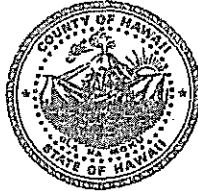


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

March 4, 2003

Scott L. Andrews and Claudia Rohr  
369 Nene Street  
Hilo, HI 96720

Dear Mr. Andrews and Ms. Rohr:

Subject: Special Management Area Use Permit Assessment (SMAA 03-11)  
Applicant: Scott L. Andrews and Claudia Rohr  
First Request: Construction of a second single family dwelling (SMAA 02-52)  
Second Request: Establishment of a 3-bedroom bed and breakfast operation (SMAA 03-03)  
Third Request: Amendment to SMAA 02-52 for a guest house and possible revision to SMAA  
Fourth Request: Establishment of a 3-bedroom bed and breakfast operation and SMA Minor Permit No. 133 (current request SMAA 03-11)  
TMK: 2-1-018: 005, Waiakea, South Hilo, Hawaii

This is to acknowledge receipt of your third SMA Assessment application, currently for a 3-bedroom bed and breakfast operation on the above-referenced property.

To facilitate understanding of your request(s), the following is a summary of documents filed with this department, as well as a chronology:

1. December 26, 2002, SMA Assessment (SMAA 02-52) - construction of a second single family dwelling.
2. January 3, 2003, SMA Assessment (SMAA 03-03) - 3 bedroom bed and breakfast operation within an existing 5-bedroom dwelling.
3. January 7, 2003 - Planning Department letter indicating that a second single family dwelling and a bed and breakfast establishment would require a Use Permit and a SMA Major Use Permit from the Planning Commission.

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Scott L. Andrews and Claudia Rohr

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March 4, 2003

4. January 27, 2003 - letter from you requesting an exemption for an accessory building/guest house for SMAA 03-03. The second single family dwelling as requested in SMAA 02-52 is now a guest house. SMA Minor Use Permit No. 132 is issued for the guest house.
5. March 3, 2003, SMA Assessment (SMAA 03-11) - establishment of a 3-bedroom bed and breakfast operation.

With SMAA 03-11, you are currently requesting SMA review of the establishment of a 3-bedroom bed and breakfast operation. However, in a letter dated February 3, 2003 attached with the SMAA, you indicate "please note that the proposed guest house is an accessory building to our single family dwelling and is not intended to be a part of the bed and breakfast operation." We are totally unclear as to your request, but assume the February 3, 2003 letter should not have been attached, as the SMAA is for a 3-bedroom bed and breakfast operation. On February 21, 2003, SMA Minor Use Permit No. 132 was issued for the guest house.

Your current application is incomplete with regard to addressing the potential impacts of the proposed project, but we assume that you would like for us to review previously submitted information. Under normal circumstances, your application would be returned for incompleteness. However, we will process your application as submitted and issue SMA Minor Permit No. 133, with conditions, for the 3-bedroom bed and breakfast operation.

A Use Permit must be secured from the Planning Commission prior to the establishment of the bed and breakfast operation. In addition, due to the presence of ponds on your property, prior to grubbing, grading or commencement of construction, please contact Lolly Silva of the U.S. Army Corps of Engineers at (808) 438-7023. Prior to any activity on the site, you are required to submit written documentation from the Corps allowing the proposed use. Comply with all other applicable Zoning and Building Code requirements of the Department of Public Works.

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Scott L. Andrews and Claudia Rohr

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March 4, 2003

In the future, should you file additional applications for your property, please make an effort to provide accurate, comprehensible information, as this would greatly facilitate our review of your request.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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Enclosure: SMA Minor Permit No. 133

cc: Long Range Planning  
Ms. Alice Kawaha, Planning Division  
Zoning Clerk, Ministerial Division  
Building Division, Department of Public Works  
Army Corps of Engineers

# **SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 133**

**Approved Development:**

3-bedroom bed and breakfast establishment, with concurrence from the Army Corps of Engineers. A Use Permit must also be secured from the Planning Commission.

**Applicant's Name:** Scott L. Andrews and Claudia Rohr

**TMK:** 2-1-018: 005 Waiakea, South Hilo, Hawaii

**Land Area:** 1.2024 acres

## **Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.  
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ 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 the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

**Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes  
regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development.

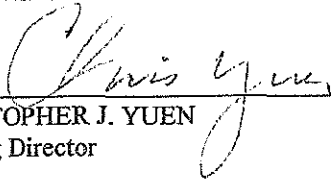
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, Hawaii Revised Statutes to:
- ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
  - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - ☒ Stimulate public awareness, education, and participation in coastal management.
  - ☒ Protect beaches for public use and recreation.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, Hawaii Revised Statutes relating to:
- ☒ Recreational resources
  - ☒ Historic resources
  - ☒ Scenic and Open Space resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
- ☒ Beach Protection
- ☒ The proposed development conforms with the requirements of Hawaii Revised Statutes Chapter 343, Environmental Impact

## Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 133 will be effective only upon the submission of written clearance from the Army Corps of Engineers.
3. SMA Minor Permit No. 133 will be effective upon the granting of a Use Permit from the Planning Commission. The Use Permit shall be secured within 6 months from the Planning Director's date of approval of this permit.
4. The applicant(s), its successors or assigns shall comply with all other laws, rules, regulations and requirements, including the Department of Public Works.
5. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
6. The Planning Director may grant an extension of time upon the following circumstances:
  - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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; and
  - 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).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN  
Planning Director

\_\_\_\_\_  
Date