

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
BACKGROUND REPORT**

**SANDMAN PROPERTIES LLC
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2024-000061)**

SANDMAN PROPERTIES LLC has submitted an application for a Special Management Area (SMA) Use Permit to construct a one (1) story, 4,700 square foot (sf) single-family residence consisting of five (5) bedrooms, five and a half (5.5) bathrooms, a garage and a 720-sf lanai on a 3.355-acre shoreline parcel within the Special Management Area. The subject property is located on Hawai'i Belt Road, approximately 3200-feet north of the intersection of Hawai'i Belt Road and Mamalahoa Highway, Waikamalo-Maulua Homesteads, North Hilo, Hawai'i, TMK: (3) 3-2-003:017.

PROPOSED DEVELOPMENT

1. **Request:** Sandman Properties LLC seeks an SMA Use Permit to construct a new, one (1) story single-family residence with 4,700-sf of interior space and 720-sf of lanai on a 3.355-acre parcel of land located on the makai (seaward) side of Hawai'i Belt Road within the Special Management Area (SMA) on the Island of Hawai'i. The proposed one-story home will consist of five (5) bedrooms, five and a half (5.5) baths, and covered lanai. The home will be powered by an existing electrical service, with potable water provided by the County of Hawai'i. The proposed project will require a Department of Health (DOH) approved individual wastewater system to be installed more than 200-ft from the top of pali which acts as the shoreline.
2. **Project Objectives:** The purpose of the project is to construct a single-family residence on the subject parcel for personal use.
3. **Cost/Time of Project:** The current estimated cost of the proposed project is \$1,000,000. The project would be initiated after completion of the final design and the granting of all necessary permits.

4. **Supportive Information:** The applicant has submitted the attached in support of the request: **(Planning Department Exhibit 1 and Planning Department Exhibit 8–SMA Use Permit Application dated June 6, 2024 and updated site plan).**
5. **Landowner:** Sandman Properties LLC, Mesa, AZ.

BACKGROUND INFORMATION

6. **January 7, 2000: Subdivision 6368** was issued for the consolidation of lots A,B and Parcels 30-B and 31-B and Re-subdivision into lots 1 through 4 and designation of Access and Utility Easements A,B and C. The subject parcel is Lot 3 of the subdivision.
7. **April 28, 2004:** Special Management Area Minor (SMM) Permit No. 154 was issued for the construction of a one (1) story storage/warehouse structure for the storage of a small tractor, landscaping and gardening equipment.
8. **October 20, 2006: State Land Use Commission Boundary Interpretation No. 06-20** determined the location of conservation district boundary.
9. **October 4, 2021:** SMM Permit (PL-SMM-2021-000006) was issued for an as-built, 24-ft x 24-ft (576-sf) agricultural warehouse building. However, according to the County of Hawai'i Department of Public Works Building Division, the owner did not obtain a building permit for the structure as stated in Condition No. 3 of the SMM permit.
10. **Chapter 343, HRS:** Pursuant to Hawai'i Revised Statutes (HRS) Ch. 343-5, the proposed activities do not trigger the need for an Environmental Assessment (EA), therefore, no EA is required.

STATE AND COUNTY PLANS

11. **State Land Use Designation:** Agricultural and Conservation
12. **General Plan LUPAG MAP:** Important Agricultural Land (ial) and Open (ope)
13. **County Zoning:** Agricultural 20-acre (A-20a)
14. **Hāmākua Community Development Plan (PCDP):** The Hāmākua Community Development Plan (CDP) was adopted by the Hawai'i County Council by Ordinance No. 2018-78 in August 2018.
15. **Special Management Area (SMA):** The project is located within the Special Management Area and therefore, the proposed development is subject to SMA review. However, due to the location of the proposed development being more than 100-feet from

the shoreline, the director has waived the requirement for a shoreline certification for this proposed project.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

16. **Subject Property:** The property consists of approximately 3.355-acres and is located on the makai side of Hawai'i Belt Road. The property is irregularly shaped and is undeveloped and vegetated with common grasses, ti, croton, palms, and bananas as well as other common coastal landscaping vegetation. The southwestern side of the property is occupied by Ninole Gulch with Ninole Stream lying near the property boundary. The property is sloped eastward to the edge of a 120-ft high pali; the top of pali serves as the location of the shoreline. North of the subject parcel are two (2) parcels developed with single-family residences and one (1) undeveloped parcel, to the south of the subject parcel there are (2) two undeveloped parcels and one (1) parcel with a single-family residence, and to the west is Hawai'i Belt Road. The proposed single-family dwelling and related uses are more than 100-ft from the state land use conservation district boundary.
17. **Surrounding Land Zoning Uses:** The surrounding area is primarily zoned Agricultural 20-acre (A-20a) with most the immediate parcels developed with single family residential structures and related improvements. Immediately makai of the subject parcel is the rocky coastline which consists of small volcanic benches and cobble/boulder deposits. The location of the shoreline is the top of the pali.
18. **Land Study Bureau's Detailed Land Classification System:** The project site is listed as types "C" (moderate) and "E" (Very Poor) agricultural productivity.
19. **Agricultural Lands of Importance to the State of Hawai'i (ALISH) System:** Approximately one-half of the parcel is listed as "Prime Lands" (1) on the ALISH Map.
20. **Flood Insurance Rate Map (FIRM):** The majority of the subject property is within Flood Zone X which is the area determined to be outside the 500-year flood zone; During evacuation, occupants of the proposed residence would use Hawai'i Belt Road to evacuate the area.
21. **Flora/Fauna Resources:** No biotic surveys were conducted for the subject parcel; however, the applicant does not believe the site contains any rare or endangered floral and faunal resources. The parcel has been undeveloped and no rare or threatened species

have been noted on the subject parcel. The site is not known to be a habitat for any rare or endangered wildlife other than could be found along the shoreline. However, the Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) and the Hawaiian Hawk or 'Io (*Buteo solitarius*) are known to occur in the vicinity. Site vegetation consists of common, native and non-native plants, shrubs, and grasses.

22. **Archaeological Resources:** The applicant has stated due to the historical land clearing activities conducted for sugar cane cultivation the existence of any surface or subsurface archeological remains is extremely unlikely. The applicant did not conduct a formal archaeological survey of the subject parcel.
23. **Cultural/Historic Resources:** The subject parcel is adjacent to the shoreline which supports activities such as fishing or gathering. Since there is no formal or deeded shoreline access path or trail through the subject parcel, the proposed project will not alter, nor impact access along the shoreline or its use. It is unknown whether the subject site or immediately surrounding area was used for gathering of plants or other materials by native Hawaiians; given the history of sugar cane cultivation in the area, it would appear very unlikely that the site would contain any useful materials.
24. **Recreational Resources:** The subject parcel is located adjacent to the shoreline. There is no direct shoreline access with the subject property nor the subdivision itself. Further, there is no evidence the property has been used for shoreline recreational uses due to the 120-ft pali and lack of access in this area. Access to the shoreline is via Lapahoe Beach Park located approximately 5-miles from the subject parcel.
25. **Scenic and Open Space Resources:** On the roadway (Hawai'i Belt Road) fronting the subject parcel there are no ocean views on the approaches from the north or south due to vegetation and a road cut along the highway. Further, impacts to scenic resources are not anticipated since the proposed home is 20-ft in height and situated at a lower elevation than the highway and as such the proposed residence will not have any impact on the views of neighboring properties.
26. **Public Access:** Public access on the subject property is inhibited by a 120-ft pali which acts as the shoreline. The nearest public access to the shoreline is located approximately 5

miles to the northwest at Laupāhoehoe Point Beach Park. The access is maintained by the County.

PUBLIC UTILITIES AND SERVICES

27. **Access:** The property is accessed from Hawai'i Belt Road by public access easements A, B, and C which cross through TMK's (3)3-2-003:016 and (3)3-2-002:042.
28. **Water:** The applicant states the subject parcel is within the service limits of the County's existing water system facilities. However, The Department of Water Supply (DWS) did not comment on the application.
29. **Wastewater:** The single-family dwelling will utilize a Department of Health approved Individual Wastewater System (IWS) to be constructed on the makai side of the subject parcel.
30. **Other Essential Utilities and Services:** All other utilities, including electrical, telephone, and cable services are available to the site. The Applicant is responsible for hauling all domestically generated trash to any available County Transfer Station. The Applicant acknowledges that construction waste is not to be disposed of at any County Transfer Station.

AGENCIES' COMMENTS

31. **Department of Environmental Management – Solid Waste (DEM): (Planning Department Exhibit 2 – July 11, 2024, Memo).**
32. **Police Department: (Planning Department Exhibit 3 – July 19, 2024, Memo).**
33. **Hawai'i Department of Health (DOH): (Planning Department Exhibit 4– July 3, 2024, Memo).**
34. **State Office of Planning and Sustainable Development: (Planning Department Exhibit 5 – July 17, 2024, Letter).**
35. **Department of Public Works (DPW) – Building Division: (Planning Department Exhibit 6 – July 28, 2024, Memo).**
36. **Department of Public Works (DPW) – Engineering Division: (Planning Department Exhibit 7 – July 25, 2024, Memo).**

AGENCIES - NO RESPONSE

37. Department of Water Supply (DWS); Department of Land and Natural Resources (DLNR) Land Division, Department of Land and Natural Resources – Office of Conservation and Coastal Lands, State Historic Preservation Division; County of Hawai'i Planning Department (PD) – Administrative Permits, County of Hawai'i - Fire Department.

PUBLIC COMMENTS

38. The Department has not received any comments or objections from the public or adjacent landowners on the subject application.

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

**COUNTY OF HAWAII
PLANNING COMMISSION**
(Type or legibly print the requested information)

APPLICANT(S): Sandman Properties LLC

APPLICANT'S SIGNATURE: *Gandra Gonzalez Manuel Lopez* DATE: Apr 26 2024 15:58 PDT

ADDRESS: 1167 W Javelina Ave, Mesa, AZ 85210 5936

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 602-989-4770 (Res.) _____ (Email) sandyg@talis.us

REQUEST: To construct a new single-family dwelling and associated improvements

TAX MAP KEY: (3) 3-2-003:017 ZONING: A-20a

SIZE OF PROPERTY / AREA OF REQUESTED USE: 3.355 acres / 15,000 sf

LANDOWNER(S): Sandman Properties LLC

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

Gandra Gonzalez DATE: Apr 26 2024 15:58
PDT

Manuel Lopez DATE: May 01 2024 14:47
PDT

AGENT: Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

Planning Dept.
Exhibit 1

**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
SANDMAN PROPERTIES LLC
WAIKAUMALO-MALUA HOMESTEADS, NORTH HILO, HAWAII
TMK: (3) 3-2-003: 017**

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I. BACKGROUND INFORMATION

A. EIS

The proposed project was evaluated with respect to Hawai'i Revised Statutes Chapter 343-5 and no triggers were identified. Therefore, further environmental review should not be required beyond what is detailed in this report.

B. Project Description

Sandman Properties LLC (“**applicant**”), is seeking a Special Management Area Use Permit to build a dwelling and related improvements on the subject property located at 32-1018 Hawai'i Belt Road, North Hilo, Hawai'i. The subject parcel, which is located within the Special Management Area (SMA), is identified by TMK (3) 3-2-003: 017 and is located off the Hawai'i Belt Road, approximately 4 miles north of Hakalau Bay in North Hilo, Hawai'i (**Figure 1**).

The applicant wishes to develop a dwelling containing five (5) bedrooms, five and one half (5.5) bathrooms and a garage. The dwelling is proposed to contain approximately 4,700 square feet of living space and 720 square feet of accessory space including a lanai. The proposed site plan, floor plan and elevations are attached as **Figures 2, 3 and 4**, respectively.

The parcel consists of 3.355 acres of land zoned Agricultural 20 acres (A-20a). Two permitted structures (a garage and a tool shed) exist on the property, built in 2004.

The makai boundary of the parcel runs along the edge of a pali. All proposed improvements will be sited more than 100 feet from the edge of the pali and will thus be well outside of the shoreline setback. Since the proposed improvements will be located a considerable distance from the shoreline, a waiver from the requirement to obtain a certified shoreline survey is requested.

Project Objective

The project objective is to obtain an SMA Use Permit to build a dwelling and associated improvements on the parcel subject to Special Management Area regulations outlined in the Planning Departments Rules of Practice and Procedure (Rule 9).

SUBJECT
PARCEL

Note: All parcels owned by Mauna Kea Sugar Co., Inc. unless otherwise noted.

