

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i**

180-Day Exp. Date: August 07, 2017

July 14, 2017

**Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Use Application (CDUA) MA-3788
for the Replacement of a Single-Family Residence &
Related Improvements

**APPLICANT/
LANDOWNERS:** William E. Engel/
Marla A. and William E. Engel
Maui Land and Pineapple (MLP)

CONSULTANT: Chris Hart & Partners

LOCATION: Honolua, Lahaina, Maui
Tax Map Keys: (2) 4-2-004:019 Engel
(2) 4-2-004:062 MLP

AREA OF PARCELS: Approximately (\approx) 18,519-ft² Engel
Approximately (\approx) 13.6 Acres MLP

USE: \approx 17,260-ft²
 \approx 15,426-ft² [Easement Area] MLP

SUBZONE: Resource
Limited

DESCRIPTION OF AREA AND CURRENT USE (EXHIBITS A, B, C & D)

The subject properties are adjacent to each other and exist along the northwest coastline of Maui at Honolua, in the District of Lahaina and are noted as Tax Map Key (TMK) (2):4-2-004:019 & 062. Parcel 019 lies within the Resource subzone and parcel 062 lies within the Limited subzone. The properties are bounded to the northwest [makai] by Makulē'ia Bay with the Pacific Ocean beyond and to the southeast [mauka] by the Hono-a-Pi'ilani Hwy.

Upon parcel 019, there is an existing 1012-ft² residence with a 407-ft² garage constructed under Conservation District Use Permit (CDUP) MA-163 that was approved by the Board of Land and Natural Resources on January 22, 1971. Landscape plantings associated with the current residence consists of an open lawn with a variety of palms,

trees and shrubs. The Cultural Impact Assessment indicates that this land was inhabited prior to the Mahele of 1848.

Parcel 019 maintains approximately 100-feet of frontage along the highway. The existing residence is sited below the highway with vegetative landscape plantings and a retaining wall parallel to the highway buffering the existing structure. Electrical service is provided via overhead powerlines operated by Maui Electric Company. Domestic metered water is provided by the Kapalua Water Company. Telephone and cable lines run along the highway and services the property.

Parcel 062 is owned by Maui Land & Pineapple (MLP). A former landowner of parcel 019 had encroached upon and created an access driveway to parcel 019. To rectify this encroachment, the applicant requested and was granted a 15,462-ft² perpetual access and landscaping easement on March 11, 2015. Vehicular and pedestrian access to the property is from this easement off of Hono-a-Pi'ilani Hwy. In addition, the applicant filed a CDUA for the improvements upon parcel 062. On January 20, 2017, the Department approved CDUP MA-3771 for an After the Fact 10-foot wide, 100-foot long concrete driveway; rockwalls on both sides of the driveway; two rock columns; a wooden gate at the driveway entrance; and noninvasive landscaping upon parcel 062.

According to the applicant, existing vegetation primarily consists of lawn and native and non-native landscape plantings typical of residential properties in the area. Common avifauna found in the area includes the myna, species of dove, cardinals, finches and sparrows. Mammals common to the site include cats, dogs, rats, mice, and mongoose. There is no evidence of the presence of rare or endangered plants or animals on the project site.

The site is located in a shallow embayment bounded by basaltic headlands to the north and south. The shoreline is rocky, composed of medium-large basalt cobble and boulders and wind-blown. Parcel 019 is relatively flat with an elevation of between 20-24 feet above mean sea level. Soil classifications found on the project site are rockland and rough broken land. These soil types are found from nearly sea level to more than 6,000 feet. The property is in the tsunami inundation zone and must be evacuated when a tsunami warning is issued. There are no features indicating surface water bodies or wetlands.

PROPOSED USE (EXHIBITS E, F, G, H, I, & J)

Upon parcel 019, the existing 1,012-ft² residence and 407-ft² carport will be dismantled and relocated offsite. A 3,500-ft² two-story split level home with an attached two car garage is proposed to replace the removed residence. The residence would consist of 3 bedrooms, 3 bathrooms, 1 powder room, 1 kitchen, a dining room, a living room, a study, a laundry room, and an entry foyer. A covered entry deck and covered decks off the living/dining areas and the master bedroom upstairs are also proposed.

Other proposed improvements include the installation of an Individual Wastewater System (IWS) to replace the existing cesspool, an above ground retention basin or underground retention system to accommodate increase storm runoff. Minor grading for

the proposed replacement dwelling will be required for the purpose of leveling out the house site.

The shoreline fronting parcel 019 was certified on November 3, 2016. A shoreline erosion analysis was prepared by Sea Engineering. According to the analysis, field observations suggest that the shape of the shoreline fronting parcel 019 has remained consistent and stable since 1962. The Average Erosion Hazard Rate is calculated to be - 0.021 feet/year. Utilizing the Average Annual Coastal Erosion Rate (AACER), the residence must be setback a minimum of 41.4-feet. The residence is proposed to be setback 51-feet.

The existing driveway that lies within parcel 062 will be realigned and parts of the existing retaining walls will be reconstructed. The area of the work is approximately 2000-ft².

According to the applicant, the existing lawn area between the shoreline will remain. However an overgrown Ficus tree in the middle of the lawn area will be removed. Landscaping will consist of non-invasive species with 50% of the proposed plant species being native. The plant species mix was selected to provide a variety of color and textures, while being compliant with Maui County Planting Plan and provides a drought tolerant landscape.

The application states, landscape plantings around the proposed dwelling will be tropical and zone appropriate so plants will thrive with minimal water requirements. Design and layout will be natural and curvilinear in an effort to blend the transition between developed area and the natural surroundings. Plantings are proposed to help ground the structures to the property and soften the transition from a built environment to outdoor open space. New landscaping will be added where portions of the old driveway are to be removed. Additional landscape planting along the southwestern property line will be planted in a way as to not block any of the limited existing view corridors to the ocean from the highway.

Proposed plantings include Singapor plumeria; Rhapis, pigmy date & areca palms; citrus; papaya; lilikoi; Queen Emma lily; kukui; green & red ti; and ilima. Ground cover would include beach naupaka, beach vitex, lauac fern nehe and pa'uhi'iaka. Citrus fruit trees for personal consumption are also proposed.

According to the applicant, the design of the residence is a modern adaptation of a plantation era house with large covered decks, and a hybrid concrete post & pier foundation. Only the proposed garage will be constructed on concrete slab on grade. The residence has been designed to blend in with the existing architectural style of the vicinity. The open floor plan with large covered decks and retractable sliding doors emphasize an indoor/outdoor environment that maximizes cross ventilation. Finishes include a stone façade at the base of the structure with earth toned wood shingle siding on all exterior walls and standing seam metal roofing. The covered entry way is connected to the concrete parking area and driveway by a stamped concrete pathway. The two car garage is attached and can also be accessed from the interior and is proposed to be finished in the same materials.

