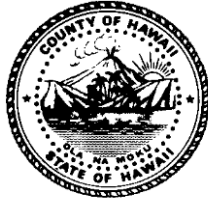


Mitchell D. Roth
Mayor

Deanna S. Sako
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 21, 2024

Joe Zenk
c/o Weigang Marvick
75-227 Hualalai Road
Kailua-Kona, HI 96740
VIA EMAIL

Dear Mr. Zenk:

SUBJECT: Special Management Area Assessment Application
(PL-SAA-2024-000226)

Applicant: Joe Zenk

Landowners: Mark and Joanne Dillow

Project: Construction of a Single-Family Dwelling on a Shoreline Parcel.

Tax Map Key: (3) 6-9-011:006

Location: Waikoloa Beach Resort Complex, South Kohala, Hawai'i

This is to acknowledge receipt of your Special Management Use Permit Assessment Application (SAA) dated April 30, 2024, requesting a Special Management Area (SMA) determination that the proposed project conforms to SMA No. 25 for the construction of a 6,487 square foot (sf) residence located on the subject parcel.

The proposed project is in the South Kohala district within the Kolea Subdivision of the Waikoloa Resort Complex. The subject parcel is 38,202 sf in size. The project area is zoned Resort-Hotel District 1,250 sf (V-1.25) by the County, designated Urban by the State Land Use Commission, and Resort Node (ren) and Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The parcel is within the Special Management Area and is in the "shoreline area" as defined by Hawai'i Revised Statutes Section 205-A41 as amended. The project is within the boundaries covered by SMA 25, which was approved by the County of Hawai'i Planning Commission on February 14, 1977. The subject parcel is also encumbered by a conservation easement and a pedestrian path easement makai of the proposed development.

Shoreline Area Determination:

The entire project is located within the Special Management Area as well as located within the “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS). A certified shoreline survey was issued by the Department of Land and Natural Resources on October 9, 2001. On February 3, 2023, the Director waived Planning Commission Rule Section 9-11(b)(1)(I) requiring the applicant to submit an updated certified shoreline survey due to the location of the proposed project being approximately 109 ft from the shoreline area .

Proposed Project:

The applicant is proposing the construction of a 6,487 sf, three (3) bedroom, three (3) bathroom, two (2) half-bathroom single-family dwelling and a two (2) bedroom one (1) bathroom accessory structure with an attached garage. Additionally, the proposed project will include a swimming pool spa, three (3) drywells and a concrete driveway to connect the residence to Kolea Kai Circle. Staff notes there is an as-built, existing CRM rock wall 109 ft mauka of the shoreline. All proposed development will incur mauka of the CRM rock wall.

The property is currently undeveloped with limited vegetation and there are no existing structures other than the rock wall located on the subject parcel. No other uses or activities, other than what is described above, are proposed.

Special Management Area Determination:

Pursuant to Chapter 205A-22, Hawai‘i Revised Statutes (HRS) and Planning Commission (PC) Rule 9-4(i)(2)(A) relating to the Special Management Area, “development” does not include “*Construction of a single-family residence that is not part of a larger development...*”. Further, SMA No. 25 allowed for the development of the Waikoloa Beach Complex *which include “...improvements necessary for the development of the resort complex”*. After review of the applica request, the proposed new single-family dwelling and related improvements are covered under SMA Permit No. 25.

Please note that it is the landowner’s responsibility to adhere to all conditions set forth by SMA Permit No. 25 approved by the County of Hawai‘i Planning Commission on February 14, 1977.

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

Planning Commission Rule Section 9-11(b)(1)(I) requiring the applicant to submit a certified shoreline survey.

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 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. Other than the proposed project as described in this determination, no further work is permitted under this approval.
4. The proposed work shall comply with the requirements of Hawai‘i County Code (HCC) Chapter 10, Erosion and Sedimentation Control.
5. 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.
6. The applicant shall not, at any time, impede or otherwise restrict the public pedestrian access easement that runs mauka of the shoreline.
7. All site plans submitted to the Planning Department for any future land use permits or development on the subject parcel shall include the location of the public pedestrian and conservation easements.
8. 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.

Joe Zenk
c/o Weigang Marvick & Associates
May 21, 2024
Page 4

9. 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 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.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this determination or require additional review against the Special Management Area rules and regulations.

If you have questions regarding this document, please contact Derek Harbaugh of this office at (808) 961-8038 or via email at derek.harbaugh@hawaiiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (May 21, 2024 13:10 HST)
ZENDO KERN
Planning Director

DSH:sklo
\\coh01\planning\public\wpwin60\CZM\SMAA\2024\PL-SAA-2024-000226_Dillow.doc

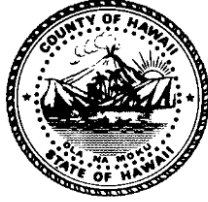
Enclosure(s): Director Determination for Exemption of Shoreline Survey
Site Plan

cc via email w/ enclosure: GIS Section

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

February 13, 2023

Joe Zenk
c/o Weigang Marvick
75-227 Hualalai Road
Kailua-Kona, HI 96740
VIA EMAIL

Dear Mr. Zenk:

**SUBJECT: Proposed Determination Regarding the 2001 Certified Shoreline Survey
(PL-INT-2022-003647)
TMK: (3) 6-9-011:006, 'Anaeho'omalu, South Kohala, Island of Hawai'i**

This is in response to your letter received on October 25, 2022 requesting that the Planning Department consider a determination that the October 9, 2001 certified shoreline remains valid.

Pursuant to Planning Commission Rule Section 9-11(b)(1)(I) for the Special Management Area, a current certified shoreline survey shall be submitted as part of the SMA application when the parcel abuts the shoreline. The Planning Director may waive the submission of the survey when the proposed development is clearly and unmistakably located on a shoreline parcel at a considerable distance from the shoreline. The letter and site plan submitted to the Planning Director clearly confirm that the proposed single-family dwelling are a considerable distance from the shoreline area.

Based on the above information, the Planning Director agrees to waive the requirement to submit a certified shoreline survey for the proposed construction of a single-family dwelling.

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@hawaiicounty.gov.

Sincerely,

Jeffrey W. Darrow for
Jeffrey W. Darrow for (Feb 13, 2023 07:38 HST)

ZENDO KERN
Planning Director

TC:mads
P:\wpwin60\czm\letters\2022\lweigangmarvick-certifiedshoreline.doc

Joe Zenk
c/o Weigang Marvick
February 13, 2023
Page 2

Exhibits: Exhibit 1 – Site Plan
 Exhibit 2 – October 9, 2001 Certified Shoreline

cc w/Encls: SMA 25 File

