The applicants are proposing to consolidate and re-subdivide conservation district land from three lots into three.

The three lots are contiguous, with one larger parcel on the shoreline and the other two parcels inland.

The proposal would result in three irregularly shaped lots, each containing one residence and having shoreline access.

The proposed re-subdivision would give each of the lots a shoreline section.

* March 2007
	+ SMA 07-000226
		- The landowners nor any agent of the landowners or its successors shall, at any time, impede or otherwise restrict lateral public shoreline access along the three parcels
		- Parcel 13 is the only parcel that has frontage along the coastline
		- This Permit mentions TMKS
			* 8-3-5:10, 12, 13
* December 2007
	+ The Tentative Approval letter was issued for SUB 06-000396
		- TMK 8-3-5:10, 12, 13
		- Comply w/ CDUP permit 3404
* Feb 2007
	+ CDUA HA- 3404
		- It seems that each single-family residence (SFR) was approved by DLNR on separate occasions.
		- In 1989, Parcel 10 – Conservation District Use Permit (CDUP) Ha-2198 was approved for a SFR.
		- In 1972, Parcel 12 – CDUP Ha- 346 was approved to replace an SFR.
		- In 1970, Parcel 13 – CDUP HA-106 was approved for an addition to an existing SFR.
	+ A request was made that the developer build paved mauka makai access trails as well as other infrastructure prior to having this proposal be approved.
	+ The applicant cited a 2000 statement by Na Ala hele that there was no evidence of the trail prior to 1892 and that absent such evidence ownership of the trail could not be confirmed in favor of the state.
	+ A request was made that Na ala hele review and approve the disposition of the trail shown on the TMK Maps.
	+ Appicant cited the 2000 statement from na ala hele “Applicant also notes for a CDUP on a neighboring property, the DLRN had determined that the encumbrances on the deed for a trail on that property was a private matter. Applicant also points out that the applicant is not in any way associate with the kayak rental businesses and that the applicant will not prohibit the public from using Kahauloa Road.
* April 2008
	+ The Final Sub Approval was issued for SUB 06-000396
		- TMK 8-3-5:10, 12, 13
			* Highlight’s parcel 13
	+ Refers to SAA 07-226 (8-3-5:13)
* March - October 2010
	+ There was suppose to be a 40ft. shoreline setback for all three parcels, but after a lengthy prolong dispute, Lot C (Parcel 12), was granted a 20ft. shoreline set back.
* February 2011
	+ SAA 11-000624 stated that Lot C (Parcel 12) qualified for a 20ft. shoreline setback instead of the required 40ft shoreline setback.
	+ Condition
		- Neither the landowner nor any agent of the landowner or its successors shall at any time impede or otherwise restrict lateral public shoreline access along the shoreline makai of the 20 ft. shoreline set back line.
* November 2011
	+ SAA 11-000721 was approved with the same public access condition.
		- It seems like the SMA was created because they wanted to do some landscaping and development near the shoreline setback.
		- This SMA allowed them to create stairs with a deck on the certified shoreline area.
		- This SMA needed to insure that this plan would not interfere with public access along the shoreline.
		- TMK 8-3-5:12
			* Lot c
* October 2011
* CDUP application HA 3612
	+ Acknowledgment receipt and acceptance for the processing of your resubmitted CDUA for the proposed renovation of a SFR.
	+ This permit is referring to TMK 8-3-5:12
	+ This permit is also referring to the plans mention in SAA 11-000721
	+ Lateral Pedestrian Public Access
		- Please acknowledge that the lateral pedestrian public access within the shoreline setback area over TMK 8-3-5:013 is provided by a condition of previous SMA Approvals. Shoreline setback area conditions for this site have been document as of October 2011.
* April 2012
	+ APPROVAL OF CDUA 3612
	+ They approved the renovation and expansion of a SFR over TMK 8-3-5:12
	+ Condition
		- The permittee will work to preserve and maintain the lateral shoreline access corridor that is outline in this report.

Reflection

* Trail 292 traverses through TMK 8-3-5: 10,12,13 which is associated with Sub division 06-000396.
* The applicant wanted to subdivide 3 lots into 3.
* Due to the location, this Sub 06-000396 initiated a SMA and a Conservation district use application.
* SAA 07-000226 states that all three parcels need to not impede lateral public access along the shoreline.
* A shoreline determination turned into a dispute over lot C (TMK 8-3-5:12), which requested for a 20-foot shoreline setback instead of the required 40ft. shoreline setback.
* Also, lot C (TMK 8-3-5:12) wanted to build within that shoreline setback.
* These two requests within lot C initiated SAA 11-721 which than mentions that no shoreline public access shall be impeded within this shoreline setback.
* SAA 11-721 needed approval from DLNR and the conservation district permit states “please acknowledge that the lateral pedestrian public access within the shoreline setback area over TMK 8-3-5:013 is provided by a condition of previous SMA Approvals. Shoreline setback area conditions for this site have been document as of October 2011”.
* Plat map 8-3-5 shows an old trail traversing through parcels 6, 5, 3, 2, 4
* While there might have been an old trail over these properties in the past, based on the imagery million-dollar home sit on where the trail supposed to be.

5-6-2021