Parcelo Dropped: 21, 18, 31, 29,
(32, 33, 34 - in road)

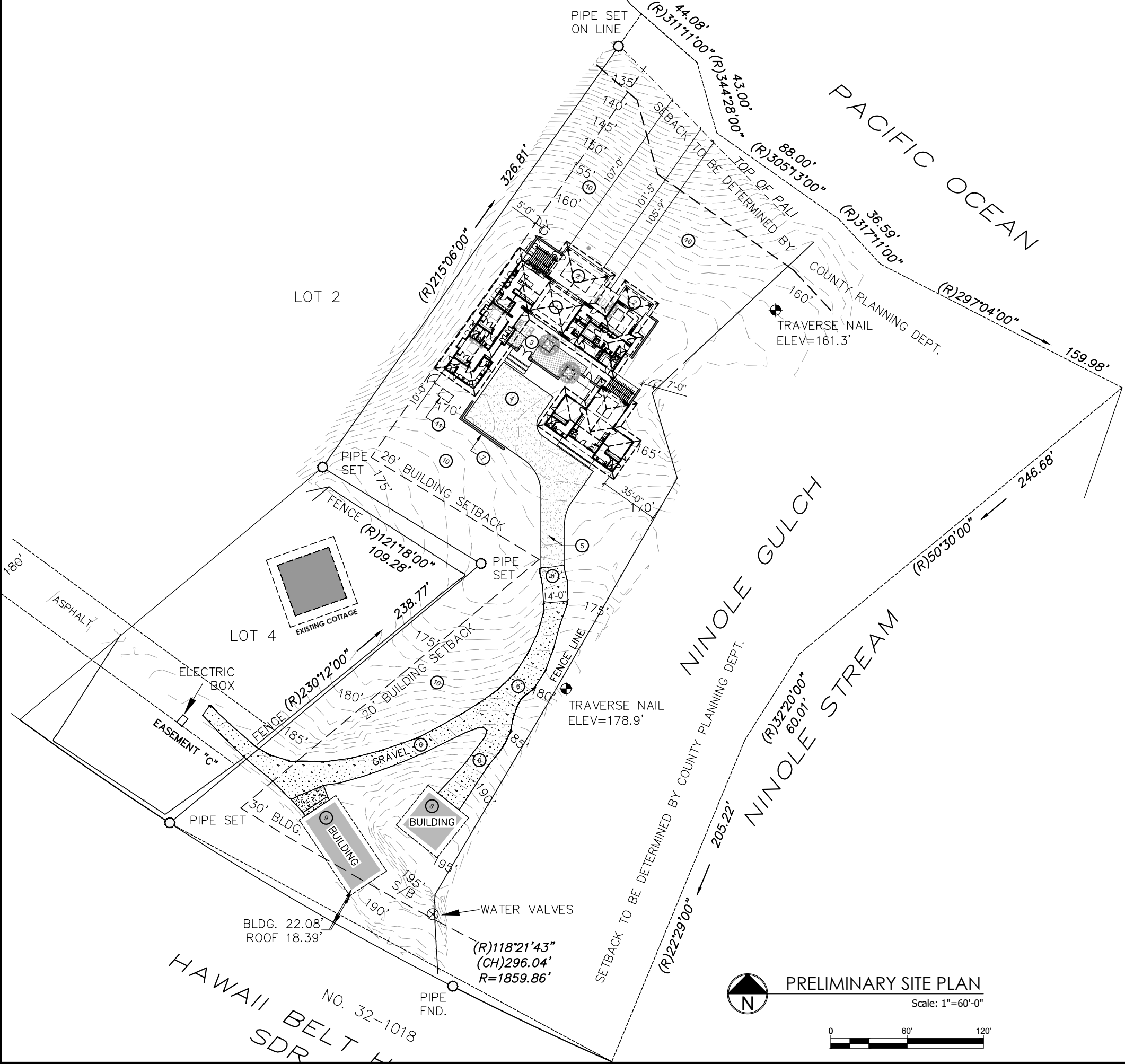
THIRD		DIVISION
ZONE	SEC.	PLAT
3	2	03
CONTAINING		PARCELS

PRINTED

Dwg. No: 2224
Source: Survey Office
By: R.D.

POR. WAIKAUMALO-MAULUA HOMESTEADS, N. HILO (Hakalau Plantation)

FIGURE 1



PROJECT DATA

ADDRESS: 32-1018 OLD MAMALAHOA HIGHWAY
OWNER: SANDMAN PROPERTIES LLC
PARCEL: 320030170000
SITE AREA: VACANT LOT, APPROXIMATELY 146,144 (3.3550 AC)

ZONING: A-20A (AGRICULTURAL DISTRICT)

SETBACKS: BUILDING: 20'-0"
HEIGHT: 25'-0"

BUILDING SUMMARY:
MAIN HOUSE: 4,720 SF (LIVABLE)



3200 NORTH HAYDEN RD,
#285
SCOTTSDALE, AZ 85251
PHONE: (480) 947-6844

CONTEXT MAP



PROJECT LOCATION

LOCATION
NINOLE, HAWAII

PROJECT
NINOLE RESIDENCE

SCALE
1" = 60'-0"

DATE
5/3/2024

REVISION DATE
-

DESCRIPTION
PRELIMINARY
SITE PLAN

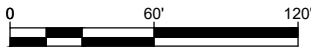
KEYNOTES:

- 1) MAIN HOUSE
- 2) LANAI
- 3) ENTRY COURTYARD
- 4) ENTRY DRIVEWAY
- 5) NEW DRIVEWAY
- 6) EXISTING DRIVEWAY
- 7) LOW SCREEN ROCK WALL
- 8) EXISTING AGRICULTURE BUILDING
- 9) EXISTING GARAGE/ STORAGE
- 10) EXISTING OPEN LANDSCAPE TO REMAIN
- 11) SEPTIC TANK



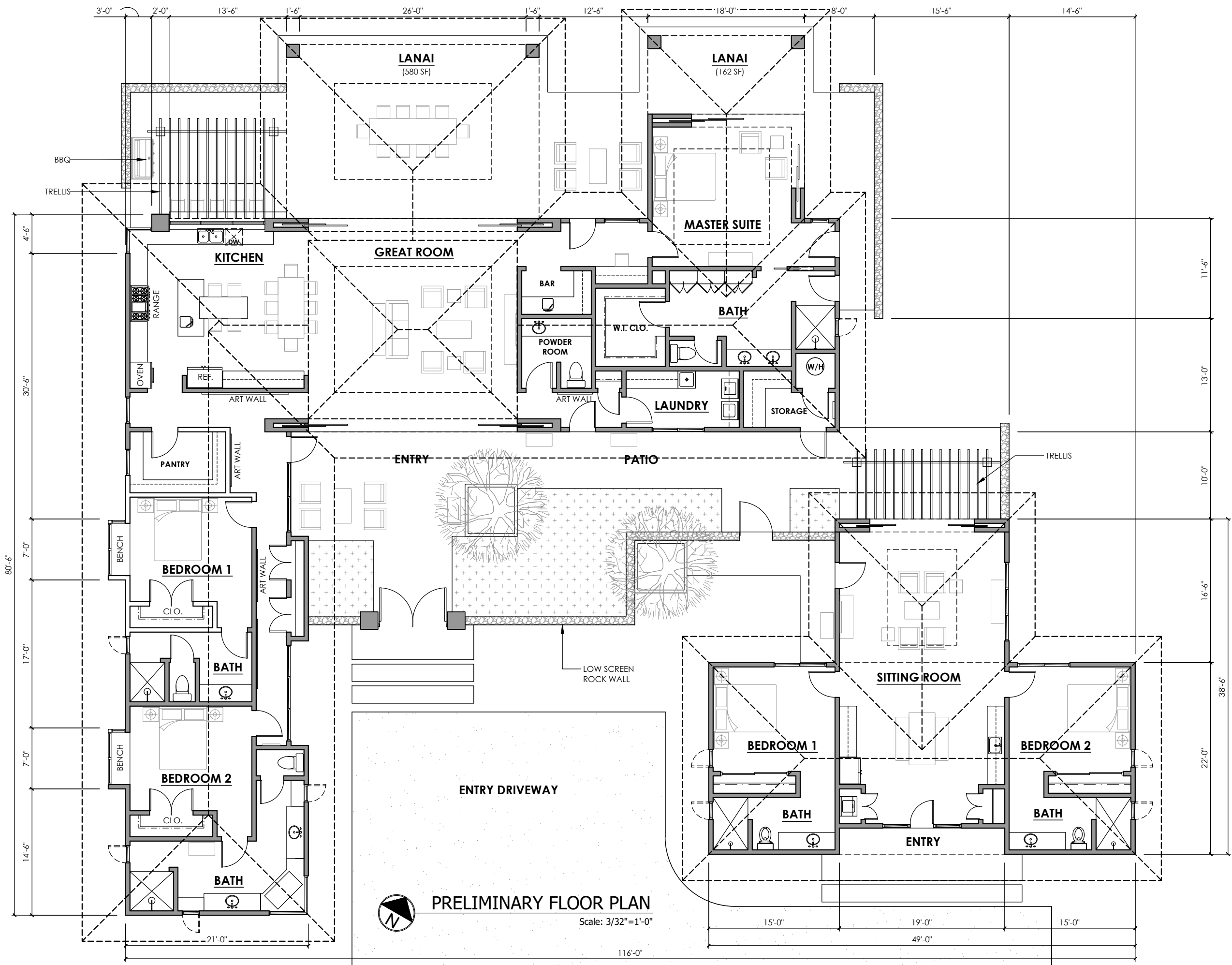
PRELIMINARY SITE PLAN

Scale: 1"=60'-0"



SHEET

A1.0
FIGURE 2



PRELIMINARY FLOOR PLAN
Scale: 3/32"=1'-0"

Oei
design

3200 NORTH HAYDEN RD,
#285
SCOTTSDALE, AZ 85251
PHONE: (480) 947-6844

LOCATION
NINOLE, HAWAII

PROJECT
NINOLE RESIDENCE

SCALE
3/32" = 1'-0"

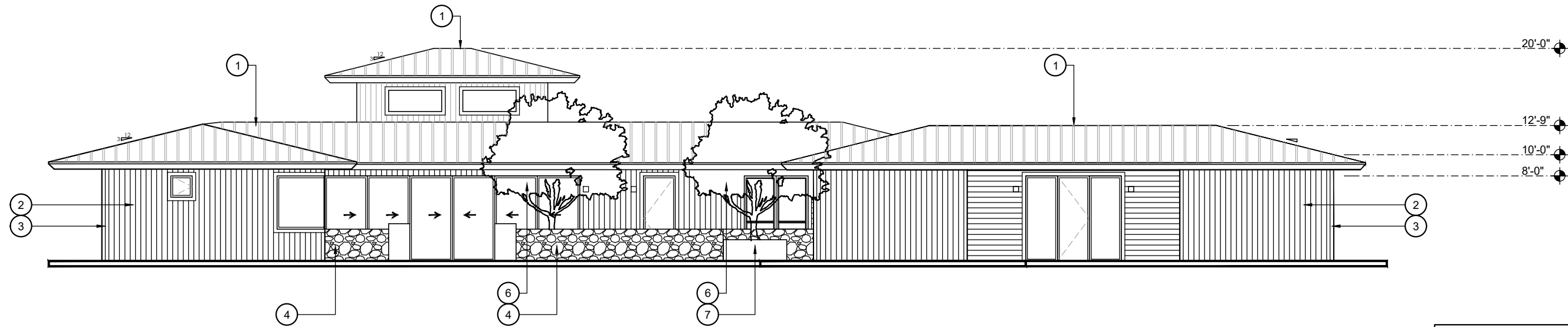
DATE
5/3/2024

REVISION DATE
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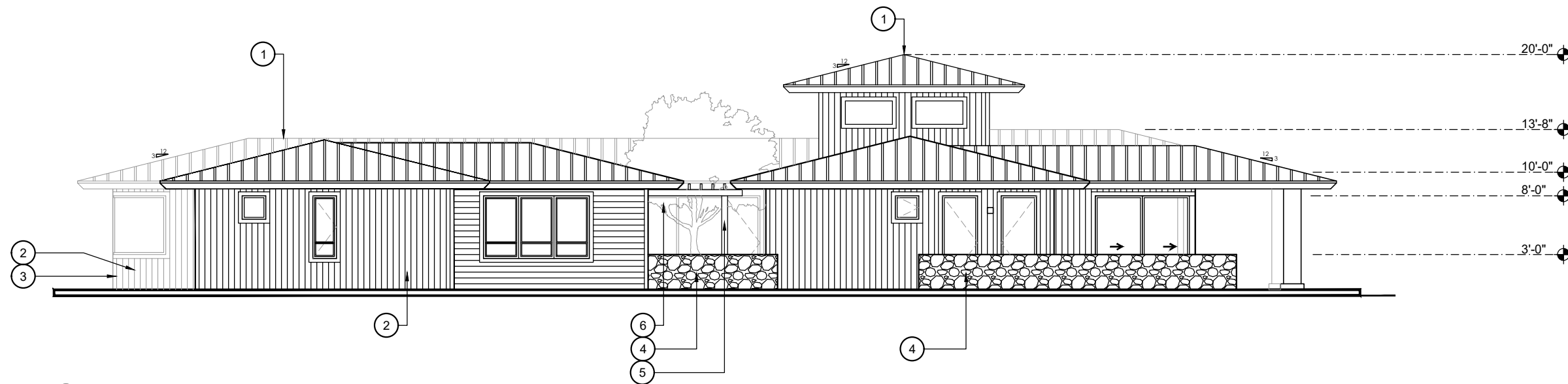
DESCRIPTION
PRELIMINARY
FLOOR PLAN

