

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

File No: HA-3852
180-Day Exp. Date: February 15, 2020

January 24, 2020

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

REGARDING: Conservation District Use Application (CDUA) HA-3852 for the Huff Single Family Residence, Landscaping, and Associated Improvements.

**APPLICANT/
LANDOWNER:** Jeffrey & Vanessa Huff

AGENT: Zendo Kern of Zendo Kern Planning Consultant

LOCATION: Kaiwiki, Hilo, Hawai'i

**TAX MAP KEYS
(TMKs):** (3) 2-6-011:026

AREA OF PARCEL: 19.89 acres

USE: Structures - 2,626 square feet; Landscaping & Associated Improvements - ~24,700 square feet

SUBZONE: Resource

DESCRIPTION OF AREA/CURRENT USE

The subject property is an undeveloped parcel located in the Resource Subzone of the State Land Use Conservation District (**see Exhibit 1**). The parcel is primarily covered in a mixed native-non-native forest except for a 5-acre portion of the property that has been previously disturbed and maintained as a mown pasture for the last several decades (**see Page 3 & 4 of Exhibit 1**). The parcel is approximately 5-miles mauka of Wainaku Street along Kaiwiki Road on the east/southeast facing slopes of Mauna Kea (**see Exhibit 2**). The surrounding properties consist of several scattered single-family residences (SFR) in a rural residential area of Hilo.

The approximately 19.89-acre property sits at an elevation range of about 1,720 to 1,840 ft above mean sea level. Annual rainfall for the area and property ranges from 200 to 240 inches per year

and experiences an average temperature around 68 degrees Fahrenheit. Mā'ili stream and an unnamed tributary stream run through the southern portions of the property.

The lava flows that underlie the parcel are Hamakua Volcanics dated from dated 64,000 to 250,000 years before present. All lava flows in this area are covered with a thick layer of volcanic ash called Pahala Ash which is derived from the Kohala and Mauna Kea volcanoes. Soil at the project site is classified as Kaiwiki highly organic hydrous silty clay loam with 10 to 20 percent slopes. This deep ash-derived soil is highly productive for farming. Kawiki hydrous silty clay loams are fairly well drained but have medium to high runoff. Locally boggy conditions can develop when this soil is compressed by cultivation, vehicles, or animals.

Hazards

The volcanic hazard mapping produced by the U.S. Geological Survey places the property in Lava Flow Hazard Zone 8 on a scale of ascending risk from 9 (low) to 1 (high). The relatively low hazard risk is due to Mauna Kea being an inactive volcano. Zone 8 includes areas that have had no lava flows in the last 750 years and only a low percentage of areas covered by lava in the past 10,000 years. Volcanic hazards near the property are thus very low.

On the other hand, the island of Hawai'i experiences high seismic activity and structures that are poorly designed or built are at risk from major earthquake damage. The entire island of Hawai'i is within the Earthquake Zone 4 according to the County Building Codes. The applicants understand that there are hazards associated with homes in this geologic setting and have made the decision that a residence in the subject area is not imprudent to construct or inhabit. They also understand and accept that there may be added structural requirements to address potential seismic hazards for any new construction.

A Flood Zone Map obtained from the State's Flood Hazard Assessment Tool website shows that the subject property is in Flood Zone X which is defined as areas that are outside of the 500-year floodplain. There is no risk of tsunami inundation as the parcel is outside both the tsunami evacuation and dam evacuation zones. There is an unnamed permanent stream too small to be depicted on USGS topographical maps but tributary to Mā'ili stream that bisects the property. Notwithstanding the lack of a designated flood zone, this stream experiences occasional high flow. The applicants are unaware of this unnamed stream ever overtopping its steep banks. The proposed home site and driveway are located a distance away in order to avoid the unnamed and Mā'ili stream and there does not appear to be any potential for flood hazard.

Flora and Fauna

No prior botanical surveys are known to have been conducted on the property. The *Manual of the Flowering Plants of the Hawaiian Islands* by Gagne and Cuddihy (1990) has classified the natural vegetation in areas with similar geology, elevation, and rainfall as Lowland Wet Forest. Lowland Wet Forest are typically dominated by 'ōhi'a trees, uluhe, hapu'u ferns, and a large variety of trees, shrubs, ferns, and herbs.

The project site has a long history of intensive cultivation. Areas makai of 2,000 ft in elevation on the windward slopes of Mauna Kea were historically cultivated with dryland taro, sweet potatoes, and bananas following the arrival of the Polynesians on the Hawaiian Islands. After

1850, most of the lowlands in the South Hilo District with adequate soil were cultivated with sugar cane.

The vegetation on the project site has been maintained in the half-century since sugar cane cultivation ceased as a periodically mown pasture dominated by various non-native grasses. The open pasture is framed on the Kaiwiki Road and the mauka and makai sides of the proposed project site by hedgerows of nonnative plants which include strawberry guava (*Psidium cattleianum*), Alexander palms (*Archontophoenix alexandrae*), Asian melastome (*Melastoma candidum*), and Koster's curse (*Clidemia hirta*), along with a few ferns including the native hapu'u (*Cibotium glaucum*). As the property slopes down away from the pasture into and across the gulch, outside the area proposed for use, vegetation becomes a mix of native-non-native forest of various elements. This native-non-native forest includes 'ōhi'a, strawberry guava, hapu'u, Alexander palms, rose apple (*Syzygium jambos*), and pala'a (*Sphenomeris chinensis*). According to the applicants, no rare, threatened or endangered plant species have been observed or are present on the parcel.

During several site visits in 2019, the applicant's consultants detected five bird species. These included the Japanese white-eyes (*Zosterops japonicus*), northern cardinals (*Cardinalis cardinalis*), Japanese bush warblers (*Cettia diphone*), spotted doves (*Streptopelia chinensis*), striped doves (*Geopelia striata*) and cattle egrets (*Bubulcus ibis*). No native birds were identified, but it is likely that the mixed 'ōhi'a-non-native forest adjacent to the project site is occasionally utilized by the Hawai'i 'amakihi (*Hemignathus virens*), as some populations of this native honeycreeper appear to have adapted to the mosquito borne diseases of the Hawaiian lowlands.

As with all of East Hawai'i, several endangered native terrestrial vertebrates may be present in the general area and may overfly, roost, nest, or utilize resources of the property. These include the endangered Hawaiian hawk (*Buteo solitarius*), the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered Hawaiian petrel (*Pterodroma sandwichensis*), the endangered band-rumped storm petrel (*Oceanodroma castro*), and the threatened Newell's shearwater (*Puffinus auricularis newelli*). Of these, only the Hawaiian hoary bat is likely to have any substantial presence on the project site, as the nesting requirements for the other species are not present.

Aside from the Hawaiian hoary bat, all mammals in the project area are all introduced species, including feral cats (*Felis catus*), feral pigs (*Sus scrofa*), small Indian mongooses (*Herpestes a. auropunctatus*) and various species of rats (*Rattus* spp.). Several species of non-native reptiles and amphibians are also likely present. Coqui frogs (*Eleutherodactylus coqui*) were heard and other species of frog may be present. None of these non-native vertebrates are of conservation concern and all are deleterious to native flora and fauna.

