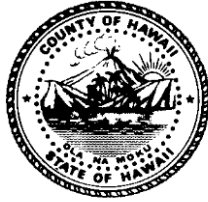


Mitchell D. Roth  
*Mayor*

Deanna S. Sako  
*Managing Director*

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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

May 08, 2024

Riddle Works LLC  
Attn: Steven and Cindi Riddle  
74-5035 Quenn Kaahumanu Hwy.  
Suite 3101  
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Riddle:

**SUBJECT:** Special Management Area Assessment Application  
(PL-SAA-2024-000217)  
(PL-INT-2024-007227)

**Applicant:** Riddle Works LLC

**Landowners:** State of Hawai'i

**Project:** Installation of an Automated Ice Machine

**Tax Map Key:** (3) 2- 2- 031: 001

**Location:** Wailoa Small Boat Harbor, South Hilo District, Hawai'i

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We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2024-000217), submitted to this office on March 20, 2024, as well as your determination request (PL-INT-2024-007227) submitted to this office on March 12, 2024, for the placement of an automated ice machine at Wailoa Small Boat Harbor in Hilo, Hawaii.

The proposed project will be located on a portion of government lands situated at Wailoa Small Boat Harbor, Hilo, Hawaii Island, Hawaii, Tax Map Key: (3) 2- 2- 031: 001. The parcel is under the jurisdiction of the State of Hawai'i Department of Land and Natural Resources Division of Boating and Ocean Recreation (DLNR - DOBOR). The parcel encompasses approximately 64-acres and is zoned Open by the County, Urban and Conservation by the State Land Use Commission (LUC) and designated as Open (ope) and Conservation (con) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The parcel is within the Special Management Area (SMA); however, the proposed project is not within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

**Proposed Project:**

The applicant seeks to install a self-service vending machine installed on a concrete pad. The area of the pad is approximately 9-ft x 25-ft. A 6-ft tall fence will surround the vending machine on 3 sides at a distance of 4-ft. Parking bollards will be installed 5-ft from the front to prevent vehicular damage to the structure. The total square footage of the project will be approximately 442 sq. ft. Power and water service to the ice maker must be buried below grade as directed by DLNR DBOR. There will be no need for a sewage connection as drip/and or runoff will flow into an evaporation pan and holding tank. The ice machine is expected to use a maximum of 250 gallons of water per day according to the applicant.

The applicant is also requesting the certified shoreline survey be waved due to ice maker being approximately 200-ft from the shoreline. As the project is located a significant distance from the shoreline, the Planning Director has waived the requirement for a shoreline certification for this project.

**Special Management Area Determination:**

1. Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(i)(1), relating to the Special Management Area, “*Development means any of the following] 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:
  - *(A) Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
2. According to 9-4(i)(2), ““Development” does not include the following uses, activities, or operations”, and therefore is determined to be exempt from the definition of “Development.”
  - *(R) Plan, design, construct, operate, and maintain any lands or facilities under the jurisdiction of the Division of Boating and Ocean Recreation of the State Department of Land and Natural Resources.*
3. Pursuant to Planning Commission Rule 9-4(i)(3), “*any proposed use, activity, or operation listed in Section 9-4(i)(2) shall be deemed to be “Development” until the Director has determined it to be exempted from the definition of “development.”*”

Based on the information provided, the Director finds that the proposed placement of an ice machine at the Wailoa Boat Harbor 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) Riddle Works LLC shall be responsible for complying with 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. 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.
5. 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.

Riddle Works LLC  
Attn: Steven and Cindi Riddle  
May 08, 2024  
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6. 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 Derek Harbaugh of this office at (808) 961-8136 or via email at [derek.harbaugh@hawaiicounty.gov](mailto:derek.harbaugh@hawaiicounty.gov).

Sincerely,

*Zendo Kern*  
Zendo Kern (May 8, 2024 13:50 HST)  
ZENDO KERN  
Planning Director

DH:sklo  
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cc via email: GIS Section