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County of Hawai'i PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

March 31, 2023

Ron Terry
c/o Geometrician Associates
10 Hina Street
Hilo, HI 96720
VIA EMAIL: rterry@hawaii.rr.com

Dear Mr. Terry:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2023-000147)
Special Management Area (SMA) Minor Permit (PL-SMM-2023-000043)
Applicant: Ron Terry
Landowner: Kalepa Company, LLC
Request: Proposed Reconstruction of Gas Dispensary Canopy
Structure
Tax Map Key: (3) 3-6-010:006, Laupāhoehoe, Welokā, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-2023-000147) received by this office on February 3, 2023. The applicant is proposing to reconstruct a free-standing canopy over an existing gas station. The previous canopy was damaged in 2022 and subsequently removed. The valuation of the proposed project is \$240,000 as reported by the applicant.

The 0.50-acre subject parcel is zoned Village Commercial-10,000 square feet (CV-10) by the County and designated as Urban by the State Land Use Commission (LUC). The subject parcel is designated as "Medium Density Urban" (mdu) and "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The entire subject parcel is located within the Special Management Area (SMA); however, it is not considered a "shoreline parcel" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) and as such, no shoreline certification is required.

Ron Terry
c/o Geometrician Associates
March 31, 2023
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Special Management Area Determination:

According to Hawai‘i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) relating to Special Management Area (SMA), “*grading, removing, dredging, mining, or extraction of any materials*” and, “*construction, reconstruction, demolition or alteration of the size of any structure,*” is defined as “development.” Therefore, the proposed reconstruction of a free-standing gas station canopy is considered “development” and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit because the total valuation of the proposed project is under \$500,000 and will not have a cumulative impact or significant adverse environmental or ecological effect on the SMA.

Therefore, pursuant to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), Special Management Area Minor Permit No. PL-SMM-2023-000043 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 questions regarding this document, please contact Tracie-Lee Camero of this office at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiiicounty.gov.

Sincerely,

Zendo Kern

Zendo Kern (Mar 31, 2023 11:15 HST)

ZENDO KERN
Planning Director

TC:jaa

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Enclosure: SMA Minor Permit No. PL-SMM-2023-000043
Exhibit 1 – Site Plan

Cc (via email): Shichao Li, State-OPSD
Lisa E. Webster, State-OPSD
GIS Section

Mitchell D. Roth
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Special Management Area Minor Permit No. PL-SMM-2023-000043

Project: Proposed Reconstruction of Gas Dispensary Canopy Structure
Applicant(s): Ron Terry
Landowner(s): Kalepa Company, LLC
TMK(s): (3) 3-6-010:006
Location: Laupāhoehoe, Welokā, Island of Hawai'i
Land Area: 0.50 acres

Applicant's Request

- 1. Project Description:** The applicant is proposing to reconstruct a free-standing canopy over an existing gas station. The previous canopy was damaged in 2022 and subsequently removed. The 16-foot-tall gas dispensary canopy will be placed over one fueling island with two double-sided fueling dispensers.
- 2. Purpose of Project:** The sole purpose of the proposed canopy extension is to provide weather protection for that area. According to the application, the canopy is necessary to shelter motorists fueling their vehicles at the Minit-Stop Laupāhoehoe.
- 3. Project Valuation:** \$240,000.
- 4. Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No 9-4(e)(1)(E), "*grading, removing, dredging, mining, or extraction of any materials*" and "*construction, reconstruction, demolition or alteration of the size of any structure,*" is defined as "development." Therefore, the proposed reconstruction of a free-standing gas station canopy is considered "development" and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit because the total valuation of the proposed project is under \$500,000 and will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

State and County Plans

- 5. State Land Use District:** The subject parcel is within the State Land Use Urban District.

6. **General Plan:** The parcel is designated as “Medium Density Urban” (mdu) and “Open” (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcel is currently zoned as Village Commercial-10,000 square feet (CV-10).
8. **Special Management Area:** The project parcel is located within the Special Management Area (SMA); however, it is not considered a “shoreline parcel” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** The majority of the project area is within Flood Zone “X”.

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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. These adverse effects shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- The proposed development is consistent with the Hawai‘i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
- 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
- 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 and Coastal Dune Protection

Marine and Coastal Resources

The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the conducted activities 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 \$240,000 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. PL-SMM-2023-000043** is hereby approved for the proposed reconstruction of gas dispensary canopy structure, subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2023-000043**, subject to the following conditions:

1. The applicant(s), its successor(s), or assign(s) (Applicant) 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. A building permit for the construction of the gas canopy and related improvements shall be secured from the Department of Public Works-Building Division within four (4) years from the date of this letter.