SHEET

A2 . 0
FIGURE 3



1 EAST ELEVATION
Scale: 3/32" = 1'-0"



2 SOUTH ELEVATION
Scale: 3/32" = 1'-0"

KEYNOTES

1. STANDING SEAM METAL ROOF
2. 6" WOOD SIDING
3. 4" WOOD TRIM
4. LOW NATIVE SCREEN ROCK WALL
5. TRELLIS
6. NATIVE TREE
7. RAISED PLANTER
8. WALL SCENCE

LOCATION
NINOLE, HAWAII

PROJECT
NINOLE RESIDENCE

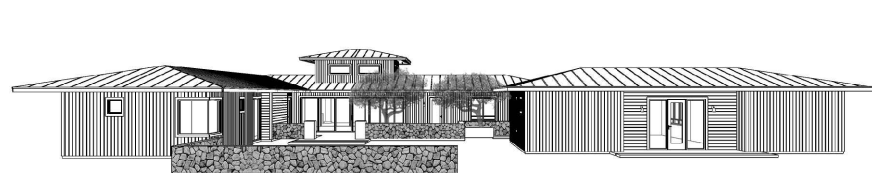
SCALE
3/32" = 1'-0"

DATE
5/3/2024

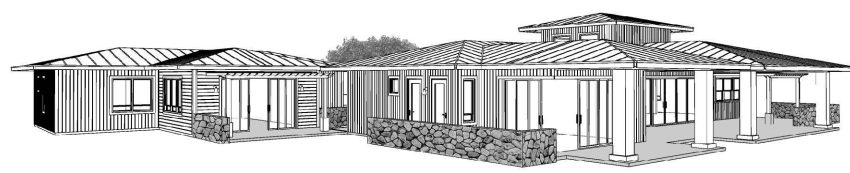
REVISION DATE
###

DESCRIPTION

Schematic House Elevations
+ 3D Model Views



3D MODEL | VIEW 1



3D MODEL | VIEW 2



3D MODEL | VIEW 3

SHEET

A3.0
FIGURE 4

Project Components

The applicant wishes to develop a dwelling containing five (5) bedrooms, five and one half (5.5) bathrooms and a garage. The dwelling is proposed to contain approximately 4,700 square feet of living space and 740 square feet of accessory space including lanais. Accessory improvements will include an Individual Wastewater System and typical coastal landscaping.

County water is available to the site, as is electrical service. The parcel will require minimal grading to create the building pad and driveway.

C. Property Description

The subject parcel is within the Special Management Area (SMA). It is identified by TMK (3) 3-2-003:017 and is located off the Hawai'i Belt Road, approximately 4 miles north of Hakalau Bay in North Hilo, Hawai'i (**Figure 1**). The property consists of 3.355 acres of land zoned A-20a (**Figure 5**). It is irregularly shaped, and the southeastern side of the property is occupied by Ninole Gulch with Ninole Stream lying near the property boundary. The southwestern portion of the property is at an elevation of approximately 195 feet and slopes downward in the makai direction to the edge of an approximately 120-foot high pali which effectively serves as the shoreline.

The area of the proposed improvements was previously cleared for sugar cane cultivation as shown in the attached historical aerial photo taken in 1965 (**Figure 6**). The property is primarily vegetated with grasses and other common species found in coastal landscaping including ti, crotons, palms and bananas. Other area vegetation includes guinea grass, octopus tree, African tulip, mango, guava, kukui, ironwood and eucalyptus

D. Project Valuation

The applicant hopes to secure County SMA Permit approval as soon as possible and begin the Building Permit process immediately thereafter. Construction is anticipated to begin within one year of building permit approval and be complete within two years. The estimated value of this project is roughly \$1,000,000.00.

E. State/County Plans Affecting Request

i. State Land Use

The State Land Use designation of the project area is Agricultural and Conservation (**Figure 7**). Conservation Land sits makai of the coastal pali and within Ninole Gulch as depicted on Consolidation and Resubdivision map s6368 approved in 1993 (**Figure 8**). All proposed uses are well over 50 feet from the nearest Conservation District boundary.

Hawaii County Zoning Map of TMK: (3) 3-2-003: 017



4/9/2024, 11:31:25 AM

Hawaii County Zoning

(road)

A-1a

A-20a

A-5a

RA-.5a

Parcels (current boundary lines)

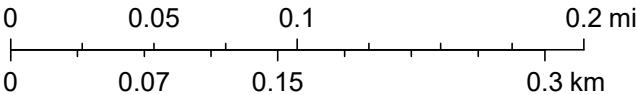
Address Points

Street Centerlines

Hawaii County District Boundary

Coastline

1:4,514



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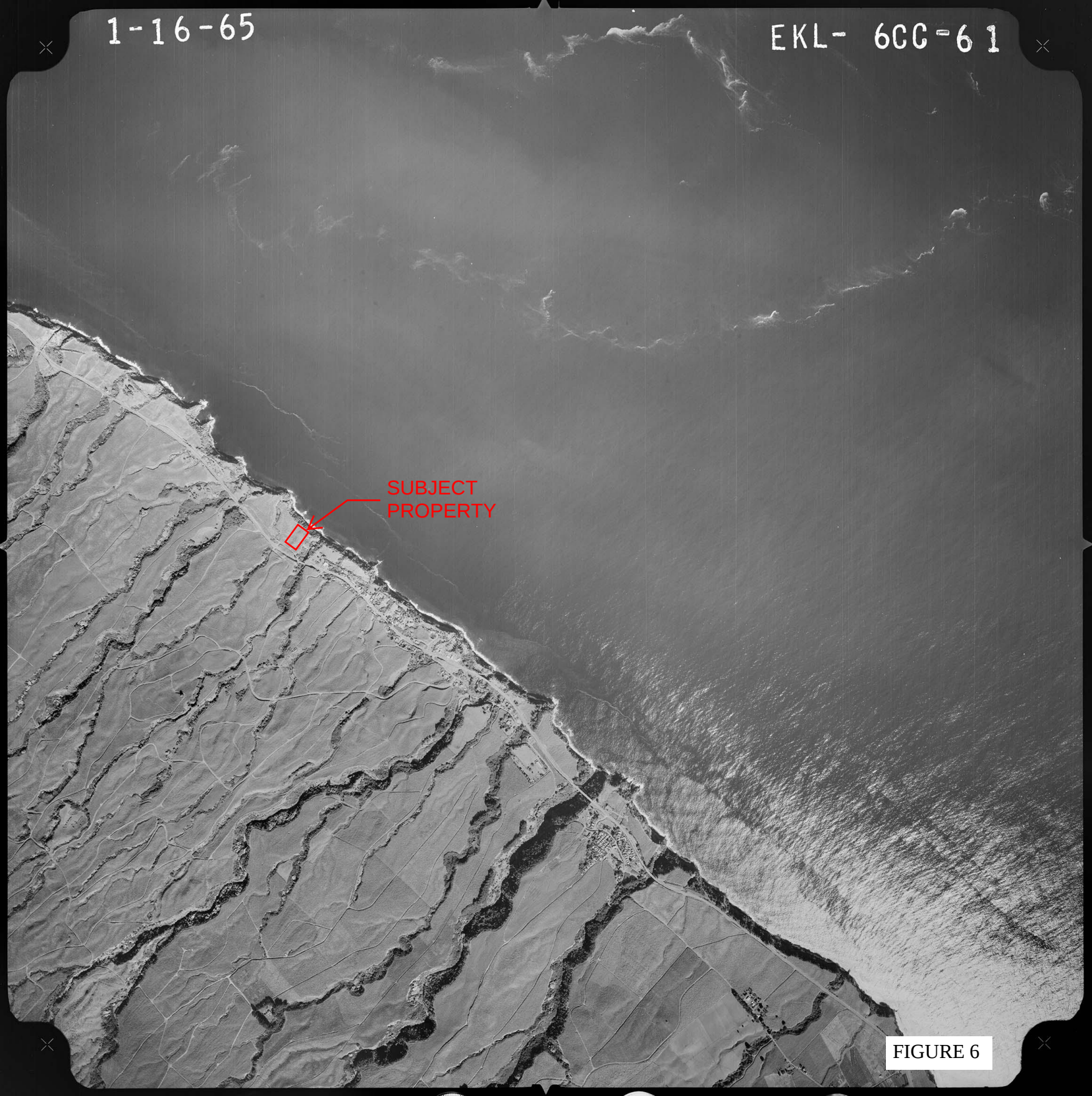
FIGURE 5

1-16-65

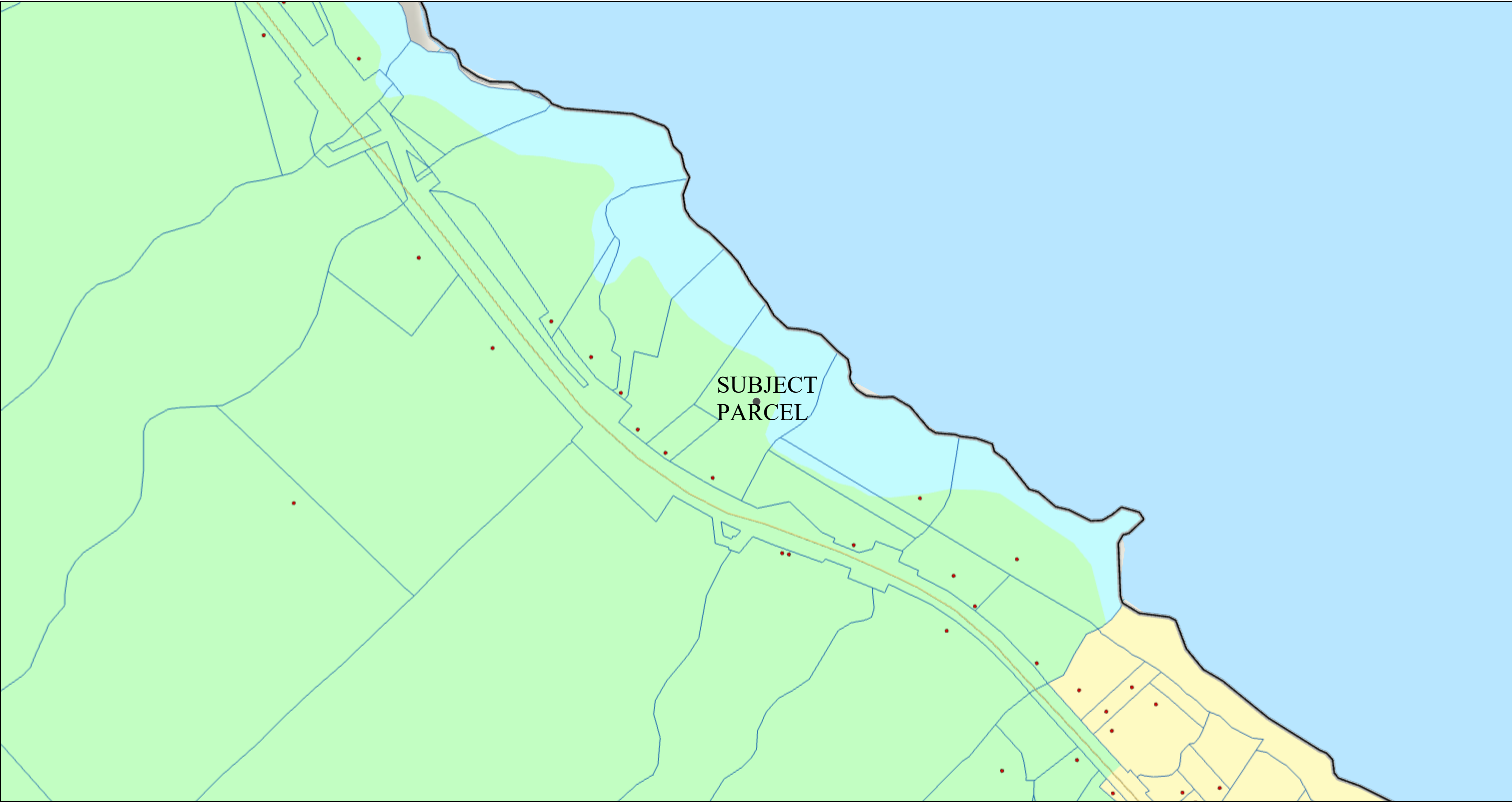
EKL- 6CG-61

SUBJECT
PROPERTY

FIGURE 6



State Land Use Designation Map of TMK: (3) 3-2-003: 017



4/9/2024, 11:34:42 AM

State Land Use Classifications (SLU)

