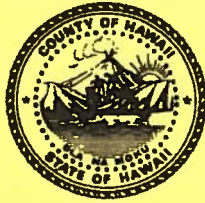


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
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MEMORANDUM

December 12, 2012

TO: KI EMLER
Engineer, Department of Public Works - Kona

FROM: BJ LEITHEAD TODD 
Planning Director

SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-12-000913)
Applicant: Bill Healy Foundation
Request: Continued Use of Privately Owned Beach Park and Retention
of Certain As-Built Improvements Including a Rock Wall
Along a Portion of the Southern Property Line, a Community
Garden Area, Landscaping and Irrigation System, and Related
Improvements
Tax Map Key: (3) 8-2-006:027, Kahauloa 1st, South Kona, Hawai'i

Enclosed please find a copy of the Special Management Area Use Permit Assessment Application received on November 16, 2012 to allow the continued use of the subject property as a privately owned beach park as well as the approval of as-built improvements including a rock wall, a community garden area, landscaping and irrigation system, signage, picnic tables and related improvements. In addition, as a corrective action to an enforcement case with the Department of Land and Natural Resources Office of Conservation and Coastal Lands (DLNR OCCL), the applicant will remove all emplaced soil from an area 5 feet mauka of the DLNR-proposed shoreline. This will include naturalization of the shoreline by hand removal of the planters, stacked rock walls, and planted shrubbery.

The Planning Department is responsible for all Special Management Area (SMA) Assessments for development within the SMA. Upon our review, if the proposed project is not exempt from SMA rules and constitutes "development", either an SMA Minor Permit is issued by this department or an SMA (Major) Use Permit must be granted by the Planning Commission.

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MEMO: KI EMLER
Engineer, Department of Public Works – Kona
December 12, 2012
Page 2

If it is determined that the project will require an SMA Minor Permit, we are required to obtain an SMA review from the Department of Public Works for compliance with Chapter 27, Floodplain Management.

A portion of this activity has occurred within the shoreline setback area. However, this minor activity does not affect beach processes or artificially fix the shoreline and does not interfere with public access or public views to and along the shoreline.

According to Hawai'i Revised Statutes (HRS) Chapter 343-5, an environmental assessment shall be required for actions that propose any use within a shoreline area. However, Hawai'i Administrative Rules (HAR), Chapter 200, Environmental Impact Statement Rules, provides a list of classes of action that may be exempt from the preparation of an environmental assessment. Among the list of exempt classes of action listed in HAR Chapter 200 are:

- *11-200-8(A)(4) Minor alterations in the conditions of land, water, or vegetation;*
- *11-200-8(A)(3) Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:*
 - a. Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units;*
 - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;*
 - c. Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more structures; and*
 - d. Water, sewage, electrical, gas, telephone, and other essential public utility service extensions to serve such structures or facilities; accessory or pools, and fences; and acquisition of utility easements.*

Under these circumstances, it would appear that the exempt classes of action noted above are appropriate, since the proposed naturalization of the shoreline by hand removal of the planters, stacked rock walls, and planted shrubbery and retention of landscaping, irrigation system, signage, and picnic tables would have minimal or no significant impact on the environment, and the landscaping, irrigation system, signage, and picnic tables are considered minor structures.

Pursuant to HAR Chapter 200, when an agency is considering declaring an HRS Chapter 343 exemption, we must "obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption."

MEMO: KI EMLER
Engineer, Department of Public Works – Kona
December 12, 2012
Page 3

By this memo, we are requesting Department of Public Works concurrence with the HRS Chapter 343 Declaration of Exemption. We are also requesting the Department of Public Works review the proposed project for compliance with Chapter 27, Floodplain Management. Please provide your response to **as soon as possible**.

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

BJM:cs

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Enclosure

William P. Kenoi
Mayor



PLANNING DEPARTMENT
COUNTY OF HAWAII

DJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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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): The Bill Healy Foundation

ADDRESS: PO Box 4525

CITY: Portland STATE: Oregon ZIP CODE: 97208

EMAIL: chealy8@comcast.net

PHONE NUMBER(S): bus: (503) 222-1899 hm /cell: (503) 784-6590

SIGNATURE(S): [Signature] DATE: 10/11/12

LANDOWNER INFORMATION

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

LANDOWNER'S NAME(S): Kamehameha Schools

ADDRESS: 78-6831 Alii Dr. , Suite 234

CITY: Kailua-Kona STATE: HI ZIP CODE: 96740

EMAIL: alsalave@ksbe.edu

PHONE NUMBER(S): bus: (808) 322-5300 hm /cell: (808) 756-5267

SIGNATURE(S): [Signature] DATE: 11/16/12

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): William L. Moore

ADDRESS: 159 Halai Street

CITY: Hilo STATE: HI ZIP CODE: 96720

EMAIL: billmoore@hawaii.rr.com

PHONE NUMBER(S): bus: (808) 987-7336 hm /cell: _____

SIGNATURE(S): [Signature] DATE: 11/15/12

TAX MAP KEY(S): (3) 8-2-006: 027