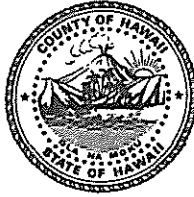


Stephen K. Yamashiro
Mayor



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

July 19, 1995

Mr. Paul Monka
5950 Pickford Street
Los Angeles, CA 90035

Dear Mr. Monka:

Special Management Area Use Permit Assessment
Application (SMAA 95-29)
Special Management Area Minor Permit No. 29 (SMM No. 29)
Applicant: Paul Monka
Request: Construction of Three Farm Dwellings Units and a
Satellite Quarantine Station
Tax Map Key: 3-5-02: 2; Keaalam, North Hilo, Hawaii

We were initially in receipt of the above-described Special Management Area Use Permit Assessment Application on June 20, 1995. Final submittal constituting a complete application were received by this office on July 11, 1995. We have determined that the proposed construction of two farm dwellings is exempt from the definition of "development" established by Planning Commission Rule No. 9, Special Management Area Rule and Regulations. However, the construction of the third farm dwelling and a satellite quarantine station (hereinafter referred to as "proposed development") constitutes "development" as defined under Planning Commission Rule No. 9. The proposed development is not in excess of \$125,000 in valuation and will not have a significant adverse effect on the Special Management Area. Therefore, we are hereby issuing Special Management Area Minor Permit No. 29 to allow the construction of one farm dwelling and the establishment of a satellite quarantine station within a portion of a proposed farm dwelling for the reasons as detailed below:

GENERAL INFORMATION

- 1) **Landownership:** The subject property, consisting of approximately 7.47 acres, is owned by the applicant.

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APPLICANT'S REQUEST

- 2) **Request:** The applicant has submitted an SMA Use Permit Assessment Application to allow the construction of three (3) farm dwellings on the subject property and to allow the establishment of a satellite quarantine station within a portion of one of the proposed farm dwellings. The applicant proposes the development of the subject property in the following phases to occur over a period of roughly 5 years.
- o Phase I - Construction of a two-story farm dwelling (Dwelling 1 as shown on site plan) with a gross floor area of less than 1,000 square feet and under \$50,000. Pursuant to Section 9-4(10)(B)(i) of Rule No. 9 of the Planning Commission relating to the SMA, the construction of a single family dwelling is not considered as "development" and therefore exempt from further review under the SMA. As mentioned, the establishment of a satellite quarantine station constitutes "development" and is subject to the issuance of a SMA Minor Permit. The satellite quarantine station is anticipated to cost \$12,000.
 - o Phase II - Construction of a second farm dwelling (Dwelling 2) at a cost under \$150,000. Pursuant to Section 9-4(10)(B)(i) of Rule No. 9 of the Planning Commission relating to the SMA, the construction of a single family dwelling is not considered as "development" and therefore exempt from further review under the SMA.
 - o Phase III - Construction of a third farm dwelling (Dwelling 3) at a cost of under \$110,000. The construction of the third farm dwelling is considered to be part of a larger development and is therefore subject to review under Rule No. 9 and the issuance of a SMA Minor Permit.
- 3) **Purpose:** According to the applicant, *"The State ordinance for the establishment of Satellite Quarantine Stations was drafted only two years ago in response to residents of all the outer islands who have complained for many years of the hardships involved in quarantining (sic) their (sic) pets in Honolulu for four months."* The applicant wishes to

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establish such a station on the Big Island to service the needs of local residents.

- 4) **Estimated Cost:** The total estimated cost for improvements associated with the proposed third farm dwelling and satellite quarantine station is under \$122,000.

PROJECT DESCRIPTION

- 5) **Proposed Improvements for Quarantine Station:** According to the application, the lower level of a proposed two-story farm dwelling will accommodate a State-approved satellite quarantine station which will accommodate a maximum of six (6) cats. The quarantine station, having a gross floor area of approximately 900 square feet, will be constructed in accordance with the requirements of the State Department of Agriculture. All improvements associated with the construction and operation of the satellite quarantine station will be restricted to the proposed farm dwelling building site.

STATE AND COUNTY PLANS

- 6) **The State Land Use District** classification of the subject property is Agricultural.
- 7) **The General Plan Land Use Pattern Allocation Guide (LUPAG)** Map designates the subject area for Intensive Agricultural uses. Lands located immediately makai of the subject property are designated as Open.
- 8) **Northeast Hawaii Community Development Plan** does not provide any recommendation regarding land use of the subject property or its immediately surrounding area.
- 9) **County Zoning:** The subject property is zoned Agricultural-20 acres (A-20a) by the County.
- 10) **SMA:** The project site is located within the Special Management Area; therefore, this SMA Minor Permit is being issued in satisfaction of the requirements of the SMA.

