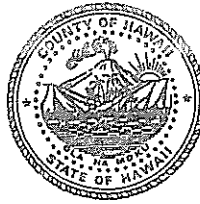


Susan

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

July 28, 2005

Mr. Stephen J. Herbert
74-5606 Pawai Pl., #203
Kailua-Kona, Hawaii 96740

Dear Mr. Herbert:

Special Management Area Use Permit Assessment Application (SAA 05-53)
Special Management Area Minor Permit No. 05-000007 (SMM 05-000007)
Applicant: St Michael's Church/Roman Catholic Church
Land Owner: Roman Catholic Church
Project: Construction of an approximately 440-square foot addition to the existing church for use as a library and gift shop.
TMK: (3) 7-5-008:006

By this letter we are transmitting the subject Special Management Area Minor Permit pursuant to our previous letter of determination regarding SAA 05-53 dated July 8, 2005.

Should you have questions, please feel welcome to call Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,

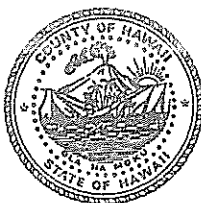
A handwritten signature in cursive script, appearing to read "Ching", is written over the printed name of Christopher J. Yuen.

CHRISTOPHER J. YUEN
Planning Director

LMB:pak
P:\WP\WIN60\CZM\SMM\2005\SMM 05-000007 StMichaels translr.doc

xc: Long Range Planning - Ms. Susan Gagorik
Roman Catholic Church
75-5769 Alii Drive
Kailua-Kona, Hawaii 96740

Harry Kim
Mayor



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Director

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Special Management Area Minor Permit No. 05-000007

Project: Construction of a gift shop & library addition to existing church
Applicant: St. Michael's Church/Roman Catholic Church
Land Owner: Roman Catholic Church
Location: Hienaloli 2nd, North Kona, Island & County of Hawaii, Hawaii
TMK: (3) 7-5-008:006

Applicant's Request

1. Project Description:

The applicant proposes to construct a new 440-square foot addition to the front of the existing church to house a library and gift shop.

2. Purpose of Project:

The project is proposed to replace the unsightly tent like structure near the entry to the church that will provide a permanent location for the gift shop and library.

3. Project Valuation: \$30,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v), relating to the Special Management Area, "development" includes the construction, reconstruction, or alteration of the size of any structure.

Therefore, the proposed project 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 (SLU) Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for resort uses.
- 3. Kailua Village Design Plan (KVDP):** The subject property is situated in the Kailua Village Design District making the proposed improvement subject to review by the Kailua Village Design Commission.

4. **County Zoning:** The subject property is zoned Resort-Hotel (V-.75) by the County of Hawaii.
5. **Special Management Area:** The subject property is located in the SMA.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>
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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 is a permitted use in the Resort-Hotel zoning district.

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

The estimated project cost of approximately \$30,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has submitted the following comments, dated July 22, 2005, regarding the subject SMAA. A copy of the memorandum is also enclosed.

“Flood Zone ‘AE’, affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated May 16, 1994 as amended. New construction or substantial improvements may be subject to the requirements of Chapter 27 – Flood Control, of the Hawaii County Code. However, the proposed improvements under this application will not be considered ‘substantial’ provided they, together with improvements made in the past three years, do not equal or exceed one-half of the market value of the existing structure. If not ‘substantial’, the improvements will not be subject to the construction and certification standards of Chapter 27. The above comments assume the building is not a ‘historic structure’.

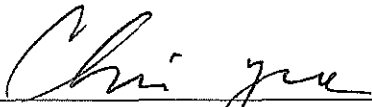
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000007** is hereby approved to allow for the proposed construction of the proposed addition to the existing church, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 05-000007** 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 comply with all applicable requirements of all State and County of Hawai'i and Federal departments and agencies.
3. Approval of the proposed addition by the Kailua Village Design Commission shall be secured prior to the submittal an application for Plan Approval.
4. Plan Approval for the proposed project shall be secured from the Planning Director pursuant to Chapter 25 of the Zoning Code.
5. Construction of the proposed improvements shall be completed within one (1) year from the date of this permit.
6. 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).
7. 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
Planning Director


7/28/05
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: July 22, 2005

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Assessment Application SMAA 5-053
Applicant: Stephen J. Herbert for St. Michael's Catholic Church
Location: Kailua-Kona, HI
TMK: 3 / 7-5-008:006

We reviewed the subject application and our comments are as follows:

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
3. Flood Zone "AE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated May 16, 1994 as amended. New construction or substantial improvements may be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code. However, the proposed improvements under this application will not be considered "substantial" provided they, together with improvements made in the past three years, do not equal or exceed one-half of the market value of the existing structure. If not "substantial", the improvements will not be subject to the construction and certification standards of Chapter 27. The above comments assume the building is not a "historic structure".

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