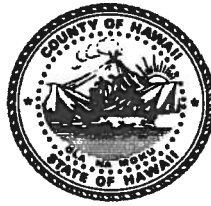


William P. Kenoi  
*Mayor*



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

June 10, 2015

Mr. Matthew Kilgore  
65-1285C Kawaihae Road  
Kamuela, HI 96743

Dear Mr. Kilgore:

**Subject: Special Management Area Use Permit Assessment Application  
(SAA 15-001289)  
Special Management Area Minor Permit No. 15-000336**

**Applicant: Matthew Kilgore**

**Land Owner: Kim Wilson Living Trust**

**Request: Construction of a Single-Family Dwelling, Detached Garage, Additional Farm  
Dwelling and Related Improvements**

**Tax Map Key: (3) 5-5:008:066, Pahoa, North Kohala, Hawai'i**

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This letter is in response to the Special Management Area Assessment Application we received on May 1, 2015. The applicant is proposing to the construction of a primary residence, garage and an additional farm dwelling on the subject property.

The applicant proposes the following:

1. Construction of a 3,481 square foot total floor area dwelling and a 1,057 square foot detached garage (Phase 1)
  - a. Site preparations
  - b. Landscape features
  - c. Outdoor spa and pool
  - d. Individual Wastewater System (IWS)
2. Construction of a 1,328 square foot total floor area main, after the submittal and approval of an Additional Farm Dwelling Agreement (Phase 2)
  - a. Site preparations
  - b. Landscape features
  - c. Individual Wastewater System (IWS)

Mr. Matthew Kilgore  
Page 2  
June 10, 2015

The property consists of 20 acres. The property is zoned Agricultural (A-20a) by the County, designated Agricultural by the State Land Use Commission, and designated Important Agricultural Land by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA), however, the project is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

**Special Management Area Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development." While the proposed primary residence does not exceed 7500 square feet of floor area, it is considered part of a larger development and does not qualify for the exemption. In addition, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed construction of a primary residence, garage and an additional farm dwelling is considered "development" and will require review against the Special Management Area rules and regulations.

The valuation for the project and related improvements is approximately \$495,000. Further, we find that the proposed development will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

In view of the above, we have determined that construction of the proposed primary residence, garage and an additional farm dwelling requires a Special Management Area Minor Permit. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000336, enclosed, is hereby issued for the development described above and further depicted on the Overall Site Plan and Enlarged Site Plan attached herein. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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

Sincerely,



DUANE KANUHA  
Planning Director

BJM:klt

P:\wpwin60\CZM\SMM\2015\SMM 15-336L Wilson.doc

Mr. Matthew Kilgore  
Page 3  
June 10, 2015

Enclosures - SMM No. 15-000336  
Overall and Enlarged Site Plans (Sheets SMAA 1 and 2)  
Department of Public Works Memo dated June 3, 2015

cc w/encls: Long Range Planning Division  
Planning Division  
Kona Planning Office

cc ltr only: Mr. Leo Asuncion, Acting Director  
Office of Planning, DBEDT  
State of Hawaii Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804-2359

## **Special Management Area Minor Permit No. 15-000336**

**Project:** Construction of a Single-Family Dwelling, Detached Garage, Additional Farm Dwelling and Related Improvements  
**Applicant:** Matthew Kilgore  
**Landowner:** Kim Wilson Living Trust  
**Location:** Pahoa, North Kohala, Hawai'i  
**TMK:** (3) 5-5:008:066 **Land Area:** 20 acres

### **Applicant's Request**

#### **1. Project Description:**

The applicant proposes the following:

1. Construction of a 3,481 square foot total floor area dwelling and a 1,057 square foot detached garage (Phase 1)
  - a. Site preparations
  - b. Landscape features
  - c. Outdoor spa and pool
  - d. Individual Wastewater System (IWS)
2. Construction of a 1,328 square foot total floor area main, after the submittal and approval of an Additional Farm Dwelling Agreement (Phase 2)
  - a. Site preparations
  - b. Landscape features
  - c. Individual Wastewater System (IWS)

#### **2. Purpose of Project:**

The purpose of the proposed development is to establish small scale agricultural production which shall be family owned and operated. It is the intent of the owner to establish a multi-generation family farm and residence.

