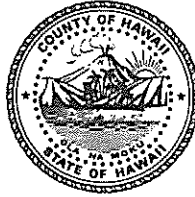


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

June 27, 1994

Ms. Leslie S. Lendra
250 Ohua Avenue #2F
Honolulu, HI 96815

Dear Ms. Lendra:

Special Management Area (SMA) Use Permit Assessment
Application (SMAA 94-36) & Special Management Area Minor
Permit No. 13 (SMM 13)
Applicant: Leslie S. Lendra
Proposed Single-Family Residence, Farm Building, & Organic
Farm
Tax Map Key: 1-5-10: 7; Halona, Puna, Hawai'i

We have reviewed your SMA Use Permit Assessment Application for a proposed single-family residence, a farm building, and a one-acre organic farm. Under Planning Commission Rule 9, SMA Rules and Regulations, "construction of a single-family residence that is not part of a larger development" is exempt from the definition of development subject to SMA review. Therefore, your proposed home and its accessory structures, including the driveway, generator hut and propane tank, the water well, the swimming pool, and the septic system and absorption bed are exempt from further SMA review.

However, in accordance with the State Historic Preservation Division's recommendations, no improvements shall be permitted in the "kipuka" area as defined in their June 6, 1994 memo. All development must remain within the ai la'au flow area, which extends from the beach road makai approximately 600 feet, then inland along a strip approximately 150 feet wide on the south border of the parcel. According to site plans submitted with your application, the proposed residence will be located in this 150-foot wide strip. The house must conform to the following standard setbacks **within this 150-foot wide strip**: minimum front and rear yard setbacks of 30 feet and minimum side yard setbacks of 20 feet. Construction plans for the residence and associated

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improvements are also subject to the other requirements of the County Building and Zoning Codes.

The proposed farm-related improvements require a Special Management Area Minor Permit before you can proceed. Enclosed please find Special Management Area Minor Permit No. 10 **with conditions** to allow the establishment of the proposed farm building and organic farm.

PROJECT DESCRIPTION

- 1) **Leslie S. Lendra** has requested an SMA Minor Permit to allow the construction of a farm building and the grading and establishment of a one-acre organic farm on her property. The proposed barn will house a produce storage area, an equipment storage and work area, a sorting area, and a washing area. The one acre farm/garden plot is intended for subsistence farming, to provide for the needs of the applicant's family.

The applicant's property is located on the makai side of the Government Beach Road, on approximately 10 acres of land, in Halona, Puna, Hawai'i, TMK: 1-5-10:7.

- 2) The applicant proposes to construct a wooden barn, approximately 60 feet long by 40 feet wide, and not more than 15 feet high, with a post and pier foundation and an asphalt shingle roof. The building site will be cleared and graded, as will the farm/garden plot. The applicant proposes to grow watermelons, papayas, fresh herbs, and vegetables. The barn and garden will be accessed via an 8-foot wide cinder driveway.
- 3) The building site is located in the State Land Use Conservation District; the applicant must also secure a Conservation District Use Permit prior to developing this property. The Final Environmental Assessment/Negative Declaration for this project, as required by Chapter 343 of the Hawai'i Revised Statutes, was published in the OEQC Bulletin on June 23, 1994. According to the applicant's site plan, the proposed garden plot will be located approximately 700 feet from the ocean and the barn will be approximately 910 feet from the ocean at its nearest point. The parcel is currently unimproved and overgrown with lantana, guava, and hala plants. Coconut palms line the southern boundary of the parcel.

STATE AND COUNTY PLANS

- 4) The State Land Use District classification is Conservation; the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Orchards, with a strip of Open along the shoreline; and the County zoning designation is Agricultural-1 acre.
- 5) The parcel is located within the Special Management Area; therefore, the applicant's proposal requires SMA review.

SITE DESCRIPTION

- 6) The project site is bounded by the ocean to the east, by Hawaiian Home Lands to the south, and by privately owned parcels to the west and to the north. Immediately surrounding parcels are undeveloped, with scattered single-family residences along the coastline to the north. The parcel is located approximately one-third of a mile south of Maku'u Aquafarm and one mile south of the Hawaiian Paradise Park subdivision. The applicant notes that some of the vacant land to the north is used for cattle grazing.
- 7) The property is densely covered with vegetation, with guava, lantana, and grasses covering the more recent pahoe-hoe lava flow, and concentrations of ti and hala plants on the older a'a flow in the kipuka area. The applicant plans to develop only about 1.5 acres of the 10 acre parcel, with the remainder of the property left undisturbed. The only areas which will be graded are the house and barn building sites, the driveway, and the farm/garden plot area.
- 8) A site visit to the property by Historic Preservation Division staff archaeologist revealed "several low stacked stone features ... [which] may be significant for their information content" in the kipuka area. Therefore, the Division recommended that no land altering activities be permitted in the kipuka area until an archaeological survey of this area and mitigation plan, if necessary, are evaluated by Division staff. At this time, the applicant is not proposing any development which would impact the kipuka area.
- 9) The elevation of the parcel ranges from approximately 25 feet above sea level at the shoreline to approximately 50 feet above sea level at the mauka end of the property. The shoreline is composed of lava cliffs. A Flood Insurance Rate Map (FIRM) has not been printed for this area, though portions of the property could be subject to minimal tsunami inundation hazards. All proposed development will be

located at least 400 feet from the shoreline, well beyond the required 125-foot shoreline setback.

