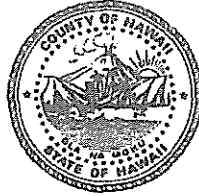


Esther

Harry Kim



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

June 6, 2007

Mr. Sidney M. Fuke  
100 Pauahi Street, Suite 212  
Hilo HI 96720

Dear Mr. Fuke:

**Subject: Special Management Area Use Permit Assessment Application (SAA 07-000240)**  
**Special Management Area Minor Permit No. 07-000055**  
**Applicant: Living Stones Congregational Church**  
**Land Owner: State of Hawaii, Department of Land & Natural Resources**  
**Request: After-the-Fact Demolition and Construction of a New**  
**Hall/Storage/Restroom Facility with Related Improvements**  
**Tax Map Key: 7-6-16:33, Ali'i Drive, North Kona, Hawaii**

This is to follow up on our April 9, 2007 letter relating to the above-referenced Special Management Area assessment for the after-the-fact demolition and construction of a new hall/storage/restroom facility with related improvements on the subject parcel.

The subject property is zoned Open (O) by the County and designated Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. It is designated Urban by the State Land Use Commission.

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, the "Construction, reconstruction, or alteration of the size of any structure" is defined as "development". Further, since the project area is approximately 130 feet from the shoreline, the requirement of a certified shoreline survey is waived. Finally, the proposed improvements will not have an adverse effect on the environment.

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. 07-000055 is hereby issued for the after-the-fact demolition and construction of a new hall/storage/restroom facility with related improvements subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. Sidney M. Fuke

Page 2

June 6, 2007

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

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

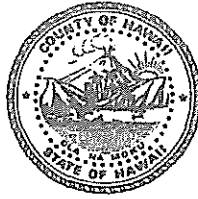
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Enclosure - SMM No. 07-000055

xc w/encls: Ms. Esther Imamura, Long Range Planning  
Mr. Norman Hayashi, Planning Commission  
Planning Department – Kona

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T  
(SMM 07-000055 will be emailed with the semi-monthly report)



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

**Special Management Area Minor Permit No. 07-000055**

**Project:** After-the-Fact Demolition and Construction of a New  
Hall/Storage/Restroom Facility with Related Improvements  
**Applicant:** Living Stones Congregational Church  
**Land Owner:** State of Hawaii, Department of Land and Natural Resources  
**Location:** Alii Drive, North Kona, Hawaii  
**TMK:** 7-6-16:33 **Land Area:** 33,390 square feet

**Applicant's Request**

**1. Project Description:**

The applicant demolished the meeting hall and wants to construct a new hall/storage/restroom facility with related improvements on the subject parcel.

**2. Purpose of Project:**

The project will increase the square footage of the facility from 864 square feet to 1,152 square feet.

**3. Project Valuation:** \$85,000

**4. State & National Registers of Historic Places:**

This Church, also known as the Hale Halawai O Holualoa Church, is listed on the State (11/26/1986) and the National (6/5/1987) Registers of Historic Places. By letter dated January 25, 2007, the Department of Land and Natural Resources, State Historic Preservation Division stated that *"No historic properties will be affected"* by the proposed demolition and new construction.

**5. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule 9-4(10)A(v), "development" includes *"Construction, reconstruction, demolition, or alteration of the size of structure."*

Therefore, the after-the-fact demolition of the meeting hall and the construction of a new hall/storage/restroom facility with related improvements 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 Open use.
3. **County Zoning:** The subject property is zoned Open (O).
4. **Special Management Area (SMA):** The subject property is located in the SMA. However, since the project site is located along the northeastern portion of the parcel and over 130 feet from the shoreline, submittal of a current certified shoreline survey is not required.
5. **Special Management Area Minor Permits:**
  - a. **No. 87-42:** Issued on December 30, 1987 for the construction of a temporary restroom and storage facility.
  - b. **No. 91-10:** Issued on May 14, 1991 for restoration of Hale Halawai o Holualoa (church) structure.
6. **Flood Zone:** Flood Zone "AE" affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated June 2, 1995.

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

The project area is approximately 130 feet from the shoreline. Therefore, the proposed 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.

<b>Findings</b>
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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 \$85,000 is not in excess of \$125,000.

According to the enclosed April 25, 2007 Department of Public Works, Engineering Division memorandum:

- "1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.*
- 2. All development generated runoff shall be disposed <sup>of</sup> 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 June 2, 1995. Any new construction or substantial improvements within Zone AE will be subject to the requirements of Chapter 27- Flood Control, of the Hawaii County Code. The applicant will be required to provide confirmation that the finished floor of the structure is above the Base Flood Elevation (11 feet above Mean Sea Level). The flood zone shall be shown on site plans submitted for permit approvals.*
- 4. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code. The applicant shall comply with Chapter 11- 55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.*
- 5. The applicant should provide adequate off-street parking, and a turnaround before entering the County road right-of-way."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000055** is hereby approved to allow for the after-the-fact demolition and construction of a new hall/storage/restroom facility with related improvements, subject to the applicant's compliance with the conditions of approval as specified below.

