



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

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

**\*AUG 29 2011**

Shawn and Angela Reed  
204 S. Kalaheo Avenue  
Kailua, HI 96734

Dear Mr. and Mrs. Reed:

Special Management Area Use Permit Application (SMA 11-000047)

Request: To Convert Two Single Family Dwellings Into Four Single Family Dwellings

Applicant: Neil Erickson/Taylor McMahel

Tax Map Key: 3-6-010:007

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The Windward Planning Commission, at its duly held public hearing on August 4, 2011, voted to approve the above-referenced request to allow the conversion of two single family dwellings into four single family dwellings. The property is located approximately 1,600 feet north of Mile Marker 25, makai of the Hawai'i Belt Road and the Laupāhoehoe Train Museum, Manowaiopae Homesteads, North Hilo, Hawai'i.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, 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.

The applicants request a Special Management Area Use Permit to renovate and convert two single-family dwellings into four single-family residential units. In addition, a small detached storage shed is also proposed to be constructed on the site. The applicants state that depending on the stability of the market, the dwellings will be used for vacation rentals. Both existing two-story structures are single-family residences on

the top floor and empty storage space on the first level. The residences are identified as the “northern residence” and “southern residence.”

For the northern residence, the applicants propose the following:

- Second floor: bathroom relocation and upgrade; the old bathroom space to be used as an additional bedroom. Renovation of the kitchen and dining rooms; reconstruction of the existing rear stairs, to include a small uncovered deck. The deck will be a maximum of six (6) feet wide, increasing the overall footprint by three (3) feet.
- First floor: proposed laundry room, garage, living room, kitchen, bathroom and a bedroom, and concrete patio.

For the southern residence, the larger of the two, the applicants propose the following:

- Second floor: no change; currently consists of three (3) bedrooms, a bathroom, kitchen, dining and living space.
- First floor: proposed laundry room, kitchen, living room, hobby room, two (2) bedrooms, and two (2) bathrooms.

The southern residence will retain the existing footprint. Both residences will be improved with a new corrugated roofing material and painted in natural colors.

Also proposed is a small, detached, approximately 240-square foot storage shed to be constructed near the southern property line. The increase in density and change in occupancy is the reason for the request.

**The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties.** The property is an approximately 22,320-square foot parcel, improved with two permitted single-family dwellings constructed in the early 1900’s. Surrounding lands are zoned CV-10. Lands to the west (towards Waimea) and south (mauka) across the Hawai‘i Belt Road are zoned RS-10. The Laupāhoehoe Train Museum is located across the Hawai‘i Belt Road. The land makai of the site is zoned Open, owned by the State of Hawai‘i, and is a near vertical cliff approximately 200 feet in height, including submerged lands. No residences are located adjacent to the site. A gas station and convenience store is located on the adjacent property to the east (fronting the Hawai‘i Belt Road). Therefore, as there are already established commercial uses in the vicinity, the proposed action would not be out of character or conflict with the existing uses in the general vicinity of the project site.

While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. With the proposed conditions, the development will not substantially affect scenic vistas or viewplanes of nearby residents nor have a significant adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems. With the exception of the new shed and minor expansion of the deck in the northern residence, the renovations proposed are interior in nature and generally confined to the footprint of the existing structures.

Air quality in the area is predominantly affected by emissions from natural and vehicular sources from the highway. Although minimal, both short-term air and noise quality impacts associated with the proposed improvements are expected during construction. However, these impacts can be mitigated through the utilization of best management practices. Thus, given the minor nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

**The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines in Rule No. 9 of the Planning Commission Rules of Practice and Procedure.** County water is available to the project site. Each residence is served by a dedicated cesspool. The proposed action includes improvements to the cesspools to an approved seepage pit and septic tank system. The Department of Health has stated that only two (2) individual wastewater systems (IWS) are allowed based on one (IWS) per 10,000 square feet. Each structure must be served by a septic system designed for five (5) bedrooms or less.

Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. With precautionary measures in place, the proposed action is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included to ensure that impacts on coastal resources are minimized.

No formal archaeological study was conducted, as the property has been a dwelling site since the 1900's. In a letter dated April 5, 2011, the applicants requested a letter of "no effect" from DLNR-HPD. In a memo dated May 18, 2011, the DLNR-HPD stated that "more information will be required for a determination of effect, including demolition plans illustrating changes to the present structures; exterior elevations for the new lower floor of the red building; and a commitment to follow the existing fenestration patterns." A condition of approval will be included to require the applicants to comply with the DLNR-HPD's requirements.

No formal flora or fauna survey was conducted of the site, as the property was cleared of vegetation in the early 1900's for the construction of the dwellings. According to the applicants, there are no floral or faunal species currently listed as endangered, threatened or currently proposed for listing under either the Federal or State endangered species statutes on the project site. The applicants state that there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site or nearby area, nor existence of any known valued cultural, historical or native resources.

The project site is located in Zone "X", areas determined to be outside of the 500-year flood plain. The property is located approximately 200 feet above the coastline, with an intervening parcel between the property and the ocean. The existing dwelling to be renovated is situated approximately 50 feet from the cliff edge, outside of the 40-foot shoreline setback area.

**The proposed development is consistent with the County General Plan and the Zoning Code.** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The property is designated Medium Density Urban (MDU) by the County. The MDU designation allows village and neighborhood commercial and single-family and multiple family residential and related uses. The property is zoned CV-10. Thus, the proposed action is consistent with the LUPAG Map designation and the Zoning Code. In addition, the project site is situated in the State Land Use Urban district.

Access to the project site is proposed from Hawai'i Belt Road to the Old Māmalahoa Highway. The driveway easement shares the entrance to the existing gas station and convenience store.

Based on the above findings, it is determined that the proposed action 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:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Renovation of the structures shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the

Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures, driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).

3. The improvements shall be conducted in a manner that is substantially representative of plans and details as contained in the Special Management Area Use Permit application dated April 5, 2011 (Planning Department Exhibit 1).
4. Access to the Old Māmalahoa Highway shall meet with the approval of the Department of Public Works and conform to Chapter 22 (Streets) of the Hawai'i County Code.
5. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
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 in the State of Hawai'i.
7. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
8. Individual wastewater systems shall be installed, meeting with the approval of the Department of Health.
9. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires a NPDES permit for certain construction activity.
10. The applicant(s) shall submit the final determination letter from the SHPD-HPD to the Planning Director prior to any land alteration activities or commencement of renovation on the site.
11. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials 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-HPD when it finds that sufficient mitigation measures have been taken.

12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
13. An initial extension of time for the performance of conditions within this 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 General Plan or Zoning Code.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.
  - D. 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).
  - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

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.

Shawn and Angela Reed  
Page 7

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

Sincerely,



Zendo Kern, Chairman  
Windward Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Department of Land and Natural Resources/HPD  
Ms. April Surprenant  
Zoning Inspector  
Plan Approval Section  
Mr. Gilbert Bailado