

ZENDO KERN  
P.O. Box 1381 Keaau, HI 96749  
Phone: 808-333-4734  
Email: zendokern808@gmail.com

March 3, 2017

SAA-17-001479

Mr. Michael Yee, Director  
Planning Department  
COUNTY OF HAWAII  
101 Pauahi Street  
Hilo, HI 96720

Dear Mr. Yee:

**Subject: SMA Assessment Application for; Subdivision Application (SUB-16-001575) – FOTI TRUST, Mary Katherine Proposed Consolidation of Lot 5 (2 Pre-existing Lots & a Road Lot) And Lot 6 And Resubdivision into Lots 5-A, 6-A, 6B and R-1 (Road Lot), 'Alae 1<sup>st</sup> & 2<sup>nd</sup>, South Kona, Island of Hawai'i**  
**TMK: (3) 8-7-005:014 & 023**

Per a letter dated February 3, 2016 regarding the above subdivision from the Hawaii County Planning Department requesting a SMA Assessment Application be submitted in relation to the requested subdivision action. For your review and consideration please find the following:

- 1) SMA Application with original signatures
- 2) Location map (Exhibit A)
- 3) Subdivision map (Exhibit B)
- 4) A copy of a letter dated February 3, 2016 from the planning department
- 5) A letter to the Planning Director requesting the shoreline survey be waived
- 6) And an authorization letter from property owner authorizing Zendo Kern Planning Consultant to prepare and submit SMA Assessment Application on their behalf.

Additional information requested per the SMA Assessment Application:

**1. Description of proposed development:**

My client has requested a lot consolidation of four (4) lots and a resubdivision into four (4) lots (Lot 5-A, Lot 6-A, Lot 6-B and Lot R-1 road lot). There is an existing easement PA-2 that is a historic trail that pre-existed the Road Act of 1892 and as such is considered a public road, this easement shall become Lot R-1). That road then bi-sects former Lot 5, thus "automatically" creating a "subdivision of Lot 5. The makai portion of Lot 5 is then combined with the portion of Lot 6 (Lot 6-A) mauka of the Ag/Conservation line, thereby leaving a portion of Lot 6 (Lot 6-B) makai wholly in the conservation district. See **Exhibit B**

**2. Statement of objectives of the proposed development:**



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Consolidate four (4) existing lots (Lot 5 – 2 pre-existing lots and a roadway lot & Lot 6) and resubdivide them into four (4) lots. As stated above the original Lot 5 has the existing easement PA-2 bi-secting it “automatically” creating a subdivision of said lot. The consolidation/resubdivision action will allow a clear division between the historic trail (PA-2) the new Lot 5-A and the new Lot 6-A. Lot R-1 will encompass PA-2 creating a new roadway lot and the original Lot 6 will be subdivided to create Lot 6-A and Lot 6-B, Lot 6-B will be completely in the conservation district. The objective of this subdivision action is to create a clear delineation of the lots, persevering the existing historic trail and creating a lot completely in the conservation district.

**3. A description of the anticipated impacts of the proposed project on the Special Management Area (SMA):**

**a. Description of the area involved, including existing uses, structures, vegetation, and other features:**

The land area is somewhat trapezoid in shape with the Lot 5-A starting mauka in a somewhat rectangular shape and expanding its width into Lot 6-A & Lot 6-B down towards the ocean. The land is currently vacant of structures and currently not being used for any activity. The parcels consist of dry grasses, coastal vegetation and some Kiawe trees. The top (mauka) of the parcel is at the 850-foot +/- elevation sloping down hill to a 400-foot +/- elevation approximately 1,200-feet prior to meeting the ocean; the parcel then has a steep elevation change down to the coastline.

**b. Description of surrounding area and land uses:**

The surround area is primarily vacant agriculture land of similar nature to the subject parcels. The majority of the surrounding properties are 5-acres or larger with a few smaller lots mixed in.