Historic/Cultural

An archeological assessment survey and a cultural impact assessment were prepared for the property. No gathering of plant or animal material were noted from the property. No consulted individuals with ties to and history with the area had any specific information concerning this

area and no archaeological features were present. No specific traditional cultural sites or practices were identified to exist or have taken place within the property.

Part of the CDUA process requires that the applicant submit a Hawai‘i Revised Statutes (HRS), 6E form developed by the State Historic Preservation Division (SHPD). Pursuant to HRS, §6E-42, prior to any agency or officer of the State [in this case the Board] approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

On August 10, 2018, SHPD issued the property owners a Chapter 6E-42 Historic Preservation Review letter. This letter supplemented the field inspection survey of the 5-acre project site and was in response to a request to satisfy the historic preservation review requirements. Based on the information provided to SHPD, SHPD determined that there would be “no historic properties affected” by the property owners’ proposed uses.

PROPOSED USE

The landowners are proposing to construct a 2,626 sq. ft single story single-family residence (SFR) and associated improvements on the parcel (see **Exhibit 3**). The proposed single-story SFR consists of three bedrooms, two baths, an open plan kitchen, dining and living area, lanai; two small rooms for solar equipment and water pump; and covered parking. The home will feature rooftop solar photovoltaic electricity with a backup generator, solar hot water, a rooftop satellite dish, propane for cooking, a 10,000-gallon water catchment system with a pipe extension to allow fire department connection, and an individual wastewater system meeting or exceeding all regulatory requirements to support the residence.

Access to the parcel is off Kaiwiki Road. Alterations to the existing driveway were approved through Site Plan Approval HA 19-38 by the Department on December 28, 2018.

In addition to the SFR, the landowners are proposing landscaping that includes two 800-square foot garden planters, two orchards for approximately 30 lychee, avocado, macadamia nut, coffee, cacao, mango, ‘ōhi‘a ‘ai, and ulu trees; an 80-foot long stone wall; improvements to an existing driveway; a 16-foot wide gate at the driveway entrance; a row of koa and sugi cypress trees along the driveway as a privacy screen; and a 5-foot tall hog wire fence on Kaiwiki Rd. Another portion of the mown pasture area is intended to be used by the property owners as an orchard and garden area to grow taro, ulu, coconuts and other fruits and vegetables for the family’s home consumption. The landowners also want to replace some the strawberry guava and other invasive species that have grown along the roadside areas with various Polynesian, native, and non-invasive trees and shrubs.

The landowners wish to preserve and enhance the native vegetation of the immediate area. They are aware of the potential for the proposed activities to cause harm to the parcel’s ‘ōhi‘a trees which could cause the spread of the Rapid ‘Ōhi‘a Death (ROD) fungus. Based on the location of the proposed activities, the landowners do not expect any negative impacts to ‘ōhi‘a trees to

occur. In the event that the proposed activities do negatively impact any of the parcel's 'ōhi'a trees, the landowners plan to follow these recommended mitigation measures. A small number of mostly juvenile 'ōhi'a trees have been planned for careful removal. During construction, any other 'ōhi'a trees near the project site will be identified and steps will be taken to ensure that their branches are not accidentally broken. If harm to any of the 'ōhi'a trees does occur during the proposed activities, any unavoidable scars will be treated to prevent the spread of the ROD fungus. All removed 'ōhi'a trees will be stacked and disposed of by burying or chipping on the parcel. No 'ōhi'a trees will be removed off the property. Finally, boots and work tools will be decontaminated prior to entering the construction site and after leaving. These mitigation measures will be incorporated into the conditions of the permit to help limit the potential for the infection and spread of the ROD fungus.

OTHER ALTERNATIVES CONSIDERED:

Alternative 1: No Action. Under the No Action Alternative, the residence would not be built. The lot would remain unused except for temporary camping and picnicking by the owners. The Environmental Assessment considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

Alternative 2: Proposed Project, Alternative House Sites, and Alternative Uses. The proposed project and its location are described above. The location of the home site which is within an area that was cleared almost a century ago and has been used for agriculture until several decades ago and maintained as mown pasture ever since was chosen because it is relatively level, accessible, and would generate very few environmental impacts by minimizing alteration of topography and surrounding vegetation.

Many other locations on the property could also theoretically serve as the site for a residence, but all would require a longer driveway, and some would involve forest clearing or closely approaching or even crossing the stream that bisects the property. Given the soil, vegetation, and slopes, minimal clearing and topographic alteration has been a key consideration for the home site. There is no known environmental or other reason for seriously considering other sites on the property.

No other alternative uses for the property that are identified in the Conservation District Rules (HAR 13-5) as allowable uses in the Conservation District, such as a commercial tourist nature park, are desired by the applicants, and thus none are addressed in the Environmental Assessment.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application, as well as the Draft Environmental Assessment (EA) to the following agencies and organizations for review and comment:

State Agencies:

DLNR, Division of Conservation and Resource Enforcement
DLNR, Division of Aquatic Resources
DLNR, Division of Forestry and Wildlife
DLNR, Hawai'i District Land Office
DLNR, Na Ala Hele
Office of Hawaiian Affairs

County Agencies:

County of Hawai'i, Department of Planning
County of Hawai'i, Fire Department

In addition, this application was also sent to the nearest public library, the Hilo Public Library, to make this information readily available to those who may wish to review it.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

THE STATE

DEPARTMENT OF LAND AND NATURAL RESOURCES

Hawai'i District Land Office:

Comments: No Comments.

Office of Conservation and Coastal Lands (OCCL):

Comments: Please clarify the design and operation of the water catchment system. Will it be manually filled with water and if so from where? Will it be attached to the roof of the SFR?

Applicant's response: I am in receipt of your October 14, 2019 letter to project planner Zendo Kern that provided comment letters on the Draft EA and discussed Final EA processing.

In the interest of a complete record on comment letters to the EA/CDUA, I would first like to acknowledge receipt of comments from DLNR agencies contained within form memos circulated by your office. We acknowledge here the *no-comment* remarks of the Land Division, Hawai'i District Branch; the Hawai'i Fire Department; and the County of Hawai'i.

Concerning your agency's (OCCL) comments about the water tank design, the water tank will be connected to the home gutter system with a below-grade pipe, which is now mentioned in the text and illustrated on the Site Plan. The tank will be allowed to fill with rain water; with the abundant rainfall in the area, it is unlikely to ever require filling by water trucks, although that is an option.

Thank you for circulating the EA and CDUA for review by DLNR and other agencies.

COUNTY OF HAWAI'I

COUNTY OF HAWAI'I PLANNING DEPARTMENT

Comments: No Comments.

HAWAI'I FIRE DEPARTMENT

Comments: No Comments.