#### **3. Project Valuation:** \$495,000.

#### **4. Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development."

While the proposed primary residence does not exceed 7500 square feet of floor area, it is considered part of a larger development and does not qualify for the exemption. In addition, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the

proposed construction of a primary residence, garage and an additional farm dwelling is considered “development” and will require review against the Special Management Area rules and regulations.

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

1. **State Land Use District:** The parcel is located in the State Land Use Agricultural district.
2. **General Plan:** The parcel is designated as Important Agricultural Land by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Agricultural (A-20a) by the County of Hawai‘i.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project area is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zones:** A and X.

#### **Compliance with Objectives and Policies of Chapter 205A, Hawai‘i 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.

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.

<b>Findings</b>
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1. 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.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$495,000 is not in excess of \$500,000.
4. The enclosed Department of Public Works, Engineering Division memorandum dated June 3, 2015, states the following:

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

*We have determined that the subject property is partially located within Flood Zone "A", however the applicant's site plan indicates the proposed project is within Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties."*

5. Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000336** is hereby approved for the construction of the proposed primary residence, garage and an additional farm dwelling on the subject parcel subject to the applicant's compliance with the conditions of approval as specified below.

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

The Planning Director has approved **SMA Minor Permit No. 15-000336**, 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 Building Permit(s) for Phase 1 shall be secured within two (2) years from the date of approval of this permit.
4. The applicant shall secure a Farm Dwelling Agreement for the proposed additional farm dwelling within two (2) years from the date of approval of this permit. The mere submittal of a farm dwelling agreement application does not sanction automatic approval of the agreement.
5. Neither the landowner nor any agent of the landowner or its successors shall, at any time, impede or otherwise restrict public access along the public pedestrian access easement that exists on the subject property.
6. 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.
7. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

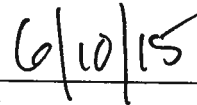
- a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the 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.

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

APPROVED:

