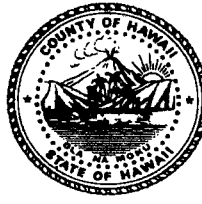


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
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

February 21, 2017

Mr. Richard Standke  
85 Saddlebow Road  
Bell Canyon, CA 91307

Dear Mr. Standke:

**SUBJECT: Special Management Area Use Permit Assessment Application No. 17-001466**  
**(SAA-17-001466)**  
**Special Management Area Minor Use Permit (SMM-17-000367)**  
**Applicant: Richard Standke**  
**Landowner: Richard and Deborah Standke**  
**Request: Construction of a Single-Family Dwelling with Attached Ohana Dwelling**  
**Tax Map Key: (3) 2-1-018:032; Keaukaha, South Hilo, Hawai'i**

This is to acknowledge receipt on January 9, 2017, of the Special Management Area Use Permit Assessment Application (SAA-17-001466), for the construction of a single-family dwelling with attached 'Ohana dwelling on the subject property.

The 17,998 square-foot parcel is designated Urban by the State Land Use Commission and is zoned Single-Family Residential (RS-15) by the County. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Low Density Urban. It is located in the Special Management Area (SMA); however, 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, *the construction, reconstruction, or alteration of the size of any structure* is defined as "development." Therefore, the proposed construction of a single-family dwelling and attached 'Ohana Dwelling Unit is considered "development" and is not exempt from the SMA rules.

**FEB 23 2017**

Mr. Richard Standke  
February 21, 2017  
Page 2

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 17-000367 is hereby issued to allow the construction of a single-family dwelling with attached 'Ohana dwelling. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

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

Sincerely,

  
MICHAEL VEE  
Planning Director

BJM:ja

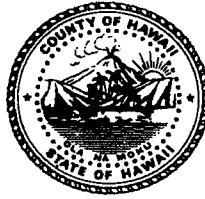
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Enclosure - SMM No. 17-000367  
Department of Public Works Memorandum dated February 15, 2017  
Application for 'Ohana Dwelling Unit Permit

cc w/Encls.: Planning Division (via email)

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

Harry Kim  
Mayor



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Director

Daryn Arai  
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## 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. 17-000367

**Project:** Construction of a Single-Family Dwelling with Attached 'Ohana Dwelling  
**Applicant:** Richard Standke  
**Landowner(s):** Richard and Deborah Standke  
**Location:** Keaukaha, South Hilo, Hawai'i  
**TMK:** (3) 2-1-018:032      **Land Area:** 17,998 square-feet

#### Applicant's Request

**1. Project Description:**

Proposed is the construction of a single-family dwelling with attached 'Ohana dwelling on the subject property. The dwelling will be to the rear of the property and elevated due to the flood zone. Only minimal amount of grading will be required to level out the area for a concrete pad used as a carport under the house. The dwelling will be hooked up to the county water and sewer systems.

**2. Purpose of Project:**

The applicant is proposing to build the two-story dwelling containing a single-family dwelling and an 'Ohana dwelling unit consistent with the surrounding area consisting of single family homes.

**3. Project Valuation:** \$350,000.

**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, or alteration of the size of any structure* is defined as "development." Therefore, the construction of a single-family dwelling with attached 'Ohana dwelling is considered "development" and 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 parcel is zoned Single-Family Residential (RS-15) by the County.

4. **Special Management Area:** The subject property is located entirely within the SMA; however, it is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).

5. **Flood Zone:** VE

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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.

<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 also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$350,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated February 15, 2017, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 27, 2017 and offer the following comments for your consideration.*

*The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action).*

*Fill material is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.*

*All construction shall be in compliance with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code."*

Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the construction of a single-family dwelling with attached 'Ohana dwelling, as presented in SAA 17-001466, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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**This SMA Minor Permit is 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.
4. As stated in the enclosed Department of Public Works memo, all construction shall be in compliance with the requirements of Chapter 27, Floodplain Management, of the Hawai'i County Code.
5. Any further grading, grubbing, filling or other construction activity, including but not limited to the construction of additional 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.
6. Artificial light from exterior lighting fixtures, including but necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
7. 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.
8. 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).
9. 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 contact Bethany Morrison of this department at (808) 961-8138.

