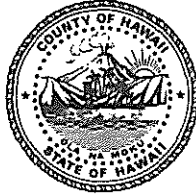


Stephen K. Yamashiro  
Mayor



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

COPY

March 31, 1994

Mr. James McCully  
P. O. Box 355  
Hakalau, HI 96710

Dear Mr. McCully:

Special Management Area (SMA) Minor Permit No. 6

Applicant: James McCully

Purpose: Greenhouse/Agricultural Building

Tax Map Key: 2-9-3:13 (Por.); Wailea, South Hilo, Hawai'i

In our letter dated March 9, 1994, we determined that a Special Management Area (SMA) Minor Permit is required for the proposed greenhouse/agricultural building. We have reviewed your proposal, and based on the following background and findings, we hereby issue SMA Minor Permit No. 6 with the specified conditions.

#### BACKGROUND

- 1) **Mr. James McCully** has requested a Special Management Area (SMA) Minor Permit to allow the construction of a greenhouse/agricultural building on his property. The building site consists of approximately 4.22 acres located on the makai side of the Hawai'i Belt Road, Wailea, South Hilo, TMK: 2-9-3:13.
- 2) Specifically, the applicant proposes to construct a greenhouse/agricultural building with a width of 84 feet and a length of 288 feet fronting the highway. Of the approximately 25,000 square feet of gross floor area, the growing area will occupy approximately 23,000 square feet and the packing, storage, and office area will occupy the remaining 2,000 square feet. The greenhouse will be constructed of clear

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fiberglass with metal beams, and will be covered by saran shade cloth. The packing area will have two restrooms. The building will be located approximately 34 feet off the highway, and will be accessible via a paved driveway, with a small parking area for employees. The estimated cost of the project is \$100,000.

- 3) The applicant proposes to move his existing orchid growing operation from Mt. View to the subject property. Current stock and employees will also move to the new location. The applicant anticipates employing 3-4 workers, five days a week.

#### **STATE AND COUNTY PLANS**

- 4) The State Land Use district classification is Agricultural. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Intensive Agriculture. The County zoning designation is Agricultural-20 acres (A-20a).
- 5) The parcel is located within the Special Management Area; therefore, the proposed project requires an SMA permit.

#### **DESCRIPTION OF THE PROJECT SITE AND SURROUNDING AREA**

- 6) The property is bounded by a 60-foot railroad right-of-way to the east, by a private residence to the south, by the Hawai'i Belt Road to the west, and by Puahanui Stream and abandoned sugar cane land to the north. The applicant received a determination of exemption from the SMA Rules and Regulations on February 8, 1993, to construct a single family residence on the subject parcel. The applicant has now completed construction of this residence.
- 7) The proposed greenhouse will be located approximately 700 feet from the cliff above the shoreline, at an elevation of approximately 150 feet above sea level. The property slopes up from the highway; therefore, there is no view plane of the ocean from the highway. There is no safe access from the property to the shoreline.
- 8) The property is former cane land and has been extensively cultivated by the plantation. The likelihood of finding any intact historic sites or rare or endangered species on the property is negligible.
- 9) The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates the area as Zone X, or areas determined to be outside of the 500-year flood plain.

- 10) The property is bounded on the east by State Land Use Conservation district land, which includes the land from the 60-foot railroad right-of-way to the ocean. The surrounding properties to the west are within the State Land Use Agricultural district. All the surrounding properties are zoned as Agricultural-20 acres (A-20a) by the County.

#### **PUBLIC UTILITIES AND SERVICES**

- 11) Access to the property is from the Hawai'i Belt Road via a 30-foot private road easement.
- 12) Water and other essential utilities and services are available at the site.

#### **FINDINGS AND DETERMINATION**

Upon review of this request for a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit based on the following findings:

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 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 coastal zone areas. Special controls on development within these areas have been enacted, to prevent permanent loss of valuable resources. The proposed construction is consistent with the SMA objectives, policies, and guidelines specified by the State and the County.

- a) The project will not interfere with recreational uses of the coastal area since there is no safe access to the shoreline from the site.
- b) The project will not have any adverse effect on historical or biological resources, since previous agricultural cultivation of the site has eliminated any surface remains or earlier vegetation.
- c) The building site lies upslope of the highway, and the proposed structure will not exceed one story (approximately 25 feet in height according to applicant's plans). Therefore, the proposed structure will not interfere with the coastal view plane.
- d) The proposed structure will be located approximately 700 feet from the coastal cliff, 88 feet from Puahanui Stream, and 55 feet from the stream bank at its closest point. Puahanui Stream is an intermittent stream, and is not listed in

the Hawai'i Stream Assessment as a candidate for stream protection. The proposed setbacks from the stream exceed those required under County zoning. Therefore, the proposed structure should not have any adverse effect on the coastal ecosystem.

- e) The proposed project is consistent with the State Land Use designation, the County's General Plan, the Northeast Hawai'i Community Development Plan, and the County Zoning Code. A greenhouse/agricultural building is a permitted use in the Agricultural zoned district, **with Final Plan Approval.**
- f) The proposed greenhouse will be located approximately 150 feet above sea level and approximately 700 feet inland of the coastal cliff. Therefore, the threat of coastal hazards is minimal.

Based on the factors listed above, the Planning Director has determined that the proposal will not be contrary to the purpose and intent of the applicable State and County policies governing the Special Management Area.

A Special Management Area Permit is hereby approved, **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) The applicant, successors, or assigns shall secure Final Plan Approval for the project within one year from the date of this permit.
- 3) Construction of the proposed building and improvements shall be completed within two years from the date of this permit.
- 4) The applicant, successors, or assigns shall consult with the **Highways Division of the State Department of Transportation** regarding any necessary improvements to the access road to the proposed greenhouse/agricultural building.
- 5) The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
- 6) 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.

Mr. James McCully  
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A progress report will be required every six months thereafter, until all conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.

- 7) 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; 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).
- 8) The applicant, successors, or assigns shall indemnify and hold the County of Hawai'i harmless from and against any 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 the permit.

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

  
Chief Engineer      4/4/94  
Date

LC:mjh/SMM6

xc: Mr. Richard Taira, DOT-Highways Division  
Ms. Donna Kiyosaki, Chief Engineer

Planning Commission  
SMA Section