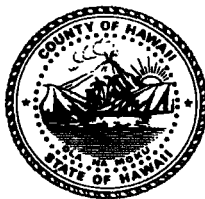


Harry Kim
Mayor



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

July 31, 2018

Mr. Cyr Pakele
29-4660 Opihi Point Place
Hakalau, HI 96710

Dear Mr. Pakele:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 18-001613)
Special Management Area (SMA) Minor Use Permit (SMM 18-000395)
Applicant: Kelly Uyeoka
Project: Construct the Second Single-Family Dwelling with Related
Improvements
Tax Map Key: (3) 2-9-006:031, Hakalau, South Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 18-001613), submitted on June 12, 2018. Proposed is the construction of the second single-family dwelling with related improvements on the subject property. It will be an approximately 1,900 square-foot, 3 bedroom/2 bath home and an attached 500 square-foot carport. Additional improvements include a 130-foot long gravel driveway, a septic tank and a water well.

The subject 1.903 acre (82,895 s.f.) parcel is zoned Single-Family Residential (RS-7.5) 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 designated as Low Density Urban. 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:

Planning Commission Rule 9-4(e)(2)(A) states that "development" does not include *"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."* Therefore, the first dwelling is exempt from the definition of "development."

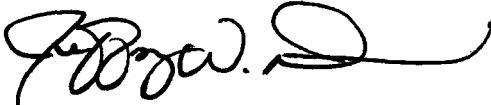
Mr. Cyr Pakele
July 31, 2018
Page 2

However, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e)(1(E), "development" includes "*Construction, reconstruction, demolition or alteration of the size of any structure.*" Therefore, the proposed construction of the second single-family dwelling will require a review against the Special Management Area rules and regulations. 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. 18-000395 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,



Ra

MICHAEL YEE
Planning Director

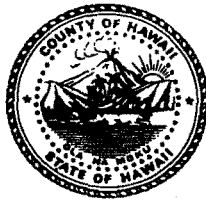
ETI: ja

P:\Wpwin60\CZM\SMM\2018\SMM 18-395L Uyeoka Pakele.Doc

Enclosure: SMM No. 18-000395
DPW memorandum dated July 23, 2018
Receipt No. 961974 in the amount of \$50

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



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

Special Management Area Minor Permit No. 18-000395

Project: Construct the Second Single-Family Dwelling with Related Improvements
Applicant(s): Kelley Uyeoka
Landowner(s): Cyr W. Pakele and Jacqueline Ann Kelley-Uyeoka
Location: Hakalau, South Hilo, Hawai'i
TMK: (3) 2-9-006:031 **Land Area:** 1.903 acres (82,895 s.f.)

Applicant's Request

1. Project Description:

The applicant is proposing to construct the second single-family dwelling with related improvements on the subject property. It will be an approximately 1,900 square-foot, 3 bedroom/2 bath home and an attached 500 square-foot carport. Additional improvements include a 130-foot long gravel driveway, a septic tank and a water well.

According to Real Property Tax Office records, the first dwelling was constructed in 2004.

2. Purpose of Project:

The second single-family dwelling on the subject property will allow the applicant's children to be close to their grandparents.

3. Project Valuation: \$350,000.

4. Determination:

Planning Commission Rule 9-4(e)(2)(A) states that "development" does not include "*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.*" Therefore, the first dwelling is exempt from the definition of "development."

However, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e)(1)(E), "development" includes "*Construction, reconstruction, demolition or alteration of the size of any structure.*" Therefore, the proposed construction of the second single-family dwelling will require a 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 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:** This 1.903 acre (82,895 s.f.) parcel is zoned Single-Family Residential (RS-7.5) by the County of Hawai'i. According to Hawai'i County Code Chapter 25-5-8(a), *"There may be more than one single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling."* The minimum building site for the RS-7.5 Zoning district is 7,500 square feet for each dwelling.
4. **Special Management Area (SMA):** The subject property is within the SMA. However, as it is located mauka of Opihi Point Place, a private roadway, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</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 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 \$350,000 is not in excess of \$500,000.
4. The enclosed Department of Public Works, Engineering Division memorandum dated July 23, 2018, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated July 17, 2018, and provide the following comments:

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawai'i County Code.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."

Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the construction of the second single-family dwelling with related improvements on the subject parcel. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

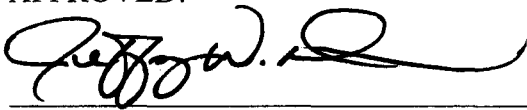
The Planning Director has approved **SMA Minor Permit No. 18-000395** subject to the following conditions:

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) shall be secured within two (2) years from the date of approval of this permit.
4. The applicant shall implement standard Best Management Practices (BMPs) during construction.
5. 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.
6. 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 State Historic Preservation Division at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
7. Artificial light from exterior lighting fixtures, including but not 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.
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 Esther Imamura of this department at (808) 961-8139.

APPROVED:



Re
MICHAEL YEE
Planning Director

July 31, 2018
Date

2018 JUL 23 PM 4 22

PLANNING DEPARTMENT
COUNTY OF HAWAII

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

DATE: July 23, 2018

Memorandum

TO: Michael Yee, Planning Director

FROM: ^{BA.}
~~FOR~~ Department of Public Works, Engineering Division

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 18-001613)

Applicant: Kelly Uyeoka

Request: Construction of a Second Dwelling, One-Story 3-Bedroom /
2 Bathroom Single-Family Dwelling

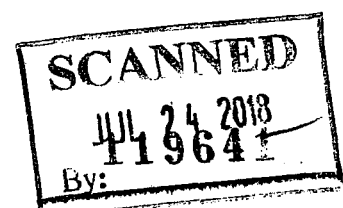
TMK: 2-9-006:031

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated July 17, 2018, and provide the following comments:

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawaii County Code.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

Questions may be referred to Bryce Harada at 961-8042.



RECEIPT

DATE 6.12.18

No. 961974

RECEIVED FROM CYR PAKKE

\$50

FIFTY DOLLARS & 00/100

DOLLARS

FOR RENT

FOR

SMA ASS. APPL.

P.O. BOX 234

HAKALAVIHI 96710

ACCOUNT	50
PAYMENT	
BAL. DUE	

- ☐ CASH
- ☒ CHECK #1298
- ☐ MONEY ORDER
- ☐ CREDIT CARD

FROM

BY

June 12 2018