- 10) There are no known rare or endangered species inhabiting the property.

INFRASTRUCTURE

- 11) Access to the property is from an unimproved Government Beach Road via an 8-foot wide, 700-foot long cinder driveway.
- 12) Water for household use and irrigation will be provided by a private well located at the mauka end of the property, with underground lines servicing the house and barn. The applicant has filed an application with the State Water Commission to obtain a ground water well permit. Waste disposal will be via a private septic system, and power will be provided by a 7-kilowatt generator powered by propane gas. The generator will be housed in a small structure located at the mauka end of the property, with underground utility lines servicing the house and barn.

ASSESSMENT

The purpose of Chapter 205A, Hawai'i Revised Statutes, and Planning Commission Rule 9, Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone area. Special controls on development within these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Minor Permit, the Planning Director finds that the proposed development will not have any significant adverse environmental effect and that it is consistent with State and County SMA policies, as outlined below.

- a) **Recreational Resources:** The proposed development will not interfere with recreational uses of the coastal area, since it will be located well inland of the coastline. According to the applicant's SMA Use Permit Assessment Application, "Coastal access along the shoreline for purposes of fishing from the cliffs will not be denied or discouraged for use by the public."
- b) **Historic and Natural Resources:** The proposed development will be located outside the kipuka area, as designated by the State Historic Preservation Division staff

archaeologist. Any future development of the kipuka area shall be subject to further SMA and archaeological review. The majority of the 10 acre parcel will be left undisturbed, so the development should have a minimal impact on the natural resources of the property.

- c) **Scenic and Open Space Resources:** The proposed development will be set back approximately 400 feet from the shoreline. Existing vegetation on the makai portion of the property will be left undisturbed, so the development should not interfere with the coastal view plane. Existing access along the shoreline will not be restricted or denied.
- d) **Coastal Ecosystems:** The development should not have any significant impact on the coastal ecosystem, since grading will be limited to the house and barn sites, the one acre garden plot, and the driveway access. The applicant will be required to take precautions to ensure that all development generated runoff shall be properly disposed of on site, and not allowed to contaminate adjacent properties or coastal waters. A subsurface disposal system for the swimming pool which meets with Department of Health standards will be constructed to prevent leaching of chemicals into the soil and water. The applicant plans to establish an organic farm, to minimize the use of pesticides and herbicides on the property.
- e) **Economic Uses:** The applicant's proposal is consistent with the County General Plan LUPAG designation (Orchards) and the County Zoning designation (Agricultural 1-acre) for the area. The proposed single-family residence, farm building, and small farm plot are compatible with surrounding property uses. No income generating activity is associated with this proposal.
- f) **Coastal Hazards:** A FIRM map is not available for this area. Makai portions of the property may be subject to minimal tsunami inundation. The proposed development is located well inland of the required shoreline setback of 125 feet.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that construction of the proposed barn and the establishment of the one-acre garden plot will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, **subject to the following conditions:**

- 1) The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- 2) Construction of the proposed barn and establishment of the one-acre garden plot shall be completed **within two years** from the date of the Conservation District Use approval.
- 3) The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
- 4) The proposed development shall be set back a minimum of 125 feet inland from the edge of the shoreline cliff and 50 feet from the kipuka area, as defined by the State Historic Preservation Division staff archaeologist. No land altering activities shall be permitted in the kipuka area without further SMA and Historic Preservation Division approvals.
- 5) Existing historical and traditional access and/or trails to and along the shoreline shall not be restricted or denied.
- 6) All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties or allowed to enter coastal waters.
- 7) A progress report shall be submitted to the Planning Director within **six months** from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional progress reports will be required every six months, until all of the conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.
- 8) An extension of time for the performance of conditions may be granted by the Planning Director only when 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; and 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 not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- 9) The applicant, successors, or assigns shall indemnify and hold the County of Hawai'i harmless from and against any

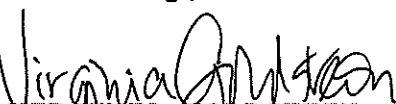
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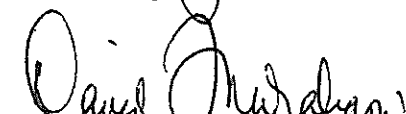
loss, liability , claim, or demand for property damage,
personal injury, or death arising out of any act or omission
of the applicant, its successors or assigns, officers,
employees, contractors, and agents under this permit or
relating to or connected with the granting of this permit.

Should any of these conditions not be met or substantially
complied with in a timely fashion, the Planning Director shall
initiate procedures to revoke this permit.

Please feel free to contact staff members Linda Copman or Alice
Kawaha at 961-8288 if you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director



Chief Engineer

6/29/94

Date

LC:mjh
SMM13

xc: Ms. Cathy Tilton, DLNR-OCEA
Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section