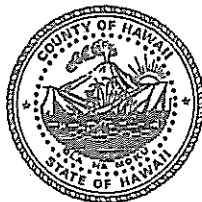


Susan

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

August 2, 2005

Ms. Nani Svendsen  
Mr. Don Svendsen  
P. O. Box 381  
Kapaau HI 96755

Dear Ms. and Mr. Svendsen:

**Subject: Special Management Area Use Permit Assessment Application (SAA 05-000047)**  
**Special Management Area Minor Permit No. 05-000012 (SMM No. 05-000012)**  
**Applicants: Nani and Don Svendsen**  
**Request: Construction of an Agricultural Equipment Storage Building**  
**Tax Map Key: 5-2-1:24, North Kohala, Hawaii**

This is to follow up on our July 5, 2005 letter relating to the above-referenced Special Management Area assessment for the construction of an agricultural equipment storage building on the subject parcel.

The subject property is zoned Agricultural (A-20a) by the County. It is designated Agricultural and Conservation by the State Land Use Commission, with the project site in the Agricultural area. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Important Ag. Lands and Open, with the project site located in the Important Ag. Lands area.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the construction of an agricultural equipment storage building is considered "*Construction, reconstruction, or alteration of the size of any structure*" and defined as "development".

Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area

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Ms. Nani Svendsen  
Mr. Don Svendsen  
Page 2  
August 2, 2005

Minor Permit No. 05-000012 is hereby issued to allow for the construction of an agricultural equipment storage building subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

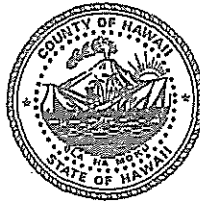
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Enclosures - SMM No. 05-000012  
Department of Public Works July 29, 2005 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik  
Planning Commission  
Planning Department - Kona

Harry Kim  
Mayor



Christopher J. Yuen  
Director

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Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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(808) 961-8288 • Fax (808) 961-8742

### Special Management Area Minor Permit No. 05-000012

**Project:** Construction of an Agricultural Equipment Storage Building  
**Land Owners:** Nani and Don Svendsen  
**Location:** North Kohala, Hawaii  
**TMK:** 5-2-1:24      **Land Area:** 22.569 acres

#### Applicant's Request

**1. Project Description:**

The landowners propose to construct an agricultural equipment storage building.

**2. Purpose of Project:**

The 3,840 square feet structure will provide shelter for agricultural equipment and materials for the orchard.

**3. Project Valuation:** \$70,000

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the proposed construction of the agricultural equipment storage building requires a SMA Minor Permit.

#### State and County Plans

- 1. State Land Use District:** Although the subject property is designated Agricultural and Conservation by the State Land Use Commission, the project site is located in the Agricultural area.
- 2. General Plan:** Although the subject property is designated Important Ag. Lands and Open by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, the project site is located in the Important Ag. Lands area.

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3. **County Zoning:** The subject property is zoned Agricultural (A-20a) by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** According to the current Flood Insurance Rate Map (FIRM), the subject property not within any Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA).

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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The parcel is located more than half a mile from the ocean. Therefore, the proposed improvements will not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.

- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
  - ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
- ☒ Beach Protection
- ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, Environmental Impact Statements.

### Findings

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$70,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works (DPW), Engineering Division has commented on the request that the proposed work is not within any Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM). Enclosed is a copy of DPW's July 29, 2005 Memorandum.

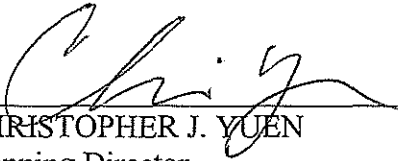
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-000012** is hereby approved to allow the construction of an agricultural equipment storage building, subject to the applicants compliance with the conditions of approval as specified below.

### Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 05-000012, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure a building permit and complete construction of the agricultural equipment storage building within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. The applicant shall comply with all applicable requirements of the State Department of Health and the County Department of Public Works and applicable requirements of other affected agencies.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
5. An extension of time for the performance of the conditions contained herein 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 of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

AUG 04 2005


Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: July 29, 2005

**Memorandum**

TO : Christopher J. Yuen, Planning Director  
Planning Department

FROM : Galen M. Kuba, Division Chief   
Engineering Division

SUBJECT : Special Management Area Assessment Application (SAA 05-000047)  
Applicant: Nani and Don Svendsen  
Location: Niulii, N. Kohala, HI  
TMK: 3 / 5-2-001:024

We reviewed the subject application and our comments are as follows:

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. The proposed work is not within any Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA  
PLNG-KONA