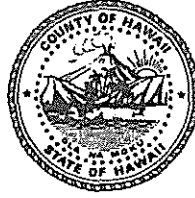


Harry Kim  
Mayor



Debbie  
Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

August 21, 2006

Hawaii Outdoor Tours, Inc.,  
dba Naniloa Volcanoes Resort  
421 Makalika Street  
Hilo HI 96720

Gentlemen:

**Subject: Special Management Area Use Permit Assessment Application (SAA 06-000182)**  
**Special Management Area Minor Permit No. 06-000036**  
**Applicant: Hawaii Outdoor Tours, Inc. dba Naniloa Volcanoes Resort**  
**Request: Demolition of an Existing Structure Adjacent**  
**to the Banyan Broiler Building**  
**Tax Map Key: 2-1-5:18, Waiakea, South Hilo, Hawaii**

This is to follow up on our August 2, 2006 letter relating to the above-referenced Special Management Area Assessment for the demolition of an existing structure adjacent to the Banyan Broiler Building on the subject parcel.

This parcel is designated Urban by the State Land Use Commission and is zoned Resort-Hotel (V-.75) and Open (O) by the County. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Resort and Open. The project site is in the Resort designated area.

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9 do not exempt the demolition of a structure from the definition of "development". Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 06-000036 is hereby issued to allow for the demolition of an existing structure adjacent to the Banyan Broiler Building, subject to the applicant's compliance with the conditions of approval as required by the permit.

Hawaii Outdoor Tours, Inc.,  
dba Naniloa Volcanoes Resort  
Page 2  
August 21, 2006

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288, extension 257 or 258, respectively.

Sincerely,



CHRISTOPHER I. YUEN  
Planning Director

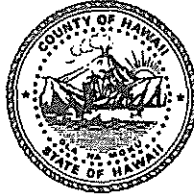
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Enclosures - SMM No. 06-000036  
Department of Public Works August 8, 2006 Memo

xc w/encls: Ms. Deborah Chang - Long Range Planning  
Planning Commission

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
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**Special Management Area Minor Permit No. 06-000036**

**Project:** Demolition of an Existing Structure Adjacent to the Banyan Broiler Building  
**Applicant:** Hawaii Outdoor Tours, Inc. dba Naniloa Volcanoes Resort  
**Location:** Waiakea, South Hilo, Hawaii  
**TMK:** 2-1-5:18 **Land Area:** 91,414 square feet

**Applicant's Request**

**1. Project Description:**

The applicant intends to demolish an existing deteriorating structure adjacent to the Banyan Broiler Building. No new structures are proposed at this time.

**2. Purpose of Project:**

The project will create an open area and eliminate a location where illegal activity could occur.

**3. Project Valuation:** \$3,000

**4. Determination:**

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9 do not exempt the demolition of an existing structure from the definition of "development". Therefore, the proposed demolition of an existing structure adjacent to the Banyan Broiler Building requires a SMA Minor Permit.

**State and County Plans**

- 1. State Land Use District:** The subject property is designated Urban.
- 2. General Plan:** Although the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Resort and Open use, the project site is in the Resort area.
- 3. County Zoning:** The subject property is zoned Resort-Hotel (V-.75) and Open (O), but the project site is in the Resort-Hotel area.

4. **Special Management Area (SMA):** The subject property is located in the SMA. However, since the project site is approximately 275 feet from the shoreline, submittal of a current certified shoreline survey is not required.

**Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area**

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
  - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - ☒ Stimulate public awareness, education, and participation in coastal management.
  - ☒ Protect beaches for public use and recreation.
  - ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
- ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
  - ☒ Beach Protection
  - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

#### **Findings**

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$3,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division did not have any objection to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000036** is hereby approved to allow for the demolition of an existing structure adjacent to the Banyan Broiler Building, subject to the applicant's compliance with the conditions of approval as specified below.

#### **Conditions of Approval**

The Planning Director has approved **SMA Minor Permit No. 06-000036** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.

2. The applicant shall secure a Building Permit for the demolition of the structure within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the demolition activities.
3. The applicant shall comply with all applicable requirements of the State Department of Health and the County Department of Public Works and applicable requirements of other affected agencies.
4. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
  - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
CHRISTOPHER J. YUEN

AUG 23 2006

Date

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PLANNING DEPARTMENT  
COUNTY OF HAWAII

**DEPARTMENT OF PUBLIC WORKS**  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: August 8, 2006

**Memorandum**

TO: Christopher J. Yuen, Planning Director

FROM: *for* *for* Department of Public Works

**SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 06-000182)**

Applicant: Hawaii Outdoor Tours, Inc. dba Naniloa Volcanoes Resort

Request: Demolition of an Existing Structure

Tax Map Key: 2-1-05: 018

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 2, 2006 and have no objections to the request.

The subject parcel is located within Flood Zone VE as designated on the Flood Insurance Rate Map by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

Questions may be referred to Kelly Gomes of the Engineering Division at ext. 8327.

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