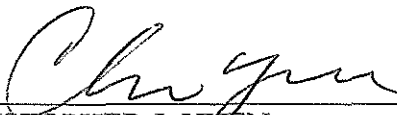
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 07-000055** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure a Building Permit for the after-the-fact demolition of the meeting hall within one (1) year from the date of approval of this permit.
3. The applicant shall secure a Building Permit for the proposed hall/storage/restroom facility within one (1) year from the date of approval of this permit.
4. 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.

5. A construction barrier, meeting with the approval of the Planning Director, shall be erected between the construction area and the papamu prior to the commencement of land altering and construction activities and shall remain in place until final inspection has been granted for the new hall/storage/restroom facility.
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

JUN 06 2007


\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: April 25, 2007

**Memorandum**

TO : Christopher J. Yuen, Planning Director  
Planning Department

FROM : Galen M. Kuba, Division Chief   
Engineering Division

SUBJECT : SMA Assessment Application (SAA 07-000240)  
Applicant: Living Stones Congregational Church  
Location: Holualoa, N. Kona, HI  
TMK: 3 / 7-6-006:033

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

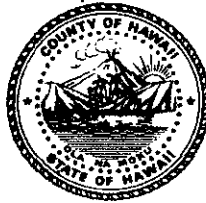
1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
3. Flood Zone "AE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated June 2, 1995. Any new construction or substantial improvements within Zone AE will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code. The applicant will be required to provide confirmation that the finished floor of the structure is above the Base Flood Elevation (11 feet above Mean Sea Level). The flood zone shall be shown on site plans submitted for permit approvals.
4. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code. The applicant shall comply with chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
5. The applicant should provide adequate off-street parking, and a turnaround before entering the County road right-of-way.

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



William P. Kenoi  
*Mayor*



BJ Leithead Todd  
*Director*

Margaret K. Masunaga  
*Deputy*

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

June 21, 2011

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

**SUBJECT: Special Management Area Minor Permit No. 07-000055  
(SMM-07-000055)  
Project: After-the-Fact Demolition and Construction of a New  
Hall/Storage/Restroom Facility with Related Improvements  
TMK: (3) 7-6-016:033; Hōlualoa 1<sup>st</sup> and 2<sup>nd</sup>, North Kona, Hawai'i**

We have reviewed the request for a time extension received on May 23, 2011 regarding the Special Management Area Minor Permit No. 07-000055 (SMM 07-000055), which allowed for the after-the-fact demolition and construction of a new hall/ storage/ restroom facility with related improvements.

We understand that the Department of Land and Natural Resources recently notified the applicant that compliance with Hawai'i Revised Statutes (HRS) Chapter 343 will be required, prior to the plans being submitted to the Chairperson for approval.

The 33,390 square foot property is zoned Open by the County and designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. In addition, the entire parcel is located within the Special Management Area (SMA).

On June 6, 2007 our office determined that the proposed after-the-fact demolition and construction of a new hall/ storage/ restroom facility would require a SMA Minor Permit (SMM). This permit was subsequently approved on June 6, 2007, subject to compliance with several conditions.

Mr. Sidney Fuke  
June 21, 2011  
Page 2

Condition 3 of the SMM stated: *the applicant shall secure a Building Permit for the proposed hall/storage/restroom facility within one (1) year from the date of approval of this permit.* As stated in the SMM, an extension of time for the performance of the conditions may be granted by the Planning Director provided that: 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; granting of the time extension would not be contrary to the original reasons for the granting of the determination; and the time extension granted shall be for a period of not to exceed the period originally granted for performance.

On March 12, 2008, our office received a revised floor plan, adding a second level onto the proposed annex building in addition to a request for time extension. On April 23, 2008 we had no objections to the second story addition and granted a one year time extension, or until June 6, 2009, to secure the building permits for the annex building. On June 2, 2009, our office granted another time extension, or until June 6, 2011, in which to obtain the building permits to construct the proposed improvements.

The time extension request is for a period which exceeds the period originally granted for performance. However, we find that the non performance is the result of conditions that could not have been foreseen and are beyond control of the applicant. Therefore, an additional 2-year time extension for performance of the conditions in SMM 07-000055 is hereby granted. **The applicant shall secure a Building Permit for the proposed hall/storage/ restroom facility by June 6, 2013.** Please note that any further development or revisions to the development approved under SMM 07-000055 shall not be allowed without first obtaining an SMA permit in accordance with Planning Commission Rule 9.

Should you have questions, please contact Bethany Morrison of this office at 961-8138.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

BJM:cs

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Mr. Sidney Fuke  
June 21, 2011  
Page 3

cc: State of Hawai'i Department of Land and Natural Resources  
Land Division  
Kevin E. Moore  
75 Aupuni Street  
Hilo, HI 96720

Hawai'i Conference Foundation  
1848 Nuuanu Avenue  
Honolulu, HI 96817

Administrative Permits

Long Range Planning

Planning Department- Kona Office

Mr. Sidney Fuke

June 21, 2011

Page 4

bcc: Mr. Joseph Martarano, President  
Kona-Nalu Homeowners Association  
76-6212 Ali'i Drive, #102  
Kailua-Kona, HI 96740-2339