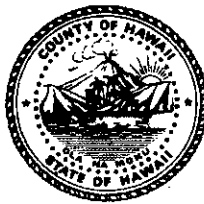


William P. Kenoi
Mayor



BJ Leithead Todd
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Special Management Area Minor Permit No. 12-000227

Project: Consolidation and Resubdivision of Four Lots into One Lot, a Road Lot and a Remnant
Applicant: Hawai'i Conference Foundation
Landowner: State of Hawaii
Location: Lalamilo, South Kohala, Hawaii
TMK: 6-9-2:7 Land Area: 35,719 s.f.
6-9-2:8 Land Area: 36,590 s.f.
6-9-2:9 Land Area: 28,485 s.f.
6-9-2:10 Land Area: 16,989 s.f.

Applicant's Request

1. Project Description:

The initial application was for the removal of non-native trees, landscaping and clearing for an unpaved trail on the subject parcel. However, after a March 30, 2012 meeting with staff, the project was revised to the consolidation and resubdivision of four lots into one lot, a road lot and a remnant. The existing access and utility easements for the neighboring properties would not be affected.

Due to dense vegetation, brush and trees, limited hand-clearing would be necessary to allow for a line of sight survey of the subject property boundaries.

2. Purpose of Project:

Puakō Beach Road crosses Parcel 9, leaving one portion adjacent to the State owned TMK: 6-9-1:15. The applicant proposes the consolidation and resubdivision of the four parcels to result in one lot on the makai side of Puakō Beach Road, a road lot to be under the control of the County of Hawai'i and a remnant on the mauka side of the road to be under the control of the State of Hawai'i.

Hawai'i County Code, Section 23, Subdivisions, requires a plat with the location of the boundaries of the proposed subdivision so a line of sight survey needs to be conducted.

3. Project Valuation: \$341,451 was the total for the initial proposal, so the valuation of the survey is less than \$500,000.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(2)(M), the *"Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed, provided that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels: is not "Development":* However, Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) relating to the Special Management Area, states that the *"Grading, removing, dredging, mining, or extraction of any materials"* is defined as "Development." Therefore, the limited hand-clearing of vegetation and trees, when necessary, requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Parcels 7 and 8 are designated Urban. Parcels 9 and 10 are designated Urban and Conservation.
2. **General Plan:** Parcels 7 and 8 are designated Open. Parcel 9 and 10 are designated Open, Low and Medium Density Urban.
3. **County Zoning:** Parcels 7, 8 and 10 are zoned Open. Parcel 9 is zoned Open and Agricultural (A-5a).
4. **Special Management Area (SMA):** All four parcels are in the SMA.
5. **Flood Zone:** Flood Zones "VE and AE".

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

Branches of the dense tangle of Kiawe currently extend over the ocean waters so there is no public access or shoreline recreational resources available to the public in this area. Therefore, the proposed limited hand-clearing of vegetation and trees, when necessary, will not affect the shoreline recreational resources available to the public nor impact the coastal environment.

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 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 Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated original project cost of \$341,451 is not in excess of \$500,000.

In response to our request for comments, the enclosed Department of Public Works, Engineering Division memorandum dated March 1, 2012 states the following:

"We reviewed the subject application and our comments are as follows:

Please see our comment to the Draft Environmental Assessment by letter dated June 22, 2011.

With regard to compliance with Chapter 27 of Hawai'i County Code, Flood Zones "VE and AE", affect the subject parcels as designated by the Flood Insurance Rate Map (FIRM), dated September 16, 1988. Improvements will be subject to the requirements of Chapter 27-Flood Plain Management, of the Hawai'i County Code. New encroachments are not allowed to increase the base flood elevation during the base flood event. Flood carrying capacity shall be maintained. Notably, DPW approval of the proposed wall construction is subject to further review."

A copy of the Department of Public Works June 22, 2011 is also enclosed for your review.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000227** is hereby approved to allow for consolidation and resubdivision of four lots into one lot, a road lot and a remnant.

This approval is subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 12-000227** 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 comply with all applicable requirements of all Federal, State and County of Hawaii departments and agencies.
3. The applicant shall complete the limited hand-clearing activity within one (1) year from the date of approval of this permit.
4. Only minor brush clearing and branch removal necessary for the line of sight survey is allowed.
5. If required, only trees less than six (6) inches in diameter may be removed for the line of sight survey. Removal of any tree(s) with diameters greater than six (6) inches will require the prior written approval of the Planning Director.
6. All waste material generated will be taken out of the SMA and properly disposed of at an approved waste disposal site immediately upon completion of the limited hand-clearing for the survey of the boundaries.

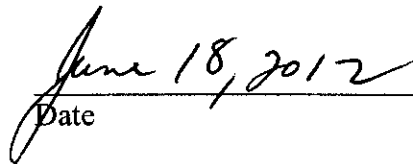
7. This permit does not allow for any clearing or grubbing activities beyond that described above.
8. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate 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.
9. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

If you have questions, please contact Esther Imamura at 961-8139.

APPROVED:



BJ LEITHEAD TODD
Planning Director


Date