Regarding sustainability designs, the new residence will include more efficient equipment and appliances and solar water heating. Low flow water fixtures and efficient plumbing will be utilized to maximize water conservation. Landscape irrigation will utilize drip emitters in planted areas and rain sensors to conserve water.

Best Management Practices

According to the applicant, the structural design and siting of the residence as well as the design of the wastewater system has taken into consideration the soil conditions. Best Management Practices (BMP) will be observed during construction and care will be taken during construction to minimize erosion and impacts to surrounding properties.

The following measures may be instituted to control erosion during the construction period:

- Minimize time of construction;
- Retain existing ground cover until latest date to complete construction;
- Use temporary area sprinklers in non-active construction areas when ground cover is removed;
- Use temporary berms and cut-off ditches, where needed, for control of erosion;
- Thoroughly water graded areas after construction activity has ceased for the day and on weekends;
- Provide temporary irrigation system and grass all cut and fill slopes within 30 days after grading work is completed; and
- Install silt screens wherever appropriate.

Construction shall be conducted in compliance with Federal, State and Maui County laws. Within the Environmental Assessment, the applicant has proposed and will observe several practices and mitigation for the short-term construction phase and long-term residential living to insure no adverse impacts to the environment, neighbors and household.

Alternatives

No Action-No redevelopment would result in the existing residence remaining in place. There would be no change to existing conditions. The owners would not improve the condition of the property and structure nor enjoy the benefits of a larger living space.

Demolish Existing Residence-This alternative would remove the existing structure from the subject property and allow the property to revert to its natural state and provide open space. The owners would lose the benefit of a residence.

Renovate the Existing Residence-This alternative would allow for renovation of the existing residence within the existing building envelope. The owners would not enjoy the benefits of a larger living space.

SUMMARY OF COMMENTS

The application was referred to the following agencies for their review and comment: the State: Department of Health; Office of Hawaiian Affairs; Office of Environmental Quality Control; Department of Land and Natural Resources Divisions of: Conservation and Resource Enforcement, Engineering, Forestry and Wildlife, Maui District Land

Office, and the Historic Preservation Division. The CDUA was also forwarded to the **County of Maui:** Department of Planning and the Fire Department. In addition, this application was also sent to the nearest public library, the Lahaina State Public Library, to make this information readily available to those who may wish to review it.

Responses were received and have been summarized from the following agencies:

STATE OF HAWAII

DEPARTMENT OF HEALTH

Environmental Planning Office

In the development and implementation of all projects, the EPO strongly recommends regular review of State and Federal environmental health land use guidance. Projects are required to adhere to all standard comments. State standard comments and available strategies to support sustainable and health design are provided at website: health.hawaii.gov/landuse.

EPO has recently updated the environmental Geographic Information System (GIS) website. It now compiles various maps and viewers from our environmental health programs. Website: health.hawaii.gov/epo/egis.

EPO also encourages the applicant to examine and utilize the Hawaii Environmental Health Portal at: eha-cloud.doh.hawaii.gov for links to DoH's e-permitting portal and other features.

Review the requirements of the Clean Water Branch and/or the National Pollutant Discharge Elimination System permit at website: health.hawaii.gov/cwb

Regarding solid waste, see website: health.hawaii.gov/shwb. The open burning of waste is strictly prohibited.

Effective air pollution control measures need to be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. Contact the Clean Air Branch via e-mail.

If construction noise is to be generated relevant information is on line at health.hawaii.gov/irhb/noise.

The US EPA has developed a new environmental justice mapping and screening tool. The EPA EJSCREEN tool is available at: www.epa.gov/ejscreen.

Hawai'i's climate is changing. Sea level rise and the associated coastal impacts have the potential to harm an array of natural and built environments in Hawai'i. For additional information the EPO recommends that you visit the following informative links: climateadaptation.hawaii.gov; www.soest.hawaii.edu/coasts/index; and www.epa.gov/climate-impacts/climate-impacts-coastal-areas.

We request that all of this information be utilized to increase sustainable, innovative, inspirational, transparent and healthy design.

Staff notes: The EPA government website regarding climate-impacts has not been updated since January 2017.

Applicant's response

Environmental Health-The Environmental Health Management Map indicates there are no landfills, air or water quality monitoring, or superfund sites in the vicinity of the proposed project site.

Clean Water Branch-A National Pollutant Discharge Elimination System (NPDES) permit will be obtained, if required. The contractor will contact the Clean Water Branch. A Best Management Practice (BMP) plan for erosion control, as detailed in the Draft EA, will be implemented during construction. The proposed project is not expected to impact waters of the US.

Wastewater-the project intends to replace the existing cesspool with an appropriately sized and approved Individual Wastewater System (IWS) with septic tank. The IWS will comply with HAR, 11-62.

Construction Waste- The project intends to dispose of construction waste generated by the project at the County's Central Maui Landfill which is the only facility authorized to receive such waste on Maui at this time. The Central Maui Landfill is assumed to be in compliance with HAR, 11-58.1. The contractor will apply to the landfill for approval.

Clean Air Branch-the BMP plan for air quality control will be implemented during construction. As noted in the Draft EA, dust control measures will be implemented during construction. Some of these measures will include:

- Providing adequate water source on site prior to start-up of construction activities;
- Landscaping and rapid covering of bare areas, including slopes, beginning with the initial grading phase;
- Controlling of dust from shoulders, project entrance s, and access roads;
- Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- Controlling of dust from debris hauled away from project site.

Noise, Radiation & Indoor Air Quality-If noise levels warrant, requirements of HAR, 11-46, Community Noise Control will be complied with.

The EPA Environmental Justice map indicates that the subject property has a low potential for exposure, risk, and proximity to environmentally hazardous sites.

A climate section will be included in the Final EA to analyze effects of climate change as it relates to this project.

Office of Environmental Quality Control

Climate change is accompanied by dangerous conditions such as drought, extreme rainfall, flooding, increasingly violent hurricanes, sea level rise, coastal and streambank erosion, immense winter waves, rising ocean temperatures, ocean acidification, and coral bleaching. Climate change may result in more storm water runoff than indicated within the EA. In the Final EA, please clarify whether the retention basin/system will hold only

the calculated increased runoff (0.20 cubic feet per second) or more. Please also discuss whether the driveway and pathway can be constructed of pervious materials, to encourage groundwater infiltration and to minimize runoff.

Applicant's response

The owner/applicant recognizes that climate change can be accompanied by dangerous conditions and may result in pre-development storm water that is more than calculated. The calculated rainfall runoff is based on a 50-year storm event as required by the County of Maui. The proposed retention system will be designed to capture the runoff increase generated by the proposed project. The system will collect storm runoff which will be allowed to percolate back into the ground.