**c. Description of how the proposed project will affect the area involved and surrounding uses:**

As the request does not create any additional lots or infrastructure and it conforms to the surrounding uses there will be little to no effect to the surrounding area or uses.

**d. Description of impacts which cannot be avoided and mitigating measure to minimize that impact:**

There are no foreseeable impacts.

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**e. Alternatives to the proposed project:**

The alternate to this project would be no project, being that this project does not create any additional lots it does not create any additional impact to the area. The alternative would not allow the property lines and boundaries to be adjusted creating a clear delineation between the historic trail as well as the conservation district. Therefore the alternative would be less beneficial to the landowner, the County of Hawaii, the State of Hawaii and the area in general.

**f. Any irreversible and irretrievable commitment of resources:**

There is no known irreversible and irretrievable commitment of resources.

**4. A written statement discussing the proposed development in relationship to the objectives and polices as contained in Chapter 205A, HRS, and the SMA Guidelines:**

- a. Recreational resources;** The proposed development does not affect any recreational resources.
- b. Historic resources;** The proposed subdivision action will have no negative impact on historic resources, the action will actually have a beneficial impact on historic resources by creating one of the lots (Lot 6-B) to be entirely in the conservation district and in addition maintaining the historic trail by-way of the proposed roadway lot (R-1).

Additionally the subdivision action that created the subject parcels had an extensive archaeological survey identifying all Native Hawaiian sites, which are shown on the subdivision map (**Exhibit B**). The proposed subdivision action will have no effect on the Native Hawaiian sites.

- c. Scenic and Open Space resources;** The proposed subdivision action will have no negative impacts on any scenic and open space resources due to the fact that there are no additional lots or infrastructure being created. As mentioned above by Lot 6-B being entirely in the conservation district and the historic trail being preserved by creating Lot R-1 this project is beneficial to the scenic and open space resources.
- d. Coastal Ecosystems;** The proposed subdivision action will have no negative impacts on the Coastal Ecosystems due to the nature of the project.
- e. Economic uses;** As the proposed subdivision action does not create any additional lots or create any lot to be significantly smaller there should be minimal to no effect to economic uses.

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- f. **Coastal Hazards;** Lot 6-B runs to the coastline and is in a tsunami zone as all properties are that meet the shoreline. The proposed subdivision action will not create any additional coastal hazards.

Please let me know if there are any further questions or information needed.

Sincerely,



ZENDO KERN  
Planning Consultant

Enclosures  
Copy – Mary K. Foti w/ enclosures



# County of Hawai'i Planning Department

www.cohplanningdept.com · planning@co.hawaii.hi.us

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

West Hawai'i Office · 74-5044 Ane Keohokalole Hwy · Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770 · Fax (808) 327-3563

SAA-17-001479

## SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT APPLICATION

**APPLICANT INFORMATION** (*Applicant is the person or entity actually responsible for the proposed use, activity or operation—typically the landowner or lessee.*)

APPLICANT'S NAME(S): Mary Katherine Foti Trust

ADDRESS: 1343 Mokuwa Dr.

CITY: Kailua STATE: Hawaii ZIP CODE: 96734-3251

EMAIL: \_\_\_\_\_

PHONE NUMBER(S): \_\_\_\_\_ bus: \_\_\_\_\_ hm /cell: 808-226-4951

SIGNATURE(S): [Signature] PK Foti DATE: 2/21/17

**LANDOWNER INFORMATION**

SAME AS APPLICANT (*may leave this section blank*)

LANDOWNER'S NAME(S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE NUMBER(S): \_\_\_\_\_ bus: \_\_\_\_\_ hm /cell: \_\_\_\_\_

SIGNATURE(S): [Signature] PK Foti DATE: 2/21/17

Landowner agrees to grant representatives of the County of Hawai'i the right to enter the property at reasonable business hours for the purpose of site inspection.

