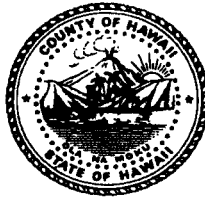


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

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

January 18, 2018

Mr. Alfred H. Kent
Mrs. Mary C. Kent
PO Box 138
Pāpa'aloa, HI 96780

Dear Mr. and Mrs. Kent:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001554)
Special Management Area (SMA) Minor Use Permit (SMM 18-000380)
Applicant: Alfred H. Kent
Land Owner(s): Alfred H. Kent and Mary C. Kent
Project: "As-Built" Rock Retaining Wall and the Construction of a
Second Rock Retaining Wall located about 254 feet inland of
the coastal pali (cliff)
TMK: (3) 3-5-010:001, Kihalani, North Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001554), submitted on October 26, 2017. The project is for an "As-Built" rock retaining wall and the construction of a second rock retaining wall about 10 feet away from the "As-Built" wall. Both rock retaining walls are located about 254 feet inland of the coastal pali (cliff).

The subject 1.09-acre parcel is zoned Single-Family Residential (RS-15) by the County of Hawai'i and is situated within the State Land Use Urban District. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject property is designated as Important Agricultural Land and Open. The entire property is located in the Special Management Area (SMA) with frontage along the shoreline. However, as the subject "As-Built" rock retaining wall and proposed construction of a second rock retaining wall are about 254 feet inland of the coastal pali (cliff), the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41. Therefore, the requirement to submit a current certified shoreline survey is waived for the above-listed scope of work.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4 (e)(1)(B), "development" includes "Grading, removing, dredging, mining, or extraction of any materials." Therefore, the "As-Built" rock retaining wall and proposed construction of a second

Mr. Alfred H. Kent
Mrs. Mary C. Kent
January 18, 2018
Page 2

rock retaining wall are considered "development" and requires a review against the SMA rules and regulations.

The valuation for the project is approximately \$30,000. Further, we find that the "As-Built" rock retaining wall and proposed construction of a second rock retaining wall set back approximately 254 feet from the coastal pali will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

In view of the above, we have determined that the "As-Built" rock retaining wall and the proposed construction of a second rock retaining wall set back approximately 254 feet from the coastal pali requires a Special Management Area Minor Permit. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. SMM 18-000380, is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Shancy Watanabe of this office at (808) 961-8144.

Sincerely,



MICHAEL YEE
Planning Director

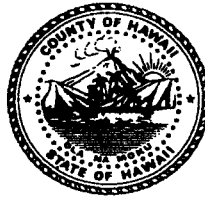
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Enclosures: SMM No. 18-000380
DPW Memorandum dated December 14, 2017
Copy of site Plan dated September 2017

cc w/Encls.: Planning Division (via email)

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

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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Special Management Area Minor Permit No. 18-000380

Project: "As-Built" Rock Retaining Wall and Construct a Second Rock Retaining Wall
Located about 254 Feet Inland of the Coastal Pali (cliff)
Applicant: Alfred H. Kent
Owner: Alfred H. Kent and Mary C. Kent
Location: Kihalani, North Hilo, Hawai'i
TMKs: (3) 3-5-010:001 **Land Area:** 1.09 acres

Applicant's Request

1. Project Description:

The applicant requests to permit an "As-Built" rock retaining wall and to construct a second rock retaining wall located about 254 feet inland of the coastal pali (cliff). The applicant states that the wall height varies from 3½ feet to 4½ feet.

2. Purpose of Project:

During a recent site visit, the applicant mentioned that the rock retaining walls would help to support the foundation location of a future dwelling.

3. Project Valuation: \$30,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) and 9-4(e)(1)(B), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure.*" Therefore, we have determined that the project description is considered "development" and requires a review against the SMA rules and regulations.

