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LAND USE COMMISSION  
STATE OF HAWAII  
OUR REFERENCE NO.:  
069351-00001

February 22, 2019

## VIA HAND DELIVERY

Daniel E. Orodener, Executive Officer  
State of Hawai'i, Land Use Commission  
235 S. Beretania Street, Suite 406  
Honolulu, Hawai'i 96813

Re: Early Consultation Request for Preparation of a Draft Environmental Assessment for Reclassification of Approximately 0.51 Acres of Land Located at TMK No. (3) 1-5-059:059, County and State of Hawai'i

Dear Executive Officer Orodener:

Our clients, Kevin M. and Monica S. Barry, as Trustees of the Barry Family Trust dated November 15, 2006, propose to construct a single-story dwelling and related agricultural uses (Barry Family Project) on a vacant and undeveloped parcel of land approximately 0.51 acres/22,215.6 sq. ft. in size, within the Hawaiian Paradise Park subdivision in the District of Puna, County, Island and State of Hawai'i, currently identified as Tax Map Key No. (3) 1-5-059:059 (Barry Property). The Barry Property is bounded by Paradise Ala Kai Drive to the west, the Pacific Ocean to the east, an existing dwelling to the north, and a vacant, undeveloped lot to the south.

The Barry Property is presently located within the State Land Use (SLU) Conservation District and is zoned Agricultural A-1a by the County of Hawai'i. The Barry family has petitioned the State of Hawai'i Land Use Commission (Commission) to reclassify the Property from the SLU Conservation District to the SLU Agricultural District to allow for the development of the Barry Family Project. Accordingly, the Barry family will submit a Draft Environmental Assessment (Draft EA) in accordance with Chapter 343, Hawai'i Revised Statutes, to the Commission.

In preparation of the Draft EA, we are requesting early review and comment on the Barry Family Project in accordance with the requirements of Hawai'i Administrative Rules, Title 11, Chapter 200. For your information, we have enclosed a project description and location map for

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the Barry Family Project. Please address written comments to our office at the following address:

Carlsmith Ball LLP  
Attention: Derek B. Simon  
1001 Bishop Street, Suite 2100  
Honolulu, Hawai'i 96813

If you have any questions regarding this request for early comments, please feel free to contact me at [dsimon@carlsmith.com](mailto:dsimon@carlsmith.com) or 808-523-2589.

Sincerely,



Derek B. Simon

Enclosures:

4820-7997-4248.2

## Project Description

Kevin M. and Monica S. Barry, as Trustees of the Barry Family Trust dated November 15, 2006, propose to construct a single-story dwelling and related agricultural uses (Barry Family Project) on a vacant and undeveloped parcel of land approximately 0.51 acres/22,215.6 sq. ft. in size, within the Hawaiian Paradise Park subdivision in the District of Puna, County, Island and State of Hawai'i, currently identified as Tax Map Key No. (3) 1-5-059:059 (Barry Property). The Barry Property is presently within the State Land Use (SLU) Conservation District and zoned Agricultural A-1a by the County of Hawai'i.

Preliminary plans for the Barry Family Project include the construction of a modest three (3) bedroom, two (2) bath, 1,800 sq. ft. single-story dwelling that the Barrys will use as their primary personal residence. The Barry Family Project will include an agricultural use that complies with Chapter 205, Hawaii Revised Statutes, and Chapter 25 of the Hawaii County Code. The Barry Family Project will also include a two-car garage, a lanai on the makai side of the home facing the Pacific Ocean, a courtyard on the mauka side of the home fronting Paradise Ala Kai Drive, a small swimming pool, infrastructure (*i.e.*, private water well, including an underground water storage tank, or private catchment system, underground individual wastewater system (IWS), photovoltaic solar system), and appropriate landscaping. Access to and from the nearest government road and the Barry Property is provided via Paradise Ala Kai Drive.

The proposed dwelling will be sited towards the ocean, but well behind the shoreline area of the Barry Property, and any development on the Barry Property will be set back outside the lava shelf and shoreline shrub zones, thus avoiding these resources. The style of the dwelling will be contemporary Hawaiian consistent with the overall style of existing dwellings in Hawaiian Paradise Park. The landscaping plan for the Barry Family Project will also provide for landscaping consistent with the existing Hawaiian Paradise Park neighborhood, and will leave areas of exposed lava (if permitted by the Barry Property's topography) and include appropriate salt-tolerant ground cover and tropical plants. Some non-native plant species may be removed and replaced with appropriate native species. A narrow walking path for the residents of the proposed dwelling to the shoreline may also be established, taking care to minimize harm to native species.

The intent is that the Barry Family Project will receive its potable water from a private well drilled on site with treatment through a reverse-osmosis or similar purification system, with a backup catchment system to be utilized if necessary. The wastewater generated by the Barry Family Project will be processed through a modern IWS (septic) system designed by a licensed engineer and approved by the State of Hawai'i Department of Health. Electrical service is available in the area from Hawai'i Electric Light Company, Inc., but will be used only as backup, as the Barrys intend to install a photovoltaic solar system that will allow the Barry Family Project to be powered completely, or at least partially, "off-grid."

The Barrys commissioned a flora and fauna survey, an archaeological survey, a cultural impact assessment, and a volcanic and coastal hazard assessment for the Barry Family Project. The results of these studies reveal that there are no threatened or endangered plant or animal species

present on the Barry Property, no archaeological features are present on the Barry Property, and no cultural practices will be affected by the Barry Family Project, and that geologic conditions do not impose undue constraints on the proposed development of the Barry Family Project.

The Barrys have filed a Petition with the State of Hawai'i Land Use Commission (Commission) for the reclassification of the Barry Property from the SLU Conservation District to the SLU Agricultural District. The proposed SLU reclassification is consistent with the surrounding land uses, as virtually all other oceanfront lots within Hawaiian Paradise Park were reclassified under a single petition filed with the Commission in 1976 (Commission Docket No. A76-419), and many of those lots have since been developed with dwellings. Initially, the Barry Property was included in the petition for Docket No. A76-419; however, it was eventually removed from the final Decision and Order after attempts to contact and obtain the participation of the then-owner of the Barry Property were unsuccessful. Prior to the 1976 Decision and Order, the Barry Property (and all other shoreline properties in Hawaiian Paradise Park) was originally within the SLU Agricultural District until being reclassified into the SLU Conservation District as a part of the Commission's five-year boundary review conducted in 1969.

Project Site Map

