Use Permit Assessment Application received on June 20, 2011. The applicant proposes the installation of electrical power pole(s) and all pertinent equipment to supply electrical service to the existing residence on parcel 19.

The subject parcel with the existing single-family residence consists of 1.22 acres and the road parcel consists of .697 acres. The subject parcels are zoned A-1a (Agricultural- minimum one acre lot size). The parcels are located in the State Land Use Conservation District and designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. In addition, the subject parcels are located entirely within the Special Management Area (SMA). However, the project area is not located in a "shoreline area" as defined by Chapter 205A-41, Hawai'i Revised Statutes (HRS).

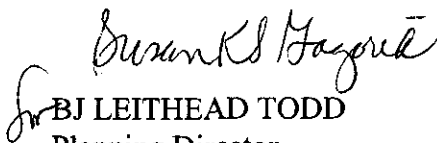
Ms. Barbara Bell  
July 21, 2011  
Page 2

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e) (1) (A) and (B), relating to the Special Management Area, "*Placement or erection of any solid material of any gaseous, liquid, solid, or thermal waste,*" is not exempt from the definition of "development." Therefore, the proposed project will 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.11-000186 is hereby issued to allow installation of electrical power pole(s) and all pertinent equipment. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,

  
BJ LEITHEAD TODD  
Planning Director

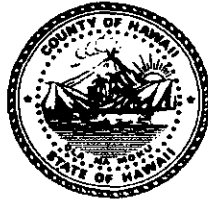
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Enclosure: SMM No. 11-000186  
Department of Public Works Memorandum dated July 12, 2011

xc w/encls: Long Range Planning Division  
Planning Division

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

## 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. 11-000186

**Project:** Installation of Electrical Power Pole(s) and all Pertinent Equipment  
**Applicant(s):** Jack Acree and Barbara Bell  
**Land Owner(s):** Mozulay, Edmund E/Christine H Ha TTEES. Esperago, Bryce, Esperago, Cornelius, Esperago, Coronel, Villaverde, Shanley, Esperago, Michael, Labasan, Bernardo Jr, Acree/Bell Trust, Esperago, Kiley  
**Location:** Portion of Maku'u and Keonepoko Nui, Puna, Hawai'i  
**TMK:** (3) 1-5-010:015, 019 Land Area: 1.917 acres

#### Applicant's Request

##### 1. Project Description:

The proposed development includes the installation of electrical power pole(s) and all pertinent equipment to supply electrical service to the existing residence on parcel 19. This may include one or two power poles, depending on the location of stabilization wire anchor system. The electrical panel will be placed about 1 foot away from the corner of the building (house) on the Government Beach Road-facing wall of the house and on the corner closest to Government Beach Road and the newly named Kamahele Place.

##### 2. Purpose of Project:

The existing home was built in 1973 and has used generator power, and the owners are having HELCO install electrical service.

##### 3. Project Valuation: \$10,000-\$15,000

##### 4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e) (1) (A) and (B), relating to the Special Management Area, "Placement or erection of any solid material of any gaseous, liquid, solid, or thermal waste," is not exempt from the definition of "development." Therefore, the proposed project will require a Special Management Area Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject properties are designated Conservation 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 Open.
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 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 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.

<b>Findings</b>
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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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$10,000-\$15,000 is not in excess of \$125,000.

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 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 area of minimal tsunami inundation and Zone X."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 11-000186** is hereby approved to allow the installation of electrical power pole(s) and all pertinent equipment within the subject properties.


<b>Conditions of Approval</b>
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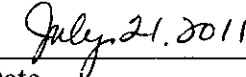
The Planning Director has approved **SMA Minor Permit No. 11-000186** subject to the following conditions:

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. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within the State Land Use Conservation district without securing a prior approval of a Conservation District Use Application (CDUA) or other written approval as deemed necessary by the Board of Land and Natural Resources.
4. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the installation of electrical power pole(s) and all pertinent equipment within one (1) year from the date of approval of this permit.
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:

  
BJ LEITHEAD TODD  
Planning Director

  
Date

PLANNING DEPARTMENT  
COUNTY OF HAWAII

**DEPARTMENT OF PUBLIC WORKS**  
COUNTY OF HAWAII  
HILO, HAWAII

2011 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 11-000682)**

Applicant: Jack Acree and Barbara Bell

Request: Installation of Electrical Power Poles

Tax Map Key: 1-5-10: 015 & 019

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.

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

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