ANALYSIS

Following review and acceptance for processing, the Applicant was notified, by correspondence dated August 19, 2019 that:

1. The proposed uses are identified land uses in the Resource subzone of the Conservation District, pursuant to the Hawai'i Administrative Rules (HAR), §13-5-23 L-1 **AGRICULTURE (D-1)** Agriculture, within an area of more than one acre, defined as the planting, cultivating, and harvesting of horticultural crops, floricultural crops, or forest products, or animal husbandry. A management plan approved simultaneously with the permit, is also required. The introduction of invasive plant species is prohibited; and HAR, §13-5-24, R-7, **SINGLE FAMILY RESIDENCE (D-1)** A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;

Upon further review of the landowners' application and proposed uses, the OCCL determined that some of the proposed uses are more closely associated with landscaping which is an identified use land in the Resource Subzone of the Conservation District, pursuant to HAR, §13-5-23 **LANDSCAPING L-3** 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 of or more than 10,000 square feet. Any replanting shall be endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.

2. Pursuant to HAR §13-5-40 HEARINGS, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
4. The subject area is not located in the Special Management Area (SMA).

The Final EA/Finding of No Significant Impact (FONSI) was issued by the DLNR Chairperson and published in the December 8, 2019 edition of the Office of Environmental Quality Control's *The Environmental Notice*.

CONSERVATION CRITERIA

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

- 1) *The proposed 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 development of the single-family residence is in conformance with the purpose of the Conservation District. It is an identified land use within the Conservation District and requires a Board Permit for such use. The landowners are committed to conserve, protect, and preserve the natural features on the subject property. Due to the careful and limited nature of the proposed development, there likely would be no significant impacts to the natural or cultural resources of the area.

- 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. A Single Family Residence is an identified land use pursuant to 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. Agriculture is also an identified land use pursuant to HAR, §13-5-23 L-3 LANDSCAPING (D-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 of or more than 10,000 square feet. Any replanting shall be endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.

The design and construction of the residence conforms to the design standards set forth in §13-5, HAR. The landscaping use is to help preserve and enhance the native vegetation of the immediate area while also supporting the family's home consumption and is similar to the landscaping uses found on surrounding parcels. The property owners are committed to managing their property in a manner that is protective of the natural resources present. Staff believes the proposed land uses are consistent with the objectives of the subzone, provided identified mitigation and best management practices are adhered to.

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

The objectives, policies, and guidelines of the Coastal Zone Management (CZM) program contained in Chapter 205A, Hawai'i Revised Statutes (HRS), are focused on the

preservation, protection, and where possible, the restoration of the natural resources of the coastal zone in Hawai'i. The proposed land use is outside the Special Management Area (SMA) that lies near the shoreline and is thus not subject to County SMA rules. Furthermore, the use complies with all CZM provisions and guidelines. The property is 1,840 feet above sea level and well removed from the coast and will not affect beaches, recreation, or access. Best Management Practices to avoid polluted runoff will protect streams and any indirect impact to coastal biota, water quality, or ecosystems. No impact to economic uses or management of the coastal zone would occur. Based on the lack of impact to any aspect of coastal resources, the proposed action would be fully compliant with the provisions and guidelines contained in Chapter 205A pertaining to Coast Zone Management.

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

Because of the relatively minor nature of the project and the lack of threatened or endangered plant species or pristine native ecosystems, Staff believes that the proposed single-family residence is not likely to cause adverse biological impacts. Impacts to the island wide-ranging endangered Hawaiian hoary bat will be avoided through timing of vegetation removal. The proposed action will also have no impact on the public's current access to or use of the forest reserve or any other public area. The landscaping improvements have been planned to enhance the area's natural resources and limit the family's need to use resources, such as food, from the community or region.

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

The proposed uses are consistent with single-family residential and landscaping uses in the area. The proposed home will be a single-story 1,240-square foot (sf) structure that will be located outside of the flood zone (see **Exhibit 3 and Page 2 of Exhibit 6**). It will be in area not readily visible to any important public vantage point. This identified use, which conforms to the design standards in HAR 13-5-41 as well as Exhibit 4 of HAR 13-5, will ensure the sustained use of the natural resources in the project area by mitigating impacts. The planned landscaping improvements have been planned to enhance the natural environment of the immediate area while also providing food resources for family's home consumption. The landscaping improvements are similar to those found on nearby properties. These proposed uses will not adversely affect the surrounding properties or how these properties are utilized. These land uses will be compatible with the area as there are scattered single-family residences with similar landscaping improvements on other lots on Kaiwiki Road.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The site does not contain unique features either topographically or geologically. The proposed use of the subject property for a single-family residence, landscaping, and associated improvements will help conserve, protect, and preserve the natural features of the area. The landowners wish to preserve and enhance the native vegetation of the immediate area. Staff believes the open space characteristics of the area will be preserved.

- 7) *Subdivision of 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:

The subject property does not contain any springs, land features, or caves that might be of cultural importance. An archaeological survey of the property found no evidence of archaeological resources on the site or features that might be of cultural significance. No gathering of plant material is noted from the property. The native vegetation on the property will not be disturbed during the proposed project.

A Cultural Impact Assessment of the property that was based on archival research on the history of the property, region, and oral consultations did not reveal any cultural resources or practices being associated with the property. As part of the Cultural Impact Assessment, consulted individuals with family ties and personal knowledge of the area were able to provide information concerning the prior ownership and uses on the property. These individuals were not aware of any use of the property for cultural practices. No party reviewing the Draft EA supplied any cultural information.

DISCUSSION

The proposed 2,626 sq. ft SFR consists of three bedrooms, two bathrooms, kitchen, dining and living area, lanai and stairs, two storage rooms for solar power equipment and water pump, carport, and a water catchment tank. For utilities, the home will feature rooftop solar photovoltaic electricity with a backup generator, a rooftop satellite dish, a 10,000-gallon water tank connected to the home gutter system with a below-grade pipe with a pipe extension to allow

fire truck hookup, and an individual wastewater system meeting or exceeding all regulatory requirements. Compatibility provisions such as the use of earth toned or compatible colors with the surrounding area will be utilized on the exterior of the residence. The proposed residence will be built as a single structure that will support the efficient use of energy and materials and will be designed in a manner that will allow for use of natural ventilation and lighting.

Landscaping and associated improvements include two 800-sf garden planters for vegetables, two orchards for approximately 30 lychee, avocado, macadamia nut, coffee, cacao, mango, ōhi‘a ‘ai, and ulu trees. The fruits and vegetables will be used for the family’s home consumption. An 80-foot long stone wall, improvements to an existing driveway, a 16-foot wide gate at the driveway entrance, a row of koa and sugi cypress trees along the driveway as a privacy screen, and a 5-foot tall hogwire fence on Kaiwiki Road are also part of the planned improvements for the project site.

