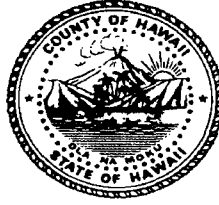


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County of Hawai'i

WINDWARD PLANNING COMMISSION

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

MAR - 6 2018

Mr. Jeffery D. Primack
10811 N.W. 10th Place
Pampano Beach, FL 33071

Dear Mr. Primack:

SUBJECT: Special Permit No. SPP 17-000194
Applicant: Jeffery D. Primack
Permitted Use: Operation of a Qigong/Wellness Retreat
Tax Map Key: 3-1-004:009

The Windward Planning Commission, at its duly held public hearing on March 1, 2018, voted to approve the above-referenced request to allow the operation of a Qigong/wellness retreat, including overnight accommodations for up to twelve guests and the development of a certified kitchen on an approximately 15-acre portion of a larger 98-acre parcel of land situated within the State Land Use Agricultural District. The project site is situated at 31-1049 Kulike Place, approximately 2,200 feet south of its intersection with Kama'e'e Road, Kama'e'e Homesteads, North Hilo, Hawai'i.

Approval of this permit is 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 operation of the Qigong/ wellness retreat and related improvements shall be conducted in a manner that is substantially representative of plans and details contained within the Special Permit Application dated July 18, 2017, any supplemental material, and the representations made before the Windward Planning Commission. Any substantial expansion of the facility or uses beyond what is represented in this document shall require an amendment to this permit.
3. Prior to commencement of the proposed use, the applicant shall secure a metes and bounds survey of the permit area in map and written form, including the area of the access road on the subject property. The permit area is not to exceed fifteen

MAR - 6 2018

(15) acres. The applicant shall submit a copy of the metes and bounds survey to the Planning Department for review and approval prior to operation. At no time shall the activities permitted under this Special Permit take place outside of the permit area.

4. Prior to commencement of the proposed use, the applicant shall secure and finalize building permits for all structures related to the wellness retreat use from the Department of Public Works Building Division. Plans for structures that house overnight accommodations shall be labeled for R-1 Occupancy classification.
5. Operation of the Qigong/ wellness retreat shall commence within five (5) years from the effective date of this permit. Prior to commencement, the applicant shall secure Final Plan Approval from the Planning Director in accordance with the requirements of the Zoning Code. Plans shall identify all existing and proposed structures, landscaping, signage, fire protection measures, driveway access and parking stalls, outdoor lighting (if any), and other improvements associated with the proposed retreat use.
6. The applicant shall install, construct and maintain improvements for Fire Department Access Road (FDAR) access to the subject property and fire suppression improvements on the subject property as required by the Fire Department. Upon successful completion of the improvements and prior to the commencement of the proposed use, the applicant shall provide the Planning Department documentation from the Fire Department that the improvements meet Fire Code standards.
7. As represented by the applicant, retreat events shall be limited to six (6) per year with no more than twelve (12) guests per event.
8. As represented by the applicant, all retreat events shall occur between 6:00 a.m. and 10:00 p.m.
9. As represented by the applicant, transportation to and from the subject property for retreat guests shall be limited to the use of a passenger van. Individual vehicle use by retreat guests to and from the subject property shall be prohibited.
10. Prior to the commencement of the proposed use, individual wastewater system(s) shall be installed, meeting with the standards and requirements of the State Department of Health.

11. The noise level during any retreat event shall comply with the State Department of Health noise standards for residential properties and shall not exceed 55 decibels during the day and 45 decibels during the night at any property boundary.
12. The applicant shall provide bottled water and/or potable water from a system approved by the state Department of Health to the guests of the retreat operation.
13. The applicant shall secure a food establishment permit and construct a certified kitchen meeting the requirements of the State Department of Health, prior to commencement of meal service to guests. A copy of the permit shall be provided to the Planning Department prior to food service to guests.
14. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
15. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
16. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651.
17. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
18. The applicant shall submit a final status report to the Planning Department once all conditions of approval have been met. The report shall include, but not be limited to, information proving compliance with the conditions of approval.
19. An initial extension of time for the performance of conditions may be granted by the Planning Director upon the following circumstances:
 - A. 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 General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. 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).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LPrimackSPP17-194wpc

