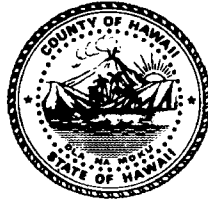


Harry Kim
Mayor

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County of Hawai'i
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Director

Duane Kanuha
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February 12, 2020

Mr. Keahi Young
42 West Kahaopea St.
Hilo, HI 96720

Dear Mr. Young:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA-19-001735)
Special Management Area (SMA) Minor Use Permit (SMM-20-000426)
Applicant(s): Keahi Young
Land Owner(s): Keahi Young (P. 041)
John Kamelamela (ROAD & UTILITY ESMT "A")
Various (ROAD & UTILITY ESMT "B")
Project: Access Road Improvements
Tax Map Key(s): (3) 1-4-003:002, 039, 040 & 041; (3) 1-4-005:017
Puna District, Island of Hawai'i**

We have completed our review of the subject Special Management Area Use Permit Assessment Application (SAA-19-001735), originally submitted to this Department on December 11, 2019. By letter dated January 10, 2020, the County of Hawaii Planning Department requested additional information regarding the proposed project be submitted to this office. On January 31, 2020 the requested information was provided to this office to complete the review.

This Special Management Area (SMA) Minor Use Permit is being pursued to conduct roadway improvements to an existing access road that was impacted by lava inundation in order to allow access to a parcel owned by the applicant. There are two (2) *Utility and Roadway Access Easements* (A & B) that provide deeded access to the applicant's parcel (P. 041). Easement "A" is 3.271-acres and is described as "50-feet wide for road and utilities", while the 1.125-acre Easement "B" is described as also "50-feet wide for road and utilities"; Easements A & B provide access to the subject parcel. According to Civil Action No. 08-1-0087 (April 1, 2010), the applicants parcel (P. 041) includes the "*benefit of and subject to the easement [A & B] for access and utilities*" as shown in the exhibits of the aforementioned Civil Action.

Proposed Use:

According to the information provided, the applicant is proposing to conduct the following activities on the subject parcels:

- Clearing approximately 3,920 square-feet of lava rock from access easement “B” using a bulldozer; only flattening of rock – no grubbing or staging of materials is proposed.

The applicants parcel (TMK: (3) 1-4-003:041) is 10.23-acres and is zoned “Agricultural 1-acre” (A-1a) by the County of Hawai‘i and designated within the State Land Use (SLU) Agricultural District by the State Land Use Commission. The parcel is designated as “Extensive Agriculture” (ea) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The parcel and easement area are located entirely within the Special Management Area (SMA), however, none of the affected parcels are considered “shoreline parcels”.

Shoreline Area:

Pursuant to Hawai‘i Revised Statutes (HRS) 205A-22 and County of Hawai‘i Planning Department (PD) Rules of Practice and Procedure Section 11-5(a) Establishment of Shoreline Setback Lines, “*Except as otherwise provided in this section, all lots which abut the shoreline shall have a minimum shoreline setback line of forty feet*”. The parcel is located entirely within the Special Management Area (SMA) and but is not considered shoreline parcel. All project activities will occur approximately 2,000-feet from the shoreline. Based on the preceding the Planning Director considers this project will have no cumulative impact, or any substantial adverse environmental or ecological effect on the SMA. Additionally, the Planning Director has waived the requirement for a shoreline certification as the proposed development will be sited well inland from the coast.

According to a letter dated August 27, 2013, the State Historic Preservation Division (SHPD) determined that “*no historic properties were identified along the proposed easement corridors*”, however, the SHPD also stated that “*significant historic properties were identified within Parcel 043, including an historic trail*”. Staff notes that the proposed project activities will not cross into or impact Parcel 043, and therefore should not impact cultural resources in the area. The SHPD included special conditions for any work located on Parcel 043 (i.e., location of noted artifacts), however, as there are no proposed activities on Parcel 043, the Director believes this project will have no impact on cultural or archeological sites in this area.

Special Management Area Determination:

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, “Development” means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.

Ms. Keahi Young
February 12, 2020
Page 3

According to the application, the following definition of "Development" can be applied to the proposed use:

- Grading, removing, dredging, mining, or extraction of any materials.

Please note that any increase in the proposed project area will require another SMA Use Permit Assessment Application be submitted to this office.

We find that the proposed action will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. SMM-20-000426, 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 Alex J. Roy of this office at (808) 961 8140.

Sincerely,



MICHAEL YEE
Planning Director

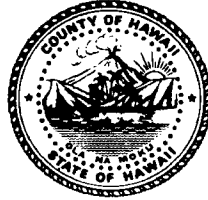
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Enclosures: SMM-20-000426

cc w/Encls.: Administrative Permits Division (via email)

cc ltr. only: Mrs. Mary Alice Evans, Director
Office of Planning, DBEDT

Harry Kim
Mayor



Michael Yee
Director

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Deputy Director

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Special Management Area Minor Permit No. 20-000426

Project: Access Roadway Improvements
Applicant(s): Keahi Young
Owner(s): Keahi Young (P. 041)
John Kamelamela (ROAD & UTILITY ESMT "A")
Various (ROAD & UTILITY ESMT "B")
TMK(s): (3) 1-4-003:002, 039, 040 & 041; (3) 1-4-005:017
Location: Puna District, Island of Hawai'i
Land Area: 3,920 square feet

Applicant's Request

1. Project Description:

The applicant proposes the following activities:

- Clearing approximately 3,920 square-feet of lava rock from access easement "B" using a bulldozer; only flattening of rock – no grubbing or staging of materials is proposed.

1. Purpose of Project: The applicant is trying to improve safe access to their parcel.

2. Project Valuation: \$2,000

3. Determination: According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): "Grading, removing, dredging, mining, or extraction of any materials." is defined as "development." Therefore, the proposed improvements to an existing access roadway across the subject parcels is considered "development" and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is designated within the Agricultural District by the State Land Use Commission.
2. **General Plan:** The parcel is designated as *Extensive Agriculture (ea)* by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is currently zoned Agricultural 1-acre (A-1a).
4. **Special Management Area:** The subject parcel is located in the SMA; no portion of the proposed project is located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X

Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$2,000 for the access roadway improvements is not in excess of \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-20-000426** is hereby approved to:

1. Clearing approximately 3,920 square-feet of lava rock from access easement “B” using a bulldozer; only flattening of rock – no grubbing or staging of materials is proposed.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. SMM-20-000426**, **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 applicant will ensure that approval from the County of Hawai‘i Dept. of Public Works is granted for all ground disturbing activities.
4. The applicant shall complete the access roadway improvements within two (2) years of this approval.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
6. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

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 any questions, please feel free to contact Alex J. Roy at (808) 961-8140 or via email at alex.roy@hawaiicounty.gov

APPROVED:



MICHAEL YEE
Planning Director

2/12/2020

Date