The applicant will consider increasing the system capacity, if practicable. The applicant will also consider pervious materials for pavement surfaces, but please note that the proposed retention system effectively achieves the same result of minimizing runoff and recharging groundwater.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Engineering

The rules and regulations of the National Flood Insurance Program (NFIP) Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (gis.hawaiiifip.org/FHAT).

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinator: Maui, Department of Planning (808) 270-7253.

Applicant's response

The property is situated within Zones VE & X. The portion of the property that runs along the shoreline, is designated Zone VE, where coastal flooding due to high wave action may be expected and there is a base flood elevation of 19-feet. The remainder and majority of the project site is designated Zone X, areas determined to be outside the 0.2% annual chance floodplain.

All proposed site activity, the dwelling, garage, site walls, driveway, lanais, and pathway for the proposed project will be constructed entirely within Zone X portion of the property and should not be subject to flood hazards. No activity or construction is proposed or will occur in Zone VE.

Maui District Land Office

Please advise County of Maui, Real Property Tax Assessment Division of proposed improvements that may affect valuations of the property.

Applicant's response

When building permits are issued by the County, a copy is typically forwarded to the Real Property Tax Assessment Division for the purpose of re-assessing the property.

ANALYSIS

After reviewing the application, by correspondence dated February 14, 2017, the Department has found that:

1. The proposed land uses are identified land uses in the Conservation District, pursuant to the Hawaii Administrative Rules (HAR) §13-5-22, P-8, STRUCTURES AND LAND USES, EXISTING, Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit, when county permit(s) are required for the associated plan(s), the department's approval shall also be required; and R-7, SINGLE FAMILY RESIDENCE (D-1), A single family residence that conforms to design standards as outlined in Chapter 13-5. Please be advised, however, that these findings do not constitute approval of the proposal;
2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project.

Please be informed, the provisions of Hawai'i's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties must be complied with. Negative action by the Board of Land and Natural Resources (BLNR) on this application can be expected should you fail to obtain and provide us prior to Board action, one of the following from the County:

1. An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
2. An official determination that the proposed development is outside the SMA; or
3. An SMA Use Permit for the proposed development.

The FONSI to the environment was published in the May 8, 2017 Environmental Notice.

Regarding the SMA, should the Board authorize this application, the permit shall be conditioned to ensure that the County of Maui's SMA determination be completed prior to construction plan approval.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The proposed land uses are identified land uses in each of the noted subzones of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. Residential use of parcel 019 was established when the Board of Land and Natural Resources approved CDUP MA-163 on January 22, 1971.

Further, land uses on parcel 062 were established on January 20, 2017, when the Department approved CDUP MA-3771 for the After the Fact 10-foot wide, 100-foot long concrete driveway; rockwalls on both sides of the driveway; two rock columns; a wooden gate at the driveway entrance; and noninvasive landscaping within the easement area.

No rare, threatened or endangered plant or animal species or significant habitats are known to exist on the subject property. No Archaeological and cultural resources have been identified on the property.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

The objective of the Resource subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. The objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities. The proposed land uses are identified land uses pursuant to HAR, §13-5-22, P-8, STRUCTURES AND LAND USES, EXISTING, Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit; and pursuant to the HAR, §13-5-24, R-7, SINGLE FAMILY RESIDENCE (D-1) A single family residence that conforms to design standard as outlined in Chapter 13-5. The project shall conform to residential design standards set forth in 13-5, HAR. Staff believes the proposed land uses are consistent with the objectives of the subzone.

The proposed use will not change the existing use of the properties; Best Management Practices (BMPs) will be implemented to minimize potential impacts during construction; stormwater runoff generated by the proposed improvements will be retained on site; and an approved wastewater treatment system will be utilized to dispose of wastewater.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.*

The project site is located within the Special Management Area. Staff believes the proposed project complies with provisions and guidelines contained in Chapter 205, HRS regarding Coastal Zone Management: *Recreational/Open Space resources*-The proposed use will not change the public's use or access to the shoreline. The existing residence and landscaping currently limit public views to the shoreline, the proposed residence is not expected to alter this view; *Historical resources*-An archaeological inventory survey report, a cultural impact assessment report, and an archaeological monitoring plan has been prepared; *Coastal Ecosystems/Marine resources*-Storm water runoff will be retained on site and erosion control best management practices shall be implemented during construction; *Coastal hazards*-No improvements are proposed in the VE Zone; *Managed development*-The project shall be developed in accordance with applicable State and County requirements. The residence proposed may not be considered development' pursuant to HRS, 205A, as it is less than 7,500-ft².

4. *The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.*

Staff believes the proposed land uses will not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region provided that mitigative measures are implemented and the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard that the project may cause.

There may be short-term adverse effects on the surrounding area associated with construction activities such as potential noise and air quality.

This site has been in continuous residential use prior to the establishment of residential use by the Board in 1971.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The improvements will maintain the same use as the existing residence. According to the applicant, the design of the proposed residence is a modern adaptation of a plantation era home.

6. *The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, which ever is applicable.*

The site does not contain unique features either topographically or geologically. The improvements that include new landscape plantings will enhance the natural beauty of the environment. The footprint of the proposed residence will occupy about 15.2% of the residential parcel.

7. *Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff believes the proposed land use will not be materially detrimental to the public health, safety and welfare as mitigated. With the incorporation of an appropriately designed and operated individual wastewater system, combined with other BMPs identified, the proposed residential land use will not result in materially detrimental impacts to public health, safety and welfare.

CULTURAL IMPACT ANALYSIS

Since the Engels acquired this property in 2011, no gathering or traditional practices have been observed on the property. Common traditional uses such as swimming, fishing, diving, and reflection are likely to occur along the shoreline.

An Archaeological Inventory Survey and Cultural Impact Analysis have been prepared for the site and have been submitted to the State Historic Preservation for review and determination. The Archaeological Monitoring Plan recommends: The State Historic Preservation Division (SHPD) be notified of the onset and completion of the proposed project; an archaeological monitor be assigned per piece of ground-disturbing equipment; prior to commencement of construction, all pertinent parties including but not limited to construction and archaeological personnel will be informed of the monitoring procedures; and if subsurface sites or human remains are inadvertently exposed, all activities in the immediate area will be temporarily halted and immediate archaeological consultation will be sought with the State Historic Preservation Division in accordance with applicable regulations.

During the processing of this application, no comments were received from native practitioners, the Office of Hawaiian Affairs or the Historic Preservation Division. The proposed action does not appear to affect traditional Hawaiian rights. It is believed that the project will not impair, diminish, or preclude customary or traditional native Hawaiian rights and no action is necessary to protect these rights.