Enclosure: PC Findings Report

cc: All Aina Services
Department of Public Works
Department of Water Supply
County Fire Department
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
State Land Use Commission
State Department of Health
GIS Section

COUNTY OF HAWAI‘I
PLANNING COMMISSION FINDINGS

JEFFERY D. PRIMACK

SPECIAL PERMIT APPLICATION NO. 17-000194 (SPP 17-000194)

Based on the following findings, Special Permit No. 17-000194 is hereby issued to legitimize the operation of a Qigong/wellness retreat, including overnight accommodations for up to twelve guests and the development of a certified kitchen on an approximately 15-acre portion of a larger 98-acre parcel of land situated within the State Land Use Agricultural District. The subject property is located at 31-1049 Kulike Place, approximately 2,200 feet south of its intersection with Kama‘e‘e Road, Kama‘e‘e Homesteads, North Hilo, Hawai‘i, TMK: (3) 3-1-004:009.

The applicant is requesting a Special Permit to legitimize the operation of a Qigong/wellness retreat facility including overnight accommodations for up to 12 guests on a 15-acre portion of the subject, 98-acre property. The applicant is proposing to offer up to six (6) retreats/workshops each year, by reservation only. Each retreat will last for approximately seven (7) to ten (10) days and be taught by Mr. Primack and two (2) to three (3) assistants. The length of the retreats would be determined by the level of skills of the participants. First time Qigong Retreat participants would likely be three (3) to four (4) days, while return guests would have longer stays for more intense instruction. Retreats will consist of Qigong healing practice, meals and food-based healing, river hiking, artwork, and fellowship. According to the applicant, the property is improved with a permitted 1,041 square foot, two (2)-story, one (1)-bedroom ‘yurt’ structure, single-family dwelling with storage on the first floor. Staff review of the approved building plans shows a second bathroom, family room and solar hot water heater on the first floor. A full-time caretaker lives in this dwelling year-round and will share that structure with the applicant and his assistants during retreats. Adjacent to the dwelling is a detached garage which is an “accessory building” to the home. It is not yet completed with an open building permit. There is an “as built” photovoltaic solar system located on this structure that will supply electricity for not only the dwelling, but also the rest of the proposed development. There are four (4), 16-foot x 12-foot, Agricultural Storage structures that were built on skids, as temporary structures. The applicant proposes to relocate the structures to a permanent location and convert them into detached bedrooms to be divided into two (2) rooms, furnished with a double bed and end table (no plumbing) for a total of eight (8) bedrooms. The application represents that the applicant is proposing four (4) additional bungalow type structures, but based on subsequent staff conversation, they are only proposing the conversion of the four (4) existing agricultural storage structures for bedroom facilities. According to the applicant, typically retreat participants will be staying in the detached structures as couples and a few singles. In addition, the applicant is proposing to convert several unpermitted open sheds that currently house toilets for guest use that are connected to the existing approved septic system as well as building additional bathing and bathroom facilities for guests. The applicant is proposing the use of a removable 1,200 square-foot (40-foot X 30-foot) open tent structure for cover during retreat activities. The tent will be erected for the duration of the retreat the removed and stored until the next retreat. The Kama‘e‘e and Wa‘awa‘a streams cross the property and the applicant is proposing river hikes as part of retreat operation. The river hikes will be concentrated within the 15-acre permit area. The applicant is also proposing the construction of a detached, 960-square foot certified kitchen that

will include a bathroom, lanai, and food grade, sealed water tank (County water will be delivered by truck) to provide “High Phytochemical” meals, snacks, and smoothies to guests. The applicant is proposing to install an additional 10,000-gallon (minimum) catchment with a “monument” for firefighting purposes and additional septic system(s) as required by State Department of Health. Finally, there is currently a small garden on the property and the applicant plans to expand their gardening operation to provide fresh produce for guests through the certified kitchen. Additionally, the applicant has been working to secure funding to implement conservation practices, forestry management practices, renewable energy, and farm worker housing.

