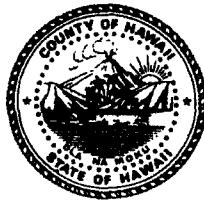


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

August 31, 2012

Mr. Paul Bleck  
PO Box 4771  
Kailua-Kona, HI 96745

Dear Mr. Bleck:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA 12-000853)  
Special Management Area Minor Use Permit (SMM-12-000235)  
Applicant: Bob Bolds  
Land Owner: Vortex Trust  
Request: Construction of an Ohana Dwelling Unit  
Tax Map Key: (3) 7-6-018:094; Holualoa, North Kona, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on August 9, 2012 (SAA 12-000853) for the construction of an Ohana dwelling on the subject property.

The subject parcel consists of 10,352 square feet and is zoned RS-7.5 (Single-Family Residential). The parcel is located in the State Land Use Urban District and designated as Low Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. In addition, although the entire parcel is in the Special Management Area (SMA), it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

**Special Management Area Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (E), relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure,*" is defined as "development" and requires a review against the Special Management Area rules and regulations.

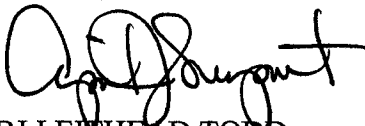
**AUG 31 2012**

Mr. Paul Bleck  
August 31, 2012  
Page 2

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.12-000235 is hereby issued to allow the construction of an Ohana dwelling on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,

  
for BJ LEITHHEAD TODD  
Planning Director

BJM:bjm  
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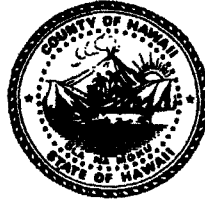
Enclosure - SMM No. 12-000235  
Department of Public Works Memorandum dated August 15, 2012

xc w/encls: Bob and Heidi Bolds  
1713 E. Susan Drive  
Sandy, UT 84092

Long Range Planning Division  
Planning Division  
Planning Department-Kona Office

xc ltr only: Mr. Jesse K. Souki, Director  
Office of Planning, DBEDT  
State of Hawai'i  
P.O. Box 2359  
Honolulu, HI 96804-2359

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

## County of Hawai'i PLANNING DEPARTMENT

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

### **Special Management Area Minor Permit No. 12-000235**

**Project:** Construction of an Ohana Dwelling Unit  
**Applicant:** Bob Bolds  
**Owner:** Vortex Trust  
**Location:** Holualoa, North Kona, Hawai'i  
**TMK:** (3) 7-6-018:094 **Land Area:** 10,352 square feet

#### **Applicant's Request**

**1. Project Description:**

The applicant is proposing to construct a new Ohana dwelling, located in the rear yard behind the existing home, to be accessed by a pathway. The structure is to be a two-level wood framed building less than 25' per code, raised above grade on post & pier construction.

**2. Purpose of Project:**

The purpose of the Ohana dwelling is to provide a place for parents of immediate family to stay.

**3. Project Valuation:** \$250,000.

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (E) relating to the Special Management Area, the "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the construction of the Ohana dwelling requires an SMA Minor Permit.

#### **State and County Plans**

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated as Low Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The subject property is zoned RS-7.5 (Single-Family Residential).
- 4. Special Management Area:** Although the entire parcel is in the Special Management Area (SMA), it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

**5. Flood Zone: X**

<p align="center"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p>
--

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 Hawai'i 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 \$250,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 15, 2012, states the following:

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

*We have determined that the subject property is located within Flood Zone "X", according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).*

*The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000235** is hereby approved for the construction of an Ohana dwelling on the subject parcel, 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. 12-000235**, 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 all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. 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.
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.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:

  
BJ LEITHEAD TODD  
Planning Director

8.31.12  
Date

PLANNING DEPARTMENT  
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DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

BM

DATE: August 15, 2012

# Memorandum

**TO :** B. J. Leithead-Todd, Planning Director  
Planning Department

**FROM :** Ben Ishii, Division Chief   
Engineering Division

**SUBJECT :** Special Management Area Use Permit  
Assessment Application (SAA 12-000853)  
Applicant: Bob Bolds  
Request: Construction of Ohana Dwelling  
Location: Holualoa, North Kona, Hawaii  
TMK: 3 / 7-6-018:094

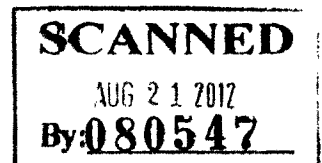
We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4850.

