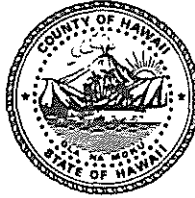


Stephen K. Yamashiro  
Mayor



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

May 31, 1994

Dudley S. J. Seto, M.D.  
Chairman and Chief Executive Officer  
Intercontinental Medical Services, Inc.  
Professional Plaza of the Pacific  
1520 Liliha Street, Suite 607  
Honolulu, HI 96817-3564

Dear Dr. Seto:

Special Management Area (SMA) Minor Permit No. 9  
Applicant: Maku'u Aquafarm  
Request: Proposed Storage Barn  
Tax Map Key: 1-5-10: 33; Maku'u, Puna, Hawai'i

Enclosed please find Special Management Area Minor Permit No. 9 with conditions, to allow the construction of the proposed storage barn at Maku'u Aquafarm.

#### PROJECT DESCRIPTION

- 1) Dr. Dudley S. J. Seto on behalf of Maku'u Aquafarm, has requested an SMA Minor Permit to allow the construction of a barn in which fish food and supplies and grow-out tanks for maturing fish can be stored. The proposed structure will afford the young fish and prawns protection from the elements while they are growing large enough to be transferred to the farm's existing outdoor tanks. Supplies are temporarily housed in the garage of the single-family residence on the property. Maku'u Aquafarm is located on the makai side of the Government Beach Road, on approximately 12.48 acres of land, in Maku'u, Puna, Hawai'i, TMK: 1-5-10:33.

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- 2) The applicant proposes to construct a prefabricated metal structure, 24 feet wide by 60 feet long, and not more than 21 feet high. The building site has been previously cleared and consists of crushed lava stone with a cinder skim coat. The barn foundation will be a reinforced concrete slab, and the interior floor area will be 1,440 square feet. The estimated cost of the project is \$44,000.
- 3) The building site is located in the State Land Use Agricultural District approximately 500 feet from the shoreline at its nearest point, and approximately 150 feet mauka of the State Land Use Conservation District boundary. Existing uses on the property include a single-family dwelling, a ti plant and fruit tree farm, and a number of above-ground tanks for raising fish and prawns. All existing agricultural and aquacultural uses were found to be exempt from the definition of development subject to SMA review. In June of 1991, the applicant received SMA Minor Permit No. 91-17 to allow clearing of a portion of the property, which has been developed as Maku'u Aquafarm.

#### STATE AND COUNTY PLANS

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

#### SITE DESCRIPTION

- 6) The project site is bounded by the ocean to the east, and by vacant land to the north, west, and south. Surrounding properties to the north and south are zoned Agricultural-1 acre, and the property to the west on the mauka side of the Government Beach Road is zoned Agricultural-5 acres.
- 7) The site is extensively developed as an operating aqua- and agribusiness. The applicant raises fish and prawns for sale, as well as ti leaves and fruit. The proposed barn will be located approximately 40 feet to the east of the existing single-family dwelling.
- 8) The proposed construction will not impact any of the archaeological sites identified for preservation by the State Historic Preservation Division pursuant to SMA Minor

Permit No. 91-17. These include all sites in the Conservation District; all the features in site 14675; and features C, J, K, L, and M of site 14985. The applicant has been working with the Division to develop an acceptable preservation plan for the specified features.

- 9) The elevation of the parcel ranges from 0 to 30 feet above sea level. A Flood Insurance Rate Map (FIRM) has not been printed for this area. Portions of the property may be subject to minimal tsunami inundation. The mean annual rainfall at this site exceeds 100 inches.

### INFRASTRUCTURE

- 10) Access to the property is from the unimproved Government Beach Road via an approximately 18.75-foot wide cinder driveway.
- 11) Water for the single-family residence is provided by a private catchment system. Water for the aquafarm is provided via a fresh- and a salt-water well. Waste disposal is via a private septic system, and electricity is available at the site.

### 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 construction will not have any significant adverse environmental effect and that the development is consistent with State and County SMA policies, as outlined below.

- a) **Recreational Resources:** The proposed construction will not interfere with recreational uses of the coastal area, since it will be located well inland of the shoreline setback area.
- b) **Historic and Natural Resources:** The building site is located in the area which was cleared under the previous SMA Minor Permit. The proposed storage barn is located well outside the area which was to be left undisturbed according to the State Historic Preservation Division. The site was bulldozed prior to the installation of the existing fish tanks and the construction of the existing residence.

- c) **Scenic and Open Space Resources:** The proposed storage barn will not interfere with the coastal view plane, since the area between the structure and the ocean has not been cleared, and existing vegetation obstructs the view.
- d) **Coastal Ecosystems:** The proposed storage barn will be located approximately 500 feet from the shoreline. Construction of this building should not have any additional adverse effect on the coastal ecosystem, since the site has previously been bulldozed.
- e) **Economic Uses:** The project is consistent with the State Land Use designation, the County General Plan, and the County Zoning Code. The applicant states that, "the storage barn will enhance the economic viability of Maku'u Aquafarm by allowing bulk feed purchase and storage, {and} also by providing {a} sheltered environment for aquacultural operations."
- 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 storage barn is located well inland of the required shoreline setback.

#### **DETERMINATION**

Based on the preceding assessment, the Planning Director has determined that construction of the proposed storage barn 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) Pursuant to Chapter 25 of the County Code, concerning zoning, the applicant, successors, or assigns shall secure **Final Plan Approval** for the project within one year of the date of this permit.
- 3) Construction of the proposed storage barn shall be completed within two years from the date of this permit.
- 4) The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
- 5) The applicant shall continue to comply with all of the stated conditions of approval of Special Management Area Minor Use Permit No. 91-17, issued on June 4, 1991.

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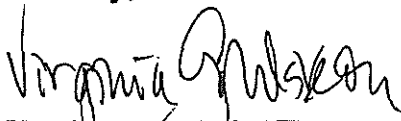
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- 6) A progress report shall be submitted to the Planning Director within **six months** from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional 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.
- 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; 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).
- 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 this permit.

Please feel free to contact staff members Linda Copman or Alice Kawaha at 961-8288 if you have any questions. For information about obtaining **Final Plan Approval**, contact William Yamanoha at the same number.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

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Chief Engineer Date 6/6/94

LC:mjh  
smm9

xc: Ms. Donna Kiyosaki, Chief Engineer  
Planning Commission  
SMA Section (Linda)  
PA Section (William)