DISCUSSION

The property owner would like to remove and relocate the existing single family residence and reconstruct a new single family residence. In addition, improvements and landscaping are also proposed to the existing access easement driveway on adjacent parcel 062. The building pad is approximately 6-feet below the elevation of the road. An existing areca palm hedge that buffers the existing residence from the road will remain. The height of the proposed residence will be approximately 11-feet taller, however the width will be slightly less than the existing structures and will be setback approximately 51-feet from the shoreline.

The applicant has incorporated several design features and compatibility provisions to blend in with the existing architectural style of Honolulu/Kapalua. The applicant sees the proposed home as a modern adaptation of the plantation era house which is reflected in the earth-tone color scheme, wood and metal building materials, and post and pier construction. The proposed home appears to be consistent with Chapter 13-5, Hawai'i Administrative Rules, Exhibit 4, Single Family Residential Standards. Staff recommends existing and new landscaped vegetation be sustained to buffer and shield the residence from the highway.

Staff notes during construction; Standard Best Management Practices will be observed. Within the Environmental Assessment, the applicant has identified several mitigative measures, conditions and practices to ensure that the proposal will have minimal effects on the natural resources of the land. As such these proposed measures, conditions and practices are incorporated into the permit.

Although the replacement residence will be larger, staff believes that the proposal project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as described in the application and environmental assessment, and as required by rule or laws, are fully implemented.

RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application MA-3788 for a Replacement Single Family Residence (SFR) & Related Improvements located at Honolulu, Lahaina, island of Maui, Tax map keys: (2) 4-2-004:019 & 062 subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;

3. The permittee shall comply with all applicable department of health administrative rules;
4. The single-family residence shall not be used for rental or any other commercial purposes unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;
5. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;
6. The permittee shall obtain a determination in regards to SMA requirements from the County of Maui's prior to construction plan approval;
7. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
8. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
9. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
10. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
11. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
12. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the

significance of the find and recommend an appropriate mitigation measure, if necessary;

13. The permittee shall utilize Best Management Practices for the proposed project;
14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
15. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawaii Administrative Rules, Chapter 13-5;
16. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
17. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
18. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
19. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
20. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;
21. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
22. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
23. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in 205A-1, HRS;
24. The permittee shall maintain and sustain existing and proposed landscaped vegetation to buffer and shield the residence from the highway;

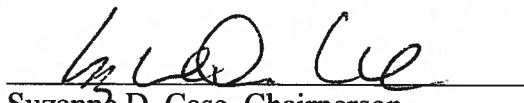
25. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. all exterior lighting shall be shielded to protect the night sky;
26. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
27. Any landscaping will shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
28. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Respectfully submitted,

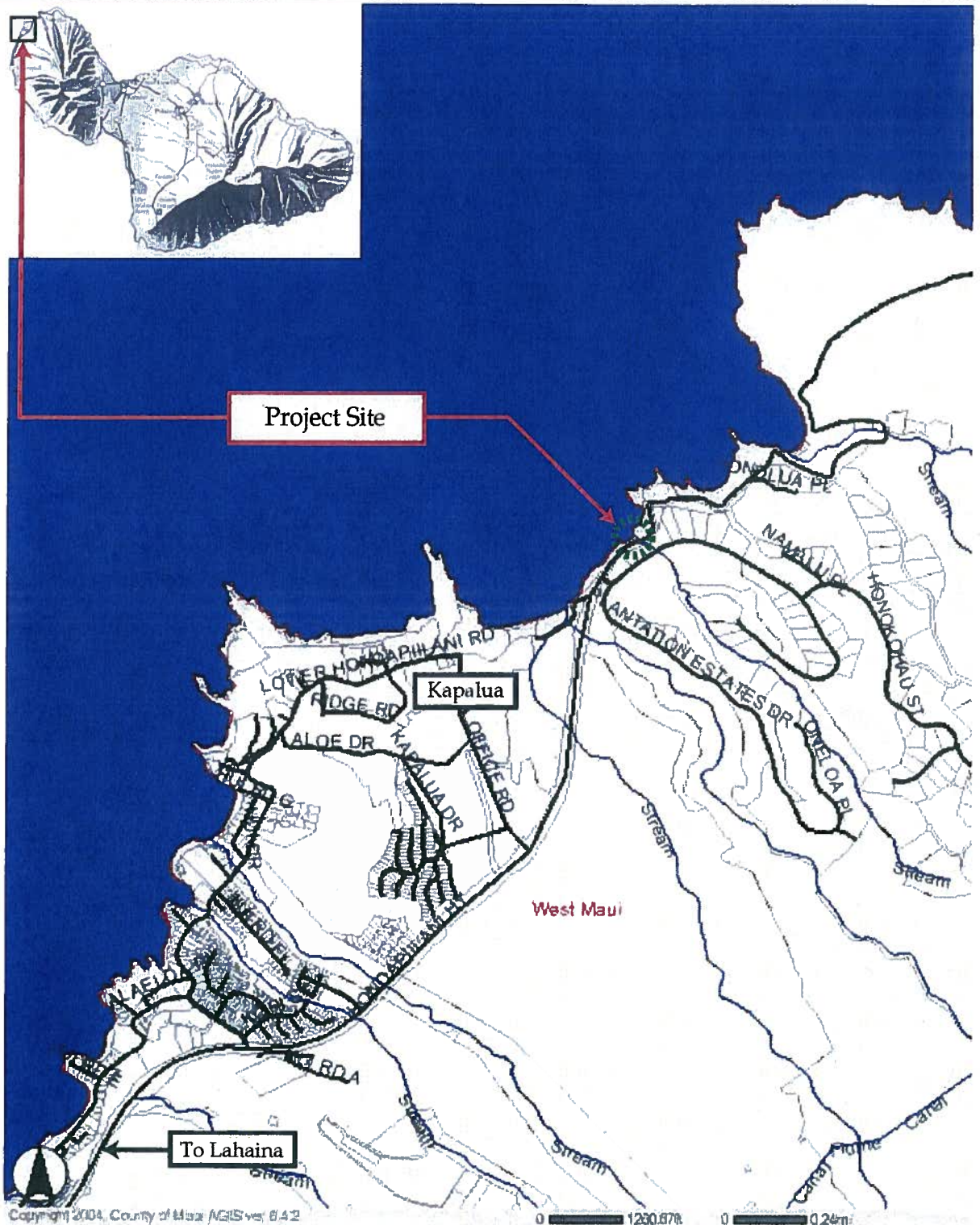


K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources



<p>Location Map</p>	<p>Not to Scale</p>
<p>Engel Residence</p> <p>Source: County of Maui</p>	



