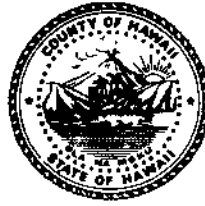


Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

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## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

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Phone (808) 961-8288  
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April 26, 2021

Daryn Arai  
PO Box 4501  
Hilo, HI 96720

Dear Mr. Arai:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application (SAA-21-001821)**  
**Special Management Area (SMA) Minor Use Permit (SMM-21-000446)**  
**Applicant(s): Alakahi LLC**  
**Landowner(s): Alakahi LLC**  
**Project: Renovation and Improvements to Existing Single Family Dwelling**  
**Tax Map Key: (3) 2-7-009:056**

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We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (SAA-20-001821), submitted to this office on March 15, 2021.

The applicant's 3.775-acre parcel is zoned Agricultural 20-acres (A-20a) by the County and designated as Agriculture by the State Land Use Commission (LUC). The subject parcel is designated as Important Agricultural Lands (ial) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The subject parcel is located within the SMA, however, the subject parcel is not located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) as it is located mauka of Old Māmalahoa Highway and approximately 180 feet from the nearest shoreline.

#### **Proposed Use:**

This Special Management Area (SMA) Minor Use Permit is being pursued to renovate the interior of an existing two (2) story, 4-bedroom single family dwelling constructed in 2002. Modification of the existing interior spaces will occur exclusively within the first (1<sup>st</sup>) floor and will result in the creation of an additional bedroom to make a five (5) bedroom single family dwelling. Two (2) at grade uncovered concrete "terraces" will be constructed along the exterior of the lower level of the dwelling for outdoor seating. Additionally, this approval is being sought

in order for the Applicant to proceed with obtaining building permits for two (2) accessory structures (i.e., gazebo and utility shed) that were constructed without approval or permits.

**Shoreline Area Determination:**

The parcel is not considered a shoreline parcel as it is located mauka of Old Māmalahoa Highway and is approximately 180 feet from the nearest shoreline. Based on the preceding the Director has determined that no shoreline certification will be required for this project.

**Cultural and Historic Resources:**

There are no known cultural, historical, or important natural resources that would be adversely impacted by the proposed renovations and development. While not situated on the subject property, the Onomea and Donkey Trails (part of the Na Ala Hele Trail System) are located across the street from the subject parcel, makai of Old Māmalahoa Highway. The proposed project will have no effect or impact on that trail. There are no known cultural, or historic resources, or native gathering exercised on the subject parcel due to the extensive land alteration and Tea farming that has occurred for over 20 years. Staff notes that there is no mapped, deeded, or historic public access through or across the subject parcel.

**Special Management Area Determination:**

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 definition of "Development" can be applied to the proposed use:

- *Construction, reconstruction, or alteration of the size of any structure, and*
- *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste.*

We find that the proposed action is not exempt from the definition of "development"; however, as described, the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. **SMM-21-000446**, is hereby issued for the project as described above. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any further development not included in this approval shall require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.

Daryn Arai  
April 26, 2021  
Page 3

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

Sincerely,



ZENDO KERN  
Planning Director

AJR:klr  
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Enclosures: SMM-21-000446  
Receipt No. 747937 (\$50.00)

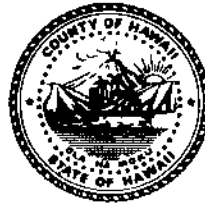
CC: GIS Section (Planning Department)  
State Office of Planning

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Mitchell D. Roth  
*Mayor*

Lee E. Lord  
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## **Special Management Area Minor Permit No. 21-000446**

**Project:** Renovation and Improvements to Existing Single Family Dwelling  
**Applicant(s):** Alakahi LLC  
**Owner(s):** Alakahi LLC  
**TMK(s):** (3) 2-7-009:056  
**Location:** Onomea Bay Vistas Subdivision, South Hilo District, Island of Hawai'i  
**Land Area:** 3.775 acres

### **Applicant's Request**

- 1. Project Description:** Applicant intends to renovate the interior of an existing two (2) story single family dwelling to create a five (5) bedroom dwelling; construct two (2) at-grade concrete terraces for outdoor seating; and obtain After-the-Fact (ATF) approval for an existing gazebo and utility shed that were built without permits. The total floor area of all existing and proposed structures is 7,642 square feet. The applicant has also stated that farming and agriculture activities are also conducted on the subject property
- 2. Purpose of Project:** The applicant purchased the subject property in 2020 and intends to develop the parcel into a family home and to accommodate visitors from out of state.
- 3. Project Valuation:** \$300,000.
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): "Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste" and "Construction, reconstruction or alteration of the size of any structure" is defined as "development." Therefore, the proposed renovation of a single-family residence and associated development is considered "development" and as such requires a SMA Minor Permit.

<b>State and County Plans</b>
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1. **State Land Use District:** The parcel is designated within the Agricultural District by the State Land Use Commission.
2. **General Plan:** The parcel is designated as Important Agricultural Lands (ial) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map
3. **County Zoning:** The parcel is currently zoned Agricultural 20-acres (A-20a)
4. **Special Management Area:** The subject parcel is located in the SMA; however, the subject parcel is not located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) as it is located mauka of Old Māmalahoa Highway and approximately 180 feet from the nearest shoreline.
5. **Flood Zone:** The property is located in Flood Zone X

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai'i County General Plan, community plan, and zoning, provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards
- ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection
- ☒ 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 and Coastal Dune Protection
- ☒ Marine and Coastal Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

<b>Findings</b>
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- 1 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.
- 2 The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS (as amended).
3. The valuation of \$300,000 for the renovation and additions to an existing single-family dwelling is not in excess of \$500,000.

<b>Approved Uses, Activities and Operations</b>
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Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-21-000446** is hereby approved to.

1. Renovate the interior of an existing two (2) story single family dwelling to create a five (5) bedroom dwelling; construct two (2) at-grade concrete terraces for outdoor seating; and obtain After-the-Fact (ATF) approval for an existing gazebo and utility shed that were built without permits.

<b>Conditions of Approval</b>
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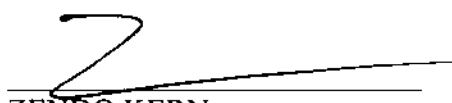
The Planning Director has approved **SMA Minor Permit No. SMM-21-000446**, subject to the following conditions:

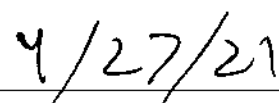
1. The applicant, its successors, or assigns (Applicant) shall be responsible for complying with all stated conditions of approval

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. The Applicant shall secure approval from the Department of Public Works for the unauthorized shed, and all other unpermitted structures (as required) prior to beginning construction
4. The Applicant shall dispose of all waste material in a County approved upland disposal site.
5. The Applicant will ensure that the appropriate approval from the County of Hawai'i Department of Public Works is granted for all ground disturbing activities
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 unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
8. In issuing this permit, the Department has relied on the information and data that the applicant(s) has provided in connection with this permit. If, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
9. 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.

If you have any questions, please feel free to contact Alex J. Roy at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

APPROVED:

  
ZENDO KERN  
Planning Director

  
Date