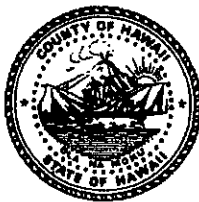


William P. Kenoi
Mayor



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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 11-000194

Project: Grubbing of the Entire Parcel

Applicant: Kathryn M. Dedman

Land Owner: Kathryn M. Dedman Trust

Tax Map Key: 2-1-6:23

Land Area: 6,227 sq. ft.

Applicant's Request

1. Project Description:

This proposal is for grubbing of the entire parcel. It is a vacant lot, overgrown with small trees and bushes.

2. Purpose of Project:

Grubbing will make the lot more visually appealing.

3. Project Valuation: \$6,000

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.

However, according to State Archaeologist Theresa K. Dunham, there are intact remnants of a house and outdoor oven (Portuguese style) on Parcel 24, which is the adjacent property to the east. Care must be taken to prevent damage of these sites.

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 Resort Node.

3. **County Zoning:** The subject property is zoned Resort-Hotel (V-.75).
4. **Special Management Area (SMA):** Although the parcel is located in the SMA, it is mauka of the Kuhio Kalaniana'ole Park. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawaii Revised Statutes (HRS).
5. **Flood Zone:** Flood Zones VE and AE

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

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 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, 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 \$6,000 is not in excess of \$500,000.

By enclosed memorandum dated November 10, 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 November 3, 2011 and have no objections to the request.

The subject parcel is in an area designated as Flood Zones VE and AE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zones VE and AE are the Special Flood Hazard Areas inundated by the 100-year flood (1% chance of occurring in any given year).

The subject parcel's area is 6, 227 square feet, or 0.143 acre. Because it's below one acre, a grubbing permit will not be required."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000194** is hereby approved to allow for grubbing of the entire parcel subject to conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 11-000194** 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. Grubbing of the property shall be completed within one (1) year from the date of approval of this permit.
4. The green waste must be contained within the subject parcel. Care must be taken that none of the trees fall onto and damage structures on the adjoining properties.
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. 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.
7. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

Should you have questions, please contact Esther Imamura of this office at 961-8139.

APPROVED:



BJ LEITHEAD TODD
Planning Director

12-1-11
Date