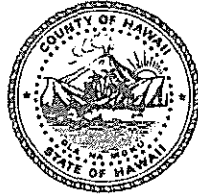


Harry Kim
Mayor



Debbie
Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

November 3, 2006

Ms. Flo P. Soares
P. O. Box 291
Papaikou HI 96781

Dear Ms. Soares:

Subject: Special Management Area Use Permit Assessment Application (SAA 06-000194)
Special Management Area Minor Permit No. 06-000039
Applicant: Flo P. Soares
Request: Construction of an Ohana Dwelling and Related Improvements
Tax Map Key: 2-7-27:4, Papaikou, South Hilo, Hawaii

This is to follow up on our October 17, 2006 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-7.5) by the County. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Low Density Urban.

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 Minor Permit No. 06-000039 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.

Ms. Flo P. Soares
Page 2
November 3, 2006

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

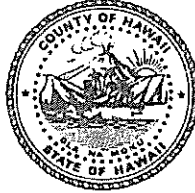
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Enclosures - SMM No. 06-000039
Department of Public Works October 23, 2006 Memo

xc w/encls: Ms. Deborah Chang - Long Range Planning
Mr. Norman Hayashi - Planning

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Special Management Area Minor Permit No. 06-000039

Project: Construction of an Ohana Dwelling and Related Improvements
Applicant: Flo P. Soares
Location: Papaikou, South Hilo, Hawaii
TMK: 2-7-27:4 Land Area: 12,589 sq. ft.

Applicant's Request

1. Project Description:

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

2. Purpose of Project: The applicant plans to live in the ohana dwelling during the renovation of the existing 56 year old residence.

3. Project Valuation: \$118,000

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-7.5).
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 coastline.

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 \$118,000 is not in excess of \$125,000.

By memorandum dated October 23, 2006, the Department of Public Works, Engineering Division stated that:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control forwarded by your memo dated October 17, 2006 and have no objections to the request.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of 'minimal tsunami inundation'. For developmental purposes, we designate such parcels as Zone X – areas determined to be outside the 500 year floodplain.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

Our records indicate that Silverton Mill Road is a private street."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000039** 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. 06-000039** 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

2006 OCT 24 PM 10 19

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: October 23, 2006

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 06-000194)

Applicant: Flo P. Soares

Request: Construction of an Ohana Dwelling and Related Improvements

Location: Papaikou, South Hilo, Hawaii

Tax Map Key: 2-7-27: 004

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated October 17, 2006 and have no objections to the request.

The subject parcel is in area that is not mapped by the Federal Emergency Management Agency (FEMA) and is labeled as an area of "minimal tsunami inundation." For developmental purposes, we designate such parcels as Zone X - areas determined to be outside the 500-year floodplain.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

Our records indicate that Silverton Mill Road is a private street.

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

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