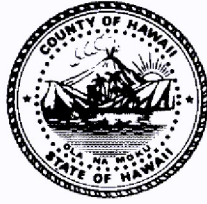


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February 12, 2024

Shanda Lee-Barrios
P. O. Box 1143
Kurtistown, HI 96760
VIA EMAIL

Dear Ms. Lee-Barrios:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2024-000209)**

Applicant: Hilo Hawaiian Hotel

Landowner: State of Hawaii

Project: Tree Trimming, Landscaping, and Maintenance

Tax Map Key: (3) 2-1-003:005, Waiākea, South Hilo District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2024-000209), submitted to this office on January 24, 2024.

The 5.0-acre subject parcel is zoned primarily resort-hotel 750 square feet (V-.75) by the County with an area of the shoreline within the Open zoning district, and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as both Open (ope) and Resort (res) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The project parcel is located within the Special Management Area (SMA); and is located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Since the proposed project is minor landscaping and tree trimming located outside the shoreline setback area the Director has waived the requirement for a shoreline certification.

Proposed Project:

The current proposed project is to trim, and limb existing trees located on the property, and allow for the ongoing maintenance of those trees to ensure the coastal area remains open. No impacts to existing shoreline access will occur, and the staging area for materials and equipment will be on the west side of the existing parking area. No heavy machinery will be used within the shoreline area, only hand tools for removal and clearing.

No additional development or construction is proposed, and no materials will be staged or stored in the shoreline setback area of the parcel.

Special Management Area Determination:

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1), 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:
 - Grading, removal, dredging, mining, or extraction of any materials.
2. Pursuant to Planning Commission Rule 9-4(e)(3), "any proposed use, activity, or operation listed in Section 9-4(e)(2) shall be deemed to be "Development" until the Director has determined it to be exempted from the definition of "development." According to 9-4(e)(2), "Development" does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of "Development."
 - Non-structural improvements to existing commercial structures.
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."

Based on the information provided, the Director finds that the proposed tree trimming and ongoing landscaping at the existing Hilo Hawaiian Hotel is exempt from the definition of "development" and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

However, please note that any substantive changes to the improvements listed in the current application may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

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. Additionally, pursuant to Planning Commission Rule 9-10(g), "the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity or operation does not have a substantial adverse effect on the Special Management Area."

The Director has added the following conditions for the proposed project:

Director's 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 will not store, stage, or impact the shoreline setback area without prior approval from the Planning Department.
3. The Applicant will not alter, change, or block the existing shoreline access located on the subject parcel.
4. The Applicant shall only use hand tools to clear vegetation within the shoreline area, no heavy machinery or vehicles are permitted within the shoreline area at any time.
5. Any substantive changes or further development, including but not limited to, the design and size of the 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.
6. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to issuance of this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
7. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (Feb 12, 2024 13:49 HST)

ZENDO KERN
Planning Director

AJR:mads

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cc via email: GIS Section
DLNR – Land Division (HDLO)