The location of all improvements has been planned to minimize disturbance of native vegetation and maintain a wide setback to a nearby gulch. Land clearing activities will be minimal in depth and will extend over about half an acre of the property. The land clearing activities will also be in compliance with Federal, State and Hawaii County laws. These activities will primarily occur on areas of the subject property that have been previously disturbed and have been maintained as a mown pasture. This would leave approximately 14.89 acres of the property as unimproved. During construction, BMPs will be observed and implemented. Within the Environmental Assessment, the applicant has identified a number of mitigative measures, conditions, and practices to ensure that the proposal will have minimal effect on the natural resources that may be impacted by the proposed project. These proposed measures, conditions, and practices are incorporated into the permit. In addition, the proposed SFR is consistent with Chapter 13-5, Hawaii Administrative Rules, Exhibit 4, Single Family Residential Standards.

This area along Kaiwiki Road and Homesteads includes both Agricultural and Conservation District land with a mixture of a small residential subdivision, undeveloped parcels, and some larger lots used for agricultural purposes. The proposed structure is similar in scale to many of the neighboring homes and the structure has been designed to comply with the Single Family Residential Standards as outline in HAR, Chapter 13-5. The landscaping improvements are appropriate for the surrounding environment and similar to the landscaping improvements found on nearby parcels. Staff believes that the 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

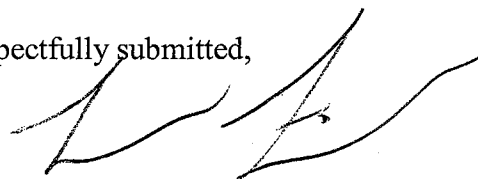
Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application HA-3852 for a Single Family Residence (SFR), Landscaping, and Associated Improvements located at Kaiwiki, South Hilo, island of Hawai‘i, TMK (3) 2-6-011:026, subject 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 Hawai'i 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. 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;
7. 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;
8. 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;
9. The permittee 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;

10. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
11. 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;
12. The permittee shall utilize Best Management Practices for the proposed project;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
14. The single-family residence shall conform to the single-family residential standards included as Exhibit 4 of the Hawai'i Administrative Rules, Chapter 13-5;
15. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
16. 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;
17. 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;
18. 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;
19. 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;
20. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
21. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;

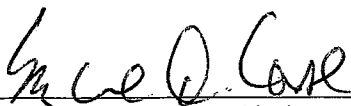
22. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
23. 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 Hawai'i, and by Hawai'i statutory and case law;
24. 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;
25. Trees taller than 15 feet shall not be removed or trimmed during the Hawai'i Hoary bat birthing and pup rearing season from June 1st to September 15th;
26. If land clearing occurs between March 1 and September 30, a pre-construction hawk nest search by a qualified ornithologist using standard methods will be conducted. If Hawaiian Hawks are present, no land clearing will be allowed until October, when hawk nestlings will have fledged;
27. Rapid 'Ōhi'a Protocol shall be observed. There shall be no transport of 'ōhi'a to and from the property as well as no soil transport from the property;
28. Other terms and conditions as may be prescribed by the Chairperson; and
29. 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,



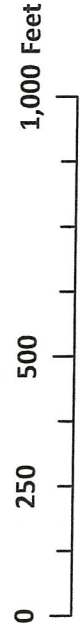
Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



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

TMK: (3) 2-6-011:026 Jeffery & Vanessa Huff Parcel



	Huff TMK: (3) 2-6-011:026
	Conservation Subzones
CONDIST	
	General
	Resource
	Limited
	Protective
	Special
	Undesignated

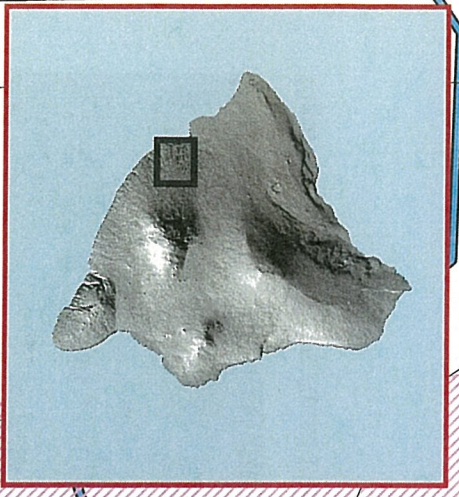
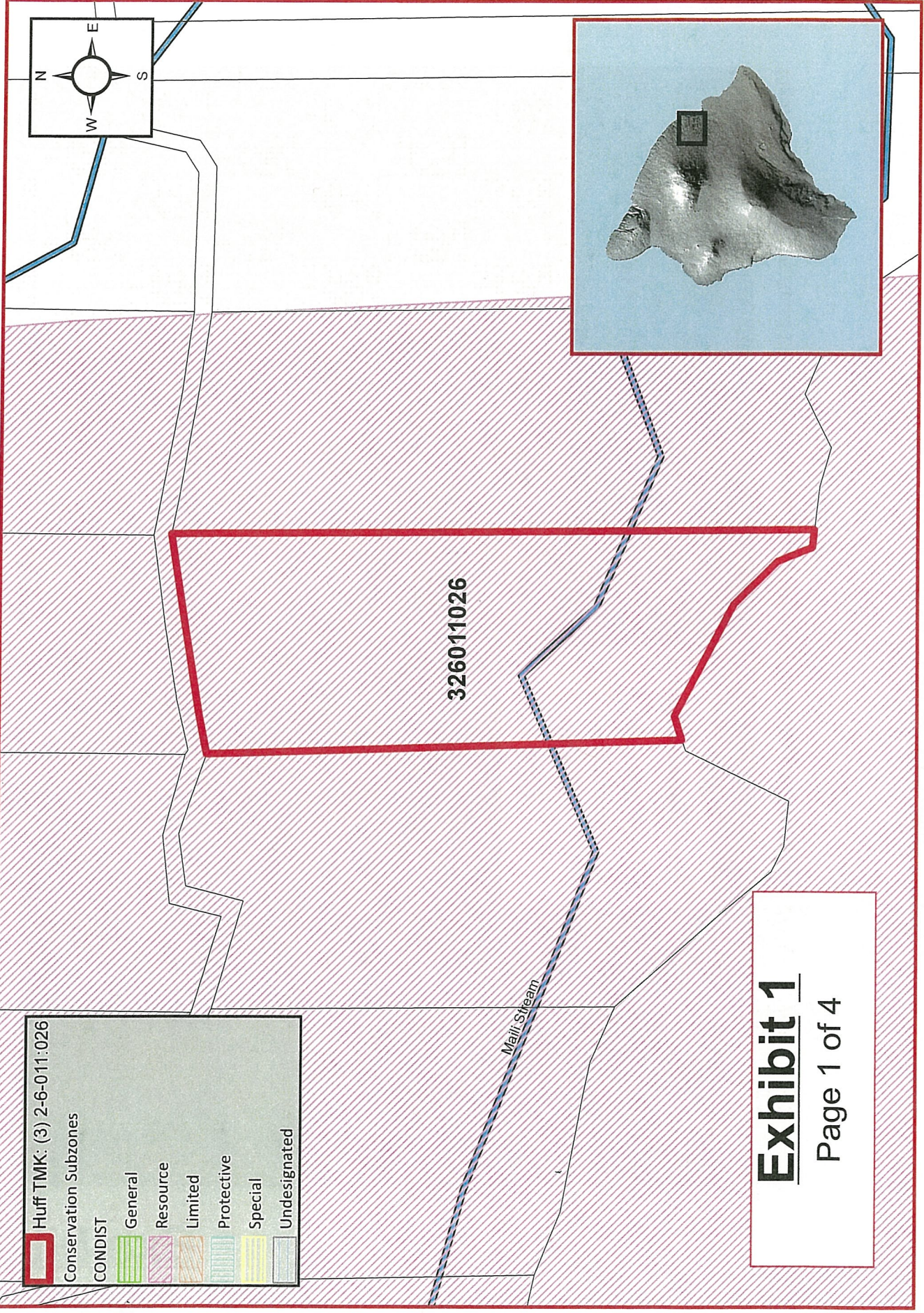
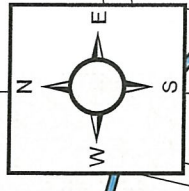


