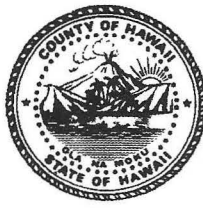


William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

March 7, 2014

Svendsen Family Trust  
Box 172  
Hāwī, HI 96719

Dear Mr. and Ms. Svendsen:

**SUBJECT: Special Management Area Use Permit Assessment Application No. 14-001079  
Special Management Area Minor Permit No. 14-000296**  
**Applicant: Nani and Donald Svendsen**  
**Landowner: Svendsen Family Trust**  
**Request: Food Truck and Fruit Stand on Property**  
**Tax Map Key: (3) 5-2-001:024; Makapala, North Kohala, Hawai'i**

This is to acknowledge receipt on February 06, 2014 of the subject Special Management Area Use Permit Assessment Application (SAA 14-1079) for the establishment of a food truck and fruit stand on the subject property. The application included a site plan showing the location of the existing structures as well as the proposed location of the subject improvements.

The property consists of 22.569 acres, is situated in the State Land Use Agricultural district, zoned Agricultural (A-20a) by the County, and designated Important Agricultural Lands by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA), however, it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41. Previous SMA determinations concerning the subject parcel include SMA Minor Permit No. 05-000012, approved on August 2, 2005, which allowed for the construction of an agricultural storage building, and SMA Assessment Application (SAA 12-000867) that allowed for the construction of a single-family dwelling.

Proposed is the establishment of a food truck and less-than 600 s.f. fruit stand on the southwestern corner of the subject property fronting Akoni Pule Highway. The fruit stand would sell agricultural items grown on the property while the food truck would sell cut fruits, smoothies, teas, and other value-added agricultural products. The total project area, inclusive of a parking area for patrons to exit the highway, is anticipated to be approximately 15,000 s.f. No grubbing of land is required. Gravel will be imported and used to aid in vehicular access to and from the highway. The project area will be landscaped.

Mr. and Ms. Svendsen  
March 7, 2014  
Page 2

**Special Management Area Determination:**

According to Chapter 205A-22, HRS, as amended, relating to Special Management Area, "development" includes the "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the establishment of a food truck and fruit stand, as presented in SAA 14-1079, is considered "development". We find that the project will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA, and given that the stated valuation of \$21,491 is less than \$500,000, the development as proposed in SAA 14-1079 meets requirements for a SMA Minor Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.14-000296 is hereby issued for the establishment of a food truck and fruit stand on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions or require further information, please feel free to contact Lucas Mead of this office at (808) 961-8140.

Sincerely,



DUANE KANUHA  
Planning Director

LM:

P:\wpwin60\Luke\SAA\SAA-14-1079 Svendsen\SMM 14-296L Svendsen.doc

Encl: Special Management Area Minor Permit No. 14-000296  
Memo from Department of Public Works dated February 24, 2014

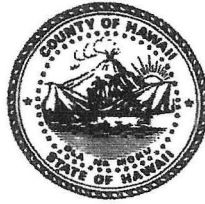
cc: Long Range Planning  
Planning – Administrative Permits  
Planning Kona Office

State of Hawai'i, Department of Transportation  
Ali'i'aimoku Building  
869 Punchbowl Street  
Honolulu, HI 96813

Mr. and Ms. Svendsen  
March 7, 2014  
Page 3

cc ltr only:    Mr. Jesse K. Souki, Director  
                    Office of Planning, DBEDT  
                    P.O. Box 2359  
                    Honolulu, HI 96804-2359

---



West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

**Special Management Area Minor Permit No. 14-000296**

**Project:** Food Truck and Fruit Stand on Property  
**Applicant:** Nani and Donald Svendsen  
**Landowner:** Svendsen Family Trust  
**Location:** Makapala, North Kohala, Hawai'i  
**TMK:** (3) 5-2-001:024 **Land Area:** 22.569 acres

**Applicant's Request**

**1. Project Description:**

The proposed project would establish a food truck and a less-than 600 s.f. fruit stand on the subject parcel along Akoni Pule Highway. The total project area, inclusive of a parking area for patrons to exit the highway, is approximately 15,000 s.f. No grubbing of land is required. Gravel will be imported and used to aid in vehicular access to and from the highway. The project area will be landscaped.

**2. Purpose of Project:**

The project will provide the public with whole fruit and value-added food and drink options on the subject property.

