

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

November 7, 2014

Mr. Frank Cole  
722 Manono Street  
Hilo, HI 96720

Dear Mr. Cole:

**SUBJECT: Special Management Area Use Permit Assessment Application (SAA 13-001064)  
Special Management Area Minor Permit No. 14-000319  
Applicant: Chad R. and Jennifer J. Walker  
Land Owner: Jennifer J. Walker  
Request: "As-Built" Graded and Graveled Pad  
Tax Map Key: (3) 2-9-002:083, Hakalau, Hawai'i**

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This is to follow up on our October 9, 2014 letter relating to the above-referenced Special Management Area assessment for the "as-built" graded and graveled pad on the subject parcel.

The 2.332 acre parcel is designated Urban by the State Land Use Commission and is zoned Single-Family Residential (RS-7.5) by the County. It is in the Special Management Area and has frontage along the coastline. However, since the pad is located over 90 feet from the coastal top of pali, the requirement to submit a current certified shoreline survey is waived.

**Special Management Area Determination:**

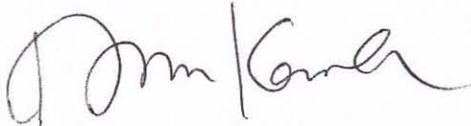
Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(A), state that "Development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*". Therefore, a Special Management Area Minor Permit is required.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 14-000319 is hereby issued for the "as-built" graded and graveled pad on the parcel subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. Frank Cole  
November 7, 2014  
Page 2

Should you have questions, please feel free to contact Esther Imamura of this department at (808) 961-8139.

Sincerely,



DUANE KANUHA  
Planning Director

ETI:cs

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Enclosure - SMM No. 14-000319  
Department of Public Works Memorandum dated October 13, 2014

cc w/Encls: Long Range Planning  
Planning Commission via Email

cc ltr. only: Mr. Leo Asuncion, Acting Director  
Office of Planning, DBEDT  
P.O. Box 2359  
Honolulu, HI 96804-2359

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### Special Management Area Minor Permit No. 14-000319

**Project:** "As-Built" Graded and Graveled Pad  
**Applicant:** Chad R. and Jennifer J. Walker  
**Land Owner:** Jennifer J. Walker  
**Location:** Hakalau, Hawai'i  
**TMK:** (3) 2-9-002:083

**Land Area:** 2.332 acres

#### Applicant's Request

**1. Project Description:**

An "as-built" 88' long by 85' wide graded and graveled pad was constructed makai of the approved site for the first dwelling.

**2. Purpose of Project:**

It is intended to be the site for the future second dwelling.

**3. Project Valuation:** \$20,000

**4. Determination:**

According to Chapter 205A-22, HRS and Planning Commission Rule 9-4(e)(1)(A) relating to the Special Management Area, the "as-built" pad for the future second dwelling is considered to be "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*". Therefore, a Special Management Area Minor Permit is required.

#### State and County Plans

- 1. State Land Use District:** The subject property is designated Urban.
- 2. Department of Land and Natural Resources, State Historic Preservation Division (SHPD):** By letter dated July 21, 2014, SHPD has approved the Draft Archaeological Site Preservation Plan for Site 50-10-16-30087.
- 3. General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open.
- 4. County Zoning:** The subject property is zoned Single-Family Residential (RS-7.5). According to Hawai'i County Code, Section 25-5-8(a) "*There may be more than one single-*

*family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.”*

5. **Special Management Area (SMA):** It is located in the SMA and has frontage along the coastline. However, the graded and graveled site is over 90 feet from the coastal top of pali. Therefore, it is not located in a “shoreline area” as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
6. **Flood Zone:** “X”

<p align="center"><b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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Although the subject parcel has frontage along the coastline, the proposed project 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 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, 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 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 less than \$20,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated October 13, 2014, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 3, 2014 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 proposed dwelling to be located at an approximate elevation of 107 feet above mean sea level, 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."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000319** is hereby approved for the "as-built" graded and graveled pad on the parcel, subject to the applicant's compliance with the conditions of approval as specified below.

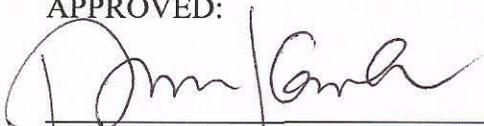
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 14-000319** subject to the following conditions:

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. 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.
4. Any change in the location of the "as-built" pad or further development of this pad will require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

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

APPROVED:



DUANE KANUHA  
Planning Director

NOV 07 2014

\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

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PLANNING DEPARTMENT  
COUNTY OF HAWAII

DATE: October 13, 2014

Memorandum

TO: Duane Kanuha, Planning Director

FROM: *for [signature]* Department of Public Works, Engineering Division

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 14-001064)**

Applicant: Chad R. and Jennifer J. Walker

Land Owner: Jennifer J. Walker

Request: Proposed Single-Family Dwelling with Attached Garage and  
"As-Built" Improvements

Location: Hakalau, Hawaii

Tax Map Key: (3) 2-9-02: 083

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 3, 2014 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 proposed dwelling to be located at an approximate elevation of 107 feet above mean sea level, is designated as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawaii 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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