**AUTHORIZED AGENT/ CONTACT PERSON**

CONTACT NAME(S): Zendo Kern

ADDRESS: PO Box 1381

CITY: Keau STATE: HI ZIP CODE: 96749

EMAIL: zendokern808@gmail.com

PHONE NUMBER(S): \_\_\_\_\_ bus: 808-333-4734 hm /cell: \_\_\_\_\_

SIGNATURE(S): [Signature] DATE: 3/3/17

TAX MAP KEY(S): (3) 8-7-005:014 & 023

FLOOD ZONE (Can be obtained from the Department of Public Works- Engineering Division): X

NATURE OF DEVELOPMENT / ACTIVITY:

Consolidation of 4 lots and resubdivision of 4 lots. This application is for a subdivision action only and has no proposed development.

TOTAL COST / FAIR MARKET VALUE OF DEVELOPMENT: \$ 0

DATE OF APPLICATION 3/3/17

HALEIUALAIE SOUTH KONA, HAWAII

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

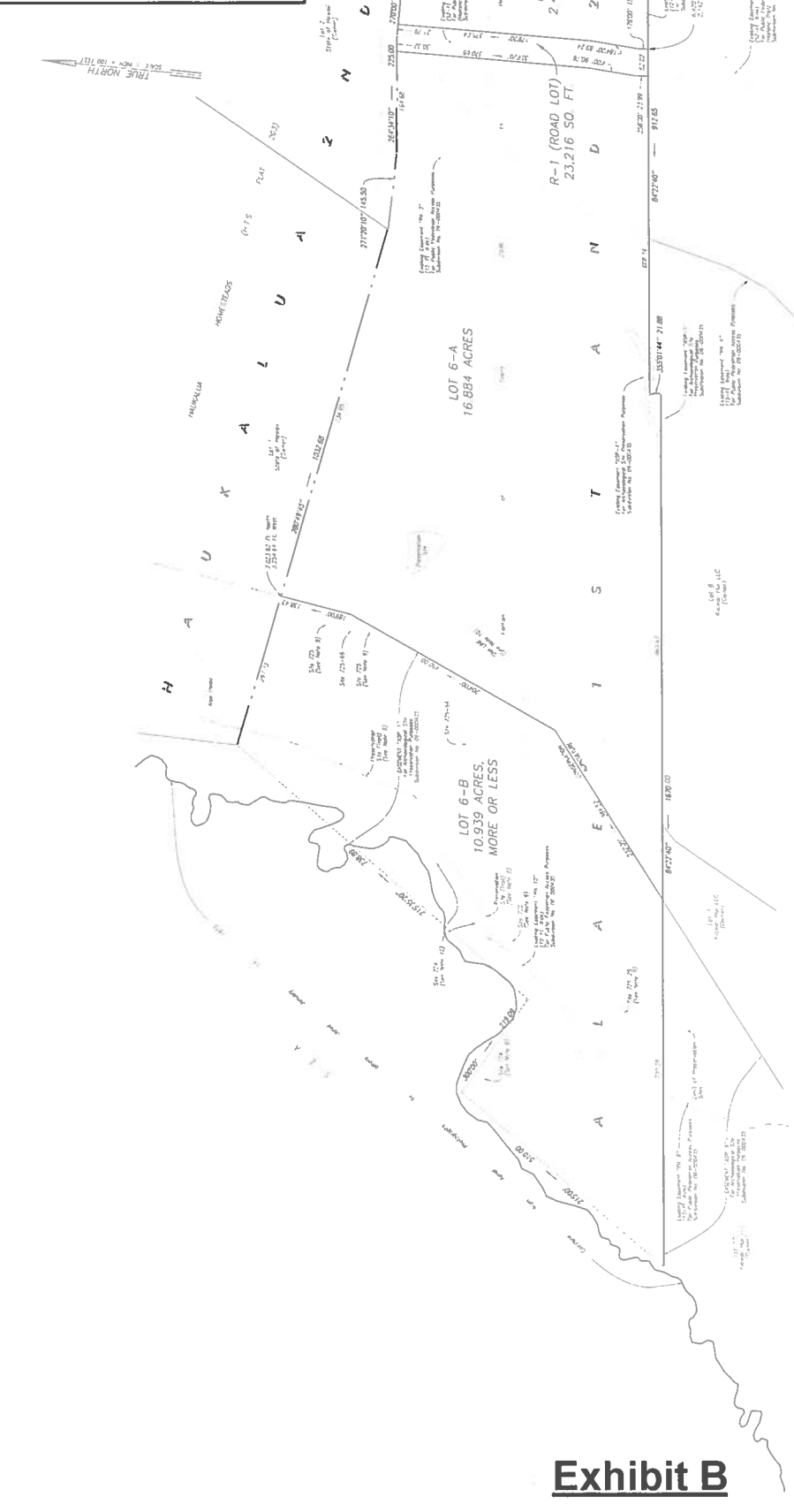
Owners, lessees, & vendors are notified on this tax map print may not be current. Please refer to current tax maps for current status.