- Agricultural
- Conservation

Rural

Parcels (current boundary lines)

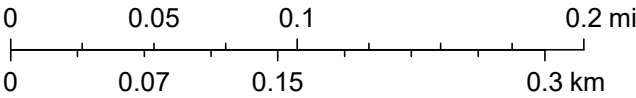
Address Points

Street Centerlines

Hawaii County District Boundary

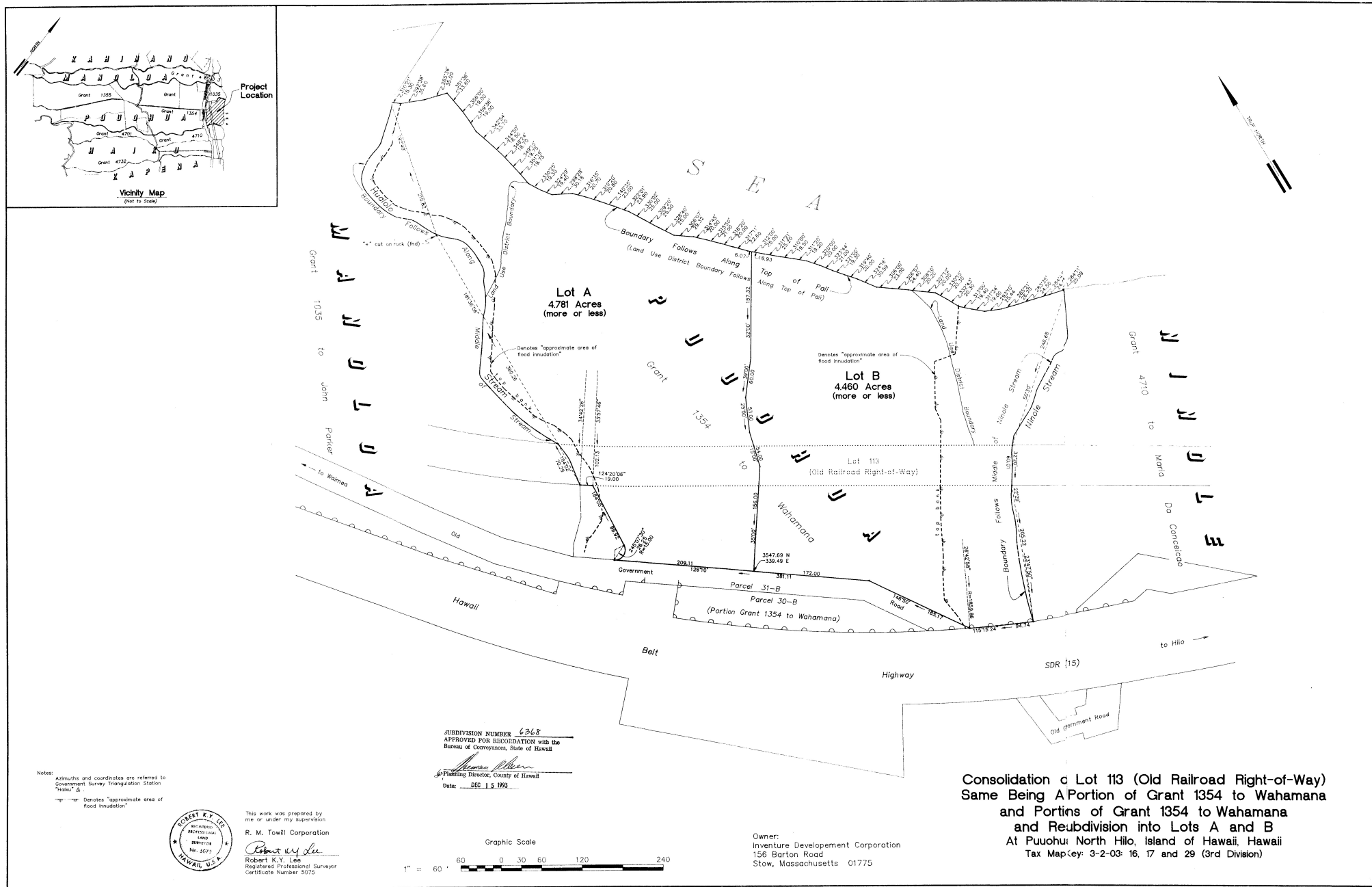
Coastline

1:4,514



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FIGURE 7



The proposed construction of a dwelling and associated improvements is consistent with this designation and will not be contrary to the objectives sought to be accomplished by the State Land Use Laws and Regulations. As such, the County can process this application.

All proposed improvements will be contained to the central portion of the subject parcel and thus will be a considerable distance from the Conservation District boundary.

ii. DLNR Conservation District

Conservation land sits makai of the coastal pali and within Ninole Gulch as depicted on Consolidation and Resubdivision map s6368 approved in 1993 (**Figure 8**). All proposed uses are well over 50 feet from the nearest Conservation District boundary.

iii. County General Plan

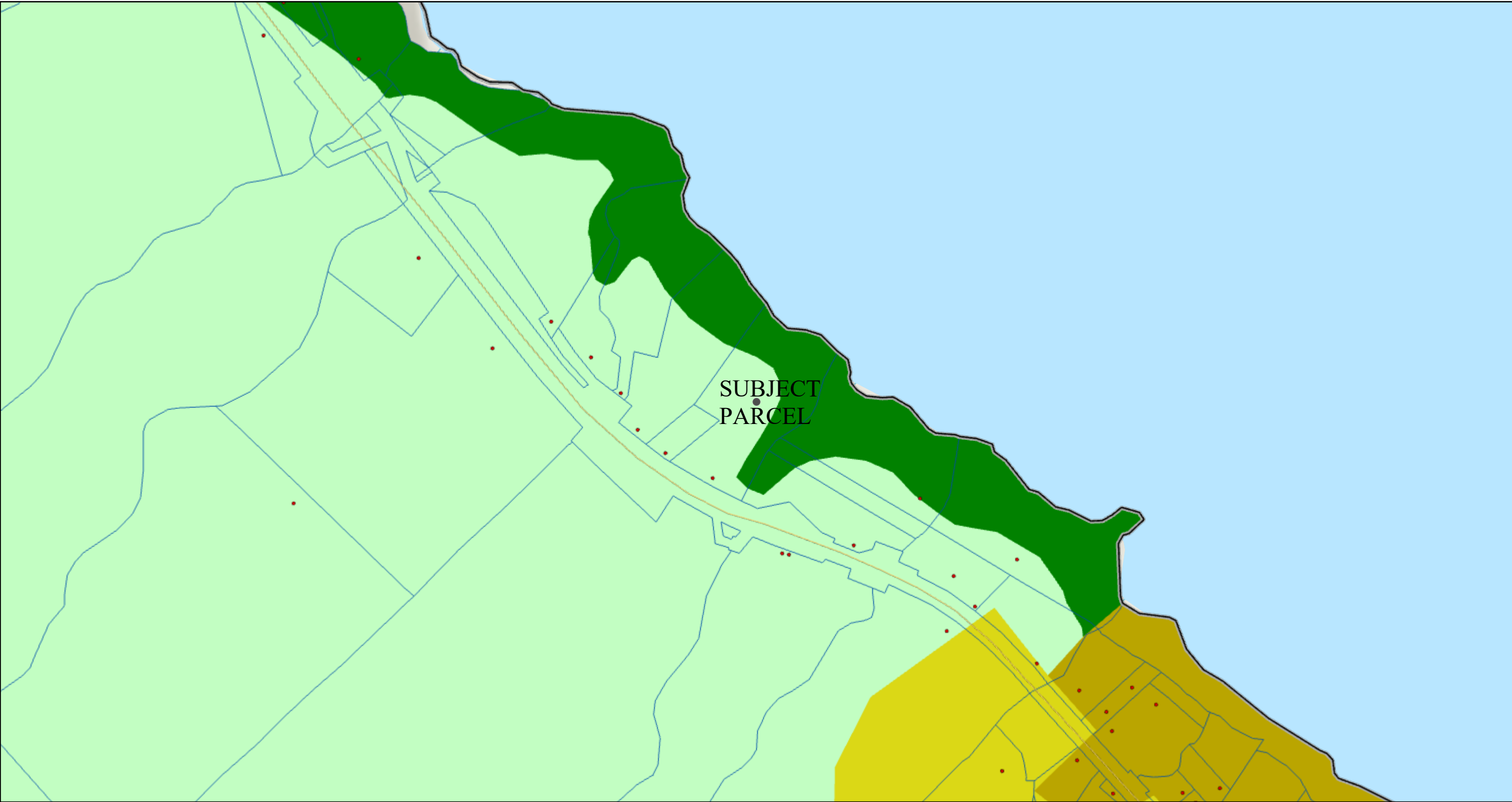
The General Plan provides for the long-range comprehensive development of the Island of Hawai‘i. It provides direction for balanced growth in the County. The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the parcel as a mix of Important Agricultural Land and Open (**Figure 9**). The Important Agricultural Land designation is intended for land with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors. The proposed farm dwelling will not significantly diminish the agricultural potential of the area and therefore the request is in keeping with the designation of the property. Further, the proposed action will retain the essential character of the land and will be consistent with the surrounding area and with the goals, policies, and standards of the General Plan.

The Open designation is generally intended for parks and other recreational areas, along with open shoreline areas. The Open area runs along the makai and east sides of the parcel, roughly coinciding with the Conservation District boundary. Since the applicants plan to build a considerable distance from the shoreline and Ninole Gulch, no development is planned within the area of the parcel designated as Open. The proposed dwelling will be placed on the central portion of the property, more than 100-feet from the “top of pali.”

A Discussion of how the project relates to the various elements of the General Plan is provided here.

The proposed construction of one (1) dwelling and associated improvements would provide temporary employment for local construction workers and would support the **economy** through the purchase of construction materials from on-

Land Use Pattern Allocation Guide (LUPAG) Map of TMK: (3) 3-2-003: 017



4/9/2024, 11:29:20 AM

Land Use Pattern Allocation Guide (LUPAG)

- Important Ag. Lands
- Low Density Urban
- Open Area



Rural



Parcels (current boundary lines)



Address Points



Street Centerlines

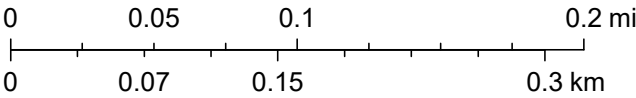


Hawaii County District Boundary



Coastline

1:4,514



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA,

FIGURE 9

island suppliers. This will stimulate and support the general economy and development of Hawai‘i Island by allowing for local businesses to thrive and gain income from the proposed project. In the long-term, the newly constructed dwelling will bring in additional property taxes, adding revenues to the County coffers.

The project is and will be **energy** conscious through its use and/or encouragement of solar energy and design features that take advantage of the sun and wind patterns.

The proposed development will not provide adverse effects on the **environment** or the natural resources of the region. The General Plan identifies five (5) areas of environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not be contrary to any of those objectives.

There may be a modest increase in vehicular emissions during construction, but otherwise all other **air pollution** associated with the project should be negligible. Additionally, the long-term traffic generation, and thus vehicular emissions, will be limited to typical residential use. Air pollutants during construction will be limited and temporary. The main sources of short-term air pollutants are construction equipment exhaust and dust. Rules and regulations outlined in Hawai‘i Administrative Rules Chapter 59 “Ambient Air Quality,” and Chapter 60.1 “Air Pollution,” will be followed during all construction and operation activities. HAR §11-60 on Fugitive Dust prohibits visible emissions of dust from construction activities. These regulations will be strictly followed to prevent dust impacts. In addition, reasonable measures to control airborne and visible fugitive dust from road areas are outlined by the Department of Health’s Clean Air Branch. These measures include, but are not limited to:

- Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact.
- Providing adequate water sources at the site prior to start-up of construction activities; Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase.
- Minimizing airborne, visible fugitive dust from shoulders, and access roads.
- Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities.
- Controlling airborne, visible fugitive dust from debris being hauled away from the project site.

