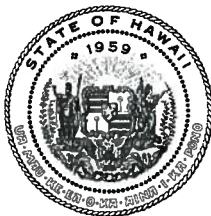


DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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KAHO'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref: OCCL:LY

CDUA: HA-3764

FEB - 8 2016

Mr. Ken Church

Sent Via E-mail: dockline3@yahoo.ca

SUBJECT: Conservation District Use Application HA-3764 for a Single Family Residence located at 29-3800 Mamalahoa Highway, Wailea, South Hilo, Hawai'i
Tax Map Key (TMK): (3) 2-9-003:013, 029, 060

Dear Mr. Church,

The Department of Land and Natural Resources (DLNR) and the Office of Conservation and Coastal Lands (OCCL) is in receipt of your CDUA for a proposed Single Family Residence (SFR) to be located at 29-3800 Mamalahoa Highway in Wailea, South Hilo, Hawai'i and is further identified as Tax Map Key (TMK) (3) 2-9-003:060. The project area is located in the Resource Subzone of the State Land Use Conservation District.

Included as a part of your application was a request to exempt the proposed SFR from the preparation of an Environmental Assessment (EA) based on the fact that there is an existing EA/Finding of No Significant Impact (FONSI) that was prepared in 2008 as a part of the previous landowner's (the McCullys) CDUA for a SFR to be constructed on Lot 29. After review of the facts that you have presented, as well as review of the 2008 McCully EA/FONSI, the Department has determined that your proposed project is substantially different, in both design and location, than that of the SFR that was presented in the McCully EA/FONSI and, therefore, a separate EA for your proposed project will need to be prepared prior to the processing of your CDUA.

While we understand that you feel that your project is similar in size and scope to the SFR that was being proposed by the McCullys and appears to require less ground disturbance, the McCully SFR was proposed on a different site as clearly shown on Exhibit 12 of your CDUA. The McCully SFR is located on Parcel 29, while your current proposal places your SFR mostly within Parcel 60 (in reference to the "old" property lines. As your current proposal is for an SFR on a different site/parcel and is of a different design than that of the McCullys, the Department has determined that preparation of an EA is necessary. Therefore, at this time, your application is incomplete and the OCCL is unable to accept the application for processing.

In addition, OCCL offers the following comments regarding your application:

- You have identified your proposed use as a “farm dwelling.” However, based on the description that you have provided, it appears that you are proposing to construct an SFR. Our rules identify an SFR as an identified use. Our rules do not identify a “farm dwelling” as an identified land use. Therefore, we suggest that you identify your proposed use as an SFR in your application.
- We understand that you are proposing to construct a SFR with two bedrooms and two and a half baths, pool, carport, bali with hot tub and outdoor cooking structure. Additional improvements include repair of an existing access road, installation of a septic system for the SFR, installation of solar panels on the roof of the proposed SFR, and landscaping around the SFR. Please provide a description of your proposed “bali” as we are unfamiliar with this term. Please also provide a description and/or rendering of your outdoor cooking structure as it is unclear what this structure looks like (i.e. is it an open or covered area?) and show its location on the site plan.
- Please double check and clearly label your floor plan (Exhibit 14). It is unclear what the difference is between the dashed lines and the solid lines. You may wish to include a legend so that it is easy for the general public to understand. It is also unclear if the area labeled “swi” is the proposed swimming pool. If it is not the pool then you will need to clearly show it on the site plan (Exhibit 13). Also, in your project description, you stated that there are two and a half baths. Based on the floor plan, there appears to be only 2 baths. The floor plan also notes that the pond equipment, battery bank/generator backup is below seating lanai. Please clarify this statement as we are not sure if that means that the equipment will be below ground.
- On page 15, you state that “*The setbacks for Single-family Residential Standards for lots over one acre, as contained in Chapter 13-5, Hawai‘i Administrative Rules are 25 feet from the front, and 15 ft. on the sides and rear of the property line.*” Please correct this statement as HAR Chapter 13-5, Exhibit 4 *Single Family Residential Standards*, states that the minimum setbacks for lots over one acre are 25 feet from the front, 25 feet from the sides, and 25 feet from the back.
- On page 16, you state that “*All outdoor lighting will be located such as not to be seen from the ocean (east).*” OCCL has concerns regarding the design of your outdoor lighting as they may attract endangered Hawaiian Petrels and Newell’s Shearwaters which may become disoriented by the lighting, resulting in birds being down. According to the updated biological survey, the biologist recommends that all permanent lighting should be shielded in strict conformance with the Hawai‘i County Outdoor Lighting Ordinance (Hawai‘i County Code Chapter 14, Article 9), which requires shielding of exterior lights so as to lower the ambient glare caused by unshielded lights.
- You have proposed landscaping in an area under 2,000 square feet. A landscaping plan is required to be submitted along with your application. In addition, all plantings shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai‘i. The introduction of invasive plant species is prohibited.
- Please update your Flora and Fauna section to reflect the findings of the updated biological survey. You state that “*the proposed project will have very little impact on the project*”

area," however, this is contrary to the updated survey which indicates there may be potential impacts to endangered species and recommends mitigation measures that should be taken into consideration.

Should you wish to retain your copies of your CDUA, you may pick up the documents at our Office located at 1151 Punchbowl St., Room 131 or please make arrangements to have a courier service pick up and deliver the documents to you within 30 days. Should no action take place within 30 days, we shall recycle the documents. Should you have any questions regarding this matter, you may contact Mr. Sam Lemmo at (808) 587-0377.

Sincerely,



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

c: Hawai'i Board Member ✓
HDLO ✓
County of Hawai'i, Planning Dept. ✓