SITE DESCRIPTION

- 11) **Physical Description:** The subject property, consisting of approximately 7.472 acres, extends from the Hawaii Belt Highway to the top of a pali. The subject property has a frontage along the Hawaii Belt Highway of approximately 760 feet and a frontage along the top of the coastal pali of approximately 700 feet. According to Subdivision No. 5045, approved on December 2, 1983, the shoreline is depicted at a minimum distance of 20 feet from the makai boundary of the subject property to a maximum distance of roughly 130 feet. According to the site plan submitted, all improvements associated with the proposed development will be located at least 100 feet from the property's makai boundary.
- 12) **Existing Uses:** According to the application and an aerial photo of the subject property, the subject property is currently maintained in pasture for cattle grazing. An animal feed shelter and fencing are the only structural improvements located within the property.
- 13) **Archaeological/Floral/Faunal Resources:** Due to the existing use of the subject property for cattle grazing and the alteration of the project site into pasture, significant historical sites or features and the presence of endangered species of plants or animals are not anticipated to be located within the subject property.
- 14) **The Flood Insurance Rate Map (FIRM),** prepared by the Federal Emergency Management Agency (FEMA), designates the entire property as being located within an area outside of the 500-year flood plain (Zone X).
- 15) **Surrounding Uses:** Land uses adjacent to and in the immediate vicinity of the subject property consist of scattered residential and agricultural uses and vacant lands zoned Agricultural-20 acres (A-20a) by the County. Located approximately 280 feet to the northwest (Hamakua direction) of the subject property is Kapehu Camp subdivision, a 32-lot subdivision consisting of parcels less than 10,000 square feet in size and zoned A-20a.

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INFRASTRUCTURE

- 16) Access to the subject property is provided by the Hawaii Belt Highway.
- 17) Water, electricity, wastewater disposal and other utilities or facilities are or will be made available to the subject property.

ASSESSMENT

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject development, the Planning Director finds that the proposed construction of the satellite quarantine station and the construction of the third farm dwelling (Dwelling #3) are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed development will not interfere with recreational uses of the coastal area since all improvements associated with the proposed construction of the third farm dwelling and satellite quarantine station will be located at least 100 feet from the shoreline. Furthermore, the physical shoreline is located a minimum of 20 feet below the subject property at the base of a pali fronting the subject property's makai property boundary.
- b) **Historical and Natural Resources:** Due to the current use of the subject property for pasture, adverse impacts to historical or natural resources are not anticipated. The transformation of the subject property into pasture resulted in the extensive disruption of the land and the destruction of resident historical, floral and faunal resources. A condition will be included to require the notification of the Planning Department should archaeological sites be encountered during the course of development.
- c) **Scenic and Open Space Resources:** The proposed development will not severely interfere with the coastal view plane. The subject property is not located within an area

recognized by the General Plan as an example of natural beauty.

- d) **Coastal Ecosystems:** As previously mentioned, the proposed improvements will be limited to an area within the subject property a minimum of 50 feet from the edge of a pali fronting the makai property boundary. Current construction practices are sufficient to mitigate any construction-generated runoff or erosion which may occur. These two factors are sufficient to ensure that coastal ecosystem and resources are not adversely impacted by the proposed development. As a condition of this approval, the applicant will be required to maintain all improvements associated with the proposed development a minimum of 50 feet from the subject property's northeastern (makai) property boundary. This requirement will ensure that no improvements are made within the 40-foot shoreline setback area.
- e) **Economic Uses:** The development of the proposed third farm dwelling and the establishment of a satellite quarantine station will provide the residents of this County with additional variety of housing choices. The satellite quarantine station will not provide a significant economic benefit to the County as a whole, but it will provide a much needed service to the residents of this island, who must currently commute to Oahu where the only State quarantine operation is located. The establishment of the satellite quarantine station will save the owners of quarantined pets the extreme expense and inconvenience of commuting to Oahu to care and visit their pets, which are normally quarantined for up to four months.
- f) **Coastal Hazards:** The entire property is located outside of the 500-year flood plain and is not affected by coastal flooding hazards. All structures to be located within the subject property must be constructed in accordance with the requirements of Chapter 27, Flood Control Code.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that construction of the third farm dwelling and a satellite quarantine station will not be contrary to the 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:

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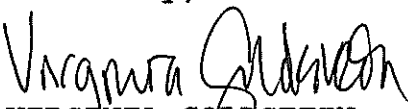
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising 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 approval of this permit.
3. Final Plan Approval for the proposed satellite quarantine station shall be secured from the Planning Department. Plans submitted for plan approval review shall delineate a minimum 50-foot structural setback from the subject property's northeastern (makai) property boundary.
4. A minimum 50-foot structural setback from the subject property's northeastern (makai) property boundary shall be staked and delineated with a continuous flag ribbon by the applicant prior to any construction or land alterations within the subject property. Written confirmation shall be submitted in conjunction with the submittal of plans for plan approval review. No structures or land alteration activities shall occur within this structural setback area unless an SMA Use Permit Assessment Application is filed with and a determination issued from the Planning Director.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

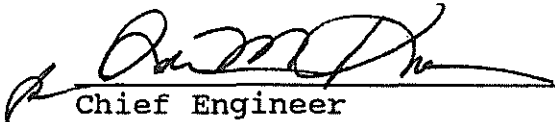
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7. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
- a) the non-performance is the result of conditions that could not have been foreseen or are beyond 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. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director


Chief Engineer

7/21/95
Date

DSA:mjs
File: SMM29
SMM29.dsa

xc: Ms. Donna Kiyosaki, Chief Engineer
SMA Section
SPP 95-11(Monka)