Grading will be minimal and limited to the immediate construction area of the proposed dwelling. Construction Best Management Practices (BMPs) will prevent impacts from stormwater runoff. These are discussed in Section I, subsection P of

this report. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. The project will utilize an individual wastewater system approved by the Department of Health, which will mitigate potential water quality, coastal ecosystems, and soil impacts due to wastewater.

Construction BMPs and mitigating measures will prevent impacts to **soil**. The subject site is zoned Agricultural but has a Land Study Bureau (LSB) Overall Productivity Rating of “C” and “E”, or moderate and very poor agricultural productivity (**Figure 10**).

The long-term **solid waste** impact will be consistent with residential use with little potential for waste management issues or noxious wastes.

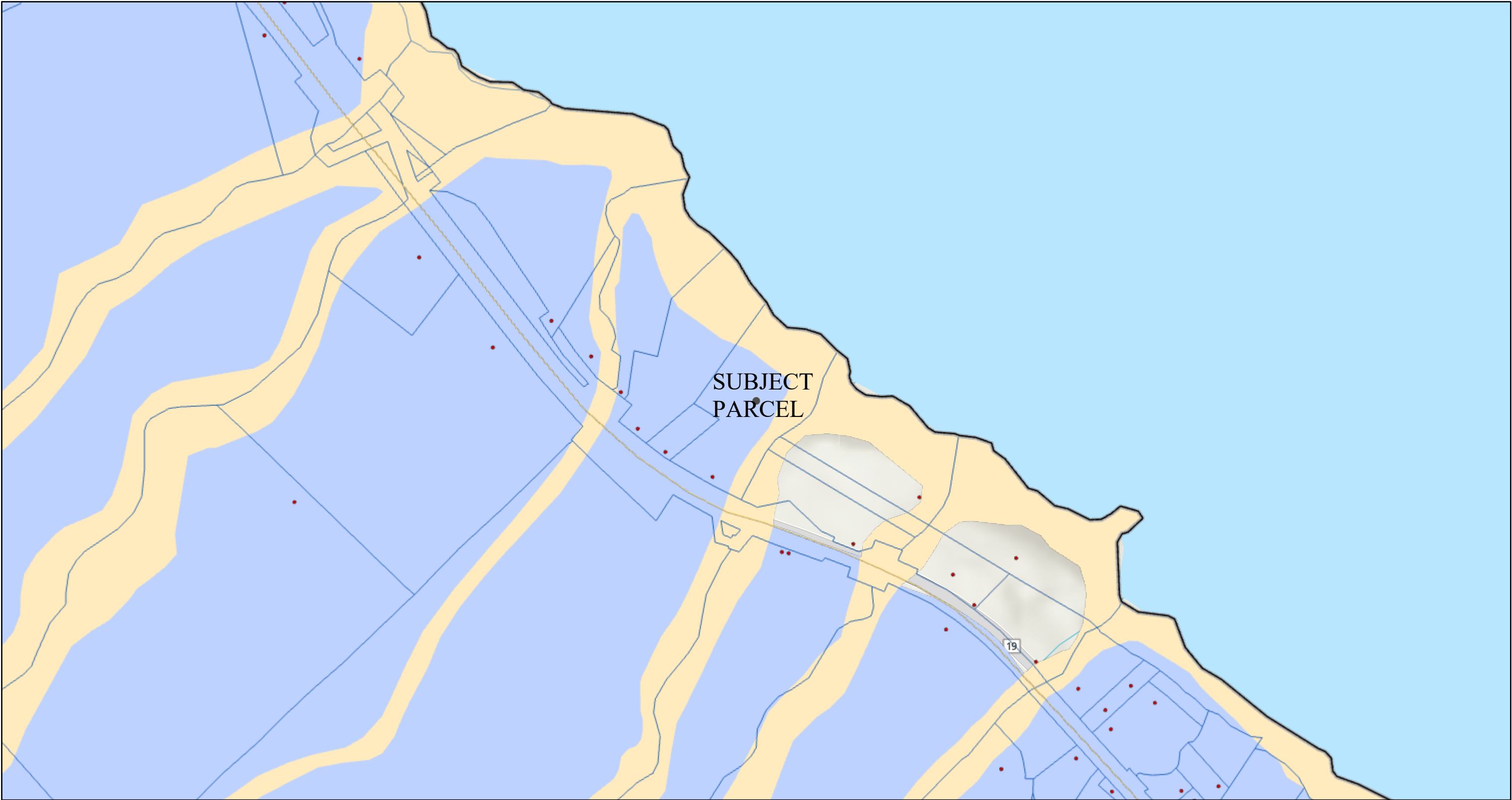
Temporary **noise** will occur during the construction of the dwelling, however, there should be little, if any, long-term impacts. The request is consistent with residential use in the surrounding area. Rules and regulations outlined in Hawai‘i Administrative Rules Title 11, Chapter 46 “Community Noise Control” will be strictly followed.

No significant **visual impacts** are expected to occur. Visual impacts are negligible based on the location of the proposed improvements and gentle downward sloping topography of the area in a *mauka* to *makai* direction. The residence is proposed to be roughly 20 feet in height, well below the 35-foot maximum allowed in the zoning district. Additionally, the proposed dwelling will not be visible from Highway 19 due to existing vegetation and topography and will thus not affect ocean views from the highway.

Following the guidelines of State and County requirements to minimize the possibility for spills and **hazardous materials** during construction, the applicant proposes the following:

- Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall;
- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the contractor will adhere to “Good Housekeeping” for all appropriate substances, with the following instructions:
 - Onsite storage will be limited to minimum practical quantity of hazardous materials necessary to complete the job;
 - Fuel storage and use will be conducted to prevent leaks, spills or fires;
 - Products will be kept in their original containers unless un-resealable, and original labels and safety data will be retained;
 - Disposal of surplus will follow manufacturer’s recommendation and all regulations;

Land Study Bureau (LSB) Soil Type Map of TMK: (3) 3-2-003: 017



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Land Study Bureau Soil Type (LSB)

 C	 Parcels (current boundary lines)	 Hawaii County District Boundary
 E	 Address Points	 Coastline
	 Street Centerlines	

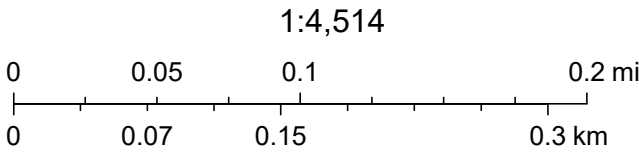


FIGURE 10

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA,

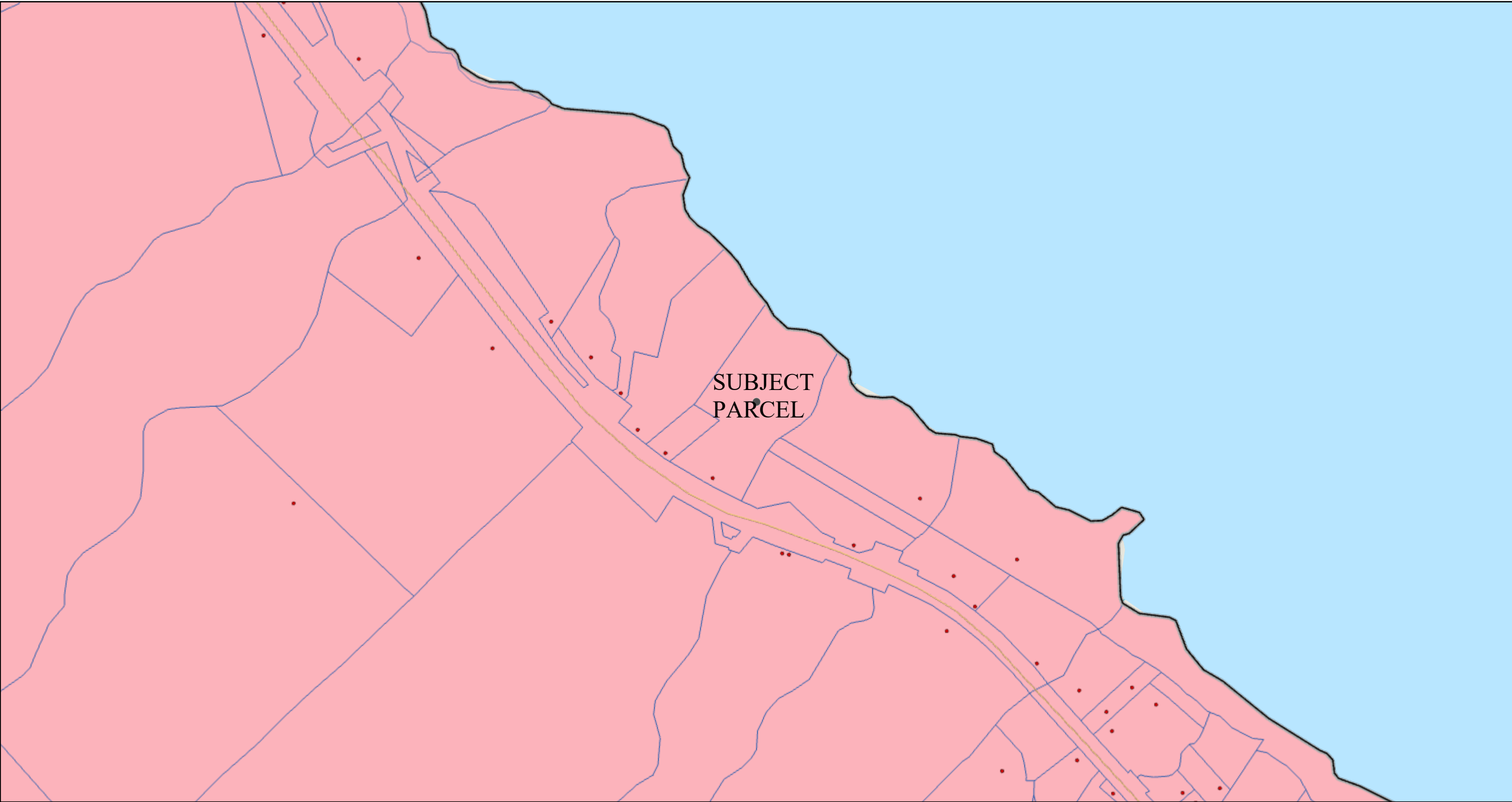
- Manufacturers' instructions for proper use and disposal will be strictly followed;
- Regular inspection by contractor to ensure proper use and disposal;
- Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance;
- Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean; and
- All spills will be cleaned up and properly disposed of immediately after discovery.
- Unused materials and excess fill (if any) will be properly disposed of at an authorized waste disposal site.

With regard to **flooding**, The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone "X" (areas outside of the 500-year flood) (**Figure 11**). Additionally, the parcel is not within the 3.2-foot sea level rise exposure area. Further, the applicant has not observed any significant runoff or erosion in the recent past.

With regard to **historic sites**, although no commissioned archaeological survey of the site was conducted, it is highly unlikely that any historic sites would be found on the property as the area of the proposed improvements has been previously cleared for sugar cane cultivation as shown on the attached historical aerial photo taken in 1965 (**Figure 6**) and thus it is unlikely that any historic sites would be found in the project area. However, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

The General Plan also emphasizes that developments be mindful of an area's **natural beauty**. The subject property is not located within an area recognized by the General Plan as an example of natural beauty. Additionally, the residence is proposed to be only 20 feet in height and will not be visible from Highway 19 due to existing topography and vegetation and will thus not block ocean views from the highway. The applicants propose to construct their dwelling on a portion of the property that is at a lower elevation while still maintaining an approximately 100-foot distance from the "top of pali". In doing so, they hope to minimize any potential view effects to other properties while also providing ample distance from the shoreline to avoid any potential for shoreline hazards or adverse impact to **coastal resources**.

Flood Hazard Map of TMK: (3) 3-2-003: 017



4/9/2024, 11:35:35 AM

- National Flood Hazard Layer Flood Zones

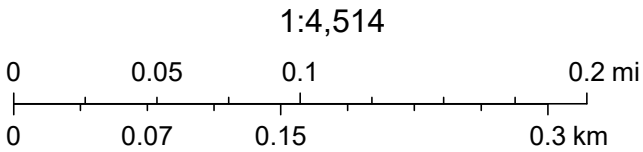
X

Parcels (current boundary lines)

Address Points
- Street Centerlines

Hawaii County District Boundary

Coastline



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, USFWS, County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA,

FIGURE 11

In addition, since there is no increase in allowable density or change in permitted use, there will be no significant impact to **public utilities** or government services and infrastructure.

