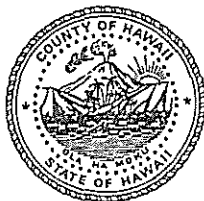


Harry Kim
Mayor



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 29, 2004

Mr. Gary Taylor
75-140 Lunapule Road
Kailua-Kona HI 96740

Shm

168

Dear Mr. Taylor:

**Subject: Special Management Area Use Permit Assessment Application (04-94)
Special Management Area Minor Permit No. 168 (SMM 168)**

Applicant: Gary Taylor

Owners: Gary and Rosemary Taylor

Request: Construction of an Addition to the Single-Family Dwelling to Create a Duplex

TMK: 7-5-18:52, Konalani Subdivision, Waiaha, Kailua, North Kona, Hawaii

This is to follow up on our October 20, 2004 letter relating to the above-referenced Special Management Area Assessment for the construction of an addition to the single-family dwelling to create a duplex on the subject parcel.

This parcel is designated Urban by the State Land Use Commission and is zoned Double-Family Residential (RD-3.75) by the County. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Medium Density Urban.

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9 do not exempt the second single-family dwelling from the definition of "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 Minor Permit No. 168 is hereby issued to allow for the construction of an addition to the single-family dwelling to create a duplex, subject to the applicant's compliance with the conditions of approval as required by the permit.

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

Mr. Gary Taylor
Page 2
October 29, 2004

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,



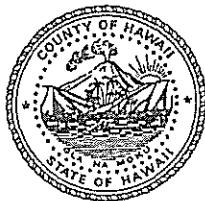
CHRISTOPHER J. YUEN
Planning Director

ETI:cd
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Enclosures - SMM No. 168
Department of Public Works October 26, 2004 Memo

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

Harry Kim
Mayor



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Special Management Area Minor Permit No. 168

Project: Construction of an Addition to the Single-Family Dwelling to Create a Duplex
Applicant: Gary Taylor
Land Owner: Gary and Rosemary Taylor
Location: Konalani Subdivision, Waiaha, Kailua, North Kona, Hawaii
TMK: (3) 7-5-18:52 **Land Area:** 9,704 square feet

Applicant's Request

1. Project Description:

The applicant proposes to construct an addition to the existing single-family dwelling to create a duplex on the subject property. The existing carport/shop will be demolished and the duplex constructed on this site.

2. Purpose of Project:

The project is intended create a new living area with possible future rental of the existing dwelling.

3. Project Valuation: \$100,000

4. Determination:

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9 do not exempt a second single-family dwelling from the definition of "development". Therefore, the proposed construction of an addition to the existing single-family dwelling to create a duplex requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban.
- 2. General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Medium Density Urban use.

3. **County Zoning:** The subject property is zoned Double-Family Residential (RD-3.75). Pursuant to §25-5-22(a)(6) of the Hawaii County Zoning Code, "*Dwellings, double-family or duplex*" is a permitted use.
4. **Special Management Area:** The subject property is located in the SMA. However, it does not have frontage along the ocean.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

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 project cost of approximately \$100,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division did not have any objection to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 168** is hereby approved to allow for the construction of an addition to the single-family dwelling to create a duplex, 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. 168 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 Final Plan Approval and complete construction of the addition to create a duplex 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 and the 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

OCT 29 2004

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII



2004 OCT 28 AM 9 43

DATE: October 26, 2004

PLANNING DEPARTMENT
COUNTY OF HAWAII

Memorandum

TO : Christopher J. Yuen, Planning Director
✓ Planning Department

FROM : Galen M. Kuba, Division Chief 
 Engineering Division

SUBJECT : Special Management Area Use Permit Assessment Application (04-94)
Applicant : Gary Taylor
Location : Waiaha, Kailua, North Kona, Hawaii
TMK : 3 / 7-5-018:052

We reviewed the subject application and find the subject property is not within a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA
PLNG-KONA

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