

William P. Kenoi
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Duane Kanuha
Director

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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
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January 28, 2015

Mr. Anthony Perez
Island Rock Masonry
P.O. Box 923
Kealahou, HI 96750

Dear Mr. Perez:

Subject: Special Management Area Use Permit Assessment Application
(SAA 15-001238)
Special Management Area Minor Use Permit (SMM-15-000324)
Applicant: Mr. Anthony Perez
Land Owner: Colony One
Request: Construction of a CRM Retaining Wall
TMK: (3) 9-5-019:032; Nīnole, Ka'ū, Hawai'i

This is in response to the Special Management Area Use Permit Assessment Application (SAA 15-001238) received on December 23, 2014. The applicant proposes the construction of a 500 foot-long CRM retaining wall, connecting to the existing retaining wall on the subject property.

The subject parcel is zoned Multiple-Family Residential (RM-2) and Open by the County and designated Urban by the State Land Use Commission. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Medium Density Urban. The property is located entirely within the Special Management Area (SMA); however, it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

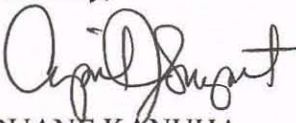
Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and PC Rule No. 9-4(e) (1) (E), "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the definition of "development." Therefore, the construction of a 500 foot-long CRM retaining wall will require a review against the Special Management Area rules and regulations. For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000324 is hereby issued for the SMA approval of the construction of a 500 foot-long CRM retaining wall on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Mr. Anthony Perez
Island Rock Masonry
January 28, 2015
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If you have questions, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

Sincerely,


DUANE KANUHA
Planning Director

BJM:cs

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Enclosures - SMM No.: 15-000324
DPW Memorandum dated January 26, 2015
Copy of site plan

cc w/Encls.: Long Range Planning
Planning Division
Kona Planning Office

cc ltr. only: Mr. Leo Asuncion, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359



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Special Management Area Minor Permit No. 15-000324

Project: Construction of a CRM Retaining Wall
Applicant: Mr. Anthony Perez
Landowner: Colony One
Location: Nīnole, Ka'ū, Hawai'i
TMK: (3) 9-5-019:032 **Land Area:** 5.443 acres

Applicant's Request

1. Project Description:

The applicant proposes the construction of a 500 foot-long CRM retaining wall, connecting to the existing retaining wall on the subject property. The wall will be 500 feet long and 16' high in some places, with a 9' wide footing, tapering to 18" on the top.

2. Purpose of Project:

The proposed retaining wall is needed to stop erosion of a bank. The steep bank is close to the existing buildings and continuous erosion is making the area dangerous to traverse and could undermine the structure's foundation.

3. Project Valuation: \$145,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and PC Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the construction of a 500 foot-long CRM retaining wall will require a review against the Special Management Area (SMA) rules and regulations, and requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated as Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Multiple-Family Residential (RM-2) and Open by the County of Hawai'i.

4. **Special Management Area:** The subject property is located entirely within the SMA, and is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** X.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</p>

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 \$145,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 26, 2015, states the following:

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

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Zone X is an area determined to be outside the 500-year floodplain."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000324** is hereby approved for the construction of a 500 foot-long CRM retaining wall on the subject parcel subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

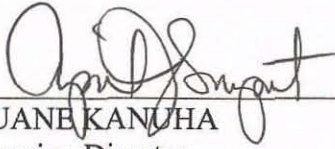
The Planning Director has approved SMA Minor Permit No. 15-000324, subject to the following conditions:

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 construction activities shall be completed within two (2) years from the date of this permit.
4. Any further development or changes of use, 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.
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.

If you have questions, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

APPROVED:


DUANE KANUHA
Planning Director

JAN 28 2015



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: January 26, 2014^S

Memorandum

TO : Duane Kanuha, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief 
 Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 15-001238)
Request: Construction of a Retaining Wall
Applicant: Anthony Perez
Location: Ninole, Kau, HI
TMK: 3 / 9-5-019: 032

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

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Zone X is an area determined to be outside the 500-year floodplain.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE

copy: ENG-HILO/KONA



PROJECT DATA	
CODES	2008 IBC, 2008 UPC, 2008 NEC
SEISMIC DESIGN CATEGORY (REF. FIGURE 304.2(2))	