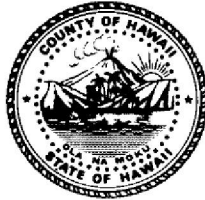


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



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

May 30, 2023

Kenneth Herkes
P.O. Box 390383
Keauhou, HI 96739
VIA EMAIL

Dear Mr. Herkes:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000159) and Issuance of SMA Exemption Determination
Applicant(s): Kenneth Herkes
Landowner(s): Kenneth Herkes
Project: Addition of Detached Bedroom
TMK: (3) 7-8-014:093, Kahalu'u, South Kona, Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000159), received by this office on April 25, 2023. The 0.237-acre subject parcel is zoned Single-Family Residential-7,500 square feet (sf) (RS-7.5) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Low Density Urban (ldu) and Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The subject parcel is within the County Special Management Area (SMA); however it is not within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Existing Land Uses:

A review of our files indicates that there is an existing 712 square foot, one (1) bedroom, one (1) bathroom single-family dwelling that is located on the subject parcel. The existing single-family dwelling was permitted and constructed in 2019.

Proposed Project:

The applicant is proposing to construct a 352 square foot detached bedroom located 11' feet from the existing single-family dwelling on the subject property.

Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

The subject parcel is located within the Kahalu‘u Historic District which is listed on the National Register as Site #74000713, while the Hawai‘i Register listed it as Site No. 10 37 4150. According to HRS Chapter 343-5(a), an environmental assessment (EA) shall be required for actions that propose any use within any historic site as designated in the National Register or Hawai‘i Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, Chapter 6E. However, Hawai‘i Administrative Rule (HAR), Chapter 200, Environmental Impact Statement Rules, provides a list of classes of action that may be exempt from the preparation of an EA. Among the list of exempt classes of action listed in HAR Chapter 200 11-200-8(a)(3)(A) include the construction of single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units.

On March 7, 2018, the Planning Department exempted the proposed construction of a 712 square foot single-family dwelling on the subject property from the preparation of a EA. As the applicant is proposing to construct a 352 square foot detached bedroom addition to the existing single-family dwelling and it will not be more than a total of 3,500 square feet, the Planning Director has determined that the preparation of an EA will not be required at this time.

Special Management Area Determination:

1. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, relating to the Special Management Area, *“Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.”* According to the application, the following definitions of “Development” can be applied to the proposed use:
 - *Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste;*
 - *Construction, reconstruction, demolition, or alteration of the size of any structure.*
2. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, “Development” does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of “Development”:
 - *Structural and nonstructural improvements to existing single-family residences, where otherwise permissible.*
3. Pursuant to Planning Commission Rule 9-4(e)(4), *“whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as “Development” for the purposes of this rule.”*

Kenneth Herkes

May 30, 2023

Page 3

- Based on the information provided, the Director finds that the proposed improvements to an existing single-family residence will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

Future Special Management Area Determinations:

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

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

Sincerely,

Zendo Kern

Zendo Kern (May 30, 2023 09:11 HST)

ZENDO KERN
Planning Director

TC:jaa

\\COH01\planning\public\wpwin60\CZM\SMMA\2023\PL-SAA-2023-000159_Herkes_SFR_Improve.doc

Enclosure: Exhibit 1 (Site Plan)

Cc (via email): GIS Section