KE  
copy: ENG-HILO/KONA





William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

May 6, 2014

Mr. Paul Bleck, A.I.A.  
P.O. Box 4771  
Kailua-Kona, Hawai'i 96745

Dear Mr. Bleck:

**SUBJECT: Special Management Area Minor Use Permit (SMM-12-000235)**  
**Applicant(s): Bob Bolds**  
**Land Owner(s): Boldspace, LLC**  
**Request: Two-Year Time Extension**  
**Tax Map Key: (3) 7-6-018:094; Holualoa, North Kona, Hawai'i**

This is in response to your request, received on April 16, 2014, requesting a two-year time extension for the performance of conditions of SMM-12-000235.

On August 31, 2012, our department issued SMM-12-000235 to allow the construction of an Ohana dwelling on the subject property. Condition No. 3 of SMM-12-000235 required the construction of the Ohana dwelling to be completed within two years from the date of approval of the permit, by August 31, 2014.

We understand that the applicant has secured an Ohana Dwelling Unit Permit from this office and that a subsequent building permit was recently issued. However, the building permit took longer than expected to be approved, and construction will not be completed by the August 31, 2014 deadline.

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.




Mr. Paul Bleck, A.I.A.  
May 6, 2014  
Page 2

We find that the request meets the above criteria for the granting of a time extension. Therefore, we will allow for a two-year time extension pertaining to Condition 3 for the time allowed to complete construction of the Ohana dwelling. The Ohana dwelling must be completed by **August 31, 2016**. However, please be aware that another request for a time extension for this condition will not be approved.

As a reminder, the applicant, its successors or assigns shall be responsible for complying with all other stated conditions of approval in SMM-12-000235, enclosed for your convenience.

Should you have questions, please feel free to contact Bethany Morrison of this office at (808) 961-8138.

Sincerely,

  
for DUANE KANUHA  
Planning Director

BJM:cs

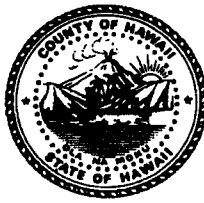
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Encl.: SMM-12-000235

cc ltr only: Long Range Planning  
Planning Department- Kona Office

Boldspace, LLC  
1713 E. Susan Drive  
Sandy, UT 84092

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Joaquin Gamiao-Kunkel  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

October 12, 2016

Mr. Bob Bolds  
Boldspace, LLC  
1713 E. Susan Drive  
Sandy, UT 84092

Dear Mr. Bolds:

**SUBJECT: Special Management Area Minor Use Permit (SMM-12-000235)**  
**Applicant: Bob Bolds**  
**Land Owner: Boldspace, LLC**  
**Request: One-Year Time Extension**  
**Tax Map Key: (3) 7-6-018:094; Hōlualoa, North Kona, Hawai'i**

We have reviewed the request for a time extension received by email correspondence on September 14, 2016, regarding the subject Special Management Area (SMA) Minor Use Permit (SMM-12-000235). We understand that you are requesting a time extension to complete the construction of the Ohana dwelling and related improvements due to unanticipated delays.

On August 31, 2012, our department issued SMM-12-000235 to allow the construction of an Ohana dwelling on the subject property. Condition No. 3 of SMM-12-000235 required the construction of the Ohana dwelling to be completed within two years from the date of approval of the permit, by August 31, 2014.

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. A time extension was granted by our office on May 6, 2014, which would allow for the Ohana dwelling to be completed by August 31, 2016.

We understand that there have been additional delays related to construction. We find that the conditions under which our initial permit was made have not significantly changed. Further, we find that the request meets the criteria for the granting of a time extension. Therefore, we will

**OCT 12 2016**


Mr. Bob Bolds  
October 12, 2016  
Page 2

allow for an additional time extension pertaining to Condition No. 3 for the time allowed to complete construction of the Ohana dwelling and related improvements. Construction must be completed by **August 31, 2017**.

Please be aware that another request for a time extension for this condition may not be approved. As a reminder, the applicant, its successors or assigns shall be responsible for complying with all other stated conditions of SMM-12-000235.

If you have questions, please contact Bethany Morrison of this office at (808) 961-8138.

Sincerely,

  
f DUANE KANUHA  
Planning Director

BJM:ja

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