

EXHIBIT 17

**2018
SMA LETTER FROM THE COUNTY**

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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County of Hawai'i PLANNING DEPARTMENT

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March 22, 2018

Mr. Ken Church
P.O. Box 100014
Hakalau, HI 96710

Dear Mr. Church:

SUBJECT: Request for SMA Determination
Land Owner: Kenneth Stanley Church
Request: Determination of Agricultural Uses in the SMA
Tax Map Key: (3) 2-9-003:029 & 060, Wailea, South Hilo, Hawai'i

We have received your letter dated March 19, 2018 requesting a determination if agricultural uses can be conducted within the Special Management Area on above referenced properties.

Parcel 029 is 1.116 acres in size and Parcel 060 is 2.252 acres in size. The parcels are zoned Agricultural (A-20a) by the County and designated Conservation by the State Land Use Commission. Hawai'i Revised Statutes Chapter 205-5(a) states that the Department of Land and Natural Resources has jurisdiction over uses and activities on State designated Conservation land.

The parcels are also designated Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Lastly, they are located within the Special Management Area (SMA) and have frontage along the coastline.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(2)(H), relating to Special Management Area (SMA), the use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes is exempt from the definition of "development" and does not require review against the Special Management Area rules and regulations.

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As stated above, the Department of Land and Natural Resources has jurisdiction over uses and activities on State designated Conservation land and you will need to consult and receive approval for any uses and activities, including agricultural activities, within the State Land Use Conservation District.

If you have questions, please contact Jeff Darrow of this office at (808) 961-8158.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Yee', with a horizontal line extending to the right.

MICHAEL YEE
Planning Director

JWD:mad

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