EXHIBIT A



Not to Scale

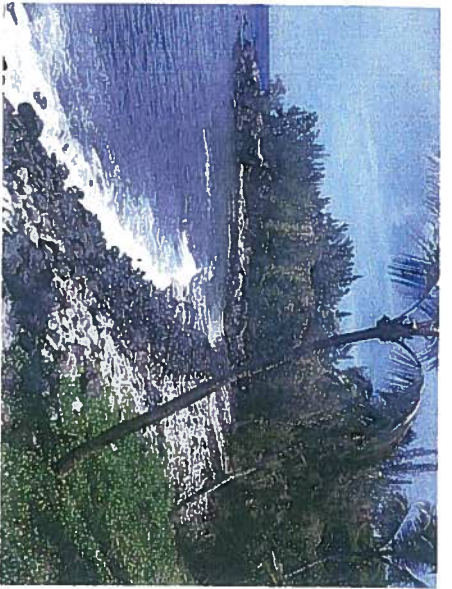
Aerial Map

Engel Residence
Source: Google Earth



Project Site

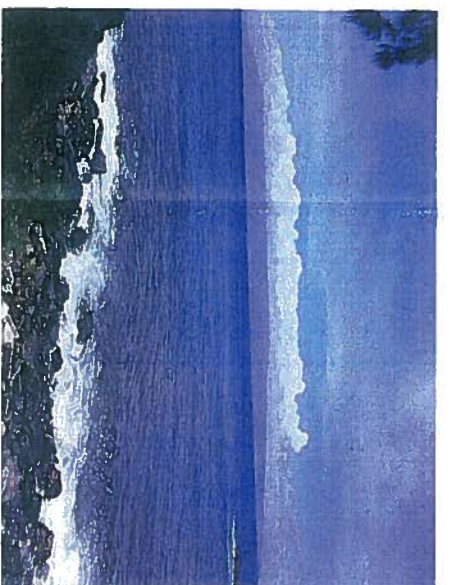
EXHIBIT B



1. Looking east along the shoreline of the subject property.



2. Looking west along the shoreline of the subject property.



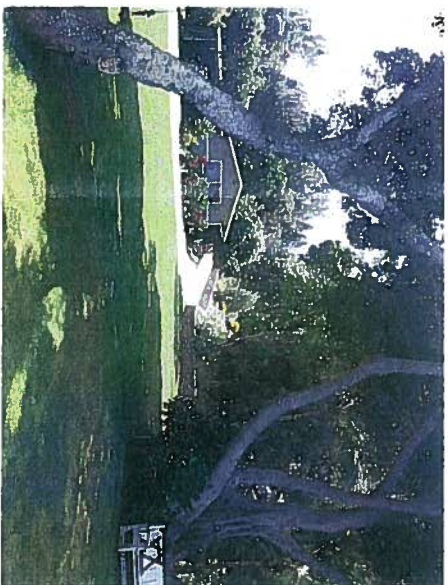
3. Looking north at the shoreline.



4. Looking east along the existing slope at the shoreline of the subject property.



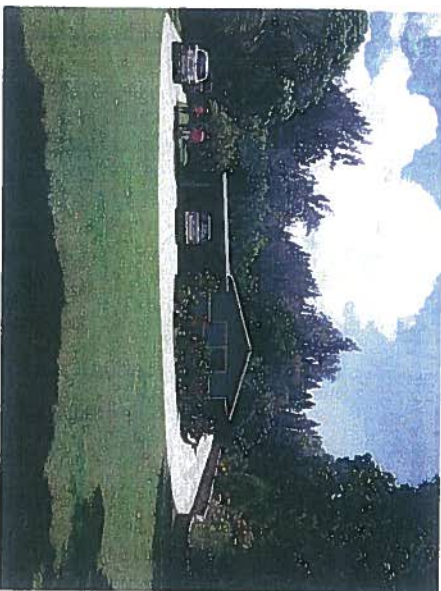
5. Looking south from the shoreline through the subject property at the existing residence.



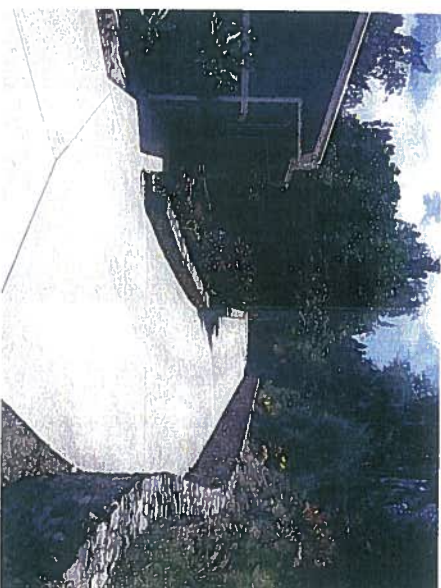
6. Looking south across the subject property from the shoreline at the existing residence, driveway, retaining walls, and ficus trees.

Site Photographs
Bengel Residence
Taken August 2015





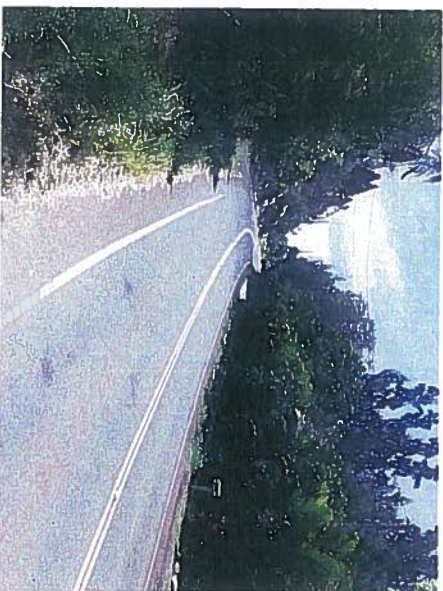
1. Existing residence, lawn, driveway, and retaining walls.