The applicant has been a student of Qigong since 1996 and has been teaching Qigong, breathing, and food-based healing techniques workshops and seminars in Florida and around the world. The applicant, who primarily lives in Florida, purchased the subject property in 2008 as a personal retreat for time off from a busy schedule and much needed relaxation. Soon after his house was built, he extended invitations to his close “inner circle” of friends, associates, and a few of the regular attendees and practitioners of Qigong from events around the mainland. In January of 2017, the applicant was cited with a Zoning Code Violation for offering unpermitted retreat functions on the subject property. The applicant chose to request this Special Permit to allow for special events to be provided on the subject property as a corrective action of the Zoning Code Violation. Finally, the applicant feels the properties’ remote and peaceful location make this the ideal location for a wellness/retreat center focused on the healing practice of Qigong and Food Healing.

According to the applicant, there is a full-time caretaker living on the property year-round. During retreats, the applicant expects a maximum of three (3) assistants to help the applicant teach and accommodate guests. The applicant is proposing the operation of the retreat, to include meals, classes, workshops, activities and fellowship between 6:00 a.m. and 10:00 p.m.

The grounds for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District that would not be contrary to the effectiveness and objectives of Chapter 205, Hawai‘i Revised Statutes, as amended.

In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The subject property is 98 acres in size and is situated within the County’s Agricultural (A-20a) zoning district. The Special Permit area is a smaller, 15-acre portion of the property which includes the driveway, existing and proposed structures, parking and hiking areas related to the proposed retreat use. There is currently a small garden on the property and the applicant plans to expand their gardening/agricultural operation to provide fresh produce for guests and residents of the property. Additionally, the applicant has been working to secure

funding to implement conservation practices, forestry management practices, renewable energy, and farm worker housing. The request is unusual in that the proposed uses are not strictly agricultural in nature. The 15-acre permit area for the retreat use has been largely cleared and improved, however, the remaining 83 acres can be used for agriculture or forest preservation. Thus, the proposed use will not diminish the potential for any agricultural activity on the property. Therefore, it is reasonable that this use be allowed in the Agricultural district. In addition to the above listed criteria, the Planning Commission shall also consider the following criteria listed under Section 6-3(b)(5) (A) through (G) of its rules of practice and procedure:

(A) Such uses shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai‘i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The soils in the permit area are classified by the Land Study Bureau’s rating system as class “D” or “Poor” soils for agricultural productivity and designated “Other” on the ALISH map, which are important agricultural land that is land other than Prime or Unique Agricultural Land that is of state-wide or local importance for the production of food, feed, fiber and forage crops. The lands in this classification are important to agriculture in Hawai‘i yet they exhibit properties, such as seasonal wetness, erodibility, limited rooting zone, slope, flooding, or droughtiness, that exclude them from the Prime or Unique agricultural land classifications. The proposed request involves 15 acres within a larger 98-acre parcel for the Qigong/wellness retreat operation and related improvements. As the proposed uses will be conducted in an area that has already largely been improved and established for non-cultivable activities (the existing single-family dwelling and its immediate surrounding grounds), it will not displace any existing agricultural activity or diminish the agricultural potential of the remainder property. According to Hawai‘i Revised Statutes Chapter 205-6, Special Permits over 15 acres in size shall be subject to the approval of the State Land Use Commission (LUC). The applicant provided a metes and bounds survey of the permit area totaling 15 acres, which would subject the Special Permit to County Planning Commission review and approval. However, the applicant failed to include the area of access roadway on the subject parcel in the surveyed permit area. To keep the permit area 15 acres or below, a requirement to conduct a new metes and bounds survey to include the roadway area and exclude an equivalent portion of land to determine the new permit area will be added as a condition of this permit. Additionally, a condition will be added to ensure that the applicant does not use more than the 15-acre permit area for Qigong/wellness retreat uses.

Based on the preceding, the use will not adversely affect the preservation and agricultural use of the County’s agricultural lands of high agricultural potential, and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties.

The subject parcel is zoned Agricultural 20-acres (A-20a) and are within the State Land Use Agriculture District. Surrounding properties are similarly zoned A-20a and are of a similar size, except for the Hilo Forest Reserve parcel directly adjacent to the west, which is designated Forest Reserve (FR). Most of the surrounding lots are vacant and forested or have limited agriculture use such as cattle grazing. The nearest dwelling is approximately 0.6 miles north east of the subject parcel on Kulike Place. The majority of the parcel is heavily forested except for a small portion of the property that has been previously cleared to accommodate the construction

of existing structures. Given its distance from the closest properties and the dense forest vegetation surrounding the permit area, it is unlikely that the project will have significant noise or visual impacts on surrounding properties.