Exhibit 1
Page 1 of 4

Figure 6: 1965 USDA Aerial Photograph Showing Parcel 026 and Archaeological Field Inspection Project Area (USDA 1965).

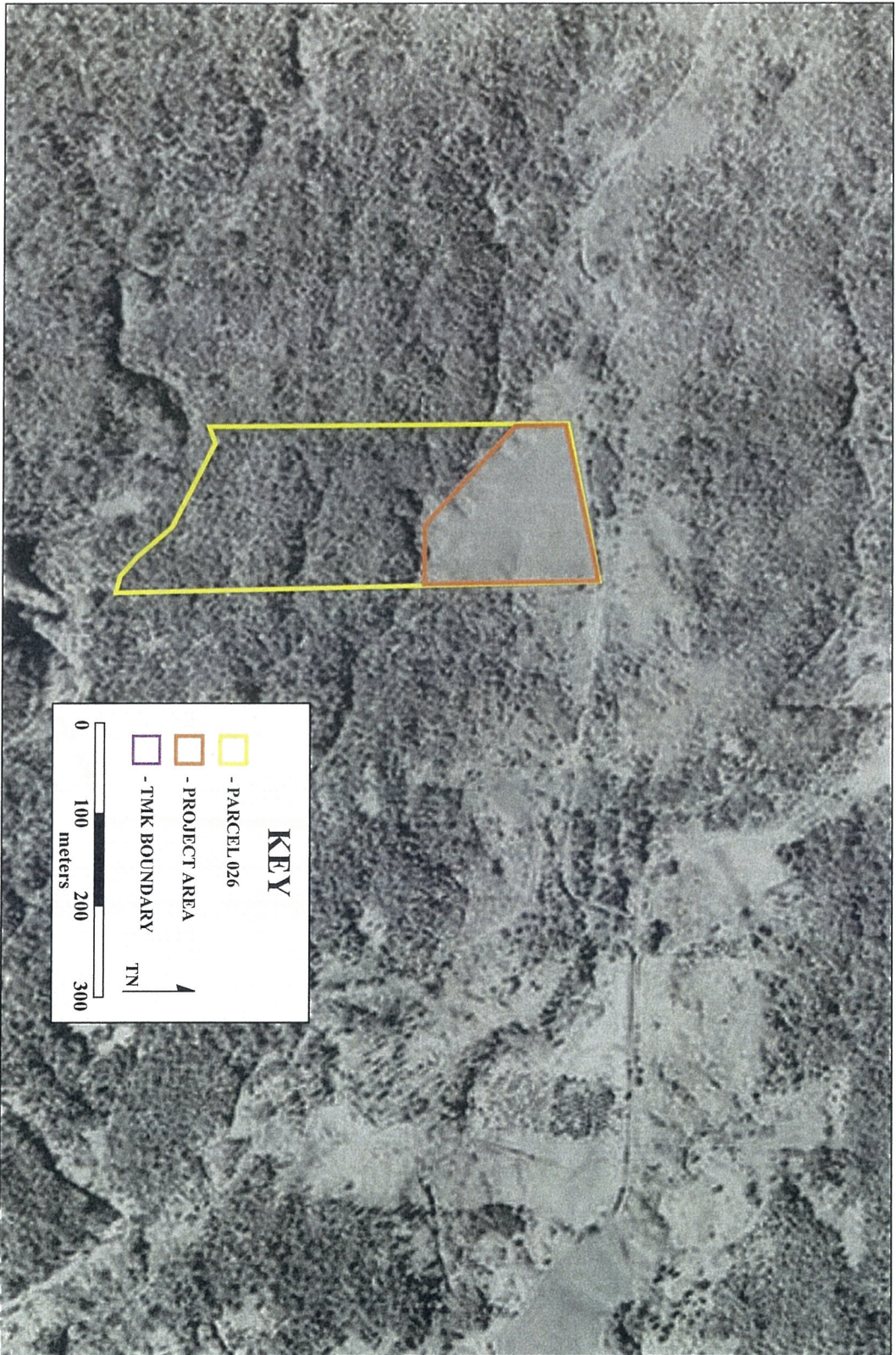


Figure 2 Site Photos



2a, Above: Oblique Aerial Image Showing Managed Project Area of Property.
2b, Below: Building site



Figure 2. Site Photos



2c, Above: Lower part of property, looking northeast. 2d, Below: Lower property, looking southeast