State and County Plans

- 1. State Land Use District:** The project area is located in the State Land Use Urban district.
- 2. General Plan:** The parcel is designated Important Agricultural Lands and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The project area is designated as Important Agricultural Lands.
- 3. County Zoning:** The parcel is zoned Single-Family Residential-15,000 square feet (RS-15) by the County of Hawai'i.
- 4. Special Management Area:** The parcel is located entirely within the Special Management Area (SMA).
- 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 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

1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$30,000 is not in excess of \$500,000.
5. Consultation with the Department of Public Works, Engineering Division, indicates the property is located within Zone X according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is the area determined to be outside the 500-year floodplain.
6. On the January 10, 2017, site visit, Planning Department staff viewed and discussed options to resolve an encroachment located within the top of pali setback area. It is strongly recommended that the applicant contact the State Historic Preservation Division and the Department of Land and Natural Resources Office of Conservation and Coastal Lands.
7. Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the "As-Built" rock retaining wall and the construction of a second rock retaining wall located about 254 feet inland of the coastal pali (cliff) as substantially presented in Special Management Area Assessment Application No. 17-001554 (SAA 17-001554).

Conditions of Approval

This SMA Minor Permit is 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, rules, regulations and requirements.
3. The applicant shall resolve the top of pali encroachment issues within six (6) months of approval of this SMA Minor Permit or before receiving Planning Department's approval for a single-family dwelling, whichever comes first.

4. The applicant shall check with the Department of Public Works Engineering Division to determine whether a grading permit for the rock retaining walls is required.
5. All demolition and construction activity related to this project description shall be completed within two (2) years from the date of this permit.
6. All waste shall be properly disposed of subject to the requirements of Chapter 20-Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
7. All new construction shall occur outside of the County right-of-way.
8. Any further grading, grubbing, filling or other construction activity 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.
9. If discovery of historic properties, such as lava tube openings, concentrations of artifacts (shell, bone or charcoal deposits, etc), structural remains or human skeletal remains are found, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651 for further guidance. 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 DLNR-SHPD.
10. 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).
11. 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 any questions, please feel free to contact Shancy Watanabe of this department at (808) 961-8144.

APPROVED:



MICHAEL YEE
Planning Director

1/18/2018

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 14, 2017

Memorandum

TO: Michael Yee, Planning Director

FROM: Department of Public Works, Engineering Division 

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001554)**
Applicant: Alfred H. Kent, Jr.
Land Owners: Alfred H. Kent, Jr. and Mary C. Kent
Project: "As-built" Retaining Wall and Construction of a Second Retaining
Wall
TMK: 3-5-010:001

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PLANNING
COUNTY OF HAWAII
DEPARTMENT

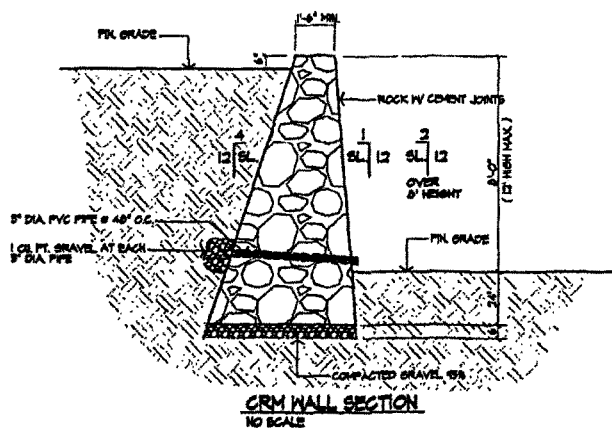
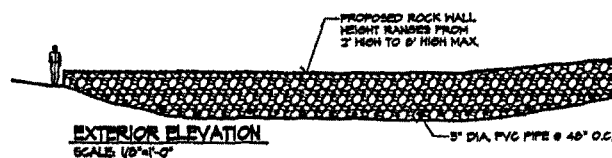
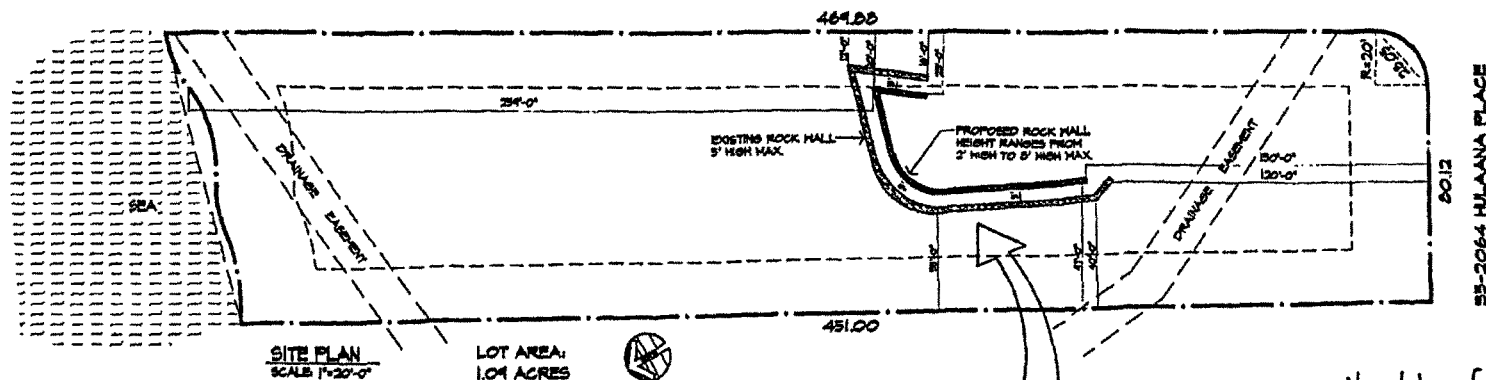
We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated November 29, 2017 and have no objections to the request.