Given the above information, the project specifically fulfills the following pertinent **land use** goals, policies, and standards of the General Plan:

- *Designate and allocate land uses 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.*

In view of the foregoing goals and policies, it is noted that the requested Special Management Area Use Permit would not be contrary to the County General Plan. The proposed development will complement the goals, policies, and standards of the Land Use Elements of the General Plan. The project will be designed and constructed in conformance with the character of the surrounding neighborhood and will result in an intensity of land use that is no higher than what is permitted by the existing zoning.

iv. Hāmākua Community Development Plan

The Hāmākua Community Development Plan (HCDP) was developed through the implementation of the 2005 County of Hawai‘i General Plan. CDP’s are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they provide an important framework for a community’s intended outcome and vision and are often used as a forum for community input in terms of land-use, availability of public resources, and overall development. The following objectives and policies of the HCDP apply to the project area and proposed development:

Objective 1: Protect, restore, and enhance watershed ecosystems, sweeping views, and open spaces from mauka forests to makai shorelines, while assuring responsible public access for recreational, spiritual, cultural, and sustenance practices.

Objective 8: Promote, preserve and enhance a diverse, sustainable, local economy.

Objective 9: Encourage the increase and diversity of employment and living options for residents, including living wage jobs and entrepreneurial opportunities that allow residents to work and shop close to home and that complement Hāmākua’s ecology, rural character, and cultural heritage.

Policy 1: With the adoption of the Hāmākua CDP, Figures 2-13 are adopted as the Land Use Guide Map for the Hāmākua CDP Planning Area. Future land use decisions in the Hāmākua CDP planning area shall be consistent with the Land Use Guide Map, unless the CDP and the General Plan are in direct conflict, in which case the General Plan shall be controlling.

As with the General Plan Land Use Pattern Allocation Guide (LUPAG) map, the CDP Land Use Guide Map designates preferred future development patterns by indicating the general location of various land uses in relation to each other. To maintain consistency, the land use category definitions used in the CDP Land Use Guide map are identical to those used in the 2005 General Plan LUPAG map. The CDP Land use Guide Map also sets Urban Growth Boundaries for every town/village in the Planning Area where the Low Density Urban designation ends.

Policy 17: Development in the SMA, including subdivision, shall only be approved if it is first found that it will not have any substantial adverse environmental or ecological effect.

Discussion: The proposed dwelling will be located within an area identified by the General Plan as Important Agricultural Land. The HCDP land use guide maps do not depict the subject property as it falls between the communities of Ninōle and Pāpa‘aloha so it is assumed the same designations from the General Plan apply. The project seeks to build one (1) dwelling and related infrastructure, which will not significantly diminish the agricultural potential of the site which is limited due to its relatively small size and sloping topography. Half of the property is occupied by Ninōle Gulch and both the mauka and makai thirds of the property outside the gulch are fairly steeply sloped.

The potential for impacts to the area's scenic and open space resources should be negligible. The topography of the parcel, which slopes downward in a mauka to makai direction, mitigates potential view plane impacts from nearby properties. Additionally, the dwelling will have a max height of twenty (20) feet, further minimizing view impacts.

There is no safe access to the coastline in the immediate area as the property terminates at an approximately 100-foot-high cliff face which separates the property from the shoreline. Furthermore, the proposed improvements will be sited over 100 feet from the shoreline. Thus, the proposed project will not inhibit any public access to ocean and recreational resources.

In addition, the project is not expected to interfere with any historic, cultural, or archaeological resources as the site has been previously cleared and used for sugar cane cultivation. However, in the event any undiscovered resources are found, any work would cease and would only resume after proper clearances from the State

and/or County have been received. Furthermore, as is elaborated upon elsewhere in this report, the subject project will not have any substantial adverse environmental or ecological effect.

F. Special Management Area & HRS 205A Guidelines Discussion

HRS 205A-2 Objectives

(1)(A) Provide coastal recreational opportunities accessible to the public.

The proposed project will support public coastal recreational opportunities by not interfering with or impeding on any public shoreline access. There is no safe access to the shoreline in the immediate area as the property terminates at an approximately 120-foot pali. All development will occur over 100-feet from the coastal pali. The nearest shoreline public access way is the Laupahoehoe Point Beach Park, approximately 5 miles northwest of the subject site. Thus, the shoreline is not accessible from the subject property and the project will not interfere with any coastal recreational opportunities.

(2)(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Although no commissioned archaeological survey of the site was conducted in conjunction with the proposed project, it is unlikely that any historic sites would be found in the project area as the project area has been previously cleared for sugar cane cultivation which is normally associated with extensive disruption of the land and the destruction of resident historical, floral and faunal resources. However, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State Historic Preservation Division (SHPD) and County Planning Department will be secured before work resumes.

(3)(A) Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

The proposed project will not have a significant impact on the area's scenic and open space resources. The dwelling is proposed to be only 20 feet in height and thus coastal view planes will be preserved. Additionally, any potential visual impacts will be further reduced based on the location of the proposed improvements and sloping topography of the area in a *mauka* to *makai* direction. Furthermore, the dwelling should not be visible from the highway due to the existing vegetation and road cuts along the highway. Therefore, visual impacts regarding the coastline will not significantly change from the current state.

(4)(A) Protect valuable coastal ecosystems, including reefs, beaches, and coastal

dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

The proposed project will be developed in accordance with construction Best Management Practices to minimize adverse impacts to air pollution, sedimentation, and erosion, control stormwater runoff, and wastewater management. Minimal grading will be required. An individual wastewater system approved by the Department of Health will be installed to mitigate effects of wastewater disposal. Relative to coastal ecosystems, there should be little, if any, adverse impacts.

(5)(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The proposed construction of one dwelling and associated improvements would provide temporary employment for local construction workers and would support the economy through the purchase of construction materials from on-island suppliers. This will stimulate and support the general economic stability and development of Hawai'i Island by allowing for local businesses to thrive and gain income from the proposed project. In the long-term, the newly constructed dwelling will bring in additional property taxes, adding revenues to the County coffers.

(6)(A) Reduce hazard to life and property from coastal hazards.

Due to its elevation, the property is not within the Civil Defense tsunami evacuation zone and is also not within a flood zone. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone "X" (areas outside of the 500-year flood) (**Figure 11**). The parcel is also outside of the 3.2-foot sea level rise exposure area. Furthermore, all proposed improvements will be sited a considerable distance from the shoreline (over 100 feet).

(7)(A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

The proposed project will be in compliance with requirements relating to preserving, protecting, and participating in the public review process. The public will be able to participate in the review of the proposed project during the Planning Commission public meetings and testimony process to voice support and/or concerns.

(8)(A) Stimulate public awareness, education, and participation in coastal management.

As this is a managing authority related policy, it is not applicable.

(9)(A) Protect beaches and coastal dunes for:

- (i) Public use and recreation;***
- (ii) The benefit of coastal ecosystems; and***
- (iii) Use as natural buffers against coastal hazards; and***

The proposed project will not impact beaches, coastal dunes, public use, or recreation. Proposed mitigating measures for storm water and wastewater concerns will prevent impacts to public use and recreation and coastal ecosystems.

(9)(B) Coordinate and fund beach management and protection.

As this is a managing authority related policy, it is not applicable.

(10)(A) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Minimal grading will be required. Wastewater will be handled through an individual wastewater system approved by the Department of Health. This system will be a considerable distance from the shoreline (over 200 feet). No long-term impacts are expected with the implementation of Best Management Practices and mitigating measures. By utilizing a previously disturbed area, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

HRS 205A-2 Policies

(1)(A) Improve coordination and funding of coastal recreational planning and management.

As this is a managing authority related policy, it is not applicable.

(1)(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;***
- (ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;***
- (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;***
- (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;***
- (v) Ensuring public recreational uses of county, state, and federally owned or***

controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;

(vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;

(vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and

(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of section 46-6;

The recreational resources policies pertain to improving coordination and funding of coastal recreational planning and management and providing adequate, accessible, and diverse recreational opportunities in the coastal zone management area. As these are managing authority related policies, they are not applicable to this application. However, the proposed project will not impede public access or recreational resources as there are none in the project area.

(2)(A) Identify and analyze significant archaeological resources;

(2)(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(2)(C) Support state goals for protection, restoration, interpretation, and display of historic resources;

The historic resource policies pertain to identifying, analyzing, preserving, and protecting historic resources. As there are no known historic sites on the property, this policy does not apply. However, in the event any undiscovered historical, archaeological, or cultural resources are identified on the property, work will cease in the immediate area and the Department of Land and Natural Resources, State Historic Preservation Division will be contacted for appropriate action.

(3)(A) Identify valued scenic resources in the coastal zone management area;

(3)(B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(3)(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(3)(D) Encourage those developments that are not coastal dependent to locate in inland areas;

There are no General Plan recognized natural beauty sites on or near the subject property. However, Ninole Gulch sits on the southeast side of the subject property. The proposed dwelling will be sited on the central portion of the parcel, away from the top of gulch and over 100 feet from the *makai* coastal pali. The

dwelling is proposed to be only 20 feet in height and will conform to the character of other dwellings in the area. Thus, the proposed dwelling will be compatible with the visual environment and views from nearby properties will not change significantly. Additionally, visual impacts from the highway will be negligible based on existing vegetation and road cuts and the location of the proposed improvements on the property, which has a gentle downward sloping topography in a *mauka* to *makai* direction.

(4)(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

The proposed project will practice an overall conservation ethic towards natural resource management and will not have any significant long-term impacts to water quality, coastal resources, flora or fauna, air quality, noise pollution, or scenic resources. Relative to coastal ecosystems, there should be little, if any, adverse impacts. The dwelling will develop an individual wastewater system approved by the Department of Health. By utilizing a previously disturbed area of the property, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

(4)(B) Improve the technical basis for natural resource management;

As this is a managing authority related policy, it is not applicable. However, as discussed above, the project will practice stewardship in the protection of all natural resources.

(4)(C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

Minimal grading will be required. Wastewater will be handled through an individual wastewater system approved by the Department of Health and located a considerable distance from the shoreline (over 200 feet). Construction BMPs will manage stormwater runoff. No long-term impacts are expected with the implementation of these BMPs and mitigating measures.

(4)(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

The planned development proposes no stream diversions, channelization or similar drainage or water use components.

(4)(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures;

Construction Best Management Practices will prevent impacts to water quality from stormwater runoff. An individual wastewater system approved by the Department of Health will manage wastewater. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

(5)(A) Concentrate coastal dependent development in appropriate areas;

As this is a managing authority related policy, it is not applicable.

(5)(B) Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

The proposed project is planned, with appropriate mitigating measures, to minimize potential adverse social, visual, and environmental impacts. Any effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety, and welfare, and other compelling public interests.

(5)(C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

- (i) Use of designated locations is not feasible;***
- (ii) Adverse environmental effects and risks from coastal hazards are minimized; and***
- (iii) The development is important to the State's economy;***

Many properties in the surrounding area contain dwellings. The request is consistent with surrounding uses and will be in keeping with existing developments in the area.

(6)(A) Develop and communicate adequate information about the risks of coastal hazards;

As this is a managing authority related policy, it is not applicable.

(6)(B) Control development, including planning and zoning control, in areas subject to coastal hazards;

(6)(C) Ensure that developments comply with requirements of the National Flood Insurance Program; and

(6)(D) Prevent coastal flooding from inland projects;

(7)(A) Use, implement, and enforce existing law effectively to the maximum extent

possible in managing present and future coastal zone development;
(7)(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and
(7)(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process;

The managing development policies relate to use, implementation and enforcement of laws, processing of applications for development permits and communication of coastal development impacts to the public. This report details how the proposed use complies with existing laws and requirements.

(8)(A) Promote public involvement in coastal zone management processes;
(8)(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
(8)(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts;

The public participation policies relate to promoting public involvement and dissemination of information with respect to coastal zone management. These are managing authority related policies and are not applicable to this application. The public will be able to participate in the proposed project during the Planning Commission public meetings and testimony process to voice support and/or concerns.

(9)(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
(9)(B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
(9)(C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

The proposed dwelling would be located a considerable distance from the shoreline and well outside of the shoreline setback area to avoid any interference with natural shoreline processes. While coastal erosion along the sea pali is possible, the dwelling will be sited over 100 feet from the pali edge to avoid the potential for loss should there be any erosion to the pali. The project does not propose any shoreline hardening structures.

(9)(D) Minimize grading of and damage to coastal dunes;

The proposed development will not impact coastal dunes as none exist in the area. The proposed residence will be located over 100-feet from the coastal pali and at an elevation of roughly 160 feet. All BMPs and mitigating measures discussed throughout the report will prevent impacts to coastal resources.

(9)(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

(9)(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

The subject property is not proximate to a beach transit corridor. Nevertheless, the applicant will maintain vegetation on the property and will not cause any encroachment or disruption to any nearby uses.