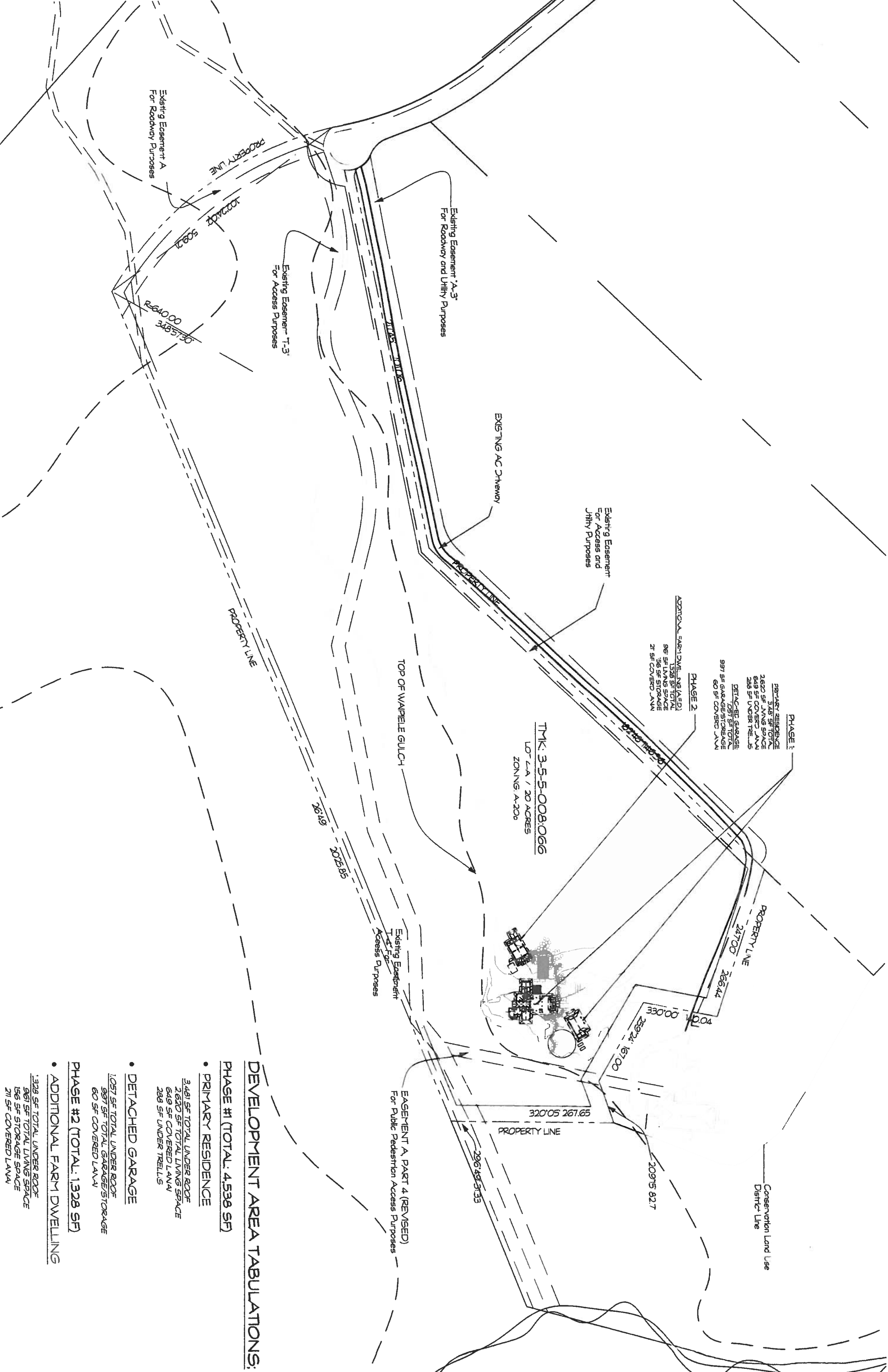


DUANE KANUHA  
Planning Director



Date





DEVELOPMENT AREA TABULATIONS:

PHASE #1 (TOTAL: 4,538 SF)

• PRIMARY RESIDENCE

3,481 SF TOTAL UNDER ROOF  
3,620 SF TOTAL LIVING SPACE  
649 SF COVERED LANA  
288 SF UNDER TRELLIS

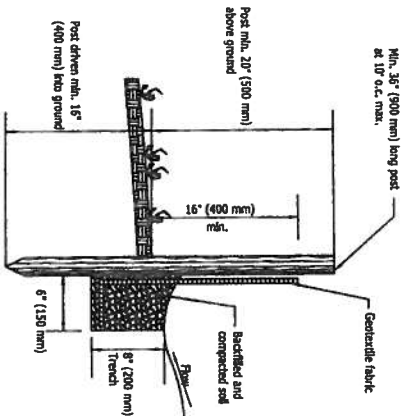
• DETACHED GARAGE

1,057 SF TOTAL UNDER ROOF  
987 SF TOTAL GARAGE/STORAGE  
60 SF COVERED LANA

PHASE #2 (TOTAL: 1,328 SF)

• ADDITIONAL FARM DWELLING

1,328 SF TOTAL UNDER ROOF  
961 SF TOTAL LIVING SPACE  
156 SF STORAGE SPACE  
211 SF COVERED LANA



Note: Locate all fence only at down stream locations

TYP. SILT FENCE DETAIL

B SCALE: NTS

DEVELOPMENT AREA TABULATIONS:

PHASE #1 (TOTAL: 4,538 SF)

PRIMARY RESIDENCE

3,428 SF TOTAL UNDER ROOF

2,620 SF TOTAL LIVING SPACE

649 SF COVERED LANAI

288 SF UNDER TRELLIS

DETACHED GARAGE

1,057 SF TOTAL UNDER ROOF

997 SF TOTAL GARAGE/STORAGE

60 SF COVERED LANAI

PHASE #2 (TOTAL: 1,328 SF)

ADDITIONAL FARM DWELLING (A.F.D.)