4. The method of sewage disposal shall meet with the requirements of the Department of Health. The individual wastewater system shall be located mauka of the shoreline.
5. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
6. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
7. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights 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. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
9. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
10. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
11. The Applicant has submitted a written estimate(s) provided by a contractor(s) licensed to do business in the State of Hawai'i for all construction activities to confirm that the total project valuation is not in excess of \$500,000. In the event the total valuation of the (construction of a gas canopy and related improvements) does exceed \$500,000, this Special Management Area Minor Permit shall be deemed null and void and the applicant shall be required to secure approval of a Special Management Area (Major) Use Permit from the Planning Commission.

Ron Terry
c/o Geometrician Associates
March 31, 2023
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12. The Planning Director shall initiate procedures to revoke this permit should any of the conditions not be met or substantially complied with in a timely fashion.

If you have any questions, please feel free to contact Tracie-Lee Camero at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiicounty.gov.

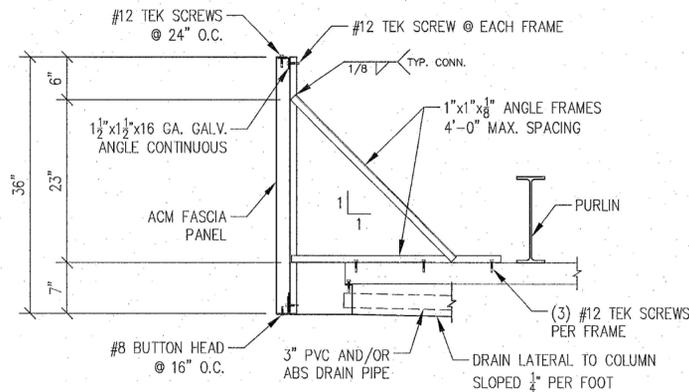
APPROVED:

Zendo Kern
Zendo Kern (Mar 31, 2023 11:15 HST)

