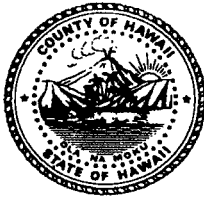


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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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

November 26, 2018

Mr. David Magers
131 Honoli'i Place
Hilo, HI 96720

Dear Mr. Magers:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 18-001615)
Special Management Area (SMA) Minor Use Permit (SMM 18-000402)
Applicant: David Magers
Project: Second Single-Family Dwelling with Carport Attached to
the Existing Dwelling
Tax Map Key: (3) 2-7-015:012, Pauka'a, South Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 18-001615), submitted on June 13, 2018. Additionally, we have made the requested changes in the application and site plan from an addition to a second dwelling with kitchen, as approved by applicant.

According to Real Property Tax Office records, the existing dwelling was completed in 1994. Proposed is the construction of a second single-family dwelling with carport attached to the existing dwelling on the subject property.

The subject 40,337 square foot parcel is zoned Single-Family Residential (RS-20) 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 Open. The property is located within the Special Management Area (SMA); however, the project area 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

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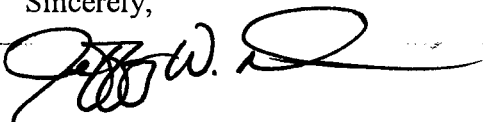
hundred square feet of floor area and is not part of a larger development.” Therefore, the first dwelling is exempt from the definition of “development.”

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 with carport attached to the existing dwelling will require a review against the Special Management Area rules and regulations.

Based on the foregoing, and pursuant to PC Rule Section 9-10(e), the enclosed Special Management Area Minor Permit No. 18-000402 is hereby issued for the project as proposed on Floor Plan 11/26/18. Please note that it is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit.

We are also enclosing the receipt for the filing fee of \$50. If you have any questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,


MICHAEL YEE
Planning Director

ETI: ja

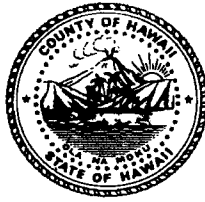
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Enclosure: SMM No. 18-000402
Floor Plan 11/26/18
Receipt No. 961993 in the amount of \$50

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

Colecustomdrafting@gmail.com (Aimee Dodge)
wdhorsey@gmail.com (Wendy Magers)

Harry Kim
Mayor



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Special Management Area Minor Permit No. 18-000402

Project: Second Single-Family Dwelling with Carport Attached to the Existing Dwelling
Applicant: David Magers
Landowner: WD Enterprises LLC
TMK: (3) 2-7-015:012 **Land Area:** 40,337 square feet

Applicant's Request

1. Project Description:

Building Permit No. 922633 for the existing dwelling was completed on April 14, 1994. Proposed is a second single-family dwelling to be constructed over the existing garage and the addition of a new carport against the existing garage. Tabulation of the project area includes a first floor carport of 242 square feet. The second floor living area consists of 616 square feet, a covered lanai of 224 square feet and a covered stairway of 50 square feet. Total area under roof for the additions are 1,132 square feet.

2. Purpose of Project:

The purpose of the second single-family dwelling is for use by additional family members or for long term rental.

3. Project Valuation: \$167,500

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure.*" Therefore, we have determined that the proposed construction of a second single-family dwelling with carport attached to the existing dwelling is considered "development" and requires review against the SMA rules and regulations.

State and County Plans

- 1. State Land Use District:** The subject parcel is located in the State Land Use Urban district.
- 2. General Plan:** The subject parcel is designated Open 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-20) 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-20 Zoning district is 20,000 square feet for each dwelling. As the area of this parcel is 40,337 square feet, permitted uses includes two single-family dwellings.

However, for your information, although Hawai'i County Code Chapter 25-4-7 states that a Use Permit would be required for a bed and breakfast operation on this parcel, Use Permit Application (USE 17-000066) by the previous landowner was denied by the Planning Commission at a public hearing on April 6, 2017.

4. **Special Management Area:** Although the parcel is located entirely within the Special Management Area (SMA), the project area is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Therefore, the requirement to submit a current certified shoreline survey is waived.

5. **Flood Zone:** X.

<p 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 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

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 Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$167,500 is not in excess of \$500,000.
5. Pursuant to PC Rule Section 9-10(e), the Planning Director hereby approves the construction of the second single-family dwelling with carport attached to the existing dwelling, as presented in SAA 18-001615. This approval is 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:

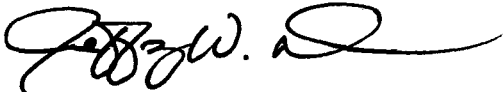
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. The building permit(s) shall be secured within two (2) years from the date of approval of this permit.
5. The applicant shall implement standard Best Management Practices (BMPs).
6. 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.
7. 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. Further proposals directly related to the actions approved by this permit may require submission of a Special Management Use Permit Application for a comprehensive evaluation of actions on the property.
8. 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 (DLNR-SHPD) at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
9. 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.
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 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).

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 contact Esther Imamura of this department at (808) 961-8139.

APPROVED:



For

MICHAEL YEE
Planning Director

11/26/18

Date

RECEIPT

DATE 10/26/2018

No. **961993**

RECEIVED FROM FRANK COLE & ANNEE DODGE

\$50.00

722 MANDNO STREET, HILO, HI 96720

DOLLARS

☐ FOR RENT
☒ FOR FIF SMA APPLICATION TMK: 270150120000

ACCOUNT	
PAYMENT	<u>50.00</u>
BAL. DUE	

☐ CASH

☒ CHECK

☐ MONEY

☐ ORDER

☐ CREDIT

☐ CARD

2958

FROM

TO

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