PRINTED: SCALE 1 IN = 200 FT.

COUNTY OF HAWAII			
PROPERTY ASSESSMENT DIVISION			
TAX MAP			
ZONE	SECTION	PLAT	
8	7	05	



Exhibit A



**MAP SHOWING  
CONSOLIDATION OF LOT 5  
(2 PRE-EXISTING LOTS OF RECORD)  
AND LOT 6**

**Being Portions of Grant 2036 to Beniamina  
AND RESUBDIVISION INTO LOTS 5-A, 6-A, 6-B AND R-1 (ROAD LOT)  
At Alae 1st and 2nd, South Kona  
Island and County of Hawaii, State of Hawaii**

- NOTES:**
1. Boundaries and measurements are approved by the Department of Land and Natural Resources.
  2. Compensation "Vacuum" is 4.000000.
  3. The area of the subject parcels are from "vacuum" for the purpose of this map.
  4. The area of the subject parcels is based on the 1/4" = 100' aerial photograph of the area, dated 1984, and the 1/4" = 100' aerial photograph of the area, dated 1984, and the 1/4" = 100' aerial photograph of the area, dated 1984.
  5. The area of the subject parcels is based on the 1/4" = 100' aerial photograph of the area, dated 1984, and the 1/4" = 100' aerial photograph of the area, dated 1984, and the 1/4" = 100' aerial photograph of the area, dated 1984.
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PROJECT NO. 031123-R  
DATE: NOVEMBER 9, 2015  
FIELD BOOK NO. 7 030-010-023 (03) ENDS  
144 000 239 5114 144 000 239 5114

Prepared by:  
**WES THOMAS ASSOCIATES**  
2000 KANALIKA DRIVE, SUITE 200  
KAILUA, HAWAII 96731  
TEL: (808) 239-5114 FAX: (808) 239-5114



Prepared for:  
**MARY K. FORD TRUST (OWNER)**  
1776 HAWAIIAN BLVD  
KAILUA, HAWAII 96731

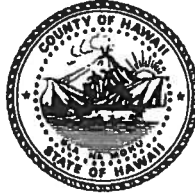


THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
I AM A LICENSED SURVEYOR  
STATE OF HAWAII, LICENSE NUMBER 12 4317





William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

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

February 3, 2016

RECEIVED

FEB 8 2016

#03162-8

WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street, Suite 201  
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**FINAL PLAT MAP AND DEFER ACTION**

**SUBDIVIDER: FOTI TRUST, Mary Katherine**

Proposed Consolidation of Lot 5 (2 Pre-existing Lots of Record & a Road Lot)  
And Lot 6,

And Resubdivision into Lots 5-A, 6-A, 6-B and R-1 (Road Lot),

'Alae 1<sup>st</sup> & 2<sup>nd</sup>, South Kona, Island of Hawai'i, Hawai'i

TMK: 8-7-005:014 & 023 (SUB-16-001575)

This is to acknowledge receipt on January 15, 2016, of ten (10) copies of the final plat map dated November 9, 2015; one (1) CD digital copy of the final plat map; Real Property Tax Clearance; and filing fee of \$325.00 for the referenced application for 3 lots and a road lot.