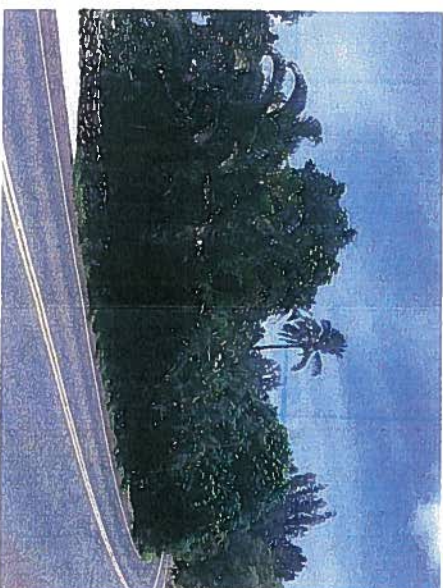
2. Existing driveway and retaining wall



3. Existing lush landscape plantings along Honoapiliāni Highway looking east from inside the subject property.



4. Looking west along Honoapiliāni Highway at the subject property, landscape plantings, and limited shoreline views.

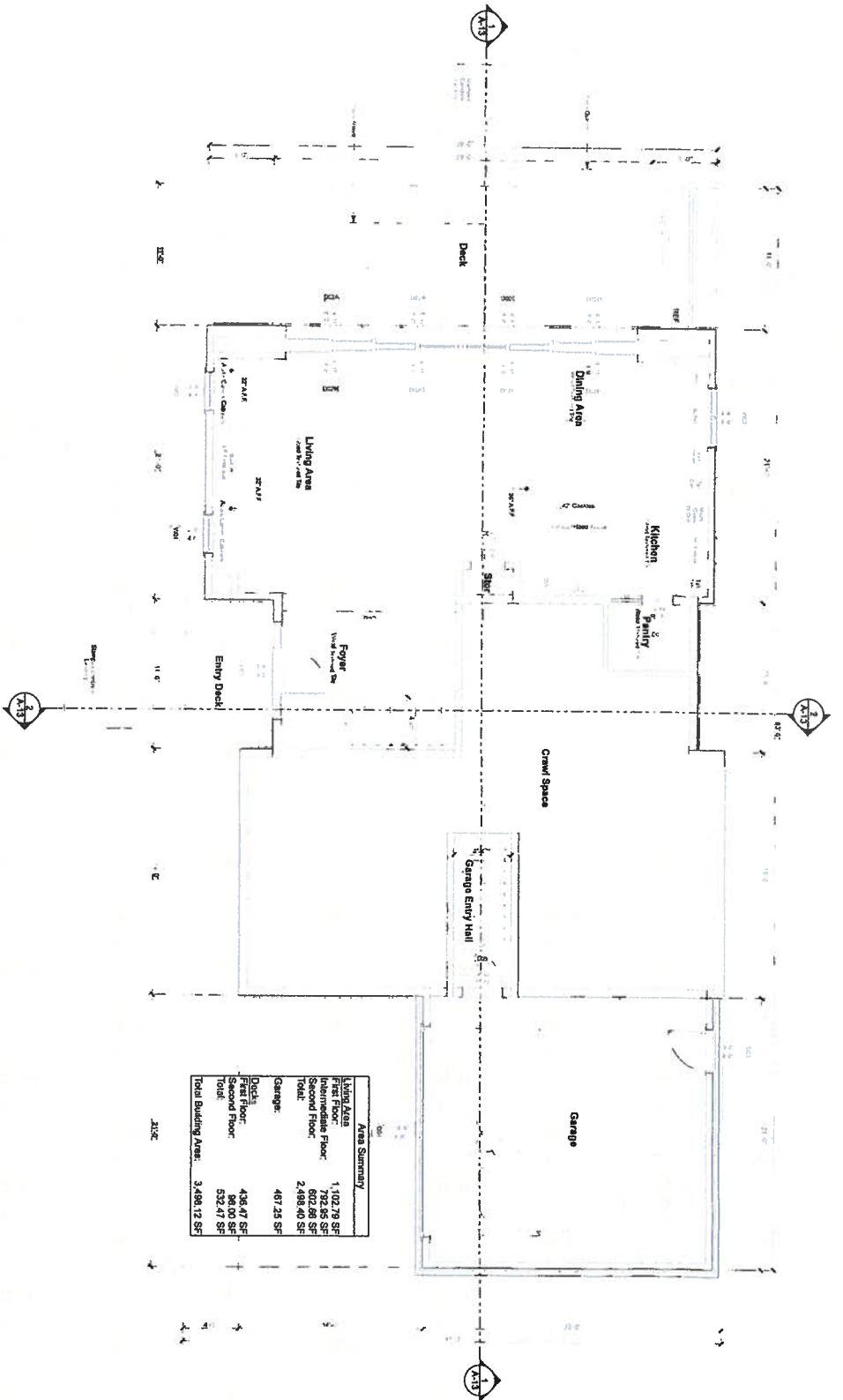


5. Looking east along Honoapiliāni Highway at the subject property, landscape plantings, and limited shoreline views.



6. Looking north to shoreline at subject property entrance from Honoapiliāni Highway.

1 First Floor Plan
Scale: 1/8" = 1'-0"



Half Scale

JULY
2016



First Floor Plan

A-2

Engel Residence
A Proposed Residence

6245 Honoukapili Hwy., Lahaina HI 96781 USA
TMK: (2) 4-2-004:019