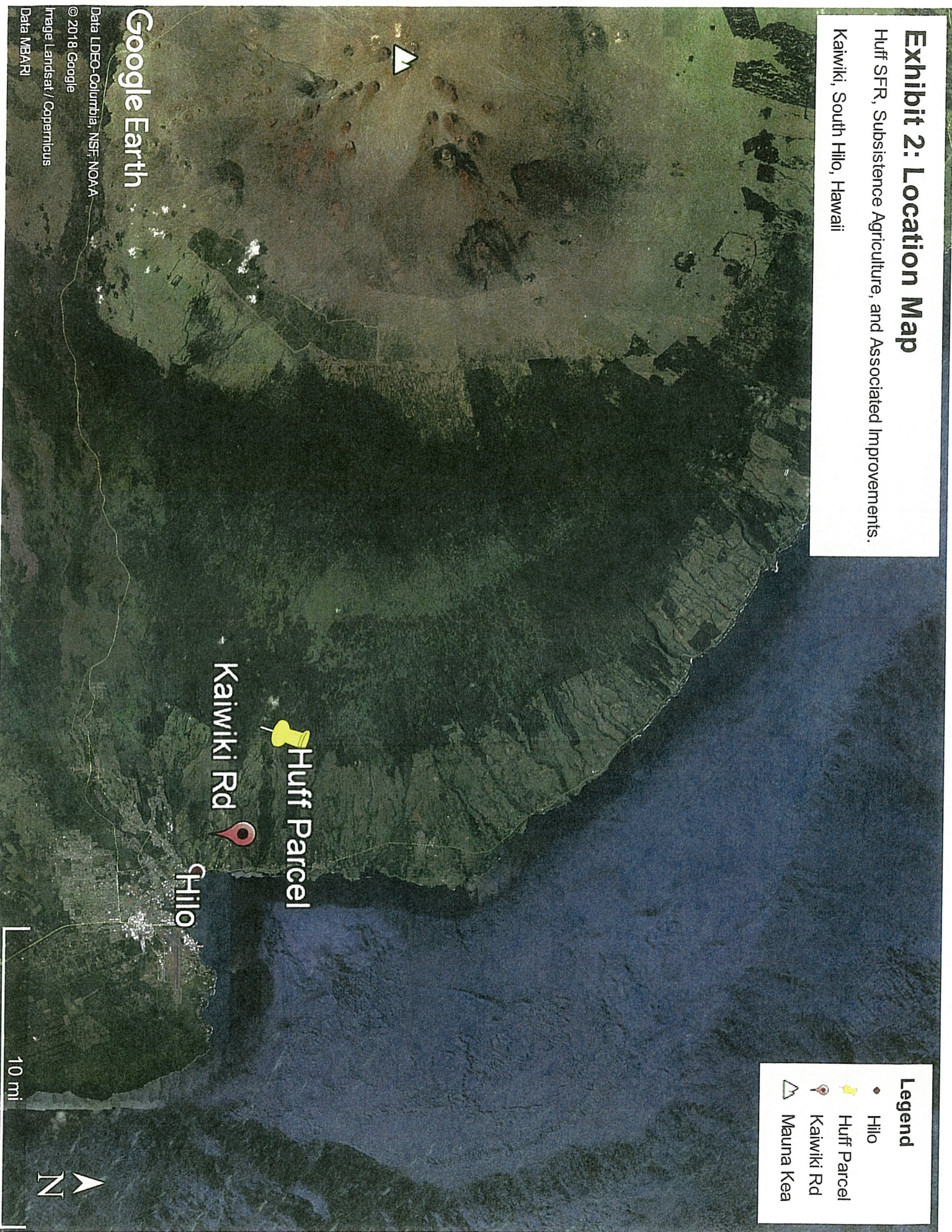
Exhibit 2: Location Map

Huff SFR, Subsistence Agriculture, and Associated Improvements.

Kaiwiki, South Hilo, Hawaii

Legend

- ◆ Hilo
- 📌 Huff Parcel
- 📍 Kaiwiki Rd
- △ Mauna Kea



Google Earth

Data LDEO-Columbia, NSF, NOAA

© 2018 Google

Image Landsat / Copernicus

Data MBARI

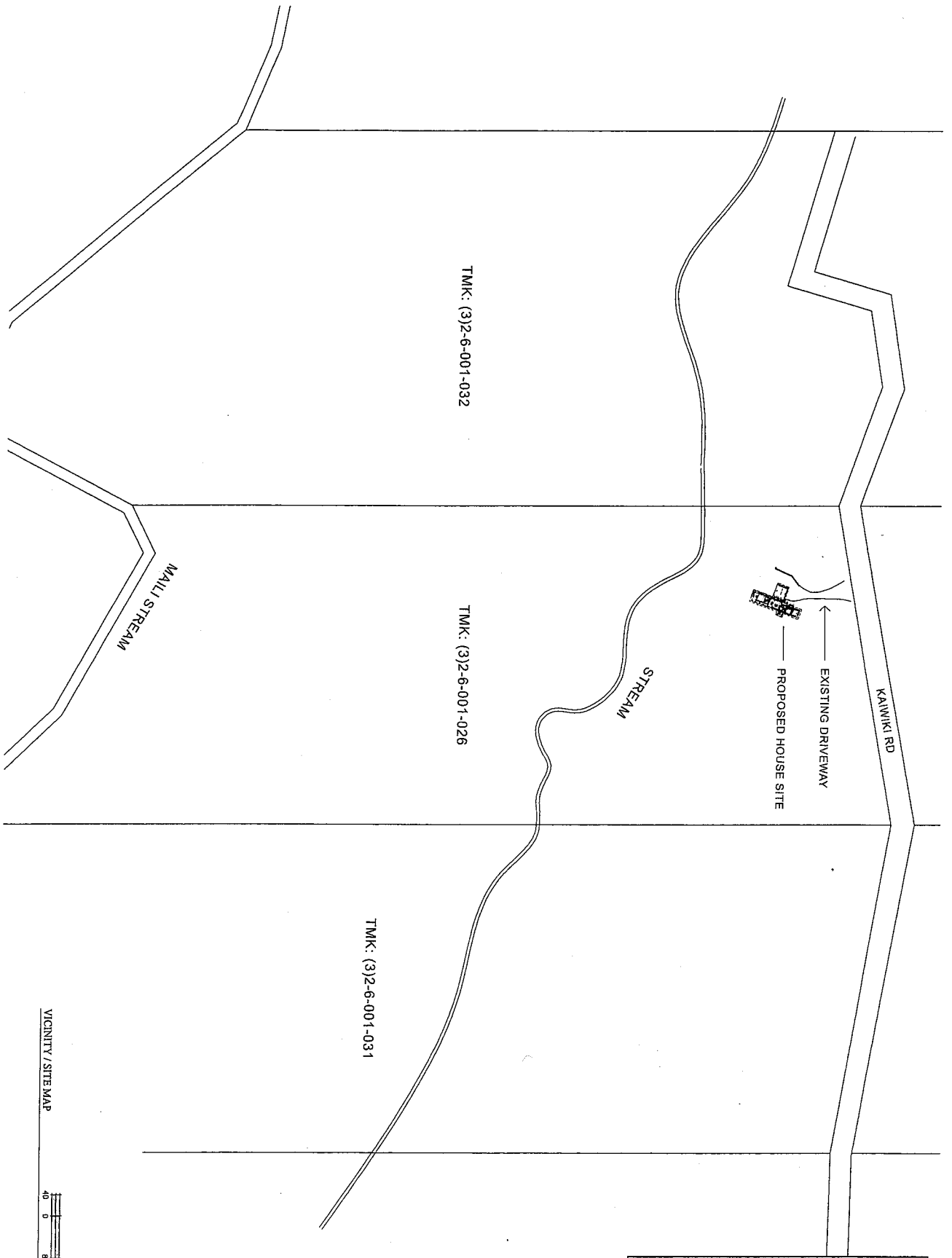
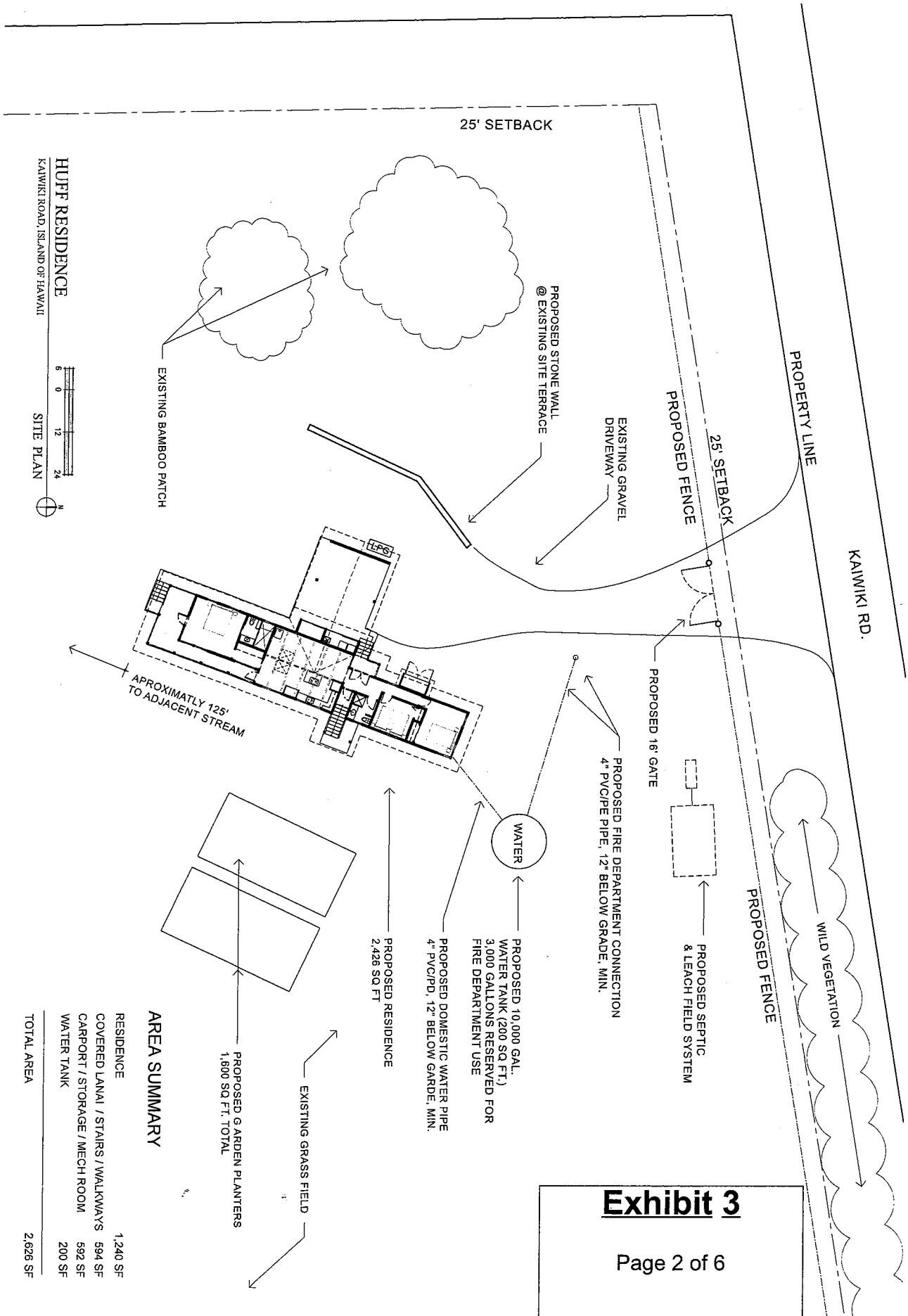