It is unlikely that there will be significant traffic impact to surrounding properties as retreats will be limited to six (6) per year and traffic impacts will be reduced because all retreat participants will be transported to the property to and from the property by passenger van.

Most of the structures associated with the requested Qigong/wellness retreat uses already exist (i.e. existing dwelling), the proposed detached bedrooms, bathroom facilities, temporary tent structure, etc. will be proximate to the existing dwelling use. Retreat events will take place within the temporary tent structure, detached bedrooms and related improvements within the 15-acre permit area. Conditions limiting the number of guests will be added to mitigate adverse impact on surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the subject parcel is via an easement over adjacent properties from Kulike Place a private road with a 13-foot wide graveled surface within a 50-foot right-of-way, approximately 0.78 miles from its intersection with Kama'e'e Homestead Road, which has three sections. In the lower section, closer to Old Māmalahoa Highway, it is a private road with a 10-foot wide pavement. The road then passes through two State owned properties, and then closer to its intersection with Kulike Place, it is a road-in-limbo with 10 foot pavement within a 50-foot right-of-way. According to the applicant, the driveway into the property is 25 feet wide, fortified with concrete at steeper locations to allow for better traction; the property is easily accessed by 2-wheel drive vehicles, however, based on a site inspection, Planning staff determined that the width of the roadway varied from 9 to 13 feet wide within a 20-foot access easement. Additionally, there is a 14-foot wide, concrete bridge with no guardrails/railings, that spans the Kama'e'e stream. The applicant plans to provide transportation to retreat guests from the Hilo and Kona Airports via passenger van and all parking will be made available on-site, therefore, they do not expect a significant increase in traffic to the property. This will be added as a condition of approval. Although the applicant proposes to provide van transportation for retreat guests, the existing road width would make it difficult for cars to pass in opposite directions. To mitigate this impact, the applicant will be required to widen the road, bring the bridge up to County of Hawai'i specifications, and install and maintain an all-weather roadway surface as a condition of this permit. The current access road does not meet Fire Code for Fire Department Access Road (FDAR) width, surface and bridge requirements. Fire Code requires, "...an unobstructed width of not less than 20 feet with an approved turn around area if the FDAR exceed 150 feet." The Fire Code requires that, "FDAR and bridges shall be designed and maintained to support the imposed loads (25 tons) of the fire apparatus. Such FDAR shall be comprised of an all-weather driving surface." The current bridge over the Kama'e'e stream likely does not meet the County's engineering/design standards and the current road surface is sparsely packed gravel, dirt, and organic matter. Through discussion with the Fire Department, it was determined that all-weather driving surface doesn't necessarily mean paved, but a surface that won't wash out during heavy rain events. In addition, the applicant may need to provide a sprinkler system, additional water storage, and a pump system to the proposed wellness retreat facility as required by the Fire Department and DPW Building Division, which considers this an R1 Occupancy Type, consistent with transient accommodations. According to Fire Code,

engineered plans for FDAR and bridge shall be submitted to the Fire Department for review prior to construction. Additionally, engineered plans for the sprinkler system and related fire suppression improvements shall be submitted for review and approval prior to construction and operation of the proposed use. Lastly, prior to operation of the retreat, the applicant will be required to construct and maintain access road (including the bridge) to the permit area consistent with Fire Department standards. Conditions reflecting these requirements will be added to this approval.

All parking will be made available on-site and will be determined at the Plan Approval stage, which will be required as a condition of this permit.

According to the Department of Water Supply (DWS), the parcel is not within the service limits of the Department's existing water system. There is an existing 10,000-gallon, galvanized rainwater catchment tank on the property. In addition, the applicant proposes the installation of a sealed and food grade, DOH approved water tank (with County water to be delivered by truck) for retreat guest water use (showers, hand washing, etc.) and bottled water for drinking. Finally, the applicant is proposing to install an additional 10,000-gallon catchment tank fire suppression purposes. Conditions reflecting these requirements will be added to this approval.