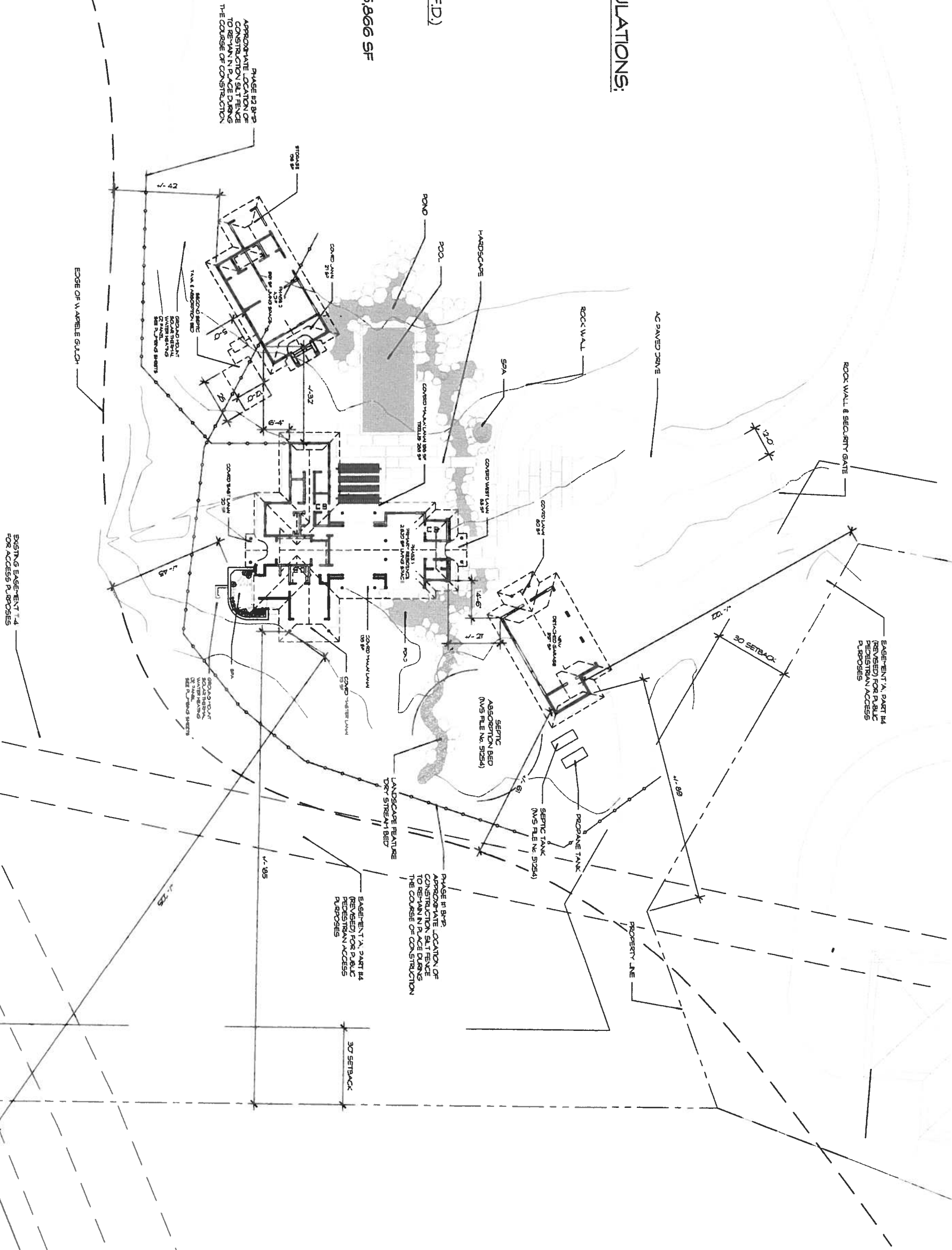
1,328 SF TOTAL UNDER ROOF

961 SF TOTAL LIVING SPACE

156 SF STORAGE SPACE

211 SF COVERED LANAI

COMBINED DEVELOPMENT TOTAL: 5,866 SF



ENLARGED  
SITE PLAN

WILSON RESIDENCE  
NEW SINGLE FAMILY RESIDENCE  
OWNER: WILSON KIM I VC TRST  
SITE: 55-192 UH RD

DATE: 1/5  
BY: JWS

REVISIONS

#

DATE

REVISION

KOA ARCHITECT  
65-1285C Kawai  
Kamuela, HI 9674  
tel 808-217-6707  
fax 866-507-1636

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MATTHEW R. KUI  
LICENSED PROFESSIONAL ARCHITECT  
NO. 12805  
HAWAII, U.S.A.  
EPC 04-30-201

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