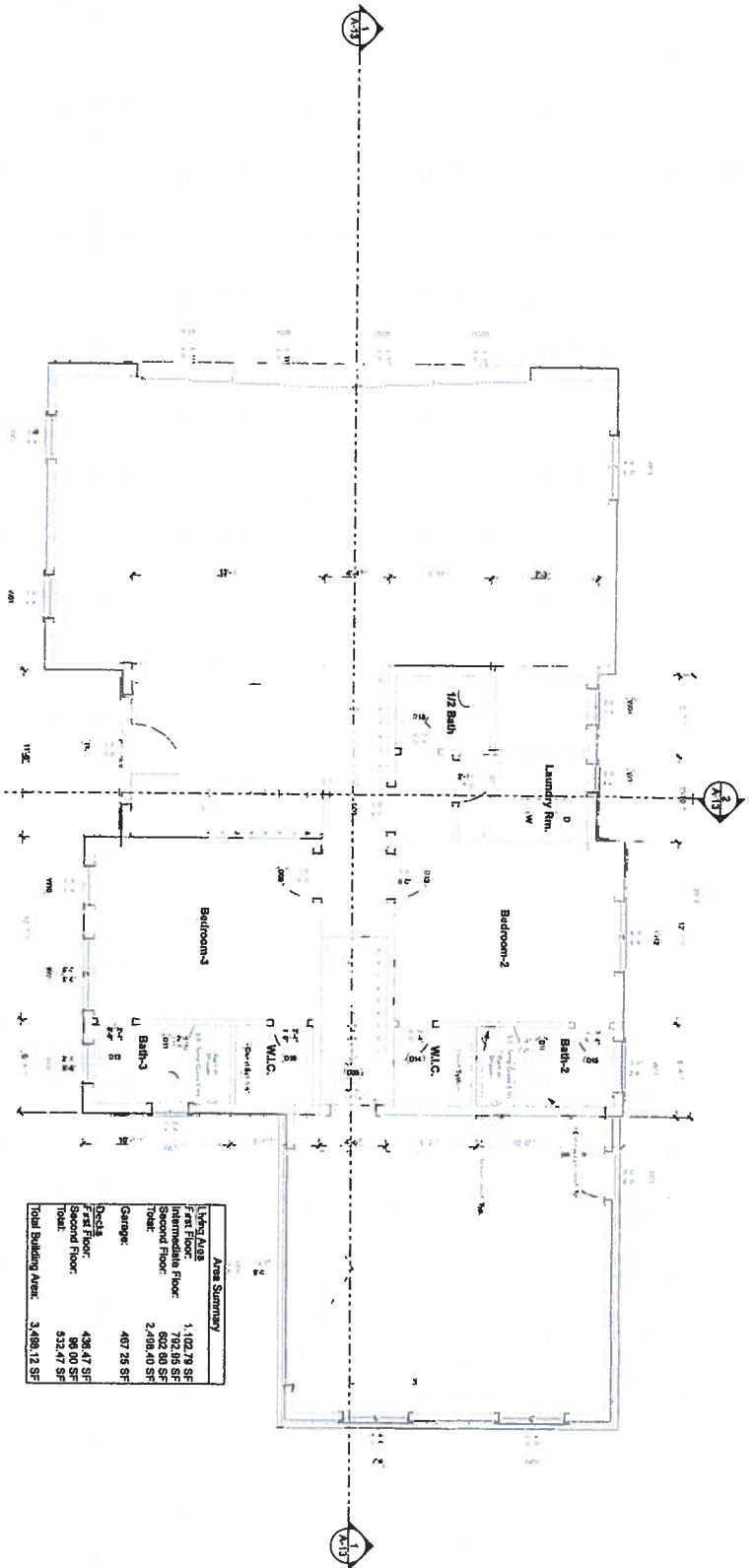


MADE IN HAWAII
10/1/2016
10/1/2016

EXHIBIT

11

1 Intermediate Floor Plan



Area Summary	
Living Area	1,102.79 SF
Dining Area	782.89 SF
Intermediate Floor	2,468.48 SF
Garage	467.25 SF
Deck	438.47 SF
Second Floor	612.47 SF
Total	3,498.12 SF

Half Scale

JULY
2016



Intermediate Floor Plan

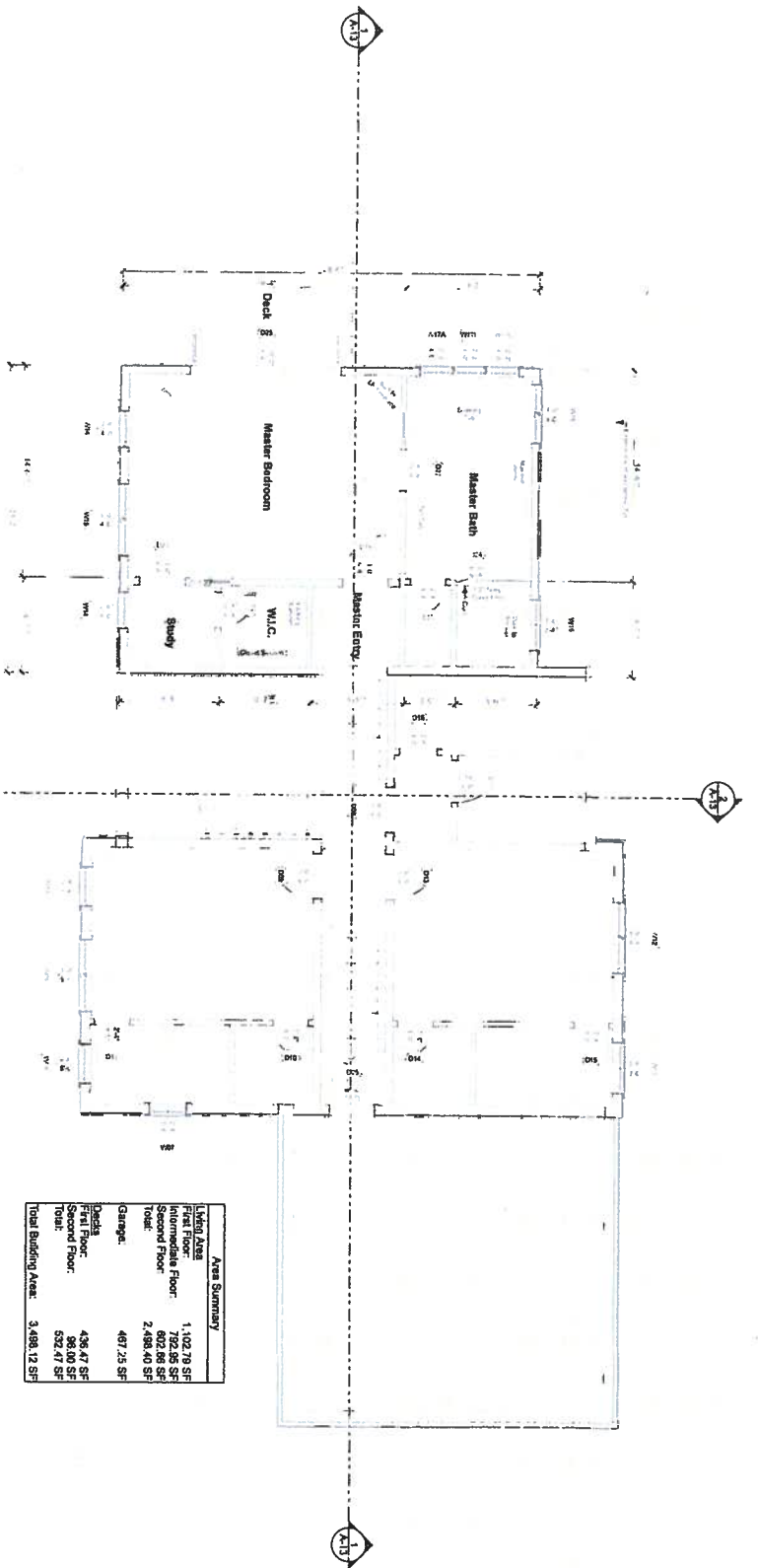
Engel Residence
A Proposed Residence
6246 Honouliuli Hwy., Lahaina HI 96761 USA
TMK: (2) 4-2-004:019



7-2916
00-00-12
A1
14-00K
A-3

EXHIBIT

U



Area Summary	
Total Area	1,102.79 SF
First Floor	792.96 SF
Intermediate Floor	602.86 SF
Second Floor	2,498.40 SF
Total	4,894.22 SF
Garage	467.25 SF
First Floor	436.47 SF
Second Floor	86.00 SF
Total	522.47 SF
Total Building Area	3,498.12 SF

