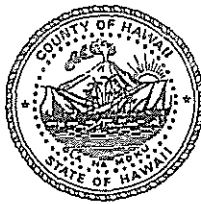


Harry Kim
Mayor



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

October 12, 2004

Ms. Merle K. Lai
2150 Kalanianaʻole Street
Hilo HI 96720

Dear Ms. Lai:

**Subject: Special Management Area Use Permit Assessment Application (SMAA 04-83)
Special Management Area Minor Permit No. 166 (SMM 166)
Applicant: Merle K. Lai
Request: Construction of an Ohana Dwelling and Related Improvements
TMK: 2-1-18:9, Waiakea, South Hilo, Hawaii**

This is to follow up on our September 30, 2004 letter relating to the above-referenced Special Management Area Assessment for the construction of an ohana dwelling and related improvements on the subject parcel.

This parcel is designated Urban by the State Land Use Commission and is zoned Single Family Residential (RS-15) by the County. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Low Density Urban.

Although there is a pond on the subject parcel, it is located approximately 60 feet from the proposed improvements.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, an ohana dwelling is considered "Construction, reconstruction, or alteration of the size of any structure" and defined as "development". Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area

Hawai'i County is an equal opportunity provider and employer.

Ms. Merle K. Lai
Page 2
October 12, 2004

Minor Permit No. 166 is hereby issued to allow for the construction of an ohana dwelling and related improvements, subject to the applicant's compliance with the conditions of approval as required by the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



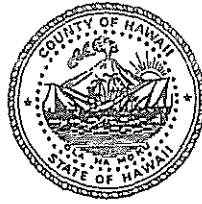
CHRISTOPHER J. YUEN
Planning Director

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Enclosures - SMM No. 166
Department of Public Works October 6, 2004 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik
Planning Commission

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
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Special Management Area Minor Permit No. 166

Project: Construction of an Ohana Dwelling and Related Improvements
Applicant: Merle K. Lai
Location: Waiakea, South Hilo, Hawaii
TMK: (3) 2-1-18:9 **Land Area:** 20,000 sq. ft.

Applicant's Request

1. Project Description:

The applicant proposes to construct an ohana dwelling and related improvements.

2. Purpose of Project: The ohana dwelling will be the residence of a potential caretaker and provide accommodations for visiting family members.

3. Project Valuation: \$60,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the construction, reconstruction, or alteration of the size of any structure is defined as "development." Therefore, the proposed ohana dwelling and related improvements requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Low Density Urban.

3. **County Zoning:** The subject property is zoned Single Family Residential (RS-15).

4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The subject property does not have frontage along the shoreline.

The construction of an ohana dwelling and related improvements will not affect the recreational resources available to the public.

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

The proposed development is consistent with the following objectives and 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 the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, 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 tsunami, 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.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated construction cost of \$60,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has the following comments to offer on the proposed project:

The subject parcel is located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. The base flood elevation (water surface elevation from mean sea level) is between 14 and 15 feet.

Construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code.

The proposed ohana dwelling and related improvements will be located approximately 60 feet away from the pond. Therefore, construction activity will not impact the pond.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 166** is hereby approved to allow the construction of an ohana dwelling and related improvements, subject to the applicant's compliance with the conditions of approval as specified below.

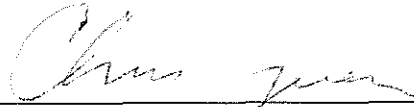
Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 166 subject to the following conditions:


1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure an Ohana Dwelling Permit and complete construction of the ohana dwelling and related improvements within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. The applicant shall comply with all applicable requirements of the State Department of Health, the Hawaii County Department of Public Works and applicable requirements of other affected agencies.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
5. An extension of time for the performance of the conditions contained herein 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; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).

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

APPROVED:



CHRISTOPHER J. YUEN



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


2004 OCT 6 PM 3 14

DATE: October 6, 2004

Memorandum

PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Christopher J. Yuen, Planning Director

FROM: *for*  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 04-83)

Applicant: Merle K. Lai

Request: Construction of an Ohana Dwelling and Related Improvements

TMK: 2-1-18: 009

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated September 30, 2004 and offer the following comments for your consideration.

The subject parcel is located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. The base flood elevation (water surface elevation from mean sea level) is between 14 and 15 feet.

Construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code.

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG

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