APPROVED:

  
\_\_\_\_\_  
MICHAEL YEE  
Planning Director

2/21/17  
\_\_\_\_\_  
Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

2017 FEB 16 PM 1 52

PLANNING DEPARTMENT  
COUNTY OF HAWAII

DATE: February 15, 2017

**Memorandum**

TO: Michael Yee, Planning Director

FROM: *for* Department of Public Works, Engineering Division

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 17-001466)**

Applicant: Richard Standke

Landowners: Richard and Deborah Standke

Request: Single Family Residence with Attached Ohana Dwelling

Tax Map Key: 2-1-18: 032

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 27, 2017 and offer the following comments for your consideration.

The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action).

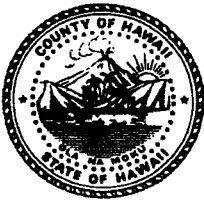
Fill material is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.

All construction shall be in compliance with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code.

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

109926





# County of Hawai'i Planning Department

www.cohplanningdept.com · planning@co.hawaii.hi.us

East Hawai'i Office · 101 Pauahi Street, Suite 3 · Hilo, Hawai'i 96720

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## APPLICATION FOR OHANA DWELLING UNIT PERMIT

APPLICANT(S) / TITLEHOLDER(S): \_\_\_\_\_

APPLICANT/TITLEHOLDER

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

AGENT: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

TAX MAP KEY: (3) \_\_\_\_\_ LAND AREA: \_\_\_\_\_

STATE LAND USE DISTRICT: \_\_\_\_\_ ZONING: \_\_\_\_\_

PURSUANT TO HAWAII COUNTY CODE, SECTION 25-6-39, THIS APPLICATION SHALL BE FILED WITH THE PLANNING DIRECTOR AND SHALL INCLUDE:

- ☐ A non-refundable filing fee of twenty-five dollars (\$25.00).
- ☐ Original and five copies of:
  - ☐ Application form;
  - ☐ Plot plan, drawn to scale, showing:
    - ☐ All property boundaries;
    - ☐ Proposed ohana dwelling unit, including yard (setback) requirements from property lines;
    - ☐ All existing and proposed structures, including detached garages and water catchment system;
    - ☐ Two additional parking spaces for the proposed ohana dwelling unit;
    - ☐ Existing and proposed driveways; and
    - ☐ Location of private sewage disposal systems.
  - ☐ Elevations of the ohana dwelling unit, drawn to scale.
- ☐ A notarized affidavit stating that the applicant is a titleholder of the affected property.
- ☐ A notarized affidavit stating that provisions of any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.
- ☐ A copy of the notice of the application sent to all parties listed in the application who did not execute the application as a titleholder; to owners of properties within three hundred feet of the perimeter boundary of the lot; and to any known association of such property owners, informing them that an application for an ohana dwelling unit permit has been filed. The applicant shall **first serve notice** of the filing of the application within ten days after the director or commission has officially acknowledged receipt of the application, and shall again serve notice of the application and of any proposed action or public hearing within ten days after receiving notice from the director or the commission of the date of the proposed action or hearing. The **second notice** shall be served not less than ten days prior to the date of the proposed action or hearing.

In determining the names and addresses of the affected owners and lessees of record, as required by this section, the applicant shall utilize the data available from the real property tax office.

The notice to the affected property owners and lessees shall include the following information:

- (1) The name of the applicant;

- (2) The precise location of the property involved;
- (3) The nature of the application and the proposed use of the property;
- (4) The date on which the application was filed with the director or the commission; and
- (5) The date on which the administrative action by the director will be taken on the application.

Prior to the director's proposed administrative action or prior to the commission's public hearing, the applicant shall submit to the director or the commission, as appropriate, proof of service or of good faith efforts to serve notice of the application on the designated property owners and lessees. Such proof may consist of certified mail receipts, affidavits, declarations, or the like. The list of names, addresses, and tax map key of those individuals notified shall also be submitted.

(Chapter 25 (Zoning), Article 2, Division 1, Section 25-2-4)

- ☐ A certification of clearance (from the Director of Finance that the real property taxes and all other fees relating to the subject parcel(s) have been paid and that there are no outstanding delinquencies, shall accompany this Application.

THE OHANA DWELLING UNIT SHALL MEET ALL APPLICABLE REQUIREMENTS OF THE HAWAII COUNTY CODE.

(Chapter 25 (Zoning), Article 6, Division 3, Section 25-6-30)