Exhibit 3





HUFF RESIDENCE
KAIWIKI ROAD, ISLAND OF HAWAII

0 6 12 24
SITE PLAN

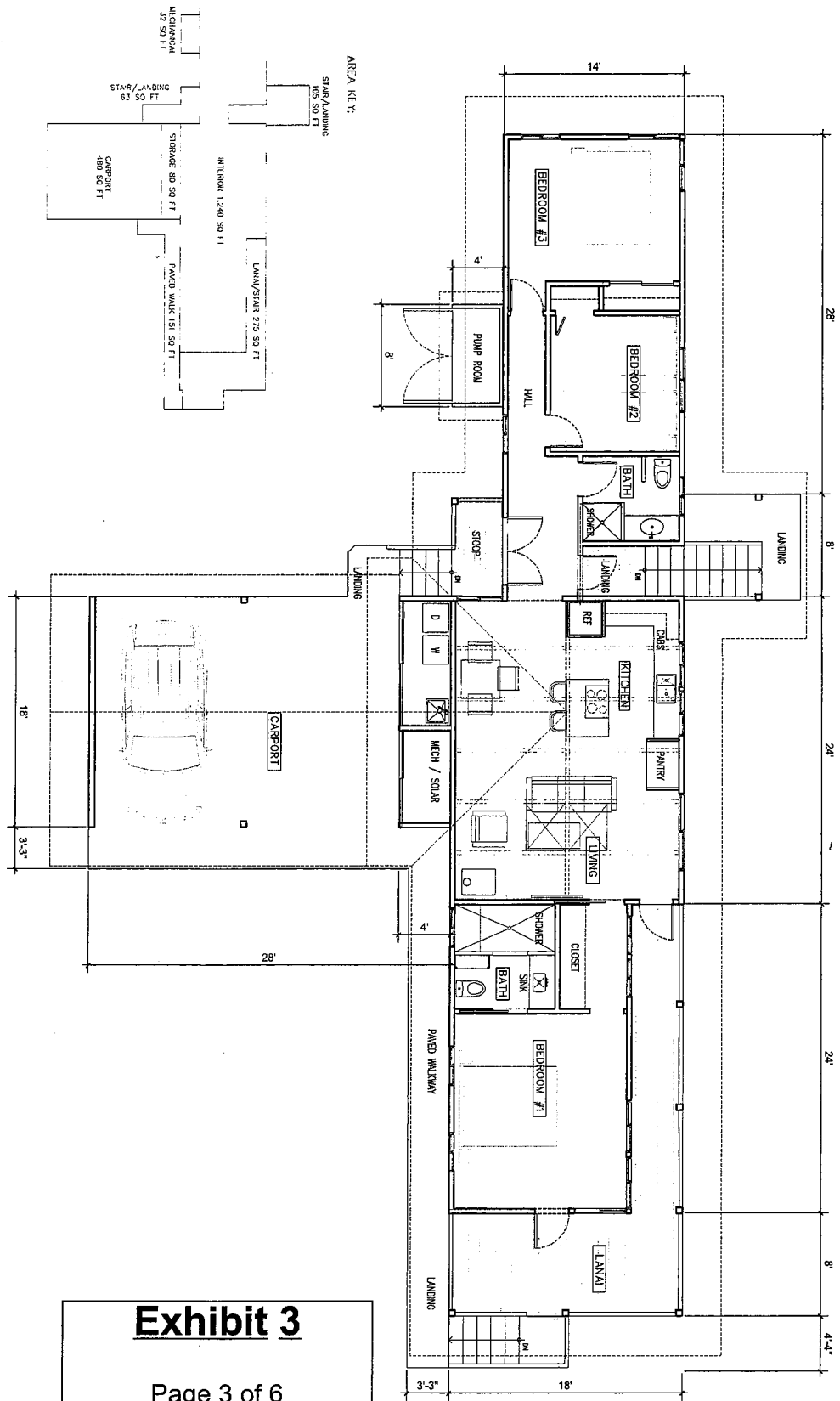
N

AREA SUMMARY

RESIDENCE	1,240 SF
COVERED LANAI / STAIRS / WALKWAYS	594 SF
CARPORIT / STORAGE / MECH ROOM	592 SF
WATER TANK	200 SF
TOTAL AREA	2,626 SF

