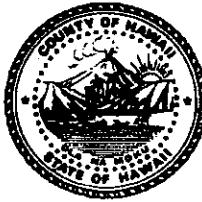


William P. Kenoi
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Special Management Area Minor Permit No. 13-000265

Project: Grubbing and Grading of Lot
Applicant(s): Carol Adams and Richard Adams
Land Owner(s): Carol Adams and Richard Adams
Location: Hawaiian Shores, Puna, Hawai'i
TMK: (3) 1-5-088:023 **Land Area:** 8,500 square feet

Applicant's Request

1. Project Description:

The applicant requests the approval to grub the subject lot of overgrown weeds and to level the grade in the foundation area to prepare for a poured concrete slab.

2. Purpose of Project:

In order to obtain a new building permit, grubbing the lot will allow the applicants to visually and physically inspect the lot, so as to prepare the necessary detailed drawings to present to the County of Hawai'i Planning and Building Departments. The subject property had been previously cleared. However, due to the unmaintained growth on the lot, it is impossible to determine the levelness without grubbing.

3. Project Valuation: \$2,100.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4 (e) (1) (B), "*Grading, removing, dredging, mining, or extraction of any materials,*" is not exempt from the definition of "development." Therefore, the grading and grubbing are considered to be development and will require a review against the Special Management Area rules and regulations.

State and County Plans

1. **State Land Use District:** The subject parcel is designated Urban by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Open.
3. **County Zoning:** The subject parcel is zoned A-1a (Agricultural) by the County of Hawai'i.
4. **Special Management Area (SMA):** The subject parcel is located entirely within the Special Management Area (SMA).
5. **Flood Zone:** X.

Compliance with Objectives and Policies of Chapter 205A, Hawaii 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 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, 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 \$2,100 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 24, 2013, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 9, 2013 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." The parcel at elevation 30 feet, is designated as Zone X (an area

determined to be outside the 500-year floodplain). The Federal Government and the County of Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X.

A grubbing permit will not be required because the total lot area is less than once acre.

A grading permit may not be required. It will be required only if the proposed grading beyond the foundation exceeds 100 cubic yards. That is, the proposed grading within the building lines for the foundation is excluded from the grading quantity.

Papio and Welea Streets are under County ownership. Driveway connection to either street will require a Permit to Work within the County Right-of-Way (Driveway Permit)."

Pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. 13-000265 is hereby approved to allow the grubbing and grading of the subject property.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 13-000265** 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. All green waste from grubbing activities shall be collected and disposed of at appropriate locations designated by the Department of Environmental Management for green waste.
4. The applicant shall implement standard Best Management Practices (BMPs) for erosion control and water quality, including the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses. Grading shall not be performed during periods of heavy rain.
5. Any further development, including but not limited to the construction of structures of any type, shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure. This includes the determination of the shoreline setback area.
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. 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).
8. 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

5.8.13
Date