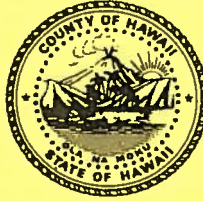


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

April 3, 2017

Mr. Zendo Kern
P.O. Box 1381
Kea'au, HI 96749

Dear Mr. Kern:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001479)**

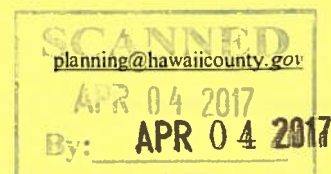
Applicant: Mary Katherine Foti Trust
Land Owner: Mary Katherine Foti Trust
Project: Four-Lot Consolidation/Resubdivision
Tax Map Key(s): (3) 8-7-005:014 and 023, South Kona, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001479), submitted on March 3, 2017. The applicant proposes to consolidate and resubdivide the subject pre-existing lots and a road lot into four lots, with no proposed improvements.

The lots consist of 13.773 acres and are zoned Agricultural (A-5a) by the County and designated Agricultural and Conservation by the State Land Use Commission. They are also designated Extensive Agriculture and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Lot 6 is partially within the Special Management Area (SMA), with frontage along the shoreline.

Previous SMA Determination

The subject property was part of a previous consolidation and resubdivision (SUB 06-000435) of pre-existing lots of record. This project was also reviewed against the Special Management Area rules and regulations. On March 21, 2007, the Planning Director issued the enclosed SMA Minor Permit No. 07-000051, subject to compliance with several conditions. More specifically, Condition 6 stated that *any further subdivision or consolidation and resubdivision of the lots resulting from the proposed 12-lot consolidation resubdivision shall constitute a cumulative*



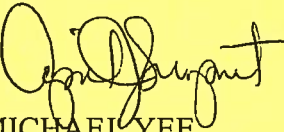
Mr. Zendo Kern
April 3, 2017
Page 2

impact on the SMA and require a Special Management Area (Major) Use Permit. Therefore, we find that a Special Management Area (Major) Use Permit is required for the proposed consolidation and resubdivision. The Special Management Area (Major) Use Permit application has been enclosed for your convenience.

In addition, according to the Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) records, an archaeological inventory survey plan was conducted in 2005 for the subject property. However, we do not have any record of an archaeological inventory survey being approved. A copy of the August 24, 2009, DLNR-SHPD letter is enclosed for your reference. We will require that DLNR-SHPD be consulted on this project.

Should you have questions, please contact Bethany Morrison of this office at (808) 961-8138.

Sincerely,


MICHAEL YEE
Planning Director

BJM:ja

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Encl.: SMA Minor Permit No. 07-000051
DLNR-SHPD letter dated August 24, 2009
Special Management Area (Major) Use Permit application

cc: SUB 06-000435

Mary Katherine Foti Trust
1343 Mokulua Drive
Kailua, HI 96734-3251