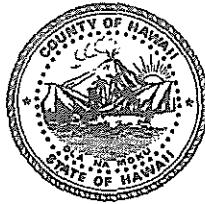


William P. Kenoi  
*Mayor*



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

March 2, 2010

Mr. James McKeague  
James M. McKeague Architect & Associates  
PO Box 1053  
Hilo HI 96721

Dear Mr. McKeague:

**Subject: Special Management Area Use Permit Assessment Application (SAA 10-000530)**  
**Special Management Area Minor Permit No. 10-000142**

**Applicant: James M. McKeague**

**Land Owner: Richard C. and Lauree J. Johnson**

**Request: Construct an Additional Bathroom, Demolish Existing 2-Car Carport  
and Construct New 2-Car Garage**

**Tax Map Key: 2-7-035:018, Por. Ka'ie'ie Homesteads, Paihaaloa, South Hilo, Hawai'i**

This is in response to a Special Management Area (SMA) Assessment Application we received on January 27, 2010, for the construction of a 96 square-foot bathroom addition, the demolition of an existing 2-car carport, and the constructions of a new 2-car garage on the subject parcel. A site inspection was conducted of the property by Planning Department staff on February 9, 2010. A revised site plan depicting additional existing features including a chain-link fence and a swimming pool was received on February 17, 2010.

This 2.988-acre parcel is designated Urban by the State Land Use Commission. The project site is designated Low Density Urban (ldu) and Open (ope) by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Residential (RS-20) by the County. The project is located within the SMA.

Since the project site is approximately 45-feet from the top of the pali (bluff), the requirement of a certified shoreline survey is waived.

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 proposed project does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

Mr. James McKeague  
James M. McKeague, Architect & Associates  
March 2, 2010  
Page 2

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 10-000142 is hereby issued for the construction of a 96 square-foot bathroom addition, the demolition of an existing 2-car carport, and the constructions of a new 2-car garage on the subject parcel, subject to compliance with the conditions of approval as specified in the permit.

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

Should you have questions, please feel free to contact Dana Okano of this department at 961-8134.

Sincerely,

  
BJ LEITHEAD TODD  
Planning Director

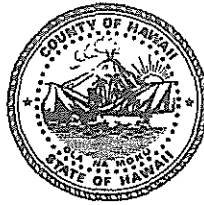
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Enclosures - SMM No. 10-000142  
Department of Public Works March 2, 2010 Memo  
Department of Health September 25, 2006 Letter and Attachments

cc w/Enclosures: Long Range Planning  
Mr. Daryn Arai, Planning Commission

cc ltr only: Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

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### Special Management Area Minor Permit No. 10-000142

**Project:** Construct an Additional Bathroom, Demolish Existing 2-Car Carport and Construct New 2-Car Garage  
**Applicant:** James M. McKeague  
**Land Owner:** Richard C. and Lauree J. Johnson  
**Location:** Por. Ka'ie'ie Homesteads, Paihaaloa, South Hilo, Hawai'i  
**TMK:** 2-7-035:018      **Land Area:** 2.988 acres

#### Applicant's Request

#### 1. Project Description:

The project is to construct an addition of 96 square feet to the existing bathroom, and to demolish an existing 2-car carport and construct a 2-car garage in its place. The proposed garage is 30 feet wide by 26 feet deep.

#### 2. Purpose of Project:

The objectives are to increase the size of the existing bathroom, and to demolish the existing 2-car carport that is in a deteriorated position and replace it with a 2-car garage that will be expanded in size 4-feet to the south and 6-feet to the west.

#### 3. Project Valuation: \$100,000.

#### 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 increase in size of the existing bathroom and increase in size of the proposed garage from the existing carport 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 subject site as Low Density Urban and Open.
3. **County Zoning:** The project site is zoned Residential (RS-20).
4. **Special Management Area (SMA):** The subject property is located in the SMA.
5. **Flood Zone:** The subject property is designated Zone X, an area outside of the 500-year floodplain.

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

### Findings

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 tsunامي, 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 project area is approximately 45-feet from the top of pali, therefore a certified shoreline survey is waived.

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

The enclosed Department of Public Works, Engineering Division memorandum dated March 2, 2010 states the following:

*"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 19, 2010 and have no objections to the request.*

*The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified with the notation of 'minimal tsunami inundation.' For development purposes, we designated such parcels as Zone X – areas determined to be outside the 500-year floodplain because the subject site is at approximately 80 feet above sea level.*

*Questions may be referred to Kelly Gomes at ext. 8327."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000142** is hereby approved to construct the bathroom addition, demolish the existing carport, and construct a new garage, 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. 10-000142** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure all permits required for the construction and demolition work, and complete all work related to the project, within two (2) years from the approval date of this permit.
3. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
4. A construction barrier, meeting with the approval of the Planning Director, shall be erected around the projects site prior to the commencement of construction activities and shall remain in place until final inspection has been granted for the improvements. The construction barrier for the bathroom must be within 5-feet of the proposed extent of the bathroom addition, which will be approximately 40-feet from the top of pali. No construction activities, including, but not limited to, the stockpiling of construction materials, shall occur makai (seaward) of this 5-foot area without further SMA review.
5. In addition, a silt barrier must be erected within 10-feet of the proposed extent of the southern portion of the garage, along the length of the construction site that borders the top bank of Ka'ie'ie Stream. No construction equipment or materials shall be placed, stored, or stockpiled beyond this barrier, and no material or debris

of any kind shall be deposited beyond this barrier to insure no detrimental impact to the stream waters or biology.

6. All solid and hazardous waste must be disposed of in a manner meeting with State of Hawai'i Department of Health (DOH) regulations. Wastes include both liquid and solid materials. A letter and informational handout from DOH is provided for your reference pertaining to these requirements and your responsibilities.
7. 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).
8. 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:

  
BJ Letthead Todd  
Planning Director

MAR 3 2010

Date