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## County of Hawai'i

### PLANNING DEPARTMENT

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### **Special Management Area Minor Permit No. 14-000310**

<b>Project:</b>	Construction of Second Single-Family Dwelling		
<b>Applicant:</b>	Harry and Sandy McDonald		
<b>Land Owner:</b>	JP's Nevada Trust		
<b>Location:</b>	Lanikai 2nd, North Kona, Hawai'i		
<b>TMK:</b>	(3) 7-5-006:019	<b>Land Area:</b>	20,343 square feet

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

**1. Project Description:**

The applicant proposes the construction of a new single-family dwelling, which will be the 2<sup>nd</sup> single-family dwelling on the subject property. The proposed structure shall be heavy timber framing and open beam ceiling at the second level. Exterior face will be a mix of lava stone veneer and wood plank siding with exposed timber posts. Approximately 1000 sq. ft. of the existing site will be disturbed/ graded to accommodate the new construction. Landscaping is in place and shall not be disturbed outside of the building envelope.

**2. Purpose of Project:**

The purpose of the project is to create a stone house that looks and feels like it's been there 100 years, while creating a living space for the caretakers that are needed.

**3. Project Valuation:** \$384,700.

**4. Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e) (1) (E), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure.*" Therefore, the construction of the 2<sup>nd</sup> single-family dwelling is considered "development" and will require a review against the Special Management Area rules and regulations.

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

- 1. State Land Use District:** The subject parcel is designated Urban by the State Land Use (SLU) Commission.
- 2. General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Resort Node and Open.

3. **County Zoning:** The subject parcel is zoned V-.75 (Resort-Hotel) by the County of Hawai'i.
4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA. However, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** X.

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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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 Hawai'i 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, 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$384,700 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated July 17, 2014, states the following:

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

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


Pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. 14-000310 is hereby approved to allow the construction of the 2<sup>nd</sup> single-family dwelling on the subject property.

#### **Conditions of Approval**

The Planning Director has approved **SMA Minor Permit No. 14-000310** 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. Applicant shall secure Plan Approval from the Planning Department for the proposed development within one year from the date of this permit.
4. Any further grading, grubbing, filling or other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
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, 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:

  
DUANE KAMA  
Planning Director

AUG 27 2014

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Date