(10)(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(10)(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

(10)(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

(10)(D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources; and

(10)(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

The marine resources policies relate to the development of marine and coastal resources, coordination of marine and coastal activities, forging State partnerships, promoting research of ocean and coastal processes, and encouraging new technologies for exploring, using, and protecting marine and coastal resources. These are managing authority related policies and are not applicable to this application.

Based on the foregoing, it is concluded that the proposed improvements are consistent with the objectives, policies, and guidelines of the Special Management Area Rules and Regulations. Specifically:

- A. The proposed project will not have any substantial, adverse environmental or ecological effect.

No adverse long-term impacts are expected to air or water quality, scenic views, soil, coastal resources or flora and fauna. Mitigating measures and best management practices will protect all natural resources.

Further, the proposed improvements will not generate any adverse effects by themselves or in conjunction with other individual developments, nor will the proposed improvements pose a potential cumulative impact which would result in a substantial adverse environmental or ecological affect or the elimination of planning options. Appropriate mitigative measures will be taken to address any potential adverse impacts of this project.

- B. The proposed activities are consistent with the County General Plan and County Zoning Code.
- C. The proposed activities are consistent with the County General Plan and County Zoning Code.

The proposed project is consistent with the County General Plan and existing A-20a zoning.

G. Surrounding Zoning and Land Uses

The subject parcel is Lot 3 of Consolidation and Resubdivision action 98-127. This property and the surrounding properties are zoned A-20a. The subject parcel is bordered to the southeast by Ninole Gulch. The surrounding properties are rural/agricultural with most surrounding properties containing dwellings. Although the ocean is just north of the property, no impacts are anticipated to the shoreline area as the proposed improvements will be sited well over 100 feet from the coastal pali.

H. Flood Insurance Rate Map

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone “X” (areas outside of the 500-year flood) (**Figure 11**). The parcel is also outside the 3.2-foot sea level rise exposure area.

I. Archaeological Resources

The project area has been previously cleared for sugar cane cultivation as shown on the attached historical aerial photo taken in 1965 (**Figure 6**) and thus it is unlikely that any historic sites would be found in the project area.

Nevertheless, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be

secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

J. Valued Cultural Resources

In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa`akai O Ka`Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion on the cultural, historical, and natural resources, as well as the associated traditional and customary practices of this site.

All proposed improvements will be located a considerable distance from the shoreline and no shoreline access exists in the immediate area. Therefore, no impacts to traditional shoreline uses are anticipated by this action. It is not known whether the subject site or immediate surrounding area was ever used for traditional and customary rights by native Hawaiians. As the project area has been previously cleared for sugar cane cultivation and much of the surrounding area has been used extensively for residential use for many years, it would appear very unlikely that the site would serve such a purpose today and/or in the recent past and the applicants have not observed any Native Hawaiians gathering plants on the subject site or the adjoining properties.

In the event that legitimate gathering claims are made by Native Hawaiians, the applicant intends to respect and honor such claims and provide the legal and needed access within the site.

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural, historical or natural resources of the area.

K. Public Access

The requested action will not impact public access to the ocean or recreational resources. The parcel terminates at sea cliff and no shoreline access is possible from the property. There is no established existing public shoreline access in this area. Additionally, the subject improvements will be located a considerable distance from the shoreline.

L. Floral and Faunal Resources

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the project area due to the property's history of use for sugar cane cultivation. The parcel is primarily vegetated with African tulip tree (*Spathodea campanulate*), Guinea grass (*Urochloa maxima*), Ironwood (*Casuarina equisetifolia*), Coconut palm (*Cocos nucifera*) Foxtail palm (*Wodyetia bufurcata*), Banana (*Musa acuminata*), Gunpowder Tree (*Trema*

orientale), Strawberry Guava (*Psidium cattleianum*), Octopus Tree (*Schefflera actinophylla*) all of which are common coastal plants.

Vegetation in the surrounding area is similar and also consists of Ti (*Cordyline fruticosa*), Hibiscus (*Hibiscus sp.*), Octopus tree (*Heptapleurum actinophyllum*), Bamboo (*Bambusa sp.*), and Bird of Paradise (*Strelitzia sp.*).

Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The applicant plans to do some landscaping of the property. Plans include non-invasive and native Hawaiian plants consistent with the coastal area and surrounding properties and may include ti (*Cordyline fruticosa*), naupaka (*Scaevola taccada*), and other low and non-invasive grasses or ornamentals.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (Iʻo) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or ʻOpeʻapeʻa (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or ʻIo (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

The movement of plant or soil material between worksites, such as fill, must be minimized. Soil and plant material may contain invasive fungal pathogens such as

Rapid ‘Ōhi‘a Death (ROD), vertebrate and invertebrate pests such as Little Fire Ants (*Wasmannia auropunctata*), or invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil before leaving the site. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned, and sprayed with 70% alcohol solution to prevent the spread of ROD and other harmful fungal pathogens. If any material removed from the site is moved to areas without fire ants or ROD, the material will be inspected and treated. No ‘Ōhi‘a trees are present on the Property; therefore, none will be cut down during construction.

M. Description of Access

Access to the property is from Hawaii Belt Road over a series of easements. The existing access is adequate to support the proposed use. The development proposes a driveway extension to the house site from the existing access easements. Minimal grading will be required for this access.

N. Traffic Impacts

The proposed project seeks to build one (1) dwelling on an existing lot. Traffic will therefore not increase substantially and will remain at the level that exists today.

O. Availability of Utilities

Water

County water is available to the site through the Department of Water Supply.

Wastewater

The dwelling will utilize a Department of Health approved individual wastewater system, which will mitigate potential impacts to water quality, coastal ecosystems, and soil due to wastewater.

Other Utilities

All other utilities such as telephone, internet and electrical services are available to the site.

P. Potential Areas of Concern

Coastal Hazards

The subject parcel terminates at an approximately 120-foot high sea cliff with all improvements proposed more than 100 feet from the cliff. Therefore, the

development will not be directly affected by any coastal hazards such as high waves, erosion, or subsidence. Additionally, the parcel is located within Flood Zone X (**Figure 11**), outside the 3.2-foot sea level rise exposure area and is not located within the Civil Defense tsunami evacuation zone.

Coastal Resources

All construction activities will follow Best Management Practices to minimize adverse point and non-point pollution to coastal resources and surrounding areas. The following BMPs will be followed. This is not a comprehensive list; any other mitigating measures identified during the permitting process that are required to prevent significant impacts will be adhered to.

1. Soil loss and erosion will be minimized by stabilizing slopes and disturbed areas of soil. All exposed areas will be stabilized within seven (7) days of soil disturbance. Initiation of stabilization will commence within one (1) calendar day of soil-disturbing activities.
2. Sediment loss will be minimized by placing structural controls including silt fences, gravel bags, sediment ponds, check dams, and other barriers.
3. Sediment wattles and protective covers will be applied to soil and material stockpiles.
4. Stockpiles of debris will be located away from waterways and low spots. Debris will be removed periodically from the subject site to prevent large stockpiles.
5. No heavy machinery will be used within the 40-foot shoreline setback area. Low-impact tools such as jackhammers and wheelbarrows will be used instead.
6. Dust impacts will be minimized by erecting a screen or fence.
7. Routine inspection and maintenance of structural BMPs will be performed by trained personnel.
8. Significant leaks or spills will be properly cleaned and disposed of at an approved site.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

II. ANTICIPATED IMPACTS

A. Environmental Setting

General Description

The subject property contains 3.355 acres of land located on the makai side of Hawaii Belt Road. The parcel is irregularly shaped and currently contains a

permitted garage and an agricultural storage building. The southeast corner of the property is at an elevation of approximately 195 feet and the remainder of the property gently slopes downward toward the ocean with the *makai* (north) boundary of the parcel running along the edge of an approximately 120-foot high pali, at which point the parcel is separated from the ocean by a narrow strip of Conservation land at the base of the pali. All proposed improvements will be sited more than 100 feet from the edge of the pali, in the central portion of the parcel.

The mean average temperature in this general area is approximately 70-75 degrees Fahrenheit. Annual rainfall in the vicinity is approximately 150 inches.

Soils

The soil on the subject property is comprised of Hilo hydrous silty clay loam (903) with 10 to 20 percent slopes. This soil type consists of ash fields on lava flows. It is considered well drained with a medium runoff class. It is not considered prime farmland.

Flora and Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the project area due to the property's history of use for sugar cane cultivation. The parcel is primarily vegetated with African tulip tree (*Spathodea campanulate*), Guinea grass (*Urochloa maxima*), Ironwood (*Casuarina equisetifolia*), Coconut palm (*Cocos nucifera*) Foxtail palm (*Wodyetia bufurcata*), Banana (*Musa acuminata*), Gunpowder Tree (*Trema orientale*), Strawberry Guava (*Psidium cattleianum*), Octopus Tree (*Schefflera actinophylla*) all of which are common coastal plants.

Vegetation in the surrounding area is similar and also consists of Ti (*Cordyline fruticosa*), Hibiscus (*Hibiscus sp.*), Octopus tree (*Heptapleurum actinophyllum*), Bamboo (*Bambusa sp.*), and Bird of Paradise (*Strelitzia sp.*).

Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The applicant plans to do some landscaping of the property, consisting of non-invasive and native Hawaiian plants consistent with the coastal area and surrounding properties and may include ti (*Cordyline fruticosa*), naupaka (*Scaevola taccada*), and other low and non-invasive grasses or ornamentals.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (I‘o) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or ‘Ope‘ape‘a (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or ‘Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

Volcanic and Earthquake Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 8, on a scale of ascending risks 9 to 1.

The Building Code designates the entire island of Hawai‘i Earthquake Zone “D” and contains certain structural requirements to address the relative seismic hazard. The proposed dwelling will be designed and engineered to withstand seismic hazards according to the Hawai‘i County Code, Chapter 5A.

Flood/Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone “X” (areas outside of the 500-year flood) (**Figure 11**). Additionally, the project area is at an elevation of approximately 160 feet and is not within the 3.2-foot sea level rise exposure area.

Due to its elevation the property is not located within a tsunami evacuation zone, is located outside of the 500-year flood plan and is not affected by coastal flooding hazards.

B. Relationship to Land Use Plans and Policies

Special Management Area

The subject site is situated within the County Special Management Area (SMA). As such, a Special Management Area Use Permit is being requested. A discussion of this project's relationship to HRS Chapter 205A is found in Section I, subsection F of this report.

C. Probable Environmental Impact

There are no probable significant environmental impacts associated with the proposed action. The project will be energy conscious through its use of design features that take advantage of the sun and wind patterns. The proposed development does not entail adverse effects on the environment or the natural resources of the region. There will be no long-term impacts to air pollution, water quality, soil pollution, solid waste disposal, or noise pollution. Wastewater will be handled by an individual wastewater system approved by the Department of Health in order to mitigate potential water quality, coastal ecosystem, and soil impacts due to wastewater. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. Stormwater runoff will be managed during construction phases by utilizing Best Management Practices and mitigating measures.

D. Unavoidable Adverse Environmental Effects

The proposed action and land use will not have any significant adverse effects to natural resources. The applicants intend to utilize the land for a dwelling, which is consistent with the use of the area and permitted use in the zoning.

No adverse long-term impacts are expected to air or water quality, scenic or other natural resources outside of temporary and minor impacts during construction. Mitigating measures and best management practices will protect soil and coastal resources. No impacts are anticipated to flora and fauna. No significant secondary or cumulative impacts are expected with the request.

E. Alternatives to Proposed Action

No Project

An alternative to the proposed project would be to not build the dwelling and leave the parcel largely undeveloped. There is no significant justification for this alternative as the proposed dwelling would be consistent with surrounding land uses, is a permissible use in the Agricultural zoning district, the project site has

been previously cleared and there are no anticipated impacts to native flora, fauna, or cultural and historic resources.

Alternate Location

An alternate location is not feasible due to existing topography on the property and setback requirements. Thus, no alternative layout would be more reasonable than the one proposed.

F. Mitigating Measures

The applicant plans to mitigate any potential impacts of the proposed project through the implementation of the Best Management Practices as previously detailed. Additionally, the height and placement of the dwelling should not disrupt view planes from nearby properties or the highway.

G. Irreversible and Irretrievable Commitment of Resources

The proposed action will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Earthwork will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

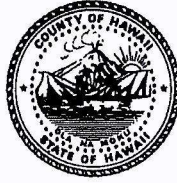
It is highly unlikely that any historic, archaeological, or cultural resources are present in the project area as the site was previously used for sugar cane cultivation. However, in the event any historic, archaeological, or cultural features are discovered during construction, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD, and County Planning Department will be secured before work resumes.