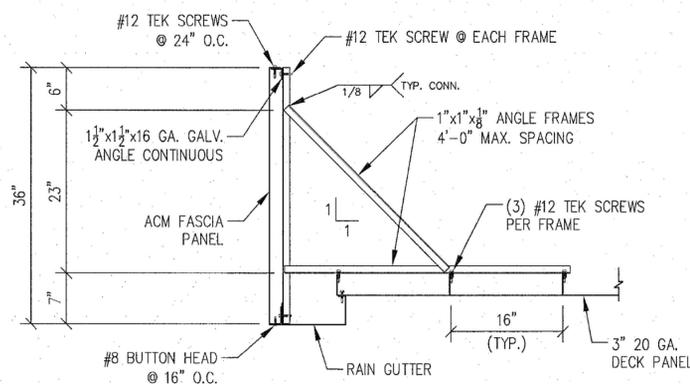
ZENDO KERN
Planning Director

March 31, 2023

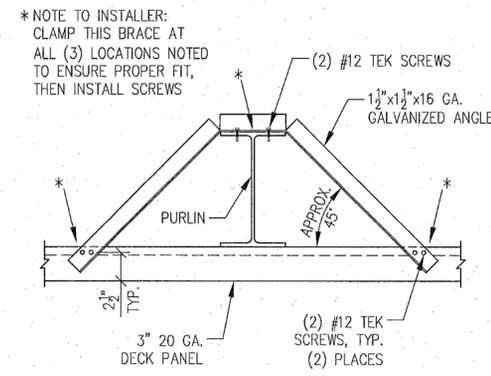
Date



1 TYPICAL SIDE FASCIA DETAIL
N.T.S.

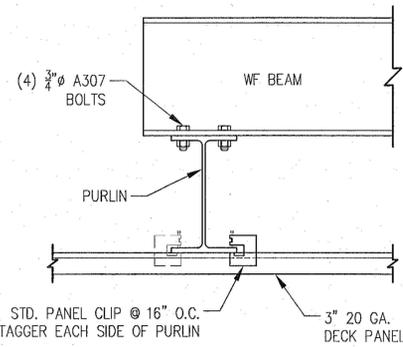


2 TYPICAL END FASCIA DETAIL
N.T.S.

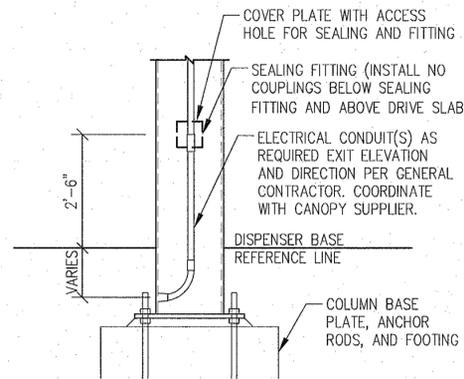


3 PURLIN BRACING DETAIL
N.T.S.

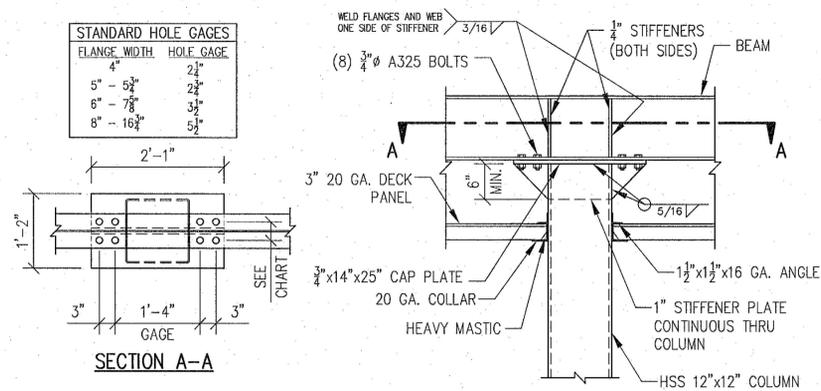
* NOTE TO INSTALLER:
CLAMP THIS BRACE AT
ALL (3) LOCATIONS NOTED
TO ENSURE PROPER FIT,
THEN INSTALL SCREWS



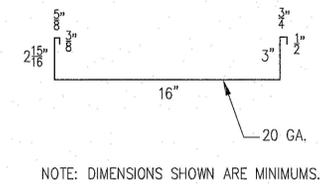
4 BEAM/PURLIN/DECK CONNECTION DETAIL
N.T.S.



5 CONDUIT DETAIL
N.T.S.

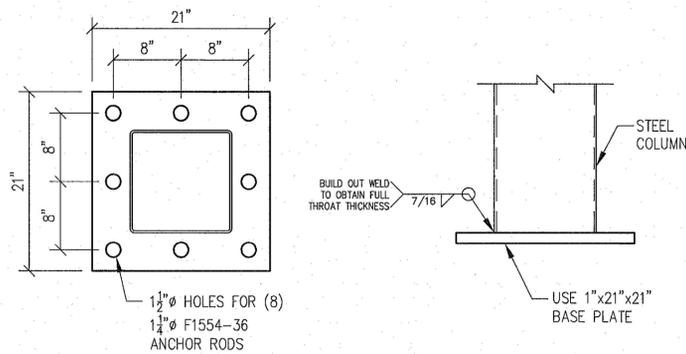


6 COLUMN/BEAM CONNECTION DETAIL
N.T.S.

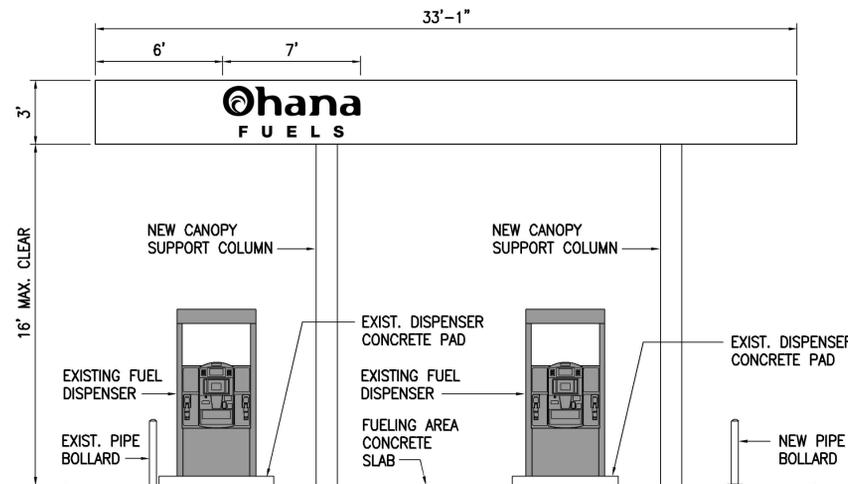


7 DECK PAN DETAIL
N.T.S.

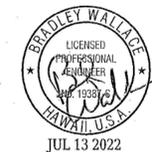
NOTE: DIMENSIONS SHOWN ARE MINIMUMS.



8 BASE PLATE DETAIL
N.T.S.



9 CANOPY ELEVATION
N.T.S.



JUL 13 2022
THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION.
Signature: Bradley Wallace
4-30-24
EXPIRATION DATE

PLAN ISSUE DATES

DATE	BY	DESCRIPTION
7-13-22	C.R.H.	FOR PERMIT

SHEET NUMBER:

S02

DRAWN BY: C.R.H.
ENGINEER: C. HANDY
PRECISION JOB NUMBER: 1872
MVE JOB NUMBER: 22-0810

PROJECT: MINIT STOP

36-2266 HAWAII BELT RD.

LAUPAHOEHOE, HAWAII

CANOPY SIZE: 26'-0" x 33'-1"

LOCATION:

345 No. Main St., Suite A

Brighton City, Utah 84302

MOUNTAIN VIEW
ENGINEERING, INC.

PRECISION
CANOPY

1497 West 40 South
London, Utah 84042