The subject property is not currently serviced by the County sewer system. According to the applicant, the existing dwelling is currently served by a septic system permitted with the State Department of Health (DOH). The applicant is also proposing to permit existing and build additional bathing/bathroom facilities. According to DOH, the wastewater system is inadequate for the proposed project and the applicant's engineer should submit designs for an additional septic system(s). A condition of approval will require that the applicant provide individual wastewater system(s) meeting with DOH approval to accommodate the proposed uses.

Finally, with the exception of the single-family dwelling, all of the structures related to the retreat facility are currently unpermitted. Per a staff conversation with DPW Building Division, the Occupancy classification for this retreat facility is R-1 (Residential occupancies containing sleeping units where the occupants are primarily transient in nature) therefore all structures accommodating overnight guests will need to be permitted to that occupancy classification. A condition of approval will require the applicant to secure and finalize all building permits related to the proposed use prior to operation.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, a community may establish various non-agricultural uses/services that may not be available or allowed by zoning for its residents. Since the district boundaries were established, demand has increased for alternative health and wellness tourism for guests who seek a more peaceful, remote environment as an alternative to resort venues. The proposed uses would meet this demand by providing visitors an opportunity to participate in wellness retreats, classes and workshops in a remote, peaceful environment.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils within the permit area site are classified as “D” or “Poor” for agricultural productivity, and are classified as “Other” under the ALISH map. These soils are most suitable for pasture use, and are unsuited for large-scale, commercial agricultural uses permitted within the State Land Use Agricultural District.

That said, there is currently a small garden on the property and the applicant plans to expand their gardening/agricultural operation to provide fresh produce and foods for guests prepared in the certified kitchen. Additionally, the applicant has been working to secure funding to implement conservation practices, forestry management practices, renewable energy, and farm worker housing. Finally, the proposed uses will be conducted within the existing dwelling and proposed detached bedrooms and related improvements within the permit area, which is a portion of the parcel that has already been largely improved and established for non-cultivable activities. Based on the discussion above, the proposed uses will not diminish agricultural opportunities on the subject property and thus will not adversely impact the agricultural potential of the land.

(F) The use will not substantially alter or change the essential character of the land and the present use. The essential character of the property and surrounding area is vacant, forested land, limited agricultural with some residential uses. The applicant plans to utilize only 15 acres of a larger 98-acre parcel for the proposed uses. Most of the needed improvements associated with the requested uses already exist (existing dwelling), the proposed detached bedrooms, temporary tent structure and related improvements on immediately surrounding grounds. Therefore, it is not anticipated that the proposed use will substantially alter the essential character of the area.

(G) The request will not be contrary to the General Plan and Community Development Plan (CDP). The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The project site is identified by the LUPAG map as Important Agricultural Lands, which are those lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. As previously mentioned, the proposed retreat use will not displace any active or potential agricultural activity on the property. The proposed use is consistent with the following goals and policies of the Land Use and Economic elements of General Plan.

Land Use Element

- Designate and allocate land areas in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawai'i.

- Provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- Strive for an economic climate which provides its residents an opportunity for choice of occupation.
- Encourage the development of a visitor industry that is consistent with the social, physical and economic goals of the residents of the County.

The proposed request will allow the applicant an opportunity to improve their quality of life, provide an economic environment that allows this new, economic opportunity and increase the development of the wellness visitor industry for Hawai'i.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The property is located more than 2.6 miles away from the nearest shoreline and will not be impacted by coastal hazards or affect beach erosion, coastal ecosystems and marine resources. Additionally, it is not located in the Special Management Area. There is no record of a designated public access to the shoreline or mountain areas that traverses the property. The applicant is unaware whether the subject permit area or immediate surrounding area was ever used for the gathering of plants by native Hawaiians. However, the site has been historically forested and has had a single-family home on it since 2012. According to the applicant, no formal archaeological studies have been done on the subject property or permit area. The permit area has been previously cleared and used for a single-family dwelling as associated structures. The State Historic Preservation Division (SHPD) determined the proposed project will have no effect on historic or archaeological resources and issued a "No Effect" letter on October 11, 2017. The applicant is unaware whether the subject permit area or immediate surrounding area was ever used for the gathering of plants by native Hawaiians.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.