**3. Project Valuation:** \$21,491

**4. Determination:**

According to Chapter 205A-22, Hawai'i revised Statutes (HRS), as amended, relating to Special Management Area, "development" includes the "*placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*change in the density or intensity of use of land, including but not limited to the division or subdivision of land*". Therefore, the establishment of a food truck and fruit stand, as presented in SAA 14-1079, is considered "development", requires review against the Special Management Area rules and regulations, and requires a SMA Minor Permit.

**State and County Plans**

- 1. State Land Use District:** The parcel is located in the State Land Use Agricultural District.
- 2. General Plan:** The parcel is designated as Important Agricultural Lands by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **North Kohala Community Development Plan (NKCDP):** The proposed project is consistent with the goal of Strategy 1.4 of the NKCDP to have the Kohala community produce 50% of the food it consumes.
4. **County Zoning:** The parcel is zoned Agricultural (A-20a) by the County of Hawai‘i.
5. **Special Management Area:** The subject property is located entirely within the SMA, however, it is not located in a “shoreline area” as defined by Hawai‘i Revised Statutes (HRS) Chapter 205A-41.
6. **Flood Zone:** X

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b>
---------------------------------------------------------------------------------------------------------------------------------------

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 Hawai‘i 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 tsunami, 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, regarding Environmental Impact Statements.

<b>Findings</b>
-----------------

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 food truck and fruit stand is an approved use in Agriculturally zoned land per Chapter 25-5-72(a)(21) of the Hawai'i County Code, and is therefore consistent with the Hawai'i County General Plan, North Kohala CDP and Zoning Code.

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

The stated estimated project cost of \$21,491 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated February 24, 2014, states the following:

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

1. *The subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).*

2. *Akoni-Pule Highway, fronting the subject property, is under the jurisdiction of the Hawai'i Department of Transportation (HDOT). Comments and requirements concerning this road should be obtained from the HDOT.*
3. *All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.*
4. *Buildings shall conform to all requirements of code and statutes pertaining to building construction.*

*Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000296** is hereby approved for the establishment of a food truck and fruit stand on the subject property, subject to the applicant's compliance with the conditions of approval as specified below.

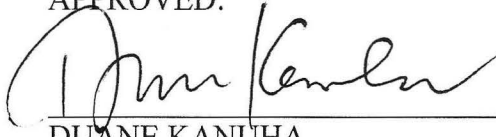
<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. 14-000296**, 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 all necessary approvals and permits from other affected federal, state, and county agencies, including the Department of Health, as necessary to comply with all applicable laws and regulations.
3. According to the site plan submitted with the subject application, a second driveway off of Akoni Pule Highway is intended to provide access to the proposed location of the food truck and fruit stand. Prior to establishment or operation of the food truck or fruit stand, written approval from the State of Hawai'i, Department of Transportation (DOT) will be required for the use of the existing or any additional driveway access in connection with the new proposed use. A copy of the DOT letter approving the Akoni Pule Highway access driveway location shall be submitted to the Planning Department no later than 1 year from the date of this permit.
4. In support of Hawai'i County's Zero Waste goal, and due to the operations' location within the SMA, only biodegradable food-service items shall be distributed with food or beverage products sold at the food truck and fruit stand. No plastic bags, plastic utensils, Styrofoam® (expanded polystyrene), or other non-biodegradable material shall be distributed at the establishments.
5. Should the Planning Director receive substantiated complaints that the operations are having an adverse effect on the SMA, or should any of the conditions not be met or substantially complied with in a timely fashion, procedures to amend or revoke the permit shall be initiated.

If you have questions, please feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:

A handwritten signature in black ink, appearing to read "Duane Kanuha", written over a horizontal line.

DUANE KANUHA  
Planning Director

3/10/14

Date




DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
2014 FEB 24 PM 3:58

DATE: February 24, 2014

## Memorandum

**TO :** Duane Kanuha, Planning Director  
Planning Department

**FROM :** Ben Ishii, Division Chief   
Engineering Division

**SUBJECT :** Special Management Area Use Permit Assessment Application  
(SAA14-1079)  
Request: Allow for food Truck and Fruit Stand on Property  
Applicant: Nani and Donald Svendsen  
Owner: Svendsen Family Trust  
Location: Makapala, North Kohala, Hawaii  
TMK: 3 / 5-2-001:024

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

1. The subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).
2. Akoni-Pule Highway, fronting the subject property, is under the jurisdiction of the Hawaii Department of Transportation (HDOT). Comments and requirements concerning this road should be obtained from the HDOT.
3. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
4. Buildings shall conform to all requirements of code and statutes pertaining to building construction.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE  
copy: ENG-HILO/KONA

Hawaii County is an Equal Opportunity Provider and Employer

