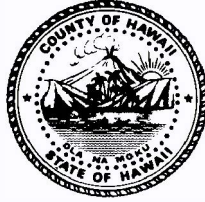


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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

Zendo Kern
Director

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

December 13, 2021

Marguerite Vierra
71751 Magnesia Falls Dr.
Rancho Mirage, CA 92270

Dear Ms. Vierra:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2021-000007)**

**Special Management Area (SMA) Minor Use Permit
(PL-SMM-2021-000011)**

Applicant(s): Marguerite Vierra

Landowner(s): Marguerite Vierra

Project: Land Clearing

TMK: (3) 2-1-014:044-:046; South Hilo District, Island of Hawai'i

We have reviewed the subject SMA Assessment Application received by this office on August 17, 2021. The three (3) parcels, which total 24,250 square-feet, are zoned Resort-Hotel (V-.75) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcels are also designated as Resort (res) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The subject parcels are entirely undeveloped and devoid of any structures or significant landscaping. The properties are overgrown with grasses and other non-native weedy species. Neighboring properties are developed with single-family residences.

The entire project area is located within the Special Management Area (SMA) but is not considered within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS) due to the location of the subject parcels being approximately 180 feet from the nearest shoreline area.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1) relating to Special Management Area (SMA), "*grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed land clearing and vegetation removal of the subject parcels is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit because the total valuation of the proposed project is under \$500,000 and 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. PL-SMM-2021-000011 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 or via email at alex.roy@hawaiicounty.gov

Sincerely,

Zendo Kern

Zendo Kern (Dec 13, 2021 10:55 HST)

ZENDO KERN
Planning Director

Enclosure: SMM Permit

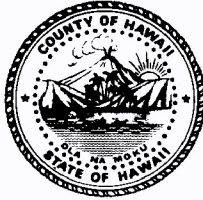
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Special Management Area Minor Permit No. PL-SMM-2021-000011

Project: Land Clearing
Applicant: Marguerite Vierra
Location: Onekahakaha, South Hilo District, Island of Hawai'i
TMK: (3) 2-1-014:044-:046
Land Area: 24,250 square feet

Applicant's Request

1. Project Description:

The applicant is requesting approval for the following work on the subject parcels:

- Clearing of underbrush and other vegetation. No grading is proposed. Work will be conducted using both hand tools and machinery. No development, construction or other activities are proposed.

2. Purpose of Project: To clear land to put up for sale.

3. Project Valuation: \$3,700.00

4. Determination: According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed vegetation clearing of the subject parcels is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

State and County Plans

5. State Land Use District: The parcel is designated Urban by the State Land Use Commission.

6. **General Plan:** The parcel is designated as “Resort” (res) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcel is currently zoned Resort-Hotel 7,500 square feet (V-.75).
8. **Special Management Area:** The subject parcels are located entirely within the SMA but are not considered to be within the “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** VE (*Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves*).

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</p>
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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 objective(s) 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
 - ☒ 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 and coastal dunes for: 1) public use and recreation; 2) the benefit of coastal ecosystems; 3) use as a natural buffer against coastal hazards; and 4) coordinate and fund beach management and protection.
 - ☒ 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 and Coastal Dune Protection
 - ☒ Marine and Coastal 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 \$3,700 does not exceed \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2021-000011** is hereby approved for land clearing and vegetation removal on the above referenced properties.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2021-000011**, **subject to the following conditions:**

1. The applicant(s), its successor(s), or assign(s) (Applicant) 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. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights 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.
5. All land clearing and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.

7. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, after issuance of this permit, such information and data prove to be false, incomplete, or inaccurate (i.e., valuation of development), this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
8. In the event 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, 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 (DLNR-SHPD) at (808) 933-7651. The Applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this permit.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

APPROVED:

Zendo Kern
Zendo Kern (Dec 13, 2021 10:55 HST)

ZENDO KERN
Planning Director

December 13, 2021

Date