1 Second Floor Plan
Scale: 1/8" = 1'-0"

Half Scale

JULY
2016



EXHIBIT

G

1 South Elevation



2 East Elevation



Half Scale
AUGUST
2016



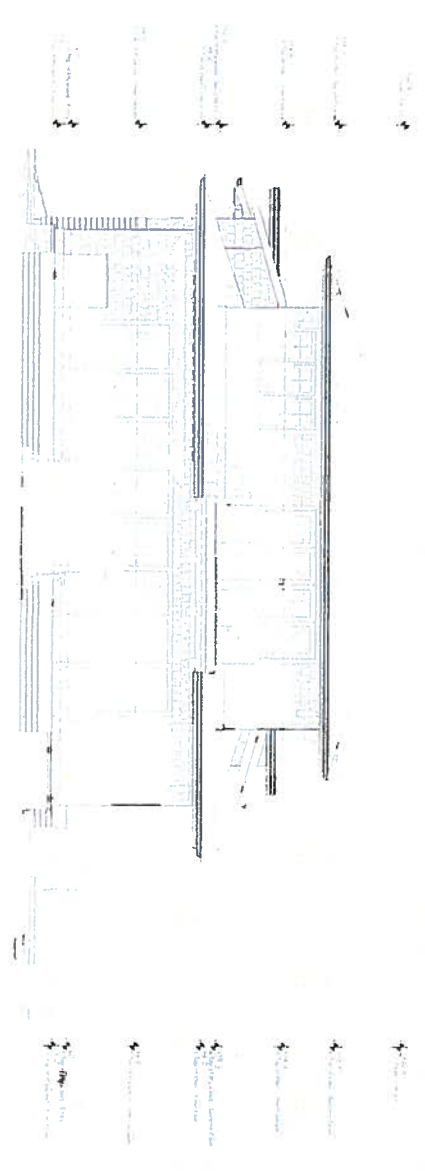
<p>MADE IN THE U.S.A. NO. 100-1000 100-1000</p>	<p>100-1000 100-1000 100-1000</p>	<p>Engel Residence A Proposed Residence 6245 Honoukuli Hwy., Lahaina HI 96761 USA TMK: (2) 4-2-004:019</p>	<p>Exterior Elevations</p>	<p>100-1000 100-1000 100-1000 A-10</p>
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EXHIBIT
H

1 North Elevation



2 West Elevation



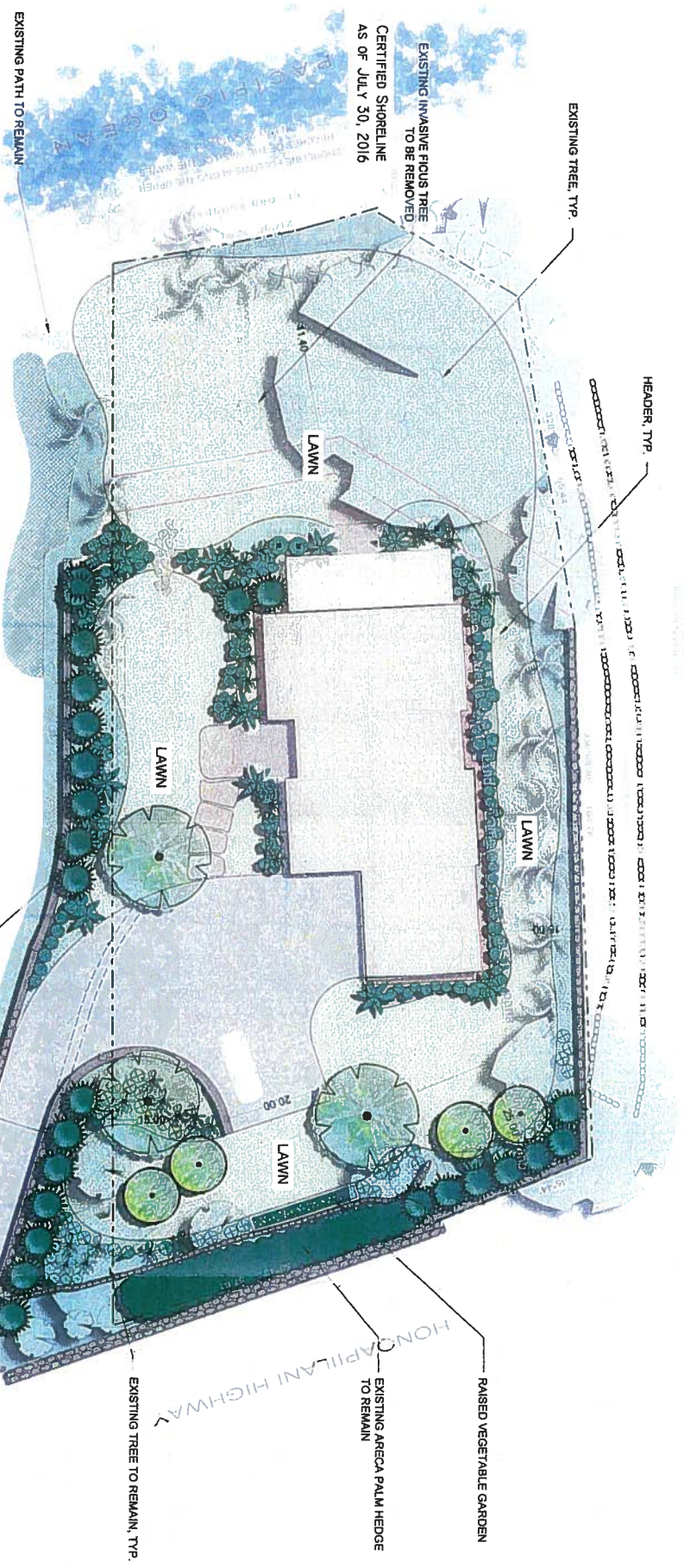
EXHIBIT

Half Scale

AUGUST 2016

CHRIS HART ARCHITECTS, INC.

<p>APPROVED FOR CONSTRUCTION</p> <p>DATE: 08/11/16</p> <p>BY: [Signature]</p>	<p>APPROVED FOR CONSTRUCTION</p> <p>DATE: 08/11/16</p> <p>BY: [Signature]</p>	<p>Engel Residence A Proposed Residence 6246 Honopuili Hwy., Lahaina HI 96761 USA TMK: (2) 4-2-004:019</p>	<p>Exterior Elevations</p> <p>1-4-2016 DO SH 19 AA 1458X</p> <p>A-11</p>
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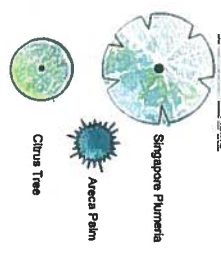
LANDSCAPE CONCEPT PLAN
Engel Residence

HONOLUA, MAUI, HAWAII
 TMK: (2) 4-2-004: 019

CHRIS HART & PARTNERS

SCALE: 1"=20'-0"
 PROJECT: 15-061
 DATE: 11/08/15
 REV. DATE: 12/27/16

PLANT LEGEND
 TREES AND PALMS



SHRUBS AND GROUND COVER

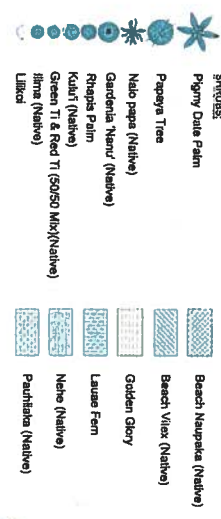


EXHIBIT 7