This application is being processed under Section 23-7 of the Subdivision Code whereby the requirements and standards of the Subdivision Code shall not apply to consolidation and resubdivision action resulting in the creation of the same or fewer number of lots than that which existed prior to the consolidation/resubdivision action.

We are ready to issue final approval to the application upon receipt of the following:

- 1) Our legal advisors have opined that evidence of the posting of a sign for public notification as defined by Hawai'i County Code, Chapter 23, Section 23-58.1 is required for **any** application pursuant to the Subdivision Control Code. Submit evidence of such posting to this department.
- 2) This application involves lands partially within the Special Management Area (SMA), and as such, will require the submission of an SMA Assessment Application to this department for review and appropriate action. The application can be found here <http://records.co.hawaii.hi.us/Weblink8/Browse.aspx?startid=55628&dbid=1>.

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
Page 2  
February 3, 2016

3) Further, the State Land Use Conservation District is also present in this area, therefore, we will be asking the Department of Natural Resources' (DLNR) Office of Conservation and Coastal Lands (OCCL) to comment should they have any concerns.

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



DUANE KANUHA  
Planning Director

JRH:lnm

\\COH33\planning\public\Admin Permits Division\Subdivision\2016\2016-1\SUB-16-001575FotiTrustPPMDEF 02-03-16.doc

Enc.: Receipt # 026869

xc: DLNR-OCCL w/application & PPM  
Planning Department-Long Range Division (SMA) w/application & PPM  
Tax Maps and Records Supervisor w/1-CD  
Mary Katherine Foti Trust  
FSA-SUB-06-000435; TMK File 8-7-005:023 (PELOR)

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Email: zendokern808@gmail.com

March 3, 2017

Mr. Michael Yee, Director  
Planning Department  
COUNTY OF HAWAII  
101 Pauahi Street  
Hilo, HI 96720

Dear Mr. Yee:

**Subject: Shoreline Survey Waiver for SMA Assessment Application for;  
Subdivision Application  
(SUB-16-001575) – FOTI TRUST, Mary Katherine  
Proposed Consolidation of Lot 5 (2 Pre-existing Lots & a Road Lot)  
And Lot 6  
And Resubdivision into Lots 5-A, 6-A, 6B and R-1 (Road Lot),  
'Alae 1<sup>st</sup> & 2<sup>nd</sup>, South Kona, Island of Hawai'i  
TMK: (3) 8-7-005:014 & 023**

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A SMA Assessment Application has been filed with the Hawaii County Planning Department for the above referenced subdivision action. On behalf of my client I am requesting that the certified shoreline survey requirement for the SMA Assessment Application be waived.

The rationale for the request is; proposed Lot 6-B (see attached subdivision map) is the only lot in the subdivision that meets the shoreline and it is in the conservation district. Being that Lot 6-B is in the conservation district there are no plans for any development of the subject lot. If the lot were to possibly be developed in the future it would have to undergo additional requirements from the State DLNR in addition possibly the Hawaii County Planning Department. Therefore any shoreline survey requirement would need to be addressed at that time.

Please let me know if there are any further questions or information needed.

Sincerely,

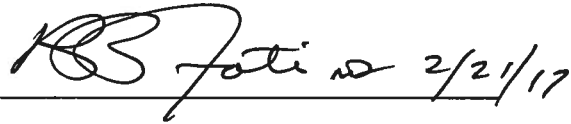


ZENDO KERN  
Planning Consultant

Enclosures  
Copy – Mary K. Foti w/ enclosures

TO WHOM IT MAY CONCERN:

As landowner of parcels identified by TMK's: (3) 8-7-005-014 & 023, I hereby consent and authorize Zendo Kern of Zendo Kern Planning Consultant to file and process a SMA Assessment Application/SMA Minor on my behalf.

 Phil Foti 2/21/17

Phil Foti (owner)

(Date)

 Mary K. Foti 2/21/17

Mary K. Foti (Owner)

(Date)