The subject parcels are in an area designated as Zone X on 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.

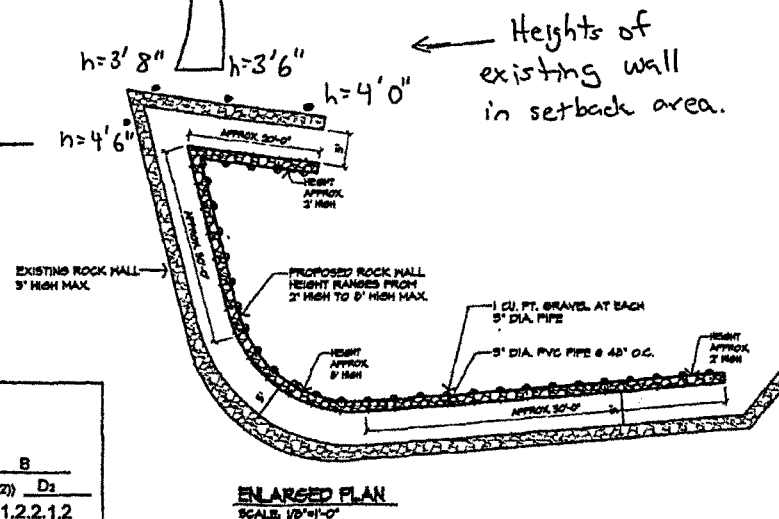
The construction of a retaining wall may require a grading permit.

Questions may be referred to Robyn Matsumoto at 961-8924.

115617



Floor Live Load 40 psf
Roof Live Load 20 psf
Wind Speed = 102 mph
Wind Exposure Category (Ref. R301.2.1.4) B
Seismic Design Category (Ref. Figure R301.2.2(2)) D₂
REF. 2006 IRC SECTION R301.2.2.1.2
FULLY SHEATHED EXTERIOR WALLS



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THE PROJECT
WILL BE UNDER MY OBSERVATION

512449726 6-22-2020



DISCLAIMER OF LIABILITY

1910 DRAFTING SERVICE discusses any liability arising out of your use or reliance upon these building plans. If there are any discrepancies in these plans, notify H&H Drafting Service and the Licensed Architect/Engineer who prepared and stamped these plans prior to any creative or complete and before construction is commenced.

PROPOSED ROCK HALL FOR
ALFRED H. KENT JR. &
MARY C. KENT
P.O. BOX 150
PAAPA'LOA, HAWAII 96700-0150
T.M.K.: (5) 5-5-010: 001
KIHALANI, NORTH HILO, HAWAII

DATE: SEPTEMBER 2011

SHEET NUMBER
1
OF 1 SHEET