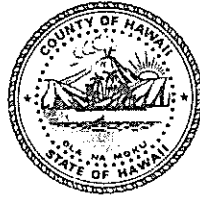


Harry Kim
Mayor



County of Hawai'i

PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 14, 2005

Mr. Gregory Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit Application (SMA 04-008)

Applicant: Steve Holmes

Request: Conversion of a Single Family Dwelling into a 3-Unit Multiple
Family Residential Structure

Tax Map Key: 7-8-14:41

The Planning Commission at its duly held public hearing on February 18, 2005, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 454 is hereby issued to allow the conversion of a single family dwelling into a 3-unit multiple family residential structure and related improvements. The 5,419-square foot property is located 230 feet east (mauka) of Alii Drive and Kahaluu Beach Park, Kahaluu Beach Lots, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant has submitted an application for a Special Management Area (SMA) Use Permit to allow the conversion of a single family dwelling into a 3-unit multiple family residential structure and related improvements on a 5,419-square foot property.

The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options.

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The project consists of a 3-story building, which was approved as a single family dwelling under Building Permit No. 965726 on September 10, 1996. The structure has been constructed but not finished. The request is to renovate the interior of the structure to create three separate dwelling units (one unit on each floor). The proposed project is located in the Kahaluu Beach Lots, mauka of Kahaluu Beach and Alii Drive, approximately 430 feet from the shoreline. Therefore, the proposed development would not impact the immediate adjacent properties as the subject property is surrounded by resort, single family and multi-family residences, and vacant lands. Further, there would be no adverse impact to recreational and visual resources, access to and along the shoreline nor coastal ecosystems.

The proposed development is consistent with the objectives, policies, and guidelines of the Special Management Area as provided by Chapter 205A, HRS, and Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

Given the existing residential uses in the area, it is unlikely that any threatened species of plant or animal are present on the property. The Department of Land and Natural Resources-Historic Preservation Division has issued a "no-effect" letter stating that they believe there are no historic properties present because residential development/urbanization has altered the land. Thus, they believe that "no historic properties will be affected" by this undertaking.

There is no designated public access to the mountain areas or to the shoreline over the subject property. The property is located approximately 430 feet from the nearest coastline. It is not anticipated that the proposed development will adversely impact any archaeological/cultural/historical resources, recreational resources, including access to and along the shoreline, scenic and open space nor visual resources, coastal ecosystems, and marine and coastal resources. Further, the property is not affected by any beach erosion.

Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations. With these precautionary measures in place, the proposed use is not anticipated to have any substantial adverse effects on the coastal resources or environment.

Air quality in the area of the subject property is most affected by emissions from natural and vehicular sources. Volcanic haze is the dominant form of natural emissions. The existing noise generated in the area is coming primarily from vehicular traffic. Given the minimal nature of the proposed improvements, no significant long-term air and noise quality impacts are anticipated.

Water is available from the 12-inch waterline in Alii Drive. The applicant will be required to install a 1-inch meter with 3 units of water and have a licensed contractor install a backflow preventer. Therefore, conditions will be added reflecting the request of the Department of Water Supply.”

The Department of Health commented that the wastewater system is inadequate for the proposed project and that they have no records of the existing wastewater system. A condition will be added that the applicant will be required to install an approved septic system with leach field, or connect to the sewer system, to receive a Certificate of Occupancy.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area for Medium Density Urban. This designation allows for village and neighborhood commercial, residential and related functions (3-story commercial; residential – up to 35 units per acre). The proposed development will compliment the following goals, policies and standards of the Land Use, Housing and Economic Elements of the General Plan:

LAND USE

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.
- The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

HOUSING

- Attain safe, sanitary, and livable housing for the residents of the County of Hawaii.
- Attain a diversity of socio-economic housing mix throughout the different parts of the County.

- Maintain a housing supply which allows a variety of choice.
- Improve and maintain the quality and affordability of the existing housing stock.

ECONOMIC

- Provide residents with opportunities to improve their quality of life.
- Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The proposed development will add to the housing inventory for the district of North Kona. Thus, it is determined that the purpose and provision of this type of housing development in this district will be implementing the General Plan's Housing Element. This development will be in harmony with the character of the surrounding neighborhood, and will result in an intensity of land utilization no higher than as permitted. It will also provide the applicant will an opportunity to utilize the remainder of the structure that cannot be used because of his wife's poor health, thereby improving the quality of their life and minimizing undue hardship.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the date of this permit. Prior to construction, the applicant shall secure Final Plan Approval from the Planning Director in accordance with Sections 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and proposed structures, landscaping, paved driveway access and parking

stalls associated with the proposed development. Landscaping shall be provided as required by Planning Department Rule 17 (Landscaping Requirements). No parking variance from the code shall be applied for or granted.

3. A building permit will be required for the change of use in accordance with the requirements of the Department of Public Works.
4. Install a septic system with leach field meeting with the approval of the Department of Health. Certificate of Occupancy will be approved only upon compliance of an approved septic system from the Department of Health or upon connection with an approved sewer system.
5. The applicant shall install rain gutters along with downspouts from the roof into a sump to minimize water runoff.
6. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
7. The applicant shall install a 1½-inch service lateral to service a 1-inch meter, which shall be restricted to a maximum flow of 1,800 gallons per day, and cut and plug the existing service lateral for the 5/8-inch meter, meeting with the approval of the Department of Water Supply.
8. The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor on the applicant's private property just after the meter, meeting with the approval of the Department of Water Supply.
9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
10. Comply with all applicable laws, rules, regulations and requirements of all affected agencies, including the Department of Public Works, Department of Water Supply, Department of Environmental Management, and Department of Health.

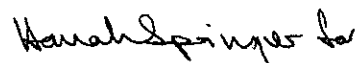
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11. An annual progress report shall be submitted to the Planning Director detailing compliance with all conditions of approval.
12. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - C. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,


Fred Galdones, Chairman
Planning Commission

Lholmes01pc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
Department of Land and Natural Resources/HPD-Kona
Rodney Haraga, Director/DOT-Highways, Honolulu
Ms. Alice Kawaha
Mr. Lawrence McEathron
Plan Approval Section
Mr. Steve Holmes