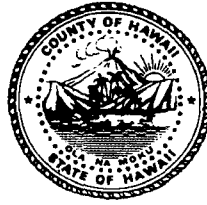


Harry Kim
Mayor

Wil Okabe
Managing Director

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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

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Deputy Director

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101 Pauahi Street, Suite 3
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Phone (808) 961-8288
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March 25, 2019

Roger A. Evans
38 Wiliko Lane
Hilo, HI 96720

Dear Mr. Evans:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA-18-001640)
Special Management Area (SMA) Minor Use Permit (SMM-19-000409)
Applicant(s): Roger A. Evans
Land Owner(s): Roger A. Evans Trust
Project: Proposed Second Dwelling
TMK: (3) 2-6-016:038; South Hilo District, Island of Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-18-001640), submitted on October 30, 2018.

The applicant proposes the following activities:

1. Construction of a two (2) story building that contains 384 sq. ft. of living area and 132 sq. ft. of accessory area in the lower level, plus 212 sq. ft. of living area in the upper level;
2. Construction of a two (2) car, gravel parking area adjacent to the proposed structure; and
3. Construction of a new septic system adjacent to the proposed structure.

The subject parcel is 1.383 acres and is zoned Residential Single Family, 10,000 sq. ft. (RS-10) by the County of Hawai'i and is designated State Land Use (SLU) Urban District by the State of Hawai'i. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject parcel is zoned as Low Density Urban (ldu).

The entire parcel is located within the Special Management Area (SMA) and is not located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS).

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area (SMA), "*construction, reconstruction, demolition or alteration of the size of any structure,*" the "*change in the density or intensity of use of land,*" and the "*change in the intensity of use of water, ecology related thereto, or of access thereto*" is defined as "development." Therefore, the proposed construction of a second dwelling, septic system and parking area is considered "development" and requires a review against the SMA rules and regulations and requires an SMA Minor Permit.

We find that the proposed actions will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. SMM-19-000409, is hereby issued for the project as described above. 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 Jessica Andrews of this office at (808) 961-8155.

Sincerely,

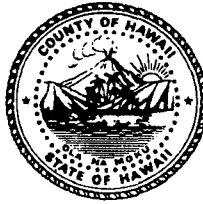

MICHAEL YEE
Planning Director

JMA:mad

Enclosures: SMM-19-000409

cc w/encls: Administrative Permits Division (*via email*)

cc ltr. only: Mrs. Justine W. Nihipali
Office of Planning
State of Hawai'i DBEDT
P.O. Box 2359
Honolulu, HI 96804-2359



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Special Management Area Minor Permit No. 19-000409

Project: Proposed Second Dwelling
Applicant(s): Roger A. Evans
Owner(s): Roger A. Evans Trust
Location: 38 Wiliko Lane, Hilo, HI 96720
TMK: (3) 2-6-016:038
Land Area: 1.383 acres

Applicant's Request

1. Project Description:

The applicant proposes the following activities:

- A. Construction of a two (2) story building that contains 384 sq. ft. of living area and 132 sq. ft. of accessory area in the lower level, plus 212 sq. ft. of living area in the upper level;
- B. Construction of a two (2) car, gravel parking area adjacent to the proposed structure; and
- C. Construction of a new septic system adjacent to the proposed structure.

2. Purpose of Project: The objective of the proposed project is to create additional living area for the owner's family, including hobby space for personal use.

3. Project Valuation: \$64,900

4. Determination: According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) and (B) relating to Special Management Area (SMA): "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste", and "grading, removing, dredging, mining, or extraction of any materials" is defined as "development." Therefore, the proposed construction of a second dwelling on the subject property is considered "development" and requires 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:** The parcel is designated as Low Density Urban (ldu) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** The parcel is zoned Residential Single Family, 10,000 sq. ft. (RS-10)
4. **Special Management Area:** The subject parcel is located in the SMA; no portion of the parcel is located in the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X (Area of minimal flood hazard)

<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 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 \$64,900 for construction of proposed structure is not in excess of \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-19-000409** is hereby approved to:

- A. Construct a two (2) story building that contains 384 sq. ft. of living area and 132 sq. ft. of accessory area in the lower level, plus 212 sq. ft. of living area in the upper level;
- B. Construct a two (2) car, gravel parking area adjacent to the proposed structure; and
- C. Construct a new septic system adjacent to the proposed structure.

Conditions of Approval

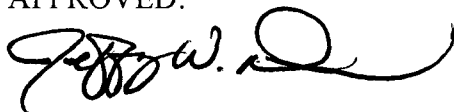
The Planning Director has approved **SMA Minor Permit No. SMM-19-000409**, **subject to the following conditions:**

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 complete construction of the second dwelling and related improvements within two (2) years from the date of approval of this permit.
4. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
5. Best Management Practices (BMP) must be followed to ensure the grounds surrounding the project area are kept clear of any rubbish or debris resulting from the construction activities at all times.
6. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under HRS Chapter, and Rule 9 of Planning Commission Rules of Practice and Procedure.
7. 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.
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 any questions, please feel free to contact Jessica Andrews at (808) 961-8155.

APPROVED:



TY
MICHAEL YEE
Planning Director

3/25/19

Date