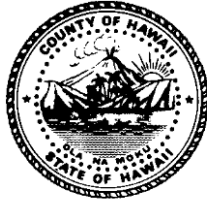


Mitchell D. Roth
Mayor

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

November 13, 2024

Val Colter
12-7242 Kii Nani St.
Pahoa, HI 96778
VIA EMAIL

Dear Val Colter:

SUBJECT: Special Management Area Assessment Application
(PL-SAA-2024-000249)

Applicant: Tieli and Tianlong Wang

Landowners: Tieli and Tianlong Wang

Request: Construct a Single-Family Dwelling and Related Improvements

Tax Map Key: (3) 2-1-014:046

Location: Onekahakaha, South Hilo District, Island of Hawai'i

This is to acknowledge receipt of your Special Management Area Use Permit Assessment Application dated October 8, 2024, requesting a Special Management Area (SMA) approval for the construction of a 4,160-square foot single-family dwelling and related improvements.

The proposed project is located at 28 Machida Lane and is approximately 6,228 square feet (sf) in size. The parcel is zoned Resort/hotel 750sf (V-.75) by the County, designated as Urban by the State Land Use Commission, and designated as Resort (res) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The subject parcel is located mauka of Machida Lane and as well as the Onekahakaha Beach Park, and as such is not considered a shoreline parcel pursuant to HRS 205A; therefore, no shoreline certification is required.

Proposed Project:

The proposed two (2) story single-family residence will total approximately 4,160 sf and contain four (4) bedrooms and four (4) bathrooms, first floor parking area, and second story lanai. County water is available to the site, and the applicant will install an aerobic individual septic system in conformance with the State Department of Health rules and regulations. The applicant

has stated that the proposed dwelling may be used for both the owner's family, or for short/long term rentals.

Special Management Area Determination:

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) 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.*
 - *Grading, removing, dredging, mining, or extraction of any materials; and*
 - *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":
 - (A) *Construction or reconstruction of a single-family residence that is less than seven-thousand five hundred square foot of floor area, is not on a shoreline parcel, and is not part of a larger development.*

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 construction of a 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.

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 Applicant shall secure building permits for the proposed project within three (3) years from the date of the determination. If building permits have not been secured within that three (3) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application shall be submitted for review and approval.
5. The proposed work shall comply with the requirements of Hawai‘i County Code (HCC) Chapter 10, Erosion and Sedimentation Control.
6. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
7. 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 archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
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.

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 any questions, please contact Alex Roy of this office at (808) 961-8140 or via email at alex.roy@hawaiicounty.gov.

Sincerely,

Zendo Kern

[Zendo Kern \(Nov 13, 2024 15:25 HST\)](#)

ZENDO KERN
Planning Director

AJR:rms

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cc via email: GIS Section