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**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Ref: OCCL:RB

CDUA HA-3894

Acceptance Date: 3/28/22

180 Day Expiration Date: 9/24/22

Roy A. Vitousek III, Esq.  
Cades Schutte LLP  
75-170 Hualalai Road  
Suite B-303  
Kailua-Kona, HI 96740

Dear Mr. Vitousek:

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL  
DETERMINATION**

**Conservation District Use Application (CDUA) HA-3894**

**(Board Permit)**

This acknowledges the receipt and acceptance for CDUA processing of your client's CDUA for a Single-Family Residence (SFR) with accessory structures located at Tax Map Key (TMK) (3) 7-9-005:012, Honalo, North Kona, Hawaii. Access to the property is via Keauhou-Kainaliu Beach Road/Old Government Road. The subject property is an approximately .17-acre (7,405 sq. ft.) and is in the Resource subzone of the State Land Use Conservation District.

The proposed SFR will be a single story, post and pier foundation that will occupy a building footprint of 1,600 sq. ft: living area; kitchen and dining area; laundry and pantry area; master bedroom; master bathroom; master closet; second bedroom; second bathroom; storage; and hallway. The accessory structures will total 245 sq. ft.: water well; two water storage tanks; a salt pan; aumakua; lele; propane tank; two split-system air conditioning condensers; and a pool. Total proposed SFR and associated improvements are 1,845 sq. ft.

This is a kuleana parcel which was designated as Land Commission Award (LCA) 8575:2. The property is not oceanfront and its makai boundary is approximately 115 feet inland from the shoreline. The most seaward portion of the home is proposed at approximately 130 feet inland from the makai property boundary. The applicant is requesting a variance from the 15-foot minimum setback for lots under one

acre: a 13.5-foot setback is requested for the entire SFR. This requested setback variance is due to lot shape and site characteristics, such as to avoid archaeological site disturbance.

The whole property is identified as an archaeological site (Site 50-10-37-7723) which consists of three features: (1) a terrace (Feature A); (2) a rectangular shaped enclosure (Feature B); (3) a large stone wall enclosure that extends around the project area perimeter (Feature C). Features A and B are located within the large Feature C stone wall enclosure. The SFR access from Keauhou-Kainliu Beach Road will be from an existing 5.1-meter opening in the existing stone wall perimeter enclosure (Feature C). Driveway paving would be limited to permeable materials and would require no grading.

The property is not served by a private or public water system, nor is it served with electrical power by a public utility company. The applicant proposes a water well permit with reverse osmosis treatment and a 1,000-gallon storage tank for landscaping purposes as well as a water catchment system with a 1,000-gallon potable water storage tank. Additionally, the applicant proposes to install an “off-grid” rooftop photovoltaic system with battery storage.

The applicant states that grubbing and grading will require approximately 300 cubic yards for the IWS system and the swimming pool. Landscaping will include the use of native Hawaiian plants.

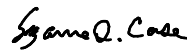
After reviewing the application, the department finds that:

1. The proposed uses are identified land uses in the Resource subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR), 13-5. Please be advised, however, that this finding does not constitute approval of the proposal.
  - HAR, §13-5-24, R-7, **SINGLE FAMILY RESIDENCE**, (D-1) A single family residence that conforms to design standards as outlined in HAR, 13-5.
  - HAR, §13-5-22, P-3, **KULEANA LAND USES**, (D-1) Agriculture and a single family residence, if applicable, when such land use was historically, customarily, and actually found on the property. Agriculture means the planting, cultivating, and harvesting of horticultural crops, floricultural crops, or forest products, and subsistence livestock.
  - HAR, §13-5-23, L-2, **LANDSCAPING**, (C-1) Landscaping (including clearing, grubbing, grading, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area less than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.
  - HAR, §13-5-22, P-2, **STRUCTURES, ACCESSORY**, (B-1) Construction or placement of structures accessory to existing facilities or uses.
2. Pursuant to HAR, §13-5-40 (a) a public hearing will not be required;
3. In conformance with Hawaii Revised Statutes (HRS), 343, as amended, and HAR, 11-200.1, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and

4. The subject property is in the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A) that pertain to the SMA requirements administered by the various counties. Staff notes that on September 21, 2020, the County of Hawaii Planning Department determined that the proposed dwelling and accessory structures will not require further review against the SMA rules and regulations. The OCCL notes that Condition #4 required that a CDUA permit must be obtained within one year of this SMA determination. The applicant received a letter from the County of Hawaii dated October 5, 2021, providing a one-year time extension from the original SMA letter to September 21, 2022.

Upon completion of the application review process, the subject CDUA will be reviewed by the Board of Land and Natural Resources for consideration. Should you have any questions, please feel free to contact Rachel Beasley at [rachel.e.beasley@hawaii.gov](mailto:rachel.e.beasley@hawaii.gov) or work cell 808-798-6481.

Sincerely,



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

cc: DOFAW/DOCARE/HDLO  
OHA/USFWS/CWRM  
Hawaii Board Member  
County of Hawaii, Planning Department  
County of Hawaii, Fire Department  
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