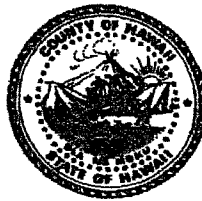


William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawaii'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawaii'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

May 21, 2015

Ms. Wendy Grace
HC 2 Box 6621
Kea'au, HI 96749

Dear Ms. Grace:

SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-15-001282)
Special Management Area Minor Permit (SMM-15-000332)
Applicant(s): Wendy Grace
Land Owner(s): Wendy Grace
Request: Construction of a Water Well
Tax Map Key: (3) 1-5-062:033; Kea'au, Puna, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 15-001282) submitted on April 20, 2015. The applicant proposes the construction of a water well for use with a future single-family dwelling.

The subject parcel consists of .5 acres, is zoned Agricultural (A-1a) by the County of Hawai'i, and is designated Agricultural by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Rural. The parcel is located entirely within the Special Management Area (SMA); however, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (E) relating to the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the construction and drilling of the water well will require an SMA Minor Permit.


For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000332 is hereby issued for the SMA approval of the construction of a water well. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Ms. Wendy Grace
May 21, 2015
Page 2

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

Sincerely,



 DUANE KANUHA
Planning Director

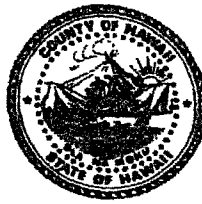
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Enclosures: SMM No.: 15-000332
DPW Memorandum dated May 6, 2015

cc w/encls.: Long Range Planning
Planning Division (via email)

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



West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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Special Management Area Minor Permit No. 15-000332

Project: Construction of a Water Well
Applicant: Wendy Grace
Landowner: Wendy Grace
Location: Kea'au, Puna, Hawai'i
TMK: (3) 1-5-062:033 **Land Area:** 0.5 acres

Applicant's Request

1. Project Description:

The proposed project is to construct a residential water well. There will be no grading or leveling of land. The water well will be approximately 70-feet in depth, and 12-inches in diameter. The water well will be situated approximately 200 feet from the road and approximately 2,700 feet from the nearest shoreline.

2. Purpose of Project:

The well will be considered an accessory to the future single-family dwelling and strictly for domestic purposes.

3. Project Valuation: \$6,500.

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area, "Construction, reconstruction, demolition or alteration of the size of any structure" is defined as "development" and requires a review against the Special Management Area rules and regulations. Therefore, the construction and drilling of the water well requires an SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Agricultural District.
- 2. General Plan:** The parcel is designated as Rural by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Agricultural (A-1a) by the County of Hawai'i.

4. **Special Management Area:** The subject property is located entirely within the SMA, but the project site 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, Hawaii 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 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, 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 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 \$6,500 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated May 6, 2015, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 1, 2015 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 is approximately 2700 feet from the shore and at an elevation of approximately 60 feet above mean sea level. Therefore, we designate such parcels 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. 15-000332** is hereby approved for the construction of a water well 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. 15-000332**, 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. The Well Construction/Pump Installation Permit for the proposed well shall be secured within one (1) year from the date of approval of this permit.
4. Any further development, including but not limited to, the construction of the single-family dwelling shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
5. Artificial light from exterior lighting fixtures, including, but necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
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.

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

APPROVED:


DUANE KANUHA
Planning Director

MAY 21 2015
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

2015 MAY -6 PM 2:16

DATE: May 6, 2015

Memorandum

TO: Duane Kanuha, Planning Director

FROM: *for*  Department of Public Works, Engineering Division

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 15-001282)**

Applicant: Wendy Grace

Land Owner: Wendy Grace

Request: Construction of a Water Well

Location: Keaau, Puna, Hawaii

Tax Map Key: 1-5-62: 033

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 1, 2015 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 is approximately 2700 feet from shore and at an elevation of approximately 60 feet above mean sea level. Therefore, we designate such parcels 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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