**SMA Minor 09-000130**

**Subject:** Special Management Area Use Permit Assessment Application (SAA 09-000490) Special Mauagement Area Minot Permit (SMM 09-000130)

**Applicant:** Keith and Cynda Unger

**Landowner:** Keith and Cynda Unger, McCandles Land & Cattle Company, LLC

**Request:** Construct a Single-Family Residence on Parcel 8-6-014:012 and Grade au Access Driveway Across Parcel 8-6-011:003

**TMK:** 8-6-014:012 & 8-6-011:003, Por. Kealia 2nd to Kalahiki, South Kona, Hawai'i

For this reason and pursuant to Planning Commission Rule No. 9-10(E), Special Management Area Minor Permit No. 09-000130 is hereby issued to allow for the grading ofthe access driveway through parcel 8-6-011 :003 to the mauka (inland) side of kuleana parcel 8-6-014:012 as proposed in your application. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

**Conditions:**

4. A minimum 40-foot shoreline setback from the certified shoreline is required.

5. A construction barrier, meeting with the approval of the Planning Director, shall be erected mauka of the 40-foot shoreline setback line prior to the commencement of construction activities and shall remain in place until final inspection has been granted for the improvements.

6. No construction activities, including, but not limited to, the stockpiling of construction materials, rubbish or debris, or the use of mechanized equipment, shall occur within the 40-foot shoreline setback area without further SMA review

10. Lateral Shoreline Public Access shall not be impeded within the 40-foot shoreline setback area by use of landscaping, fencing or other materials.

**Permit Log:**

* **Year 2008**
  + **TrailOnProp & TrailComnt**
    - In 2008, before the SMA permit was approved, President Dennis Ka’ui Hart of Na Hoa Aloha o ka Pu’uhonua O Honoaunau mentioned that the Ala Kahakai/ stepping stone trail runs right in front of the proposed parcel. This trail is considered public right of way and should not be block or altered.
* **Year 2009**
  + **Identifytrail**
    - The third issues stating in this document states that “There are two potential zoning code violations on parcel 8-6-011:003, including the alleged bulldozing and destruction of part of the Kings Trail and the construction of an unpermitted dwelling.
  + **AccessBoardApeals**
    - This document states that the above statement (identifytrails) was not a correct statement and the planning department did not complete a full investigation.
  + **PaTrailShrStbck**
    - Na ala hele is aware that there is a historic trail on property.
    - The applicants acknowledge the historic trail and plans 40’ building setback from the certified shoreline. This will allow ample area for public pedestrian access along the coastal trail.
    - Na ala hele will be claiming three trails on the property.
      * (1) Lateral coastline trail within Kealia
      * (2) A short section of trail from kealia beach lots that connects to a trail (3) inland trail that parallels the coastline from kealia.

**Scanner/ Reviewer (Shawna B.) 4/22/2021**