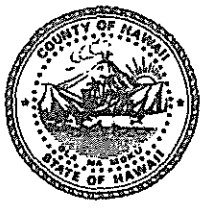


Feather

Larry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

October 12, 2007

Mr. Bill Weigang  
P. O. Box 2339  
Kailua-Kona HI 96745

Dear Mr. Weigang:

**Subject: Special Management Area Use Permit Assessment Application (SAA 07-000280)**  
**Special Management Area Minor Permit No. 07-000066**  
**Applicant: Bill Weigang**  
**Land Owner: Derek Beckner**  
**Request: Construction of an Agricultural Storage Building**  
**Tax Map Key: 7-7-4:63, Ali'i Drive, N. Kona, Hawaii**

This is to follow up on our September 4, 2007 letter relating to the above-referenced Special Management Area Assessment Application for the construction of an agricultural storage building on the subject parcel.

This 8.814 acre property is zoned Agricultural (A-5a) by the County. It is designated Agricultural by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open and Medium Density Urban. The project site is located in the Medium Density Urban area.

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 of an agricultural storage building is considered "Construction, reconstruction, demolition 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. 07-000066 is hereby issued to allow for the construction of an agricultural storage building, subject to the applicant's compliance with the conditions of approval as specified in the permit.

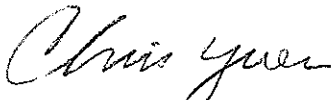
Mr. Bill Weigang  
Page 2  
October 12, 2007

Please note, however, that the stone masonry wall constructed in the floodway, in violation of Section 27-22(a) of Hawaii County Code, must be addressed and resolved prior to the issuance of the building 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 of this department at 961-8288, extension 257.

Sincerely,

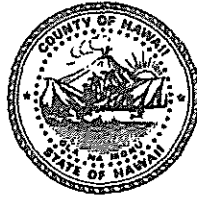
  
CHRISTOPHER J. YUEN  
Planning Director

ETI:cd  
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Enclosures - SMM No. 07-000066  
Department of Public Works September 25, 2007 Memo

xc w/encls: Ms. Esther Imamura, Long Range Planning  
Mr. Norman Hayashi, Planning Commission  
Mr. Kiran Emler, Department of Public Works, Engineering – Kona  
Mr. Jai Ho Cheng, Department of Public Works, Building Division - Kona  
Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
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(808) 961-8288 • FAX (808) 961-8742

**Special Management Area Minor Permit No. 07-000066**

**Project:** Construction of an Agricultural Equipment Storage Building  
**Applicant:** Bill Weigang  
**Land Owner:** Derek Beckner  
**Location:** North Kona, Hawaii  
**TMK:** 7-7-4:63 **Land Area:** 8.814 acres

**Applicant's Request**

**1. Project Description:**

The landowner proposes to construct an agricultural storage building. The single level, slab on grade building will be 16'6" high with 2,016 sq. ft. under roof. It will consist of a tractor/equipment garage, tool storage and workroom, open breezeway, two bathrooms and two covered lanais.

**2. Purpose of Project:** Facilitate farm activity for the potential tree farm.

**3. Project Valuation:** \$50,000

**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, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the proposed construction of the agricultural storage building requires a SMA Minor Permit.

**State and County Plans**

- 1. State Land Use District:** The subject property is designated Agricultural by the State Land Use Commission.
- 2. General Plan:** Although the subject property is designated Open and Medium Density Urban by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, the project site is located in the Medium Density Urban area.
- 3. County Zoning:** The subject property is zoned Agricultural (A-5a) by the County.

4. **Special Management Area:** Although the subject property is located in the SMA, it does not have frontage along the coastline and is mauka of Ali'i Drive.
5. **Flood Zone:** "AE" affects the subject parcel.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
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This parcel does not have frontage along the coastline and is located mauka of Ali'i Drive. Therefore, the proposed improvements will not affect public access to the shoreline or public use of the shoreline area.

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 tsunamis, 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, 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 \$50,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 25, 2007 states the following:

*“We reviewed the subject application including a site plan dated June 12, 2007 and have the following comments (to supersede our previous comments dated September 11, 2007.)*

**BUILDING**

*Buildings shall conform to all requirements of code and statutes pertaining to building construction.*

DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
2. Flood Zone "AE" affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated June 2, 1995. Any grading, new construction or substantial improvements within the AE Flood Zone will be subject to the requirements of Chapter 27 – Flood Control, of the Hawaii County Code. In addition, development adjacent to a Special Flood Hazard Area is subject to DPW review and approval. Grading details shall be included in the building permit application to facilitate our review. Further, it has come to our attention that a stone masonry wall was recently constructed along the Alii Drive frontage of the subject property and within the Kaumalumalu Floodway. No prior review from Department of Public Works was obtained for the wall construction in the floodway, in violation of Section 27-22(a of Hawaii County Code.

EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
2. The applicant should consult with the Natural Resources Conservation Service, formerly known as, Soil Conservation Service).
3. 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.

ROADWAYS

All driveway connections to a County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000066** is hereby approved to allow the construction of an agricultural storage building, subject to the applicant's/owner's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. 07-000066**, subject to the following conditions:

1. The applicant/owner, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to being issued a building permit or the commencement of any construction activity, the applicant/owner shall provide documentation from

the Department of Public Works, Engineering Division that the violation of Section 270-22(a) of Hawaii County Code has been resolved.

3. The applicant/owner shall secure a building permit and complete construction of the agricultural storage building within two (2) years from the date of approval of this permit. The applicant/owner shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. The applicant/owner 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. 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.
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/owner, 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. AUEN  
Planning Director

OCT 12 2007  
Date

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
PERMIT  
COUNTY OF HAWAII

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: September 25, 2007

Memorandum

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

**FROM:** Galen M. Kuba, Division Chief   
Engineering Division

**SUBJECT :** SMA Use Permit Application (SAA 07-000280)  
Applicant: Bill Weigang for Dereck Beckner  
Location: Kaumalumu, N. Kona, HI  
TMK: 3 / 7-7-004:063

We reviewed the subject application including a site plan dated June 12, 2007 and have the following comments (to supercede our previous comments dated September 11, 2007.)

BUILDING

Buildings shall conform to all requirements of code and statutes pertaining to building construction.

DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
2. Flood Zone "AE", affects the subject parcel as designated by the Flood Insurance Rate Map (FIRM), dated June 2, 1995. Any grading, new construction or substantial improvements within The AE Flood Zone will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code. **In addition, development adjacent to a Special Flood Hazard Area is subject to DPW review and approval. Grading details shall be included in the building permit application to facilitate our review. Further, it has come to our attention, that a stone masonry wall was recently constructed along the Alii**

033758



Memorandum to PD SAA 07-000280  
September 25, 2007  
Page 2 of 2

**Drive frontage of the subject property and within the Kaumalumu  
Floodway. No prior review from Department of Public Works was obtained  
for the wall construction in the floodway, in violation of Section 27-22(a) of  
Hawaii County Code.**

### EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
2. The applicant should consult with the Natural Resources Conservation Service, formerly known as, Soil Conservation Service).
3. 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.

### ROADWAYS

All driveway connections to a County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.

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