Exhibit 3

Page 2 of 6



AREA KEY:

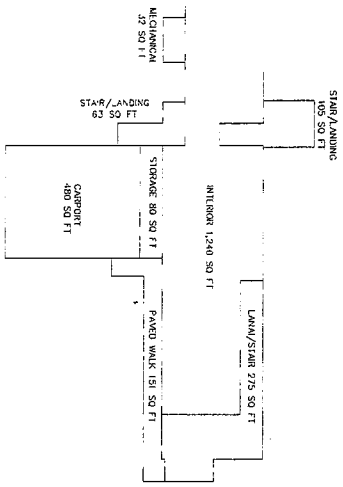
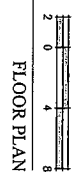


Exhibit 3

HUFF RESIDENCE
 KAIWIKI ROAD, ISLAND OF HAWAII



FLOOR PLAN



HUFF RESIDENCE
KAIWIKI ROAD, ISLAND OF HAWAII

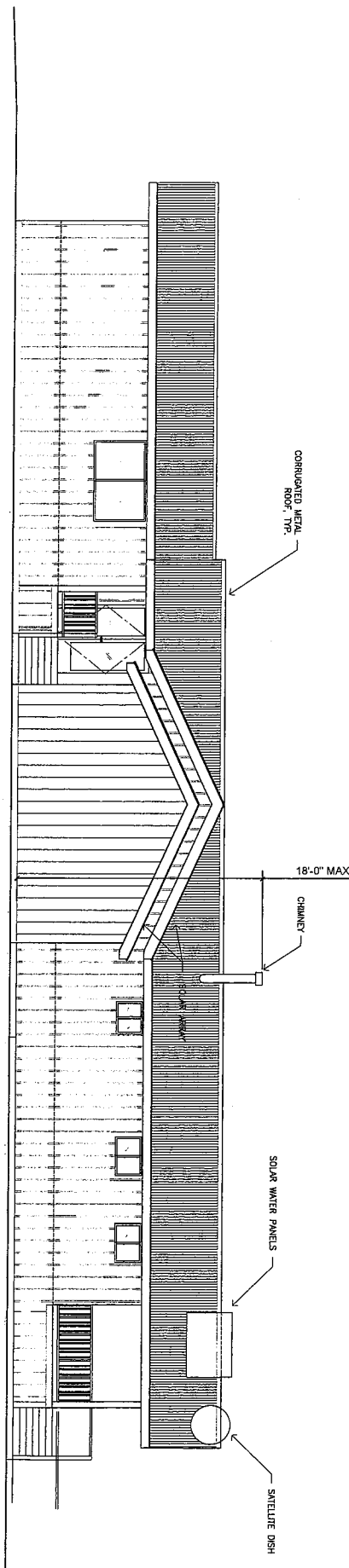


Exhibit 3
Page 4 of 6

NOTE:
SOLAR HOT WATER PANELS
AND SOLAR JET WATER
AND SOLAR JET DISH
SEE WEST ELEVATION

HUFF RESIDENCE
KAIWIKI ROAD, ISLAND OF HAWAII

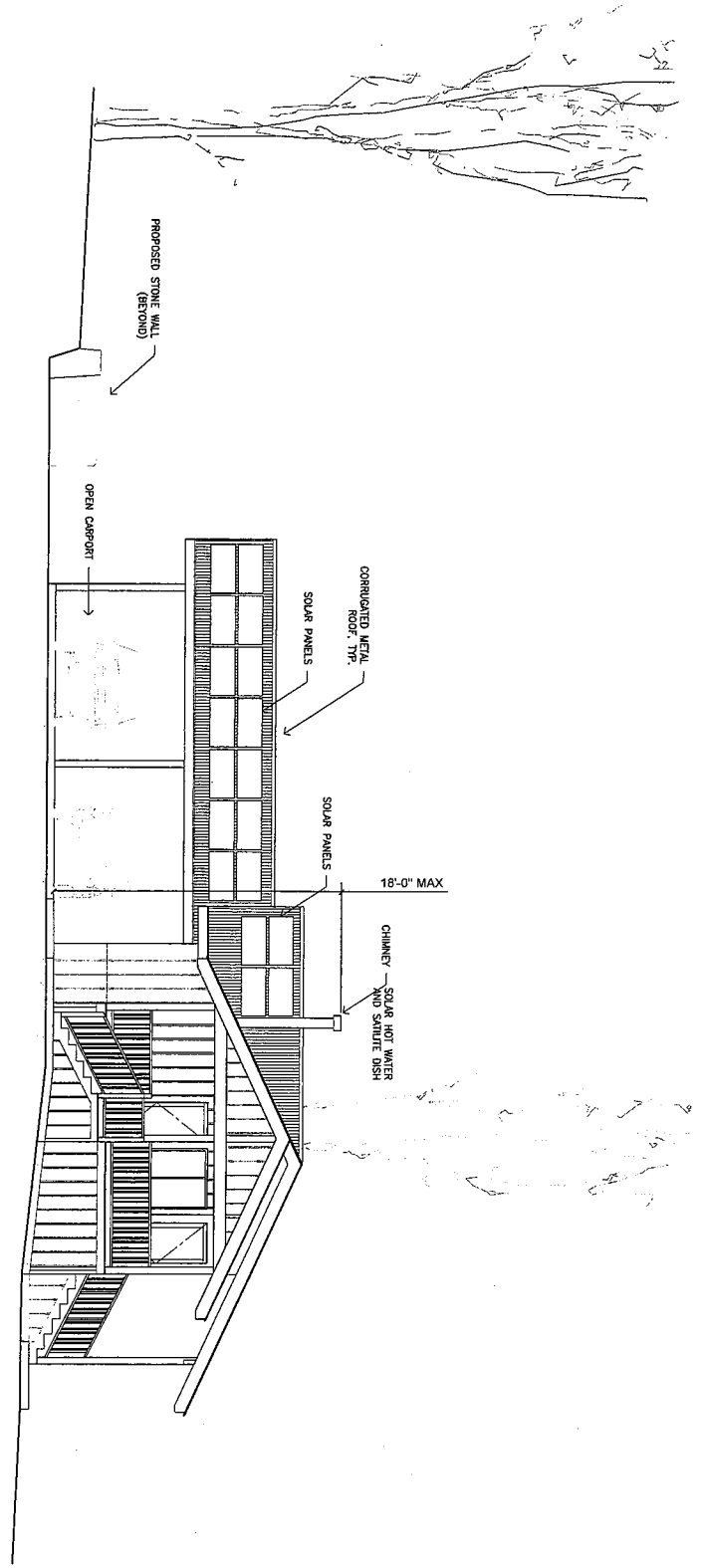
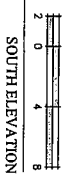


Exhibit 3

