

DAVID Y. IGE  
Governor



DANIEL E. ORODENKER  
Executive Officer

MIKE McCARTNEY  
Director

**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

April 30, 2019

Scott Glenn, Director  
Office of Environmental Quality Control  
Department of Health, State of Hawai'i  
235 S. Beretania Street, Room 702  
Honolulu, Hawai'i 96813

Dear Director:

With this letter, the State Land Use Commission ("LUC") hereby transmits the draft environmental assessment (DEA) and anticipated finding of no significant impact (DEA-AFONSI) for the State Land Use District Boundary Amendment situated at TMK No. (3) 2-9-003: 029 (por.) and 060 (por.), in the Wailea district on the island of Hawai'i, for publication in the next available edition of the Environmental Notice.

Enclosed is a completed OEQC Publication Form, one hard copy of the DEA-AFONSI, two copies of an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

Should you have any questions, please contact Scott A.K. Derrickson, AICP, of my staff at 587-3921.

Sincerely,

Daniel E. Orodener  
Executive Officer

cc: Applicant – Kenneth Church and Joan Hildal  
Leo Asuncion, State Office of Planning  
Michael Yee, County of Hawai'i Planning Department

**SECTION 3435(c), HRS, APPLICANT ACTION  
SECTION 11-200-3(d), HAR, INFORMATION FORM FOR PUBLICATION IN THE  
ENVIRONMENTAL NOTICE OF THE OEQC**

DATE: April 29, 2019

TITLE OF ACTION: Reclassify Land from State Conservation District to State Agricultural District

TYPE OF DOCUMENT: DEA with AFONSI

NOTICE OF APPROVING AGENCY DETERMINATION ATTACHED: AFONSI

APPLICANT(s): Kenneth Stanley Church and Joan Evelyn Hildal (husband and wife, joint property owners)  
P.O. Box 100014  
Hakalau, Hawaii 96710

email: dockline3@yahoo.ca

CONTACT FOR APPLICANT: Kenneth Church

CONSULTANT FOR APPLICANT : none

APPROVING AGENCY: State Land Use Commission

CONTACT FOR APPROVING AGENCY: Scott A.K. Derrickson, AICP, Staff Planner, State of Hawai'i, Land Use Commission, 235 S Beretania St # 406, Honolulu, HI 96813

ph: (808) 587-3921

email: scott.a.derrickson@hawaii.gov

ISLANDS AFFECTED BY THE ACTION: Hawai'i

TAX MAP KEY NUMBERS: two lots..... (3) 2-9-003: 029, 060

STREET ADDRESS: 29-3792 Hawaii Belt Road, Hiwai'i

NEAREST GEOGRAPHICAL LANDMARKS: the two TMK lots are located approximately 14.5 miles north of Hilo, on the makai side of the Coastal Highway, a short distance north of the Kolekole gulch and bridge and lie along the coastal pali which pali is owned by the State of Hawai'i. The lots are located in a privately owned seven lot, security gated subdivision.

STATUTORY/ADMINISTRATIVE AUTHORITIES: Reclassification of conservation district lands – HRS Sections 343-5(a)(7), 205-3.1(a); and HAR Sections 11-200-6(b)(1)(F), and 15-15-50(b)

BRIEF NARRATIVE SUMMARY OF PROPOSED ACTION:

**No new use is proposed.** The Property has been in agricultural use beginning around 1850. The Property is zoned agricultural (A 20a) by the County. Agricultural use of the Property is allowed according to HAR §13-5-7. The current allowed use of the Property includes the cultivation of its soils. The owners have offered to provide a buffer zone to be maintained in grasses and woody plants along the Property's makai side if the Petition is allowed.

The Property is near coastal, there exists a State-owned property which separates the Property from the ocean. The Property is currently in agricultural use including legally permitted accessory uses such as a residence (which is under construction and an agricultural use storage and processing structure which exists).

The reclassification will harmonize the Property's use and zoning. The reclassification will eliminate confusion at State and County administrative levels, the general public etc. Current agricultural uses include woody orchard species, field crops, a potted plant nursery, in-ground plant nursery plants, plant propagation, and misc. other plant species of agricultural character and use.

The above identified current land uses are fully-permitted and/or allowed by the Department of Land and Natural Resources and the County. There exists a 2005 FONSI issued by the LUC which described an intended residence and agricultural use of the Property. The residence which is under construction was also issued a FONSI by the DLNR. That EA and FONSI described in some 40 places the existing agricultural uses of the Property.

FORM PREPARER: Kenneth Church

CONTACT INFORMATION: same as above