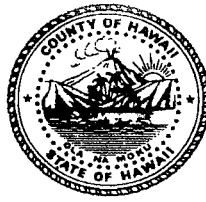


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
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County of Hawai'i
PLANNING DEPARTMENT

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101 Pauahi Street, Suite 3
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July 2, 2018

Ms. Val Colter
13-6460 Kalapana Kapoho Road
Pāhoa, HI 96778

Dear Ms. Colter:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 18-001608)**
Special Management Area (SMA) Minor Use Permit (SMM 18-000392)
Applicant: Douglas B. Arnott Trust
Project: 1) Demolition of Three Structures
**2) Construction of a Carport with Photovoltaic System and
Associated Equipment**
3) Connection to the County Sewer System
Tax Map Key: (3) 2-1-014:064, South Hilo, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 18-001608), submitted on May 17, 2018.

The applicant proposes to demolish the 20' x 24' carport, the 16' x 20' carport/shed and the 16' x 28' shed that were built partially or entirely within the front yard setback areas. Also proposed is the construction of a 25' x 64'-8" carport that supports a photovoltaic system with associated equipment. This new carport will have 36 solar panels and will not exceed 20' in height. Further, 1-2 loads of base course gravel will be brought in during site preparation. Finally, the existing dwelling, currently served by an unrecorded and incorrectly constructed 1945 cesspool, will be connected to the County sewer system.

The proposed construction will provide parking for the adjacent Arnott's Lodge & Hiking Adventures tour buses and the owner's cars. No guest parking will be provided on this parcel.

The subject 17,354 square foot parcel is zoned Resort-Hotel (V-.75) by the County of Hawai'i and is situated within the State Land Use Urban District. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject property is

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Ms. Val Colter

July 2, 2018

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designated as Resort. The property is located within the Special Management Area (SMA), but is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Special Management Area Exemption Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(2)(F), "development" does not include "*Repair, maintenance or interior alterations to existing structures or relating to existing uses.*" Therefore, the proposed connection of the dwelling to the County sewer system is exempt from the definition of "development."

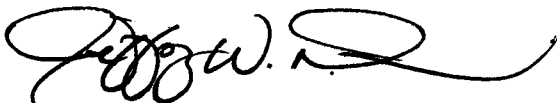
Special Management Area Determination (SMA Minor Permit):

However, according to Chapter 205A-22, HRS, and PC Rule No. 9-4 (e)(1)(C)((A) and (E), "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land,*" "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste,*" and "*Construction, reconstruction, demolition or alteration of the size of any structure*" are, respectively, all defined as "development." Therefore, we have determined that the proposed demolition of three structures and construction of a carport with photovoltaic system and associated equipment are considered "development" and require a review against the SMA rules and regulations and require an SMA Minor Permit. Further, we find that the proposed project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

Based on the foregoing, and pursuant to PC Rule Section 9-10(e), the enclosed Special Management Area Minor Permit No. 18-000392 is hereby issued for the proposed project. Please note that it is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



FM MICHAEL YEE
Planning Director

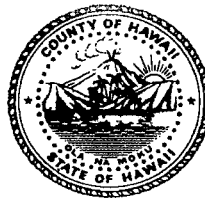
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Enclosure: SMM No. 18-000392

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

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Special Management Area Minor Permit No. 18-000392

Project: Demolition of Three Structures and Construction of a Carport with Photovoltaic System and Associated Equipment
Applicant: Douglas B. Arnott Trust
Landowner: Douglas B. Arnott Trust
Location: South Hilo, Hawai'i
TMK(s): (3) 2-1-014:064

Applicant's Request

1. Project Description:

The applicant proposes to demolish the 20' x 24' carport, the 16' x 20' carport/shed and the 16' x 28' shed that were built partially or entirely in the front yard setback areas.

Also proposed is the construction of a carport that supports a Photovoltaic system with associated equipment. Based on the Proposed Site Plan and the Elevations sheet, the 25' x 64'-8" structure with 36 solar panels will not exceed 20' in height. Further, 1-2 loads of base course gravel will be brought in during site preparation.

2. Purpose of Project:

The proposed project will provide parking for the adjacent Arnott's Lodge & Hiking Adventures buses and the owner's cars. No guest parking will be provided on this parcel.

3. Project Valuation: \$60,000

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1)(C), (A) and (E) relating to Special Management Area (SMA), "Change in the density or intensity of use of land, including but not limited to the division or subdivision of land," "Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste," and "Construction, reconstruction, demolition or alteration of the size of any structure" are, respectively, all defined as "development." Therefore, the proposed demolition of the three structures and the construction of a carport with photovoltaic system and associated equipment are considered "development" and require a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is designated Urban by the State Land Use Commission.
2. **General Plan:** It is designated Resort by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Resort-Hotel (V-.75).
4. **Special Management Area:** The subject parcel is located entirely within the Special Management Area (SMA). However, it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** VE

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 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.

Findings

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 \$60,000 is not in excess of \$500,000.
4. According to the February 2, 2018, Department of Public Works email to agent Val Colter, Engineering Division has no issues with the proposed carport as it will be on concrete columns for support and completely open with no walls.

5. Pursuant to Planning Commission Rule 9-10(e), the Planning Director hereby approves the proposed demolition of three structures and the construction of a carport with photovoltaic system and associated equipment, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

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. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. The applicant shall meet current minimum yards (setbacks) required by Chapter 25, Zoning, of the Hawai'i County Code as well as the future road widening requirements of 10' along Keōkea Loop Road and 15' along 'Apapane Street.
5. Final Plan Approval for the proposed project from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code, shall be secured within one (1) year from the date of this permit and all construction activities shall be completed within (2) years from the date of Final Plan Approval.
6. The disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
7. Best Management Practices must be followed to ensure the grounds surrounding the project area is kept clear of any rubbish or debris resulting from demolition and construction activities at all times.
8. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure. Should the cost of any new activities or operations not included in the subject proposal but related to the subject undertaking move the total valuation of the project over \$500,000, this permit will be deemed void and a Special Management Area "Major" Use Permit will be required for the project.
9. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified

during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

10. 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 determination; 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).

11. 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 any questions, please feel free to contact Esther Imamura at (808) 961-8139.

APPROVED:


MICHAEL YEE
Planning Director

07/02/18
Date