The requested action will not impact public access and the dwelling is proposed to be located over 100 feet from the coastal pali.

The proposed action should not result in the irreversible or irretrievable commitment of any environmental resources. As such the proposed action is logical, reasonable and wholly consistent with established Special Management Area objectives and regulations.

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

DATE: July 5, 2024

SUBJECT: **Special Management Area Use Permit Application (PL-SMA-2024-000061)**
Applicant: Sandman Properties, LLC
Request: To Allow the Construction of a Single-Family Dwelling and Related Improvements
Tax Map Key: (3) 3-2-003:017, North Hilo Hawai'i

The Solid Waste Division has reviewed the subject application and provides the following comments (contact the Solid Waste Division for more details:

- Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.

The Wastewater Division has reviewed the subject application and provides the following comment:

- No County sewer system in area. Applicant shall follow Hawai'i Department of Health, and all other applicable federal, state, and county regulations.

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

June 28, 2024

COH PLANNING DEPT
JUL 1 2024 PM 2:19

REC'D HAND DELIVERED

TO : JEFFREY W. DARROW, DEPUTY PLANNING DIRECTOR
FROM :  SCOTT P. AMARAL, ACTING ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU
SUBJECT: SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (PL-SMA-2024-000061);
APPLICANT: SANDMAN PROPERTIES, LLC;
REQUEST: TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING AND RELATED DEVELOPMENT;
TAX MAP KEY: (3) 3-2-003:017, NORTH HILO, HAWAII

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Reynold Kahalewai, Hamakua Patrol, at 775-7533 or via email at reynold.kahalewai@hawaiiicounty.gov.

RK:ws/24HQ0702



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: June 26, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Special Management Area Use Permit Application (PL-SMA-2024-000061)
Applicant: Sandman Properties, LLC
Request: To Allow the Construction of a Single-Family Dwelling and Related Improvements
Tax Map Key: (3) 3-2-003:017, North Hilo Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

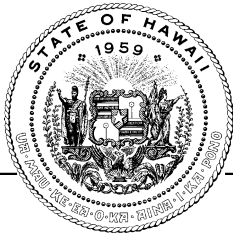
For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS 202406241405DO

Coastal Zone
Management
Program

July 15, 2024

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

Mr. Jeffrey W. Darrow, Deputy Director
Department of Planning
County of Hawai'i
East Hawaii Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Attn: Derek Harbaugh

Dear Mr. Darrow:

Subject: Special Management Area Use Permit Application (PL-SMA-2024-000061) to Allow the Construction of a Single-Family Dwelling and Related Improvements located at 32-1018 Hawai'i Belt Road, North Hilo, Hawai'i; Tax Map Key: (3) 3-2-003: 017

Thank you for the opportunity to provide comments on the Special Management Area (SMA) Use Permit Application (PL-SMA-2024-000061), transmitted via memorandum dated June 24, 2024, to allow the construction of a single-family dwelling and related improvements, North Hilo, Hawai'i.

According to the subject SMA Use Permit Application, Sandman Properties LLC proposes to build a dwelling containing five bedrooms, five and one-half bathrooms and a garage on the subject property that runs along the edge of a pali. The dwelling is proposed to contain approximately 4,700 square feet of living space and 720 square feet of accessory space including a lanai. Accessory improvements will include an Individual Wastewater System and typical coastal landscaping. All proposed improvements will be sited more than 100 feet from the top of the pali. There is no established shoreline public access in the area, and no shoreline public access is possible from the property.

The property is primarily vegetated with grasses and other common species found in coastal landscaping including ti, crotons, palms and bananas. Two permitted structures, such as a garage and a tool shed, exist on the property, built in 2004.

Planning Dept.
Exhibit 5

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone “X”, areas outside of the 500-year flood. The parcel is not within the 3.2-foot sea level rise exposure area.

Construction of the proposed project is anticipated to begin within one year of building permit approval and be complete within two years. The estimated value of this project is \$1,000,000

The Office of Planning and Sustainable Development (OPSD) has reviewed the subject SMA Use Permit Application, and has the following comments to offer:

1. The subject SMA Use Permit application shall provide a location map of the project site on the Island of Hawai‘i, and in relation to county designated SMA.
2. The SMA permit regulates permissible land uses that are allowed by land use policies. According to the application, the subject parcel consists of 3.355 acres of land zoned Agricultural 20 acres (A-20a). The County General Plan Land Use Pattern Allocation Guide map designates the site as an Important Agricultural Land and Open. The Open designation is generally intended for parks and other recreational areas, along with open shoreline areas. The OPSD recommends that the County of Hawai‘i Planning Department ensure that the proposed residential development is consistent with the county land use policies prior to an SMA use determination.
3. The applicant should provide site-specific mitigation measures, including building design, building color and landscaping, to minimize the alteration of natural landforms and existing public views to and along the coast, and ensure the proposed residential development is compatible with the existing visual environment.
4. All exterior lighting and lamp posts associated with the proposed residential development shall be full cut-off luminaries to provide the necessary shielding to mitigate potential light pollution in the coastal areas, and lessen possible seabird strikes. Pursuant to Hawai‘i Revised Statutes § 205A-30.5(b), no artificial light shall be directed to travel across the property boundaries toward the shoreline and ocean.
5. The OPSD concurs that the site-specific Best Management Practices (BMPs) shall be prepared and implemented to prevent any runoff, sediment, soil and debris potentially resulting from associated construction activities from adversely impacting the coastal ecosystems and the State waters as specified in Hawai‘i Administrative Rules Chapter 11-54.

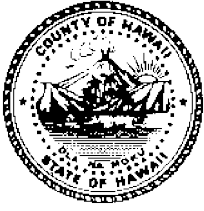
Mr. Jeffrey W. Darrow
July 15, 2024
Page 3

If you respond to this comment letter, please include DTS 202406241405DO in the subject line. For any questions regarding this letter, please contact Shichao Li of our office at (808) 587-2841 or by email at shichao.li@hawaii.gov.

Sincerely,

Handwritten signature of Mary Alice Evans in black ink.

Mary Alice Evans
Director



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 7 – Hilo, Hawai'i 96720

Hilo Office (808) 961-8331 • Fax (808) 961-8410

Kona Office (808) 323-4720 • Fax (808) 327-3509

July 24, 2024

TO:

Derek Harbaugh - County of Hawaii – Planning Dept.
County Of Hawaii Planning Department
101 Pauahi St. Ste. #3
Hilo, HI. 96720

SUBJECT:

Special Management Area Use Permit Application PL-SMA- 2024-000061
Applicant: Sandra Gonzalez & Manuel Lopez
Owner: Sandman Properties LLC
Request: To construct a new single-family dwelling and associated improvements.
TMK: (3) 3-2-003:017

This is to inform you that our records on file, relative to the status of the subject discloses that:

☒ No Building permit was issued for work done on the premises.

The Owner is delinquent in satisfying the requirement to obtain a building permit for the “as-built” agricultural warehouse as outlined in Condition of Approval – Item #3 of PL-SMM-2021-000006. The property owner is to obtain a building permit for the “as-built” agricultural warehouse.

☐ No building permit was issued for the change of occupancy.

☐ At the time of completion, the subject complied with all Building Code regulations that were in effect.

☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.

☐ The following violations(s) still outstanding:

☐ Building

☐ Electrical

☐ Plumbing

☐ Sign

☒ Others:

The Owner is to obtain the requisite building permits per Hawaii County Code Chapter 5 Construction Administrative Code prior to initiation of construction for the proposed dwelling and its accessory structure(s). The proposed dwelling may be subject to change/alteration as a product of Building review and comments

Hawai'i County is an Equal Opportunity Provider and Employer

Planning Dept.
Exhibit 6

rendered as part of the building permit application process. No further comment.

This status report reflects Building Division records only and does not include information from other agencies.

Should you have any questions regarding matters contained herein, please feel free to contact Joel Fitzgerald at phone no. (808) 961-8488.

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: July 24, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



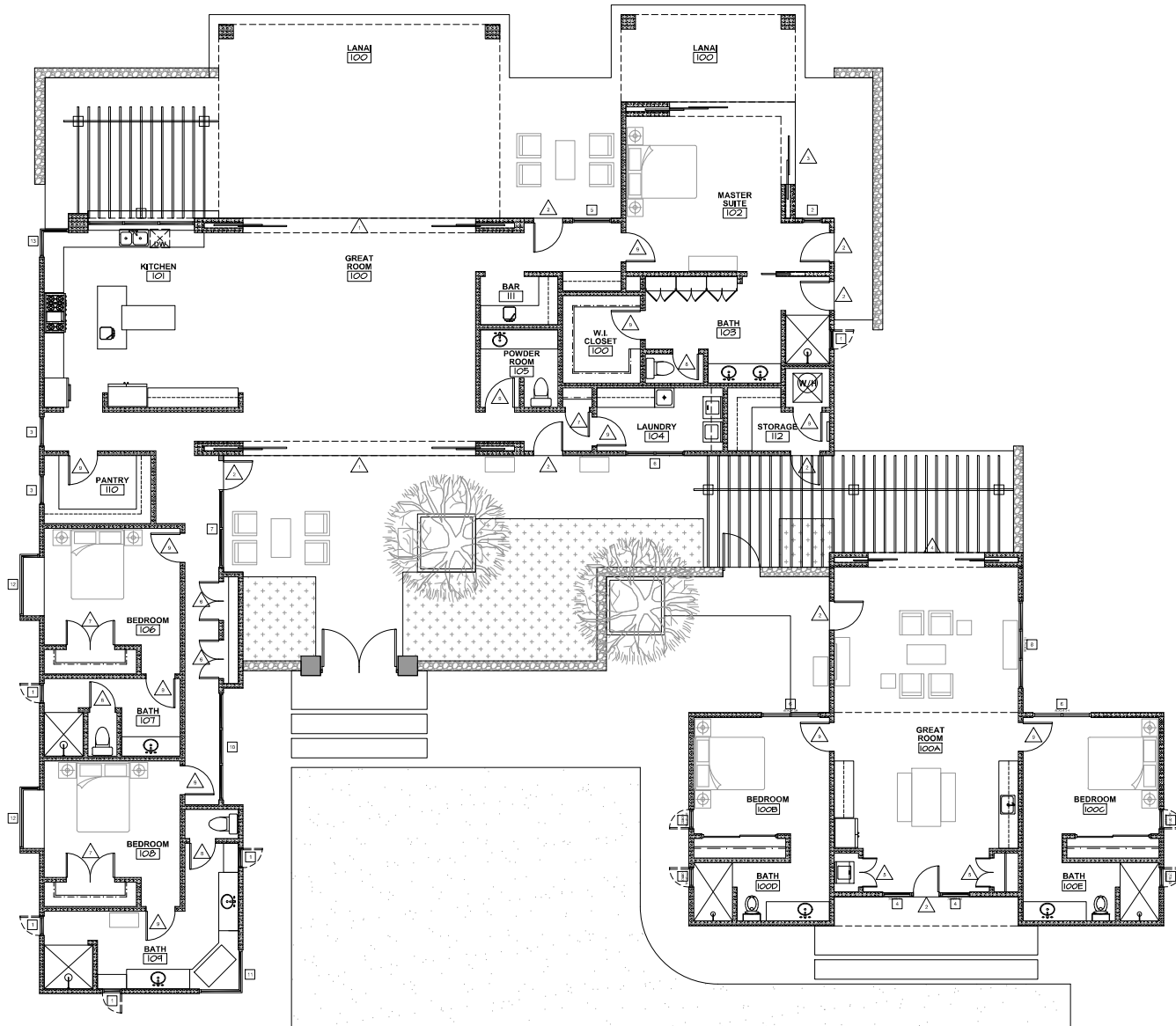
SUBJECT: Special Management Area Use Permit Application (PL-SMA-2024-000061)
Applicant: Sandman Properties, LLC
Request: To Allow the Construction of a Single-Family Dwelling and
Related Improvements
TMK: 3-2-003:017

We have reviewed the subject request and provide the following comments:

1. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
2. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code (HCC).
3. Hawaii Belt Road is under the jurisdiction of the State, Department of Transportation.

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit <u>7</u>



1

FLOOR PLAN

SCALE: 1/8" = 1'-0"

KEYNOTES

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

WALL LEGEND

Planning Dept.
Exhibit **8**

Oei
design

3200 NORTH HAYDEN RD. #285
SCOTTSDALE, AZ 85251
PHONE: (480) 947-6844

PROJECT LOCATION
32-1018 HAWAII BELT ROAD
NINOLE, HAWAII

PROJECT
NINOLE RESIDENCE

SCALE
3/16" = 1'-0"

DATE
6/28/2024

REVISION DATE

DESCRIPTION
FLOOR PLAN

SHEET

A2.0

